

# **Columbus City Bulletin**



**Bulletin 31  
August 3, 2002**



# Proceedings of City Council

Vol. LXXXVII

Saturday, August 3, 2002

NO. 31

**PROCEEDINGS OF CITY COUNCIL REGULAR MEETING NO.36  
MONDAY, JULY 29, 2002 AT 5:00 P.M.**

Council met in regular session with President Matthew D. Habash in the chair. The roll being called, the following members were present: Kevin L. Boyce, Jennette B. Bradley, President Pro Tem Michael C. Mentel, Maryellen O'Shaughnessy, Richard W. Sensenbrenner, Charleta B. Tavares and President Matthew D. Habash.

There being a quorum present, Council adopted a motion to dispense with reading of the minutes of the previous session and to accept the journal as recorded.

**PROCEEDINGS OF CITY COUNCIL REGULAR MEETING NO.37  
MONDAY, JULY 29, 2002 AT 6:30 P.M.**

Council met in regular session with President Matthew D. Habash in the chair. The roll being called, the following members were present: Kevin L. Boyce, Jennette B. Bradley, President Pro Tem Michael C. Mentel, Maryellen O'Shaughnessy, Richard W. Sensenbrenner, Charleta B. Tavares and President Matthew D. Habash.

There being a quorum present, Council adopted a motion to dispense with reading of the minutes of the previous session and to accept the journal as recorded.

**APPOINTMENTS:**

The following was hereby reappointed to serve on the Board of Commission Appeals: Roger Farrell term expiring May 15, 2005.

**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. 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, and details pertaining to official actions of all city departments.

Subscriptions by mail, \$164.00 a Year in advance.

**THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S OFFICE AS OF MONDAY, JULY 29, 2002:**

**New Type:** C1, C2  
**To:** Bexley Kosher Market Inc  
3010-3016 E. Broad St  
Columbus, Ohio 43209

**New Type:** C1, C2  
**To:** BP Products North America Inc  
DBA Site #8029  
1576 W. 5th Ave  
Columbus, Ohio 43212

**Transfer Type:** D1, D2  
**To:** Atlanta Operations A LLC  
DBA Atlanta Bread  
8711 Sancus Blvd  
Columbus, Ohio 43240  
**From:** Bexley Kosher Market Inc  
3010-3016 E. Broad St  
Columbus, Ohio 43209  
330 N. Cassady Ave

**Transfer Type:** D4  
**To:** Lewis B Hall AMVETS Post #1928  
3675 Sullivant Ave  
Columbus, Ohio 43228  
**From:** AMVETS Post 1928 Lewis B Hall  
3675 Sullivant Ave  
Columbus, Ohio 43228

**Transfer Type:** D5  
**To:** 2619 N. High Street Inc  
2619 N. High St  
Columbus, Ohio 43202  
**From:** Peggy Lynn Kretzer  
DBA Winner Circle  
3105 Cleveland Ave  
Columbus, Ohio 43224

**Transfer Type:** C1, C2, D6  
**To:** Carga Enterprises Inc  
DBA Danis Drive Thru  
2899 Suwanee Rd  
Columbus, Ohio 43224  
**From:** Carga Enterprises Inc  
DBA Dani S Drive Thru  
3870 Sullivant Ave 1st Fl  
Columbus, Ohio 43228

**NOTICE:**

A *Referendum Petition* relating to Ordinance #0754-02 passed June 24, 2002 which enacted new Chapter 373 of the Columbus City Codes, 1959, to provide for an excise tax upon the short-term rental of passenger vehicles and provided for administration and collection of the tax by the City Auditor was filed in the City Clerk's office on July 24, 2002. The submission included 486 full and/or part petitions which were forwarded to the Board of Elections on July 25, 2002.

An *Initiative Petition* relating to Racial Profiling was filed in the City Clerk's office on July 29, 2002. The submission included 141 full and/or part petitions, which pending completing of photocopying will be forwarded to the Board of Elections on July 30, 2002.

(08.03.02)

**ORDINANCES**

**ORD. NO. 1146-02**

To establish a new Authorized Strength Ordinance for various city divisions; to repeal ordinance 0237-02, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to establish a new authorized strength ordinance, to reflect various needs within the City, 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:

	GENERAL FUND			OTHER CITY			GRANT		
	SANCTIONED			SANCTIONED			SANCTIONED		
	FT	PT	TOTAL	FT	PT	TOTAL	FT	PT	TOTAL
<b>City Council</b>	32	3	35	0	0	0	0	0	0
<b>City Treasurer</b>									
City Treasurer	12	1	13	0	0	0	0	0	0
Parking Violations Bureau	37	2	39	0	0	0	0	0	0
<b>Office of the City Auditor</b>									
City Auditor	34	4	38	0	0	0	0	0	0
Income Tax	82	1	83	0	0	0	0	0	0
<b>Office of the City Attorney</b>									
City Attorney	112	46	158	0	0	0	13	0	13
Real Estate	7	0	7	7	0	7	0	0	0
Special Litigation	8	0	8	0	0	0	0	0	0
<b>Municipal Court – Judges</b>	188	11	199	4	1	5	9	0	9
<b>Municipal Court – Clerk</b>	172	0	172	7	0	7	0	0	0
<b>Civil Service</b>	46	35	81	0	0	0	0	0	0
<b>Dept. of Public Safety</b>									
Public Safety Administration	31	8	39	0	0	0	0	0	0
Communications	34	0	34	0	0	0	0	0	0
Police - Civilian	396	16	412	0	0	0	0	0	0
Police - Uniformed	1,899	0	1,899	0	0	0	0	0	0
Fire - Civilian	41	0	41	0	0	0	0	0	0
Fire - Uniformed	1,580	0	1,580	0	0	0	0	0	0
<b>Office of the Mayor</b>				0	0	0	0	0	0
Mayor's Office Administration	19	0	19	0	0	0	0	0	0
Community Relations Commission <sup>(1)</sup>	7	0	7	0	0	0	0	0	0
Equal Business Opportunity	12	0	13	0	0	0	0	0	0
Office of Education <sup>(2)</sup>	4	7	11	0	0	0	6	6	12
<b>Dept. of Development</b>									
Development Administration <sup>(3)</sup>	28	1	29	1	0	1	14	1	15
Economic Development <sup>(4)</sup>	3	0	3	1	0	1	15	0	15
Building Services <sup>(5)</sup>	0	0	0	179	2	181	0	0	0
Planning <sup>(6)</sup>	13	0	13	0	0	0	4	0	4
Housing	6	0	6	0	0	0	36	0	36
Neighborhood Services	93	5	98	0	0	0	9	10	19
<b>Dept. of Finance</b>	32	0	32	2	0	2	6	0	6
<b>Dept. of Human Resources <sup>(7)</sup></b>	23	0	23	12	0	12	0	0	0
<b>Dept. of Technology</b>									
Technology Administration	34	0	34	31	0	31	0	0	0
Information Services <sup>(8)</sup>	0	0	0	62	0	62	0	0	0
Telecommunications	8	0	8	21	2	23	0	0	0

<b>Dept. of Health</b> <sup>(9)</sup>	0	0	0	271	99	370	169	23	192
<b>Dept. of Recreation and Parks</b>									
Recreation and Parks <sup>(10)</sup>	0	0	0	354	777	1,131	135	86	221
Golf Operations	0	0	0	40	200	240	0	0	0
<b>Dept. of Public Service</b>									
Public Service Administration	29	2	31	35	1	36	0	0	0
Refuse Collection <sup>(11)</sup>	270	5	275	0	0	0	4	2	6
Engineering & Collection	0	0	0	0	0	0	0	0	0
Traffic Engineering	0	0	0	0	0	0	0	0	0
Fleet Management	0	0	0	128	0	128	0	0	0
Facilities Management <sup>(12)</sup>	110	12	122	0	0	0	0	0	0
Construction Inspection	0	0	0	0	0	0	0	0	0
Transportation	11	0	11	494	15	509	8	0	8
<b>Dept. of Public Utilities</b>									
Public Utilities Administration	0	0	0	10	0	10	0	0	0
Sewers & Drains (Storm)	0	0	0	45	4	49	0	0	0
Sewers & Drains (Sanitary)	0	0	0	537	18	555	0	0	0
Electricity	0	0	0	148	6	154	0	0	0
Water <sup>(13)</sup>	0	0	0	546	30	576	0	0	0
<b>TOTAL</b>	<b>5,414</b>	<b>159</b>	<b>5,573</b>	<b>2,935</b>	<b>1,155</b>	<b>4,090</b>	<b>428</b>	<b>128</b>	<b>556</b>

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 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) <sup>(14)</sup> Fire Deputy Chiefs: as a normal complement in excess of twenty-nine (29) Fire Battalion Chiefs nor as a temporary complement in excess of thirty (30) Fire Battalion Chiefs at any one time; fifty-two (52) Fire Captains nor as a temporary complement in excess of fifty-five (55) Fire Captains at any one time; one (1) Fire Chief; and one-hundred eighty-eight (188) <sup>(15)</sup> 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) <sup>(16)</sup> Police Commanders nor as a temporary complement in excess of nineteen (19) <sup>(16)</sup> Police Commanders at any one time; one (1) Police Chief; in excess of, 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-three (53) Police Lieutenants nor as a temporary complement; in excess of fifty-five (55) Police Lieutenants at any one time; in excess of, as a normal complement; two hundred twenty-four (224) <sup>(17)</sup> Police Sergeants nor as a temporary complement in excess of two hundred twenty-nine (229) <sup>(17)</sup> Police Sergeants at any one time.

Section 3. Emergency and limited appointments that are made are not subject to the authorized strength ordinance where such appointments are made to cover full-time employees on authorized leave. Authorized leave for purposes of this ordinance includes only injury leave, disability leave and military leave.

Section 4. That Ordinance No. 0237-02 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk.

**ORD. NO. 1185-02**

To rezone 400 WILLIAMS ROAD (43207), being 1.04± acres located at the northeast corner of Williams Road and Parsons Avenue. From: L-C-1, Limited Commercial District and C-3 Commercial District, To: CPD, Commercial Planned Development District, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because time for commencement of construction is critically past due and property and community will benefit from immediate commencement of site preparation and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, application #201-089 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.04± acres from L-C-1, Limited Commercial and C-3 Commercial Districts 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 noting that the requested CPD, Commercial Planned Development District addresses customary use restrictions, site access, lighting, landscaping and buffering standards and would permit mixed commercial uses and development standards consistent with established zoning and development patterns of the area, now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

400 WILLIAMS ROAD (43207), being 1.04± acres located at the northeast corner of Williams Road and Parsons Avenue, and being more particularly described as follows:

**EXHIBIT A  
LEGAL DESCRIPTION  
VISION INVESTMENT ENTERPRISES, LLC  
CITY OF COLUMBUS ZONING CASE NO. Z01-089  
PROPERTY AT 400 WILLIAMS ROAD**

**Tract 1: 0.677 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 18 and 19 of PARSONS AVE.-WILLIAMS ROAD SUB'N; as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, Page 326, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Commencing on the west line of said Lot 19, at the centerline intersection of Parsons Avenue with Williams Road (as established by Franklin County Engineers monuments);

Thence, along the west line of said Lot 19 and said centerline of Parsons Avenue, North 01 degrees 20 minutes 00 seconds East, 129.75 feet to the northwest corner of said Lot 19, and the southwest corner of a parcel conveyed to the City of Columbus in Deed Book 3273, Page 492;

Thence, along part of the north line of said Lot 19, South 88 degrees 40 minutes 39 seconds East, 40.00 feet to a set iron pipe at the southeast corner of said City of Columbus tract; also being the east right-of-way line of Parsons Avenue and being the TRUE POINT OF BEGINNING;

Thence, along said east right-of-way line of Parsons Avenue, across said Lot 18, and along the east line of said City of Columbus tract, North 01 degrees 20 minutes 00 seconds East, 100.00 feet to a set iron pipe on the north line of said Lot 18;

Thence, along part of the north line of said Lot 18, South 88 degrees 40 minutes 39 seconds East. 160.00 feet to a found 5/8" rebar at the northeast corner of said Lot 18;

Thence, along the east line of said Lot 18, and along part of the east line of said Lot 19, South 01 degrees 20 minutes 00 seconds West, 185.00 feet to a set iron pipe on the proposed north right-of-way line of Williams Road;

Thence, along the proposed north right-of-way line of Williams Road and across said Lot 19, the following two courses;

1. North 88 degrees 40 minutes 39 seconds West, 145.00 feet to a set iron pipe;

2. North 43 degrees 40 minutes 20 seconds West, 21.21 feet to a set iron pipe on the proposed east right-of-way line of Parsons

Avenue;

Thence, along the proposed east right-of-way line of Parsons Avenue, across said Lot 19, North 01 degrees 20 minutes 00 seconds East, 70.00 feet to the place of beginning CONTAINING 0.677 ACRES, subject however, to all legal highways, easement, leases and restrictions of record, and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in February 2002. Iron pipe set are 30" X 1" (O.D.) with an orange plastic cap inscribed "P.S. 6579". Basis of bearings is west line of Lots 18 and 19 as North 01 degrees 20 minutes 00 seconds East, as per Plat Book 17, Page 326.

**Tract 2: 0.358 Acres**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 20 of PARSONS AVE.-WILLIAMS ROAD SUB'N., as same are numbered and delineated upon the recorders plat thereof, of record in Plat Book 17, Page 326. Recorder's Office. Franklin County, Ohio, and being more particularly described as follows:

Commencing on the west line of said Lot 19, at the centerline intersection of Parsons Avenue with Williams Road (as established by Franklin County Engineers monuments);

Thence, along the west line of said Lot 19 and said centerline of Parsons Avenue, North 01 degrees 20 minutes 00 seconds East, 129.75 feet to the northwest corner of said Lot 19, and the southwest corner of a parcel conveyed to the City of Columbus in Deed Book 3273, Page 492;

Thence, along the north line of said Lot 19, South 88 degrees 40 minutes 39 seconds East, 200.00 feet to a set iron pipe at the northwest corner of said Lot 20 and being the TRUE POINT OF BEGINNING;

Thence, along part of the north line of said Lot 20, South 88 degrees 40 minutes 39 seconds East, 183.42 feet to a found pinchtap iron pipe on the west right-of-way line of Lewis Road (30 feet wide);

Thence, along the west right-of-way line of said Lewis Road, across said Lot 20, South 01 degrees 30 minutes 51 seconds West, 85.00 feet to a set iron pipe on the proposed north right-of-way line of Williams Road;

Thence, along the proposed north right-of-way line of Williams Road, across said Lot 20, North 88 degrees 40 minutes 39 seconds West, 183.15 feet to a set iron pipe on the west line of said Lot 20;

Thence, along part of the west line of said Lot 20, North 01 degrees 20 minutes 00 seconds East, 85.00 feet to the place of beginning CONTAINING 0.358 ACRES, subject however, to all legal highways, easement, leases and restrictions of record, and of records in the respective utility offices.

The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in February 2002. Iron pipe set are 30" X 1" (O.D.) with an orange plastic cap inscribed "P.S. 6579". Basis of bearings is west line of Lots 18 and 19 as North 01 degrees 20 minutes 00 seconds East, as per Plat Book 17, Page 326.

**To Rezone From: L-C-1, Limited Commercial and C-3 Commercial Districts****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 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 "Improved Site Plan" February 7, 2002 and said text being titled, "CPD Text," signed by Tim J. McGrath, Attorney for the Applicant, dated June 7, 2002, and reading as follows:

**CPD TEXT**

PROPOSED DISTRICT:	CPD
PROPERTY ADDRESS:	400 Williams Road, Columbus. OH 43207
OWNER:	Vision Investment Enterprises LLC
APPLICANT:	Tim J. McGrath, Esq.
DATE OF TEXT:	June 7, 2002
APPLICATION NUMBER:	Z01 -089

**1. INTRODUCTION:**

The site is located on the northeast corner of Parsons Avenue and Williams Road. The site consists of 3 lots totaling 1.1 acres. The current zoning is C-3 for lot 18 and an L-C- 1, ice cream store, for lots 19 and 20. The lot on the southwest corner of Parsons Avenue and Williams Road is zoned C-5. The proposed uses for this site are convenient store, grocery, ice cream, pizza shop, gasoline sales, and lube shop as shown in the February 6, 2002 site plan.

**2. PERMITTED USES:**

Vision Investment Enterprises LLC is requesting the C-3 zoning uses for a Convenience Mart (C-3) and the C-5 uses of a lube shop (C-5); and Gas Pumps (C-5) in the Columbus Zoning Code except for the following uses.

The following uses are prohibited: Millinery; Billboards; Apartments over retail stores, public parking for pay, and electric bus stations.

**3. DEVELOPMENT STANDARDS:****A. Density, Lot, and/or Setback Commitments.**

1. The height district shall be H-35, allowing for a 30-foot height limitation in accordance with Section 3309.14 and 3309.142 of the Columbus Zoning Code.

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

1. All circulation, curb cuts, and access points shall be subject to the approval of the Division of Transportation.

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

1. The lot area between the right of way and the parking setback line shall be landscaped and not paved, except for a driveway, if necessary per the 3342.11 .b of the Columbus Zoning Code.

2. The lot area between the right of way and the parking setback line shall be landscaped with a grass or a ground cover.

3. All landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.

4. Buffering between the site and all adjacent residential uses shall be as shown on the site plan, and shall

a. Consist of a 10 foot wide landscaping area with a 6-foot high masonry or wood frame fence and evergreen planting material starting at the parking set back line and spaced at the maximum of the diameter of the canopy at maturity of sufficient height (a minimum of 4'-0") to provide an effective screen (100% opacity).

5. Street trees shall be planted evenly spaced along Parsons Avenue and Williams Road at a ratio of one tree per thirty feet (30') of frontage.

6. Trees shall be planted along the east side of lot 20 of the property at a ratio of one tree per twenty (20) lineal feet. The trees may be evenly spaced or grouped.

7. All trees meet the following minimum size at the time of planning:

a. Shade trees 2 ½" caliper.

b. Ornamental trees 1 ½".

c. Evergreen trees 5 feet in height.

d. Tree caliper is measured 6" above the ground.

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

1. Building Materials: The buildings shall be constructed of a combination of textured block, stucco, glass, brick, synthetic stone or dimensional asphalt shingles.

2. Roof. All buildings shall have flat roofs or sloped roofs to be compatible with the neighborhood.

**3. Rooftop Mechanicals Screening:**

a. Mechanical units may be either ground mounted or rooftop mounted. All mechanical equipment will be placed on the interior of the building, on the roof or on the ground. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials. Roof mounted mechanical units shall be fully screened from view from ground level by utilizing parapet walls or sloped roof screening walls utilizing comparable and compatible materials as the building materials.

**E. Lighting, Outdoor Display Areas, and/or other Environmental Commitments.****Lighting**

1. All external lighting shall be cut-off fixtures (down-lighting) and shall be designed to prevent offsite spillage. Lighting illumination levels shall not exceed 0.1 foot candles along residential property lines.

2. All external outdoor lighting fixtures to be used shall be from the same or similar manufacture type and color to insure compatibility.

3. Accent lighting shall be permitted provided such light source is concealed.

4. Any wall-mounted lighting shall be shielded to prevent offsite spillage.

5. Canopy lighting for gasoline sales areas shall be recessed.

6. Light poles in the parking light shall not exceed 28 feet.

7. Light poles shall not exceed 14 feet within 100 feet of residentially zoned property

**8. Outdoor Display Areas**

a. In front of the building along the sidewalk, four feet in depth and twelve feet in width with a 4' x 4' area at the ends of the pump islands.

b. The maximum height for any outside storage area shall be three feet.

c. The outdoor display area shall contain only those items normally and customarily sold by a convenience store and other seasonal items and products, including but not limited to, firewood, mulch, flowers, Christmas wreaths.

**F. Graphics and/or Signage Commitments.**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments.**

1. The developer shall install a sidewalk along the Parsons Avenue and the Williams Road frontage.

**CPD Criteria**

1. Natural Environment

Developed subdivision lots.

2. Existing Land use.

The properties to the North and East are zoned R-2, The properties to the South are zoned C-4. The properties to the southwest are zoned C-5 and C-3. The properties to the west are zoned C-3.

## 3. Transportation and circulation.

Access to the site on Parsons Avenue at Lot 18 will be located at the northwest corner of the property. Access on Williams Road for lots 19 and 20 will be located at the existing Williams Road Curb cut centered on the common property line and widened to 36'. The curb cut at Lewis Road shall be abandoned. The Lewis Road curb cut shall be abandoned.

## 4. Visual Form or the environment.

The building size, shape, texture, orientation, and color will be determined at the time of actual development.

## 5. View and visibility.

The access to the site as enumerated in "3. Transportation and circulation" is based on the recommendations in a pre design meeting with a representative of the City of Columbus's Division of Trans.

## 6. Proposed Development.

- C-1 Ice Cream Store and Pizza Carry Out.
- C-3 Market
- C-5 Automobile Lubrication Station
- C-5 Gas Pumps

## 7. Behavior Pattern.

Existing development has established the traffic patterns. The Columbus Thoroughfare Plan has identified both Parsons Avenue and Williams Road patterns as Arterial Type 4-2 with a minimum right of way of 100 feet.

## 8. Emissions

The proposed development does not house any processes with adverse environmental emissions.

## 9. Variances

The CPD district is necessary because the C-5 commercial district prohibits the C-3 uses and vice-versa.

A variance to provide for 10 feet for the side and rear yard setbacks from adjacent properties instead of 25 feet is also included.

## H. FORUM FOR VARIANCE:

The Board of Zoning Adjustment shall be the body to hear any and all variance requests to site development standards, including any and all specific site development standards contained in this ordinance.

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 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 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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1186-02**

To rezone 5040 POSTLEWAITE ROAD (43235), being 0.95± acres located on the east side of Postlewaite Road, 1000±feet north of Bethel Road, From: R, Rural District. To: R-2F, Residential District, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to begin construction and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, application #Z02-032 is on file with the Building Services Division of the Department of Development requesting rezoning of 0.95± acres from R, Rural District, to R-2F, Residential District; and

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

WHEREAS, the City Departments recommend approval of said zoning change because the applicant's request to rezone to the R-2F, Residential District allow for the construction of two-family dwellings on the two vacant lots is consistent with the established development pattern of the area, now, therefore,

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

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

5040 POSTLEWAITE ROAD (43235), being 0.95± acres located on the east side of Postlewaite Road, 1000±feet north of Bethel Road, and being more particularly described as follows:

**LEGAL DESCRIPTION**

Situated in the State of Ohio, County of Franklin, Township of Perry, Quarter Township 4, Township 2, Range 19, United States Military Lands and being part of that 0.271 and 0.288 acre tract as shown in the deed to Gregory A. Marietti of record in Instrument Number 200112030279925 and part of Parcels One and Two as shown in the deed to Gregory A. Marietti of record in Instrument Number 200112280303012 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at the northeasterly corner of said 0.271 acre tract, the southeasterly corner of that 0.274 acre tract conveyed to Gregory A. Marietti of record in Official Record 29336J14, in the westerly line of Lot 11, of "Sharon Hill Subdivision" as recorded in Plat Book 27, Page 44, witness as iron pin found 0.09 feet north and 0.47 feet west, said corner being South 02° 50' 28" West, with the westerly line of said "Sharon Hill Subdivision", a distance of 386.21 feet from the northwesterly corner of said "Sharon Hill Subdivision";

Thence South 02° 50' 28" West, with the easterly line of said Marietti tracts, the westerly line of said "Sharon Hill Subdivision", the westerly line of "Sharon Hill Subdivision Number 2" as recorded in Plat Book 27, Page 90, the division line between Perry and Sharon Townships, (passing an iron pin found at 95.96 feet and an axle found at 194.78 feet) a distance of 310.62 feet to an iron pin found marking the southeasterly corner of said Parcel Two, the northeasterly corner of that tract conveyed to Richard A Leasure and Helen M. Leasure, Trustees of record in Instrument Number 200004110070018;

Thence North 86° 40' 58" West, with the southerly line of said Parcel Two, the northerly line of said Leasure tract, a distance of 183.34 feet to an iron pin set in the easterly right-of-way line of Postlewaite Road (Road Record 6, Page 30);

Thence North 21° 24' 56" East, across said Marietti tracts with said easterly right-of-way line, a distance of 337.26 feet to an iron pin set in the northerly line of said 0.271 acre tract, the southerly line of said 0.274 acre tract,



Thence South 79° 12' 59" East, with the northerly line of said 0.271 acre tract, the southerly line of said 0.274 acre tract, a distance of 76.64 feet to the Point of Beginning and containing 0.945 acre, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

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 Plan Coordinate System as per NAD83. Control for bearings was from Coordinates of Monuments OSUPPORT and OSUPPORT AZIMUTH as established by the Franklin County Engineer.

**To Rezone From: R, Rural District,  
To: R-2F, Residential District**

Section 2. That a Height District of Thirty-five (35) feet is hereby established on the R-2, Residential 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.

Section 4. That for the same 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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1187-02**

To rezone 2690 WEST DUBLIN-GRANVILLE ROAD (43235), being 1.8± acres located on the north side of West Dublin-Granville Road, 100± feet west of Nicholas Drive, From; R, Rural District, To: L-C-2, Limited Commercial District.

WHEREAS, application #Z02-019 is on file with the Building Services Division of the Department of Development requesting rezoning of 1.8± acres from R, Rural District to L-C-2, Limited Commercial District; and

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

WHEREAS, the City Departments recommend approval because the requested L-C-2, Limited Commercial District will bring the existing office use into zoning conformance as it is comparable to the previous zoning in Perry Township. The limitation overlay text establishes appropriate development standards ensuring compatibility with surrounding residential development, now, therefore,

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

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

2690 WEST DUBLIN-GRANVILLE ROAD (43235), being 1.8± acres located on the north side of West Dublin-Granville Road, 100± feet west of Nicholas Drive, and being more particularly described as follows:

**DESCRIPTION OF 1.795 ACRES (EAST TRACT)  
AT 2690 W. DUBLIN-GRANVILLE ROAD, COLUMBUS, OHIO  
TO BE REZONED (DSR LLC)**

Situated in the State of Ohio, County of Franklin, partially in the City of Columbus and partially in the Township of Perry, in Quarter Township 4, Township 2 North, Range 19 West, United States Military Lands, and being all of a 1.514 acre tract of land conveyed as Parcel I and all of a 0.281 acre tract of land conveyed as Parcel II to DSR LLC by deed of record in Instrument 200008310175747, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of West Dublin-Granville Road-Ohio Route 161 (variable width), at the southwest corner of said 1.514 acre tract, at the southeast corner of a 1.375 acre tract of land conveyed to DSR, LLC by deed of record in Instrument 200007170140499, Recorder's Office, Franklin County, Ohio, and in the north line of a 0.544 acre tract of land conveyed to The City of Columbus for West Dublin-Granville Road right-of-way purposes by deed of record in Official Record 4178, Page C 08, Recorder's Office, Franklin County, Ohio, said point being N 89° 14' 00" E a distance of 76.00 feet from a point at the intersection of the centerline of West Dublin-Granville Road with the centerline of Nicholas Drive (60 feet wide);

Thence N 0° 22' 28" W along the west line of said 1.514 acre tract and along the east line of said 1.375 acre tract a distance of 384.80 feet to a point in the approximate centerline of Carhart Ditch, at the northwest corner of said 1.514 acre tract, at the northeast corner of said 1.375 acre tract and in a south line of a 17.946 acre tract of land conveyed as First Tract to The Brookside Golf & Country Club Company by deed of record in Deed Book 1205, Page 659, Recorder's Office, Franklin County, Ohio (passing a point in the north right-of-way line of West Dublin-Granville Road at 30.00 feet);

Thence N 74° 34' 05" E down the approximate centerline of Carhart Ditch, along a north line of said 1.514 acre tract and along a portion of a south line of said 17.946 acre tract a distance of 149.46 feet to a point at a corner of said 1.514 acre tract and at a corner of said 17.946 acre tract;

Thence S 89° 48' 24" E down the approximate centerline of Carhart Ditch, along a north line of said 1.514 acre tract, along the north line of said 0.281 acre tract and along a portion of a south line of said 17.946 acre tract a distance of 47.37 feet to a point at the northeast corner of said 0.281 acre tract and at the northwest corner of a 0.915 acre tract of land conveyed to Michael D. and W.L. Jacki Hall by deed of record in Official Record 18170, Page C 16, Recorder's Office, Franklin County, Ohio;

Thence S 0° 22' 28" E along the east line of said 0.281 acre tract and along the west line of said 0.915 acre tract a distance of 421.85 feet to a point in the centerline of West Dublin-Granville Road, at the southeast corner of said 0.281 acre tract, at the southwest corner of said 0.915 acre tract and in the north line of said 0.544 acre tract (passing a point in the north right-of-way line of West Dublin-Granville Road at 391.85 feet);

Thence S 89° 14' 00" W along the centerline of West Dublin-Granville Road, along the south line of said 0.281 acre tract, along the south line of said 1.514 acre tract and along a portion of the north line of said 0.544 acre tract a distance of 191.70 feet to the place of beginning; containing 1.795 acres of land more or less and being subject to all legal highways, easements and restrictions of record. Of the above described 1.795 acres of land, 1.663 acres more or less are within the City of Columbus and 0.132 acre more or less is within the Township of Perry.

Section 2. That a Height District of Thirty-five (35) feet is hereby established on the L-C-2, Limited Commercial 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 L-C-2, Limited Commercial District and Application among the records of the Building Services Division as required by Section 3370.03 of the Columbus City Codes; said text being titled, "LIMITATION TEXT," signed by Dimitri Smirniotopoulos, dated July 11, 2002, and reading as follows:

**LIMITATION TEXT**

PROPOSED DISTRICT:	L-C-2, Limited Commercial District
PROPERTY ADDRESS:	2690 West Dublin Granville, Columbus, Ohio 43235
OWNER:	DSR LLC, c/o Dimitri Smirniotopoulos
APPLICANT:	Same as owner

DATE OF TEXT: July 11, 2002  
 APPLICATION NUMBER: Z02-019

### 1. INTRODUCTION:

The 1.795 acre site at 2690 West Dublin Granville Road contains one building that had a variety of uses over the years including a clubhouse for Brookside Country Club, Gift Shop and a private residence. The current use of the site is an architectural office. This parcel is in the process of being annexed from Perry Township to the City of Columbus. Brookside Golf and Country Club lies to the north in Perry Township across Carhart Ditch. The Northwest Congregation of Jehovah's Witnesses and the single-family residence of Michael and Jack! Hall lie to the east in the City of Columbus zoned PUD4. Napa Auto Parts Store lies to the south in the City of Columbus zoned M2. DSR LLC's property at 2704 West Dublin Granville Road, currently in the process of being annexed from Perry Township to the City of Columbus, lies to the west.

### 2. PERMITTED USES:

Art studio, church, clinic, professional office, medical office and photography studio.

The following uses are prohibited: Armory, bank, hospital, radio or television studio, telephone exchange, apartments over an item in 3353.01 (a), antenna and child day care.

### 3. DEVELOPMENT STANDARDS:

A. Building Height : 35'

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

1. All circulation, curb cuts and access points shall be subject to the approval of the Division of Transportation
2. A right-of-way width of 60 feet from the centerline of West Dublin Granville Road shall be dedicated.
3. Upon any redevelopment of subject property, the Division of Transportation shall review the access point. The access to the

property may need to be changed to be shared by the property to the west to align with Nicholas Drive.

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

1. Street trees shall be planted evenly spaced along West Dublin Granville Road at a ratio of one tree per thirty (30) feet of frontage.
2. Trees shall be planted along the west side of the property at a ratio of one tree per twenty (20) linear feet. These trees may be evenly spaced or grouped.
3. All trees and landscaping shall be well maintained. Dead items shall be replaced within six months or the next planting season, whichever occurs first.
4. All trees meet the following minimum size at the time of planting: Shade trees 2 1/2" caliper; Ornamental tree 1 1/2" caliper; Evergreen trees 5 feet in height. Tree caliper is measured six (6) inches from the ground.
5. Buffering between the site and the adjacent residential property to the west shall include: continuous 30" hedge planted along the property line.
6. Provide stream preservation buffer of a (50) fifty feet from the centerline of Carhart Ditch per Division of Recreation and Parks.

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

1. The building shall be residential in character and the exterior facade shall be constructed of the following materials: cedar shingles and stone veneer notwithstanding doors and windows.
2. All buildings shall have a pitched or angled roof.
3. All mechanical equipment or utility hardware on the roof of a building shall be screened from view to prevent the equipment from being visible from the property line of the parcel. Ground mounted mechanical or utility equipment shall be fully screened from view from ground level by landscaping or any fence or wall utilizing comparable and compatible materials as the building materials.

E. Exterior Lighting Standards

1. Light standards shall not exceed 28 feet in height except lights located within 100 feet of a residentially used or zoned property shall not exceed 18 feet in height.
2. Lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane.
3. For aesthetic compatibility, lights shall be from the same or similar type and color.
4. Lighting shall not exceed .1 foot-candle along the property line of residentially used or zoned property.

F. Graphics and/or Signage Commitments.

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33 of the Columbus City Code and any variance to those requirements will be submitted to the Columbus Graphics Commission for Consideration.

G. Miscellaneous Commitments

1. Developer shall comply with the Parkland Dedicated Ordinance of \$400/acre prior to zoning clearance.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

### **ORD. NO. 1188-02**

To grant a Variance from the provisions of Section 3367.01, M-2, manufacturing district; for the property located at 3177 Scioto Darby Executive Court, to permit a dog boarding, exercise, grooming, and training facility with ancillary retail sales of dog care and maintenance products in the M-2, Manufacturing District.

WHEREAS, by application No. CV02-043, the owner of property at 3177 Scioto Darby Executive Court, is requesting a Council Variance to permit a dog boarding, exercise, grooming, and training facility with ancillary retail sales of dog care and maintenance products in the M-2, Manufacturing District; and

WHEREAS, Section 3367.01, M-2, manufacturing district, prohibits a dog boarding, grooming, inside and outside exercise and training facility with ancillary retail sales of dog care and maintenance products; and

WHEREAS, this site is located within an area zoned for light manufacturing uses and is separated from other uses by undeveloped land zoned M-2 manufacturing on the north, a railroad line to the east and Interstate 270 on the west; and

WHEREAS, the Franklin County Humane Society has their facility on an adjacent parcel; a landscape business and electric sub yard are also in the immediate area establishing a non-residential character; and

WHEREAS, the requested Council variance for a dog boarding, grooming, indoor and outdoor exercise and training facility with ancillary retail sales of dog care and maintenance products in this area is therefore an appropriate and compatible use

WHEREAS, the Division recommends approval and notes a hardship exists in that most of the applicants proposed activities are considered retail service in nature with the boarding activity only being permitted in the M-1 and M, manufacturing districts, while this area already is developed with quasi-retail uses and the Humane Society facility.

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 3177 Scioto Darby Executive Court, in using said property as desired; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That a variance from the provisions of Section 3367.01, M-2, manufacturing district; of Columbus City Codes are hereby granted for the property located at 3177 Scioto Darby Executive Court, insofar as said section prohibits a dog boarding, grooming, inside and outside exercise and training facility with ancillary retail sales of dog care and maintenance products by varying the district's permitted uses; said property being more particularly described as follows:

**ZONING DESCRIPTION  
PROPOSED 7.052± ACRE TRACT**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Virginia Military Survey No. 547 and being 7.052 acres all out of tracts described in deeds to THE STANDARD DEVELOPMENT COMPANY of record in Official Record Volume 18070 E05 and 16641 J04 (all references in this description are to the records in the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Beginning, for reference, at a point on the centerline of Scioto Darby Executive Court of record in Plat Book 73, Page 78, said point being the 60 foot radius point for the cul-de-sac at the northerly end of said street;

Thence North 82° 12' 27" West 60.00 feet, to a point on the curved right-of-way line of said cul-de-sac, being a northeasterly corner of that 3.710 acre tract described in a deed to Terry A. Ellis and Antonia Mollica-Ellis in Instrument No. 200004270082386, THE TRUE POINT OF BEGINNING;

Thence North 77° 39' 17" West 198.94 feet, along a northerly line of said 3.710 acre tract, to a point;

Thence South 80° 33' 43" West 490.00 feet, along a northerly line of said 3.710 acre tract, to a point on the easterly limited access right-of-way line of Interstate Route 270, the northwesterly corner of said 3.710 acre tract;

Thence North 09° 18' 29" West 648.07 feet, along the easterly limited access right-of-way line of said I-270, to a point;

Thence South 89° 35' 35" East 431.18 feet, leaving said right-of-way line, to a point;

Thence South 09° 18' 29" East 224.67 feet, to a point;

Thence South 40° 59' 49" East 338.04 feet, to a point;

Thence South 89° 35' 35" East 40.00 feet, to a point;

Thence South 40° 59' 49" East 111.80 feet, to a point on the curved right-of-way line of said cul-de-sac of Scioto Darby Executive Court;

Thence southwesterly along said right-of-way line, being the arc of a curve to the left, having a radius of 60.00 feet, a central angle of 41° 12' 33", the chord of which bears South 28° 23' 54" West 42.23 feet, to the True Point of Beginning, containing 7.052 acres of land, more or less, subject to any easements, restrictions or right-of-ways of previous record.

The bearings are based on the same meridian as the centerline of Scioto Darby Executive Court (South 40° 59' 49" East) of record in Plat Book 73, Page 78, Recorder's Office, Franklin County, Ohio.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a dog boarding, grooming, inside and outside exercise and training facility with ancillary retail sales of dog care and maintenance products in the M-2, Manufacturing District and/or those uses of the M-2, manufacturing district.

Section 3. This ordinance is further conditioned on a 25-foot wide minimum parking and building setback parallel to and north of an 80-foot wide easement for an unnamed creek located on the property's southernmost portion.

Section 4. This ordinance is further conditioned on the applicant obtaining necessary permits and approvals to include but not be limited to any special sanitary site agreements, and environmental health permits and regulations, and a Certificate of Occupancy for the proposed use.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1189-02**

To grant a variance from the provisions of Section 3355.02, C-4, Commercial District of Columbus City Codes, for the property located at **1212 North Sixth Street (43201)**, to permit a single-family dwelling in the C-4 Commercial District and to declare an emergency

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to begin project prior to 30 days and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, by application No. CV02-012 the owner of property at 1212 North Sixth Street (43201), is requesting a Council Variance to permit a single-family dwelling in the C-4 Commercial District; and

WHEREAS, Section 3355.02, C-4, Commercial District, provides for residential uses when located above commercial storerooms, while the applicant proposes to develop a single family dwelling; and

WHEREAS, City Departments recommend approval and note a hardship exists because a Council variance is necessary in that the C-4, Commercial District prohibits ground floor residential use and;

WHEREAS, this variance will permit development of a vacant lot zoned in the C-4, Commercial District with an infill single-family dwelling. The surrounding area is characterized by single-family and two-family dwellings, thus the request is consistent with the existing development pattern. This proposal is supported by the land use recommendations of the University Neighborhoods Revitalization Plan (1996), which recommends low intensity residential uses for this site. This proposal would provide for infill development and is surrounded by similar land uses also in the C-4, Commercial District; and

WHEREAS, the City Departments recommend approval and note a hardship exists because the C-4 Commercial District prohibits single-family dwellings; and

WHEREAS, this ordinance will allow development of a single-family dwelling in accordance with the R-4, Residential District development standards which is what the dwellings across the street from this site are zoned in order to ensure compatibility with the surrounding residential development; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 1212 North Sixth Street (43201) in using said property as desired; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That a variance from the provisions of Section 3355.02, C-4, Commercial District; of the Columbus City Codes are hereby granted for the property located at 1212 North Sixth Street (43201), insofar as said section prohibits a single-family dwelling by varying the district's permitted use; said property being more particularly described as follows:

**Legal Description  
 1212 N. 6th Street**

Parcel Id: 010-021790

Situated in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot No. 54 of Cornelia F. Davis and others, Amended to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of recorded in Plat Book 4, page 171, Recorder's Office, Franklin County, Ohio.

Section 2. This ordinance is conditioned on and shall remain in effect only for so long as said property is used for no more than one single-family dwelling or those uses in the C-4, Commercial District.

Section 3. This ordinance is further conditioned on the single-family dwelling being developed in accordance with the applicable single-family dwelling development standards of C.C. 3332, R-4, Residential District along with the following provisions: 1) the lot area may be 3,800 square feet in area; 2) the lot may have only 34 feet of frontage along North Sixth Street; 3) a minimum building line of ten feet and a maximum building line of 25 feet from the North Sixth Street, street-property line is permitted and 4) two parking spaces are required to be developed at the rear of the lot and accessed from the alley to the east.

Section 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

Section 5. That 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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1190-02**

To grant a Variance from the provisions of Sections 3371.01 (c), (f)(1-4), and (j) of the P-1, Parking District of Columbus City Codes; Section 3307.06, Special permits for the property located at 724 Franklin Avenue (43205), to permit a garage structure in the P-1 Private Parking District.

WHEREAS, by application #CV02-009 the owner of property at 724 Franklin Avenue (43205), is requesting a Council Variance to permit a garage structure in the P-1 Private Parking District; and

WHEREAS, Section 3371.01 (c), P-1, Private Parking District, provides for shelters of attendants, while the applicant proposes to construct a garage structure connected to an existing non-conforming garage; and

WHEREAS, Section 3307.06B, P-1, Private Parking District, does not allow the Board of Zoning Adjustment to grant a special permit for the enlargement of a non-conforming use more than 50 percent of the total floor area of the original nonconforming use, while the applicant proposes to construct a garage structure larger than the existing non-conforming garage; and

WHEREAS, Section 3371.01(f)(1-4), P-1, Private Parking District, provides for buffering adjacent to residential or apartment residential districts, while the applicant proposes to construct a garage which will conceal cars from adjacent residential and apartment residential districts and has agreed to provide landscaping per Section 4 of this ordinance as discussed with the Near East Area Commission; and

WHEREAS, Section 3371.01 (j), P-1, Private Parking District, requires plans for parking garages to be submitted to the Development Commission for review and approval and to comply with the requirements of Section 3371 of the Columbus City Codes; and where such a forum no longer exists before the Development Commission and the applicants timing considerations preclude this; and

WHEREAS, this proposal would provide secure enclosed parking spaces for tenants of the applicant's multi-family residential dwelling located at 700-710 Franklin Avenue (parcel 010-036405); and

WHEREAS, the Near East Area Commission recommends Approval of said variance request; and

WHEREAS, City Departments recommend approval and note a hardship exists because a Council variance is necessary in that the P-1, Private Parking District prohibits buildings, other than those for shelter of attendants; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner and tenants of the property located at 724 Franklin Avenue (43205), in using said property as desired; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That a variance from the provisions of Sections 3371.01 (c), (f)(1-4), and (j) of the P-1, Parking District of Columbus City Codes; Section 3307.06, Special permits; of the Columbus City Codes are hereby granted for the property located at 724 Franklin Avenue (43205), insofar as said section prohibits any structures other than those for shelter of attendants by varying the district's permitted use to permit the construction of an eight-bay parking garage to be connected to an existing four-bay garage; said property being more particularly described as follows:

"Situated in the State of Ohio, County of Franklin and the City of Columbus, and bounded and described as follows:

Being Lot Number Sixty-Eight (68) of DESHLER AND SINKS' SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 423, Recorder's Office, Franklin County, Ohio. 010-407020."

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a new eight (8) bay garage connected to an existing four-bay garage for the use located at 700-710 Franklin Avenue (parcel #010-036405) or those uses permitted in the P-1, Private Parking District.

Section 3. That this ordinance is further conditioned on the Subject Site being developed in general accordance with the "Exhibit A - Site Plan" and "Exhibit B- Elevations", drawn by Fred Hutchison Associates dated April 22, 2002 and signed by Fred Hutchison. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and 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 is further conditioned on the applicant complying with the following standards: repairing the existing garage in compliance with Building Code Standards; installing brick upon the facade facing Franklin Avenue, installing brick on the bottom half and siding on the top half between the garage doors on the west facade from the ground to the roof; installing vinyl siding on the east side of the proposed garage; equipping the eight new garage units and four existing garage units with automatic garage door openers; down lighting attached to the garage units and one light on the east wall of the proposed garage, said lights shall have fully shielded, recessed lamps directed downward to prevent glare and shine above the horizontal plane and shall be from the same or similar type and color for aesthetic compatibility; and said lighting shall not exceed .1 foot-candle at any property line; installation of wrought iron fencing between the east wall of the proposed eight-bay garage and the west property line of 726 Franklin Avenue (parcel #010-013234); and installation of six (6) hibiscus or holly shrubs between the proposed eight-bay garage and the north and south limit of the existing bay window on the west side of the dwelling located at 726 Franklin Avenue (parcel #010-013234).

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

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1191-02**

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3309.141, Basic height district established; 3332.15, R-4, Area District requirements; 3332.19, Fronting; 3332.21, Building lines; 3332.24, Side yard; 3332.25, Maximum side yards required; 3332.27, Rear Yard; 3342.09, Dumpster area; 3342.17, Parking lot screening; 3342.18, Parking setback line; 3342.28(A)(5), Minimum number of parking spaces required; of Columbus City Codes; for the property located at 682 North Pearl Street (43215), to allow ground floor commercial uses and four upper-floor dwelling units with reduced development standards in the R-4 Residential District, and to declare an emergency.

WHEREAS, an emergency exists In the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency because of at the present time building is not safe. Structural building stabilization required a.s.a.p. per city inspector and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, by application No. CV02-023 the owner of property at 682 North Pearl Street (43215), is requesting a Council Variance to permit commercial uses in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District, prohibits commercial use, while the applicant proposes to establish ground floor commercial uses and four upper-floor dwelling units in an existing commercial building; and

WHEREAS, Section 3309.141, Basic height district established, provides for the thirty-five foot height district where none has been specified, while the existing building height is 40± feet; and

WHEREAS, Section 3332.15, R-4, Area District requirements, requires a minimum of 10,000± square feet of lot area for an interior lot, while the existing lot consists of 5,000± square feet; and

WHEREAS, Section 3332.19, Fronting, requires each dwelling or principal building to front upon a public street, while the existing building and lot do not front a public street; and

WHEREAS, Section 3332.21, Building lines, requires a building setback of not less than twenty (25) feet, while the applicant proposed to maintain the existing zero (0) foot building line; and

WHEREAS, Section 3332.24, Side yard, requires a side yard of not less than five (5) feet, while the existing building maintains a zero (0) foot side yard; and

WHEREAS, Section 3332.25, Maximum side yard required, requires a total side yard of not less than 15 feet, while the existing building maintains a zero (0) foot side yard; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard of not less than 25% of the lot area, while the existing lot has no rear yard; and

WHEREAS, Section 3342.09, Dumpster area, requires that dumpsters be not located in any required yard or setback, while the applicant proposes to locate the dumpster as shown on Site Plan "Exhibit A" as approved by the Division of Refuse; and

WHEREAS, Section 3342.17, Parking lot screening, requires screening of commercial parking lots within eighty feet of residentially zoned property, while the applicant proposes to provide no screening,

WHEREAS, Section 3342.18, Parking setback line, requires a parking setback of not less than ten (10) feet, while the applicant proposes to maintain the existing zero (0) foot parking setback; and

WHEREAS, Section 3342.28(A) and (B), Minimum number of parking spaces required, requires at total of 34 parking spaces for the ground floor commercial uses and four above-floor apartment units, while the applicant proposes to provide a total of six parking spaces; and

WHEREAS, The Historic Preservation Office has determined that the existing structure located at 682 N. Pearl Street to be a contributing building in the Italian Village Historic District; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, the City recommends approval and notes a hardship exists because this site was previously zoned in the M, Manufacturing District and was allowed commercial usage by right, but was made non-conforming due to the Italian Village area rezoning in 1973; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owner and tenants of the property located at 682 North Pearl Street (43205), in using said property as desired; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS,**

Section 1. That a variance from the provisions of Sections 3332.039, R-4, Residential District use; 3309.141; Basic height district established; 3332.15, R-4, Area District requirements; 3332.19, Fronting; 3332.21, Building lines; 3332.24, Side yard; 3332.25, Maximum side yards required; 3332.27, Rear Yard; CV02-023 3342.09, Dumpster area; 3342.17, Parking lot screening; 3342.18, Parking setback line; and 3342.28(A)(5), Minimum number of parking spaces required; of Columbus City Codes; for the property located at 682 North Pearl Street (43215), insofar as said sections prohibit commercial uses and 4 upper-floor dwelling units by varying the district's permitted use to allow ground floor commercial uses and 4 upper-floor dwelling units in the R-4 Residential District in an existing commercial building that is 40-feet high; on a reduced lot area of 5,722± square feet having zero rear yard and zero side yards; fronting alleys rather than streets; with a building line reduced from 25-feet to zero feet; reduced parking spaces from 34 to 6; reduced parking setbacks to zero feet and eliminating on-site maneuvering; eliminating required parking lot screening; and allowing a dumpster in the front yard eliminating on-site maneuvering; said property being more particularly described as follows:

"Situated in Ohio, County of Franklin and the City of Columbus, and bounded and described as follows, Being Part of Lot 15 and 16 W.Z. Gills Addition, Plat Book 1, Page 209."

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for no more than 4 new dwelling units above permitted commercial uses on the ground floor consisting of an art studio or gallery, offices, a coffee shop (as restricted in Section 3. below), a beauty shop, bookstore, florist shop, jewelry store, custom tailor shop, or combination of the above commercial uses on the ground floor, with all other uses being prohibited or those uses permitted in the R-4, Residential District.

Section 3. That this ordinance is further conditioned on a coffee shop located in this building being restricted as follows: The total square footage for the coffee shop use is limited to that 1,330 square foot area fronting on the south (Brickel Alley) portion of the ground floor of which: the seating area is to be limited to no more than 350 square feet; the kitchen being a minimum of 150 square feet; and the balance of the 1,330 square feet to be utilized for retail sales of coffee, tea, and other beverages as well as baked goods and coffee shop related items. The menu for the coffee shop is to be limited to baked goods only with no entrees, sandwiches or hot food to be served.

Section 4. That this ordinance is further conditioned on the Subject Site being developed in accordance with the "Site Plan A-1", drawn by Feinkopf Macioce Schappa, Architects, Inc. dated May 21, 2002 and signed by Joseph F. Schappa Jr. 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 5. That this ordinance is further conditioned on the applicant recording Exhibit B, Refuse Collection Agreement signed by Stelios G. Giannopoulos and dated April 4, 2002.

Section 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1192-02**

To grant a Variance from the provisions of Section 3333.04, AR-0, Apartment Residential/Office District use; Section 3342.28, Minimum number of parking spaces required, for the property located at 762 EAST MAIN STREET (43205), to permit a beauty salon with day spa with reduced parking in the AR-0, Apartment Residential District.

WHEREAS, by application No. CV02-010, the owner of property at 762 EAST MAIN STREET (43205), is requesting a Council variance to permit a beauty salon and day spa in the AR-0, Apartment Residential/Office District; and

WHEREAS, Section 3333.04, AR-0, Apartment Residential/Office use, permits apartments and limited commercial uses, while the applicant proposes a beauty salon and day spa, a C-1, Commercial District use; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires 30 parking spaces for the existing offices and proposed beauty salon and day spa use on that parcel, while the applicant proposes to provide 24 spaces; and

WHEREAS, this variance will permit a beauty salon and day spa in the AR-0, Apartment Residential/Office District. A Council variance is necessary in that the proposed use is a C-1, Commercial District use and offices, banks, child daycares are the only commercial uses permitted in the AR-0 district. This ordinance will allow the continued use of two office buildings as well as a proposed beauty salon and day spa in a third building on the same parcel with reduced parking from 30 spaces to 24 spaces. This site is located within the East Main Street Urban Commercial Overlay, which does not apply to this proposal as no exterior alterations are proposed; and

WHEREAS, City Departments recommend approval and notes that a hardship exists because a beauty salon and day spa is not a permitted use in the AR-0, Apartment Residential/Office District; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 762 EAST MAIN STREET (43205), in using said property as desired; now, therefore,  
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That a variance from the provisions of Section 3333.04, AR-0, Apartment Residential/Office District use; 3342.28, Minimum number of parking spaces required, are hereby granted for the property located at 762 EAST MAIN STREET (43205), insofar as said sections prohibit a beauty salon and day spa in the AR-0, Apartment Residential/Office District with a reduction in the minimum number of required parking spaces from 30 to 24 spaces; said property being more particularly described as follows:

Being situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being lots Numbers One (1) and Two (2) and 100 feet off the south end of lot Number Three (3), in William Phelan's Eastern Addition, as the same are numbers and delineated upon the recorded plat thereof, of record in Plat Book 1, page 31, Recorder's Office, Franklin County, Ohio.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a beauty salon and day spa, or those uses permitted in the AR-0, Apartment Residential District; and,

Section 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use; and,

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1193-02**

To grant a Variance from the provisions of Section 3363.01, M-Manufacturing District; 3363.24, Building lines in an M-Manufacturing District; 3342.15, Maneuvering; 3342.25 Vision clearance; and 3342.28 Minimum number of parking spaces required; for the property located at 100 Liberty Street (43215), to permit 314 dwelling units with reduced development standards and off-street parking spaces in the M-Manufacturing District.

WHEREAS, by application No. CVOO-051A, the owner of property at 100 Liberty Street (43215), is requesting a Council Variance to permit 314 dwelling units with reduced off-street parking spaces and development standards in the M-Manufacturing District; and

WHEREAS, Section 3363.01, M-Manufacturing District, provides for a resident watchman's quarters only, while the applicant proposes to develop 314 dwelling units; and

WHEREAS, Section 3363.24, Building lines in an M-Manufacturing District, provides for minimum building lines along public streets, while the applicant proposes to eliminate the building lines along all applicable public rights-of-way; and

WHEREAS, Section 3342.15, Maneuvering, requires sufficient access and maneuvering for dumpsters, while the applicant proposes to maneuver off-site; and

WHEREAS, Section 3342.25 Vision clearance, requires a 10-foot clear vision triangle, while the driveways for garage access and egress have no such separation; and

WHEREAS, Section 3342.28 Minimum number of parking spaces required, requires a minimum of two parking spaces for each dwelling unit, while the applicant proposes to provide at least 1.45 off-street parking spaces for each dwelling unit; and

WHEREAS, this variance will permit residential uses in a manufacturing district with reduced development standards and off-street parking. A Council Variance is necessary in that only a resident watchman's quarters is permitted while the applicant proposes 314 dwelling units at an effective density of 45.7 dwelling units per acre. The proposed apartment complex on this 6.7± acre site includes three-story buildings surrounding two enclosed parking garages containing 465 parking spaces with an additional 11 surface spaces, and 2.07 acres of interior courtyards and open space. The final architectural plans have been approved by the Brewery District Commission and conform to the Brewery District Plan's land use recommendations. Variances for residential uses, reduced parking and loading standards, and related development standards are consistent with such Council Variances granted to the Brewer's Yard and Bank Street Apartments projects to the south; and

WHEREAS, the Brewery District Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because only the variance process allows this combination of residential uses with the necessary development standards reduced; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 100 Liberty Street (43215), in using said property as desired; now, therefore,

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

Section 1. That a variance from the provisions of Section 3363.01, M-Manufacturing District; 3363.24, Building lines in an M-Manufacturing District; 3342.15, Maneuvering; 3342.25 Vision clearance; and 3342.28 Minimum number of parking spaces required; of Columbus City Codes are hereby granted for the property located at 100 Liberty Street (43215), insofar as said sections prohibit 314 dwelling units by varying the district's permitted use to permit said dwelling units with the following reduced development standards: off-street parking spaces from 616 to 465; building setbacks to zero along public streets; sight distance at garage entrances and exits from 10 to 0; and off-site maneuvering for dumpsters, said property being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, in Half Section 27, Township 5, Range 22, Refugee Lands, being a 6.729 acre tract of land comprised of all of Parcel 1, all of Parcel 2, all of Parcel 3, all of Parcel 4, and part of Parcel 5 as described in a deed to the Harsco Corporation, of record in Deed Book 2152, Page 97, (Parcel 4 being the same as Lot Number Six (6) of the L. Hosier Brewing Company's Sub., of record in Plat Book 5, Page 362), all of Parcel 1, all of Parcel 2, and all of Parcel 3 as described in a deed to the Harsco Corporation, of record in Deed Book 2171, Page 38 1, and being a part of that Robert Armstrong's Point Pleasant Addition to the City of Columbus, of record in Deed Book 33, Page 122, all of the First Parcel and part of the Second Parcel as described in a deed to the Harsco Corporation of record in Deed Book 3070, Page 116, all references to records being on file in the Recorder's Office, Franklin County, Ohio, said 6.729 acre tract being more particularly described as follows:

Beginning at an iron pin set in the northerly right-of-way line of Liberty Street, at the southeasterly corner of said Parcel 2 as described in Deed Book 217 1, Page 38 1, at the southwesterly corner of that 1.093 acre tract as described in a deed to 503 South Front Street Limited Partnership, of record in Official Record Volume 27075 G03, and being referenced North 87°53'56" West, a distance of 300.00 feet from a drill hole found at the intersection of the northerly right-of-way line of said Liberty Street and the westerly right-of-way line of Front Street;

Thence North 87°53'56" West, along the northerly right-of-way line of said Liberty Street, along the southerly line of said Parcel 2, Parcel 3 and Parcel 1 as described in said Deed Book 2171, Page 38 1, a distance of 209.48 feet to an iron pin found (1 foot deep) at the southwesterly corner of said Parcel 1, in the easterly line of said Parcel 5, as described in said Deed Book 2152, Page 97;

Thence North 11°53'46" East, continuing along a right-of-way line of said Liberty Street, along the westerly line of said Parcel 1, along the easterly line of said Parcel 5, a distance of 5.07 feet to an iron pin found with a plastic cap stamped Hockaden and Assoc.;

Thence North 87°53'56" West, continuing along the northerly right-of-way line of said Liberty Street, as delineated on the plat Liberty Street Dedication and Easements, of record in Plat Book 86, Page 18, crossing through said Parcel 5, a distance of 12.66 feet to an iron pin set at a point of curvature;

Thence continuing along the northerly right-of-way line of said Liberty Street, through said Parcel 5, along the arc of a curve to the left, having a radius of 276.56 feet, a central angle of 10°50'44", an arc distance of 52.35 feet to an iron pin found with a plastic cap stamped Hockaden and Assoc., at a point of tangency, said arc being subtended by a chord bearing South 86°40'42" West, a chord distance of 52.27 feet;

Thence South 81°15'20" West, continuing along the northerly right-of-way line of said Liberty Street, through said Parcel 5, a distance of 245.68 feet to an iron pin set in the westerly line of said Parcel 5, in the easterly line of the Columbus Feeder to the Ohio and Erie Canal (abandoned) as described in a Lease of Canal Lands to the Columbus & Southern Ohio Electric Company, of record in Lease Record 83, Page 346, witness an iron pin found with a plastic cap stamped Hockaden and Assoc., in the northerly right-of-way line of said Liberty Street at a point of curvature, bearing South 81° 15'20" West, a distance of 22.76 feet.

Thence North 08°32'59" West, along the easterly line of said Columbus Feeder to the Ohio and Erie Canal (abandoned), along the westerly line of said Parcel 5, the westerly line of said Parcel 4, as described in Deed Book 2152, Page 97, a distance of 190.21 feet to a concrete canal marker with ¾ " steel rod;

Thence North 02°41'46" West, along the easterly line of said Columbus Feeder to the Ohio and Erie Canal (abandoned), along the westerly line of said Parcel 4, the westerly line of said Parcel 1 and Parcel 3, as described in Deed Book 2152, Page 97, a distance of 641.63 feet to an iron pin set in the southerly right-of-way line of Fulton Street;

Thence South 78°00'27" East, along the southerly right-of-way line of said Fulton Street, along the northerly line of said Parcel 3, the northerly line of said Parcel 2, as described in Deed Book 2152, Page 97, the northerly line of said First Parcel as described in said Deed Book 3070, Page 116, a distance of 426.03 feet to a drill hole found at the intersection of the southerly right-of-way line of said Fulton Street and the westerly right-of-way line of Second Street;

Thence South 00°01'21" West, along the westerly right-of-way line of said Second Street, the easterly line of said First Parcel, along the easterly line of said Second Parcel as described in said Deed Book 3070, Page 116, a distance of 365.46 feet to an iron pin found (1 foot deep), at a northeasterly corner of that Parcel #1 as described in a deed to Front & Fulton Real Estate Trust, of record in Deed Book 2852, Page 5 19;

Thence South 89°34'54" West, into said original Second Parcel, along a northerly line of said Parcel #1, a distance of 154.50 feet to an iron pin set; Thence South 04°24'37" West, continuing through said original Second Parcel, along the westerly line of said Parcel #1, a distance of 158.80 feet

to an iron pin set at a southwesterly corner of said Parcel #1, in the southerly line of said original Second Parcel, in the northerly line of said Parcel 4 as described in said Deed Book 2152, Page 97;

Thence South 78°33'20" East, along a southerly line of said Parcel #1, the northerly line of said Parcel 4, a distance of 149.95 feet to a railroad spike found at the northeasterly corner of said Parcel 4; Thence South 11°53'46" West, along a westerly line of said Parcel #1, along the easterly line of said Parcel 4, a distance of 17.19 feet to an iron pin set at a southwesterly corner of said Parcel #1, at the northwesterly corner of said Parcel 1, as described in said Deed Book 217 1, Page 38 1;

Thence South 87°53'56" East, along the southerly line of said Parcel #1, along the northerly line of said Parcel 1, the northerly line of said Parcel 3 and Parcel 2 as described in said Deed Book 217 1, Page 38 1, a distance of 186.18 feet to an iron pin set at the northeasterly corner of said Parcel 2, at the northwesterly corner of that 1.093 acre tract as described in a deed to 503 South Front Street Limited Partnership, of record in Official Record Volume 27075 G03;

Thence South 02°06'04" West, along the easterly line of said Parcel 2, the westerly line of said 1.093 acre tract, a distance of 135.00 feet to the True Place of Beginning and containing an area of 6.729 acres of land.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for 314 dwelling units with reduced off-street parking spaces and development standards, or those uses permitted in the M-Manufacturing District.

Section 3. That this ordinance is further conditioned on the applicant's compliance with applicable environmental health code provisions prior to the granting of a certificate of zoning clearance.

Section 4. That development generally conform with the proposed site plan, elevations and landscaping plans titled Liberty Place dated September 13, 2001, 29 sheets A1.1 through A 3.126 prepared for Winther Investments by The Steinberg Collaborative, AIA, LLP, Architects and Planners, and Liberty Place In The Brewery District Landscaping, Lighting and Graphics Plans dated April 17, 2001, 7 sheets L-1 through L-7 prepared by Kinzelman Kline, as the same sets of plans may be amended in the future by the Brewery District Commission; and

Section 5. That this ordinance is further conditioned on all foundations being within the property lines.

Section 6. That this ordinance is further conditioned on the applicant obtaining necessary permits and approvals to include but not be limited to sanitary sewer agreements, and environmental health, and a Certificate of Occupancy for the proposed use.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1194-02**

To authorize the Director of Finance to enter into a sale contract providing for the conveyance of all of the City's interest in a 0.7553 acre property on South High Street to Capitol South Community Urban Redevelopment Corporation, to execute a quit claim deed conveying such property and to enter into and execute other documents pertinent to such conveyance and, to the extent applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised.

WHEREAS, the City of Columbus has previously leased to Capitol South Community Urban Redevelopment Corporation (hereinafter "Capitol South") the 0.7553 acre property, situated generally north of Main Street, east of High Street, south of Rich Street and west of the City Center Parking Facility (hereinafter the "High Street Development Site"), for a term of 99 years, renewable forever; and

WHEREAS, Capitol South pays to the City 90% of its Cash Flow, as defined in the operative agreements between the City and Capitol South, as ground rent for the High Street Development Site and for all of the other property leased by the City to Capitol South in the original Capitol South Project Area; and

WHEREAS, it is proposed that the City convey to Capitol South all of the City's remaining interest in the High Street Development Site for 99 years; and

WHEREAS, such interest in the High Street Development Site will, upon such conveyance, merge by operation of law into the 99 year leasehold, renewable forever, previously granted by the City to Capitol South; and

WHEREAS, Capitol South proposes to convey the merged and entire interest in the High Street Development Site to a development entity to be formed by the Don M. Casto Organization in return for an equity interest in the development entity; and

WHEREAS, the development entity proposes to develop 100 market rate apartments in two, six story buildings (the "High Street Apartment Project"); and

WHEREAS, conveyance of the City's remaining interest in the High Street Development Site to Capitol South will not affect Capitol South's obligation to pay 90% of its Cash Flow to the City and Capitol South believes that the development of the High Street Apartment Project will increase its Cash Flow; now, therefore,

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

Section 1. That the Director of Finance be and hereby is authorized to enter into and execute a sale contract, prepared by the City Attorney's Office, Department of Law, Real Estate Division and providing generally for the sale of the City's interest in the following described real property to Capitol South for and in consideration of One Dollar (\$1.00) and making the sale conditioned on contemporaneous conveyance to the developer for the High Street Apartment Project:

DESCRIPTION OF 0.7553 ACRES  
NORTH OF MAIN STREET  
EAST OF HIGH STREET  
SOUTH OF RICH STREET  
WEST OF THE CITY CENTER PARKING FACILITY  
COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and being a portion of Inlots No. 346 through 350, part of Cherry Street (33.00 feet in width) as the same designated and delineated upon the Town Plat of Columbus, Deed Book "F", page 332, a portion of Lots No. 1 through 4 as delineated upon the recorded plat of English & Martin Subdivision, Plat Book 1, Page 182, all of record at the Franklin County, Ohio, Recorder's Office, aforesaid Cherry Street is vacated by Ordinance of Columbus City Council, said 0.7553 acres being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Main Street (82.50 feet in width) and the easterly right-of-way line of High Street (100.00 feet in width);

Thence North, with the easterly line of High Street, a distance of 409.28 feet to a point of intersection, of the easterly right-of-way line of High Street and the southerly right-of-way line of Rich Street (82.50 feet in width);

Thence North 89°57'30" East, with the southerly right-of-way line of Rich Street, a distance of 80.25 feet to a point;



Thence South 0°02'24" East, through Inlots No. 346 through 351, a distance of 409.28 feet to a point, passing the northerly line of Cherry Street (33.00 feet in width) at 188.42 feet;

Thence South 89°57'36" West, with the northerly right-of-way line of Main Street, a distance of 80.53 feet to the place of beginning, containing 0.7553 acres of land or 32,903.0977 square feet of area, being further described upon Exhibit "A", attached hereto and made a part hereof by reference.

For the purpose of this description a bearing of North was assumed on the easterly right-of-way line of High Street.

This legal description was prepared by Hockaden and Associates, Inc., Consulting Engineers, from information obtained from a field survey of the parent premises made in April of 1977.

Further, that the Director of Finance be and hereby is authorized to execute a quit claim from the City to Capitol South in completion of such sale agreement, a mutual release of any previous lease and any other previous agreement or document between the City and Capitol South that may be required or helpful in clearing title to such real estate in Capitol South, and an easement agreement between the City and Capitol South providing for a continuing easement for the existing utilities in vacated Cherry Street.

Section 2. That this Council has determined that it is in the best interest of the City of Columbus to waive and does hereby waive the requirements of Columbus City Codes (1959) Revised, Chapter 328 (Land Review Commission) and Section 329.25 (competitive bidding) to the extent that they may apply to this transaction with regards to this ordinance only.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1195-02**

To authorize and direct the Director of the Department of Development to enter into an Enterprise Zone Agreement with Roxane Laboratories, Incorporated for a tax abatement of seventy-five percent (75%) on the value of personal property and real property improvements for ten (10) taxable years in consideration of Roxane Laboratories, Inc. creating 95 permanent full-time jobs in the Columbus community.

WHEREAS, the Columbus City Council authorized the designation of the Enterprise Zone by legislation. Ordinance No. 779-85, dated April 22, 1985; and

WHEREAS, the Ohio Development Director approved this designation under State of Ohio Enterprise Zone law, by letter, dated June 12, 1985; and

WHEREAS, Roxane Laboratories, Inc. desires to expand its current facility located on Wilson Road in Columbus, Ohio; and

WHEREAS, the granting of the tax abatement by the City for the proposed expansion project will create 95 full-time permanent jobs, increase opportunities for employment and strengthen the economy of the city; and

WHEREAS, it is required by law to enter into a binding, formal agreement in order to receive State of Ohio incentives; and

WHEREAS, the City desires to enter into such an agreement in order to foster economic growth; and

WHEREAS, receiving the tax abatement from the City is a critical factor in Roxane Laboratories, Inc.'s decision to go forward with the project; now, therefore,

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

Section 1. That the City hereby finds and determines that the project will (1) create jobs in the State and City; (2) the project is economically sound and will benefit the people of the State and City by increasing opportunities for employment and strengthening the economy of the State and City; and (3) receiving the aforementioned incentive is a critical factor in the decision by Roxane Laboratories, Inc. to go forward with the project.

Section 2. That the City Council hereby finds and determines that the project meets all the requirements of the City Act.

Section 3. That the Director of the Department of Development is hereby authorized and directed to enter into and execute a 10-year, 75% real and Personal Property Tax Abatement Agreement with Roxane Laboratories, Inc.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1196-02**

To authorize the Director of the Department of Development to enter into a Jobs Creation Tax Credit Agreement with WD Partners, Inc. at fifty percent (50%) for a period of five (5) taxable years in consideration of WD Partners, Inc. creating 50 (fifty) new full-time jobs and retaining 169 (one hundred and sixty-nine) full-time jobs in the Columbus community.

WHEREAS, pursuant to Section 122.17 of the Ohio Revised Code, the State of Ohio is authorized to establish the Tax Credit Authority and to execute agreements with taxpayers of the State of Ohio for the purpose of granting these taxpayers job creation tax credits against their corporate franchise or income tax, which tax credits are provided to create new jobs in the State of Ohio; and

WHEREAS, the State of Ohio Tax Credit Authority has granted WD Partners, Inc. a 50% 8 year Jobs Creation Tax Credit; and

WHEREAS, pursuant to Section 718.08 of the Ohio Revised Code (the "City Act") a municipal corporation is authorized to grant local income tax credits to taxpayers who have received tax credits from the State; and

WHEREAS, the granting of the tax credit by the City for the proposed expansion project by WD Partners, Inc. will create 50 (fifty) full-time permanent jobs; retain 169 (one hundred and sixty-nine) full-time positions; increase opportunities for employment and strengthen the economy of the city; and

WHEREAS, receiving these tax credits from the State and the City is a critical factor in WD Partners, Inc.'s decision to go forward with the project; now, therefore,

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

Section 1. That the City hereby finds and determines that the project will (1) create jobs in the State and City; (2) the project is economically sound and will benefit the people of the State and City by increasing opportunities for employment and strengthening the economy of the State and City; and (3) receiving the aforementioned tax credits is a critical factor in the decision by WD Partners, Inc. to go forward with the project.

Section 2. That the City Council hereby finds and determines that the project meets all the requirements of the City Act.

Section 3. That the Director of the Department of Development is hereby authorized and directed to enter into and execute a 5-year, 50% Jobs Creation Tax Credit Agreement with WD Partners, Inc.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1198-02**

To authorize and direct the Director of Finance to enter into a purchase order with Kay Park Recreation Corp. for one hydraulic mobile bleacher unit for the Recreation and Parks Department, and to authorize the expenditure of \$27,728.50 from the Recreation and Parks Operating Fund. (\$27,728.50)

WHEREAS, the Purchasing Office received bids on June 20, 2002, to obtain one hydraulic mobile bleacher unit for the Recreation and Parks Department; and

WHEREAS, a purchase order will be issued in accordance with the terms and specifications of the bid solicitation on file in the Purchasing Office; now, therefore,

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

Section 1. That the Director of Finance be and he is hereby authorized and directed to enter into a purchase order with Kay Park Recreation Corp. for one hydraulic mobile bleacher unit for the Recreation and Parks Department, in accordance with specifications on file in the Purchasing Office.

Section 2. That the expenditure of \$27,728.50, or so much thereof as may be necessary, be and is hereby authorized from the Recreation and Parks Operating Fund, as follows, to pay the cost thereof.

Fund Type	Dept. No.	Fund No.	Object Level 3	OCA Code	Amount
Operating	51-01	285	6651	511139	27,728.50

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1199-02**

To waive the appropriate section of the Columbus City Codes, and to authorize the Director of Recreation and Parks to issue a Block Party Permit for the Center of Science and Industry (COSI) allowing closure of Washington Boulevard from Broad Street to Town Street for more than five (5) consecutive days.

WHEREAS, the Center of Science and Industry (COSI) wishes to conduct an exhibit on public streets in Columbus from Thursday, September 19 through Monday, September 30, 2002; and

WHEREAS, the Center of Science and Industry (COSI) plans to submit an application to the Columbus Recreation and Parks Department for a Block Party Permit to close Washington Boulevard from Broad Street to Town Street for the purpose of setting up an outdoor exhibit; and

WHEREAS, the duration of the street closures for the Center of Science and Industry's (COSI) exhibit will exceed the maximum allowable closure period of five (5) consecutive days as contained in Section 923.03 C of Columbus City Codes; and

WHEREAS, it is necessary to waive Section 923.03(c) of the Columbus City Codes to authorize the Director of Recreation and Parks to issue a Block Party Permit for the Center of Science and Industry (COSI) for the closure of Washington Boulevard from Broad Street to Town Street for more than five (5) consecutive days; now, therefore,

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

Section 1. That Section 923.03(c) of the Columbus City Codes be and is hereby waived as pertaining to the Center of Science and Industry's (COSI) exhibit for the limited purpose of closing streets for more than five (5) consecutive days.

Section 2. That the Director of Recreation and Parks be and is hereby authorized to issue a Block Party Permit for the Center of Science and Industry (COSI) for more than five (5) consecutive days, upon receipt of a completed application for a Block Party Permit meeting all existing requirements for issuance of said permit.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1200-02**

To authorize the Director of Public Utilities to modify the contract with Strawser Paving Company, Inc., for the Asphalt Overlay And Repair For The Utilities Complex At 910 Dublin Road Project for the Division of Water, and to authorize the expenditure of \$60,050.00 from the Waterworks Enlargement Voted 1991 Bonds Fund. (\$60,050.00)

WHEREAS, Contract No. EA025188-002 was authorized by Ordinance No. 0251-02, passed March 4, 2002, was executed on April 12, 2002 and was approved by the City Attorney on April 22, 2002, and

WHEREAS, it is necessary to modify Contract No. EA025188-002 to provide monies for changes in construction necessitated by actual construction and field conditions where Contract Quantities were not sufficient, and

WHEREAS, in the usual daily operation of the Division of Water, Department of Public Utilities in that it is necessary to authorize the Director of Public Utilities to modify Contract No. EA025188-002 in order to provide for the proper completion of the Asphalt Overlay And Repair For The Utilities Complex At 910 Dublin Road Project for the preservation of the public health, peace, property, safety and welfare, now, therefore,

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

Section 1. That the Director of Public Utilities be and he is hereby authorized to modify Contract No. EA025188-002 with Strawser Paving Company, Inc., 1595 Frank Road, Columbus, Ohio 43223 for the Asphalt Overlay And Repair For The Utilities Complex At 910 Dublin Road Project, Division of Water, Contract No. 1006, Project 690290 in accordance with the terms and conditions as shown on the modification on file in the office of the Division of Water.

Section 2. That this contract modification is in accordance with the requirements of Section 329.13 of the Columbus City Code.

Section 3. That any modification made under the provisions of this ordinance must first be authorized by the Director of Public Utilities and a contract modification properly submitted to the City Auditor for certification of funds.

Section 4. That for the purpose expressed in Section 1 and 2 above, the expenditure of \$60,050.00 or as much thereof as may be needed be and the same is authorized from the Water Works Enlargement Voted 1991 Bonds Fund No. 606, Department 60, Division 09, OCA Code 642900, Object Level Three 6621, Object Level One 06, Project 690290.

Section 5. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the department administering said project; that the project has been

completed and the monies are no longer required for said project except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1201-02**

To authorize the Finance Director to establish an additional Blanket Purchase Order, for water meters and appurtenances, from an established Universal Term Contract with Midwest Pipe and Supply, for the Division of Water, and to authorize the expenditure of \$20,000.00 from Water Systems Operating Fund. (\$20,000.00)

WHEREAS, the Purchasing Office has established Universal Term Contract FL000872 for water meters and appurtenances, and

WHEREAS, the Division of Water has already encumbered \$100,000.00 against this contract, thus, legislation is required to encumber additional funds, and

WHEREAS, it has become necessary in the usual daily operation of the Division of Water, Department of Public Utilities, to authorize the Finance Director to establish an additional Blanket Purchase Order, for water meters and appurtenances, based on the above mentioned Universal Term Contract, for the preservation of public health, peace, property and safety; now, therefore,

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

Section 1. That the Finance Director be and is hereby authorized to establish an additional Blanket Purchase Order, for water meters and appurtenances, from an established Universal Term Contract, with Midwest Pipe and Supply, for the Division of Water, Department of Public Utilities.

Section 2. That the expenditure of \$20,000.00 or as much thereof as may be needed, is hereby authorized from Water Works Fund 600, Department 60-09, OCA Code 602672, Object Level One 02, Object Level Three 2246, to pay the cost thereof.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1202-02**

To authorize the Director of Public Utilities to modify the contract with Malcolm Pirnie, Inc., for Professional Engineering Services for Parsons Avenue Water Plant Operations Improvements for the Division of Water, to authorize the expenditure of \$510,000.00 from Waterworks Enlargement Voted 1991 Bonds Fund, to amend the 2001 C.I.B., and to authorize the City Auditor to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund. (\$510,000.00).

WHEREAS, Contract No. CT-14228 was authorized by Ordinance No. 1468-92, passed July 20, 1992, was executed August 28, 1992, and approved by the City Attorney on September 1, 1992, and

WHEREAS, It is necessary to modify Contract No. CT-14228 to provide for additional Professional Engineering Services for Parsons Avenue Water Plant Operations Improvements, for the Division of Water, and

WHEREAS, This modification provides for an increase of \$510,000.00 to this contract, and

WHEREAS, It is necessary to authorize the Director of Public Utilities to modify Contract No. CT-14228 for Professional Engineering Services for Parsons Avenue Water Plant Operations Improvements, for the preservation of public health, peace, property and safety now, therefore, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. The Director of Public Utilities be and is hereby authorized to modify contract No. CT-14228 with Malcolm Pirnie, Inc., in the amount of \$510,000.00, for Professional Engineering Services for Parsons Avenue Water Plant Operations Improvements, for the Division of Water, Department of Public Utilities, C.L.P. No. 328, Contract No. 849, terms and conditions of which are on file at the Office of the Division of Water.

Section 2. That for the purpose of paying the cost thereof, the expenditure of \$510,000.00 is hereby authorized from Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public Utilities, Division of Water, Dept./Division No. 60-09, Object Level Three 6682; Project No. 690328, OCA Code 642900.

Section 3. The City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project stipulating that the project has been completed and the monies are no longer required for said project, except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 4. That the City Auditor is hereby authorized and directed to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public utilities. Division of Water, as follows:

FROM		
690405	Refugee Road 16" Water Main	\$510,000.00
	OCA Code 690405	
TO:		
690328	PAWP Operations Improvements	\$510,000.00
	OCA Code 642900	

Section 5. That Section 1, Public Utilities/Water 60-09 or Ordinance 0726-01 is hereby amended as follows:

PROJECT #	PROJECT	2001 BUDGET
690328	PAWP Operations Improvements	\$ 5,696,454.00*(1)*
690419	Filter Backwash Water Compliance	\$ 79,500.00*(2)*

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

	2001 Original Budget	2001 Amended Budget	Comments
*(1)*	\$5,644,750.00	\$5,696,454.00	Authority Increased
*(2)*	\$ 131,204.00	\$ 79,500.00	Authority Decreased

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1203-02**

To authorize the Director of Public Utilities to enter into a contract with HAWA Incorporated for detailed design and construction review services for a replacement fire and hazard alarm system for the Utilities Complex at 910 Dublin Road for the Division of Water, to waive the provision of competitive bidding, and to authorize the expenditure of \$29,300.00 from the Waterworks Enlargement Voted 1991 Bonds Fund (\$29,300.00)

WHEREAS, the fire and hazard alarm system for the Utilities Complex is below current standards and needs to be upgraded, and

WHEREAS, this contract is a continuation of work already started by HAWA Incorporated, and

WHEREAS, in the usual daily operation of the Division of Water, Department of Public Utilities, in that it is necessary to authorize the Director of Public Utilities to enter into a contract with HAWA Incorporated for detailed design and construction review^ services for a replacement fire and hazard alarm system for the Utilities Complex at 910 Dublin Road for the Division of Water for the preservation of public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That the Director of Public Utilities be and he is hereby authorized to enter into a contract with HAWA Incorporated, 980 Old Henderson Road, Columbus, Ohio 43220, in the amount of \$29,300.00 for detailed design and construction review services for a replacement fire and hazard alarm system for the Utilities Complex at 910 Dublin Road for the Division of Water, Department of Public Utilities, Contract No. 1025, Project No. 690290.

Section 2. That it is in the best interest of the City to waive the provisions of section 329 of the Columbus City Code, 1959 and such provisions are hereby waived.

Section 3. That the expenditure of \$29,300.00 or as much thereof as may be needed be, and the same is hereby authorized from the Water Works Enlargement Voted 1991 Bonds Fund No. 606, Department 60, Division 09, OCA Code 642900, Object Level Three Code 6621, Object Level One 06, Project No. 690290.

Section 4. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund, upon receipt of certification by the Director of the department administering said project; that the project has been completed and the monies are no longer required for said project, except that no transfer shall be so made from a project funded by monies from more than one source.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1204-02**

To authorize the Director of Public Utilities to enter into a cooperative agreement with the Geological Survey, United States Department of Interior, for Investigation of Water Resources in Central Ohio, and Ground Water Levels in Franklin County for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, and to authorize the expenditure of \$226,100.00 (\$226,100.00).

WHEREAS, It is necessary to continue the cooperative agreement with the Geological Survey, United States Department of Interior, for the Investigation of Water Resources at the following locations: Scioto River at Dublin, Mill Creek at Bellpoint, Bokes Creek near Warrensburg, Big Walnut Creek at Rees, Central College, Hellbranch and Sunbury, Reservoir Operations at O'Shaughnessy, Griggs, and Hoover Reservoirs, Hydrologic interaction between the Scioto River and the South Columbus Well Field, and Ground Water Levels for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, for the period of October 1, 2002 to September 30, 2003, and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into a cooperative agreement between the Geological Survey, United States Department of Interior, and the City of Columbus, Department of Public Utilities, in order that the Investigations of Water Resources, Ground Water Levels, Hydrologic interaction between the Scioto River and the South Columbus Wellfield and the submitting of reports covering the results of said investigations by the Geological Survey may continue uninterrupted for the above mentioned locations for the preservation of public health, peace, property and safety now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Director of Public Utilities be and he is hereby authorized to enter into a cooperative agreement between the Geological Survey, United States Department of Interior, and the City of Columbus, Department of Public Utilities, for the Investigation of Water Resources at the following locations: Scioto River at Dublin, Mill Creek at Bellpoint, Bokes Creek near Warrensburg, Big Walnut Creek at Rees, Central College, Hellbranch and Sunbury, Reservoir Operations at O'Shaughnessy, Griggs, and Hoover Reservoirs, Hydrologic interaction between the Scioto River and the South Columbus Wellfield, and Ground Water Levels for the Division of Water, and the Scioto River at Columbus for the Division of Sewerage and Drainage, for the period of October 1, 2002 to September 30, 2003,

Section 2. That the expenditure of \$22,200.00 be and the same hereby is authorized from Sewerage Fund 80-371, Department No. 60-05, OCA Code 605006, Object Level Three 3407; the expenditure of \$10,000.00 be and the same hereby is authorized from Sewerage Fund 80-371, Department No. 60-05, OCA Code 606038, Object Level Three Code 3407; the expenditure of \$37,900.00 be and the same hereby is authorized from Sewerage Fund 02-361, Department No. 60-15, OCA Code 606855, Object Level Three 3407; and the expenditure of \$156,00.00 or as much as may be needed, and the same is hereby authorized from Waterworks Fund 70-390, Department No. 60-09, OCA Code 602029, Object Level Three 3407 to cover the proportionate share of these services.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1205-02**

To authorize the Director of Public Utilities to enter into a contract with Plangraphics, Inc. for G.I.S.-Construction Drawing and Management System for the Division of Water, to waive the provision of competitive bidding, to authorize the City Auditor to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, and to authorize the expenditure of \$100,000.00 from the Waterworks Enlargement Voted 1991 Bonds Fund. (\$100,000.00)

WHEREAS, the Director of Public Utilities has the need for a Construction Drawing and Management System as part of the G.I.S. system, and

WHEREAS, this work is a continuation of a previous contract that is using proprietary software which would not allow for the normal bidding process, and

WHEREAS, Plangraphics, Inc. has the expertise and equipment required to complete the work, and

WHEREAS, the required funds are available in Yale-Sullivant Water Line Cleaning project, and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Yale-Sullivant Water Line Cleaning project. This transfer should be considered as a temporary funding method and in no way shall alter the status of the funding project, and

WHEREAS, in the usual daily operation of the Division of Water, Department of Public Utilities, in that it is necessary to authorize the Director of Public Utilities to enter into a contract for the G.I.S.-Construction Drawing and Management System Project for the Division of Water for the preservation of public health, peace, property, safety and welfare; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Director of Public Utilities be and he is hereby authorized to enter into a contract with Plangraphics, Inc., 112 East Main Street, Frankfort, Kentucky, 40601, in the amount of \$100,000.00 for G.I.S.-Construction Drawing and Management System for the Division of Water, Department of Public Utilities, Contract No. 1028, Project No. 452501,

Section 2. That it is in the best interest of the City to waive the provisions of section 329 of the Columbus City Code, 1959 and such provisions are hereby waived.

Section 3. That the City Auditor is hereby authorized and directed to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public Utilities, Division of Water, as follows:

FROM:		
690365	Yale-Sullivant Water Line Cleaning OCA Code 642900	\$100,000.00
TO:		
452501	G.I.S.-Construction Drawing and Management System OCA Code 642900	\$100,000.00

Section 4. That for paying the cost of construction, the expenditure of \$100,000.00 or as much thereof as may be needed be, and the same is hereby authorized from the Water Works Enlargement Voted 1991 Bonds Fund No. 606, Department 60, Division 09, OCA Code 642900, Object Level Three Code 6677, Object Level One 06, Project No. 452501.

Section 5. That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund, upon receipt of certification by the Director of the department administering said project; that the project has been completed and the monies are no longer required for said project, except that no transfer shall be so made from a project funded by monies from more than one source.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1206-02**

To authorize the Director of the Department of Public Utilities to modify the professional services contract with Burgess & Niple, Limited, for O'Shaughnessy Dam Hydroelectric Facilities, for the Division of Water, to authorize the expenditure of \$195,750.00 from the Waterworks enlargement Voted 1991 Bonds Fund, to amend the 2001 C.I.B. and to authorize the City Auditor to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund. (195,750.00)

WHEREAS, Contract No. CT-02053 was authorized by Ordinance No. 590-80, passed March 10, 1980, was executed March 24, 1980, and approved by the City Attorney on April 2, 1980, and

WHEREAS, It is necessary to modify Contract No. CT-02053 to provide for additional Professional Services for the O'Shaughnessy Dam Hydroelectric Facilities, for the Division of Water, and

WHEREAS, This modification provides for an increase of \$195,750.00 to this contract, and

WHEREAS, It is necessary to authorize the Director of Public Utilities to modify Contract No. CT-02053/ for professional services for the O'Shaughnessy Dam Hydroelectric Facilities, for the preservation of public health, peace, property and safety now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. The Director of Public Utilities be and is hereby authorized to modify contract No. CT-02053 with Burgess & Niple, Limited, in the amount of \$195,750.00, for professional services for the O'Shaughnessy Dam Hydroelectric Facilities, for the Division of Water, Department of Public Utilities, C.I.P. No. 251, Contract No. 643, terms and conditions of which are on file at the Office of the Division of Water.

Section 2. That for the purpose of paying the cost thereof, the expenditure of \$195,750.00 is hereby authorized from the Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public Utilities, Division of Water Department/Division 60-09, Object Level Three 6682, Project No. 690251, OCA Code 690251.

Section 3. The City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the un-allocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project; that the project has been completed and the monies are no longer required for said project except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 4. That the City Auditor is hereby authorized and directed to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, Fund No. 606, Department of Public Utilities, Division of Water, as follows:

FROM		
690407	Mound/Harrisburg Pike 24 Inch Water Line OCA Code 642900	\$195,750.00
TO		
690251	O'Shaughnessy Hydroelectric Facilities OCA Code 690251	\$195,750.00

Section 5. That Section 1, Public Utilities/Water 60-09 or Ordinance 0726-01 is hereby amended as follows:

PROJECT #	PROJECT	2001 BUDGET
690251	O'Shaughnessy Hydroelectric Facilities	\$195,750.00 * (1)*
690407	Mound/Harrisburg Pike 24 Inch Waterline	\$1,604,250.00 * (2)*

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

	2001 Original Budget	2001 Amended Budget	Comments
*(1)*	\$0	\$195,750.00	Authority Increased
*(2)*	\$1,800,000.00	\$1,604,250.00	Authority Decreased

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1207-02**

To authorize and direct the Finance Director to issue a purchase order to ASI Innovations for the purchase of desktop PCs for the Division of Police, and to authorize the expenditure of \$199,100.00 from the Law Enforcement Contraband Seizure Fund. (\$199,100.00)

WHEREAS, replacement desktop PCs are needed to improve the overall networking efficiency and information availability within Division of Police; and

WHEREAS, an existing Universal Term Contract exists for the purchase of desktop PCs; and

WHEREAS, Law Enforcement Contraband Seizure Funds comprise this purchase and those funds have been budgeted and appropriated; 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 replacement desktop PCs for the Department of Safety, Division of Police on the basis of an existing UTC contract.

Section 2. That the expenditure of \$199,100.00 or so much thereof as may be needed, be and the same is hereby authorized is follows:

Division	Fund	Obj. Lev. 1	Obj. Lev. 3	OCA Code	Grant #	Amount
30-03	219	02	2193	300988		\$199,100.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1208-02**

To authorize and direct the Finance Director to sell a 1994 Horton medic that is of no further value to the Division of Fire, to the Central Ohio Fire Museum for the sum of \$1.00, and to waive the provisions of the City Code relating to the sale of City-owned property. (\$ 1.00)

WHEREAS, the Central Ohio Fire Museum was established to maintain a fire museum and promote fire prevention awareness; and

WHEREAS, the Central Ohio Fire Museum has expressed a desire and need to purchase a 1994 Horton medic, designated XM-31 and tagged as Brass Tag 17047 that has been condemned by and is of no further value to the Division of Fire; and

WHEREAS, the Department of Public Safety and the Division of Fire has determined that it is in the best interest of the City of Columbus and the citizens of the central Ohio area to allow the purchase of this 1994 Horton medic for the sum of \$1.00, by the Central Ohio Fire Museum, 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 Finance Director be and is hereby authorized and directed to sell a 1994 Horton medic that has been condemned by and is of no further value to the Division of Fire.

Section 2. That this Council finds it is in the best interest of the City of Columbus that the provisions of Section 329.12, of the Columbus City Code, relating to the sale of City owned property be and they are hereby waived to permit the sale of this medic to the Central Ohio Fire Museum.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1209-02**

To authorize the Director of the Public Service Department to execute those documents required to release the northern five feet of the 25 foot wide platted easement on the south side of Lot 27 as shown on the subdivision plat titled "Alkire Village, Section 1, Part 2" of record in Plat Book 91, Page 48, Franklin County, Ohio Recorder's Office.

WHEREAS, by virtue of the plat titled "Alkire Village, Section 1, Part 3" of record in Plat Book 91, Page 48, Franklin County, Ohio, Recorder's Office, the City of Columbus is the owner of a 25 foot wide platted easement on the south side of Lot 27; and

WHEREAS, the developer of the platted subdivision, Dominion Homes, Inc., an Ohio corporation, through R.D. Zande, Inc., has requested the City release the northern five feet of this platted easement to allow for the construction of a new single family house on this lot; and

WHEREAS, the City has established a value of \$500.00 for the release of the requested five foot wide strip of this platted easement; and

WHEREAS, after investigation, it has been determined that there are no objections to the requested release of the northern five feet of this platted easement; that the requested release will not adversely affect the City and that the requested release should be granted; now, therefore,

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

Section 1. That the Director of the Public Service Department be and is hereby authorized to execute those documents prepared by the Department of Law, Real Estate Division, necessary to release the following described five foot wide strip off of the 25 foot wide platted easement shown on the south side of Lot 27 of the plat titled "Alkire Village, Section 1, Part 2, to-wit:

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Lot 27 of ALKIRE VILLAGE, SECTION 1, PART 2, as shown and delineated on the subdivision plat of record in Plat Book 91, Page 48, records of the Recorder's Office, Franklin County, Ohio, the five feet wide strip of the existing 25 feet wide easement to be vacated being bounded and more particularly described as follows:

Begin for reference at the northwest corner of said Lot 27 in the easterly right-of-way line of Holt Road;

Thence North 89°35'19" East, a distance of 25.00 feet, along the northerly line of said Lot 27 to a point marking the intersection with the said existing 25 feet wide easement;

Thence South 00°24'41" East, a distance of 39.80 feet, along the said easement line to an angle point and being the Point of True Beginning, for the herein 5 feet wide strip of the said existing easement to be vacated;

Thence South 88°21'36" East, a distance of 70.04 feet, along the said existing easement to an angle point;

Thence South 00°24'41" East, a distance of 5.00 feet, to a point;  
 Thence North 88°21 '36" West, a distance of 70.04 feet, to a point;  
 Thence North 00°24'41" West, a distance of 5.00 feet, to the Point of True Beginning, containing 350 square feet, more or less.  
 The bearings used in this description are based on the bearing of North 00°24'41" West, for the centerline of Holt Road, as shown and delineated on the plat of record in Plat Book 91, Page 48, records of the Recorder's Office, Franklin County, Ohio.  
 R.D. ZANDE & ASSOCIATES, INC.

Jeffrey D. Hofius, P.S., Registered Surveyor No. 7455

Section 2. That the City shall receive \$500.00, to be deposited in Fund 748, Project 537650, as consideration for the release of the above described platted easement rights.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1210-02**

To accept the plats titled GALLOWAY RIDGE SECTION 8 PART 1 and GALLOWAY RIDGE SECTION 8 PART 2, from Dominion Homes Inc., an Ohio Corporation by David S. Borrer, Executive Vice President.

WHEREAS, the plats titled GALLOWAY RIDGE SECTION 8 PART 1 and GALLOWAY RIDGE SECTION 8 PART 2 (hereinafter "plats"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Dominion Homes Inc., an Ohio Corporation by David S. Borrer, Executive Vice President, owners of the platted land, desires to dedicate to the public use all or such parts of the Lane, Roads and Drive shown on said plats 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 plats; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the plat titled GALLOWAY RIDGE SECTION 8 PART 1 on file in the office of the City Engineer, Engineering and Construction Division, be and the same is hereby accepted.

Section 2. That the plat titled GALLOWAY RIDGE SECTION 8 PART 2 on file in the office of the City Engineer, Engineering and Construction Division, be and the same is hereby accepted.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1211-02**

To authorize and direct the Board of Health to enter into lease contracts with three property owners for the lease of clinic space for the WIC and Immunization programs; and to authorize a total expenditure of \$88,260 from the Health Special Revenue Fund and the Health Department Grants Fund. (\$88,260)

WHEREAS, The Ohio Department of Health has designated the Health Department as primary grantee agency and fund administrator for all WIC programs in Franklin County; and,

WHEREAS, the WIC Program will lease space from various property owners for their clinic sites for the continuation of Women, Infants and Children services; Now, therefore,

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 enter into these leases for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

Section 1. That the Board of Health is hereby authorized and directed to enter into contracts for the provision of rental space for three WIC clinics for the period of October 1, 2002 through September 30, 2003.

Section 2. That to pay the costs of said contracts, the expenditure of \$4,185 is hereby authorized from the Health Special Revenue Fund, Fund No. 250; and the expenditure of \$84,075 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Grant No. 502016, Division No. 50-01, Object Level One 03, Object Level Three 3301, as follows:

<u>Property Owner</u>	<u>Grant #</u>	<u>OCA</u>	<u>Object Level 01</u>	<u>Object Level 03</u>	<u>Amount</u>
Four-D Holdings	N/A	513200	03	3301	\$4,185
	502016	502016	03	3301	\$23,715
PLM Company	502016	502016	03	3301	\$33,960
Bruce Williamson	502016	502016	03	3301	\$26,400

Section 3. That the City Auditor is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial records.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1242-02**

To authorize and direct the Board of Health to enter into a contract with The Ohio State University for the provision of high risk perinatal care services; to authorize the expenditure of \$159,286 from the Health Department Grants Fund; to waive the provisions for competitive bidding (\$159,286)

WHEREAS, the Columbus Health Department has a need for The Ohio State University to provide high risk perinatal care services in Franklin County for the period of October 1, 2002 through September 30, 2003, and,

WHEREAS, The Ohio State University has the expertise and has had a long history of providing high risk perinatal care services to patients in the Child and Family Health Services Perinatal Program; and,

WHEREAS, 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; now, therefore,

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

Section 1. That the Board of Health is hereby authorized and directed to enter into a contract with The Ohio State University to provide high risk perinatal care services for the period of October 1, 2002 through September 30, 2003, in an amount not to exceed \$159,286.

Section 2. That to pay the cost of said contract, the expenditure of \$159,286 is hereby authorized from the Health Department Grants Fund, Fund No. 251, Department of Health, Department No. 50, Object Level One 03, Object Level Three 3351, Grant No. 502018, OCA Code 502018.

Section 3. That the provisions of the Columbus City Code, Section 329.02 are hereby met.

Section 4. That the provisions of Columbus City Code, Sections 329.11 and 329.12, dealing with competitive bidding, are hereby waived.

Section 5. That the City Auditor is authorized to make any accounting changes necessary to ensure that this contract is properly accounted for and recorded accurately on the City's financial records.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1244-02**

To grant a Variance from the provisions of Sections 3353.01, C-2, Commercial District use; 3311.10, Effect of registered Planned Unit Development District; and 3345.07, Contents of application for establishment of PUD, for the property located at 6617 EAST BROAD STREET (43004), to permit a portion of a clubhouse building and accessory parking in the L-C-2, Limited Commercial District and maneuvering in the required perimeter yard of the PUD-8, Planned Unit Development District, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to begin construction as soon as possible.

WHEREAS, by application No. CV02-036, the owner of property 6617 EAST BROAD STREET (43004), is requesting a Council variance to permit a portion of a clubhouse facility and parking in the L-C-2, Limited Commercial District and maneuvering in the required perimeter yard of the PUD-8, Planned Unit Development District; and

WHEREAS, the existing PUD-8, Planned Unit Development District (ZOO-017) permits multi-family residential uses in accordance with the development standards of the AR-12, Apartment Residential District; and

WHEREAS, Section 3353.01, C-2, Commercial District use, permits offices uses, while the applicant proposes a portion of a clubhouse building and accessory parking that serves an apartment complex in the adjacent PUD-8, Planned Unit Development District; and

WHEREAS, Section 3311.10, Effect of registered Planned Unit Development District, restricts and limits the construction, location, use, and operation of all land and structures, while the applicant proposes to maneuvering to encroach into the perimeter yard at three separate points; and

WHEREAS, Section 3345.07, Contents of application for establishment of PUD, provides for the establishment of development standards in the district, while the applicant proposes to alter those development standards to permit maneuvering to encroach into the perimeter yard at three separate points; and

WHEREAS, this variance will permit a portion of a clubhouse building and accessory parking that serves a multi-family complex in the PUD-8, Planned Unit Development District to be located on the adjacent L-C-2, Limited Commercial District. A rezoning application will be filed to adjust the zoning district line between the L-C-2, Limited Commercial and the PUD-8, Planned Unit Development Districts; and

WHEREAS, the City Departments recommend approval and note that a hardship exists in that contractual obligations make this Council Variance necessary to allow development of the site to occur sooner than can be accomplished by the rezoning process; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 6617 EAST BROAD STREET (43004), in using said property as desired; now, therefore,

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

Section 1. That a variance from the provisions of Sections 3353.01, C-2, Commercial District use; 3311.10, Effect of registered Planned Unit Development District; and 3345.07, Contents of application for establishment of PUD, are hereby granted for the property located at 6617 EAST BROAD STREET (43004), insofar as said sections prohibit a clubhouse facility and parking that serves an apartment complex in the adjacent PUD-8 District and maneuvering to encroach into the perimeter yard at three separate points; said property being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Lot 18, Quarter 3, Township 1, Range 16, and being part of the 9.374 acre tract as conveyed to Eugene D. and Phyllis Williams by deed of record in Official Record 21743 C14, records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning, for reference, at the intersection of the southerly right-of-way line of East Broad Street and an easterly line of Grantor's Tract; Thence South 02° 56' 32" West, with Grantor's easterly line, a distance of 81.54 feet to the True Point of Beginning;

Thence South 02° 56' 32" West, a distance of 243.60 feet to a point;

Thence North 82° 27' 37" East, a distance of 392.68 feet to a point;

Thence South 3° 44' 30" West, a distance of 744.50 feet to a point;

Thence North 86° 06' 24" West, a distance of 523.38 feet to a point;

Thence North 3° 35' 27" East, a distance of 880.87 feet to a point;

Thence North 81° 48' 21" East, a distance of 140.24 feet to the True Point of Beginning, and containing 9.10 acres of land, more or less.

Section 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a clubhouse facility, or those uses permitted in the C-2, Commercial District; and

Section 3. That this ordinance is further conditioned on general compliance with drawings titled "ZONING EXHIBIT FOR VILLAS AT BROADMERE" dated June 2002; and

Section 4. That this ordinance is further conditioned on landscaping the area where the pavement encroaches into the perimeter yard. The developer shall install a planting hedge between the property line and the pavement. Minimum height of planting at installation shall be 24 inches which will grow to 36 inches within one (1) year; and



Section 5. That this ordinance is further conditioned on the completion through City Council, a rezoning request to adjust applicable development standards as provided by this variance and adjust the zoning district line between the L-C-2, Limited Commercial and PUD-8, Planned Unit Development Districts; and

Section 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use; and

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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1252-02**

To adopt the King-Lincoln District Plan as a guide for future development and redevelopment of the King-Lincoln District of the Near East Side.

WHEREAS, the purpose of the King-Lincoln District Plan is to guide future development and redevelopment of the King-Lincoln District; and

WHEREAS, the boundaries of the King-Lincoln District are as follows: 1-71 on the west, Atcheson Street on the north. Twentieth Street on the east, and East Broad Street on the south; and

WHEREAS, the office of Mayor Michael B. Coleman initiated the planning process and took the lead in mobilizing the community to assist in the creation of the Plan; and

WHEREAS, the Department of Development contributed to the preparation of the Plan and cooperated with the Mayor's Office in the review and adoption process; and

WHEREAS, numerous well-attended public meetings were held as part of the planning process; and

WHEREAS, goals and strategies included in the King-Lincoln District Plan address land use, housing, infrastructure improvements, transportation, recreation and parks, health and the environment, economic development, safety, and education; and

WHEREAS, the following groups have reviewed the Plan and have recommended its adoption by Columbus City Council: the Near East Area Commission and the Columbus Development Commission; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the King-Lincoln District Plan is hereby adopted to serve as a guide, for both the community and the city of Columbus, as to the future development and redevelopment of the King-Lincoln District.

Section 2. That the Columbus Development Commission and all departments and divisions of the city administration are hereby authorized and directed to use the King-Lincoln District Plan to initial and utilize projects and program that will implement the provisions of the Plan.

Section 3. That the Department of Development is directed to monitor the use and implementation of the King-Lincoln District Plan, and to present to the Near East Area Commission, Columbus Development Commission, and Columbus City Council any amendments necessary to keep the Plan current and up-to-date.

Section 4. That copies of the King-Lincoln District Plan shall be kept on file in the Department of Development's Planning Division.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1253-02**

To authorize the appropriation of \$100,000 within the USAL Fund to the Department of Development; to authorize the Director of the Department of Development to enter into a loan agreement with the Columbus Urban Growth Corporation under the Urban Site Acquisition Loan (USAL) Fund Program; and to authorize the expenditure \$100,000 from the USAL Fund. (\$100,000)

WHEREAS, the City of Columbus wishes to redevelop and revitalize its core central city area to eliminate urban blight and economic decay; and

WHEREAS, the city wants to create more economic opportunity in its urban core while enhancing the physical appearance of the community; and

WHEREAS, the City deems it necessary to acquire blighted and abandoned sites within its central city in order to accomplish redevelopment and revitalization efforts; and

WHEREAS, the City believes that creating an Urban site Acquisition Loan (USAL) Fund will serve as an ideal mechanism to accomplish the objective of acquiring sites and selling sites for redevelopment in a manner consistent with its urban core revitalization goals, and

WHEREAS, the City desires to acquire various King-Lincoln District properties for redevelopment and revitalization of the King-Lincoln area; and

WHEREAS, Columbus Urban Growth Corporation has agreed to act as the City's agent in acquiring and overseeing redevelopment of the various King-Lincoln properties with the USAL funds on loan from the Department of Development's USAL Program; and

WHEREAS, it is necessary to authorize the appropriation and expenditure of \$100,000 within the USAL fund to accomplish said purpose; and now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That from the unappropriated monies in the USAL Fund (292) and from all monies estimated to come into said fund from any and all sources, and unappropriated for any other purposes during the fiscal year ending December 31, 2002, the sum of \$100,000 is appropriated as follows:

<u>Division</u>	<u>Fund</u>	<u>Subfund</u>	<u>OL1</u>	<u>OL3</u>	<u>OCA</u>	<u>Amount</u>
44-06	292	006	05	5528	292006	\$100,000

Section 2. That the Director of the Department of Development is hereby authorized to enter into a loan agreement with the Columbus Urban Growth Corporation to acquire the King-Lincoln District properties.

Section 3. That for the purpose as stated in Section 2, the expenditure of \$100,000, or so much thereof as may be necessary, be and is hereby authorized to be expended from the USAL Fund, Department of Development, Division Number 44-06, Fund 292, OCA Code 292006. Object Level One 05, Object Level Three 5528.

Section 4. That the ordinance shall take effect and be in force from and after the earliest period allowed by law.  
 Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1254-02**

To authorize the appropriation of \$800,000 within the USAL Fund to the Department of Development; to authorize the Director of the Department of Development to enter into a loan agreement with the Columbus Urban Growth Corporation under the Urban Site Acquisition Loan (USAL) Fund Program; and to authorize the expenditure \$800,000 from the USAL Fund. (\$800,000)

WHEREAS, the City of Columbus wishes to redevelop and revitalize its core central city area to eliminate urban blight and economic decay; and

WHEREAS, the city wants to create more economic opportunity in its urban core while enhancing the physical appearance of the community; and

WHEREAS, the City deems it necessary to acquire blighted and abandoned sites within its central city in order to accomplish redevelopment and revitalization efforts; and

WHEREAS, the City believes that creating an Urban site Acquisition Loan (USAL) Fund will serve as an ideal mechanism to accomplish the objective of acquiring sites and selling sites for redevelopment in a manner consistent with its urban core revitalization goals; and

WHEREAS, the City desires to acquire various Long Street and Taylor Avenue properties for redevelopment and revitalization of the Long Street area; and

WHEREAS, Columbus Urban Growth Corporation has agreed to act as the City's agent in acquiring and overseeing redevelopment of the various Long Street properties with the USAL funds on loan from the Department of Development's USAL Program; and

WHEREAS, it is necessary to authorize the appropriation and expenditure of \$800,000 within the USAL fund to accomplish said purpose; and now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That from the unappropriated monies in the USAL Fund (292) and from all monies estimated to come into said fund from any and all sources, and unappropriated for any other purposes during the fiscal year ending December 31, 2002, the sum of \$800,00 is appropriated as follows:

<u>Division</u>	<u>Fund</u>	<u>Subfund</u>	<u>OL1</u>	<u>OL3</u>	<u>OCA</u>	<u>Amount</u>
44-06	292	001	05	5528	447227	\$800,000

Section 2. That the Director of the Department of Development is hereby authorized to enter into a loan agreement with the Columbus Urban Growth Corporation to acquire the Long Street and Taylor Avenue properties.

Section 3. That for the purpose as stated in Section 2, the expenditure of \$800,000, or so much thereof as may be necessary, be and is hereby authorized to be expended from the USAL Fund, Department of Development, Division Number 44-06, Fund 292, OCA Code 447227. Object Level One 05, Object Level Three 5528.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1255-02**

To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with the Central State Building Service Council as provide in Columbus City Council Resolution 092X-02 adopted May 20, 2002.

WHEREAS, The City desires to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, Resolution 092X-02, adopted May 20, 2002, authorizing the Department of Development to establish the Columbus Downtown Office Incentive Program; and

WHEREAS, The Department of Development has received a completed application for the Columbus Downtown Office Incentive Program from Central State Building Service Council (CSBSC); and

WHEREAS, CSBSC estimates that it will transfer 10 employees to 42 East Gay Street, newly leased space, with a projected payroll of \$350,000 generating City of Columbus income tax revenue of \$7,000 annually; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Director of the Department of Development is hereby authorized to enter into a Columbus Downtown Office Incentive Program agreement with the Central State Building Service Council, pursuant to Columbus City Council Resolution 092X-02, for an annual cash payment equal to 50% of the total withholding taxes paid to the City of Columbus for a one (1) year term based on the estimated addition of 10 jobs to 42 East Gay Street.

Section 2. This expansion of employment at Central State Building Service Council is the result of moving 10 jobs from outside the city to Downtown as defined in Columbus City Code Title 33 Section 3359.03 downtown district boundary.

Section 3. As provide in the program guidelines the lease is for 3 years thus qualifying for a one (1) year term for the incentive. The term beginning in calendar year 2003, with the incentive payment made in the first quarter of 2004 based on actual employment figures for 2003.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1256-02**

To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with American Electric Power as provide in Columbus City Council Resolution 092X-02 adopted May 20, 2002.

WHEREAS, the City desires to increase employment opportunities and encourage establishment of new jobs in the City in order to improve the overall economic climate of the City and its citizens; and

WHEREAS, Resolution 092X-02, adopted May 20, 2002, authorizing the Department of Development to establish the Columbus Downtown Office Incentive Program; and

WHEREAS, The Department of Development has received a completed application for the Columbus Downtown Office Incentive Program from American Electric Power (AEP); and

WHEREAS, AEP estimates that it will transfer 300 employees to the 1 Riverside Plaza location with a projected payroll of \$15,000,000 generating City of Columbus income tax revenue of \$300,000 annually; now, therefore,

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

Section 1. That the Director of the Department of Development is hereby authorized to enter into a Columbus Downtown Office Incentive Program agreement, pursuant to Columbus City Council Resolution 092X-02, for an annual cash payment equal to 50% of the total withholding taxes paid to the City of Columbus for a three (3) year term based on the estimated addition of 300 jobs to the 1 Riverside Plaza American Electric Power (AEP) corporate headquarters.

Section 2. This expansion of employment at AEP is the result of moving 300 jobs from outside the city to Downtown as defined in Columbus City Code Title 33 Section 3359.03 downtown district boundary.

Section 3. As provide in the program guidelines, the expansion is greater than 150 persons thus qualifying for the 3-year term for retention and expansion of employment downtown. The term beginning calendar year 2003 through 2005 with incentive payments made at the end of each year based on actual employment figures for the corresponding year.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1257-02**

To grant a Variance from the provisions of Sections 3345.04, Permitted Uses and 3345.07, Contents of application for establishment of PUD; for property located at 3700 Sunbury Road (43219), to permit a private elementary school in the PUD-8, Planned Unit Development District, and to declare an emergency.

WHEREAS, Ordinance #1073-02, (CV02-031) a Council Variance to permit a private elementary school was passed on July 15, 2002, but did not contain an emergency clause; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because of the need to proceed with permits and that this for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and;

WHEREAS, by application No. CV02-031 A, the owner of property at 3700 Sunbury Road (43219), is requesting a Council Variance to permit a private elementary school; and

WHEREAS, City Departments note a hardship exists in that the registered PUD-8 Plan for Z72-029 shows multi-family development on the subject site, which is binding upon the applicant does not permit a private school and that the applicants construction time-frame does not allow time to pursue a rezoning prior to the start of construction; and

WHEREAS, a Council Variance is necessary to permit the construction of a private elementary school in the PUD-8 without a rezoning; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; and

WHEREAS, the Northeast Area Commission recommends approval; and

WHEREAS, Ordinance #1073-02, (CV02-031) passed July 15, 2002, is hereby repealed; and

WHEREAS, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

WHEREAS, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at 3700 Sunbury Road (43219), in using said property as desired; now, therefore,

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

Section 1. That a variance from the provisions of Sections 3345.04, Permitted uses and 3345.07, Contents of application for establishment of PUD, of the Columbus City Codes are hereby granted for the property located at 3700 Sunbury Road (43219), insofar as said sections prohibit the construction of a private elementary school as it is not a permitted use and is not provided on the recorded PUD-8 Plan which is binding upon the applicant, said property being more particularly described as follows:

**EXHIBIT A to Deed from Schottenstein Trustees to Ephesus**

**Seventh-day Adventist Church**

**DESCRIPTION OF 11.638 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, Township 1, North Range 17 West, Quarter Township 2, United States Military District, and bounded and described as follows:

Beginning for reference at a point, said point being located in the centerline of Sunbury Road, said point also being the most Northwestern corner of a 1.00 acre tract of land belonging to Larry and Rosa Craig, of record in Official Record volume 156, Page F03, at the Franklin County, Ohio Recorder's Office, Thence along said centerline, South, 25° 17', 30", West, a distance of 107.19 feet to a point, said point being the True Point of Beginning:

Thence from said True Point of Beginning along the Southerly boundary of said Craig tract of land, South, 95°, 49', 00", East, a distance of 466.07 feet (passing an iron pin at 32.16 feet) to an iron pin:

Thence South, 3°, 42', 18", West, a distance of 797.73 feet (passing an iron pin at 767.73 feet) to a point, said point being located in the centerline of McCutcheon Road;

Thence along said centerline of McCutcheon Road, North, 85°, 38', 00", West, a distance of 811.59 feet to a railroad spike, said spike being located at the intersection of Sunbury and McCutcheon Roads:

Thence along centerline of Sunbury road, North, 27°, 38', 06", East, a distance of 722.28 feet to a railroad spike, said spike being located at the intersection of Old Innis Road and Sunbury Road:

Thence along the centerline of Sunbury Road, North 25°, 23', 25.; East, a distance of 142.11 feet to the True Point of Beginning and containing 11.638 acres of land more or less.

Subject to all easements, restrictions and right of ways of previous record.

**EXHIBIT B to Deed from Schottenstein trustees to Ephesus**

**Seventh-day Adventist Church**

**DESCRIPTION OF 50 FOOT INGRESS EGRESS  
AND UTILITY EASEMENT**

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, township 1, North range 17 west, Quarter township 2, United States Military District, and bounded and described as follows:

Beginning for reference at a point, said point being located in the centerline of Sunbury Road, said point also being the most Northwesterly corner of a 1.00 acre tract of land belonging to Larry and Rosa Craig, of record in Official Record Volume 156, Page F03, at the Franklin count, Ohio Recorder's Office, Thence along said centerline, south, 25°, 17', 30", West, a distance of 107.19 feet to a point, said point being the most Southwesterly corner of said Craig tract of land:

Thence South, 85°, 49', 00", East, a distance of 32.16 feet to an iron pin being located in the Easterly right- of-way line of Sunbury Road; said point also being the True Point of Beginning;

Thence from said True Point of Beginning along the Southerly boundary of said Craig tract of land, South, 85°, 49', 18", West, a distance of 50.00 feet to a point;

Thence North, 85°, 49' 00", West, a distance of 453.72 feet to a point, said point being located in the Easterly right-of-way line of Sunbury Road;

Thence along said right-of-way line North 25°, 23', 25", East, a distance of 53.63 feet to the True Point of Beginning.

For the purpose of constructing, using and maintaining a two-lane road with devil strip for ingress and egress, storm and/or sanitary sewers, and all public utilities and appurtenant works, including the right to repair, clean and care for said improvements and access for said purpose.

Being a strip of land 50.00 feet in width lying south of and adjacent to the entire southern line of the permanent easement.

Subject to all easements, restrictions and right of ways of previous record.

**EXHIBIT C to Deed from Schottenstein Trustees to Ephesus  
Seventh-Day Adventist Church**

TEN FOOT STORM SEWER EASEMENT

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Mifflin, being located in Quarter Township 2, Range 17, United States Military Lands, and being a ten (10) foot storm sewer easement, the centerline of said easement, being more particularly described as follows:

Beginning for reference at a point, said point being located in the centerline of Sunbury Road, said point also being the most Southwesterly corner of a 1.00 acre tract of land belonging to Larry and Rosa Craig, of record in Official Record Volume 156, Page F03, at the Recorder's Office, Franklin County, Ohio; Thence South 85°, 49', 00", East, a distance of 32.16 feet to an iron pin, said iron pin being located in the easterly right-of-way line of Sunbury Road; Thence along said right-of-way line, South, 25°, 23', 25", East, a distance of 53.63 feet to a point; Thence leaving said right-of-way, South, 85°, 49', 00", East, a distance of 5.32 feet to the True Point of Beginning of said centerline of easement;

Thence along the centerline of said easement in a southwesterly direction, parallel to and 5.00 feet measured at right angles from the easterly right-or-way line of said Sunbury Road, the following four (4) distances:

- (1) 104.00 feet to a point:
- (2) 293.50 feet to a point:
- (3) 100.25 feet to a point:
- (4) 226.50 feet to a point in the northerly right-of-way line of McCutcheon Road, the point of ending.

For the purpose of constructing, using and maintaining a storm sewer and appurtenant works, including the right to clean, repair and care for said improvements and access for said purpose.

Situated in the State of Ohio, county of Franklin, City of Columbus, Township of Mifflin, being located in Quarter Township 2, Range 17, United States Military Lands, and being a fifty (50) foot Temporary Construction Easement, the centerline of said easement, being more particularly described as follows:

Beginning for reference at a point, said point being located in the centerline of Sunbury Road, said point also being the most Southwesterly corner of a 1.00 acre tract of land belonging to Larry and Rosa Craig, of record in Official Record Volume 156, Page F03, at the Recorder's Office, Franklin county, Ohio:

Thence South 85°, 49', 00", East, a distance of 32.16 feet to an iron pins, said iron pin being located in the easterly right-of-way line of Sunbury Road; Thence along said right-of-way line, South 25°, 23', 25", East, a distance of 53.63 feet to a point; Thence leaving said right-of-way, South, 85°, 49', 00", East, a distance of 26.61 feet to the True Point of Beginning of said centerline of easement;

Thence along the centerline of said easement in a southwesterly direction, parallel to and 25.00 feet measured at right angles from the easterly right-of-way line of said Sunbury Road, the following four (4) distances:

- (1) 110.00 feet to a point:
- (2) 296.00 feet to a point:
- (3) 100.50 feet to a point:
- (4) 233.50 feet to a point in the northerly right-of-way line of McCutcheon road, the point of ending.

Subject to all easements, restrictions, and right of ways of previous record.

Section 2. That Ordinance #1073-02, (CV02-031) passed July 15, 2002, is hereby repealed.

Section 3. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a kindergarten through eighth grade elementary school and accessory programs or those uses permitted in the PUD-8, Planned Unit Development District.

Section 4. That this ordinance is conditioned on the Subject Site being developed in general conformance with the site plan titled "EXISTING SITE PLAN R1 & PUD-8", signed by Bruce Harris, agent for the applicant, and dated March 4, 2002. 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 5. That this ordinance is conditioned on the applicant applying for a rezoning to the appropriate zoning district by January 2003 and pursuing said rezoning request through City Council action.

Section 6. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1259-02**

To authorize the Finance Director to enter into contracts with Electric Laboratories, Professional Electric Products, WESCO Distribution, and G. E. Supply for the purchase of SF6 Switches and Related Materials for the Division of Electricity, and to authorize the expenditure of \$257,646.46 from the Voted Electricity and Street Lighting Improvements Fund. (\$257,646.46)

WHEREAS, the Division of Electricity requires SF-6 Switches to upgrade its street lighting equipment; and

WHEREAS, the Purchasing Office received and opened bids on May 30, 2002, SA000253BGB; and  
 WHEREAS, awards have been recommended based upon the lowest responsive and responsible bids received; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Director of Finance be and is hereby authorized to enter into contracts for the purchase of SF6 Switches and Related Material for the Division of Electricity, on the basis of the lowest responsive and responsible bids received May 30, 2002, Solicitation Number SA000253BGB, as follows:

<u>Vendor</u>	<u>Amount</u>
Electric Laboratories	\$56,054.00
Professional Electric Products	37,842.25
WESCO Distribution	6,269.02
G.E. Supply Co.	<u>157,481.19</u>
<b>Total</b>	<b>\$257,646.46</b>

Section 2. That to pay the cost of the aforesaid contracts, the expenditure of \$257,646.46, or so much thereof as may be needed, is hereby authorized from Division of Electricity, Division No. 60-07, Voted 1995, Voted 1999 Street Lighting and Electricity Distribution Improvement Fund 553, Street Lighting Project Number 670003, OCA 675017, Object Level Three 6625.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1263-02**

To accept the plats titled ALKIRE LAKES SECTION 5 PART 1 and ALKIRE LAKES SECTION 5 PART 2, from Big Run, Ltd., an Ohio Limited Liability Company, by members David S. Borrer, Executive Vice President, Dominion Homes Inc., an Ohio Corporation and Stephen M. Caplinger, Vice President Land Operations, M/I Schottenstein Homes, Inc..

WHEREAS, the plats titled ALKIRE LAKES SECTION 5 PART 1 and ALKIRE LAKES SECTION 5 PART 2 (hereinafter "plats"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Big Run, Ltd., an Ohio Limited Liability Company, by members David S. Borrer, Executive Vice President, Dominion Homes Inc., an Ohio Corporation and Stephen M. Caplinger, Vice President Land Operations, M/I Schottenstein Homes, Inc., owners of the platted land, desires to dedicate to the public use all or such parts of the Court, Roads and Way shown on said plats 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 plats; now, therefore,

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

Section 1. That the plat titled ALKIRE LAKES SECTION 5 PART 1 on file in the office of the City Engineer, Engineering and Construction Division, be and the same is hereby accepted.

Section 2. That the plat titled ALKIRE LAKES SECTION 5 PART 2 on file in the office of the City Engineer, Engineering and Construction Division, be and the same is hereby accepted.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1264-02**

To consent to the issuance of refunding bonds by The Franklin County Convention Facilities Authority; and declaring an emergency.

WHEREAS, pursuant to Ordinance 1188-90 passed by this Council on May 7, 1990, the City of Columbus, Ohio (the "City") has entered into a Lease Agreement dated as of June 1, 1990 (the "Lease") between The Franklin County Convention Facilities Authority (the "CFA"), as lessor, and the County of Franklin, Ohio (the "County") and the City, as lessees and tenants in common, with respect to the convention facility known as "The Greater Columbus Convention Center" (the "Facility"); and

WHEREAS, pursuant to Ordinance 1189-90 passed by this Council on May 7, 1990, the City has entered into a Sub-Lease Agreement dated as of June 1, 1990 (as amended and supplemented, the "Sub-Lease") between the City and the County, as lessors, and the CFA, as lessee, with respect to the Facility, providing for rental payments from the CFA which are to be used as a source for the City's "Lessees Rent" payments under the Lease; and

WHEREAS, the Facility was financed in part with the proceeds of several issues of Tax and Lease Revenue Anticipation Bonds of the CFA (the "Bonds") which are secured by a trust agreement dated as of June 1, 1990 (as amended and supplemented, the "Indenture"), including a pledge of any "Lessees Rent" paid by the City and County pursuant to the Lease; and

WHEREAS, one issue of the Bonds was the CFA's \$59,235,000 Tax and Lease Revenue Anticipation Refunding Bonds, Series 1992 dated as of December 1, 1992 (the "1992 Bonds") which are subject to optional redemption commencing December 1, 2002; and

WHEREAS, the CFA proposes to issue presently estimated not to exceed \$59,000,000 of Tax and Lease Revenue Anticipation Refunding Bonds (the "Refunding Bonds") as "Additional Bonds" pursuant to currently refund some or all of the 1992 Bonds in order to achieve interest cost savings which will inure to the benefit of the CFA, the County, the City and their respective citizens and taxpayers; and

WHEREAS, Section 9.04 of the Lease and Section 9.03 of the Sub-Lease require the City and the County to consent to the issuance of such "Additional Bonds" so long as the Lease and Sub-Lease are in effect, and this Council desires to authorize such consents and supporting documents with respect to the Refunding Bonds; and

WHEREAS, an emergency exists in the offices of the Auditor and City Attorney in that the timely issuance of the Refunding Bonds, as defined herein, will result in interest cost savings which will inure to the benefit of the City, its taxpayers and its citizens and therefore, the passage of this ordinance is necessary for the public peace, property, health and safety; now, therefore,

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

Section 1. That the City hereby gives its consents, as required by Section 9.04 of the Lease and Section 9.03 of the Sub-Lease, to the issuance of the Refunding Bonds by the CFA. The Mayor and Finance Director, and either of them acting singly, are hereby authorized to execute and deliver such documents evidencing such consents and supporting the issuance of the Refunding Bonds as shall be approved by the City Attorney and the officer executing the same, such execution to conclusively evidence such approvals.

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed 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 the law, including Section 121.22 of the Ohio Revised Code.

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1265-02**

To authorize the Director of Development to enter into a reimbursement agreement with Capitol Square LLC for the construction of certain improvements in the Brewers Yard area; and to waive the competitive bidding requirements for the procurement of engineering services and construction. (\$3,500,000)

WHEREAS, pursuant to Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "Act"), the City by Ordinance No. 1786-00 (the "TIF Ordinance") declared improvements to certain parcels of real property located in the Brewers Yard area (the "Properties") to be a public purpose thereby exempting those improvements from real property taxation for a period of time, specified public improvements to be made to benefit those parcels, provided for the making of annual service payments in lieu of taxes by the owners of such parcels, and established a municipal public improvement tax increment equivalent fund (the "TIF Fund") into which such service payments shall be deposited; and

WHEREAS, the City desires to contract with Capitol Square LLC (together with its successors and assigns, "CSLLC") for the construction of certain improvements in the Brewers Yard area (collectively, the "Public Improvements") in the Brewers Yard area; and

WHEREAS, the Public Improvements constitute public roadway and utility improvements that directly benefit, or that once made will directly benefit, the Properties as public improvements within the tax increment financing area established by the TIF Ordinance; and

WHEREAS, the Public Improvements constitute part of the expansion of public improvements that were designated in the TIF Ordinance; now, therefore,

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

Section 1. That pursuant to Columbus City Charter Section 186, the Director of Development is hereby authorized to enter into an agreement (the "Reimbursement Agreement") to reimburse CSLLC for the cost of design and construction of the Public Improvements as set forth in the plans currently on file with the City Engineer, with such additional terms and conditions as may be deemed advisable by the City Auditor and the City Attorney, for a guaranteed maximum not to exceed the sum of \$3,500,000. The City's obligation to reimburse shall not constitute a debt of the City within the meaning of any statutory or constitutional provision, but shall be limited to payment out of moneys in the TIF Fund and proceeds of bonds and notes. Any such bonds or notes, including principal, interest and issuance costs, will to the extent not provided for from proceeds of such bonds or notes, be serviced solely from the revenues to the extent available generated by payments made in lieu of taxes pursuant to the municipal tax increment financing mechanism established by the TIF Ordinance and deposited in the TIF Fund.

Section 2. That all moneys necessary to carry out the purposes of this ordinance are hereby deemed appropriated from moneys on deposit in the TIF Fund, but only to the extent such moneys are available from time to time.

Section 3. That this Council hereby finds and determines that the Public Improvements are designated as public improvements in accordance with the Act that directly benefit, or that once made will directly benefit, the Properties.

Section 4. That the competitive bidding requirements of Chapter 329 of the Columbus City Codes be and are hereby waived for the procurement of engineering services and construction pursuant to the Reimbursement Agreement.

Section 5. That the City currently estimates that the maximum principal amount of the bonds or notes referred to in Section 1 hereof shall be \$3,500,000. The Reimbursement Agreement shall require CSLLC to provide a letter of credit to support such bonds.

Section 6. That 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1266-02**

Authorizing the issuance of Special Obligation Bonds, in two series, in an aggregate principal amount not to exceed \$3,500,000 for the purpose of providing funds necessary to pay costs of certain public improvements to be made in the Brewery Tax Increment Fund District, and to pay the costs of issuance of such special obligations. (\$3,500,000)

Section 55(B) of the City Charter

WHEREAS, pursuant to Ordinance 1786-00, adopted by this Council on July 31, 2000 (the "TIF Ordinance"), the City of Columbus, Ohio (the "Municipality") declared that (a) 100% of the increase in true value of certain property (described in the TIF Ordinance and known as Brewery District and herein referred to as the "TIF Property") subsequent to the effective date of that ordinance is a public purpose and exempt from real property taxation, and (b) certain public improvements identified in the TIF Ordinance (the "Public Improvements") are public improvements that directly benefit, or that once made will benefit, the TIF Property; and

WHEREAS, pursuant to Section 3 of the TIF Ordinance, owners of the TIF Property are required to make service payments in lieu of real property tax payments to the County Treasurer of Franklin County, Ohio (the "Treasurer"), such service payments to be in amounts equal to the real property tax payments that would have been payable on the improvements exempted from taxation by the TIF Ordinance had no such exemption been granted; and

WHEREAS, pursuant to the TIF Ordinance, a portion of the above described service payments are to be paid by the Treasurer to the Columbus City School District, and the balance of the service payments are to be paid by the Treasurer to the Municipality for deposit to the credit of the Brewery District Tax Increment Equivalent Fund (the "TIF Account"), which account was established in Section 4 of the TIF Ordinance; and now, therefore,

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

**Section 1. Definitions**

When used in this Ordinance, and in addition to the words and terms elsewhere defined in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings unless the context or use indicates another or different meaning or intent, and such definitions shall be equally applicable to both the singular and plural forms of any of the words and terms herein defined:

"Alternate Letter of Credit" means an irrevocable letter of credit, other than the Letter of Credit, issued by a commercial bank or other financial institution, which Alternate Letter of Credit provides for payment of (i) principal of the Bonds, (ii) interest on the Bonds for not less than 35 days at the Maximum Interest Rate, and (iii) purchase price of Bonds in the Weekly Mode tendered or deemed tendered for purchase pursuant to Section 7 of this Ordinance and not remarketed. Any Alternate Letter of Credit must provide that if the Bond Registrar or the Tender Agent makes a drawing thereunder by 11:00 a.m., Columbus, Ohio time, on any Business Day, the Letter of Credit Issuer will provide immediately available funds to the Bond Registrar or the Tender Agent, as the case may be, prior to 4:00 p.m., Columbus, Ohio time, on that Business Day.

"Authorized Denomination" means (i) with respect to the Series A Bonds, one bond in the outstanding principal amount thereof; (ii) with respect to the Series B Bonds in the Weekly Mode, \$100,000 or any integral multiple of \$5,000 in excess thereof; and (iii) with respect to the Series B Bonds in the Fixed Rate Mode, \$5,000 or any integral multiple thereof.

"BMA Index" means, as of any date, the seven-day high grade market index of tax exempt variable rate demand obligations, as produced by Municipal Market Data or any successor thereto and published or made available by The Bond Market Association ("BMA"), or any person acting in cooperation or under the sponsorship of BMA, or, if such index is unavailable, then such other publicly available index or measurement of seven-day yields on high grade tax exempt variable rate demand obligations selected by the Municipality and agreed to by the Remarketing Agent.

"Bond Purchase Contract" means the Bond Purchase Contract between the Municipality and the Original Purchaser, providing for the sale of the Series B Bonds to the Original Purchaser.

"Bond Register" means the books and records necessary for the registration, exchange and transfer of Bonds, maintained by the Bond Registrar pursuant to Section 10 of this Ordinance.

"Bond Registrar" means the Board of Trustees of the Sinking Fund of the City of Columbus, Ohio.

"Bond Service Charges" means, for any period of time, the principal of (including mandatory sinking fund payments) and interest and any premium due on the Bonds for that period.

"Bondholder" or "holder" means the person in whose name a Bond is registered. "Bonds" means the Series A Bonds and the Series B Bonds.

"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 Series B Bonds may be transferred only through a book entry and (ii) physical Series B Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Series B Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Series B Bonds.

"Business Day" means any day of the year other than: (a) a Saturday; (b) a Sunday; (c) a day on which banks in any city in which the Principal Office of the Tender Agent or the Principal Office of the Letter of Credit Issuer, if any, is located are required or authorized by law to remain closed; (d) a legal holiday in the Municipality; or (e) a day on which The New York Stock Exchange is closed.

"Capitalized Interest Subaccounts" means the Capitalized Interest Subaccounts in the TIF Account established in Section 13 of this Ordinance.

"Certificate of Award" means the Certificate of Award described in Section 12 of this Ordinance.

"Clerk" means the Clerk of Council of the Municipality.

"Code" means the Internal Revenue Code of 1986, as amended, and references to the Code and Sections of the Code shall include relevant regulations and proposed regulations thereunder or under the Internal Revenue Code of 1954, as amended, and any successor provisions to such Sections, regulations or proposed regulations.

"Conversion Date" means the Interest Payment Date upon which the Series B Bonds are converted to the Fixed Rate Mode in accordance with Section 8 of this Ordinance.

"Council" means the City Council of the Municipality.

"Depository" means The Depository Trust Company (a limited purpose trust company), New York, New York, its successors and their assigns, and any successor depository appointed in accordance with Section 11 of this Ordinance. Any successor depository shall be a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of obligations such as the Series B Bonds, and to effect transfers of obligations such as the Bonds in book entry form.

"Developer" means Capitol Square LLC, an Ohio limited liability company, and its successors and assigns.

"Director of Finance" means the Municipality's Director of the Department of Finance and any officer of the Municipality who succeeds to the functions thereof.

"Executive Officer" means the Mayor of the Municipality and any officer of the Municipality who succeeds to the function thereof.

"Expiration Date" means the date established in the Letter of Credit for the expiration thereof in accordance with its terms, and in the event such date is extended, such date as extended; or such earlier date, if any, on which the Letter of Credit terminates pursuant to an LOC Notice of Default.

"Fiscal Officer" means the City Auditor of the Municipality and any officer of the Municipality who succeeds to the functions thereof.

"Fixed Interest Rate" means a fixed non-adjustable interest rate on the Series B Bonds to be borne by the Series B Bonds while the Series B Bonds are in the Fixed Rate Mode.

"Fixed Rate Mode" means that Interest Rate Mode in which the Series B Bonds bear interest at the Fixed Interest Rate from the Conversion Date to the Maturity Date.

"Interest Determination Date" means, with respect to Series B Bonds in the Weekly Mode, the Wednesday immediately preceding the commencement of such Interest Period, except that (i) if such day is not a Business Day, then the Interest Determination Date shall be the next preceding Business Day, and (ii) there shall be no Interest Determination Date for the Interest Period beginning on the Original Issuance Date.

"Interest Payment Date" means (i) with respect to the Series A Bonds, the first day of each February and August, commencing February 1, 2003; (ii) with respect to the Series B Bonds while the Series B Bonds are in the Weekly Mode, the first Business Day of each month, commencing on the date set forth in the Certificate of Award, and (iii) with respect to the Series B Bonds while the Bonds are in the Fixed Rate Mode, each February 1 and August 1.

"Interest Period" means, with respect to Series B Bonds in the Weekly Mode, a period from and including the Thursday in each calendar week to and including the Wednesday in the following week, except that the first Interest Period shall be the period from and including the Original Issuance Date to and including the Wednesday identified in the Certificate of Award as the last day of the first Interest Period.

"Interest Rate Mode" means the Weekly Mode or and the Fixed Rate Mode.

"Letter of Credit" means the irrevocable Letter of Credit issued by the Letter of Credit Issuer providing for payment of (i) principal of the Series B Bonds, (ii) interest on the Series B Bonds for not less than 35 days at the Maximum Interest Rate, and (iii) purchase price of Series B Bonds in the Weekly Mode tendered or deemed tendered for purchase pursuant to Section 7 of this Ordinance and not remarketed. After the delivery of an Alternate Letter of Credit to the Tender Agent pursuant to Section 14 of this Ordinance, the Alternate Letter of Credit shall become the Letter of Credit.

"Letter of Credit Agreement" means the Reimbursement Agreement between the Developer and the Letter of Credit Issuer, and upon the delivery of an Alternate Letter of Credit, means the agreement between the Developer and the issuer of the Alternate Letter of Credit providing for the Alternate Letter of Credit.

"Letter of Credit Event" means (a) an Expiration Date, or (b) the effective date of an Alternate Letter of Credit delivered to the Tender Agent pursuant to Section 14 of this Ordinance.

"Letter of Credit Issuer" means the issuer of the Letter of Credit, initially, The Huntington National Bank, and after the delivery of any Alternate Letter of Credit, the issuer of the Alternate Letter of Credit.

"LOC Bonds" mean Series B Bonds which have been purchased and are being held by the Tender Agent on behalf of the Letter of Credit Issuer as a result of a draw on the Letter of Credit pursuant to subsection (g) of Section 7 of this Ordinance.

"LOC Tender Date" means the date on which all Series B Bonds are to be purchased in accordance with subsections (b) and (o) of Section 7 of this Ordinance as a result of the delivery of a LOC Notice of Default.

"LOC Notice of Default" means a written notice from the Letter of Credit Issuer to the Municipality and the Tender Agent stating that (i) an Event of Default, as defined in the Letter of Credit Agreement, has occurred; and (ii) that the Letter of Credit will terminate on the date set forth in the notice.

"Mandatory Principal Repayments" means the principals amounts of Bonds required to be redeemed on the Mandatory Redemption Dates, which amounts shall be set forth in the Certificate of Award.

"Mandatory Redemption Dates" means the dates on which the Bonds are to be redeemed pursuant to the mandatory sinking fund redemption requirements set forth in Section 5 of this Ordinance, which dates shall be set forth in the Certificate of Award.

"Maturity Date" means the stated maturity date or dates of the Bonds, which shall be set forth in the Certificate of Award but which shall be on or before August 1, 2022.

"Maximum Interest Rate" means the maximum interest rate as set forth in the Letter of Credit, which shall not be less than ten per cent (10%) per annum.

"Moody's" means Moody's Investors Service, a division of The Dun & Bradstreet Corporation, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating organization, "Moody's" shall be deemed to refer to any other nationally recognized securities rating organization appointed by the Municipality. Any notices required to be given to Moody's pursuant to this Ordinance shall be sent to Moody's Investors Service, Inc., 99 Church Street, New York, New York 10007, Attention: Public Finance Department Rating Desk/VRDO.

"Municipality" means the City of Columbus, Ohio.

"Original Issuance Date" means the date on which the Series B Bonds are first authenticated and delivered pursuant to the Bond Purchase Contract, which date shall be set forth in the Certificate of Award.

"Original Purchaser" means the person identified in the Certificate of Award as the purchaser of the Series B Bonds upon initial issuance.

"Project Fund" means the Fund #740 in the City Treasury.

"Public Improvements" means those public improvements described on Exhibit B to the TIF Ordinance.

"Purchase Price" means (i) with respect to the Series A Bonds, 100% of the principal amount thereof, and (ii) with respect to the Series B Bonds, the amount paid by the Original Purchaser to the Municipality as consideration for the Series B Bonds, which amount shall be set forth in the Certificate of Award, but such amount shall not be less than 98% of the original aggregate principal amount of the Series B Bonds.

"Rating Agency" means Moody's and S&P, to the extent that either entity is maintaining a rating on the Series B Bonds.

"Record Date" means (i) with respect to the Series A Bonds, the day preceding the related Interest Payment Date; (ii) with respect to the Series B Bonds while the Series B Bonds are in the Weekly Mode, the day preceding the related Interest Payment Date, and (iii) with respect to the Series B Bonds while the Series B Bonds are in the Fixed Rate Mode, the fifteenth day of the month preceding the month in which occurs the related Interest Payment Date.

"Remarketing Agent" means the Remarketing Agent identified in the Certificate of Award, and any successor Remarketing Agent appointed in accordance with Section 15 of this Ordinance. "Principal Office" of the Remarketing Agent means the office or offices designated from time to time as such by the Remarketing Agent in writing to the Municipality and the Tender Agent.

"Remarketing Agent Agreement" means the Remarketing Agent Agreement between the Municipality and the Remarketing Agent, authorized by Section 15 of this Ordinance, and any and all modifications, alterations, amendments and supplements thereto, and includes any agreement between the Municipality and a successor Remarketing Agent.

"S&P" means Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, a corporation organized and existing under the laws of the State of New York, its successors and their assigns, and if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating organization, "S&P" shall be deemed to refer to any other nationally recognized securities rating organization appointed by the Municipality.

"Tender Agent" means the Tender Agent identified in the Certificate of Award, and any successor Tender Agent appointed in accordance with Section 16 of this Ordinance. "Principal Office" of the Tender Agent means the office or offices designated from time to time as such by the Tender Agent in writing to the Municipality and the Remarketing Agent.

"Tender Agent Agreement" means the Tender Agent Agreement between the Municipality and the Tender Agent, authorized by Section 16 of this Ordinance, and any and all modifications, alterations, amendments and supplements thereto, and includes any agreement between the Municipality and a successor Tender Agent.

"TIF Account" means the Brewery District Tax Increment Equivalent Fund established in Section 4 of the TCP Ordinance.

"TIF Ordinance" means Ordinance 1786-00 adopted by the City Council of the Municipality on July 31, 2000.

"Weekly Mode" means that Interest Rate Mode in which the Series B Bonds bear interest at an interest rate which is adjusted weekly in accordance with the provisions of Section 6 of this Ordinance.

#### SECTION 2. Authorization of the Bonds

The Bonds shall be issued in an aggregate principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) for the purpose of providing funds (a) to pay, or to reimburse the Municipality for the payment of, a portion of the costs of the Public Improvements, (b) to provide for the payment of capitalized interest on the Bonds and (c) to pay the costs of issuance of the Bonds.

#### SECTION 3. Special Obligations

The Bonds shall be special obligations of the Municipality, and principal of and interest and premium, if any, on the Bonds shall be payable solely from amounts in the TIF Account. The Bonds shall not be general obligations of the Municipality and neither the full faith and credit nor the taxing power of the Municipality shall be pledged to the payment of the Bonds. The bonds shall not be deemed to be "obligations" within the meaning of Section 325.05 of the Columbus City Codes.

#### SECTION 4. Designation

The Bonds shall be issued in two series. One series shall be designated "City of Columbus, Ohio Tax Increment Financing Bonds, Series A (Brewery District Project) (Taxable Bonds)" (the "Series A Bonds"). The second series shall be designated "City of Columbus, Ohio Adjustable Rate Tax Increment Financing Bonds, Series B (Brewery District Project)" (the "Series B Bonds"). The Bonds shall be issued and sold on or before November 30, 2002. The aggregate principal amount of each series of Bonds shall be set forth in the Certificate of Award, provided, that the aggregate principal amount of the Bonds shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000).

#### SECTION 5. Form; Maturity and Redemption

(a) Each series of Bonds shall be issued only as fully registered bonds in an Authorized Denomination but not exceeding the aggregate principal amount of that series of Bonds; shall be numbered as determined by the Bond Registrar; shall be dated the Original Issuance Date; shall bear interest payable on Interest Payment Dates, until the principal sum is paid; shall bear interest at the rates determined pursuant to Section 6 of this Ordinance; and shall mature on the Maturity Date. If any Interest Payment Date, Mandatory Redemption Date or Maturity Date is not a Business Day, the payment of Bond Service Charges otherwise due and payable on that day may be made on the next succeeding Business Day with the same force and effect as if made on such Interest Payment Date, Mandatory Redemption Date or Maturity Date; provided, however, that if the Series B Bonds are in the Weekly Mode the interest portion of the Bond Service Charges shall be calculated and paid based upon a period ending and including the day immediately preceding the day of payment of such Bond Service Charges.



- (b) The Series A Bonds shall be subject to redemption at the option of the Municipality as set forth in the Certificate of Award.
- (c) While the Series B Bonds are in the Weekly Mode, the Series B Bonds shall be subject to redemption at the option of the Municipality on any Business Day, in whole or in part in the Authorized Denomination, at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the redemption date.
- (d) While the Series B Bonds are in the Fixed Rate Mode, the Series B Bonds shall not be subject to redemption at the option of the Municipality.
- (e) The Bonds are subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the redemption date on the Mandatory Redemption Dates and in the principal amounts equal to the Mandatory Principal Repayments.
- (f) The Municipality shall have the option to deliver to the Bond Registrar for cancellation Bonds of either series in any aggregate principal amount and to receive a credit against the then current mandatory sinking fund requirement for Bonds of that series (and corresponding mandatory redemption obligation) of the Municipality. A credit against the then current mandatory sinking fund requirement (and corresponding mandatory redemption obligation) also shall be received by the Municipality for any Bonds, which prior thereto have been redeemed (other than through the operation of the mandatory sinking fund requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any redemption obligation.
- (g) Each Bond so delivered, previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current mandatory sinking fund obligation of Bonds. Any excess of that amount over the then current mandatory sinking fund requirement shall be credited against subsequent mandatory sinking fund redemption obligations with respect to the Bonds of the same series in the order directed by the Municipality.
- (h) If fewer than all of the Bonds of a series are to be redeemed, the selection of Bonds of that series to be redeemed, or portions thereof in an Authorized Denomination, shall be made by the Bond Registrar in any such manner as the Bond Registrar may determine, except that LOC Bonds shall be redeemed prior to the redemption of any other Series B Bonds. If it is determined that a Bond shall be partially redeemed, then the Bondholder of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the portion called for redemption (including without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the Bondholder thereof, of a new Bond or Bonds of the same series in the Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion of the Bond surrendered.
- (i) The right of redemption shall be exercised by notice specifying by series and numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Bond Registrar shall cause such notice to be given by first class mail, postage prepaid, to the holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books. Such notice may set forth any additional information relating to such redemption. Such notice shall be given the holder of the Series A Bonds at least one Business Day prior to the redemption date given and to the holders of Series B Bonds at least fifteen (15) days prior to the redemption date if the Series B Bonds are in the Weekly Mode and at least thirty (30) days prior to the redemption date if the Series B Bonds are in the Fixed Rate Mode. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Bonds are on deposit at the office of the Bond Registrar at that time. If, because of the temporary or permanent suspension of regular mail service, or for any other reason, it is impossible or impractical to give such notice of redemption by mail in the manner herein provided, then such other manner of giving notice in lieu thereof as the Bond Registrar shall, in its discretion, select shall constitute a sufficient notice. Any defect in the notice or any failure to give or receive such notice with respect to any Bond shall not affect the validity of any proceedings for the redemption of any other Bond.

#### SECTION 6. Interest Rates

- (a) The Series A Bonds shall bear interest at the rate per annum set forth in the Certificate Award, provided that such interest rate shall not exceed 8% per annum. The Series B Bonds shall be issued in the Weekly Mode. For the first Interest Period, the Series B Bonds shall bear interest at the rate per annum set forth in the Certificate of Award. Thereafter, for each Interest Period while the Series B Bonds are in the Weekly Mode, the interest rate on the Series B Bonds shall be a rate determined by the Remarketing Agent, in its discretion, to be that rate which, if borne by all Series B Bonds, would, in the judgment of the Remarketing Agent, having due regard to prevailing financial market conditions, be the interest rate necessary (but not in excess of the interest rate necessary) to enable the Remarketing Agent to remarket all outstanding Series B Bonds on the first day of such Interest Period at a price equal to 100% of the principal amount thereof.
- (b) For the second Interest Period and each Interest Period thereafter while the Series B Bonds are in the Weekly Mode, the interest rate to be borne by Series B Bonds shall be determined as provided in subsection (a) of this Section 6, and shall be made available to the Municipality, the Bond Registrar, the Letter of Credit Issuer, if any, and the Tender Agent on the Interest Determination Date for such Interest Period. If, for any Interest Period, the Remarketing Agent fails to determine the interest rate to be borne by the Series B Bonds as provided for in this Section 6, the interest rate for such Interest Period shall be equal to the BMA Index on the Interest Determination Date for such Interest Period.
- (c) The Interest Rate Mode may be changed from the Weekly Mode to the Fixed Rate Mode, in which event the Series B Bonds will bear interest at the Fixed Interest Rate as determined in Section 8 of this Ordinance. Subsequent to the conversion of the Series B Bonds to the Fixed Rate Mode, no further changes in Interest Rate Mode shall be permitted.
- (d) While the Series B Bonds are in the Weekly Mode, interest shall be computed on the basis of a year of 365 or 366 days, as appropriate, and on the actual number of days elapsed. While the Series B Bonds are in the Fixed Rate Mode, interest shall be computed on the basis of a 360 day year consisting of twelve 30 day months.
- (e) Notwithstanding anything to the contrary contained in this Ordinance, while the Series B Bonds are in the Weekly Mode, the interest rate borne by the Series B Bonds shall not exceed the Maximum Interest Rate.
- (f) The determination of the interest rate borne by Series B Bonds as provided in this Section 6 with respect to Series B Bonds in the Weekly Mode or in Section 8 of this Ordinance with respect to Series B Bonds in the Fixed Rate Mode shall be conclusive and binding upon the Municipality, the Bond Registrar, the Remarketing Agent, the Tender Agent, the Letter of Credit Issuer, if any, and the holders of the Series B Bonds.

#### SECTION 7. Purchase of Series B Bonds.

- (a) A Series B Bond in the Weekly Mode, other than an LOC Series B Bond, shall be purchased, on the demand of the holder thereof, on any Business Day at a purchase price equal to the principal amount thereof plus accrued interest, if any, to the date of purchase, upon delivery of an irrevocable written notice of tender substantially in the form of Exhibit A attached to this Ordinance, or irrevocable telephonic notice of tender promptly confirmed in writing, to the Remarketing Agent at its Principal Office, which notice states the date on which such Series B Bond shall be purchased pursuant to this subsection, which date shall be a Business Day not prior to the seventh (7th) day next succeeding the date of the delivery of such notice. The holder of a Series B Bond described in the notice shall deliver such Series B Bond (with instruments of transfer) to the Principal Office of the Tender Agent at or prior to 12:00 noon, Columbus, Ohio time, on the date specified in the such notice. Payment of the purchase price of a Series B Bond purchased pursuant to this subsection (a) shall be made to the holder thereof by wire transfer of immediately available funds by the Tender Agent by the close of business on the date of purchase; provided, however, that payment of the purchase price shall be made only if the Series B Bond is so delivered to the Tender Agent and only if the Series B Bond so delivered to the Tender Agent conforms in all respects to the description thereof in the notice described in this subsection (a). A holder who gives notice of tender as set forth above may repurchase the Series B Bonds so tendered on the purchase date specified in such notice if the Remarketing Agent agrees to sell the Series B Bonds so tendered to such holder. If such holder decides to repurchase

such Series B Bonds and the Remarketing Agent agrees to sell such Series B Bonds to such holder, the delivery requirements set forth above shall be waived and the Remarketing Agent shall notify the Tender Agent of such waiver by telecopy, telegraph, telex, facsimile transmission or other similar means of communication. In the event a holder of Series B Bonds has given a written notice of tender and has failed to deliver the amount of Series B Bonds specified in such notice and such amount represents less than all of the Series B Bonds registered in such holder's name, Series B Bonds owned by such holder selected by the Bond Registrar, in such manner as the Bond Registrar shall determine, shall be deemed to have been tendered. The determination by the Remarketing Agent as to whether or not a written notice of tender conforms to the provisions of this subsection (a) shall be binding upon the Municipality, the Tender Agent and the holder delivering such notice to the Remarketing Agent.

(b) All Series B Bonds shall be purchased (i) on each Conversion Date, (ii) on the Interest Payment Date immediately preceding each Letter of Credit Event, and (iii) on the LOC Tender Date at a purchase price equal to the principal amount thereof plus accrued interest, if any, to the date of purchase. Holders of the Series B Bonds shall deliver such Series B Bonds (with instruments of transfer) to the Principal Office of the Tender Agent at or prior to 12:00 noon, Columbus, Ohio time, on each Conversion Date, on the Interest Payment Date immediately preceding each Letter of Credit Event and on the LOC Tender Date. Payment of the purchase price of a Series B Bond purchased pursuant to this subsection (b) shall be made to the holder thereof by wire transfer of immediately available funds by the Tender Agent by the close of business on the date of purchase; provided, however, that payment of the purchase price shall be made only if the Series B Bond is so delivered to the Tender Agent.

(c) Upon (i) receipt of written notice from a Series B Bondholder pursuant to subsection (a) of this Section 7 or (ii) receipt of notice from the Bond Registrar that the Series B Bonds will become subject to mandatory tender as a result of the establishment of a Conversion Date or an LOC Tender Date or the occurrence of a Letter of Credit Event, the Remarketing Agent shall offer for sale and use its best efforts to sell the Series B Bonds described in any such notice, any such sale to be made on or after the date such Series B Bonds are to be delivered to the Tender Agent in accordance with subsection (a) of this Section 7 or on or after the date on which the Series B Bonds are subject to mandatory tender in accordance with subsection (b) of this Section 7, as the case may be, at a price equal to 100% of the principal amount thereof plus accrued interest. Notwithstanding the foregoing, the Remarketing Agent shall not offer for sale or sell Series B Bonds purchased pursuant to this Section 7 if the Letter of Credit Issuer, pursuant to provisions of the Letter of Credit Agreement, has directed the Remarketing Agent not to remarket the Series B Bonds.

(d) The purchase price of any Series B Bonds, or portions thereof, purchased in accordance with subsection (a) or (b) of this Section 7 shall be derived from the following sources in the order of priority indicated, and the Tender Agent shall not be obligated to provide funds from any other source:

- (i) proceeds of the sale of such Series B Bonds by the Remarketing Agent;
- (ii) moneys furnished pursuant to the Letter of Credit.

(e) Not later than 2:00 p.m., Columbus, Ohio time, on the Business Day immediately preceding any day on which Series B Bonds are tendered or deemed tendered pursuant to subsection (a) or (b) of this Section 7, the Remarketing Agent shall give notice, by telecopy, telegraph, telex, facsimile transmission or other similar means of communication, to the Municipality, the Letter of Credit Issuer and the Tender Agent specifying the principal amount of such Series B Bonds, if any, not remarketed by it as of such day pursuant to subsection (c) of this Section 7.

(f) Not later than 10:00 a.m., Columbus, Ohio time, on the day on which Series B Bonds are to be purchased pursuant to subsection (a) or (b) of this Section 7, the Remarketing Agent shall deliver to the Tender Agent, in immediately available funds, the proceeds from the sale of all Series B Bonds remarketed pursuant to subsection (c) of this Section 7.

(g) Not later than 11:00 a.m., Columbus, Ohio time, on the Business Day on which Series B Bonds are to be purchased pursuant to subsection (a) or (b) of this Section 7, the Tender Agent shall draw on the Letter of Credit, if any, in accordance with its terms and in an amount equal to the amount of additional funds, if any, which the Tender Agent will need, after taking into account the funds received from the Remarketing Agent pursuant to subsection (f) of this Section 7, in order to pay the purchase price of Series B Bonds payable on such day.

(h) The Tender Agent shall hold in a separate account moneys representing the purchase price of Series B Bonds purchased in accordance with this Section 7 until such Series B Bonds are delivered to the Tender Agent by the holders thereof. Such moneys shall not be invested by the Tender Agent.

(i) Any Series B Bonds sold by the Remarketing Agent pursuant to subsection (c) of this Section 7 shall be delivered to the purchasers thereof identified by the Remarketing Agent. Any Series B Bonds purchased with moneys described in clause (ii) of subsection (d) of this Section 7 shall be held by the Tender Agent on behalf of the Letter of Credit Issuer.

(j) Notwithstanding any failure by a holder of Series B Bonds to deliver Series B Bonds which have been tendered pursuant to subsection (a) of this Section 7 or which are to be purchased pursuant to subsection (b) of this Section 7 to the Tender Agent, such Series B Bonds shall be deemed to have been tendered, and funds necessary to purchase such tendered Series B Bonds shall be set aside for such holder and held by the Tender Agent without liability for interest thereon. From and after the date on which such Series B Bonds are deemed to have been tendered, and to the extent the Tender Agent is holding funds to pay the purchase price of such Series B Bonds, such Series B Bonds shall be deemed to be no longer outstanding and interest thereon shall cease to accrue, and such holder shall look only to the funds held by the Tender Agent on its behalf for payment.

(k) The Tender Agent shall notify the Bond Registrar of any failure to deliver a Series B Bond tendered pursuant to subsection (a) of this Section 7 or which is to be purchased pursuant to subsection (b) of this Section 7 and the Bond Registrar shall thereupon notify the holder of such Series B Bond by first class mail, postage prepaid, that such Series B Bond is no longer an outstanding Series B Bond and that funds equal to the purchase price of such Series B Bond are being held for such holder without interest, by the Tender Agent. The Bond Registrar shall make note on the registration books that such Series B Bond has been deemed to be no longer an outstanding Series B Bond. Upon delivery to the Tender Agent of a Series B Bond which was deemed tendered pursuant to subsection (j) of this Section 7 but was not timely delivered, the holder thereof shall be entitled to receive the amount held on its behalf by the Tender Agent.

(l) If, by 5:00 p.m., Columbus, Ohio time, on the Business Day on which any Series B Bonds are to be purchased pursuant to subsections (a) or (b) of this Section 7, the Tender Agent shall not have received funds sufficient to purchase such Series B Bonds, the Tender Agent shall give notice of such insufficiency, by telecopy, telegraph, telex, facsimile transmission or other similar means of communication, to the Fiscal Officer and the Bond Registrar, and the Tender Agent shall (i) return any Series B Bonds delivered to it pursuant to subsections (a) or (b) of this Section 7 to the persons from whom such Series B Bonds were received, and (ii) return any moneys delivered to it pursuant to subsections (f) or (g) of this Section 7 to the persons from whom such money was received.

(m) After the Bond Registrar has given notice of the establishment of the Conversion Date or the occurrence of a Letter of Credit Event, pursuant to subsection (d) of Section 8 of this Ordinance, any Series B Bonds purchased pursuant to subsection (a) of this Section 7 shall not be remarketed except to a buyer who, at the time of purchase, specifically acknowledges in writing to the Remarketing Agent that repurchase of such Series B Bonds will occur on the Conversion Date or on the Interest Payment Date immediately preceding the Letter of Credit Event, as the case may be, pursuant to subsection (b) of this Section 7.

(n) The Remarketing Agent shall use its best efforts to remarket LOC Series B Bonds at a price equal to 100% of the principal amount thereof plus accrued interest thereon. If LOC Series B Bonds are remarketed, the Remarketing Agent shall notify the Municipality, the Bond Registrar and the Tender Agent of such remarketing not later than 4:00 p.m., Columbus, Ohio time, on the Business Day immediately preceding the day on which the LOC Series B Bonds are to be purchased pursuant to such remarketing. Not later than 10:00 a.m., Columbus, Ohio time, on the day of such purchase the Remarketing Agent shall deliver or cause to be delivered to the Tender Agent, in immediately available funds, an amount equal to the proceeds from

the remarketing of the LOC Series B Bonds. Upon receipt of such moneys, the Tender Agent shall deliver (x) the remarketed Series B Bonds to the purchasers thereof, and (y) the moneys from the Remarketing Agent to the Letter of Credit Issuer.

(o) Upon receipt of an LOC Notice of Default by the Municipality, the Bond Registrar shall establish the LOC Tender Date, which date shall be on or prior to the Business Day immediately preceding the Expiration Date.

#### SECTION 8. Change of Interest Rate Mode; Notices

(a) With the consent of the Letter of Credit Issuer, the Municipality may change the Interest Rate Mode from the Weekly Mode to the Fixed Rate Mode for the Series B Bonds by giving written notice, by first class mail postage prepaid, to the Tender Agent, the Letter of Credit Issuer, the Remarketing Agent and any Rating Agency then rating the Series B Bonds, which notice shall specify (i) the Conversion Date, which shall be an Interest Payment Date not earlier than 30 days after the date of such notice, and (ii) the date the Fixed Interest Rate shall be determined (which shall not be less than five Business Days prior to the proposed Conversion Date). Such notice shall be sent not less than 30 days prior to the proposed Conversion Date.

(b) The notice described in subsection (a) of this Section 8 shall be accompanied by a written opinion of nationally recognized Series B Bond counsel selected by the Municipality stating that conversion of the Interest Rate Mode is authorized or permitted by this Ordinance and will not adversely affect the exclusion from gross income for purposes of federal income taxation of the interest on the outstanding Series B Bonds.

(c) On the date specified in the notice described in subsection (a) of this Section 8, the Remarketing Agent shall give notice to the Municipality and the Tender Agent of the interest rate applicable to the Series B Bonds effective on the Conversion Date. The Fixed Interest Rate shall be the lowest rate of interest at which the Remarketing Agent has received commitments on or prior to the fifth Business Day next preceding the proposed Conversion Date to purchase all outstanding Series B Bonds on the proposed Conversion Date at a purchase price of 100% of the principal amount thereof.

(d) The Bond Registrar, on behalf of the Municipality, shall give written notice, by first class mail postage prepaid, to the holders of the Series B Bonds of the establishment of a Conversion Date or the LOC Tender Date or the occurrence of a Letter of Credit Event, which notice shall include a statement (i) of the date on which Series B Bonds are to be purchased as a result of the establishment of the Conversion Date or the LOC Tender Date or the occurrence of a Letter of Credit Event, (ii) that this Ordinance provides that the Series B Bonds are required to be delivered to the Tender Agent for purchase on the date specified in such notice, and that Series B Bonds not delivered to the Tender Agent on or before such date shall nonetheless be deemed to have been purchased and, accordingly, no interest subsequent to the date specified in such notice shall be payable to such holders, and (iii) that on the purchase date specified in such notice the Tender Agent shall hold moneys equal to the purchase price for all Series B Bonds in trust for the holders of the Series B Bonds, which moneys shall be paid upon surrender of the Series B Bonds to the Tender Agent. Such notice shall be given at least fifteen (15) days prior to the Conversion Date, the LOC Tender Date or the Interest Payment Date immediately preceding the Letter of Credit Event, as the case may be. If, because of the temporary or permanent suspension of regular mail service, or for any other reason, it is impossible or impractical to give such notice of purchase by mail in the manner herein provided, then such other manner of giving notice in lieu thereof as the Bond Registrar shall, in its discretion, select shall constitute a sufficient notice. Any defect in the notice or any failure to give or receive such notice with respect to any Series B Bond shall not affect the validity of any proceedings for the purchase of any other Series B Bond.

#### SECTION 9. Execution and Authentication; Payment

(a) The Bonds shall set forth the purpose 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 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.

(b) The Bond Service Charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of a Bond is after the Record Date for an Interest Payment Date, in which case interest on such Bond 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 Bondholder as of the close of business on the Record Date for such Interest Payment Date, as reflected on the Bond Register at the address appearing therein.

(c) Principal of and interest on the Bonds shall be paid only from the following sources and in the following order:

(i) Moneys in the TIF Account, provided that interest on the Series A Bonds shall be paid from, and to the extent of, moneys in the Capitalized Interest Subaccount- Series A and interest on the Series B Bonds shall be paid from, and to the extent of, moneys in the Capitalized Interest Subaccount- Series B before other moneys in the TIF Account are applied to the payment of such interest, and

(ii) While the Series B Bonds are in the Weekly Mode, moneys obtained by drawing on the Letter of Credit; provided, however, that such moneys shall be used to pay the principal of and interest on only the Series B Bonds.

If as of the opening of business on the Business Day immediately preceding an Interest Payment Date while the Series B Bonds are in the Weekly Mode, the balance to the credit of the TIF Account is less than the amount required to pay principal of and interest on the Bonds (including any Mandatory Principal Repayments) on that Interest Payment Date, then prior to 4:00 p.m. Columbus, Ohio time on the Business Day immediately preceding that Interest Payment Date, the Bond Registrar shall draw on the Letter of Credit in an amount equal to the difference between the amount required to pay principal of and interest on the Bonds on that Interest Payment Date and the amount available in the TIF Account to make such payment; provided, however, that the draw upon the Letter of Credit shall not exceed the amount required to pay the principal of and interest on the Series B Bonds. Except as set forth in this Section 9(c), the Series A Bonds and the Series B Bonds shall rank *pari passu* with each other with respect to payment from moneys in the TIF Account.

(d) While the Letter of Credit is in effect, or if any amount is owed to the Letter of Credit Issuer pursuant to the Letter of Credit Agreement, and the Letter of Credit Issuer is not in default with respect thereto, without the prior written consent of the Letter of Credit Issuer, moneys in the TIF Account shall be used only for payment of (i) costs of issuance of the Bonds, (ii) the principal of and interest on the Bonds, (iii) amounts payable to the Letter of Credit Issuer to reimburse the Letter of Credit Issuer for amounts drawn under the Letter of Credit that have not been repaid to the Letter of Credit Issuer by the Developer, (iv) amounts payable to the Developer to reimburse the Developer for amounts paid by the Developer to the Letter of Credit Issuer to repay the Letter of Credit Issuer for amounts drawn under the Letter of Credit, but excluding amounts constituting drawing fees or commitment fees (v) amounts payable to the Remarketing Agent pursuant to the Remarketing Agent Agreement and to the Tender Agent pursuant to the Tender Agent Agreement, and (vi) any arbitrage rebate required to be paid under the Code. Investment earnings allocable to investment of moneys in the Project Fund or the TEF Account shall be credited to the TEF Account.

(e) 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 Bondholder on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the Bondholder 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 Bondholder, at its address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

(f) Subject to the foregoing provisions of this Section 9, 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 10. Registration; Transfer

(a) So long as any of the Bonds remain outstanding, the Municipality will cause the Bond Register to be maintained and kept by the Bond Registrar at the office of the Bond Registrar. Subject to the provisions of Section 9 of this Ordinance, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes, and payment of or on account of the Bond Service Charges on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

(b) Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same series and any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

(c) A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of the same series and any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

(d) In all cases in which Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds of the same series in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

#### SECTION 11. Book Entry System for Series B Bonds

(a) The Series B Bonds shall be initially issued to a Depository for use in a book entry system, and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Series B Bond of each maturity, (ii) those Series B 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 Series B Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Series B 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 (v) the Series B 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.

(b) If any Depository determines not to continue to act as a depository for the Series B 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 Series B Bonds from the Depository, and authenticate and deliver Series B 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 Series B 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.

(c) Notwithstanding anything in this Ordinance to the contrary, so long as the Series B Bonds are held under a book entry system, Series B Bonds will not be delivered in connection with the provisions of this Ordinance relating to the tender or deemed tender of Series B Bonds; rather, transfer of beneficial ownership of Series B Bonds tendered or deemed tendered pursuant to this Ordinance shall be effected pursuant to the rules and procedures established by the Depository.

#### SECTION 12. Sale of Bonds; Official Statement

(a) The Series A Bonds shall be sold to the Treasury Investment Board of the Municipality, and the Treasury Investment Board shall purchase the Series A Bonds. Section 325.012(F) of the Columbus City Codes shall not apply with respect to purchase of the Series A Bonds.

(b) The sale and award of the Bonds shall be evidenced by the Certificate of Award signed by the Director of Finance or the Fiscal Officer. The Certificate of Award shall identify the Original Purchaser, the Remarketing Agent and the Tender Agent and shall state, among other things, the principal amount of each series of Bonds to be issued, the Purchase Price, the Original Issuance Date, the interest rate to be borne by the Series A Bonds, the Initial Interest Rate and the Wednesday which is the last day of the first Interest Period, the first Interest Payment Date for the Series B Bonds, the Mandatory Principal Repayments for each series of Bonds, the Mandatory Redemption Dates for each series of Bonds and the Maturity Date for each series of Bonds.

(c) The Series B Bonds shall be awarded and sold to the Original Purchaser, in accordance with the Bond Purchase Contract, at the Purchase Price. The Bond Purchase Contract 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 Director of Finance. The approval of the Bond Purchase Contract shall be conclusively evidenced by the execution of the Bond Purchase Contract by the Director of Finance. It is hereby determined that the Purchase Price, the provisions for the determination of the interest rates and the Conversion Date for the Series B Bonds, the manner of sale and the terms of the Series B Bonds, all as provided in this Ordinance and in the Bond Purchase Contract, will be in the best interests of the Municipality and consistent with all legal requirements.

(d) The Director of Finance, the Fiscal Officer and the Clerk are directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Series A Bonds to the Treasury Investment Board of the Municipality and the Series B Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Contract. Moneys in the TIF Account and proceeds of the sale of the Bonds may be used to pay the cost of issuance of the Bonds; and all of such moneys, to the extent required, are hereby appropriated for such purpose.

(e) The distribution of an Official Statement of the Municipality relating to the original issuance of the Series B Bonds is hereby authorized, and the Director of Finance is hereby authorized and directed to 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 Series B 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 Bonds as he deems necessary or appropriate to protect the interests of the Municipality.

SECTION 13. Establishment of Capitalized Interest Subaccounts; Application of Proceeds

There are hereby established and ordered to be maintained in the City Treasury two subaccounts of the TIF Account, to be designated the "Capitalized Interest Subaccount- Series A" and "Capitalized Interest Subaccount- Series B". The proceeds from the sale of the Series A Bonds shall be deposited in the City Treasury and allocated between the TIF Account and the Municipality's Sanitary Sewer Permanent Improvement Fund #671 Project 671999 fund in the manner set forth in the Certificate of Award. The proceeds from the sale of the Series B Bonds shall be deposited in the City Treasury and allocated between the TIF Account and the Project Fund in the manner set forth in the Certificate of Award. The Certificate of Award shall also set forth the portion of the proceeds from the sale of the Series A Bonds which shall be allocated to the Capitalized Interest Subaccount- Series A and the portion of the proceeds from the sale of the Series B Bonds which shall be allocated to the Capitalized Interest Subaccount- Series B Moneys in the Project Fund shall be applied to the payment of costs of the Public Improvements. If any balance remains in the Project Fund after all such costs have been paid, that balance shall be transferred to the credit of the TIF Account and applied exclusively to the payment of principal of Series B Bonds. All expenditures of moneys from the TIF Account and the Project Fund necessary to carry out the purposes of this Ordinance are hereby deemed appropriated.

SECTION 14. Letter of Credit; Alternate Letter of Credit; Release of Letter of Credit

- (a) The Developer shall cause the Letter of Credit to be delivered to the Tender Agent, with a copy to the Bond Registrar, at or prior to the initial authentication and delivery of the Bonds to the Original Purchaser.
- (b) The Developer may arrange for the extension of the Expiration Date for any integral multiples of one year periods, provided that written evidence of any such extension is furnished by the Letter of Credit Issuer to the Bond Registrar, the Tender Agent and the Remarketing Agent at least 45 days prior to the Expiration Date then in effect.
- (c) At any time the Developer may deliver, and the Bond Registrar and the Tender Agent shall accept, an Alternate Letter of Credit for an existing Letter of Credit, subject to the limitations set forth in this Section 14. Any Alternate Letter of Credit must be effective on the Expiration Date of the Letter of Credit then in effect, and the stated Expiration Date of the Alternate Letter of Credit must be no earlier than the first anniversary of its effective date.
- (d) The Developer shall notify the Municipality, the Bond Registrar, the Tender Agent and the Remarketing Agent of its intention to deliver an Alternate Letter of Credit at least 45 days prior to the effective date of the Alternate Letter of Credit. The notice shall be accompanied by (i) a written opinion of nationally recognized bond counsel selected by the Municipality stating that delivery of the Alternate Letter of Credit will not adversely affect the exemption from federal income taxation of the interest on the outstanding Series B Bonds, and (ii) a written opinion of counsel to the issuer of the Alternate Letter of Credit to the effect that, upon its delivery to the Tender Agent, the Alternate Letter of Credit will be a valid and binding obligation of the issuer thereof, enforceable in accordance with its terms, subject to customary exceptions relating to bankruptcy and insolvency. The Developer shall cause any Alternate Letter of Credit to be delivered to the Bond Registrar and the Tender agent not less than 20 days prior to the effective date of that Alternate Letter of Credit.
- (e) The Letter of Credit shall be delivered to the Letter of Credit Issuer for cancellation after the Series B Bonds have been converted to the Fixed Rate Mode.

SECTION 15. Remarketing Agent

- (a) The Remarketing Agent shall be identified in the Certificate of Award. The Director of Finance and the Fiscal Officer, and either of them acting alone, are authorized and directed to execute and deliver, as may be appropriate, in the name and on behalf of the Municipality, the Remarketing Agent Agreement. The Remarketing Agent Agreement shall be in such form and contain such terms, covenants and conditions not inconsistent with this Ordinance, including but not limited to, the agreements of the Remarketing Agent:
- (i) to keep such books and records as shall be consistent with prudent industry practice and to make such books and records available for inspection by the Municipality and the Tender Agent at all reasonable times;
- (ii) to deliver to the Municipality and the Tender Agent, within one Business Day of the receipt thereof by the Remarketing Agent, advice of each notice delivered to it in accordance with subsection (a) of Section 7 of this Ordinance;
- (iii) not later than 2:00 p.m., Columbus, Ohio time, on the Business Day immediately preceding any day on which Series B Bonds are tendered or deemed tendered pursuant to subsection (a) or (b) of Section 7 of this Ordinance, to give notice, by telecopy, telegraph, telex, facsimile transmission or other similar means of communication, to the Municipality, the Letter of Credit Issuer and the Tender Agent specifying the principal amount of such Series B Bonds, if any, not remarketed by it as of such day pursuant to Section 7(c) of this Ordinance.
- (iv) not later than 10:00 a.m., Columbus, Ohio time, on the day on which Series B Bonds are to be purchased pursuant to subsection (a) or (b) of Section 7 of this Ordinance, to deliver to the Tender Agent, in immediately available funds, the proceeds from the sale of all Series B Bonds remarketed pursuant to Section 7(c) of this Ordinance.
- (v) not later than the close of business on each Interest Determination Date, to give notice, by telecopy, telegraph, telex, facsimile transmission or other similar means of communication, to the Municipality and the Letter of Credit Issuer, if any, specifying the interest rate for the Series B Bonds for the next Interest Period, determined pursuant to and in accordance with Section 6 of this Ordinance; and
- (vi) to deliver any Series B Bonds delivered to it pursuant to this Ordinance to the persons to whom the same are to be delivered in accordance with subsection (i) of Section 7 of this Ordinance.
- (b) The Remarketing Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving at least ninety (90) days' notice to the Municipality, the Tender Agent and the Letter of Credit Issuer. The Remarketing Agent may be removed at any time upon ten (10) days written notice, at the direction of the Municipality, by an instrument signed by the Executive Officer, the Director of Finance or the Fiscal Officer, filed with the Remarketing Agent, the Tender Agent and the Letter of Credit Issuer. Subject to the provisions of the Letter of Credit Agreement, if any, a successor Remarketing Agent shall be selected by the Municipality and shall be a member of the National Association of Securities Dealers, Inc. and be authorized by law to perform all the duties imposed upon it by this Ordinance; provided, however, that no person shall be appointed successor Remarketing Agent if the appointment of such person as successor Remarketing Agent would result in a reduction in the Moody's ratings of the Series B Bonds, if the Series B Bonds are then rated by Moody's, or a reduction in the S&P ratings of the Series B Bonds, if the Series B Bonds are then rated by S&P.
- (c) In the event that the Remarketing Agent shall resign or be removed, or be dissolved, or if the property or affairs of the Remarketing Agent shall be taken under the control of any state or federal court or administrative body because of bankruptcy or insolvency, or for any other reason, and the Municipality shall not have appointed a successor Remarketing Agent, the Bond Registrar shall, to the extent permitted by law, be deemed to be the Remarketing Agent for all purposes of this Ordinance until the appointment by the Municipality of a successor Remarketing Agent; provided, however, that the Bond Registrar acting in the capacity of Remarketing Agent shall not be obligated to (i) offer for sale any Series B Bonds delivered to the Tender Agent pursuant to Section 7 of this Ordinance or (ii) determine an interest rate for the Series B Bonds pursuant to Section 6 or Section 8 of this Ordinance.

SECTION 16. Tender Agent

- (a) The Tender Agent shall be identified in the Certificate of Award. The Director of Finance and the Fiscal Officer, and either of them acting alone, are authorized and directed to execute and deliver, as may be appropriate, in the name and on behalf of the Municipality, the Tender Agent

Agreement. The Tender Agent Agreement shall be in such form and contain such terms, covenants and conditions not inconsistent with this Ordinance, including but not limited to, the agreements of the Tender Agent:

- (i) to hold all Series B Bonds delivered to it pursuant to this Ordinance in trust for the benefit of the respective Series B Bondholders who shall have so delivered such Series B Bonds until moneys representing the purchase price of such Series B Bonds shall have been delivered to or for the account of or to the order of such Series B Bondholders;
- (ii) to hold all moneys delivered to it for the purchase of Series B Bonds in trust for the benefit of the person who shall have so delivered such moneys until the Series B Bonds purchased with such moneys shall have been delivered to or for the account of such person;
- (iii) to keep such books and records as shall be consistent with prudent industry practice and to make such books and records available for inspection by the Municipality, the Bond Registrar and the Remarketing Agent; and
- (iv) not later than the close of business on any day on which Series B Bonds are deemed tendered pursuant to subsections (a) or (b) of Section 7 of this Ordinance, to notify the Municipality of any failure of delivery of such Series B Bonds.

(b) The Tender Agent may at any time resign and be discharged of the duties and obligations created by this Ordinance by giving at least sixty (60) days' notice to the Municipality, the Bond Registrar, the Letter of Credit Issuer, if any, and the Remarketing Agent. The Tender Agent may be removed at any time upon ten (10) days' written notice, at the direction of the Municipality, by an instrument signed by the Executive Officer, the Director of Finance or the Fiscal Officer, filed with the Tender Agent, the Bond Registrar, the Letter of Credit Issuer, if any, and the Remarketing Agent. Subject to the provisions of the Letter of Credit Agreement, if any, a successor Tender Agent shall be appointed by the Municipality and shall be a bank or trust company having an aggregate of capital, paid in surplus and retained earnings of not less than \$15,000,000. If the Tender Agent resigns or is removed, the Bond Registrar shall assume the duties and responsibilities of Tender Agent for all purposes of this ordinance and the Series B Bonds until a successor Tender Agent is appointed. If the Series B Bonds have been withdrawn from a book entry system and delivered in certificated form, any successor Tender Agent shall have its Principal Office in New York, New York.

#### SECTION 17. Notices to Rating Agencies

The Director of Finance or the Fiscal Officer shall give written notice to each Rating Agency of: (i) any optional redemption or defeasance of Series B Bonds; (ii) any amendment to this Ordinance; (iii) any termination or expiration of the Letter of Credit or modification of the Expiration Date; (iv) any delivery of an Alternate Letter of Credit; and (v) any substitution of Tender Agent or Remarketing Agent.

#### SECTION 18. Federal Income Tax Compliance

(a) 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 Series B Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Series B Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Series B 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 the Code.

(b) The Fiscal Officer and the Director of Finance, 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 Series B 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 Series B 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 Fiscal Officer or the Director of Finance, which action shall be in writing and signed by the Fiscal Officer or the Director of Finance; (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 the exclusion of interest from gross income and the intended tax status of the Series B 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 the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Sections 141 through 150 of the Code.

(c) The Fiscal Officer shall keep and maintain adequate records pertaining to investment of all proceeds of the Series B 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 Series B Bonds which limits the amount of Series B Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits to the United States Department of the Treasury. The Fiscal Officer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Series B Bonds requires any such reports or rebates.

#### SECTION 19. Valid and Binding Obligations

It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

#### SECTION 20. Open Meeting Compliance

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 21. Effective Date

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.

Note: Exhibit A on file in the City Clerk's Office

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1267-02**

To authorize an appropriation of \$2,112,318 from the unappropriated balance of the Community Development Block Grant Fund to the Department of Development, Economic Development Division; to authorize the Director of the Department of Development to enter into loan agreements for the purpose of making loans under the Economic and Community Development Loan Fund; to authorize the expenditure of \$2,112,318 from the Community Development Block Grant Fund; and to declare an emergency. (\$2,112,318.00)

WHEREAS, additional funds need to be appropriated from the Community Development Block Grant Fund for the purpose of making loans under the Economic and Community Development Loan Fund; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the appropriation and expenditure for the immediate preservation of the public health, 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 Community Development Block Grant Fund, Fund 248, Subfund 002, 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, 2002, the sum of \$2,112,318 is appropriated to the Department of Development, Economic Development Division, Division No. 44-02, Object Level One 05, Object Level Three 5528, OCA Code 440205.

Section 2. That the Director of the Department of Development is hereby authorized to enter into loan agreements for the purpose of making loans under the Economic and Community Development Loan Fund.

Section 3. That for the purpose as stated in Section 2, the expenditure of \$2,112,318, or so much thereof as may be necessary, be and is hereby authorized from the Department of Development, Economic Development Division, Division No. 44-02, Community Development Block Grant Fund, Fund 248, Subfund 002, Object Level Three 5528, and OCA Code 440205.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1268-02**

To authorize the Director of Development to enter into a ground lease with Continental Real Estate Companies for the airspace above Interstate 670 on the east and west side of the North High Street bridge; and to declare an emergency.

WHEREAS, pursuant to Ordinance No. 380-99, passed February 22, 1999, the City of Columbus and Continental Real Estate Companies entered into a Memorandum of Understanding for the Development of the Airspace over 1-670 on the East and West sides of North High Street (the "MOLT"); and

WHEREAS, the MOU provided, among other matters, that the Development Director was authorized to enter into a ground lease with Continental Real Estate Companies ("Continental") for the airspace and Continental would construct two (2) one-story retail structures which would be architecturally compatible with the North Market/Short North Districts thereon; and

WHEREAS, it is necessary to modify the terms and conditions required by Ordinance No. 380-99 to be in the ground lease with Continental; and

WHEREAS, it is necessary to authorize the Director of Development to enter into a ground lease with Continental under the new terms and conditions set forth in this ordinance; and

WHEREAS, an emergency exists in the daily operation of the Department of Development in that it is immediately necessary to enter into a ground lease with Continental in order to coordinate the construction of the retail buildings with the ongoing construction of the B-1 phase of the 1-670 to thereby preserving the public health, peace and safety, now, therefore,

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

Section 1. That the Director of Development is authorized to enter into an unsubordinated ground lease with Continental Real Estate Companies for the airspace on and above the platforms over 1-670 being constructed on the east and west sides of North High Street. Said lease to contain the following terms and conditions:

- a) An initial term of 20 years with ten (10) separate five (5) year renewal terms;
- b) Rent at \$1.00 per year through for the initial and all renewal terms plus ten percent (10%) of annual net cash flow after the lessee receives a ten percent (10%) annual cash on cash return;
- c) If the buildings are sold during the term of the lease the City shall receive ten percent (10%) of the net proceeds after deduction of the original cost to construct;
- d) The leasehold interest shall be subject to the terms and conditions of the joint use permit between the City and the Ohio Department of Transportation;
- e) Subject to an ordinance appropriating and authorizing the expenditure of said funds, the City shall pay up to \$325,000.00 for the cost to construct the extension of sewer and waterlines of sufficient capacity to the platforms with the Lessee responsible for the costs in excess of \$325,000.00. The Lessee shall guarantee repayment of the costs paid by the City for the utilities in the event a certificate of occupancy is not issued for the building on west platform within 5 years of lease execution date;
- f) Certificate of Occupancy for both buildings must be obtained within 5 years of the lease execution date;
- g) Subject to concurrence and approval by the Director of Ohio Department of Transportation the lessee shall be guaranteed a minimum eight (8) week period after completion of the east platform to construct the exterior of the east side building before Section B-1 of 1-670 is open to traffic.
- h) Subject to such other authorization legislation as may be necessary, the improvements on the Leased Premises shall be subject to a 100%, ten (10) year tax abatement.
- i) The buildings shall be architecturally compatible with the Short North and North Market District.

Section 2. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1269-02**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN02-027) of 17.8± Acres in Prairie Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

WHEREAS, a petition for the annexation of certain territory in Prairie Township was duly filed by Vineyard Christian Fellowship on July 18, 2002; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the city of Columbus will provide the following municipal services for 17.8± acres in Prairie Township upon the annexation of said area to the city of Columbus:

**Public Safety:** The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

At the present time fire protection for the proposed annexation is as follows:

First response from: Station 31, 5305 Alkire Road, 6 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, and Medic

Time: 4 minutes

Second response from: Station 12, 3200 Sullivant Ave., 10 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, Medic, and Ladder

Time: 10 minutes

**Sanitation:** Residential refuse collection services will be available upon annexation of the property.

**Streets:** Maintenance will be available for any additional right-of-way that may be included in this annexation request.

**Water:** This site can be served by an existing 16 inch main located in Big Run South Road.

**Sewer:**

**Sanitary Sewer:** This property is tributary to an existing 36 inch sewer approximately 13,000 feet northeast. This sewer should be extended to this area by 2004.

**Storm Sewer:** All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 17.8 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Prairie Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Prairie Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1270-02**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN02-028) of 3.332± Acres in Franklin Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

WHEREAS, a petition for the annexation of certain territory in Franklin Township was duly filed by Cyrus W. Young Trust, c/o Shirlee J. Hara, Trustee on July 12, 2002; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the 2001 Greater Hilltop Plan planning area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the city of Columbus will provide the following municipal services for 3.332± acres in Franklin Township upon the annexation of said area to the city of Columbus:

**Public Safety:** The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

At the present time fire protection for the proposed annexation is as follows:

First response from: Station 12, 3200 Sullivant Ave., 10 Personnel/ 3 Paramedics.

Apparatus responding: Paramedic/Engine, Medic, and Ladder



Time: 4 minutes

Second response from: Station 26, 5433 Fisher Road, 10 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, Medic, and Ladder

Time: 6 minutes

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Streets: Maintenance will be available for any additional right-of-way that may be included in this annexation request.

Water: This site can be served by an existing 24 inch main located in Wilson Road.

Sewer:

Sanitary Sewer: This area can be served by an existing 8 inch sewer located 250 feet east of the property. A mainline sewer extension will be required.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 3.332 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Franklin Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Franklin Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

#### **ORD. NO. 1271-02**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in proposed annexation (AN02-023) of 5.8± Acres in Norwich and Prairie Townships to the city of Columbus required by the Ohio Revised Code and to declare an emergency.

WHEREAS a petition for the annexation of certain territory in Norwich and Prairie Townships was duly filed by James V. Pearson, Jr. et al on July 12, 2002; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the city of Columbus will provide the following municipal services for 5.8± acres in Norwich and Prairie Townships upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

At the present time fire protection for the proposed annexation is as follows:

First response from: Station 26, 5433 Fisher Road, 10 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, Medic, and Ladder.

Time: 3 minutes.

Second response from: Station 30, 3200 Sullivant Avenue, 6 Personnel/ 3 Paramedics.

Apparatus responding: Paramedic/Engine, and Medic.

Time: 11 minutes.

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Streets: Maintenance will be available for any additional right-of-way that may be included in this annexation request.

Water: This site can be served by an existing 16 inch main located in Trabue Road.

Sewer:

Sanitary Sewer: This site can be served by an existing 36 inch sewer which passes through the area.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 5.8 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Norwich and Prairie Townships, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Norwich and Prairie Townships.

For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1272-02**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN02-026) of 11.3± Acres in Hamilton Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

WHEREAS, a petition for the annexation of certain territory in Hamilton Township was duly filed by Danny M. Rohrbaugh, et al. on July 12, 2002; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the South Central Accord planning area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the city of Columbus will provide the following municipal services for 11.3± acres in Hamilton Township upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

At the present time fire protection for the proposed annexation is as follows:

First response from: Station 22, 3069 Parsons Ave., 10 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, Medic, and Ladder

Time: 6 minutes

Second response from: Station 14, 1514 Parsons Ave., 6 Personnel/ 3 Paramedics

Apparatus responding: Paramedic/Engine, and Medic

Time: 10 minutes

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Streets: Maintenance will be available for any additional right-of-way that may be included in this annexation request.

Water: City water service is not available to this site.

Sewer:

Sanitary Sewer: This area is tributary to the Parsons Ave. Subtrunk which is currently under construction. This subtrunk will terminate about 800 feet south of the site. A mainline sewer extension will be required.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 11.3 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Hamilton Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Hamilton Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1273-02**

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN02-025) of 2.095± Acres in Blendon Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

WHEREAS, a petition for the annexation of certain territory in Blendon Township was duly filed by James B. Weidner on July 15, 2002; and

WHEREAS, a hearing on said petition is scheduled before the Board of County Commissioners of Franklin County; and

WHEREAS, the Ohio Revised Code requires that before said hearing the Municipal Legislative Authority shall adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation; and

WHEREAS, the Ohio Revised Code requires that before said meeting the Municipal Legislative Authority to adopt an ordinance stating zoning buffering conditions; and

WHEREAS, properties proposed for annexation are included within the Columbus Comprehensive Plan study area and within the 2002 Northland Plan - Volume II planning area; and

WHEREAS, upon annexation, properties will have uniform access to City services as they become available; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to present this ordinance to the Franklin County Board of Commissioners in accordance with the Ohio Revised Code all for the preservation of the public peace, property, health safety and welfare; now, therefore,

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

Section 1. That the city of Columbus will provide the following municipal services for 2.095± acres in Blendon Township upon the annexation of said area to the city of Columbus:

Public Safety: The City of Columbus, Department of Public Safety will be able to provide the appropriate level of safety related services to the proposed annexation area. Such services will include police and fire protection as well as emergency medical service to the subject property.

While the petitioner for annexation may have proposed future development plans for the property in question, the Department of Public Safety requests that the City exercise its discretion in the coming development planning and review process to ensure any future development will be properly served by the Department of Public Safety. Discussions between the City and the present property owner or any future developers regarding post annexation changes in zoning or other changes to the property should include the Department of Public Safety and the Department of Development to ensure any proposed development of the annexation property may be adequately accommodated. Specific details for safety services are dependent upon the parameters of future development that is ultimately approved by the City.

At the present time fire protection for the proposed annexation is as follows:

First response from: Station 29, 5151 Little Turtle Way, 6 Personnel/ 3 Paramedics.

Apparatus responding: Paramedic/Engine, and Medic.

Time: 5 minutes.

Second response from: Station 28, 3240 McCutcheon Road, 10 Personnel/ 3 Paramedics.

Apparatus responding: Paramedic/Engine, Medic, and Ladder.

Time: 8 minutes.

Sanitation: Residential refuse collection services will be available upon annexation of the property.

Streets: Maintenance will be available for any additional right-of-way that may be included in this annexation request.

Water: This site can be served by an existing 12 inch main located in Broadview Road.

Sewer:

Sanitary Sewer: This site can be served by an existing 54 inch sewer located about 65 feet south of the property. A mainline extension will be required.

Storm Sewer: All storm sewers necessary for development/redevelopment of the area shall be designed in accordance with design policy and zoning codes in effect at the time of development.

All sanitary and storm sewers required shall be constructed privately by the owners/developers at their own cost and expense with no cost to the city.

Section 2. If this 2.095 acre site is annexed and if the City of Columbus permits uses in the annexed territory that the City of Columbus determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within Blendon Township, the Columbus City Council will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Blendon Township. For the purpose of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements: streets and street right-of-way; and bicycle and pedestrian paths and sidewalks.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1274-02**

To authorize the Human Resources Department to modify and extend the contract with Cantlon Associates, Inc. to provide Workers' Compensation services from August 1, 2002 through July 31, 2003 and to authorize the expenditure of \$37,792.13 or so much thereof as may be necessary to pay the cost of said contract. (\$37,792.13) ;and to declare an emergency.

WHEREAS, it is in the best interest of the City of Columbus to extend a contract to provide Workers' Compensation actuarial services from August 1, 2002 through July 31, 2003; and

WHEREAS, it is necessary to authorize the expenditure of \$37,792.13, or so much thereof as may be necessary to pay contract costs for actuarial services; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Human Resources in that it is immediately necessary to pass this legislation as an emergency measure because the contact period is from August 1, 2002 to July 31, 2003 and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety, and; now, therefore,

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

Section 1. That the Director of the Human Resources Department is hereby authorized to modify and extend the contract with Cantlon Associates, Inc. to provide Workers' Compensation actuarial services from August 1, 2002 through July 31, 2003.

Section 2. That the expenditure of \$37,792.13, or so much thereof as maybe necessary from Fund 502, V Human Resources Department, Division No. 46-01, Object level 1: 03, Object level 3: 3336, and OCA code 450882 is hereby authorized and directed.

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1275-02**

To authorize the Director of the Department of Technology to modify a contract with Decade Software Company for software license and support services utilized for the Envision for Windows software product, on behalf of the Columbus Board of Health; to authorize the expenditure of \$43,260.00 from the Department of Technology. General Fund and to declare an emergency (\$43,260.00)

WHEREAS, The Department of Technology, on behalf of the Columbus Health Department, needs to modify and extend contract EL000490 for the software license and support services, utilized by the Envisions for Windows software product, and

WHEREAS, The Envisions for Windows is a critical application that provides the Health Department the ability to operate the Environmental Health Unit, which provides an extensive array of services, and

WHEREAS, Failure to renew this contract will result in the City of Columbus Health Department failing to meet reporting and licensing requirements of the State of Ohio, thus causing the loss of the capability to operate the Environmental Health Unit, and

WHEREAS, The contract (EL000490) was originally established by the Columbus Health Department on July 1, 2000, and

WHEREAS, This contract was placed under the authority of the City of Columbus Department of Technology, January 2001 due to the reorganization, and

WHEREAS, The contract modification will extend the terms and conditions of this contract from July 1, 2002 until June 30, 2003. in the amount of \$43,260.00, and

WHEREAS, an emergency exists in the usual and daily operation of the Information Services Division in that it is necessary to immediately enter into contract for installment/purchase of a printer system, related maintenance services, and 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 Director of the Department of Technology be and is hereby authorized to modify contract EL000490, on behalf of the Columbus Board of Health, for the software license and support services, utilized by the Envisions for Windows software product for the Environmental Health Unit.

Section 2: That the expenditure of \$43,260.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Division:	47-01
Fund:	010
OCA Code:	470724
Object Level 1	03
Object Level 3	3369
Amount:	\$43,260.00

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1276-02**

To authorize and direct the Finance Director to enter into five contracts for an option to purchase Aluminum, Fiberglass, Cast Iron Poles/Aluminum Bases and Brackets, with Becker Electric Supply, Electric Laboratories and Sales Corp., Consolidated Electric Distributors, Inc., Graybar Electric Company, Inc., GE Supply, and Performance Electrical Products to authorize the expenditure of five dollars to establish contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$5.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on May 30,2002 and selected the lowest bids; and

WHEREAS, this ordinance addresses Purchasing objectives 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, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into five contracts for an option to purchase Aluminum, Fiberglass, Cast Iron Poles/Aluminum Bases and Brackets, 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 Director be and is hereby authorized and directed to enter into five contracts for an option to purchase Aluminum, Fiberglass, Cast Iron Poles/Aluminum Bases and Brackets in accordance with Solicitation No. SA000262BGB as follows:

Company	Item(s)	Amount
Becker Electric Supply	1-12, 14-17,25,26,28,29,31,33-43, 45, 49-53, 55-57, 59 and 60	\$1.00
Electric Laboratories	13, 18,22,24,30,32	\$1.00
Consolidated Electrical Distributors, Inc.	19	\$1.00
Gray bar Electric Company, Inc.	20 and 21	\$1.00
GE Supply	27, 44, 54 and 58	\$1.00

No bids were received for items 46, 47, and 48; no award is being made on item 23.

Section 2. That the expenditure of \$5.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1277-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Crystal Enterprise Software, with Software House International, to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on July 15, 2002 and selected the lowest, responsive, and responsible bidder; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Crystal Enterprise Software, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Crystal Enterprise Software in accordance with Solicitation No. SA000281JY as follows:

Company	Item(s)	Amount
Software House International	1, 2, 3, 4A, 4C, 5, 6, 7A, 7B, 7C, 7D and 7E	\$1.00

No award is being made on item 4B.

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1278-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Rabble Arms and Teeth, with U.S. Filter/CPC, to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 13, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Rabble Arms and Teeth, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Rabble Arms and Teeth in accordance with Solicitation No. SA000271BGB as follows:

Company	Item(s)	Amount
U.S. Filter/CPC	All Items	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1279-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Vibration and Temperature Monitors, with Intercept, to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 13, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Vibration and Temperature Monitors, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Vibration and Temperature Monitors in accordance with Solicitation No. SA000270BGB as follows:

Company	Item(s)	Amount
Intercept	1.2.1 through 1.2.5	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1280-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Screw Conveyor Parts, with Spaans Babcock, Inc., to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on April 4, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Screw Conveyor Parts, thereby preserving the public health, peace, property, safety, and welfare; now, therefore, **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

Section 1. That the Finance Director be and is hereby authorized and directed to enter into a contract for an option to purchase Screw Conveyor Parts in accordance with Solicitation No. SA000227BGB as follows:

Company	Item(s)	Amount
Spaans Babcock, Inc.	All Items	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1281-02**

To authorize and direct the Finance Director to enter into two contracts for an option to purchase Speciality, Industrial and Medical Gases, with BOC Gases, and Valley National Gases, to authorize the expenditure of two dollars to establish contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$2.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 13, 2002 and selected the lowest bids; and

WHEREAS, this ordinance addresses Purchasing objectives 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, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into two contracts for an option to purchase Speciality, Industrial and Medical Gases, 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 Director be and is hereby authorized and directed to enter into two contracts for an option to purchase Speciality, Industrial and Medical Gases in accordance with Solicitation No. SA000273DRM as follows:

Company	Item(s)	Amount
BOC Gases	1-1A, 4-4A, 7-10A, 12-28B, 30-37A, 39-49A	\$1.00
Valley National Gases	2-3B, 5-6B, 11-11A, 29-29A, 38-38B, 50-50A	\$1.00

Section 2. That the expenditure of \$2.00 is hereby authorized from Purchasing Contract Account, Organization Level I: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1282-02**

To authorize and direct the Finance Director to enter into three contracts for an option to purchase Street Light Controllers, with General Electric Supply Company, Graybar Electric Company and Loeb Electric Company, to authorize the expenditure of three dollars to establish contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 6, 2002 and selected the lowest bids; and

WHEREAS, this ordinance addresses Purchasing objectives 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, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into three contracts for an option to purchase Street Light Controllers, 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 Director be and is hereby authorized and directed to enter into three contracts for an option to purchase Street Light Controllers in accordance with Solicitation No. SA000264BGB as follows:

Company	Item(s)	Amount
General Electric Supply Company	1,3,4,6, 12, 19, and 22	\$1.00
Graybar Electric Company	5,7, 13, 14, 15, 17, 21, 24, and 26	\$1.00
Loeb Electric Company	2,9, 10, 16, and 18	\$1.00

A purchase order will be issued to Becker Electric Supply Company for items 8, 20, and 25; no award is being made for items 11 and 23. Section 2. That the expenditure of \$3.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1283-02**

To authorize and direct the Finance Director to modify and extend the citywide contract for the option to purchase Preventive Maintenance Services, with McGlaughlin Oil Company dba Fas Lube, Inc., and to declare an emergency.

WHEREAS, the Purchasing Office advertised and solicited formal bids, and selected the lowest bid; and

WHEREAS, vendor has agreed to extend FL000323 at current prices and conditions to and including August 31, 2003, and it is in the best interest of the City to exercise this option: and

WHEREAS, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to extend FL000323 for an option to purchase Preventive Maintenance 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 Director be and is hereby authorized and directed to modify and extend FL000323 with McGlaughlin Oil Company dba Fas Lube, Inc. to and including August 31, 2003.

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

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1284-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase EMS Gloves, with U.S. Latex Products, Inc., to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on April 18, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 EMS Gloves, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase EMS Gloves in accordance with Solicitation No. SA000237DRM as follows:

Company	Item(s)	Amount
U.S. Latex Products, Inc.	All Items	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1285-02**

To authorize and direct the Finance Director to enter into three contracts for an option to purchase Service and Training Ammunition, with Abele-Davis Corporation, Kiesler Police Supply, Inc., and Matre Arms & Ammunition, Inc., to authorize the expenditure of three dollars to establish contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on July 1, 2002 and selected the lowest bids; and

WHEREAS, this ordinance addresses Purchasing objectives 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, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into three contracts for an option to purchase Service and Training Ammunition, 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 Director be and is hereby authorized and directed to enter into three contracts for an option to purchase Service and Training Ammunition in accordance with Solicitation No. SA000285DRM as follows:

Company	Item(s)	Amount
Abele-Davis Corporation	5	\$1.00
Kiesler Police Supply, Inc.	2	\$1.00
Matre Arms & Ammunition, Inc.	1 and 3	\$1.00

No award is being made on item 4 at this time.

Section 2. That the expenditure of \$3.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1286-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase OEM Chrysler Parts, with Byers Chrysler, Inc., to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 20, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 OEM Chrysler Parts, thereby preserving the public health, peace, property, safety, and welfare; now, therefore, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Finance Director be and is hereby authorized and directed to enter into a contract for an option to purchase OEM Chrysler Parts in accordance with Solicitation No. SA000275BGB as follows:

Company	Item(s)	Amount
Byers Chrysler, Inc.	Item 1	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1287-02**

To authorize and direct the Finance Director to modify and extend the citywide contract for the option to purchase Seepex Pump Parts, with Buckeye Pumps, Inc., and to declare an emergency.

WHEREAS, the Purchasing Office advertised and solicited formal bids, and selected the lowest bid; and

WHEREAS, vendor has agreed to extend FL000531 at current prices and conditions to and including December 31, 2004, and it is in the best interest of the City to exercise this option; and

WHEREAS, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to extend FL000531 for an option to purchase Seepex Pump Parts thereby preserving the public health, peace, property, safety, and welfare, now, therefore, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Finance Director be and is hereby authorized and directed to modify and extend FL000531 with Buckeye Pumps, Inc. to and including December 31, 2004.

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

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk



**ORD. NO. 1288-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Janitorial Services, with Redeemer Cleaning International, Ltd., to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on June 20, 2002 and selected the lowest bid; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Janitorial 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Janitorial Services in accordance with Solicitation No. SA000277JRM as follows:

Company	Item(s)	Amount
Redeemer Cleaning International, Ltd.	All Items	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1289-02**

To authorize and direct the Finance Director to enter into three contracts for an option to purchase Non-Lethal Riot Control Munitions, with Roy Tailors Uniform Company of Columbus, Inc., Standard Law Enforcement Supply Company, and Vance's Shooters Supplies, to authorize the expenditure of three dollars to establish contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on July 1, 2002 and selected the lowest bids; and

WHEREAS, this ordinance addresses Purchasing objectives 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, an emergency exists in the usual daily operation of the Purchasing Office in that it is immediately necessary to enter into three contracts for an option to purchase Non-Lethal Riot Control Munitions, 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 Director be and is hereby authorized and directed to enter into three contracts for an option to purchase Non-Lethal Riot Control Munitions in accordance with Solicitation No. SA000280DRM as follows:

Company	Item(s)	Amount
Roy Tailors Uniform Company of Columbus, Inc.	3 and 4	\$1.00
Standard Law Enforcement Supply Company	2	\$1.00
Vance's Shooters Supplies	1 and 5	\$1.00

Section 2. That the expenditure of \$3.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1290-02**

To authorize the Director of the Department of Finance to issue a purchase order to Cingular Wireless for the purchase of cellular modem service for the Department of Technology, Information Services Fund, to authorize the expenditure of \$190,000.00 from the General Fund and to declare an emergency. (\$190,000.00)

WHEREAS, This legislation is to authorize the Department of Finance to issue a purchase order to Cingular Wireless, for the purchase of operational and maintenance modem service, for the Department of Technology, on behalf of the Police Division, and

WHEREAS, Already established, for this service, is a Universal Term Contract (UTC) CT-17226, by the City of Columbus Purchasing Office, and

WHEREAS, The service provided is a critical and vital component of the daily operations within the Police Division, and

WHEREAS, This service allows police officers the ability to transmit and receive information via CDPD (cellular digital packet data) modem, and

WHEREAS, These modems provide mobility, flexibility and increase efficiency, while allowing officer; to send and receive vital information regarding criminals, suspects and witnesses without taking time to mount a workstation unit to the police car dashboard, and

WHEREAS, Without this service, the Police Division will lose the ability to perform the functions previously listed, which will hinder and delay the daily operational functions within the Division. Thus bringing risk to the safety of the community and citizens, and

WHEREAS, There is a need to issue a purchase order to Cingular Wireless on behalf of the Department of Technology in order to continue service without interruption, and

WHEREAS, the balance needed to cover this obligation is currently projected to be \$190,000.00, and

WHEREAS, Adequate funding was budgeted in the 2002 Information Services Fund, and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize this purchase order, 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 be and hereby authorized to issue a purchase order to Cingular Wireless for the purchase of cellular modem services for the Department of Technology, on behalf of the Police Division, which is vital to daily operations.

Section 2: That the expenditure of \$190,000.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Division:	47-01
Fund:	010
OCA Code:	470724
Object level one:	03
Object level three:	3302
Amount:	\$190,000.00

Section 3: That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared 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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1291-02**

To authorize the Director of the Department of Technology to modify and extend a contract with Air Force One, Inc. for the purchase of Heating Ventilating and Air Conditioning maintenance and repair services for the Department of Technology; to authorize the expenditure of \$50,428.00 from the Information Services Fund and to declare an emergency. (\$50,428.00)

WHEREAS, The Department of Technology needs to modify and extend contract EL000160 with Air Force One, Inc.; and

WHEREAS, This contract provides operation and maintenance service for the heating ventilation and air conditioning (HVAC) systems, which also supports the Uninterruptible Power Supply (UPS) system; and

WHEREAS, This contract will make provisions for services from certified technicians that will maintain the local facility by efficiently utilizing heating and cooling equipment which support all offices and utility areas; and

WHEREAS, This modification and extension will continue uninterrupted service, without any increase in rates; and

WHEREAS, The initial contract term was effective February 1, 2000 and was written with an option to renew; and

WHEREAS, To authorize the expenditure of \$50,428.00 from the Information Services Fund, which adequate funding is budgeted and available in the 2002 Information Services Fund; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize this contract expenditure, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1: That the Director of the Department of Technology be and is hereby authorized to modify and extend contact EL000160 for the purchase of Heating, Ventilating, and Air Conditioning maintenance and repair services from Air Force One, Inc. related to the daily operations of the Department of Technology facility.

Section 2: That the expenditure of \$50,428.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Division:	47-02
Fund:	514/001
OCA Code:	286039
Object Level One:	03
Object Level Three:	3372
Amount:	\$50,428.00

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1292-02**

To authorize the Director of the Department of Technology to modify and extend a contract with Xerox Corporation for laser printer lease and maintenance services for the Information Services Division, and to authorize the expenditure of \$178,375.00 from the Information Services Fund, and to declare an emergency. (\$178,375.00)

WHEREAS, this legislation is to authorize the Director of the Department of Technology to modify and extend, an operations and maintenance, contract DL000046 with The Xerox Corporation, for laser printer lease and maintenance services, in the amount of \$178,375.00, and

WHEREAS, the Information Services Division owns and operates two Xerox high speed laser printing systems used in direct support of mission critical applications for several city agencies; and

WHEREAS, the units annually produce several million report-pages and more than a million critical documents for mission critical City business applications, and

WHEREAS, large volume, critical print tasks are often processed during short windows of time making maintenance services vital to the reliable operation of said equipment, and

WHEREAS, modifying and extending this contract will allow the City a discounted cost savings in the amount of \$17,873.00 through a fifteen percent discount rate, and

WHEREAS, funding for this ordinance is available and budgeted from the Information Services Fund, and

WHEREAS, an emergency exists in the usual and daily operation of the Information Services Division in that it is necessary to immediately enter into contract for installment/purchase of a printer system, related maintenance services, and 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 Director of the Department of Technology be and is hereby authorized to modify and extend contract DL000046 with Xerox Corporation for lease and maintenance services for the City's high-speed/high-volume laser printers.

Section 2. That the expenditure of \$178,375.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Division:	47-02	47-02	47-02
Fund:	514/001	514/001	514/001
OCA Code:	280768	280768	280768
Character:	03	02	03
Minor Object:	3372	2204	3302
Amount:	\$102,000.00	\$30,000.00	\$46,375.00

Section 3. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1293-02**

To authorize the Director of the Department of Technology to modify and extend a contract with SIGMA Data Systems, Inc. for the purchase of an application management system upgrade and support services, and to authorize the expenditure of \$45,000.00 from the Department of Technology General Fund, and to declare an emergency. (\$45,000.00)

WHEREAS, This legislation authorizes the Director of the Department of Technology to modify the contract with SIGMA Data Systems, Inc. for the purchase of an application management system upgrade and support services, on behalf of the Civil Service Commission, and  
 WHEREAS, This application upgrade will be utilized, by a system already in place, in the areas of job recruitment, examination, selection and hiring, and

WHEREAS, Implementation of this application system upgrade will result in the goals of meeting higher productivity, less overall training and improved efficiency, and

WHEREAS, This system will support the City Charter, the Columbus Covenant, the Mission and Goals of the Civil Service Commission, current City employees and prospective job applicants, and

WHEREAS, The 2002 budget has adequate and available funds in the General Fund, and

WHEREAS, The cost of this purchase for the fiscal year 2002 is \$45,000.00, of which \$36,000.00 is for SIGMA Applicant Management System and \$9,000.00 is for a server to support this application, and

WHEREAS, an emergency exists in the usual and daily operation of the Information Services Division in that it is necessary to immediately enter into contract for installment/purchase of a printer system, related maintenance services, and 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 Director of the Department of Technology be and is hereby authorized to modify a contract with SIGMA Data Systems, Inc. for the purchase of an application management system upgrade and support services, on behalf of the Civil Service Commission in the amount of \$45,000.00.

Section 2. That the expenditure of \$45,000.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Division:	47-01	47-01
Fund:	010	010
OCA Code:	470724	470724
Character:	03	06
Minor Object:	3372	6649
Amount:	\$36,000.00	\$9,000.00

Section 3. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1294-02**

To authorize and direct the City Auditor to make adjustments to various city division appropriations for Technology expenses; to transfer \$163,023 within various city divisions' 2002 appropriations; to appropriate \$181,088 from the unappropriated balance of the water operating fund; to appropriate \$74,008 from the unappropriated balance of the sewer operating fund, and to declare an emergency. (\$418,119.00)

WHEREAS, it is desirable to shift the funding of the city's 2002 Metronet expenses to place responsibility for funding the cost among agencies that benefit from services; and

WHEREAS, it is necessary to make changes in the appropriations on behalf of non-general fund agencies to accommodate funding of the city's 2002 Metronet expenses; and

WHEREAS, it is necessary to adjust Technology Department appropriations to correct an error in the 2002 appropriations ordinance to provide for the city's educational access programming; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to make the aforementioned changes 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 City Auditor is hereby authorized and directed to transfer \$150,000 within the Department of Technology, Telecommunications Division cable fund, Department 47, Division Number 4703, Fund 203 from OCA 289678, Object Level 1 - 01, Object Level 3-1100 to OCA 289678, Object Level 1 - 01 Object Level 3 - 3336.

Section 2. That the City Auditor is hereby authorized and directed to appropriate from the unappropriated balance of various funds, within the various departments as follows:

Division	Division Number	Fund	OCA	OL1	OL3	Amount
Water	6009	600	602995	03	3334	\$ 181,088
Sewers	6005	650	605006	03	3334	\$ 74,008
TOTAL						\$ 255,096

Section 3. That the City Auditor is hereby authorized and directed to transfer \$163,023 the various funds, within the various departments as follows:

FROM:						
Division	Division Number	Fund	OCA	OL1	OL3	Amount
Golf	5103	284	516005	03	3353	\$ 800
Development Services	4403	240	440384	02	2193	16,680
Development Services	4403	240	440384	02	2193	16,651
Fleet Management	5905	513	591206	03	3331	16,000
Fleet Management	5905	513	591206	03	3370	12,279
Land Acquisition	2403	525	240309	03	3336	909
Electricity	6007	550	600700	03	3310	15,000
Electricity	6007	550	600700	03	3326	5,000
Electricity	6007	550	606723	03	3370	5,000
Employee Benefits	4601	502	450882	03	3336	550
Transportation	5909	265	599019	03	3330	2,500
Transportation	5909	265	599029	03	3330	1,000
Transportation	5909	265	599001	03	3330	1,000
Transportation	5909	265	599016	03	3330	1,000
Transportation	5909	265	599098	03	3330	4,000
Transportation	5909	265	599114	03	3330	5,000
Transportation	5909	265	599116	03	3330	500
Transportation	5909	265	599019	03	3331	1,000
Transportation	5909	265	599098	03	3331	4,000
Transportation	5909	265	599116	03	3331	500
Transportation	5909	265	599114	03	3331	500
Transportation	5909	265	599116	03	3369	2,000
Transportation	5909	265	599100	03	3372	4,000
Transportation	5909	265	599106	03	3372	4,000
Transportation	5909	265	599114	03	3372	2,000
Transportation	5909	265	599116	03	3375	20,000
Transportation	5909	265	599114	03	3332	4,000
Transportation	5909	265	599116	03	3375	17,154
TOTAL						\$ 163,023

TO:						
Division	Division Number	Fund	OCA	OL1	OL3	Amount
Golf	5103	284	516005	03	3334	\$ 800
Development Services	4403	240	440384	03	3334	33,331
Fleet Management	5905	513	591347	03	3334	28,279
Land Acquisition	2403	525	240309	03	3334	909
Electricity	6607	550	600791	03	3334	25,000
Employee Benefits	4601	502	450882	03	3334	550
Transportation	5909	265	599114	03	3334	74,154
TOTAL						163,023

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1295-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Polymer, with Polydyne, Inc., to waive competitive bid requirements, to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on March 14, 2002 and has rejected all bids due to flaws in the specifications; and

WHEREAS, the City must have polymer to process wastewater, the previous contract for polymer has expired and the results of the performance tests from the rejected bid are still viable, and

WHEREAS, because of the current lack of supply for polymer, the Purchasing Office recommends that the City Council waive of formal competitive sealed bids in the best interest of the City, and authorize a contract to the lowest evaluated cost, responsive, responsible and best bidder, as considered an informal bid.

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Polymer, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Polymer in accordance with revised specifications from Solicitation No. SA000202 and the bid as negotiated with Polydyne, Inc., as follows:

Company	Item(s)	Amount
Polydyne, Inc.	All Items	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, to pay the cost thereof.

Section 3. That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Sections 329.06 (Formal Competitive Sealed Bidding) of the Columbus City Code.

Section 4. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1296-02**

To authorize and direct the Director of the Human Resources Department to enter into contract with 3SG Corporation for imaging services of workers' compensation and injury leave claims from August 1, 2002 through July 31, 2003, and to authorize the expenditure of \$60,000, or so much thereof as may be necessary to pay the cost of said contract; to waive competitive bidding requirements, and to declare an emergency. (\$60,000.00)

WHEREAS, it is in the best interest of the City of Columbus to enter into a contract to provide Workers' Compensation and Injury Leave imaging services from August 1, 2002 through July 31, 2003.

WHEREAS, it is necessary to authorize the expenditure of \$60,000.00, or so much thereof as maybe necessary to pay contract costs for imaging services: now, therefore,

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

Section 1. That the Director of the Human Resources Department is hereby authorized and directed to enter into contract with 3SG Corporation for imaging services of workers' compensation and injury leave claims.

Section 2. That the expenditure of \$60,000.00, or so much thereof as may be necessary from Fund 502, Human Resources/Employee Benefits Risk Management Section, Division No. 46-01, Object Level 1: 03, Object Level 3: 3336, OCA code 450882 is hereby authorized and directed.

Section 3. That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Sections 329.06 (Formal Competitive Bidding) of the Columbus City Code.

Section 4. 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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1297-02**

To authorize and direct the Finance Director to enter into a contract for an option to purchase Protective Footwear, with Safety Solutions, Inc., to waive competitive bidding requirements to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$1.00)

WHEREAS, the Purchasing Office advertised and solicited formal bids on February 21,2002 and June 13, 2002 and all bids were rejected for non-responsiveness; and

WHEREAS, a contract was negotiated with the lowest bidder meeting shoe quality specifications; and

WHEREAS, this ordinance addresses Purchasing objectives 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, 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 Protective Footwear, 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 Director be and is hereby authorized and directed to enter into a contract for an option to purchase Protective Footwear in accordance with Solicitation No. SA000268DRM as follows:

Company	Item(s)	Amount
Safety Solutions, Inc.	All	\$1.00

Section 2. That the expenditure of \$1.00 is hereby authorized from Purchasing Contract Account, Organization Level 1: 45-01, Fund: 05-516, Object Level 3: 2270, OCA: 451120, to pay the cost thereof.

Section 3. That in accordance with Section 329.27 of the Columbus City Code, this Council finds the best interest of the City is served by waiving, and does hereby waive Sections 329.06 (Formal Competitive Bidding) of the Columbus City Code.

Section 4. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1298-02**

To authorize the Finance Director to establish a Blanket Purchase Order with Vopak, USA for the purchase of Sodium Hypochlorite from an established Universal Term Contract for the Division of Sewerage and Drainage; to authorize the expenditure of \$145,000.00 from the Sewerage System Operating Fund and to declare an emergency. (\$145,000.00)

WHEREAS, the Purchasing Office established with Vopak USA for the option to obtain Sodium Hypochlorite for the Division of Sewerage and Drainage; and,

WHEREAS, the Division desires to establish a Blanket Purchase Order with Vopak USA for said purchases; and,

WHEREAS, an emergency exists in the usual daily operations of the Division of Sewerage and Drainage, Department of Public Utilities, 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 Finance Director is hereby authorized to issue a Blanket Purchase Order for the purchase of Sodium Hypochlorite on the basis Universal Term Contract, for use within the Division of Sewerage and Drainage, Department of Public Utilities.

Section 2. That the purpose of paying the cost thereof, the expenditure of \$ 145,000.00 or so much thereof as may be needed, is hereby authorized from the Sewerage System Operating fund, Fund No. 650.

Division No. 60-05 - Department of Public Utilities			
OCA	Object Level One	Object Level Three	Amount
605055	02	2204	\$100,000.00
605022	02	2204	\$ 45,000.00
Total			\$145,000.00

to pay the cost thereof

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 disapproves the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1299-02**

To authorize the Finance Director to enter into contracts with Reed City Power Line Supply and G. E. Supply for the purchase of transformers for the Public Utilities Department; to authorize the transfer of funds within the Waterworks Enlargement Voted 1991 Bonds Fund; to authorize the expenditures of \$16,750.00 from Waterworks Enlargement Voted 1991 Bonds Fund, \$24,050.00 from the Division of Electricity Operating Fund, and \$50,132.00 from the Flood Control Scioto River Fund; and to declare an emergency. (\$90,932.00)

WHEREAS, transformers are required by the Department of Public Utilities for the West Columbus Local Protection Project and the Dublin Road Water Plant Miscellaneous Improvements Project, and

WHEREAS, the Division of Electricity coordinated the bidding process for said transformers with the Purchasing Office; and

WHEREAS, the Purchasing Office received and opened bids on June 6, 2002, SA0000252BGB; and

WHEREAS, awards have been recommended based upon the lowest responsive and responsible evaluated bids received; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities, in that it is immediately necessary to transfer funds and to enter into contracts for the purchase of transformers 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 City Auditor is hereby authorized and directed to transfer \$16,750.00 within the Waterworks Enlargement Voted 1991 Bonds Fund 606, Division No. 60-09, as follows:

<b>FROM:</b>				
PROJECT NO.	PROJECT NAME	OCA	OBJECT LEVEL 3	AMOUNT
690407	Mound/ Harrisburg Pike 24" Water Line	642900	6629	\$16,750.00
<b>TO:</b>				
PROJECT NO.	PROJECT NAME	OCA	OBJECT LEVEL 3	AMOUNT
690278	Dublin Road Water Plant Misc. Improvements	642900	6623	\$16,750.00

SECTION 2. That the Director of Finance be and is hereby authorized to enter into contracts for the purchase of transformers for the Department of Public Utilities, on the basis of the lowest responsive and responsible bids received June 6, 2002, Solicitation Number SA000252BGB, as follows:

Vendor	Item No.	Amount
Reed City Power Line Supply	3	\$ 50,132.00
G.E. Supply Co.	1 and 2	\$ 40,800.00
<b>TOTAL</b>		<b>\$ 90,932.00</b>

Section 3. That to pay the cost of the aforesaid contracts, the expenditure of \$90,932.00, or so much thereof as may be needed, is hereby authorized from the Department of Public Utilities Funds as follows:

Division/Fund Name	Fund No.	Project No./Name	OCA	Object Level 3	Amount
Division 60-07 Electricity Operating Fund	550		600783	6621	\$ 24,050.00
Division 60-15 Flood Control Scioto River Fund	727	610892 WCLPP	642322	6621	\$ 50,132.00
Division 60-09 Water Waterworks Enlargement Voted 1991	606	690278 Dublin Rd. Water Plant Misc. Imp.	642900	6623	\$ 16,750.00
<b>TOTAL</b>					<b>\$ 90,932.00</b>

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1300-02**

To authorize the Finance Director to purchase Primary Metering Cabinets for the Division of Electricity for the Reliable Power portion of the West Columbus Local Floodwall Protection Project; to waive the competitive bidding provisions of the Columbus City Code; to authorize the expenditure of \$26,892.00 from the Division of Electricity Operating Fund; and to declare an emergency. (\$26,892.00)

WHEREAS, Primary Metering Cabinets are required by the Division of Electricity for the Reliable Power portion of the West Columbus Local Floodwall Protection Project; and

WHEREAS, an attempt to obtain bids through the formal bidding process was unsuccessful; and

WHEREAS, it is in the best interest of the City of Columbus to waive the competitive bidding provisions of the Columbus City Code to award a purchase order to Reed City Power Line Supply for said Primary Metering Cabinets, and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities, Division of Electricity, in that it is immediately necessary to purchase Primary Metering Cabinets 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 be and is hereby authorized to purchase Primary Metering Cabinets from Reed City Power Line Supply, for the Division of Electricity, in the amount of \$26,892.00.

Section 2. Pursuant to Section 329.27 it is determined to be in the best interest of the City of Columbus to waive the competitive bidding provisions of Columbus City Code, 1959, Section 329.06.

Section 3. That to pay the cost of the aforesaid purchase, the expenditure of \$26,892.00, or so much thereof as may be needed, is hereby authorized from the Division of Electricity Operating Fund 550, Div. No. 60-07, OCA 600783, Object Level Three 6621.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1301-02**

To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with Benatec Associates, Inc. to provide Construction Administration Services for the Division of Sewerage and Drainage, Stormwater Management Section and to authorize the expenditure of an amount not to exceed \$246,500.00 within the Voted 1999 Flood and Storm Sewer Fund; and to declare an emergency (\$246,500.00)

WHEREAS, significant flooding and other stormwater problems have been identified through customer complaints for the areas covered by these projects; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into an agreement for professional engineering services to provide Construction Administration Services associated with the following stormwater system projects

- CIP 701 - East Stanton Avenue Stormwater System Improvements
- CIP 720 - Noe Bixby Avenue Culvert Replacement
- CIP 828 - Powell Ditch Improvements
- CIP 704 - Linden Avenue Area Stormwater System Improvements
- CIP 037 - East Central Relief Storm Sewer; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into an agreement for Construction Administration Services, for the preservation of the public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Director of Public Utilities be, and hereby is, authorized to execute an agreement with Benatec Associates, Inc., 119 Dillmont Drive, Columbus, Ohio 43235 for the Division of Sewerage and Drainage, for professional engineering services in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

Section 2. That the said engineering firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 3. That for the purpose of paying the cost of the professional engineering services contract, an amount not to exceed, be and the same is hereby authorized as follows:

Division	Fund	Project	Object Level Three	OCA Code	Amount
60-15	705	610701	6682	610701	\$8,000.00
60-15	705	610720	6682	610720	\$21,000.00

60-15	705	610828	6682	611828	\$67,500.00
60-15	705	610704	6682	610704	\$25,000.00
60-15	705	610037	6682	650093	\$125,000.00

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 nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1302-02**

To authorize the City Auditor to transfer \$ 111,000.00 within the Water Works Enlargement Voted 1991 Bonds Fund to fund the Hap Cremean Water Plant Raw Water Line project for the Division of Water, to amend the 2001 C.I.B., and to declare an emergency. (\$111,000.00)

WHEREAS, it is required in the usual daily operation of the Division of Water, Department of Public Utilities, provide funding and additional authority for the Hap Cremean Water Plant Raw Water Line project, and

WHEREAS, the required funds are available in Mound/Harrisburg Pike 24" Water Line, and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Mound/Harrisburg Pike 24" Water Line. This transfer should be considered as a temporary funding method and in no way shall alter the status of the funding project, and

WHEREAS, an emergency exists in the usual daily operations of the Division of Water, Department of Public Utilities in that it is immediately necessary to transfer funds between two projects within Fund No. 606, and to amend the 2001 C.I.B., thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor is hereby authorized and directed to transfer monies within the Water Works Enlargement Voted 1991 Bonds Fund No. 606, Object Level One 06, Object Level Three 6601, as follows:

FROM:				
690407	Mound/Harrisburg Pike 24" Water Line	OCA Code 642900	\$ 111,000.00	
TO:				
690265	Hap Cremean Water Plant Raw Water Line	OCA Code 690265	\$ 111,000.00	

Section 2. That in Section 1, Public Utilities/Water 60-09 of Ordinance No. 0726-01 is hereby amended as follows:

<u>PROJECT NO.</u>	<u>PROJECT</u>	<u>2000 BUDGET</u>
690265	Hap Cremean Water Plant Raw Water Line	\$1,518,000 *(1)*
690286	HCWP Miscellaneous Improvements	\$182,000 *(2)*

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

	<u>2001 ORIGINAL BUDGET</u>	<u>2001 AMENDED BUDGET</u>	<u>COMMENTS</u>
*(1)*	\$1,500,000	\$1,518,000	AUTHORITY INCREASED
*(2)*	\$200,000	\$182,000	AUTHORITY REDUCED

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1303-02**

To authorize the Director of Public Utilities to enter into an agreement for professional engineering services with ME Companies to provide Construction Administration Services for the Division of Sewerage and Drainage, Stormwater Management Section and to authorize the expenditure of an amount not to exceed \$246,000.00 within the Voted 1999 Flood and Storm Sewer Fund; and to declare an emergency (\$246,000.00)

WHEREAS, significant flooding and other stormwater problems have been identified through customer complaints for the areas covered by these projects; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into an agreement for professional engineering services to provide Construction Administration Services associated with the following stormwater system projects

- CIP 712 - ST-24 Refugee Road Pump Station Replacement
- CIP 806 - Walhalla Drive Culvert Improvement
- CIP 888 - Dublin Rd. at Urlin Dr. Stormwater System Improvements
- CIP 959 - Dorris Avenue Stormwater System Improvements
- CIP 992 - Harrisburg Pike Stormwater System Improvements
- CIP 944 - Olentangy River Road Stormwater System Improvements; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to enter into an agreement for Construction Administration Services, for the preservation of the public health, peace, property and safety; now, therefore,

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

Section 1. That the Director of Public Utilities be, and hereby is, authorized to execute an agreement with ME Companies, 635 Brookside Boulevard, Westerville, Ohio 43081 for the Division of Sewerage and Drainage, for professional engineering services in accordance with the terms and conditions on file in the office of the Division of Sewerage and Drainage.

Section 2. That the said engineering firm shall conduct the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.



Section 3. That for the purpose of paying the cost of the professional engineering services contract, an amount not to exceed, be and the same is hereby authorized as follows:

Division	Fund	Project	Object Level Three	OCA Code	Amount
60-15	705	610712	6682	610712	\$105,000.00
60-15	705	610806	6682	616524	\$48,000.00
60-15	705	610888	6682	650085	\$10,000.00
60-15	705	610959	6682	610959	\$30,000.00
60-15	705	610992	6682	616516	\$13,000.00
60-15	705	610944	6682	610944	\$40,000.00

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 nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1304-02**

To authorize the Director of Public Utilities to execute a contract with the Complete General Construction Company, for construction of the Sanitary System Rehabilitation-Alley E. of Wisconsin, North of Cable Ave. Project, in connection with the Mayor's Emergency declared July 9, 2002, for the Division of Sewerage and Drainage; to authorize the transfer and expenditure of \$128,804.40 from the 1991 Voted Sanitary Bond Fund; to amend the Capital Improvements Budget; and to declare an emergency. (\$128,804.40)

WHEREAS, A Mayor's Emergency was declared on July 9, 2002, for purposes of undertaking the necessary immediate action to install a new sanitary sewer that will replace a section that has partially collapsed and is severely deteriorated; which said sewer is located in an the alley between Wisconsin and Yale Avenues and north of Cable Ave. within the Franklinton community of the City; 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 urgent to contract for the necessary sewer replacement and rehabilitation services in connection with the Mayor's Emergency declared July 9, 2002, for the Sanitary System Rehabilitation-Alley E. of Wisconsin, North of Cable Ave. Project, and to amend the 2002 Capital Improvements Budget to accommodate said contract; so that the work may proceed without delay, thereby preserving the public health, peace and safety; now, therefore, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor is hereby authorized and directed to transfer monies within the said fund as follows:

Division of Sewerage and Drainage, Division 60-05  
Fund No. 664, 1991 Voted Sanitary Bond Fund

**FROM:**

Project	Title	Amount
650066	Big Run Subtrunk. N. of Broad	\$795.87
650353	SWWTP Digester Rehabilitation	\$12,812.63
650428	Nationwide Boulevard Combined Sewer	\$21,510.94
650577	Hilock/Lewis Roads Assessment Sewer	\$3,688.52
650607	OSIS Relocation/Nationwide Arena	\$20,332.87
650611	Big Run Sanitary Trunk Overflow	\$14,147.10
650638	McDowell/Sullivant Junction Chamber	\$35,516.47
650893	Big Run Subtrunk	\$20,000.00

**TO:**

Project	Title	Amount
650404	Sanitary System Rehabilitation	\$128,804.40

Section 2. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 3. That this Council hereby agrees with the Mayor's Emergency declared July 9, 2002, in accordance with Section 329.07(b), and finds that it is in the best interest of the City to authorize the Director of Public Utilities to execute a contract with Complete General Construction Company, Inc., 1221 E. Fifth Avenue, Columbus, Ohio 43219-2456, for the Sanitary System Rehabilitation-Alley E. of Wisconsin, North of Cable Ave. Project; and to pay up to a maximum of \$128,804.40 therefore.

Section 4. Those for the purpose of paying the cost of the construction contract the following expenditure, or as much thereof as may be needed, be and the same is hereby authorized as follows:

Division	Fund	Object Level Three	Project Acct.	OCA	Amount
60-05	664	6630	650404	655266	\$128,804.40

Section 5. That the 2001 Capital Improvements Budget Ordinance No. 0726-01 is hereby amended as follows, in order to provide sufficient budget authority for Sanitary System Rehabilitation-Alley E. of Wisconsin, North of Cable Ave. Project:

**FROM:**

Project CIP No.	Project Title	2001 Budget Amount
650404	Sewer System Rehabilitation	\$0

**TO:**

Project CIP No.	Project Title	2001 Budget Amount	Change Amount
650404	Sewer System Rehabilitation	\$128,805	\$128,805

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1305-02**

To authorize the Director of Public Utilities to modify the contract with T&Y Construction, Inc. for Construction Services for the Division of Sewerage and Drainage; to authorize the expenditure of \$ 217,298.00; and to declare an emergency. (\$217,298.00)

WHEREAS, Ordinance No. 2786-98, passed November 9, 1998, authorized the Director of Public Utilities to enter into contract for Construction Services with T&Y Construction, Inc., for facilities of the Division of Sewerage and Drainage; and,

WHEREAS, this contract was previously modified pursuant to Ordinance No. 2108-99, passed September 13, 1999; Ordinance No. 2741-99, passed November 22, 1999, and Ordinance No. 1316-00, passed June 6, 2000; and Ordinance No. 1135-01, passed July 16, 2001 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 authorize the modification of the existing contract with T&Y Construction, Inc., in order to provide for the proper, planned continuation of construction services for the preservation of the public health, peace, property, and safety; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Director of Public Utilities be, and hereby is, authorized to modify Contract No. CT20052 with T&Y Construction, Inc., P.O. Box 7019, Columbus OH 43205, in order to continue and extend services under Contract No. CT20052, in accordance with the terms and conditions as shown on the Modification on file in the office of the Division of Sewerage and Drainage.

Section 2. That the expenditure of \$ 217,298.00, or as much thereof as may be needed, is hereby authorized from Sewerage System Operating Fund 650, Department 60-05, to pay the cost of the modification to Contract No. CT20052, as follows:

OCA Code	Object Level 3	Amount
605030	3374	\$ 83,472.00
605063	3374	\$ 133,826.00

Section 3. That for the reasons stated in the preamble hereto, which is 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1306-02**

To authorize the City Auditor to make an intra-subfund transfer of monies within the Voted 1999 Flood and Storm Sewer Fund, pursuant to providing the necessary capital project funds for land acquisition and professional engineering services for various projects in the amount of \$518,900.00; for the Division of Sewerage and Drainage; to amend the Capital Improvements Budget to accommodate these various transactions; and to declare an emergency. (\$518,900.00)

WHEREAS, it is required in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, to maintain, upgrade and expand its storm sewer collection system; and

WHEREAS, these transfers do not adversely affect any of the projects included in this ordinance; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary to transfer funds within the Voted 1999 Flood and Storm Sewer Fund to execute the aforementioned capital project related transactions, for the preservation of the public health, peace, property and safety; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the City Auditor is hereby authorized and directed to transfer monies within the said fund as follows:

Division of Sewerage and Drainage, Division 60-15  
Fund 705, Voted 1999 Flood and Storm Sewer Fund, OCA 644401

**FROM:**

	PROJECT NAME	AMOUNT
610504	Fifth Avenue-NCR (Krumm Park)	\$330,000.00
610904	Fairwood Avenue/Koebel Road	\$120,000.00
610906	Fairwood Avenue/Smith Road	\$68,900.00
	<b>TOTAL</b>	<b>\$518,900.00</b>

**TO:**

	PROJECT NAME	AMOUNT
610037	East Central Relief Storm Sewer	\$134,400.00
610701	E. Stanton Ave. Stormwater System Imp	\$3,000.00
610704	Linden Ave. Area Stormwater Sys. Imp	\$25,000.00
610712	ST24 Refugee Road Pump Station Repl	\$105,000.00
610720	Noe Bixby Culvert Replacement	\$21,000.00
610806	Walhalla Drive Culvert Imp	\$18,000.00
610828	Powell Ditch Scarborough Livingston	\$67,500.00

610888	Dublin Rd. @ Urlin Storm System Imp	\$10,000.00
610941	Jasonway Avenue Drainage	\$77,000.00
610944	Olentangy River Road	\$40,000.00
610959	Dorris Avenue Stormwater System Imp	\$5,000.00
610992	Harrisburg Pike Stormwater System Imp	\$13,000.00
	TOTAL	\$518,900.00

Section 2. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance account within the same fund upon receipt of certification by the Director of Department administering said project that the project has been completed and the monies are no longer required for said project; except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 3. That the 2001 Capital Improvements Budget Ordinance No. 726-01 is hereby amended as follows, in order to establish sufficient funding authority for the various capital improvements projects:

**Current:**

	PROJECT TITLE	2001 BUDGET AMOUNT
610960	Bexvie Avenue Stormwater System Imp	\$566,561.00
610037	East Central Relief Storm Sewer	\$5,400.00
610704	Linden Avenue Area Stormwater System Imp	\$15,000.00
610720	Noe Bixby Culvert Replacement	\$22,224.00
610888	Dublin Road @ Urlin Storm System Imp	\$37,469.00
610959	Dorris Avenue Stormwater System Imp	\$10,000.00
610992	Harrisburg Pike Stormwater System Imp	\$0.00
	TOTAL	\$656,654.00

**Amended To:**

	PROJECT TITLE	2001 BUDGET AMENDED	CHANGE AMOUNT
610960	Bexvie Avenue Stormwater System Imp	\$373,423.00	(\$193,138.00)
610037	East Central Relief Storm Sewer	\$134,400.00	\$129,000.00
610704	Linden Ave. Area Storm System Imp	\$25,000.00	\$10,000.00
610720	Noe Bixby Culvert Replacement	\$38,741.00	\$16,517.00
610888	Dublin Road @ Urlin Storm System Imp	\$42,090.00	\$4,621.00
610959	Dorris Avenue Stormwater System Imp	\$30,000.00	\$20,000.00
610992	Harrisburg Pike Stormwater System Imp	\$13,000.00	\$13,000.00
	TOTAL	\$656,654.00	\$0.00

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 nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1307-02**

To authorize the Director of Public Utilities to enter into contract with the Trucco Construction Company, for the removal and disposal of soil in connection with the Krumm Park Stormwater Detention Basin Project; to waive the competitive procurement provisions of the Columbus City Codes; and to declare an emergency. (\$0.00)

WHEREAS, the Division of Sewerage and Drainage, Stormwater Section has undertaken the development of construction plans and specifications to address localized flooding problems within the Krumm Park community on the southeast side of the City of Columbus, and

WHEREAS, the Division anticipates receiving the funding required to procure the services necessary to construct the capital improvements project identified as the Krumm Park Stormwater Detention Basin, in November of 2002; and

WHEREAS, Trucco Construction Company, Inc., has submitted a proposal to the Division of Sewerage and Drainage requesting that the City enter into contract with them, that would allow the removal of approximately 70,000 cubic yards of soil from the Krumm Park site of the proposed detention basin, in order to provide clean fill for an unrelated private development; and

WHEREAS, the removal and disposal of this soil is currently estimated to be a \$400,000.00 bid item within the Krumm Park Stormwater Detention Basin construction project; whereby, this agreement would allow the City to reduce the quantity of this bid item; thereby generating a cost saving of approximately \$400,000.00; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage in that is immediately necessary to authorize the Director of Public Utilities to execute the subject agreement that is contingent upon allowing the Trucco Construction Company, Inc., to commence its operations prior to the end of August, 2002; so that the citizens of the City of Columbus can benefit substantially in the execution of the terms of this agreement; thereby preserving the public health, peace 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 execute a contract with the Trucco Construction Company, 3046 Home Road, Powell, Ohio 43065, for the removal and disposal of soil from the Krumm Park, in connection with the Krumm Park Stormwater Detention Basin Project, in accordance with the terms and conditions of the Contract on file in the office of the Division of Sewerage and Drainage.

Section 2. That this Council finds that it is in the best interest of the City to waive the provisions of the Columbus City Code, Section 329.06, to authorize the Director of Public Utilities to execute an agreement with the Trucco Construction Company, Inc., for the services referenced within Section 1 herein, and that said provisions are hereby waived.

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1308-02**

To authorize the Director of Public Utilities to enter into a Sewerage Service Agreement with the Jefferson Township Water and Sewer District, on behalf of the City of Columbus, for the Division of Sewerage and Drainage; and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage in that it is immediately necessary for this Council to authorize the Director of Public to execute an agreement that will enable the City of Columbus to provide sanitary sewer service to the Jefferson Township Water and Sewer District, 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 execute a sewerage service agreement between the Jefferson Township Water & Sewer District and the City of Columbus, Ohio in order to for the City of Columbus to provide sanitary sewer services to the Jefferson Township Water & Sewer District.

Section 2. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1309-02**

To authorize a supplemental appropriation of \$30,000.00 from the unappropriated balance of the Special Revenue Fund of the Franklin County Municipal Court Judges, to provide funds for the continuation of the Intensive Probation Supervision Unit and to declare an emergency (\$30,000.00)

WHEREAS, the Franklin County Municipal Court Judges' request a supplemental appropriation to provide sufficient funds to extend the former grant funded Intensive Probation Supervision Unit through the end of September, 2002 and

WHEREAS, an emergency exists in the usual daily operation of the Franklin County Municipal Court Judges in that it is immediately necessary to appropriate the aforementioned funds/ in order to provide sufficient funds, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That from the unappropriated monies in the Special Revenue Fund, Fund No. 227, Sub-Fund 003 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, 2002 the sum of \$30/000.00 is appropriated to the Franklin County Municipal Court Judges, Department 25, Object Level One 01, Object Level Three 1100, OCA Code 250324.

Section 2. That the monies appropriated in the foregoing Section 1 shall be paid upon order of the Franklin County Municipal Court Judges; 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1310-02**

To authorize the Columbus Fire Chief to accept a grant award from the State of Ohio Division of EMS for the purchase of training and patient care equipment for the Division of Fire, to appropriate \$35,425.00 from the unappropriated balance of the General Government Grant Fund, and to declare an emergency. (\$35,425.00)

WHEREAS, it is in the best interest for the Fire Chief to accept a grant award for the Division of Fire for training and patient care 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 necessary to authorize and direct the grant 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 he is hereby authorized and directed to accept a grant award in the amount of \$35,425.00 from the State of Ohio Division of EMS for the Division of Fire training and patient care equipment.

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, 2002, the sum of \$35,425.00 is appropriated to the Division of Fire as follows:

Division	Fund	Object Level 1	OCA Code	Amount
30-04	220	02	343003	\$35,425.00

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1311-02**

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Woodland<sup>^</sup>111 Stormwater Systems Improvement Project, to authorize the expenditure of \$625.00 from the Voted 1995, 1999 Flood & Storm Sewer Fund and to declare an emergency. (\$625.00)

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Woodland<sup>^</sup> Stormwater Systems Improvement Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 053X-02, on the 1st day of April, 2002, 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 Utilities, Division of Sewerage and Drainage, 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,

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

Section 1. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Woodland/S111 Stormwater Systems Improvement Project, #610974, pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 15P**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 1, Range 17, United States Military Lands, and being a strip of land 20.00 feet in width across that tract as conveyed to Ronnie Coleman by deed of record in Official Record 8770B15, (all references refer to records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning for reference, at Grantor's southeasterly comer, the northeasterly comer of that tract conveyed to Martha Boyd by deeds of record in Official Record 17144F02 and Official Record 17144F04;

Thence North 86° 20' 04" West, with Grantor's southerly line, a distance of 20.00 feet to a point;

Thence North 03° 34' 56" East, across Grantor's tract, a distance of 42.93 feet to a point;

Thence North 23° 58' 16" East, continuing across grantor's tract, a distance of 53.18 feet to a point in Grantor's northerly line;

Thence South 86° 23' 04" East, with Grantor's northerly line, a distance of 1.47 feet to Grantor's northeasterly comer;

Thence South 03° 34' 56" West, with Grantor's easterly line, a distance of 92.81 feet to the True point of Beginning, and containing 0.032 acre of land, more or less.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.

Clark E. White, Registered Surveyor No. 7868

**PARCEL 15T**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 3, Township 1, Range 17, United States Military Lands, and being a strip of land across that tract as conveyed to Ronnie Coleman by deed of record in Official Record 8770B15, (all references refer to records of the Recorder's Office, Franklin County, Ohio) and being described as follows:

Beginning for reference, at the Grantor's southeasterly comer, the northeasterly comer of that tract conveyed to Martha Boyd by deeds of record in Official Record 17144F02 and Official Record 17144F04;

Thence North 86° 20' 04" West, with Grantor's southerly line, a distance of 20.00 feet to the True Point of Beginning;

Thence North 86° 20' 04" West, continuing with said southerly line, a distance of 40.00 feet to a point;

Thence North 03° 34' 56" East, across Grantor's tract, a distance of 92.76 feet to a point in Grantor's northerly line;

Thence South 86° 23' 04" East, with Grantor's northerly line, a distance of 58.53 feet to a point;

Thence South 23° 58' 16" West, across Grantor's tract, a distance of 53.18 feet to a point;

Thence South 03° 34' 56" West, continuing across Grantor's tract, a distance of 42.93 feet to the True Point of Beginning, and containing 0.096 acre of land, more or less.

EVANS, MECHWART, HAMBLETON & TDLTON, INC.

Clark E. White, Registered Surveyor No. 7868

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, Ohio, hereby declares the value of the subject real property interests to be Six Hundred Twenty Dollars (\$625.00).

Section 4. 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 5. That the expenditure of Six Hundred Twenty Five Dollars, (\$625.00) from the Voted 1995, 1999 Flood & Storm Sewer Fund, or so much thereof as may be necessary be and hereby is authorized as follows:

Project #	Dept/Div.	Fund#	Object Level Three	OCA Code	AC#	Amount
610974	60-15	705	6601	611974	010746	\$625.00

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 its passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1312-02**

To authorize an appropriation from the unappropriated balance of the General Government Grant Fund to the Division of Police to refund an overpayment of grant expenditures to the Office of Criminal Justice Services, and to declare an emergency. (\$672.00)

WHEREAS, the City of Columbus Division of Police was awarded grant funding through the Office of Criminal Justice Services; and  
 WHEREAS, an appropriation from the General Government Grant Fund titled. Remote Fingerprint Identification, is needed to refund an overpayment of grant expenditures; and

WHEREAS, an emergency exists in the daily operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to authorize an appropriation to refund an overpayment to the Office of Criminal Justice Services 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 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 purpose during the fiscal year ending December 31, 2002, the sum of \$672.00 is appropriated as follows:

DIV	FD	OBJ#1	OBJ#3	OCACD	GRANT#	AMOUNT
30-03	220	05	5512	331009	331009	\$672.00

Section 2. That the monies appropriated in the foregoing Section 1 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 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1313-02**

To authorize the City Attorney to enter into a Special Counsel Contract with the law firm of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., on behalf of the Division of Sewers and Drains to authorize the expenditure of up to \$50,000 for such services, and to declare an emergency.

WHEREAS, it is necessary for the City to obtain special legal counsel services to assist it in the large-scale public works project known as BWARI; and

WHEREAS, an emergency has arisen in the usual daily operation of the City in that it is immediately necessary for the public peace, health, safety and welfare of the City to enable the City Attorney to enter into a contract for such services to provide for the continued assistance to the City; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. To authorize and direct the City Attorney to enter into a maximum amount contract, not to exceed Fifty Thousand Dollars and 00/100 (\$50,000.00), with the law firm of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., on behalf of the Public Utilities Department's, Division of Sewer and Drains.

Section 2. That for the purpose of paying the cost of the subject professional services contract, the expenditure of \$50,000, or as much there of as may be needed, be, and the same hereby is, authorized as follows:

Division	Fund	Object Level Three	Project Account	OCA	Amount
6005	664	6676	650491	650491	\$50,000.00

Section 3. That there is hereby appropriated and authorized to be expended a sum not to exceed Fifty Thousand Dollars and 00/100 (\$50,000.00), with the law firm of Watt, Tieder, Hoffar & Fitzgerald, L.L.P., and the City Auditor is authorized to draw warrants upon the treasury for services thereunder upon receipt of invoices approved by the Division of Sewers and Drains.

Section 4. That for the reasons set forth in the preamble hereto which is incorporated as if fully restated herein, this ordinance is hereby deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Columbus, and by virtue whereof this ordinance shall take effect and be in force from and immediately after its passage and signature by the Mayor or within ten (10) days thereafter if the Mayor neither signs nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1314-02**

To increase an existing Auditor's Certificate by \$5,400.00 from the Voted 1999 Flood and Storm Sewer Fund, for the East Central Relief Storm Sewer Project and to declare an emergency. (\$5,400.00).

WHEREAS, the City of Columbus is engaged in the acquisition of real estate in connection with the East Central Relief Storm Sewer Project; and

WHEREAS, an emergency exists in that it is immediately necessary to increase an Auditor's Certificate by \$5,400.00, from the East Central Relief Storm Sewer Project, to pay additional professional service costs and other fees incidental to the acquisition of real estate for the above referenced project for the preservation of the public health, peace, property, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor be, and he hereby is, authorized to increase Auditor's Certificate # AC-001513 in the amount of \$5,400.00 from the Voted 1999 Flood and Storm Sewer Fund, Fund #705 for the purpose of paying costs incidental to the acquisition of land for the East Central Relief Storm Sewer Project, Project # 610037.

Section 2. That the expenditure of Five Thousand Four Hundred Dollars (\$5,400.00), or so much thereof as may be necessary, from the Voted 1999 Flood and Storm Sewer Fund be and hereby is authorized as follows:

Project #	Fund#	Dept./Div.	OCA Code	Object Level Three	AC#	Amount
610037	705	60-15	644401	6601	001513	\$5,400.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1315-02**

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the East Central Relief Storm Sewer Project, to authorize the expenditure of \$3,350.00 from the 1995, 1999 Voted Flood and Storm Sewer Fund and to declare an emergency. (\$3,350.00)

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the East Central Relief Storm Sewer Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 175X-01, on the 10th day of December, 2001, 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 Department of Public Utilities, Division of Sewerage and Drainage, 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,

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

Section 1. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the East Central Relief Storm Sewer Project, #610037, pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 2**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 20.00 foot-wide easement over and across a 0.558 acre tract conveyed to Toni M. Smith and Brian L. Smith in Official Record 30081D06, all records herein at the Recorder's Office, Franklin County, Ohio, and said 20.00 foot-wide easement being bounded and more particularly described as follows:

Beginning at a point marking the northwest corner of said original 0.558 acre tract, said point also marking a southwest corner of a 1.227 acre tract conveyed to said Thomas I. Caine III and Rose Marie Caine in said Certificate of Transfer of record in Instrument No. 199806010131941.

Thence South 86° 06' 30" East, a distance of 18.85 feet, along a common line to said 1.227 acre tract, to a point marking the True Point of Beginning.

Thence South 86° 06' 30" East, a distance of 22.29 feet, along a common line to said 1.227 acre tract, to a point.

Thence South 22° 19' 06" East, a distance of 235.52 feet, along a line over and across said 0.558 acre tract, to a point.

Thence North 86° 06' 30" West, a distance of 22.29 feet, to a point, along a common line to said 0.353 acre tract conveyed to said Dave Davis and Wamell Davis, in Official Record 2140, Page 238.

Thence North 22° 19' 06" West, a distance of 235.52 feet, along a line over and across said original 0.558 acre tract, to a point marking the True Point of Beginning containing 4704.48 square feet or 0.108 acres, more or less.

Together with a 20.00 foot-wide temporary construction easement lying directly east of, and contiguous to, the aforementioned 20.00 foot-wide easement, said 20.00 feet wide temporary easement being bounded and more particularly described as follows:

Beginning at a point marking the northeast corner of said 20.00 foot-wide easement.

Thence South 86° 06' 30" East, a distance of 22.29 feet, along a common line to said 1.227 acre tract, to a point.

Thence South 22° 19' 06" East, a distance of 207.65 feet, along a new line over and across said original 0.558 acre tract, to a point.

Thence South 86° 06' 30" East, a distance of 23.33 feet, along a new line over and across said original 0.558 acre tract, to an iron pin found.

Thence South 03° 17' 53" West, a distance of 25.00 feet, along a common line that is the right-of-way line of Dartmouth Avenue (50.00 foot-wide), as shown and delineated on the plat "T. EWING MILLER'S SUB.", of record in Plat Book 19, Page 18, and vacated by Ordinance 39203, to a point.

Thence North 86° 06' 30" West, a distance of 33.57 feet, along a common line to said 0.353 acre tract conveyed to said Dave Davis and Wamell Davis to a point, said point is also marking the southeast corner of said 20.00 foot-wide easement.

Thence North 22° 19' 06" West, a distance of 235.52 feet, along the east line of said 20.00 foot-wide easement, to the point of beginning.

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 owners as to the just compensation to be paid by the City of Columbus, Ohio.

Section 3. That the Council of the City of Columbus, Ohio, hereby declares the value of the subject real property interests to be Three Thousand Three Hundred Fifty Dollars (\$3,350.00).

Section 4. 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 5. That the expenditure of \$3,350.00, or so much thereof as may be necessary be and hereby is authorized from the 1995, 1999 Voted Flood and Storm Sewer Fund as follows:

Project #	Dept/Div.	Fund	Object Level Three	OCA Code	AC#	Amount
610037	60-15	705	6601	650093	001513	\$3,350.00

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 its passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1316-02**

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the Hiawatha Park/Atwood Relief Sewer Project, to authorize the expenditure of \$23,255.00 from the 1991 Voted Sanitary Bond Fund and to declare an emergency. (\$23,255.00)

WHEREAS, the City of Columbus, Ohio, a municipal corporation, is engaged in the acquisition of certain real property interests for the Hiawatha Park/Atwood Relief Sewer Project; and

WHEREAS, the Council of the City of Columbus, Ohio, adopted Resolution No. 126X-02, on the 24th of June, 2002, 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 Utilities, Division of Sewerage and Drainage, 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,

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

Section 1. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Hiawatha Park/Atwood Relief Sewer Project, #650646 pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 1P**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands and being out of Block 20, Lot 18 of "Indianola Summit Addition" of record in Plat Book 5, page 140, as shown in the deed to Richard A. Talbott and C. Robert Talbott of record in Official Record 33121E07, (all references refer to the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at the southeasterly comer of said Lot 18, the intersection of the northerly right-of-way line of a 16 foot alley with the westerly right-of-way of a 12 foot alley;

Thence North 86° 05' 10" West, with said northerly right-of-way line, a distance of 67.40 feet;

Thence North 03° 50' 12" East, across said Lot 18, a distance of 4.56 feet;

Thence South 86° 09' 48" East, across said Lot 18, a distance of 66.86 feet to said westerly right-of-way line;

Thence South 02° 49' 12" East, with said westerly right-of-way line, a distance of 4.68 feet to the Point of Beginning and containing 0.007 acre, more or less.

Evans, Mechwart, Hambleton & Tilton, Inc.

John C. Dodgion, Registered Surveyor No. 8069

**PARCEL 1T**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands and being out of Block 20, Lot 18 of "Indianola Summit Addition" of record in Plat Book 5, page 140, as shown in the deed to Richard A. Talbott and C. Robert Talbott of record in Official Record 33121E07, (all references refer to the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning at the intersection of the southerly right-of-way line of Alden Avenue with the westerly right-of-way line of a 12 foot alley, the northeasterly comer of said Lot 18;

Thence South 02° 49' 12" East, with said westerly right-of-way line, a distance of 129.99 feet;

Thence across said Lot 18, the following courses:

North 86° 09' 48" West, a distance of 66.86 feet;

North 03° 50' 12" East, a distance of 15.00 feet;

South 86° 09' 48" East, a distance of 46.99 feet;

North 02° 49' 12" West, a distance of 114.95 feet to the southerly right-of-way line of said Alden Avenue;

Thence South 86° 05' 25" East, with said southerly right-of-way line, a distance of 18.12 feet to the Point of Beginning and containing 0.070 acre, more or less.

Evans, Mechwart, Hambleton & Tilton, Inc.

John C. Dodgion, Registered Surveyor No. 8069

Section 2. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Hiawatha Park/Atwood Relief Sewer Project, #650646 pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 2P**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands, and lying on, over and across that tract as conveyed to Norfolk Southern Railroad by deed of record in Deed Book 3514, Page 69, (all records from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Begin, for reference, at an angle point in the easterly right-of-way line of said Norfolk Southern Railroad;

Thence South 02° 46' 16" East, a distance of 277.65 feet along said easterly right-of-way line, and being the line common to the 323.396 acre tract as conveyed to the State of Ohio (Ohio Exposition Commission) by deed of record in Official Record 32051B12, to the True point of Beginning;

Thence South 02° 46' 16" East, a distance of 30.20 feet, continuing with said easterly right-of-way line, to a point;

Thence North 86° 09' 48" West, a distance of 172.31 feet to a point on the westerly right-of-way line of said Norfolk Southern Railroad tract, and being the easterly right-of-way line of that tract conveyed to CSX Railroad by Deed Book 3714, Page 1;

Thence South 02° 47' 05" West, a distance of 30.20 feet, along the line common to said Norfolk Southern Railroad and CSX Railroad to a point;

Thence South 86° 09' 48" East, a distance of 172.32 feet across said Norfolk Southern Railroad tract to the True Point of Beginning containing 0.119 acres.

Said easement shall lie between the elevations of 803.0 and 825.0.

Bearings in the above description are based on the same meridian as the construction drawings entitled "Hiawatha/Atwood Sanitary Relief Sewer C.I.P. 646" on file with the Division of Sewerage and Drainage, City of Columbus, Ohio.

Evans, Mechwart, Hambleton & Tilton, Inc.

Robert J. Sands, Registered Surveyor No. 8053



**PARCEL 2T-1**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands and being out of that tract as conveyed to the Norfolk Southern Railroad of record in Deed Book 3514, page 69 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at a comer in the westerly line of that 323.396 acre tract as conveyed to the State of Ohio, a comer in the easterly right-of-way line of said Norfolk Southern Railroad-

Thence South 02° 46' 16" East, with said westerly line, said easterly right-of-way line, a distance of 257.52 feet to the True Point of Beginning;

Thence South 02° 46' 16" East, continuing with said westerly line, said easterly right-of-way line, a distance of 20.13 feet;

Thence across said Norfolk Southern Railroad tract, the following courses:

North 86° 09' 48" West, a distance of 73.07 feet;

North 02° 22' 57" West, a distance of 20.12 feet;

South 86° 09' 48" East, a distance of 72.93 feet to the True Point of Beginning and containing 0.034 acre, more or less.

Evans, Mechwart, Hambleton & Tilton, Inc.

John C. Dodgion, Registered Surveyor No. 8069

**PARCEL 2T-2**

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 1, Range 18, United States Military Lands and being out of that tract as conveyed to the Norfolk Southern Railroad of record in Deed Book 3514, page 69 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and described as follows:

Beginning, for reference, at a comer in the westerly line of that 323.396 acre tract as conveyed to the State of Ohio, a comer in the easterly right-of-way line of said Norfolk Southern Railroad;

Thence South 02° 46' 16" East, with said westerly line, said easterly right-of-way line, a distance of 307.85 feet to the True Point of Beginning;

Thence South 02° 46' 16" East, continuing with said westerly line, said easterly right-of-way line, a distance of 50.33 feet;

Thence across said Norfolk Southern Railroad tract, the following courses:

North 86° 09' 48" West, a distance of 73.62 feet;

North 02° 22' 57" West, a distance of 50.29 feet;

South 86° 09' 48" East, a distance of 73.28 feet to the True Point of Beginning and containing 0.084 acre, more or less.

Evans, Mechwart, Hambleton & Tilton, Inc.

John C. Dodgion, Registered Surveyor No. 8069

Section 3. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Hiawatha Park/Atwood Relief Sewer Project, #650646 pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 3P**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Lot 22, Quarter Township 4, Township 1, Range 18, United States Military Lands, and lying on, over and across that tract as conveyed to CSX Railroad by deed of record in Deed Book 3714, Page 1, (all records from the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

Begin, for reference, at an angle point in the easterly right of way line of that tract conveyed to Norfolk Southern Railroad by deed of record in Deed Book 3514, Page 69, and being the westerly line of that 323.396 acre tract as conveyed to the State of Ohio (Ohio Exposition Commission) by deed of record in Official Record 32051B12;

Thence South 02° 46' 16" East, a distance of 277.65 feet along the easterly right of way line of said Norfolk Southern Railroad, to a point;

Thence North 86° 09' 48" West, a distance of 172.32 feet across said Norfolk Southern Railroad tract to a point on the easterly right of way line of said CSX Railroad, being the True Point of Beginning;

Thence South 02° 47' 05" East, a distance of 30.20 feet, along said easterly right of way line of said CSX Railroad, to a point;

Thence North 86° 09' 48" West, a distance of 96.88 feet, across said CSX Railroad tract to a point on the westerly right of way line of said CSX Railroad tract;

Thence North 02° 27' 23" West, a distance of 11.49 feet along said westerly right of way line to a point;

Thence North 02° 59' 31" West, a distance of 18.71 feet along said westerly right of way line to a point;

Thence South 86° 09' 48" East, a distance of 96.89 feet to the True Point of Beginning, containing 0.067 acre, more or less. The above described easement lies between the elevations of 803.0 and 825.0.

Bearings in the above description are based on the same meridian as the construction drawings entitled "Hiawatha/Atwood Sanitary Relief Sewer C.I.P. 646" on file with the Division of Sewerage and Drainage, City of Columbus, Ohio.

EVANS MECHWART, HAMBLETON & TILTON, INC.

Section 4. That construction and permanent easements in, over, under, across and through the following described real property, be appropriated for the public purpose of the Hiawatha Park/Atwood Relief Sewer Project, #650646 pursuant to the power and authority granted to a municipal corporation 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:

**PARCEL 5P**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being a 10 foot wide strip of land, all out of that portion of Northwood Avenue as vacated in Commissioners Journal, Volume 12, page 142, Ordinance No. 4-19104 and described as follows:

Beginning, for reference, at the northwesterly comer of Lot 8, Block 18 of "Indianola Summit Addition" as recorded in Plat Book 5, Page 140;

Thence North 04° 16' 30" East, continuing with said westerly line, a distance of 10.02 feet to a point;

Thence across said vacated Northwood Avenue, the following courses:

South 89° 34' 37" East, a distance of 143.66 feet to a point;

South 82° 28' 32" East, a distance of 78.02 feet to a point;

South 07° 31' 28" West, a distance of 10.00 feet to a point;

North 82° 28' 32" West, a distance of 77.40 feet to a point;

North 89° 34' 37" West, a distance of 143.71 feet to the True Point of Beginning and containing 0.051 acre, more or less.

EVANS, MERCHANT, HAMBLETON & TILTON, INC.

**PARCEL 5T**

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all out of that portion of Northwood Avenue as vacated by Commissioners Journal, Volume 12, Page 142, Ordinance No. 4-19104 and being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 19, Block 20 of "Indianola Summit Addition", a distance of 10.08 feet to the True Point of Beginning;  
 Thence across said vacated Northwood Avenue, the following courses:  
 South 89° 34'37" East, a distance of 143.63 feet to a point;  
 South 82° 28'32" East, a distance of 88.33 feet to a point;  
 South 7° 31'28" West, a distance of 24.78 feet to a point;  
 North 86° 04' 11" West, a distance of 221.82 feet to a point;  
 South 03° 23'12" West, a distance of 14.62 feet to a point;  
 North 86° 36'48" West, a distance of 8.50 feet to a point in said westerly line;  
 Thence North 04° 16'30" East, with said westerly line, a distance of 21.15 feet to a point;  
 Thence across said vacated Northwood Avenue, the following courses:  
 South 89° 34'37" East, a distance of 143.71 feet to a point;  
 South 82° 28'32" East, a distance of 77.40 feet to a point;  
 North 07° 31' 28" East, a distance of 10.00 feet to a point;  
 North 82° 28'32" West, a distance of 78.02 feet to a point;  
 North 89° 34'37" West, a distance of 143.66 feet to a point in said westerly line;  
 Thence North 04° 16'30" East, with said westerly line, a distance of 5.01 feet to the True Point of Beginning containing 0.092 acre, more or less.

EVANS, MECHWAERT, HAMBLETON & TILTON, INC.

Section 5. 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 6. That the Council of the City of Columbus hereby fixes the value of said construction and permanent easements as follows:

1.	1P,T	\$2,425.00
2.	2P,T	\$10,550.00
3.	3P	\$4,025.00
4.	5P,T	\$6,255.00

Section 7. 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 8. That the expenditure of Twenty Three Thousand Two Hundred Fifty Five Dollars, (\$23,255.00) from the 1991 Voted Sanitary Bond Fund, or so much thereof as may be necessary be and hereby is authorized as follows:

Project #	Dept/Div.	Fund#	Object Level Three	OCA Code	AC#	Amount
650646	60-05	664	6601	650646	015348	\$23,255.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1317-02**

To authorize and direct the Finance Director to enter into contract for the purchase of a Gas Chromatograph/Mass Spectrometer for the Division of Police from Agilent Technologies, Inc; to waive the City Code provisions of competitive bidding; to authorize the expenditure of \$69,450.60 from the Law Enforcement Seizure funds; and to declare an emergency. (\$69,450.60)

WHEREAS, the Division of Police Crime Laboratory needs to purchase a Gas Chromatograph/Mass Spectrometer system; and  
 WHEREAS, bids for the purchase of a Gas Chromatograph/Mass Spectrometer system was opened by the Purchasing Office on July 15, 2002; and

WHEREAS, it is necessary to waive the provisions of Section 329.06(a) of the Columbus City Codes, 1959; and  
 WHEREAS, a contract will be awarded to the lowest bidder, Agilent Technologies, Inc. after negotiations for the purchase of a Gas Chromatograph/Mass Spectrometer system; and

WHEREAS, an emergency exists in the usual operation of the Division of Police, Department of Public Safety, in that it is immediately necessary to purchase the Gas Chromatograph/Mass Spectrometer System for the Division for the preservation of public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That the Finance Director be and is hereby authorized and directed to enter into contract with Agilent Technologies, Inc. for the purchase of a Gas Chromatograph/Mass Spectrometer system for the Division of Police, Department of Public Safety, based on negotiations held with the lowest bidder by the Purchasing Office.

Section 2. That the provision of Section 329.06(a) of the Columbus City Codes, 1959, are hereby waived.

Section 3. That the expenditure of \$69,450.60 or so much there as may be needed, be and the same is hereby authorized as follows:

<u>DIV</u>	<u>FD</u>	<u>OBJ LEV 1</u>	<u>OBJ LEV 3</u>	<u>OCA</u>
30-03	219	06	6697	300988

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 enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1318-02**

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend \$211,000.00 from the Waterworks Enlargement Voted 1991 Bonds Fund for costs in connection with the Hap Cremean Water Plant Raw Water Line Project, and to declare an emergency. (\$211,000.00).

WHEREAS, the City of Columbus is engaged in the Hap Cremean Water Plant Raw Water Line Project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Water, in that it is immediately necessary to authorize the City Attorney to acquire fee simple title and lesser interests in and to certain parcels of real estate and to contract for the aforesaid professional services necessary in connection with said project for the preservation of the public health, peace, property and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Attorney be, and hereby is, authorized to acquire fee simple title and lesser interests in and to certain parcels of real estate and to contract for the professional services necessary in connection with the Hap Cremean Water Plant Raw Water Line Project, #690265.

Section 2. That the expenditure of \$211,000.00, or so much thereof as may be necessary, from the Waterworks Enlargement Voted 1991 Bonds Fund, be and hereby is authorized as follows:

Project #	Dept/Div.	Fund#	Object Level Three	OCA	Amount
690265	60-09	606	6601	690265	\$211,000.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1319-02**

To authorize the transfer of \$50,000 within the General Fund from the Department of Finance to the office of the City Attorney, to authorize the City Attorney to contract with Jeffrey S. Sutton for legal services in connection with Ours Garage v. Columbus, Case No. 01-419, in the United States Supreme Court, to waive the competitive bidding provisions of the Columbus City Codes, to authorize the expenditure of Fifty Thousand Dollars (\$50,000.00), and to declare an emergency.

WHEREAS, funds are available in the Finance's Citywide account transfer character for various legal expenses; and

WHEREAS, the City is involved in litigation with Ours Garage & Wrecker v. Columbus, now being Case No.01-419, in the United States Supreme Court; and

WHEREAS, City Attorney Janet Jackson desires to enter into an agreement with special legal counsel Jeffrey S. Sutton to assist in the City's representation; and

WHEREAS, by reason of all the foregoing an emergency exists in the usual daily operation of the City in the interest of timely defense of such litigation and for such other services and for the further 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 is hereby authorized and directed to transfer \$50,000 within the General Fund, Sub Fund 01-100, as follows:

FROM:						
Division	Division No.	Object Level 1	Object Level 3	OCA Code	Amount	
Finance	45-01	10	5501	904508	\$50,000.00	
TO:						
Division	Division No.	Object Level 1	Object Level 3	OCA Code	Amount	
City Attorney	24-01	03	3324	240101	\$50,000.00	

Section 2. That the City Attorney be, and she is hereby authorized to enter into a contract with attorney Jeffrey S. Sutton for legal consulting services for the maximum contract obligation of Fifty Thousand Dollars and 00/100 (\$50,000.00.)

Section 3. That the provisions of Chapter 329 Columbus City Codes relative to the procurement of professional services are hereby waived, such waiver being deemed to be in the best interests of the City for the reason that this is a contract which requires specialized knowledge and services in litigation to which the City is a party.

Section 4. That there is hereby appropriated and authorized to be expended the sum of Fifty Thousand Dollars and 00/100 (\$50,000.00) with Jeffrey S. Sutton, and the City Auditor is authorized to draw warrants upon the treasury for services thereunder upon receipt of invoices approved by the City Attorney.

Section 5. That for the reasons set forth in the preamble hereto which is hereby incorporated herein by reference, this measure is hereby deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and the same shall take effect and be in force from and immediately after its passage and signature by the Mayor or within ten (10) days thereafter if the Mayor neither signs nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1320-02**

To authorize the transfer of Fifteen Thousand Dollars and 00/100 (\$15,000.00), within the General Fund from the Department of Finance to the office of the City Attorney, to authorize the expenditure of same for a special legal services contract, and to declare an emergency.

WHEREAS, funds are available in the Finance's Citywide account for various legal expenses; and

WHEREAS, the City of Columbus has been named a party in certain litigation pending in the Franklin County Common Pleas; and

WHEREAS, it has been necessary for the City to obtain special legal counsel services to assist it in the defense of such litigation; and

WHEREAS, an emergency has arisen in the usual daily operations of the City in that it is immediately necessary for the public peace, health, safety and welfare of the City to enable the City Attorney to modify the contract for such services to provide for the continued assistance to the City; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor is hereby authorized and directed to transfer Fifteen Thousand Dollars and 00/100 (\$15,000.00) within the General Fund, Subfund 01-100, as follows:

<b>FROM:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Finance	45-01	10	5501	904508	\$15,000.00
<b>TO:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
City Attorney	24-01	03	3324	240101	\$15,000.00

Section 2. That there is hereby appropriated and authorized to be expended the sum of Fifteen Thousand Dollars and 00/100 (\$15,000.00) with the law firm of Moots, Cope & Carter, and the City Auditor is authorized to draw warrants upon the treasury for services thereunder upon receipt of invoices approved by the City Attorney.

Section 3. That for the reasons set forth in the preamble hereto which is incorporated as if fully restated herein, this ordinance is hereby deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Columbus, and by virtue whereof this ordinance shall take effect and be in force from and immediately after its passage and signature by the Mayor or within ten (10) days thereafter if the Mayor neither signs nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1321-02**

To authorize and direct the Finance Director to enter into contract with Roy Tailors Uniform Company of Columbus, Inc. to purchase police uniforms for the Division of Police from an existing UTC, to authorize the expenditure of \$1,242,271.43 from the General Fund and the Government Grant Funds; and to declare an emergency. (\$1,242,271.43)

WHEREAS, the Purchasing Office has an existing Universal Term Contract FL001055 for the purchase of uniforms; and

WHEREAS, the Division of Police has a continuing need for uniforms, and uniform parts for its members; and

WHEREAS, an emergency exists in the usual operation in the Division of Police, Department of Public Safety, in that it is immediately necessary to enter into a contract with Roy Tailors Uniform Company of Columbus, Inc. for the preservation of the public, health, peace, property, safety, welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Finance Director be and is hereby authorized and directed to enter into contract with Roy Tailors Uniform Company of Columbus, Inc. for the purchase of police uniforms for the Division of Police on the basis of UTC # FL001055.

Section 2. That the expenditure of \$1,242,271.43 or so much thereof as may be needed is hereby authorized as follows:

<u>DEPT</u>	<u>FUND</u>	<u>OBJ LEVEL (1)</u>	<u>OBJ LEVEL (3)</u>	<u>OCA</u>	<u>AMOUNT</u>
3003	010	02	2221	300327	\$1,170,300.00
3003	220	02	2221	331003	71,971.43

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1322-02**

To authorize the transfer of \$65,000.00 within the General Fund from the Department of Finance to the office of the City Attorney, to authorize and direct the City Attorney to extend a contract with Capital Recovery Systems, Inc., to authorize the City Attorney to expend up to Sixty-Five Thousand Dollars and 00/100 (\$65,000.00) for services rendered pursuant thereto, to waive the competitive procurement provisions of Chapter 329 of the Columbus City Codes, and to declare an emergency.

WHEREAS, Ordinance No. 3042-96 originally authorized the City Attorney to contract with Capital Recovery Systems, Inc. for the Collection of certain City's accounts receivable; and

WHEREAS, the City Attorney has annually renewed the contract with Capital Recovery Systems, Inc. for collection services; and

WHEREAS, it is in the City's interest to continue to contract with Capital Recovery Systems, Inc.; and

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's office, and that it is immediately necessary to authorize such agreement, appropriation and payment thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor is hereby authorized and directed to transfer \$65,000.00 within the General Fund, Sub Fund 01-100, as follows:

<b>FROM:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Finance	45-01	10	5501	904508	\$65,000.00
<b>TO:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
City Attorney	24-01	03	3326	240101	\$65,000.00

Section 2. That the City Attorney is authorized and directed to extend a contract with Capital Recovery Systems, Inc. to review and collect accounts receivable of the City which the City has determined are uncollectible or where the City believes the amount involved exceeds the costs that would be expended in collection for the maximum contract amount of \$65,000.00.

Section 3. That the provisions of Columbus City Codes Chapter 329 relating to the procurement of professional services are hereby waived.

Section 4. That there is hereby appropriated and authorized to be expended the sum of Sixty- Five Thousand and 00/100 (\$65,000.00) with Capital Recovery Systems, Inc. and the City auditor is authorized to draw warrants upon the treasury for services thereunder upon receipt of invoices approved by the City Attorney.

Section 5. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1323-02**

To authorize the transfer of \$35,000.00 within the General Fund from the Department of Finance to the office of the City Attorney, to authorize and direct the City Attorney to extend a contract with Scoliere & Associates, to authorize the City Attorney to expend up to Thirty-Five Thousand Dollars and 00/100 (\$35,000.00) for services rendered pursuant thereto, to waive the competitive procurement provisions of Chapter 329 of the Columbus City Codes, and to declare an emergency. (\$35,000.00)

WHEREAS, Ordinance No. 3042-96 originally authorized the City Attorney to contract with Scoliere & Associates for the Collection of certain City's accounts receivable; and

WHEREAS, the City Attorney has annually renewed the contract with Scoliere for collection services; and

WHEREAS, it is in the City's interest to continue to contract with Scoliere; and

WHEREAS, an emergency exists in the usual daily operation of the City Attorney's office, and that it is immediately necessary to authorize such agreement, appropriation and payment thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor is hereby authorized and directed to transfer \$35,000.00 within the General Fund, Sub Fund 01-100, as follows:

<b>FROM:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
Finance	45-01	10	5501	904508	\$35,000.00
<b>TO:</b>					
<u>Division</u>	<u>Division No.</u>	<u>Object Level 1</u>	<u>Object Level 3</u>	<u>OCA Code</u>	<u>Amount</u>
City Attorney	24-01	03	3326	240101	\$35,000.00

Section 2. That the City Attorney is authorized and directed to extend a contract with Scoliere & Associates to review and collect accounts receivable of the City which the City has determined are uncollectible or where the City believes the amount involved exceeds the costs that would be expended in collection for the maximum contract amount of \$35,000.00.

Section 3. That the provisions of Columbus City Codes Chapter 329 relating to the procurement of professional services are hereby waived.

Section 4. That there is hereby appropriated and authorized to be expended the sum of Thirty-Five Thousand and 00/100 (\$35,000.00) with Scoliere & Associates and the City auditor is authorized to draw warrants upon the treasury for services thereunder upon receipt of invoices approved by the City Attorney.

Section 5. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten (10) days after passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1324-02**

To authorize the Public Service Director to enter into contract for the Facilities Management Division with The Paul Peterson Company for the installation of a fence and gate at Fire Station 10, to authorize the expenditure of \$31,737.00 from the Fire Division's Capital Improvement Fund, and to declare an emergency. (\$31,737.00)

WHEREAS, it is necessary to install a fence and gate at Fire Station 10 to secure city vehicles and property, and

WHEREAS, the Facilities Management Division received bids on February 5, 2002 for the installation of a fence and gate for Fire Station 10, and

WHEREAS, the Facilities Management Division recommends acceptance of the bid submitted by The Paul Peterson Company, and

WHEREAS, the Departments of Public Service and Public Safety will work with the Franklinton community to ensure the fencing is compatible with the neighborhood; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Facilities Management Division, in that it is immediately necessary to authorize the Public Service Director to enter into contract with The Paul Peterson Company for the installation of a fence and gate for Fire Station 10, 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 Service Director be and is hereby authorized to enter into contract for the Facilities Management Division with The Paul Peterson Company for the installation of a fence and gate for Fire Station 10.

Section 2 That the expenditure of \$31,737.00, or so much thereof as may be necessary from the Fire Division's Capital Improvement Fund, be and hereby is authorized as follows:

Dept Division:	30-04
Fund #:	701
OCA Code:	644559
Object Level One:	06
Object Level Three:	6620

Project: 340103  
 Amount: \$31,737.00

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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1325-02**

To authorize and direct the Finance Director to establish a purchase order for natural gas (self-help gas) service per the terms and conditions of the state universal term contract with IQ Solutions, LLC, for the Public Service Department, Refuse Collection Division, to authorize the expenditure of \$60,000.00 or so much thereof as may be needed from the General Fund and to declare an emergency. (\$60,000.00)

WHEREAS, the State of Ohio has established a universal term contract with IQ Solutions for the purchase of natural gas (self-help gas) through June 30, 2003, and

WHEREAS, this contract is available for the city's use through the state cooperative purchasing program, and

WHEREAS, the Refuse Collection Division utilizes the natural gas services provided by IQ Solutions for its facilities under the terms and conditions of this contract, and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Refuse Collection Division, in that it is immediately necessary to establish a purchase order for this purpose, 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 Director be and hereby is authorized and directed to establish a purchase order for the Public Service Department, Refuse Collection Division to purchase natural gas (self-help gas) per the terms and conditions of the State of Ohio universal term contract with IQ Solutions, LLC.

Section 2. That the expenditure of \$60,000.00 or so much thereof as may be needed, be and hereby is authorized from the General Fund, Fund 010, Department No. 59-02, Public Service Department, Refuse Collection Division, Object Level One Code 03, Object Level Three Code 3310, as follows:

<u>OCA Code</u>	<u>Amount</u>
593566	\$ 6,000.00
591602	20,000.00
591834	20,000.00
593285	14,000.00
Total	\$ 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 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1326-02**

To authorize the transfer between projects and appropriation of \$121,640.88 in the Short North SID Fund and \$75,001.06 in the Development Fund and the expenditure of the same amounts therein; to authorize the Director of Public Service to modify and increase the contract with The Righter Company for construction of the Short North Ornamental Arches project for the Transportation Division; and to declare an emergency. (\$196,641.94)

WHEREAS, contract EA029498 was authorized by ordinance no. 144-01, which passed on January 29, 2001, was executed on February 15, 2001, and was approved by the City Attorney on February 21, 2001; and

WHEREAS, it is necessary to modify this contract to provide for additional work for the Short North Ornamental Arches project; and

WHEREAS, transfers of cash between projects and increases to appropriation authority will make funds available for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that the contract should be modified and increased immediately so the work may proceed without delay, thereby preserving the public health, peace and safety; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That cash shall be transferred within the Short North SID Fund no. 716, for the Development Department, Dept./Div. 44-07, Object Level Three 6631, as follows:

		<b>TRANSFER FROM:</b>	
<u>Project</u>		<u>OCA Code:</u>	<u>Amount:</u>
N/A		471841	\$121,640.88
		<b>TRANSFER TO:</b>	
<u>Project</u>		<u>OCA Code:</u>	<u>Amount:</u>
440110	Short North SID	442110	\$121,640.88

Section 2. That the sum of \$121,640.88 is hereby appropriated from the unappropriated balance of the Short North SID Fund no. 716 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, 2002, to the Department of Development, Dept./ Div. 44-07, OCA Code 442110, Object Level Three 6600 and project 440110.

Section 3. That cash shall be transferred within the Development Fund no. 742, for the Department of Development, Dept./Div. 44-01, Object Level Three 6631, as follows:

		<b>TRANSFER FROM:</b>	
<u>Project</u>		<u>OCA Code:</u>	<u>Amount:</u>
742999	Unallocated Balance	643106	\$75,001.06
		<b>TRANSFER TO:</b>	
<u>Project</u>		<u>OCA Code:</u>	<u>Amount:</u>
440107	Short North Arches	643106	\$75,001.06

Section 4. That the sum of \$75,001.06 is hereby appropriated from the unappropriated balance of the Development Fund no. 742 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, 2002, to the Department of Development, Dept./ Div. 44-01, OCA Code 643106, Object Level Three 6600 and project 440107.

Section 5. That the Director of Public Service is hereby authorized to modify and increase contract EA-029498 with The Righter Company, 2424 Harrison Road, Columbus, OH 43204 by \$191,641.94 for additional work in accordance with the terms as shown on the modification on file in the office of the City Engineer, which are hereby approved. The additional amount of up to \$5,000.00 is authorized to be paid as necessary to the Division of Electricity.

Section 6. That the sum of \$196,641.94 or so much thereof as may be needed is hereby authorized to be expended for the Transportation Division, Dept./Div. 59-09, as follows:

<u>Project</u>		<u>OL3:</u>	<u>OCA Code:</u>	<u>Amount:</u>
440110	Short North SID	6631	442110	\$121,640.88
440107	Short North Arches	6631	643106	75,001.06
<b>Total:</b>				<b>\$196,641.94</b>

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1327-02**

To authorize the City Auditor to transfer \$86,241 from the Special Income Tax Fund to the Voted 1999 Health Capital Improvements fund; to authorize the appropriation of said funds; to authorize the Public Service Director to enter into contract with Accent Drapery Company, Inc. for installation of new window blinds at the Columbus Health Department, to authorize the expenditure of \$86,241.00 from the Voted 1999 Health Capital Improvements Fund; and to declare an emergency. (\$86,241.00)

WHEREAS, it is necessary to install new window blinds at the Columbus Health Department to manage the amount of light and heat infiltration, and loss, at the Facility; and

WHEREAS, formal bids were solicited in compliance with Columbus City Code; and

WHEREAS, Accent Drapery Company, Inc. is the successful low bidder; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Facilities Management Division, in that it is immediately necessary to authorize the Public Service director to enter into contract with Accent Drapery Company for installation of new window blinds at the Columbus Health Department, 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 sum of \$86,241.00 be and herein appropriated from the unappropriated balance of the Special Income Tax Fund, Fund Number 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, 2002, to the City Auditor, Dept. 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

Section 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 1999 Health Capital Improvements Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 3. That the amount of \$86,241.00 is hereby appropriated to the Voted 1999 Health Capital Improvements Fund No. 706 for the Health Department, Dept./Div. No. 50-01, Object Level One 06, Project 570053, OCA 597013.

Section 4. That upon obtaining other funds for the Health Capital Improvements Blind School Renovation, the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 2 above, and said funds are hereby deemed appropriated for such purposes.

Section 5. That the City Auditor is authorized 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 2 above.

Section 6. The City intends that this ordinance constitute "Official Intent" for purposes of Section 1.150-2(e) of the Treasury regulation promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 7. That the Public Service Director be and is hereby authorized to enter into contract for the Facilities Management Division and Accent Drapery Company, Inc. for installation of window blinds at the Columbus Health Department, 240 Parsons Avenue.

Section 8. That the expenditure of \$86,241.00, 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:

Div	Fund	OCA Code	Object Level 1	Object Level 3	Project	Title	Amount
50-01	706	597013	06	6620	570053	Blind School Renovation	\$86,241.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1328-02**

To authorize the Public Service Director to modify and increase an existing contract for the Transportation Division with Walter M. Kulash, P.E., of Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, me. to provide technical assistance to the Traffic Task Force created by the amended Spring/Sandusky Interchange Memorandum of Agreement, to waive competitive bidding, to authorize the expenditure of \$8,000.00 from the Street Construction Maintenance and Repair Fund, and to declare an emergency. (\$8,000.00)

WHEREAS, the City of Columbus traffic mitigation in the area comprising six consulting party historic district boundaries has established the SSI MOA Traffic Task Force to monitor and address any negative impact caused by the Spring Sandusky Interchange and related roadway projects, and

WHEREAS, the Traffic Task Force originally recommended that the Transportation Division retain the services of Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc., and independent consultant, Walter M. Kulash, P.E., associate, to advise the Traffic Task Force regarding traffic mitigation in the area comprising the six consulting party historic district boundaries, and

WHEREAS, contract EL001390 was originally authorized by Ordinance #1215-00 passed May 15, 2000, and was approved by the City Attorney on July 9, 2001, and

WHEREAS, it is now necessary to modify contract EL001390 between the Transportation Division and Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc., and

WHEREAS, it is in the best interest of all parties to proceed immediately, thereby waiving the provisions of formal competitive bidding, 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 Public Service Director to modify and increase a contract with Glatting, Jackson, Kercher, Anglin, Lopez, and Rinehart, Inc., 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 Service Director be and is hereby authorized to modify and increase contract EL000246 with Glatting, Jackson, Kercher, Anglin, Lopez, Rinehart, Inc., 33 East Pine Street, Orlando, Florida 32801 (Walter M. Kulash, P.E., associate) to advise the Traffic Task Force regarding traffic mitigation in the area comprising the six consulting party historic district boundaries.

Section 2. That the sum of \$8,000.00, or so much thereof as may be needed in regard to the action authorized in SECTION 1., be and is hereby authorized and approved as follows:

**FROM:**

Div	Fund	OCA Code	Object Level 1	Object Level 3	Amount
59-09	265	599033	03	3336	\$8,000.00

Section 3. That in accordance with Section 329.27 of the Columbus City Code, City Council has determined that it is in the best interest of the City of Columbus that Section 329.06 relating to formal bidding requirements be waived and hereby waives said section.

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1329-02**

To authorize the transfer of \$37,771.21 between projects within the Voted 1995, Voted 1999 Streets and Highways Fund and the expenditure of the same amount therein; to authorize the Public Service Director to modify and increase a contract with Miller Pavement Maintenance, Inc. for construction of the Urban Infrastructure # 1 project for the Transportation Division; and to declare an emergency. (\$37,771.21)

WHEREAS, contract EA026041 was authorized by Ordinance No. 1681-00, which passed Council on July 10, 2000, was executed on August 7, 2000 and was approved by the City Attorney on August 8, 2000; and

WHEREAS, it is necessary to modify this contract to provide for additional work for the Urban Infrastructure # 1 project; and

WHEREAS, a transfer of funds between projects within the Voted 1995, Voted 1999 Streets and Highways Fund will make monies available for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that the contract with Miller Pavement Maintenance should be modified and increased immediately so that final payment may be made without delay, thereby preserving the public health, peace and safety; now, therefore,

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

Section 1. That cash and appropriation authority in the amount of \$37,771.21 shall be transferred within the Voted 1995, Voted 1999 Streets and Highways Fund No. 704, for the Transportation Division, Dept./Div. 59-09, Object Level Three 6631, as follows:

**TRANSFER FROM:**

**Project** 530161 Roadway Improvements **OCA Code:** 644385 **Amount:** \$37,771.21

**TRANSFER TO:**

**Project** 440005 UIRF - E&C / Traffic **OCA Code:** 644385 **Amount:** \$37,771.21

Section 2. That the Public Service Director be and is hereby authorized to modify and increase contract EA026041 with Miller Pavement Maintenance, Inc., 1771 Harmon Avenue, Columbus, Ohio 43224 by \$37,771.21 for additional work in accordance with the terms as shown on the modification on file in the office of the City Engineer, which are hereby approved.

Section 3. That the sum of \$37,771.21 or so much thereof as may be needed is hereby authorized to be expended from the Voted 1995, Voted 1999 Streets and Highways Fund 704 for the Transportation Division, Dept./Div. 59-09, as follows:

**Project** 440005 UIRF - E&C / Traffic **OCA Code:** 644385 **Amount:** \$37,771.21



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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1330-02**

To authorize the appropriation and transfer of \$228,168.25 from the Federal - State Highway Engineering Fund and \$490,140.75 from the Voted 1995, Voted 1999 Streets and Highways fund to the Street and Highway Improvement Fund and appropriation and expenditure of \$800,000.00 therein; to authorize the Public Service Director to enter into a railroad agreement with CSX Transportation, Inc., for the Hard Road Phase B project for the Transportation Division; and to declare an emergency. (\$800,000.00)

WHEREAS, it is in the best interest of the City to authorize the Public Service Director to enter into a railroad agreement with CSX Transportation, Inc. for payment of their costs for engineering, inspection, train traffic control and construction of their communication equipment relocation, railroad track hookup and disconnection, removal of railroad at grade crossing flashing lights, and the installation and removal of temporary railroad at grade flashing lights, necessary to precede roadwork on the Hard Road Phase B project; and

WHEREAS, the appropriation and transfer of monies between funds and an increase to appropriation authority will make monies available for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that the railroad agreement should be executed immediately so the work may proceed without delay, thereby preserving the public health, peace and safety; now, therefore,

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

Section 1. That funds shall be appropriated and transferred from the Federal - State Highway Engineering Fund no. 765, to the Street & Highway Improvement Fund no. 766 for the Transportation Division, Dept./Div. 59-09, as follows:

<b>TRANSFER FROM:</b>				
<b>Grant</b>		<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
567270	North Outerbelt Widening	640375	5501	\$228,168.25
<b>TRANSFER TO:</b>				
<b>Project</b>		<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
530161	Roadway Improvements	642728	0886	\$228,168.25

Section 2. That funds shall be appropriated and transferred from the Voted 1995, Voted 1999 Streets and Highways Fund no. 704 to the Street & Highway Improvement Fund no. 766 for the Transportation Division, Dept./Div. 59-09, as follows:

<b>TRANSFER FROM:</b>				
<b>Project</b>		<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
530058	NCR	644385	5501	\$41,782.78
530103	Street Rehabilitation	644385	5501	556.41
530161	Roadway Improvement	644385	5501	29,785.61
530208	Federal - State Match	644385	5501	327,468.72
530282	Resurfacing	644385	5501	5,090.14
530292	North Outpost Facility	644385	5501	4,091.75
530301	Bridge Improvements	644385	5501	<u>81,365.34</u>
			<b>TOTAL:</b>	\$490,140.75
<b>TRANSFER TO:</b>				
<b>Project</b>		<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
530161	Roadway Improvements	642728	0886	\$490,140.75

Section 3. That the sum of \$800,000.00 is hereby appropriated from the unappropriated balance of the Street & Highway Improvement Fund no. 766 and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2002, to the Transportation Division, Dept./ Div. 59-09, OCA Code 642728, Object Level Three 6600 and project 530161.

Section 4. That the Director of Public Service is hereby authorized to enter into a railroad agreement with CSX Transportation, Inc. in an amount up to \$800,000.00 for the Hard Road Phase B project for the Transportation Division.

Section 5. That the sum of \$800,000.00 or so much thereof as may be needed is hereby authorized to be expended for the Transportation Division, Dept./Div. 59-09, from the Street and Highway Improvement Fund no. 766 as follows:

<b>Project</b>		<b>OL3:</b>	<b>OCA Code:</b>	<b>Amount:</b>
530161	Roadway Improvement	6631	642728	\$800,000.00

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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1331-02**

To appropriate and authorize the City Auditor to transfer \$348,307 from the Special Income Tax Fund to the Voted 1995, Voted 1999 Streets and Highways Fund; to authorize the Public Service Director to enter into six Guaranteed Maximum Cost Agreements totaling \$348,307 with various property owners for the construction of downtown streetscape improvements; to waive the competitive bidding requirements of the Columbus City Codes, 1959; and to declare an emergency. (\$348,307.00)

WHEREAS, the need exists to enter into various Guaranteed Maximum Cost Agreements for the construction of new downtown streetscape improvements; and

WHEREAS, these projects will provide for improvements to the public right-of-way that meet or exceed the standards of the Downtown Streetscape Plan; and  
 WHEREAS, each streetscape project will greatly enhance the appearance of the pedestrian environment and complement adjacent private sector investments; and  
 WHEREAS, in order to allow each streetscape project and their adjacent private sector project to proceed on schedule streetscape applications were approved conditioned on the City's ability to fund new projects and City Council approval of the necessary legislation; and  
 WHEREAS, it is immediately necessary to both appropriate said funds from the Special Income Tax Fund and transfer said funds into the Voted 1995, Voted 1999 Streets and Highways Fund; and  
 WHEREAS, an appropriation and transfer of funds is necessary for the project to proceed; and  
 WHEREAS, the City will sell notes or bonds for the aforementioned project and will reimburse the Special Income Tax fund, this transfer should be considered a temporary funding method; and  
 WHEREAS, the aggregate principal amount of obligations which the City will issue to finance the project is presently expected not to exceed \$348,307.00; and  
 WHEREAS, it is in the best interest of the city to waive the formal competitive bidding requirements of the Columbus City Code and to award these agreements in accordance with Section 186 of the Columbus City Charter; 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 Public Service director to enter into various guaranteed maximum price agreements for the construction of new streetscape improvements in the downtown, 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 sum of \$348,307.00 be and herein appropriated from the unappropriated balance of the Special Income Tax Fund, Fund Number 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, 2002, to the City Auditor. Dept. 22-01. Object Level One 10, OCA Code 902023. Object Level Three 5502.  
 Section 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 1995, Voted 1999 Streets and Highways Fund at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.  
 Section 3. That the amount of \$348,307.00 is hereby appropriated to the Voted 1995, Voted 1999 Streets and Highways Fund No. 704 for the Department of Public Service, Dept./Div. No. 59-09, Object Level One 06, Project 530801, OCA 530801.  
 Section 4. That upon obtaining other funds for the Voted 1995, Voted 1999 Streets and Highways Fund, the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 2 above, and said funds are hereby deemed appropriated for such purposes.  
 Section 5. That the City Auditor is authorized 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 2 above.  
 Section 6. The City intends that this ordinance constitute "Official Intent" for purposes of Section 1.150-2(e) of the Treasury regulation promulgated pursuant to the Internal Revenue Code of 1986, as amended.  
 Section 7. That the Public Service Director be and is hereby authorized to enter into Guaranteed Maximum Cost Agreements pursuant to Section 186 of the Columbus City Charter with each of the following property owners for the construction of streetscape improvements: National Church Residences \$110,000.00; Liberty Place LLC \$83,000.00; Third Mound Limited \$55,200.00; NTK Hotel Group LLC \$23,348.00; JDS Investments \$57,973.00; Hamilton Parker Company \$18,786.00.  
 Section 8. That in accordance with Section 329.27 of the Columbus City Code. City Council has determined that it is in the best interest of the City of Columbus that the competitive bidding requirements of Chapter 329 be and are hereby waived for the procurement of engineering and construction services pursuant to the various Maximum Cost Agreements.  
 Section 9. That the expenditure of \$348,307.00, or so much thereof as may be necessary, in regard to the action authorized in Section 7, be and is hereby authorized and approved as follows:

Div	Fund	OCA Code	Object Level 1	Object Level 3	Project	Title	Amount
59-09	704	530801	06	6620	530801	Downtown Streetscape Improvements	\$348,307.00

Section 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.  
 Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1332-02**

To appropriate and authorize the City Auditor to transfer \$609,096.00 from the Special Income Tax Fund to the Voted 1995, 1999 Refuse Collection Fund; to authorize and direct the Finance Director to modify and increase contracts with ESEC Corporation dba Columbus Peterbilt and McNeilus Truck and Manufacturing Company for the purchase of truck cabs and chassis and bodies, respectively, which collectively constitute four (4) automated side loader refuse collection trucks for the Refuse Collection Division; to authorize the expenditure of \$609,096.00 from the Voted 1995, 1999 Refuse Collection Fund, to amend the 2001 Capital Improvement Budget and to declare an emergency. (\$609,096.00)  
 WHEREAS, Ordinance #0566-02E, passed by City Council April 8, 2002, authorized the purchase of nine (9) automated side loader refuse collection trucks for the Refuse Collection Division, and  
 WHEREAS, the purchase of four additional vehicles constitutes part of this division's scheduled vehicle replacement program and is a budgeted expense within the division's proposed 2002 capital improvement budget, and  
 WHEREAS, these trucks will replace aging and high maintenance expense vehicles, and  
 WHEREAS, an emergency exists in the usual daily operation of the Refuse Collection Division, Public Service Department, in that it is immediately necessary to modify and increase two existing contracts for the purchase of four (4) additional vehicles to assure their timely delivery, thereby preserving the public health, peace, property, safety and welfare, now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That from the unappropriated monies in the Special Income Tax Fund, Fund 430, and from the 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, 2002, the sum of \$609,096.00 be and hereby is appropriated to the City Auditor, Department No. 22-01, Object Level One Code 10, Object Level Three Code 5500, OCA Code 920023.  
 Section 2. That the City Auditor is hereby authorized to transfer said funds to the Voted 1995, 1999 Refuse Collection Fund, Fund 703, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

Section 3. That \$609,096.00 is hereby appropriated within the Voted 1995, 1999 Refuse Collection Fund, Fund 703, Department No. 59-02, Refuse Collection Division, Object Level One Code 06, Object Level Three Code 6652, OCA Code 644419, Project 520001 for the purchase of four (4) automated side loader refuse collection trucks for the Refuse Collection Division.

Section 4. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized to repay the Special Income Tax Fund the amount transferred under Section 2 above, and said funds are hereby deemed appropriated for such purpose.

Section 5. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract(s) or contract modification(s) associated with the expenditure of the funds transferred under Section 2 above.

Section 6. 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 7. That the Finance Director be and hereby is authorized and directed to modify and increase two existing contracts for the purchase of four (4) automated side loader refuse collection trucks for the Refuse Collection Division as follows:

Vendor	Item	Amount
ESEC Corporation dba Columbus Peterbilt	truck cabs and chassis	\$377,996.00
McNeilus Truck and Manufacturing Co.	truck bodies	231,100.00
<b>Total</b>		<b>\$609,096.00</b>

Section 8. That the expenditure of \$609,096.00 or so much thereof as may be needed be and hereby is authorized from the Voted 1995, 1999 Refuse Collection Fund, Fund 703, Department No. 59-02, Refuse Collection Division, Object Level One Code 06, Object Level Three Code 6652, OCA Code 644419, Project 520001 to pay the cost thereof.

Section 9. That the 2001 Capital Improvement Budget be and hereby is amended as follows:

<u>SERVICE/REFUSE COLLECTION 59-02</u>			
Project name	Current CIB	Amendment amount	CIB as amended
Mechanized Collection Equipment	\$3,063,120	\$3,683,540	\$6,746,660

Section 10. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1333-02**

To authorize the Public Service Director to enter into a one year lease agreement for the Division of Facilities Management with All Star Limited Partnership, Inc., for office space for the Department of Public Safety; to authorize the expenditure of \$255,000.00 from the General Fund; and to declare an emergency. (\$255,000.00).

WHEREAS, it is necessary to lease office space for the Public Safety Department for the period of one year; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Facilities Management in that it is immediately necessary to authorize the Public Service Director to modify and extend a lease agreement for office space for the Department of Public Safety, thereby preserving the public health, peace, property, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Public Service Director be and is hereby authorized to enter into a one year lease agreement for the Facilities Management Division with All Star Limited Partnership, effective August 1, 2002 through July 31, 2003.

Section 2. That the expenditure of \$255,000.00, or so much thereof that may be necessary, in regard to the action authorized in Section 1., be and is hereby authorized and approved as follows:

DIVISION	FUND	OCA Code	Obj. Lvl 1	Obj. Lvl 3	Amount
59-07	010	280933	03	3301	\$255,000.00

Section 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1334-02**

To Authorize and direct the Board of Health to accept a grant service contact from the Franklin County Alcohol, Drug Addiction and Mental Health Services Board in the amount of \$1,068,530 and to authorize the total appropriation of \$1,321,438, which includes program revenues, from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$1,321,438)

WHEREAS, \$1,068,530 in grant funds have been made available through the Franklin County Alcohol, Drug Addiction and Mental Health Services Board for the Alcohol and Drug Abuse grant 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 usually daily operation of the Columbus Health Department in that it is immediately necessary to accept this grant service contract from the Franklin County Alcohol, Drug Addiction and Mental Health Services Board 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 service contract of \$1,068,530 from the Franklin County Alcohol, Drug Addiction and Mental Health Services Board for the continuation on the Alcohol and Drug Abuse Program for the grant period July 1, 2002 through June 30, 2003.

Section 2. That the monies in the Fund known as 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 December 31, 2002, the sum of \$1,321,438 is hereby appropriated to the Health Department, Division 50-01, as follows:

**Grant No. 502027 - ADA HIV Early Intervention** –Provides HIV testing to all ODADAS certified alcohol/drug treatment center in Franklin County. This is continuation funding for FY2003.

OCA 502027

<u>Object Level One</u>	
01	\$296,752
02	21,313
03	12,256
Total for Grant No. 502027	\$330,321

**Grant No. 502028 - ADA Lifestyle Risk Reduction/COA** - This is a continuation award for FY2003. The funds will be used to provide counseling and educational services to children of alcoholics and/or addicts and their parents.

OCA 502028

<u>Object Level One</u>	
01	\$148,660
02	4,500
03	5,516
Total for Grant No. 502028	\$158,676

**Grant No. 502029 - ADA Prevention Services** - This is a continuation award for FY2003 for the provision educational services for alcohol and drug addiction prevention.

OCA 502029

<u>Object Level One</u>	
01	\$ 66,916
02	4,350
03	4,350
Total for Grant No. 502029	\$75,616

**Grant No. 502030 - ADA Women's Set-Aside** - Provides gender specific group and individual counseling and education for women. This is a continuation for FY2003.

OCA 502030

<u>Object Level One</u>	
01	\$232,408
02	5,000
03	26,000
Total for Grant No. 502030	\$263,408

**Grant No. 502031 - ADA Treatment Services** - This program provides Alcohol and Drug Abuse outpatient services which include, outpatient treatment, assessments, outreach .counseling, (individual and group), prevention services and follow-up care to adult clients referred to the Department's Alcohol and Drug Abuse Program. This a continuation for FY2003.

OCA 502031

<u>Object Level One</u>	
01	\$421,000
02	8,917
03	60,000
05	1,000
06	2,500
Total for Grant No. 502031	\$493,417

**TOTAL APPROPRIATION \$1,321,438**

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 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1336-02**

To authorize the Public Service Director to modify and extend a contract for the Facilities Management Division with K & M Kleening Service for routine custodial services at the Fire Division Training Academy and Administration Building; to authorize the expenditure of \$85,323.37 from the Facilities Management's 2002 General Fund Budget; and to declare an emergency. (\$85,323.37)

WHEREAS, the Public Service Department, Facilities Management Division, has a contract with K & M Kleening Service for custodial services at the Fire Division Training Academy and Administration building, and

WHEREAS, the Facilities Management Division will enter into a nine-month agreement for custodial services, and

WHEREAS, the Facilities Management Division will change the scope of services in an effort to reduce expenses, and

WHEREAS, the Facilities Management Division will competitively bid for custodial services for the Fire Division Training Academy and Administration Building towards the end of 2002, and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Facilities Management Division in that it is immediately necessary to authorize the Public Service Director to modify and extend a contract with K & M Kleening Service for routine custodial

services at the Fire Division Training Academy and Administration Building, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

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

Section 1. That the Public Service Director be and is hereby authorized to modify and extend contract EL000618 with K & M Kleening Service for routine custodial services at the Fire Division Training Academy and Administration Building from June 1, 2002, through February 28, 2003.

Section 2. That the expenditure of \$85,323.37, or so much thereof that may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Div	Fund	OCA Code	Object Level 1	Object Level 3	Amount
59-07	010	281014	03	3396	\$85,323.37

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1337-02**

To authorize the expenditure of \$153,000.00 from the Recreation and Parks Grants fund; to authorize the Public Service Director to modify and increase the design contract with Burgess and Niple, Ltd. for the Town Street Bridge project for the Transportation Division; and to declare an emergency. (\$153,000.00)

WHEREAS, contract EA029459 was authorized by ordinance No. 0563-0 which passed on April 2, 2001, was executed April 13, 2001 and was approved by the City Attorney on April 18, 2001; and

WHEREAS, the Director of Public Service has identified the need to modify and increase the existing consultant contract with Burgess and Niple, Ltd. for the replacement of the Town Street Bridge over the Scioto River; and

WHEREAS, funds are available in the Recreation and Parks Grants fund for the Town Street Bridge replacement project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that the design contract modification should be executed immediately so the work may proceed 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 is hereby authorized to modify and increase contract EA029459 with Burgess & Niple, Ltd., 5085 Reed Road, Columbus, OH 43220, in an amount not to exceed \$153,000.00 for the preparation of construction contract plans for the replacement of the Town Street Bridge over the Scioto River.

Section 2. That the sum of \$153,000.00 or so much thereof as may be needed is hereby authorized to be expended for the Transportation Division, Dept./Div. 59-09, from the Recreation and Parks Grants Fund no. 286, Dept./Div. 51-01, as follows:

Grant		OL3	OCA Code	Amount:
510202	Scioto Peninsula Phase II Development -6682	510202	\$153,000.00	

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1338-02**

To authorize the transfer and appropriation of \$131,924.88 from the Street and highway Improvement Fund and \$402,131.12 within the Federal - State Highway Engineering Fund and the expenditure of \$409,056.00 therein; to authorize the expenditure of \$1,400,000.00 from a Recreation and Parks grant; to authorize the Public Service Director to modify and increase the design contract with DLZ Ohio, Inc. for the Main Street Bridge project for the Transportation Division; and to declare an emergency. (\$1,809,056.00)

WHEREAS, contract EA029453 was authorized by ordinance No. 0424-01 passed March 19, 2001, was executed April 25, 2001 and was approved by the City Attorney on April 26, 2001; and

WHEREAS, it is necessary to modify this contract sufficient for the cost of the type of bridge structure yet to be chosen and to increase the scope of services for the project; and

WHEREAS, transfers of monies within and between funds and increases to appropriation authority will make monies available for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that the design contract modification should be executed immediately so the work may proceed without delay, thereby preserving the public health, peace and safety; now, therefore,

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

SECTION 1. That cash and appropriation shall be transferred within the Federal - State Highway Engineering Fund no. 765, for the Transportation Division, Dept./Div. 59-09, as follows:

<b>TRANSFER FROM:</b>				
<b>Grant</b>		<b>OCA Code</b>	<b>OL3</b>	<b>Amount:</b>
567270	North Outerbelt Widening	640375	6600	\$277,131.12
<b>TRANSFER TO:</b>				
<b>Grant</b>		<b>OCA Code</b>	<b>OL3</b>	<b>Amount:</b>
565185	Main Street Bridge	640375	6600	\$277,131.12

Section 2. That funds shall be appropriated and transferred within the Federal – State Highway Engineering Fund no. 765, for the Transportation Division, Dept./Div. 59-09, as follows:

<b>TRANSFER FROM:</b>					
<b>Grant</b>			<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
565186	Town Street Bridge		640375	6600	\$125,000.00
<b>TRANSFER TO:</b>					
<b>Grant</b>			<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
565185	Main Street Bridge		640375	6600	\$125,000.00

Section 3. That appropriation to the Street and Highway Improvement Fund no. 766 is hereby reduced by the sum of \$24,236.35 for the Transportation Division, Dept./Div. 59-09, OCA Code 642728, Object Level Three 6600 and project 766999.

Section 4. That the sum of \$131,924.88 is hereby appropriated to the Street and Highway Improvement Fund no. 766 for the Transportation Division, Dept./Div. 59-09, OCA Code 642728, Object Level Three 5501 and project 766999.

Section 5. That funds shall be transferred from the Street and Highway Improvement Fund' no. 766 to the Federal - State Highway Engineering Fund no. 765 for the Transportation Division, Dept./Div. 59-09, as follows:

<b>TRANSFER FROM:</b>					
<b>Project</b>			<b>OCA Code</b>	<b>OL3</b>	<b>Amount:</b>
766999	Unallocated Balance Fd. 766		642728	5501	\$131,924.88
<b>TRANSFER TO:</b>					
<b>Grant</b>			<b>OCA Code:</b>	<b>OL3</b>	<b>Amount:</b>
565185	Main Street Bridge		640375	0886	\$131,924.88

Section 6. That the sum of \$6,924.88 is hereby appropriated from the unappropriated balance of the Federal - State Highway Engineering Fund no. 765 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, 2002, to the Transportation Division, Dept./ Div. 59-09, OCA Code 640375, Object Level Three 6600 and grant 565185.

Section 7. That the Director of Public Service is hereby authorized to modify and increase contract EA029453 with DLZ Ohio, Inc., 6121 Huntley Road, Columbus, OH 43229, in an amount not to exceed \$1,809,056.00, to complete the construction plans for the replacement of the Main Street Bridge over the Scioto River.

Section 8. That the sum of \$1,809,056.00 or so much thereof as may be needed is hereby authorized to be expended for the Transportation Division, Dept./Div. 59-09, from the Federal - State Highway Engineering Fund no. 765 and the Recreation and Parks Grants Fund no. 286, Dept./Div. 51-01, as follows:

<b>Grant</b>		<b>OL3:</b>	<b>OCA Code:</b>	<b>Amount:</b>
565185	Main Street Bridge	6682	640375	\$409,056.00
510202	Scioto Peninsula Phase II Development	6682	510202	1,400,000.00
Total:				\$1,809,056.00

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1339-02**

To accept the plat titled LINWORTH WOODS, from Home Designs Limited, an Ohio limited liability company, by Matthew Cooper, Member, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to pass this ordinance as an emergency measure because plat acceptance is required for the developer to move forward to detach occupancy permits and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, the plat titled LINDWORTH WOODS (hereinafter "plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, Home Designs Limited, an Ohio limited liability company, by Matthew Cooper, Member, owner of the platted land, desires to dedicate to the public use all or such parts of the Court 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; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the plat titled LINWORTH WOODS 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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1340-02**

To authorize the Board of Health to enter into contracts with three community agencies to provide various services for individuals with AIDS and HIV infection; to authorize the expenditure of \$349,000 from the Health Special Revenue Fund to pay the costs thereof, and to declare an emergency. (\$349,000)

WHEREAS, funding has been appropriated in the 2002 Health Special Revenue Fund budget to provide assistance to various community agencies which can provide education and support services for individuals with AIDS and HIV infection; and,  
 WHEREAS, contracts were established in 2001 through the RFP process to provide the AIDS/HI V services for a two-year period; and,  
 WHEREAS, it is necessary to provide funding for the second year of the two-year contracts; and,  
 WHEREAS, an emergency exists in the usual daily operation of the Columbus Health Department in that it is immediately necessary to enter into contracts with three community agencies for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Board of Health is hereby authorized and directed to enter into contracts with three community agencies for the provision of education and support services for individuals with AIDS and HIV infection for the period July 1, 2002 through June 30, 2003.

Section 2. That to pay the costs of said contracts, the expenditure of \$349,000 is hereby authorized from the Health Special Revenue Fund, Fund No. 250, Health Department, Division 50-01, OCA Code 502112, Object Level One 03, Object Level Three 3347 as follows:

<u>Agency</u>	<u>Amount</u>
Columbus AIDS Task Force	\$293,100
Southeast, Inc.	\$ 34,400
Project Open-Hand	\$ 21,500
Total	\$349,000

Section 3. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1341-02**

To authorize the Mayor of the City of Columbus to apply for, and if awarded to accept a grant from the Office of the Attorney General of the State of Ohio through the DARE Grants Program in an amount up to \$266,983.20, and to declare an (\$266,983.20) emergency.

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to pass this ordinance as an emergency measure because State of Ohio needs DARE application by August 6, 2002 and that this is for the same reason necessary for the immediate preservation of the public peace, property, health or safety; and

WHEREAS, manpower and funding concerns have caused the Division to cutback its DARE Unit in the past; and  
 WHEREAS, the Office of the Attorney General of the State of Ohio has a grant program to provide funding assistance to local law enforcement agencies for salaries of certified DARE officers teaching the approved DARE curriculum in the local schools; now, therefore,  
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS**

Section 1. That the Mayor be and is hereby authorized and directed to apply for, and if awarded accept, a DARE grant from the Office of the Attorney General of the State of Ohio.

Section 2. That this grant, if received, may fund up to 50% of the salaries of thirteen (13) police officers and one (1) sergeant for nine months.

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.

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1342-02**

To authorize and direct the Director of Finance to establish a purchase order for the required factory repairs of Motorola equipment in accordance with the provisions of sole source procurement, to authorize the expenditure of \$40,000.00 from the Division of Communications General Fund and to declare an emergency. (\$40,000.00)

WHEREAS, the Division of Communications has a need to establish a purchase order for needed factory repairs of Motorola equipment due to expired warranties and aging Motorola equipment.

WHEREAS, Motorola, Inc. is the only known company that can provide these repairs.

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety, Division of Communications, in that it is immediately necessary to obtain required factory repairs to Motorola equipment, in order to preserve the public peace, health, safety and welfare; now, therefore,

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

Section 1. That the Director of Finance be and is hereby authorized to establish a purchase order with Motorola, Inc. for needed factory repairs of Motorola equipment.

Section 2. That this agreement is made in accordance with the provisions of Section 329.07(e)l of the Columbus City Code.

Section 3. That for the purpose stated in Section 1 hereof, the expenditure of \$40,000.00 or so much thereof as may be needed, is hereby authorized from:

<b>Division</b>	<b>Subfund</b>	<b>Object Level 2</b>	<b>Object Level 3</b>	<b>OCA Code</b>	<b>Amount</b>
30-02	010	03	3372	301721	\$40,000.00

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 nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1343-02**

To authorize and direct the City Auditor to transfer \$16,000 within the general fund, from the Community Relations Commission to the Health Department to provide funding for personnel, and to declare an emergency. (\$16,000.00)

WHEREAS, the Community Relations Commission desires to share funding of a Health Department staff person that provides some assistance to the Commission; and

WHEREAS, funds for these expenses are available within Community Relations Commission's 2002 appropriations; and

WHEREAS, an emergency exists in the usual daily operation of the Health Department in that it is immediately necessary to authorize the transfer of funds from the Community Relations Commission to the Health Department thereby preserving the public health, peace, 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 \$16,000 within the general fund from Community Relations Commission, to the Health Department as follows:

FROM:				
<b>Dept</b>	<b>OCA</b>	<b>OL1</b>	<b>OL3</b>	<b>Amount</b>
4002	400028	01	1166	\$ 16,000
Total				\$ 16,000
TO:				
<b>Dept</b>	<b>OCA</b>	<b>OL1</b>	<b>OL3</b>	<b>Amount</b>
5001	900068	10	5501	\$ 16,000
Total				\$ 16,000

Section 2. 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.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1344-02**

To authorize the Director of the Department of Development to enter into a contract with the Community Shelter Board to support of the Rebuilding Lives Funder's Collaborative; to authorize the expenditure of \$325,000 from the FY2002 General Fund; and to declare an emergency. (\$325,000.00)

WHEREAS, the Director of the Department of Development desires to enter into a contract with the Community Shelter Board; and

WHEREAS, the city desires to support the Rebuilding Lives Funder's Collaborative in order to: 1) increase the number of permanent, affordable housing units with counseling and on-site services available for those in need in our community, and 2) to provide a more coordinated, targeted, cost-effective approach of providing shelter and services when and how they are needed; and

WHEREAS, the city's contribution to the Funder Collaborative will provide for supportive services and critical operational needs; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development, in that it is immediately necessary to enter into contract with the Community Shelter Board to support the Rebuilding Lives Funder's Collaborative in order to preserve the public health, peace, property, safety, and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the Director of the Department of Development is authorized to enter into a contract with the Community Shelter Board for the purpose of providing supportive services and permanent housing to chronically homeless men and women of the city of Columbus through the Rebuilding Lives Funder Collaborative.

Section 2. That for the purpose as stated in Section 1, the expenditure of \$325,000.00 or so much thereof as may be necessary and be and is hereby authorized to be expended from the General Fund, Fund No. 010, Division No. 44-05, Object Level One 03, Object Level Three 3337, OCA Code 440280.

Section 3. That this contract is awarded pursuant to Section 329.29 of the Columbus City Codes, 1959, as amended

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1345-02**

To authorize the creation of the Columbus Downtown Residential Community Reinvestment Area by implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code by renaming, adjusting the boundaries of, and otherwise modifying a Community Reinvestment Area designated by Resolution No. 170X-92; to amend Ordinance No. 1698-78 establishing the administrative procedures of the Community Reinvestment Program; to repeal Ordinance Nos. 1652-01 and 1902-01; and to declare an emergency.

WHEREAS, City Council desires to pursue all reasonable and legitimate incentive measures to assist and encourage residential development and redevelopment in specific downtown areas of the City of Columbus (the "City59) that have not enjoyed sufficient investment or reinvestment in residential remodeling or new residential construction; and

WHEREAS, Ordinance No. 1698-78, approved August 3, 1978, authorized the Columbus Department of Development to carry out a Community Reinvestment Program pursuant to Sections 3735.65 to 3735.70 of the Ohio Revised Code, and established certain administrative procedures for the program; and

WHEREAS, on September 28, 1992, City Council approved Resolution No. 170X-92 designating the Seneca Towers Community Reinvestment Area as a community reinvestment area as established by Sections 3735.65 to 3735.70 of the Ohio Revised Code (a "CRA"); and

WHEREAS, City Council by this ordinance intends to, among other things, adjust the boundaries of the Seneca Towers Community Reinvestment Area, modify the classes of residential Improvements (as defined herein) eligible for tax exemptions therein and the periods and amounts of exemptions applicable to those Improvements, and to rename the Seneca Towers Community Reinvestment Area as the Columbus Downtown Residential Community Reinvestment Area (the "Downtown Residential CRA"); and



WHEREAS, as required by Section 3537.66 of the Ohio Revised Code, a survey of housing (the "Survey") has been made for the area (the "Survey Area") to be included in the proposed Downtown Residential CRA, designated in this ordinance and described and depicted in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Survey shows the facts and conditions relating to existing housing and undeveloped areas in the proposed Downtown Residential CRA, including, among other things, evidence of deterioration and lack of new construction or repair or rehabilitation of substantial portions of the Survey Area reflecting that new housing construction and repair of existing facilities or structures are discouraged; and

WHEREAS, the maintenance of existing and construction of new residential structures in the Downtown Residential CRA will serve to encourage economic stability, maintain real property values and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures or the construction of new structures for residential purposes in the proposed Downtown Residential CRA constitutes a public purpose for which real property exemptions may be granted; and .

WHEREAS, it is the policy of the City to encourage the construction and remodeling of mixed-use structures downtown, containing a mix of commercial uses and residential uses, typically on the lower floors and upper floors, respectively, and provision for tax exemption with respect to limited commercial uses in mixed-use structures downtown will support and encourage residential development and redevelopment downtown in furtherance of the such policy; and

WHEREAS, an emergency exists in that it is immediately necessary to create the Downtown Residential CRA in order to preserve the public health, peace, property, safety and welfare; now, therefore,

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

Section 1. That, as to the original designation of the Seneca Towers Community Reinvestment Area, reference is made to Resolution No. 170X-92 passed by City Council on September 28, 1992, as the same has remained in effect without any amendments thereto.

Section 2. That the Seneca Towers Community Reinvestment Area as modified by this ordinance is hereby renamed the Columbus Downtown Residential Community Reinvestment Area.

Section 3. That Section 2 of Resolution No. 170X-92, passed by City Council on September 28, 1992, shall hereby be amended to read in its entirety as follows:

"Section 2. That based upon the Survey and on City Council's own knowledge of the facts and conditions existing in the proposed Columbus Downtown Residential Community Reinvestment Area, City Council hereby finds and determines that the area hereby designated as the Columbus Downtown Residential Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged."

Existing Section 2 of Resolution No. 170X-92 is hereby repealed.

Section 4. That Section 3 of Resolution No. 170X-92, passed by City Council on September 28, 1992, shall hereby be amended to read in its entirety as follows:

"Section 3. That pursuant to Section 3735.66 of the Ohio Revised Code, the Columbus Downtown Residential Community Reinvestment Area is described and depicted as such in Exhibit A attached to this ordinance."

Existing Section 3 of Resolution No. 170X-92 is hereby repealed.

Section 5. (a) That within the Downtown Residential CRA, tax exemptions on the increase in the assessed valuation resulting from improvements of or to real property as described in Ohio Revised Code Section 3735.67 (the increase in the assessed valuation hereinafter the "Improvement" or "Improvements") shall be granted upon proper application by the property owner and certification thereof by the designated Housing Officer. Applications for tax exemptions hereunder (the "Applications") must be filed with the Housing Officer no later than twelve (12) months after completion of the Improvement. Subject to the payments in lieu of taxes (the "PILOTs") described below, the term and percentage of the exemptions shall be:

(i) ten (10) years for the remodeling of existing dwellings containing not more than two (2) housing units, and upon which the cost of remodeling is at least two thousand five hundred dollars (\$2,500.00), as described in Ohio Revised Code Section 3735.67(D)(1). All exemptions granted pursuant to this Section shall be for one hundred percent (100%) of the Improvement.

(ii) twelve (12) years for the remodeling of existing dwellings containing more than two (2) housing units and commercial Improvements in or to such structures, upon which the cost of remodeling is at least five thousand dollars (\$5,000.00), all as described in Ohio Revised Code Section 3735.67(D)(2). All exemptions granted pursuant to this Section shall be for one hundred percent (100%) of the Improvement.

(iii) fifteen (15) years for the construction of new dwellings (including Redevelopment Housing as hereinafter defined) and commercial Improvements in or to such structures, all as described in Ohio Revised Code Section 3735.67(D)(3). All exemptions granted pursuant to this Section shall be for one hundred percent (100%) of the Improvement.

Other than as specified in Sections 5(a)(i) through (iii) hereof, no community reinvestment area tax exemption shall be granted in the Downtown Residential CRA.

(b) Certain owners of structures for which a tax exemption is granted pursuant to Sections (5)(a)(ii) or (iii) hereof are hereby required to make PILOTs as described below with respect to the Improvements. Those PILOTs shall be calculated and made at the times and in the manner and amounts provided in the Agreement (referred to in Section 6 hereof) applicable to those Improvements.

(i) PILOTs with respect to any residential Improvements eligible for an exemption under Section (5)(a)(iii) hereof and not defined in either Sections (5)(b)(ii) or (iii) hereof shall be calculated based upon (x) twenty-five percent (25%) of such Improvements for each of the first ten (10) years of the tax exemption and (y) one hundred percent (100%) of such Improvements in each of the eleventh (11th) through the fifteenth (15th) years of the exemption.

(ii) PILOTs with respect to residential Improvements that are eligible for an exemption pursuant to Section (5)(a)(ii) hereof or that constitute Redevelopment Housing, Student Housing or Targeted Action Area Housing (each as herein defined) and are eligible for exemption pursuant to Section (5)(a)(iii) hereof shall be calculated based upon (x) zero percent (0%) of such Improvement for each of the first ten (10) years of the tax exemption provided for in Section 5(a)(ii) or Section (5)(a)(iii), respectively, hereof and (y) one hundred percent (100%) of the such Improvement in year eleven (11) and each year thereafter of such exemption. "Redevelopment Housing" as used herein refers to housing created by and from the remodeling of an existing commercial or industrial property. "Student Housing" as used herein refers to housing that is developed or owned by an institution of higher education for its students, or housing subject to a written contract with an institution of higher education making it available on a preferential basis for such students and with the term and effectiveness of that agreement running for the entire period of the exemption granted hereunder. "Targeted Action Area Housing" as used herein refers to housing located on a tax parcel any part of which is (x) located within a Targeted Action Area identified on Exhibit A, in the map portion thereof, or (y) hereafter combined with a tax parcel located in a Targeted Action Area.

(iii) Notwithstanding any other provision of this ordinance to the contrary, PILOTs shall not be required with respect to residential Improvements or constituting Affordable Housing pursuant to Sections (5)(a)(ii) or (iii) hereof. "Affordable Housing" as used herein refers to (x) housing eligible for Internal Revenue Code Section 42 low income housing credits or Internal Revenue Code Section 143 mortgage revenue bond financing, or (y) housing developed with other financial assistance provided by local, state or federal government for which a minimum of twenty percent (20%) of the tenants or owners are means tested as to maximum income.

(iv) Notwithstanding any other provision of this ordinance to the contrary, PILOTs with respect to commercial Improvements in or to a structure shall be as follows:

(x) For a structure in which those commercial Improvements comprise one-third or less of the gross square footage, the PILOTs for an exemption year shall be calculated based upon the same percentage of the Improvement, if any, used for the calculation of any PILOTs for the residential Improvements to that structure for that year.

(y) For a structure in which those commercial Improvements comprise more than one-third of the gross square footage, the PILOTs for an exemption year shall be calculated based upon one hundred percent (100%) of those commercial Improvements.

(v) There is hereby established the City of Columbus Downtown Residential CRA PILOTs Fund (the "Fund"), and within that Fund a School Account and a City Account. There shall be deposited in the School Account amounts to be distributed to the Columbus City School District (the "School Share") as follows:

(x) in the first ten (10) years in which each Improvement is exempt from taxation, the School Share shall be one hundred percent (100%) of the PILOTs paid in respect therewith;

(y) in year eleven (11) and each year thereafter in which each Improvement is exempt from taxation, the School Share shall be the amount of the PILOTs paid in respect therewith that is equivalent to the amount of the taxes that would have been payable to the School District if the Improvement had not been exempt from taxation.

The amount of the PILOTs not required to be deposited in the School Account shall be deposited in the City Account and held for distribution as directed, from time to time, by City Council.

(c) In event the Downtown Residential CRA overlaps another pre-existing CRA under which residential property tax exemptions are authorized to be granted, notwithstanding the authorizations of such pre-existing CRAs, all residential property tax exemptions in such areas shall be granted pursuant to this ordinance.

(d) Reference is made to Ordinances No. 2356-98 and No. 2357-98, each passed by City Council on September 19, 1998, and to Ordinances No. 2092-01 and No. 2093-01, each passed by City Council on December 17, 2001, (each an "Existing TIF Ordinance" and collectively the "Existing TIF Ordinances") all establishing and providing for tax increment financings within the area of the Downtown Residential CRA. With respect to any Agreement (as defined in Section 6 of this ordinance) relating to property within the district covered by an Existing TIF Ordinance, such Agreement shall set forth the corresponding precedence of the exemption under this ordinance and the related PILOTs and of the exemption and the related service payments in lieu of taxes under the Existing TIF Ordinance (such service payments, whether under an Existing TIF Ordinance or a Future TIF Ordinance, the "Service Payments").

(e) With respect to any tax increment financing that may hereafter be established by ordinance within the Downtown Residential CRA (each as originally adopted or as amended from time to time, a "Future TIF Ordinance"), the applicable Agreement and the Future TIF Ordinance shall set forth the corresponding precedence of the exemption under this ordinance and the related PILOTs and of the exemption under the Future TIF Ordinance and the related Service Payments; provided that, if no consistent precedence shall be so set forth, then the precedence shall be based upon the effective date of the applicable Agreement and of the Future TIF Ordinance, with the exemption created by the earlier having precedence over the exemption created by the later.

Section 6. That the owner of any Improvement seeking a tax exemption pursuant to this ordinance shall, prior to the approval of the Application, enter into an agreement with the City substantially in the form of the agreement now on file with the Housing Officer (each an "Agreement" or collectively the "Agreements"). When required or appropriate, the Agreement shall provide for the payment of PILOTs and shall set forth the corresponding precedence of the exemption under this ordinance and the related PILOTs and of the exemption under any Existing TIF Ordinance or Future TIF Ordinance and the related Service Payments.

Section 7. In connection with each Agreement, the Housing Officer is hereby authorized:

(a) when required or appropriate, to determine the corresponding precedence of the exemption under this ordinance and the related PILOTs and of the exemption under any Existing TIF Ordinance or Future TIF Ordinance and the related Service Payments, but only after consultation with the City Auditor;

(b) in connection with any determination of precedence, as aforesaid, to adjust the percentage, but not the duration, of any exemption under this ordinance to implement to the fullest extent possible the intent of this ordinance, consistent with the intent of any Existing TIF Ordinance or Future TIF Ordinance;

(c) to make such changes to the specified form of agreement as the Housing Officer determines to be not inconsistent with this ordinance and not substantially adverse to the City; and

(d) to execute Agreements for, in the name of and on behalf of the City, such execution evidencing conclusively the Housing Officer's approval of any change to the specified form of agreement.

All determinations of the Housing Officer pursuant to this ordinance or the Agreements (including, but not limited to, classification of all or a portion of a structure or Improvement as remodeling or new construction, commercial or residential, Affordable Housing, Student Housing, Targeted Action Area Housing or Redevelopment Housing) are conclusive as to the subject matter of such determinations.

Further, that the Housing Officer is authorized to enter into Agreements until the later of December 31, 2012 or the date upon which City Council revokes said authorization (the "Revocation"); providing, however, that no such Revocation of authorization would apply to an Improvement for which an Agreement has previously been executed by the Housing Officer and which is completed within thirty-six (36) months of the Revocation.

Section 8. That the Housing Officer and appropriate City officials are hereby authorized and directed:

(a) to coordinate the claiming of the exemptions under this ordinance and under any Existing TIF Ordinance or Future TIF Ordinance;

(b) to enter into agreements with the Franklin County Auditor and others, make such other arrangements, and take such other actions as may be necessary or appropriate to effect the coordinated and orderly billing, collection and handling of PILOTs and Service Payments;

(c) to cooperate with owners of Improvements in causing, where appropriate, a split listing under Section 5713.04 of the Ohio Revised Code and in claiming and benefiting from the property tax exemptions provided for herein; and

(d) to enter into such agreements and take such other actions as may be necessary or appropriate to otherwise implement any part of this ordinance.

Section 9. That Section 13 of Ordinance No. 1698-78, approved by City Council August 3, 1978, shall hereby be amended to read in its entirety as follows:

"Section 13. That the Housing Officer shall make an annual inspection of the properties within the Community Reinvestment Area for which an exemption has been granted and in connection therewith take such actions as may be necessary or appropriate under Section 3735.68 of the Ohio Revised Code."

Existing Section 13 of Ordinance No. 1698-78 is hereby repealed.

Section 10. That Existing Ordinances No. 1652-01 passed October 22, 2001 and No. 1902-01 passed November 19, 2001, are hereby repealed.

Section 11. That a copy of this ordinance shall be forwarded by the Housing Officer to the Director of the Ohio Department of Development within fifteen (15) days of its passage and to the Franklin County Auditor, and a copy of this ordinance shall be published in a newspaper

of general circulation in the City once a week for two consecutive weeks immediately following its passage as described in Section 3735.66 of the Ohio Revised Code.

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 adoption and approval by the Mayor or ten (10) days after its adoption and approval if the Mayor neither approves nor vetoes the same.

Note: Exhibit "A" on file in the City Clerk's Office.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1346-02**

To authorize the appropriation and expenditure of \$60,000.00 from the General Permanent Improvement Fund for the Morse Road Improvement project; to authorize the City Attorney to contract for professional services; to acquire fee simple title and lesser interests; and to declare an emergency. (\$60,000.00)

WHEREAS, the City of Columbus Public Service Department, Transportation Division, is engaged in that project identified as the Morse Road Improvement project; and

WHEREAS, as a part of this project the City Attorney will be required to contract for professional services and to acquire right-of-way; and

WHEREAS, acquisition costs for the "Gateway" phase of this project are estimated to be \$60,000.00; and

WHEREAS, it is necessary to appropriate and expend funds for this project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that it is immediately necessary to authorize the appropriation and expenditure of those funds required to hire professional services and to acquire the right-of-way needed for the "Gateway" phase of the Morse Road Improvement project 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 sum of \$60,000.00 is hereby appropriated from the unappropriated balance of the General Permanent Improvement fund no. 748, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2002, to the Transportation Division, Dept./ Div. 59-09, OCA Code 642678, Object Level Three 6600 and project 537650.

Section 2. That the City Attorney be and is hereby authorized to expend those funds necessary to pay for those costs related to the acquisition of that right-of-way required for the "Gateway" phase of the Morse Road Improvement project.

Section 3. That for the purpose of paying for said costs, the sum of \$60,000.00, or so much thereof as may be necessary, is hereby authorized to be expended on behalf of the Transportation Division from the General Permanent Improvement Fund as follows:

Project#	Dept./Div.	Fund#	Object Level 3	OCA Code	Amount
537650	59-09	748	6601	642678	\$60,000.00

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 nor vetoes the same.

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1347-02**

To authorize the appropriation of \$357,208 from the unappropriated balance of the Emergency Human Services Fund to the Department of Development; to authorize the Director of the Department of Development to enter into contracts to support truancy intervention and prevention programs; to authorize the expenditure of \$357,208.00 from the Emergency Human Services Fund; and to declare an emergency. (\$357,208.00)

WHEREAS, the Director of the Department of Development desires to enter into contracts with CMAAO and the YMCA to support truancy prevention and intervention programs; and

WHEREAS, the primary goal of the programs is to reduce the number of youth involved in truancy offenses; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to appropriate said funds and to enter into contracts with various agencies 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 from the unappropriated monies in the Emergency Human Services Fund, and from any and all sources unappropriated for any other purpose during the fiscal year ending December 31, 2002, the sum of \$357,208.00 be and is hereby appropriated to the Department of Development, Department No. 44-05, Fund 232, Object Level One 03, Object Level Three 3337, OCA Code 445205.

Section 2. That the Director of the Department of Development be and is hereby authorized to enter into contracts to support truancy prevention and intervention programs with the two (2) agencies listed in Section 3 for the period beginning November 1, 2001 and ending June 30, 2002.

Section 3. That for the purpose as stated in Section 2, the expenditure of \$357,208.00, or so much thereof as may be necessary, be and is hereby authorized from the Emergency Human Services Fund, Department of Development, Department No. 44-05, Fund 232, Object Level One 03, Object Level Three 3337, OCA Code 445205 as follows:

<u>AGENCY</u>	<u>AMOUNT</u>
Columbus Metropolitan Area Community Action Organization	\$238,139
Y.M.C.A.	\$ 119,069
<b>Total</b>	<b>\$ 357,208</b>

Section 3. That these contracts are awarded pursuant to Section 329.29 of the Columbus City Codes, 1959 as amended.

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

Passed as amended July 29, 2002, Matthew D. Habash, President of Council / Approved as amended July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**ORD. NO. 1348-02**

To accept the application (AN01-063) of Delphi Automotive Systems LLC for the annexation of certain territory containing 13.944 ± Acres in Franklin Township.

WHEREAS, a petition for the annexation of certain territory in Franklin Township was duly filed by Delphi Automotive Systems LLC on October 25, 2001; and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Franklin County, Ohio, and the annexation of said hereinafter described territory to the city of Columbus was approved by said Commissioners by order dated January 16, 2002; and

WHEREAS, the Board of County Commissioners of Franklin County certified the transcript of the proceedings in connection with the said annexation with the map and petition required in connection therewith to the City Clerk who received the same on February 15, 2002; and

WHEREAS, sixty days from the date of said filing have now elapsed in accordance with the provisions of the Ohio Revised Code; and

WHEREAS, it is in the best interest of the city of Columbus to accept the annexation of the territory sought to be annexed by the aforesaid petition; now, therefore,

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

Section 1. That the proposed annexation as applied for in the petition of Delphi Automotive Systems LLC being the majority of owner(s) of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Franklin County, Ohio October 25, 2001 in which said petition prayed for annexation to the city of Columbus, Ohio, of certain territory adjacent thereto as hereinafter described, and which said petition was approved for annexation to the city of Columbus by the Board of County Commissioners by order dated January 16, 2002, be and the same is hereby accepted and said territory is hereby annexed to the city of Columbus. Said territory is described as follows:

Situated in the State of Ohio, County of Franklin, Township of Franklin, and being a part of Virginia Military Survey Number 1482, and being 13.944 acres out of a 147.973 acre tract as conveyed to Delphi Automotive Systems LLC as recorded in Instrument No. 199902010025133, Franklin County Recorder's Office, said 13.944 acre tract being further described as follows:

Beginning for reference at a point, said point being the intersection of the centerlines of Georgesville Rd. (110' wide) and West Broad St (U.S. Route 40, 160' wide), said point being the northwest corner of said 147.973 acre tract;

Thence North 88 degrees 02'00" East 125.52 feet, along the centerline of said West Broad St. being the north line of said 147.973 acre tract, to a point;

Thence South 01 degrees 58' 00" East 90.00 feet, crossing said 147.973 acre tract, to a point on the south line of said West Broad St., said point being the True Place of Beginning for the herein described 13.944 acre tract;

Thence North 88 degrees 02' 00" East 1302.83 feet, along the south line of said West Broad St., crossing said 147.973 acre tract, to a point, said point being on the east line of said 147.973 acre tract, and being on the west line of a 8.326 acre tract as conveyed to Haydoc Realty Co., LLC, as recorded in Instrument No. 199911050279956, said point also being on a west of the City of Columbus Corporation line;

Thence South 01 degrees 59' 45" East 429.85 feet, along the west line of said 8.326 acre tract, being the east line of said 147.973 acre tract, and along said west line of the City of Columbus Corporation line, to a point;

Thence South 88 degrees 02' 00" West 1463.42 feet, crossing said 147.973 acre tract, to a point on the east line of said Georgesville Rd.;

Thence North 08 degrees 45' 46" East 331.48 feet, along the east line of said Georgesville Rd., crossing said 147.973 acre tract, to a point;

Thence North 41 degrees 28' 44" East 143.48 feet, crossing said 147.973 acre tract, being a southerly line of said West Broad St., to the True Place of Beginning containing 607388 square feet, or 13.944 acres, more or less.

Section 2. That the City Clerk is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof, the City Clerk shall then forthwith deliver one copy to the County Auditor, one copy to the Board of Elections thereof and do such other things as may be required by law.

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 31, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

<b>RESOLUTIONS</b>
--------------------

**RES. NO. 147X-02**

To set Regular Meeting(s) No. 38 and 39 of City Council on Monday, September 9, 2002 at 5:00 p.m. and 6:30 p.m. respectively, in Council Chambers, and to declare an emergency.

WHEREAS, an emergency exists in the usual daily operation of the Office of the City Clerk in that it is necessary to establish the number of meetings of City Council to fulfill the requirements of Section 8 of the City Charter; now, therefore,

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

Section 1. That Regular Meeting No. 38 and 39 of City Council be and they are hereby set for Monday, September 9, 2002 at 5:00 p.m. and 6:30 p.m. in Council Chambers.

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

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**RES. NO. 148X-02**

To recognize and congratulate the 10th Anniversary of the Ohio Senior Health Insurance Information Program (OSHIIP).

WHEREAS, on Tuesday, July 23, 2002, a 10th Anniversary celebration will be held at the Fawcett Center for OSHIIP; and

WHEREAS, OSHIIP provides free information and other health insurance services to people in Ohio covered by Medicare; and

WHEREAS, OSHIIP is funded by a federal grant and the state of Ohio and is administered by the Department of Insurance in Columbus; and

WHEREAS, since its inception in 1992, OSHIIP has counseled more than 192,000 people, saved Ohio consumers \$3.3 million, distributed more than 626,000 publications, trained and certified more than 1,750 community-based volunteers and established more than 250 information sites; and

WHEREAS, OSHIIP is a proud member of Ohio Medicare Partners, the Governor's Council on People with Disabilities, the Inter-Agency Council on Hispanic/Latino Affairs, the Beneficiary Advisory Committee, Partners for Healthy Seniors and the Share the Vision Advisory Board; now, therefore,

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

That this Council does hereby recognize the OSHIIP program and all of its efforts to improve the health of Columbus citizens through education about Medicare.

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**RES. NO. 149X-02**

To recognize and commend Peggy McElroy for her seventeen years of community service with the Northwest Civic Association and her many contributions to the City of Columbus.

Whereas, at the end of July 2002 after seventeen years of community service, Peggy McElroy will conclude her responsibilities with the Northwest Civic Association (NWCA); and

WHEREAS, Peggy McElroy has been actively involved with the Northwest Civic Association becoming a member of its board in 1985, and played a major positive role in the rapid evolution and growth of the northwest community in the ensuing years; and

WHEREAS, Peggy McElroy became extremely knowledgeable about the city's zoning code and its attendant processes, as well as the operations of all city divisions impacting on the northwest community; and

WHEREAS, accomplishments of the Northwest Civic Association of which Peggy was instrumental include the NWCA's recommendation through the Northwest Development Task Force for the creation and adoption of a Comprehensive Plan for the City of Columbus which was undertaken in the 1980's; and

WHEREAS, Peggy McElroy participated in the creation of development standards that have been used in every northwest zoning decision since 1989 including the Bethel Road Development Standards and the Sawmill Corridor Plan; and

WHEREAS, Peggy McElroy actively participated in the creation of the Northwest Area Plan as well as complex negotiations with private developers and city staff to insure that zoning and land use decisions were in line with the directives of the Northwest Plan; and

WHEREAS, for nearly two decades Peggy McElroy's untiring advocacy for Columbus neighborhoods has made not only her community but neighborhood's across the entire City of Columbus better places to live; and

WHEREAS, over the years Peggy McElroy's intelligence, determination, and fearlessness in taking on controversial issues, in addition to her personal character which so often turned adversaries into allies needs to be duly acknowledged by her many friends both inside and out of city government; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS

That it does hereby recognize and commend Peggy McElroy for her 17 years of community service to the Northwest Civic Association and her many contributions to the City of Columbus and wish Peggy, her husband Scott and their sons Sean and Bryan all the best in this new period in their lives.

Be it further resolved that a copy of this resolution be presented to Peggy McElroy.

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**RES. NO. 150X-02**

To acknowledge receipt of the report and recommendations from the Regional Port Authority Study Committee and to move forward with the County on merger deliberations.

WHEREAS, the Mayor and the Franklin County Board of County Commissioners appointed a Regional Port Authority Study Committee (the "RPASC") to evaluate the feasibility of merging the operations of the Rickenbacker Port Authority (the "RPA") and the Columbus Municipal Airport Authority (the "CMAA"); and

WHEREAS, the RPASC evaluated the feasibility of merging the operation of RPA and CMAA, and the RPASC presented its report and recommendation to the Mayor and the County Commissioners on June 27, 2002; and

WHEREAS, the RPACS recommended: the merger of the two port authorities into one airport authority as a means for greater efficiency and cost savings, and also to enhance the region's economic competitiveness into the future; and, the creation of a new port authority to finance regional economic development projects; and,

WHEREAS, the RPACS report provided a framework for implementing the recommendations; therefore,

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

1. That the City acknowledges receipt of the report and recommendations from the RPASC.
2. That the City moves forward with the County to begin the deliberations for the merger of the port authorities to manage the airports and the creation of a new port authority to finance economic development projects. The RPASC report will serve as the framework for more detailed discussion and decision-making.
3. That the City and County begin to work on Grafting a final agreement to be presented to the Mayor and City Council for approval and adoption.
4. That the City thanks the RPASC for its exceptional work and commends it for producing a quality report. The charge of the RPASC was an important one for our community. The time spent and effort made by the volunteers of the RPACS is a testament to our community's talents and resources to study serious issues.

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**RES. NO. 151X-02**

To support SBC Ameritech's long distance application with the Ohio Public Utilities Commission in order to increase competition in the marketplace, provide consumers with savings, and spur new investment, services, and employment in Columbus and Central Ohio.

WHEREAS, Columbus City Council looks to promote public policies which will increase jobs and promote more choices and competition in the telecommunications industry; and

WHEREAS, the Telecommunications Act of 1996 envisioned fundamental changes in the telecommunications markets with more local and long distance competition; and

WHEREAS, SBC Ameritech's entrance into the long distance market in Ohio will bring strong competition into the local and long distances markets in Ohio and provide other consumer benefits to Columbus and Central Ohio such as more investment, better prices, further economic development and jobs as well as innovation, and convenience for the customer; and

WHEREAS, more than 140 companies are currently certified by the Public Utilities Commission of Ohio to provide local telephone services in the State of Ohio, and SBC Ameritech is the only company currently prohibited from carrying long distance calls; and

WHEREAS, SBC Ameritech employs more than 2,000 Central Ohio residents; including members of the Communications Workers of America and their entry into the long distance market promises to increase local job opportunities; and

WHEREAS, SBC Ameritech supports, expedites and enhances community and downtown development in Columbus such as most recently the 1-670 freeway cap in the Short North; and

WHEREAS, the FCC will review SBC Ameritech's long distance application 90 days after filing to determine compliance with the 1996 Telecommunications Act and Columbus City Council desires to join other municipalities and Chambers of Commerce across the State of Ohio in supporting SBC Ameritech's application for long distance service; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS

That we do hereby support SBC Ameritech's long distance application with the Ohio Public Utilities Commission in order to increase competition in the marketplace, provide consumers with savings, and spur new investment, services, and employment in Columbus and Central Ohio.

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

**RES. NO. 152X-02**

To recognize and thank Jeri Woodson for her years of service to the City of Columbus.

WHEREAS, Jeri Woodson began her career with the City of Columbus in 1973 and enjoyed 12 successful years at the Division of Fleet Management and the Health Department; and

WHEREAS, in 1988, Jeri was summoned to City Hall to accept an appointment to serve as Administrative Assistant to the Mayor; and

WHEREAS, over the last 14 years and through three Administrations, Ms. Woodson has distinguished herself throughout City government as the person at City Hall who can be counted upon to offer current, consistent and accurate information on just about any municipal issue, always delivered with her remarkable personal qualities of calm, cool and collected class; and

WHEREAS, Jeri Woodson has served three mayors as Chief Gatekeeper, Front Desk Information Officer, Captain of the City Hall Nerve Center and Lead Confidant; and

WHEREAS, the City and its citizens have been fortunate to have had the incomparable Woodson Touch in the mayor's front office for nearly 15 years; and

WHEREAS, now that Jeri is taking early retirement—and we know it's early because she's far too young for real retirement—she can enjoy life with her husband Woody, their children Brenda, Robert and Marcus, and their five grandchildren, as well as continue her ministry with Second Shiloh Baptist Church; now, therefore,

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

That this council congratulates Jeri Woodson on her remarkable career at City Hall and offers her our thanks for the high quality of service she has provided to mayors, city council members, directors, city council aides, city staff and especially to taxpayers.

Be it further resolved that a copy of this resolution be presented to Jeri Woodson as a token of our esteem.

Adopted July 29, 2002 Matthew D. Habash, President of Council / Approved July 30, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

## BIDS WANTED - PURCHASING OFFICE

Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporations, 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.

**WITHOLDING 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 PROPOSAL CALL (614) 645-7599**

**BID OPENING DATE 08/08/02**

### BID FOR CRANE TRUCK

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on AUGUST 8, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: SEWERAGE & DRAINAGE

Bid for CRANE TRUCK Solicitation No. SA-000294 GRW in accordance with specifications on file in the Purchasing Office.

Joel Taylor, Finance Director  
(7/20/02; 7/27/02; 08/03/02)

### BID FOR DUMP TRUCK W/SALT SPREADER

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on AUGUST 8, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: DIVISION OF WATER

Bid for DUMP TRUCK w/SALT SPREADER Solicitation No. SA-000305 GRW in accordance with specifications on file in the Purchasing

Office.

Joel Taylor, Finance Director  
(7/20/02; 7/27/02; 08/03/02)

### BID FOR PURCHASE OF WINTERWEAR / RAINGEAR

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on August 8, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: Purchasing Office

Bid for Purchase of Winterwear / Raingear Solicitation No. SA000307DRM in accordance with specifications on file in the Purchasing

Office.

Joel Taylor, Finance Director  
(7/27/02; 08/03/02)

### BID FOR PURCHASE OF MECHANICAL BAR SCREEN COMPONENTS

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on August 8, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: Sewerage & Drainage

Bid for Purchase of Mechanical Bar Screen Components Solicitation No. SA000301BGB in accordance with specifications on file in the Purchasing Office.  
Joel Taylor, Finance Director  
(07/27/02; 08/03/02)

<b>BID OPENING DATE 08/12/02</b>
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**BID FOR PURCHASE OF SUPPLEMENTAL UNIFORMS**

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on August 12, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: Fire

Bid for Purchase of Supplemental Uniforms Solicitation No. SA000310DRM in accordance with specifications on file in the Purchasing Office.  
Joel Taylor, Finance Director  
(08/03/02; 08/10/02)

<b>BID OPENING DATE 08/22/02</b>
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**BID FOR AUTOMOBILES**

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on AUGUST 22, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: PURCHASING

Bid for AUTOMOBILES Solicitation No. SA-000309 GRW in accordance with specifications on file in the Purchasing Office.  
Joel Taylor, Finance Director  
(08/02/02; 08/10/02; 08/17/02)

**BID FOR LIGHT DUTY TRUCKS**

Sealed proposals for the following items will be received by the Purchasing Office at its office at 50 West Gay Street, 1st Floor, Columbus, Ohio 43215, until 11:00a.m. Local Time on AUGUST 22, 2002 and at that time will be publicly opened and read. Proposals received after the time for opening of bid will be returned to the bidder unopened. The City will not be responsible for late mail or other deliveries.

Envelopes must be plainly marked: PURCHASING

Bid for LIGHT DUTY TRUCKS Solicitation No. SA-000311 GRW in accordance with specifications on file in the Purchasing Office.  
Joel Taylor, Finance Director  
(08/03/02; 08/10/02; 08/17/02)



## BIDS WANTED - OTHER DIVISIONS

Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporations, 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.

**WITHOLDING 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 PROPOSAL CALL (614) 645-7599**

### BID FOR DEPOSIT OF PUBLIC MONEY

Notice is hereby given in accordance with Chapter 321 of the Columbus City Codes, 1959 to all banks, and building and loan or savings associations or companies situated in Franklin County, Ohio, whose application for deposit of public money has been approved by the Columbus Depository Commission that bids will be accepted by the City Treasurer for the deposit of inactive funds:

The City Treasurer will accept such bids by telephone (645-7727) or in person between the hours of 8:00 a.m. and 10:45 a.m. Monday through Friday. Such bids should specify the time span of the certificate of deposit, the rate of interest being offered, the amount of funds being bid upon, and the beginning and ending date for which said bid is applicable. By order of the Columbus Depository Commission.

THOMAS ISAACS, Chairman  
HUGH J. DORRIAN, Secretary  
JOEL S. TAYLOR, Member

### BID OPENING DATE 08/13/02

### RHODES PARK WELL & IRRIGATION INSTALLATION

Sealed proposals will be received by the Recreation and Parks Commission of the City of Columbus, Ohio, at its office at 200 Greenlawn Ave., until 11:00 a.m. on Tuesday, August 13, 2002, and publicly opened and read immediately thereafter for: Rhodes Park Well & Irrigation Installation

The work for which proposals are invited consists of the installation on one well, new electrical service, irrigation lines, grading and seeding and other such work as may be necessary to complete the contract in accordance with the plans and specifications.

Copies of the Project Manual/Specifications and the plans are on file and available to prospective bidders at Recreation and Parks Department Office at 200 Greenlawn Avenue, Columbus, Ohio 43223 (614) 645-5765 upon a non-refundable payment of \$25.00 per package.

Proposals must be submitted on the proper forms contained in the Project Manual/Specifications and the ENTIRE Project Manual/Specifications containing the Proposal must be submitted in a sealed envelope marked " Rhodes Park Well & Irrigation Installation." **PROPOSAL GUARANTY**

The bidder is required to submit a Proposal Guaranty, consisting of either a proposal bond, in the form provided in the Bid Submittal Documents with a surety or sureties licensed to conduct business in the State of Ohio, or a certified check drawn on a solvent bank made payable to the Treasurer - City of Columbus, Ohio. The amount of the guaranty shall be expressed in dollars and cents and shall not be less than ten (10) percent of the bid, including all alternates submitted which increase the bid. A certified copy of the authority to act must accompany all bonds signed by an agent.

#### **PREVAILING WAGE RATE**

Attention of the bidder is called to the special requirements included in the Bid Submittal Documents regarding prevailing rates of wages to be paid.

#### **CONTRACT PERFORMANCE AND PAYMENT BOND**

A contract performance and payment bond of 100 percent of the amount of the contract will be required to assure the faithful performance of the work. Bonds shall be with a surety or sureties licensed to conduct business in the State of Ohio, according to Section 103.5 of the City of Columbus Construction and Materials Specifications, latest edition.

#### **CONSTRUCTION AND MATERIAL SPECIFICATIONS**

Numbered paragraphs to which reference is made in these Bid Submittal Documents refer to the City of Columbus, Ohio Construction and Materials Specifications, latest edition and will become part of the terms and conditions of the contract to be awarded. Said specifications are hereby made a part of these Bid Submittal Documents. Bidders are required to examine Section 100, General Provisions, for the requirements necessary to

submit a proposal. Copies of the Construction and Material Specifications may be examined and/or purchased at the office of the Director of Public Service, 90 W. Broad St., Room 301, Columbus, Ohio 43215 (614) 645-8290, at the offices of The Construction Inspection Division, 1800 E. 17th Avenue, Columbus, Ohio 43219 (614) 645-3182, and at the office of the Director of Public Utilities, 910 Dublin Rd., 4th Floor, Columbus, Ohio 43215 (614) 645-6141.

#### CONTRACT COMPLIANCE REQUIREMENTS

Each responsive bidder shall submit, with its bid, a City of Columbus Contract Compliance Certification Number or a completed application for certification. Any questions or inquiries concerning this should be directed to the Equal Business Opportunities Commission Office, 109 N. Front Street, 4th Floor, Columbus, Ohio 43215 (614) 645-4764.

#### BID CANCELLATION AND REJECTIONS

The right is reserved by the Executive Director of Recreation and Parks of the City of Columbus, Ohio to cancel the Advertisement for Bids, to reject any and/or all bids, to waive technicalities, and/or to advertise for new proposals, when it is in the best interests of the City.

#### SPECIAL REQUIREMENTS

Particular attention is called to the statutory requirements of the State of Ohio relative to licensing of corporations organized under the laws of any other state.

#### OSHA/EPA/ADA REQUIREMENTS

Contractors are subject to all applicable federal, state and local laws, ordinances, rules and regulations pertaining to services or products to be provided under this requirement.

Jerry Saunders, President, Recreation and Parks Commission

Wayne A. Roberts, Executive Director, Recreation & Parks Department

(07/27/02; 08/03/02)

**PROFESSIONAL SERVICES  
REQUEST FOR PROPOSAL (RFP)  
REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ)**

**NOTICE OF REQUEST FOR STATEMENT OF QUALIFICATIONS  
SPANISH INTERPRETATION SERVICES**

Statements of Qualifications (SOQ) for interpretation services will be received by the Health Department's Perinatal Program at 240 Parsons Avenue, Columbus, Ohio 43215, ATTN: Kathleen Yeagley, until 10:00 A.M. on Tuesday, September 3, 2002. Interested vendors are invited to submit SOQ's. SOQ's may be obtained by contacting Kathleen Yeagley at 645-6837. Statements of Qualifications shall be opened and reviewed by a Selection Committee to determine which proposals best meet the Health Department's requirements. Evaluation criteria will include, but may not be limited to:

1. The competence of the offerer to perform the required services by the education, licensure, and experience of the offerer.
2. The quality and feasibility of the offeror's proposal.
3. The ability of the offerer to perform the service expeditiously as indicated by the offeror's workload and availability.
4. Past performance of the offerer as reflected by evaluations by the Perinatal Program and/or other previous clients of the offerer with respect to such factors as quality of work and success in meeting deadlines.
5. The cost per visit.

Equal Opportunity: Vendors interested in submitting a Statement of Qualifications are reminded that professional services contracts shall conform to the requirements of Columbus City Codes, Title 39, the City's Affirmative Action Code.

Withholding of Income Tax: All vendors 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 vendors are charged with notice of Section 5719.042 of the Ohio Revised Code and agree that if this contract is awarded to them, 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 the 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.

**I. Project Description:**

The Perinatal Program of the Columbus Health Department has a need to contract for interpretation services for non-English speaking clients at the three Columbus Health Department's Perinatal Clinics: East, North and West for both Intake and regular clinics. The period of the contract will be October 1, 2002 through September 30, 2003.

**II. Interpretation Services Needs and Requirements:**

**A. The Full Time Interpreter will:**

1. Coordinate patient transportation to clinic appointments
2. Document activities in patient charts
3. Assist patients with billing information
4. Work the clinic main desk to include answering phone, scheduling patient appointments, and administering pregnancy tests
5. Limited case management will occur for home visits and to distribute educational materials throughout the Hispanic community as needed

**B. Each interpreter will have to show the following:**

1. Certificate of Medical Interpreter Training
2. Current Ohio Driver's License.
3. BCI Background Check
4. Compliance with the following health screenings/immunizations: tuberculosis, hepatitis B, rubella, chicken pox, diphtheria/tetanus, and influenza.

C. Each interpreter shall have a personal vehicle for transportation.

D. The interpreter shall invoice the Columbus Health Department at least quarterly.

**III. Evaluation Criteria**

The evaluation criteria for the awarding of this contract shall include:

- A. The competence of the offerer to perform the required services by the education, licensure, and experience of the offerer.
- B. The quality and feasibility of the offeror's proposal.
- C. The ability of the offerer to perform the service expeditiously as indicated by the offeror's workload and availability.
- D. Past performance of the offerer as reflected by evaluations by the Home Visiting and Hospice of Columbus Programs and/or other previous clients of the offerer with respect to such factors as quality of work and success in meeting deadlines.
- E. The cost per visit.

**(08/03/02; 08/10/02)**

<b>PUBLIC NOTICES</b>
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**NOTICE  
2001-2002 MONTHLY MEETING SCHEDULE FOR THE VEHICLE FOR HIRE BOARD**

The Regular monthly meetings of the Columbus Vehicle for Hire Board will be scheduled for the last Thursday of every month at 10:00 a.m. The location of the meeting will be the License Section Conference Room at 240 Greenlawn Avenue, Columbus, Ohio 43223.

The Dates are as follows:

November 29, 2001  
December 27, 2001  
January 31, 2002  
February 28, 2002  
March 28, 2002  
April 25, 2002  
May 30, 2002  
June 27, 2002  
July 25, 2002  
August 29, 2002  
September 26, 2002  
October 31, 2002  
November 28, 2002  
December 26, 2002

The VFHB will use reasonable efforts to hold its meetings in conformity with this schedule, but the VFHB reserves the right to change the date, time, or location of any meeting; or to hold additional meetings. To confirm meeting dates, please contact Lisa Davis, Recording Secretary, in the License Section Office at (614) 645-7471; or E-mail to [imdavis@cmhmetro.net](mailto:imdavis@cmhmetro.net).  
**(11/01; 12/02)**

**NOTICE  
2001-2002 MONTHLY MEETING SCHEDULE FOR THE COLUMBUS CHARITABLE SOLICITATION BOARD**

The Regular monthly meetings of the Columbus Charitable Solicitations Board will be scheduled for the third Thursday of every month at 10:00 a.m., with the exception of February and March, which will be the second Thursday of the month at 10:00 a.m. The location of the meeting will be the License Section Conference Room at 240 Greenlawn Avenue, Columbus, Ohio 43223.

The Dates are as follows:

November 8, 2001 (Due to Holidays)  
December 6, 2001 (Due to Holidays)  
January 17, 2002  
February 14, 2002  
March 14, 2002  
April 18, 2002  
May 16, 2002  
June 20, 2002  
July 18, 2002  
August – NO MEETING  
September 19, 2002  
October 17, 2002  
November 7, 2002 (Due to Holidays)  
December 5, 2002 (Due to Holidays)

The CSB will use reasonable efforts to hold its meetings in conformity with this schedule, but the CSB reserves the right to change the date, time, or location of any meeting; or to hold additional meetings. To confirm meeting dates, please contact Lisa Davis, Recording Secretary, in the License Section Office at (614) 645-7471

Applications can be obtained by mail: Charitable Solicitations Board; c/o License Section, 240 Greenlawn Avenue; Columbus, Ohio 43223; or phone (614) 645-7471; or E-mail to [imdavis@cmhmetro.net](mailto:imdavis@cmhmetro.net).  
**(11/01; 12/02)**

**OFFICIAL NOTICE  
CIVIL SERVICE COMMISSION COMPETITIVE EXAMINATION ANNOUNCEMENTS  
APPLY DAILY MONDAY THROUGH FRIDAY 8:00 A.M. TO 4:30 P.M.**

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is posted at the Commission offices located at 50 West Gay Street, 6<sup>th</sup> 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.** Interested applicants should regularly check this location for examination announcements. Also, please visit our website at [www.csc.cmhmetro.net](http://www.csc.cmhmetro.net)  
**(1/02; 12/02)**

**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 exercised 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 the Recreation and Parks Operations Complex conference room 420 W. Whittier Street at 8:30 a.m. on the following dates (unless otherwise posted):

Wednesday, January 9, 2002  
 Wednesday, February 13, 2002  
 Wednesday, March 13, 2002  
 Wednesday, April 10, 2002  
 Wednesday, May 8, 2002  
 Wednesday, June 12, 2002  
 Wednesday, July 10, 2002  
 August Recess – No meeting  
 Wednesday, September 11, 2002  
 Wednesday, October 9, 2002  
 Wednesday, November 13, 2002  
 Wednesday, December 11, 2002

In the event no proper business exists the meeting may be cancelled without further notice. For further information you may contact the Recreation and Parks Department, 90 West Broad Street, Room 115, Columbus, Ohio 43215 (Telephone: [614] 645-3300).

Wayne A. Roberts, Director

(01/02; 12/02)

#### **NOTICE MEETING SCHEDULE CITY OF COLUMBUS RECORDS COMMISSION**

The regular meetings of the City of Columbus Records Commission for the calendar year 2002 are scheduled as follows:

Monday, February 4, 2002  
 Monday, May 13, 2002  
 Monday, September 30, 2002

The location of these meetings will be City Hall, 90 West Broad Street, 2<sup>nd</sup> Floor, Mayor's Conference Room. They will begin promptly at 10:00 a.m.

Every effort will be made to adhere to the above schedule, but the City of Columbus Records Commission reserves the right to change the date, time or location of any meeting; or to hold additional meetings. To confirm meeting date, time and location or to obtain agenda information, contact the Office of the City of Columbus Records Commission Coordinator at (614) 645-8539.

(11/2001; 11/2002)

#### **MILO-GROGAN AREA COMMISSION BY-LAWS**

These By-laws establish the procedure under which the Milo-Grogan Area Commission shall execute those duties and functions set forth in and with authority granted under Chapter 3109 of the Columbus City Codes (hereinafter abbreviated as C.C.)

##### **Article I. Name**

The name of this organization shall be the Milo-Grogan Area Commission, herein referred to as the "Commission".

##### **Article II. Area**

The area served by the Commission shall be all incorporated areas of the City of Columbus, bounded on the north by Eleventh Avenue to Interstate 71, then south to and easterly along the east-west Conrail tracks which lie south of Bonham Avenue; on the east by north-south Conrail tracks which lie east of Cleveland Avenue; on the south by the east-west Conrail tracks north of the Interstate 670 corridor; and on the west by the north-south Conrail tracks which lie west of Cleveland Avenue.

##### **Article III. Purpose**

1. The purpose of this Commission shall be to afford additional voluntary citizen participation in decision-making in an advisory capacity to the City Administration and City Council and to facilitate communication, understanding and cooperation between neighborhood groups, city officials and developers by performing those functions and duties set out in C.C. 3109.

2. The Commission shall not endorse any candidate for public office.

##### **Article IV. Membership**

1. Members: There shall be eleven members of the Commission. Each member shall reside, work, own a business, or own property, in the Commission Area (or portion thereof), be duly appointed by the Mayor with the concurrence of Council as specified in C.C. 3109, and serve without compensation

2. Terms: The normal term of membership shall be three (3) years. All terms shall expire on the last day of the same month in different years; however, a member may continue to serve beyond term expiration until a successor is appointed. Terms shall be staggered so as to maintain continuity of experienced representation. As determined by lot, one-third of the initial membership shall serve for one (1) year, one-third for two (2) years, and the remaining one-third, for three (3) years or until their successors are appointed.

3. Representation: No Commission Member shall represent the Commission in its official actions before any other public body or official, except as specifically authorized by the Commission. This shall not be construed as a restriction upon the right of individual members to represent their own views before public or private bodies, whether in agreement or disagreement with the official action of the Commission.

4. Disqualification: Members shall maintain their residence, employment, or property ownership in the Commission Area (or portion thereof) from which they were selected and appointed. Failure of a member to maintain his or her residence, employment, or property ownership in the Commission Area (or portion thereof) from which he or she was selected and appointed, shall be reported immediately to the Secretary and shall be deemed a resignation, and the Secretary shall so notify the Mayor, City Clerk, and the Department of Trade and Development.

5. Attendance: Members shall so far as possible be regular in attendance. A member's absence from three (3) consecutive regular and/or Executive Committee meetings or from a total of four (4) regular and/or Executive Committee meetings in any one year shall be deemed resignation from the Commission and notice of such will be communicated to the Mayor and the City Clerk, unless two-thirds of those members present and voting determine that extenuating circumstances justify that member's continuing to hold his or her position. The Secretary shall remind such member of this provision after his or her second consecutive absence or third absence in a year.

6. Vacancy: The Commission shall nominate one or more candidates to fill any vacancy caused by death, resignation, disqualification, or other means for the remainder of the unexpired term by letter to the Mayor pursuant to C.C. 3313.10.

#### Article V. Officers

The Officers of the Commission shall be Chairperson, Vice-Chairperson, Secretary, Treasurer, and Parliamentarian. At the first meeting of the Commission, Officers shall be elected by majority vote of the members. Thereafter, election of Officers shall be at the annual meeting. Officers shall serve one (1) year, or until a successor is elected, and no member shall serve more than two (2) terms consecutively in the same office. Each Officer shall have the right to vote on any question.

1. The Chairperson shall preside at all meetings of the Commission; in consultation with other Commission members, appoint standing, and special committees of the Commission; serve as an ex-officio member of all committees; coordinate the actions of Officers and committee chairpersons, and perform other duties associated with the office as required.

2. The Vice-Chairperson shall assist the Chairperson; perform the duties of the Chairperson in his or her absence; and perform such other duties as may be assigned by the Commission.

3. The Secretary shall call and record the roll; remind of absences per Article IV, Section 5» record and maintain accurate voting records and meeting summaries which will be open to public examination; maintain such other records as the Commission may direct; notify the Mayor of any vacancy; perform related duties as may be assigned by the Commission; and in the absence of both the Chairperson and the Vice-Chairperson, call the meeting to order and preside until the immediate election of a chairman pro tempore.

4. The Treasurer shall receive all moneys and approve all payments in accordance with the annual budget; maintain an accounting of all city funds expended; prepare a quarterly financial report, which is to be distributed to all Commissioners, prepare and present an annual budget for the Commission.

5. The Parliamentarian shall ensure that the proper procedure is followed in all duly called Commission and committee meetings to facilitate the democratic transaction of decision-making in an organized group. As much as possible, Roberts Rules of Order should be followed.

#### Article VI. Meetings

1. Regular Meetings of the Commission shall be held at 7:00 pm, on the second (2nd) Tuesday of each month. Each meeting shall be held in the Commission Area in an appropriate, large room convenient for members and the public and chosen by the Commission as its regular meeting place. Changes in meeting location and/or time may be directed by majority vote of the Commission and specified at least fifteen (15) days prior to the meeting. Notice of the meeting with an agenda shall be published in the City Bulletin prior to changing the meeting time or location. Written minutes must be prepared from each meeting. Minutes must be distributed before convening or prior to each Commission meeting.

2. The Annual Meeting shall be the first regular meeting in November at which time new members will be seated, new officers elected, and annual reports received from Officers and committees.

3. Special Meetings may be called by the Executive Committee, the chairperson, or by a majority of the members in a regular or special meeting. The meeting's purpose, date, time, and location shall be stated in the call and notice at least three (3) days prior to the meeting. No business will be considered at a special meeting unless it was included in the call and notice except in cases of emergency.

4. All Meetings shall be open to the public, and notice shall be published seven (7) days in advance in a newspaper of general circulation in the Commission area.

5. Quorum: A majority of the total membership shall constitute a quorum for conducting business.

6. Voting: A majority of Commission members present and voting shall be required to approve any action. A tie vote is disapproval. The Chairperson shall state each issue in a positive form such as: "The question before the Commission is: Shall the application (request, Proposal) for \_\_\_\_\_ by approved?"

7. The Order of Business for meetings shall be:

- a. Roll Call
- b. Approval of previous meetings summary minutes
- c. Reading of correspondence
- d. Standing Committee Reports
- e. Special Committee Reports
- f. Reports of Officer
- g. Old Business
- h. New Business
- i. Adjournment

8. The Chairperson shall recognize members of the public who wish to address the Commission concerning issues under discussion. The Chairperson may uniformly limit debate to an equal amount of time for each side of an issue; and when appropriate, the issue may be referred by the Chairperson to the proper Committee for action and report at the next Commission meeting.

9. Dissenting or Non-Concurring Reports may be filed with the Secretary by a Commission member and shall be attached to the majority report.

10. The Executive Committee Meeting shall be the last Monday of each month at 7:00 p.m.

#### Article VII. Committees

1. The Chairperson shall appoint Commission members to standing committees giving due consideration to their individual preferences and subject to approval by a majority vote of Commission members.

2. The Chairperson may appoint non-members to Commission committees from recommendations by Commission members appointed to that particular committee subject to approval by a majority vote of the Commission members. Non-member appointees shall have full voting privileges in all proceedings of the committee to which they are appointed. The number of non-members on any committee shall not exceed the number of Commission members appointed thereto.

3. Committee Members shall serve at the pleasure of the Chairperson and their appointments shall expire at the next annual meeting.

4. The Chairperson shall be an ex-officio member of all committees, standing and special, except the Nominating Committee.

5. After appointments are approved, the members of each Committee shall select a Committee Chairperson from among the commission members appointed to the committee. 6. The Standing Committees and their responsibilities shall be:

a. The Executive Committee: All Commissioners and Committee Chairpersons shall serve as the Executive Committee to prepare the agenda for Commission meetings, determine the date and time of any special meetings, and plan the direction and scope of Commission activities.

b. The Planning Committee shall review existing pertinent area plans; supervise any intern for the area, if any; and recommend guidelines for the comprehensive social, economic, commercial, and physical developments of the Commission area. The Committee shall examine proposed local legislation, monitor the implementation of approved plans, and shall develop means for citizen participation in planning which substantially affects the Commission area.

c. The Zoning, Building, and Housing Committee shall regularly receive, review and make recommendations to the Commission on all applications for rezoning, variance, or special permit and zoning appeals pertaining to property wholly or partially within the Commission area based on comparison to the Comprehensive Plan and pertinent area plans, if any.

d. The Community Services Committee shall promote the active cooperation of all segments of the Commission Area, including residents, organizations, associations, businesses and institutions.

e. The Public Services Committee shall review the adequacy and operation of public services provided by the City and other public agencies to the Commission Area, and recommend priorities and improvements of the same.

f. The Parks and Recreation Committee shall review the adequacy and operation of the parks and recreation services provided by the City and other public agencies, and recommend priorities and improvements of the same. In addition, this committee shall recommend community wide events such as parades or special events to aid in the development of community identity.

g. The Public Relations Committee shall conduct all public relations activities, including, but not limited to: establishing media contacts; advertising the existence of the Commission to the area; coordinating news releases, newsletters, and correspondence, and any other duties as requested by the Commission.

h. The Nominating Committee shall receive nominations for placement on the ballot to select nominees to be submitted to the Mayor for appointment pursuant to C.C. 3313.08 and the Selection Procedure, including all activities incidental thereto. Candidates for selection shall not be members of the Nominating Committee in the year or years in which their names appear on the ballot.

7. Special Committees: A Special committee may be established for a specific purpose by the Chairperson or by majority vote of the Commission at any meeting. The size, powers and the duties of any special committee shall be specified in the creating resolution. Membership may be accorded to Commission members or to non-members. Special Committees may be terminated by conditions set forth in the initiating action, or by a subsequent majority vote of the Commission.

8. Notice of all committee meetings and copies of all committee correspondence shall be filed with the Secretary and Chairperson of the Commission. Committee findings that propose action or resolution shall be submitted at a regular meeting of the Commission for consideration.

#### **Article VIII. Elections**

1. The Elections Board shall consist of five (5) Commission area residents appointed by the Chairperson with the approval of the Commission who live, work, or own property in the Commission Area for at least one year, at the regular meeting in May of each year. None of the members of the Board shall be connected in anyway with a candidate for the Commission.

2. The Board shall appoint any necessary Officers; provide for printing and distributing necessary forms such as, but not limited to, petitions, ballots, and tallies; receive petitions; certify persons who have qualified as candidates; locate polling places; conduct the election; tally the votes; hear and decide complaints concerning the election or campaign; and certify the winning candidates to the Commission pursuant to C.C. 3313.08 and the Selection Procedure, including all activities incidental thereto.

3. Candidates for selection shall not be members of the Elections Board or polling staffs in the years in which their names appear on the ballot.

4. Elections shall be by secret ballot and determined by plurality vote. Any person eighteen (18) years of age or older who lives, works, or owns property in the Commission Area (or portion thereof) may be an elector. The Task Force shall conduct the initial election. Thereafter the Elections Board shall conduct each election on the third Saturday in September. Members shall take office at the next annual meeting.

5. The Election Board shall adopt election rules for governing the elections by majority vote of its members provided such rules shall conform to these By-laws and the Selection Procedure. Such rules shall not be change during the ninety (90) days before an election or the thirty (30) days after an election. The adoption of an amendment of such rules shall be presented to the Commission at the beginning of a regular meeting. Should the Commission approve of them prior to adjournment, such rules shall take effect. The commission may amend the Election Rules without action by the Elections Board in the same manner as an amendment of these By-Laws.

#### **Article IX. Parliamentary Authority**

Robertas Rules of Order Newly Revised shall govern in all cases to which they are applicable and not inconsistent with these By-laws and any special rules of Order the Commission may adopt.

#### **Article X. Amendment of By-Laws**

These By-Laws May be Amended at any regular meeting of the Commission by an affirmative vote of two-thirds (2/3) of the Commission Members provided that the amendment was submitted in writing at the previous regular meeting. The Secretary shall file any approved amendment immediately after its adoption with the City Clerk for publication in the City Bulletin. Such amendment shall take effect ten (16) days after such publication per C.C. 121.05  
(07/27/02; 08/03/02)

### **PUBLIC NOTICE OF STAFF APPROVAL LIST FOR BREWERY DISTRICT, GERMAN VILLAGE, HISTORIC RESOURCES, ITALIAN VILLAGE AND VICTORIAN VILLAGE COMMISSIONS**

The five Historic Architectural Review Commissions, Brewery District, German Village, Historic Resources, Italian Village and Victorian Village, have identified items that can be approved by the City of Columbus Historic Preservation Office staff. Each commission's list is provided below.

#### **Historic Resources Commission Staff Approval List**

##### Painting:

- Exterior painting with submission of paint chips. Unpainted masonry surfaces are not to be painted.

##### Masonry:

- Tuck pointing (masonry walls, foundations, chimneys, retaining walls), per Preservation Brief 2- "Repointing Mortar Joints in Historic Masonry Buildings."
- Cleaning of masonry surfaces (i.e., power washing or mild chemical cleaning).

##### Windows and Doors:

- Low profile storm windows with brochure or manufacturer's information.
- Replacement of an inappropriate replacement window with an appropriate window with submission of window cut sheet.
- Full view storm doors with brochure or manufacturer's information.
- Replacement of inappropriate doors (front, side and rear) with brochure or manufacturer's information and Historic Preservation Office staffs assessment.
- Restoration of original openings with appropriate new material (i.e., doors, windows, transom windows).

##### Roofing:

- Asphalt to asphalt roof replacement with metal ridge roll, no hat or power vents.
- Repair of slate roof with matching slate.
- Repair or replacement of rubber or metal roofing on flat roofs.
- Rebuilt chimneys to match the same height, placement, material, dimension and detail.
- Repair and/or replacement of gutters (i.e., box, stop, half-round and ogee) and downspouts in like kind material and style.

In-Kind Repair/Replacement:

- Repair and/or replacement of any exterior element in like kind (i.e., porch elements, eave/soffit work, window trim, siding, etc).

Siding Removal:

- Removal of non-original siding materials and repair of the original siding material.

Landscaping:

- Six-foot high, wood, board-on-board, rear-yard privacy fences with site plan and fence design. Painted or stained with an opaque stain.
- Repair and/or replacement of existing brick or concrete sidewalks in-like-kind
- Rear at grade brick, concrete paver or stone patio areas with site plan, brick pattern and material sample.
- Installation of handrails for public service steps and porches, pipe rail or wrought iron with vertical pickets (Fortin Model RSS).

Other:

- Renewal of expired Certificates of Appropriateness with no changes to approved specifications.

MOTION: Wall/Brennecke (5-0-0) APPROVED.

**Brewery District Commission Staff Approval List**Painting:

- Exterior painting with submission of paint chips. Unpainted masonry surfaces are not to be painted.

Masonry:

- Tuckpointing (masonry walls, foundations, chimneys, retaining walls).
- Cleaning of masonry surfaces (i.e., power washing or mild chemical cleaning).

Windows and Doors:

- Low profile storm windows with brochure or manufacturer's information.
- Window replacement of an inappropriate replacement window (i.e., vinyl or aluminum) with an appropriate wood window with submission of window cut sheet.
- Full view storm doors with brochure or manufacturer's information.
- Replacement of doors (front, side and rear) with brochure or manufacturer's information and Historic Preservation Office staffs assessment.
- Restoration of original openings with appropriate new material (i.e., doors, windows, transom windows).

Roofing:

- Asphalt to asphalt roof replacement with metal ridge roll, no hat or power vents.
- Repair or replacement of slate roof with matching slate.
- Repair or replacement of rubber or metal roofing on flat roofs.
- Rebuilt chimneys to match the same height, placement, material, dimension and detail.
- Repair and/or replacement of gutters (i.e., box, stop, half-round and ogee) and downspouts in like kind material and style.

In-Kind Repair/Replacement:

- Repair and/or replacement of any exterior element in like kind (i.e., porch elements, eave/soffit work, window trim, siding, etc).

Siding Removal:

- Removal of artificial siding materials and repair of the original siding material.

Landscaping:

- 6' high wood board-on-board privacy fences with site plan and fence design. Painted, stained or clear sealed.
- Repair and/or replacement of concrete sidewalks and access walkways with like kind material.
- Repair and/or replacement of existing brick or concrete sidewalks and access walkways with brick showing brick pattern and material.
- Rear at grade brick, concrete paver or stone patio areas with site plan, brick pattern and material sample.
- Installation of handrails for public service steps and porches, pipe rail or wrought iron with vertical pickets (Fortin Model RSS).
- Construction of Pergolas in rear/side yards maximum of eight feet in height. Site plans required.

Signage:

- Refacing of existing signs with the submission of drawings and color samples.

Other:

- Renewal of expired Certificates of Appropriateness with no changes to approved specifications.

MOTION: Schmidt/Hugus (6-0) APPROVED.

**German Village Commission Staff Approval List**Painting:

- Exterior painting with submission of paint chips. Unpainted masonry surfaces are not to be painted.

Masonry:

- Tuckpointing (masonry walls, foundations, chimneys, retaining walls).
- Cleaning of masonry surfaces (i.e., power washing or mild chemical cleaning).

Windows and Doors:

- Low profile storm windows with brochure or manufacturer's information.
- Window replacement of an inappropriate replacement window (i.e., vinyl or aluminum) with an appropriate wood window with submission of window cut sheet.
- Full view storm doors with brochure or manufacturer's information.
- Replacement of non-original doors (front, side and rear) with brochure or manufacturer's information and Historic Preservation Office staffs assessment.
- Restoration of original openings with appropriate new material (i.e., doors, windows, transom windows).

Roofing:

- Asphalt to asphalt roof replacement with metal ridge roll, no hat or power vents.
- Repair or replacement of slate roof with matching slate.
- Repair or replacement of rubber or metal roofing on flat roofs.
- Rebuilt chimneys to match the same height, placement, material, dimension and detail.
- Repair and/or replacement of gutters (i.e., box, stop, half-round and ogee) and downspouts in like kind material and style.

In-Kind Repair/Replacement:

- Repair and/or replacement of any exterior element in like kind (i.e., porch elements, eave/soffit work, window trim, siding, etc).

Siding Removal:

- Removal of artificial siding materials and repair of the original siding material.



Landscaping:

- 6' high wood board privacy fences with site plan and fence design. Painted, stained or clear sealed.
- Repair and/or replacement of concrete sidewalks and access walkways with like kind material.
- Repair and/or replacement of existing brick or concrete sidewalks and access walkways with brick showing brick pattern and material.
- Rear at grade brick, concrete paver or stone patio areas with site plan, brick pattern and material sample. Concrete pavers are not to have the appearance of brick.
- Installation of handrails for public service steps and porches, pipe rail or wrought iron with vertical pickets (Fortin Model RSS).
- Construction of Pergolas in rear/side yards maximum of eight feet in height. Site plans required.

Signage:

- Refacing of existing signs with the submission of drawings and color samples.

Other:

- Renewal of expired Certificates of Appropriateness with no changes to approved specifications.

MOTION: Rosen/Larsen (6-0) APPROVED.

**Victorian Village Commission Staff Approval List**Painting:

- Exterior painting with submission of paint chips. Unpainted masonry surfaces are not to be painted.

Masonry:

- Tuckpointing (masonry walls, foundations, chimneys, retaining walls).
- Cleaning of masonry surfaces (i.e., power washing or mild chemical cleaning).

Windows and Doors:

- Low profile storm windows with brochure or manufacturer's information.
- Window replacement of an inappropriate replacement window (i.e., vinyl or aluminum) with an appropriate wood window with submission of window cut sheet.
- Full view storm doors with brochure or manufacturer's information.
- Replacement of doors (front, side and rear) with brochure or manufacturer's information and Historic Preservation Office staffs assessment.
- Restoration of original openings with appropriate new material (i.e., doors, windows, transom windows).

Roofing:

- Asphalt to asphalt roof replacement with metal ridge roll, no hat or power vents.
- Repair or replacement of slate roof with matching slate.
- Repair or replacement of rubber or metal roofing on flat roofs.
- Rebuilt chimneys to match the same height, placement, material, dimension and detail.
- Repair and/or replacement of gutters (i.e., box, stop, half-round and ogee) and downspouts in like kind material and style.

In-Kind Repair/Replacement:

- Repair and/or replacement of any exterior element in like kind (i.e., porch elements, cave/soffit work, window trim, siding, etc).

Siding Removal:

- Removal of artificial siding materials and repair of the original siding material.

Landscaping:

- 6' high wood board-on-board privacy fences with site plan and fence design. Painted, stained or clear sealed.
- Repair and/or replacement of concrete sidewalks and access walkways with like kind material.
- Repair and/or replacement of existing brick or concrete sidewalks and access walkways with brick showing brick pattern and material.
- Rear at grade brick, concrete paver or stone patio areas with site plan, brick pattern and material sample.
- Installation of handrails for public service steps and porches, pipe rail or wrought iron with vertical pickets (Fortin Model RSS).

Signage:

- Refacing of existing signs with the submission of signage drawings and color samples.

Other:

• One-year renewal of expired Certificates of Appropriateness with no changes to approved specifications. One-year renewals may be granted for no more than two (2) times from the original issuance of the Certificate of Appropriateness without a new review by the Victorian Village Commission.

New Construction

- Garages that comply with commission requirements:
- Does not require any zoning variances.
- Individual single car overhead garage doors with manufacturer's information or brochure of style.
- Exposed course of foundation above grade to be stone, brick, split faced concrete block or ashlar veneer.
- Siding to be wood, masonite, hardiplank with a maximum 4" exposure or brick. Paint colors/brick sample to be submitted.
- All window and door trim to be 1" x 4" smooth wood.
- All cornerboards to be 1" x 6" smooth wood.
- Garage door header trim board to be 1" x 6" or 1" x 8" smooth wood.
- Windows to be wood double hung sash of appropriate dimension.
- Doors to be solid 4-panel wood or fiberglass or half-lite with two vertical panels below.
- Soffits to be open with exposed rafter tails.
- Gutters to be half-round gutters with round downspouts.
- Roof pitch on gable to be minimum of 7/12 pitch and minimum of 4/12 pitch for hipped roof.
- Roof material to be chosen from the Approved Shingle list with metal ridge roll.
- Submission of all drawings, elevations, wall section, material samples or brochures, site plan locating the garage on the site, and completed zoning worksheet.

MOTION: Neubauer/Conte (7-0-0) APPROVED.

**Italian Village Commission Staff Approval List**Painting:

- Exterior painting with submission of paint chips. Unpainted masonry surfaces are not to be painted.

Masonry:

- Tuckpointing (masonry walls, foundations, chimneys, retaining walls).
- Cleaning of masonry surfaces (i.e., power washing or mild chemical cleaning).

Windows and Doors:

- Low profile storm windows with brochure or manufacturer's information.
- Window replacement of an inappropriate replacement window (i.e., vinyl or aluminum) with an appropriate wood window with submission of window cut sheet.
- Full view storm doors with brochure or manufacturer's information.
- Replacement of doors (front, side and rear) with brochure or manufacturer's information and Historic Preservation Office staffs assessment.
- Restoration of original openings with appropriate new material (i.e., doors, windows, transom windows).

Roofing:

- Asphalt to asphalt roof replacement with metal ridge roll, no hat or power vents.
- Repair or replacement of slate roof with matching slate.
- Repair or replacement of rubber or metal roofing on flat roofs with appropriate metal flashing where roofing to be visible.
- Rebuilt chimneys to match the same height, placement, material, dimension and detail.
- Repair and/or replacement of gutters (i.e., box, stop, half-round and ogee) and downspouts in like kind material and style.

In-Kind Repair/Replacement:

- Repair and/or replacement of any exterior element in like kind (i.e., porch elements, eave/soffit work, window trim, siding, etc).

Siding Removal:

- Removal of artificial siding materials and repair of the original siding material.

Landscaping:

- 6' high wood board-on-board privacy fences with site plan and fence design. Painted or stained.
- Repair and/or replacement of concrete sidewalks and access walkways with like kind material.
- Repair and/or replacement of existing brick or concrete sidewalks and access walkways with brick showing brick pattern and material.
- Rear at grade brick, concrete paver or stone patio areas with site plan, brick pattern and material sample.
- Installation of handrails for public service steps and porches, pipe rail or wrought iron with vertical pickets (Fortin Model RSS).

Signage:

- Refacing of existing signs with the submission of signage drawings and color samples.

Other:

- Renewal of expired Certificates of Appropriateness with no changes to approved specifications.

New Construction

- Garages that comply with commission requirements:
- Does not require any zoning variances.
- Individual single car overhead garage doors with manufacturer's information or brochure of style.
- Exposed course of foundation above grade to be stone, brick, split faced concrete block or ashlar veneer.
- Siding to be smooth wood, masonite, hardiplank with a maximum 4" exposure or brick. Paint colors/brick sample to be submitted.
- All window and door trim to be 1" x 4" smooth wood.
- All cornerboards to be 1" x 6" smooth wood.
- Garage door header trim board to be 1" x 6" or 1" x 8" smooth wood.
- Windows to be wood double hung sash of appropriate dimension.
- Doors to be solid 4-panel wood or fiberglass or half-lite with two vertical panels below.
- Soffits to be open with exposed rafter tails.
- Gutters to be half-round gutters with round downspouts.
- Roof pitch on gable to be minimum of 7/12 pitch and minimum of 4/12 pitch for hipped roof.
- Roof material to be chosen from the Approved Shingle list with metal ridge roll.
- Submission of all drawings, elevations, foundation plan, floor plans, wall section, material samples or brochures, site plan locating the garage on the site, and completed zoning worksheet.

MOTION: Brown/Brubaker (4-0-0) APPROVED.

(07/27/02; 08/03/02)

**MEETING NOTICE  
GERMAN VILLAGE COMMISSION  
MEETING RESCHEDULED**

The regular meeting of the German Village Commission will be held on Monday, August 12, 2002, at 4:00 p.m. at the German Village Meeting Haus, 588 S. Third Street. This meeting is rescheduled from the date originally announced. Copies of the agenda may be obtained by calling 645-7964. A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Neighborhood Services Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule an interpreter, please call 645-7964 or TDD 645-6407.

(08/03/02; 08/10/02)

**MEETING NOTICE  
GERMAN VILLAGE COMMISSION**

The regular meeting of the German Village Commission is rescheduled for the month of August.

The meeting begins at 4:00 p.m. on Monday August 12, 2002 at the German Village Meeting Haus, 588 S. Third Street. For further information please call 645-7964 or 645-8635.

(08/03/02; 08/10/02)

**MEETING NOTICE  
VICTORIAN VILLAGE COMMISSION**

The regular meeting of the Victorian Village Commission will be held on Thursday, August 8, 2002, at 6:00 p.m. in the Goodale Park Shelter House. Copies of the agenda may be obtained by calling 645-7964. A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Neighborhood Services Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule an interpreter, please call 645-7964 or TDD 645-6407.  
**(08/03/02)**

**PUBLIC NOTICE  
DEPARTMENT OF PUBLIC UTILITIES**

The Administrator of the Division of Sewerage and Drainage, designee for the Director of the Department of Public Utilities announces intent to issue a Wastewater Discharge Permit to the below listed companies on or about August 19, 2002. The Permit will allow discharge of wastewater to the Columbus sewerage system, and will specify the conditions under which discharge may occur, and penalties for violating conditions of discharge. The Draft Permit(s) will be available for review at: City of Columbus, The Pretreatment Section, 1250 Fair-wood Ave. Room 186, Or FAX (614) 645-0227, Columbus, Ohio 43206-3372 on weekdays between the hours of 7:30 a.m. to 4:30 p.m. beginning Monday, August 5, 2002. The Administrator will accept written comments on the proposed Permit(s) until 5:00 p.m., Sunday, August 18, 2002 at the above location. This Notice is made pursuant to specifications in the Columbus City Code, §1145.44(B). The City proposes to issue a Wastewater Discharge Permit on or about August 19, 2002 to the below listed companies:

<u>NAME</u>	<u>COMPANY ADDRESS</u>
Ashland Specialty Chemical Company	802 Harmon Ave. Cols., OH 43223
Children's Hospital	700 Children's Dr. Cols., OH 43205
Funk Fine Cast	824 Kinnear Rd. Cols., OH 43212
Herman Falter Packing Co.	384 Greenlawn Ave., Cols., OH 43223
Mt. Carmel East Hospital	6001 East Broad Street Cols., OH 43213
Ohio Steel Industries	2575 Ferns Road Cols., OH 43224
OPC Polymers Div. of Yenkin-Majestic	1920 Leonard Ave., Cols, OH 43219
Riverside Methodist Hospital	3535 Olentangy River Rd. Cols., OH 43214
St. Ann's Hospital	500 S. Cleveland Ave., Westerville, OH 43081
Solid Waste Authority of Central Ohio	3851 London-Groveport Rd. Grove City, OH 43123

Donald G. Linn, P.E., Administrator, Division of Sewerage and Drainage  
**(08/03/02)**

**MEETING NOTICE  
GERMAN VILLAGE COMMISSION**

The regular meeting of the German Village Commission is rescheduled for the month of August.  
The meeting begins at 4:00 p.m. on Monday August 12, 2002 at the German Village Meeting Haus, 588 S. Third Street. For further information please call 645-7964 or 645-8635.  
**(08/03/02; 08/10/02)**

**MEETING NOTICE  
HISTORIC RESOURCES COMMISSION**

The regular meeting of the Historic Resources Commission will be held on Thursday, August 15, 2002, at 6:15 p.m. in the Community Training Center, 109 N. Front Street, ground floor. Copies of the agenda may be obtained by calling 645-7964. A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Neighborhood Services Division is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule an interpreter, please call 645-7964 or TDD 645-6407.  
**(08/03/02; 08/10/02)**

**AGENDA  
DEVELOPMENT COMMISSION  
ZONING MEETING  
CITY OF COLUMBUS, OHIO  
AUGUST 8, 2002**

The Development Commission of the City of Columbus will hold a public hearing on the following applications on THURSDAY, AUGUST 8, 2002, beginning at 6:00 P.M. at the CITY OF COLUMBUS, I-71 NORTH COMPLEX at 757 Carolyn Avenue, Columbus, OH 43224 in the lower level HEARING ROOM.

Further information may be obtained by calling the Building Services Section Zoning Information at 645-7314.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing.

The following applications for amendments to the Official Zoning Map of the City will be presented to the Development Commission as listed on the agenda.

THE FOLLOWING CASES WILL BE HEARD ON THE 6:00 P.M. AGENDA:

- |                         |  |
|-------------------------|--|
| <b>1. APPLICATION:</b>  | <b>Z02-035</b>   |
| <b>Location:</b>        | <b>44 WILLIAMS ROAD (43207)</b> , being 0.82± acres located on the north side of Williams Road, 200± feet east of South High Street. |
| <b>Existing Zoning:</b> | R-2, Residential District.   |

- Request:** L-C-4, Limited Commercial District.  
**Proposed Use:** Commercial development.  
**Applicant(s):** RF Venture I LLC; c/o Michael T. Shannon, Atty. and Laura MacGregor Comek, Atty.; 500 South Front Street, 12<sup>th</sup> Floor; Columbus, Ohio 43215.  
**Property Owner(s):** The applicant.  
**Case Planner:** Niki Warncke; 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
2. **APPLICATION:** **Z02-037**  
**Location:** **6085 CLEVELAND AVENUE (43231)**, being 1.43± acres located on the west side of Cleveland Avenue, 210± feet south of Home Acre Drive.  
**Existing Zoning:** CPD, Commercial Planned Development District.  
**Request:** CPD, Commercial Planned Development District.  
**Proposed Use:** Commercial development.  
**Applicant(s):** Nghien Tran; c/o Michael T. Shannon, Atty. and John P. Kennedy, Atty.; 500 South Front Street, 12<sup>th</sup> Floor; Columbus, Ohio 43215.  
**Property Owner(s):** Frisch's Restaurant, Inc.; c/o The applicant.  
**Case Planner:** Niki Warncke; 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
3. **APPLICATION:** **Z02-036**  
**Location:** **3510 WEST DUBLIN-GRANVILLE ROAD (43235)**, being 2.54± acres located at the northwest corner of West Dublin-Granville Road and Federated Boulevard.  
**Existing Zoning:** CPD, Commercial Planned Development District.  
**Request:** CPD, Commercial Planned Development District.  
**Proposed Use:** Retail commercial development.  
**Applicant(s):** Che Yuan Hsu; c/o David Keister, Atty.; 1010 Old Henderson Road, Suite 102; Columbus, Ohio 43220.  
**Property Owner(s):** The applicant.  
**Case Planner:** Niki Warncke; 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
4. **APPLICATION:** **Z02-040**  
**Location:** **3242 HAYDEN ROAD (43235)**, being 1.71± acres located at the northeast corner of Hayden Road and Riverside Drive.  
**Existing Zoning:** CPD, Commercial Planned Development District.  
**Request:** L-C-4, Limited Commercial District.  
**Proposed Use:** Mulch business.  
**Applicant(s):** Ohio Mulch Supply Inc.; c/o Jeffrey L. Brown, Atty.; 37 West Broad Street; Columbus, Ohio 43215.  
**Property Owner(s):** Treasurer of the OSU Foundation TR; c/o The applicant.  
**Case Planner:** Niki Warncke; 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
5. **APPLICATION:** **Z02-041**  
**Location:** **1275 KINNEAR ROAD (43212)**, being 0.3± acres located 375± feet northeast of the eastern terminus of Presidential Drive.  
**Existing Zoning:** R, Rural District.  
**Request:** UCRPD, University College Research Park District.  
**Proposed Use:** Office / Laboratory development.  
**Applicant(s):** The Ohio State University; c/o Jackson B. Reynolds III, Atty.; 37 West Broad Street, Suite 725; Columbus, Ohio 43215.  
**Property Owner(s):** The Applicant.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)

THE FOLLOWING CASES WILL BE HEARD ON THE 7:00 P.M. AGENDA:

6. **APPLICATION:** **Z02-034**  
**Location:** **1675 GEORGESVILLE SQUARE DRIVE (43228)**, being 16.35± acres located at the northeast corner of Holt Road and Georgesville Square Drive (Westland Area Commission).  
**Existing Zoning:** L-C-4, Limited Commercial District.  
**Request:** CPD, Commercial Planned District.  
**Proposed Use:** Commercial development.  
**Applicant(s):** Lowe's Home Centers, Inc.; c/o William A. Goldman, Atty.; 454 East Main Street, Suite 227, Columbus, Ohio 43215.  
**Property Owner(s):** Georgesville Square, LLC; c/o The applicant.  
**Case Planner:** Niki Warncke; 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
7. **APPLICATION:** **Z01-096**  
**Location:** **669 SOUTH GALLOWAY ROAD (43119)**, being 58.6± acres located on the west side of Galloway Road, 675± feet south of Sullivant Avenue. (Westland Area Commission)  
**Existing Zoning:** R, Rural District.  
**Request:** PUD-8, Planned Unit Development District.  
**Proposed Use:** Single-family residential development.  
**Applicant(s):** Dominion Homes, Inc. ; c/o Donald T. Plank, Esq.; 145 East Rich Street, Columbus, Ohio 43215.  
**Property Owner(s):** Larry L. Worthington, John T. Worthington, Margaret Worthington & Elizabeth Wirth; c/o The applicant.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)

8. **APPLICATION:** **Z02-045**  
**Location:** **421 RATHMELL ROAD (43207)**, being 28.91± acres located on the south side of Rathmell Road, 950± feet west of Parsons Avenue.  
**Existing Zoning:** R, Rural District.  
**Request:** PUD-6, Planned Unit Development District.  
**Proposed Use:** Single-family residential development.  
**Applicant(s):** Deltar, Inc.; c/o Donald T. Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.  
**Property Owner(s):** Barbara J. Barth and David M. Clabaugh; c/o Donald T. Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
9. **APPLICATION:** **Z02-044**  
**Location:** **5595 BROADVIEW ROAD (43230)**, being 5.82± acres located on the south side of Broadview Road, 170± feet west of Boulder Dam Drive.  
**Existing Zoning:** R, Rural District.  
**Request:** PUD-6, Planned Unit Development District.  
**Proposed Use:** Multi-family residential development.  
**Applicant(s):** M.H. Murphy Development Company; c/o Steven J. Fulkert; 677 Notchbrook Drive; Delaware, Ohio 43015.  
**Property Owner(s):** Inez Ferguson; 5595 Broadview Road; Columbus, Ohio; 43230.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)

THE FOLLOWING CASES WILL BE HEARD ON THE 8:00 P.M. AGENDA:

10. **APPLICATION:** **Z00-106**  
**Location:** **2527 WEST DUBLIN-GRANVILLE ROAD (43235)**, being 0.55± acres located on the south side of West Dublin-Granville Road, 150± feet east of McVey Boulevard.  
**Existing Zoning:** R, Rural District.  
**Request:** L-C-4, Limited Commercial District.  
**Proposed Use:** Veterinary Clinic.  
**Applicant(s):** Donn W. & Gayle Griffith; c/o Art Thomas, Jr., Atty.; 6649 North High Street; Worthington, Ohio 43085.  
**Property Owner(s):** The applicant.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)
11. **APPLICATION:** **Z02-038**  
**Location:** **2645 BETHEL ROAD (43220)**, being 1.2± acres located on the south side of Bethel Road, 150± feet east of Greystone Drive.  
**Existing Zoning:** R, Rural District.  
**Request:** CPD, Commercial Planned Development District.  
**Proposed Use:** Car wash, retail and drive-thru development.  
**Applicant(s):** Anchor Auto Care Center; c/o William A. Goldman, Atty.; 454 East Main Street, Suite 227; Columbus, Ohio 43215.  
**Property Owner(s):** Dorothy L. Powell; c/o The applicant.  
**Case Planner:** Dana Hitt, AICP, 645-2395; [dahitt@cmhmetro.net](mailto:dahitt@cmhmetro.net)
12. **APPLICATION:** **Z02-043**  
**Location:** **3675 ALKIRE ROAD (43123)**, being 42.21± acres located on the south side of Alkire Road, 120± feet west of Winding Hollow Drive. (Greater Hilltop Area Commission)  
**Existing Zoning:** R, Rural District.  
**Request:** R-2, Residential District.  
**Proposed Use:** Single-family residential development.  
**Applicant(s):** F&G Property Development, Inc.; c/o William A. Goldman, Atty.; 454 East Main Street, Suite 227; Columbus, Ohio 43215.  
**Property Owner(s):** Dean A. Capuana; c/o The Applicant.  
**Case Planner:** Dana Hitt, AICP, 645-2395; [dahitt@cmhmetro.net](mailto:dahitt@cmhmetro.net)
13. **APPLICATION:** **Z01-064**  
**Location:** **6261 WRIGHT ROAD (43110)**, being 72.22± acres located at the southeast corner of Wright Road and Gender Road.  
**Existing Zoning:** R, Rural District.  
**Request:** CPD, Commercial Planned Development, NC, Neighborhood Center, and NG, Neighborhood General Districts.  
**Proposed Use:** Mixed commercial and residential uses.  
**Applicant(s):** Homewood Corporation, Inc.; c/o William A. Goldman, Atty.; 454 East Main Street, Suite 227; Columbus, Ohio 43215.  
**Property Owner(s):** Franklin and Patricia Ickes; c/o The applicant.  
**Case Planner:** Niki Warncke, 645-2485; [nowarncke@cmhmetro.net](mailto:nowarncke@cmhmetro.net)

**CHANGES IN YOUR 1959 COLUMBUS CITY CODE****ORD. NO. 1335-02**

To repeal ordinance 1128-02 in order to correct a numbering conflict in Chapter 3372 and to supplement the Columbus City Codes, 1959, by the enactment of new sections in Chapter 3372, Planning Overlay, in order to create the "High Street: North of Morse Road Planning Overlay" for that portion of the High Street corridor from Morse Road/Rathbone Avenue to the city of Worthington corporate line; and to declare an emergency.

WHEREAS, that portion of High Street from Morse Road/Rathbone Avenue to the city of Worthington corporate line exhibits characteristics typical of older suburban corridors; and

WHEREAS, the standards and requirements of the current zoning code are not consistent with the development patterns that exists on that portion of High Street; and

WHEREAS, the creation of a zoning overlay with additional and specific standards and requirements will serve to enhance the corridor's character, facilitate streetscape continuity, and encourage pedestrian-friendly development; and

WHEREAS, these standards will address building and parking setbacks, accessibility, building design, landscaping and screening, lighting, parking, and graphics; and

WHEREAS, the provisions contained in the overlay will apply to all properties that front High Street from Morse Road/Rathbone Avenue to the city of Worthington corporate line; and

WHEREAS, this overlay was developed at the request of the Clintonville community and is the result of a public planning process involving property and business owners, residents, and other community stakeholders; and

WHEREAS, the standards have been reviewed by the community-at-large at a public open house and have been recommended by the Clintonville Area Commission and Clintonville Area Chamber of Commerce Board for adoption by City Council; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Development and, therefore, it is necessary to enact these code changes immediately in order to correct a numbering conflict in Chapter 3372 resulting from the passage of Ordinance 1128-02; now, therefore,

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

Section 1. That Ordinance 1128-02, passed on July 8, 2002, is hereby repealed.

Section 2. That the Columbus City Codes, 1959, are hereby supplemented by the enactment of a new sub-chapter entitled "High Street: North of Morse Road Planning Overlay," consisting of sections 3372.800 to 3372.810, inclusive, to read as follows:

**HIGH STREET: NORTH OF MORSE ROAD PLANNING OVERLAY**

**3372.800 Definitions.**

Building frontage: "Building frontage" means the side, or facade, of a building closest to and most nearly parallel to an abutting street.

Drive-Thru: "Drive-thru" means a building or portion thereof that, by design, permits customers to receive goods or services while remaining in a motor vehicle.

Setback: "Setback" means the distance between a lot line or right-of-way line and a building, structure, defined outdoor area serving as the primary activity, parking lot, or vehicular circulation area.

**3372.801 Purpose.**

The High Street: North of Morse Road Planning Overlay is established to apply additional and specific standards germane to the development pattern and community directions for this north Clintonville commercial corridor. Such standards are intended to achieve the following objectives:

- Establish, reinforce and enhance the character and pedestrian-oriented development patterns of this quasi-urban commercial corridor;
- Implement appropriate building and parking setback standards that accommodate redevelopment and establish continuity and consistency along the corridor; and
- Promote development that features landscaping, facade transparency, rear parking lots, user-friendly access, and appropriately scaled lighting and signage.

**3372.802 Boundary.**

The provisions herein apply to all properties that front along High Street from Morse Road/Rathbone Avenue to the city of Worthington corporation line.

**3372.803 Applicability.**

- (A) Routine maintenance and in-kind replacement of materials are exempt from the provisions herein.
- (B) The placement or replacement, construction or reconstruction, of a building is subject to all the provisions herein.

(C) The expansion of a building's gross floor area by more than fifty percent is subject to all the provisions herein.

(D) The extension or expansion of a building towards a public street is subject to all the provisions herein.

(E) The exterior alteration, enhancement, or reconfiguration of a building frontage, other than that listed above, is subject to all applicable provisions that the Director determines can reasonably be met.

(F) The construction or installation of a parking lot, graphic, exterior lighting, fence, or other accessory structure is subject to all the applicable provisions herein.

**3372.804 Setback.**

(A) The setback for a building or structure along High Street shall be twenty-five (25) feet, plus or minus two (2) feet; however, a maximum of one-third the overall width of such building or structure may be located up to five (5) feet in advance of and/or up to fifteen (15) feet beyond the twenty-five foot line.

(B) The setback for a building or structure along a side street that intersects High Street shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet.

(C) The setback for a building or structure from an interior lot line shall be a maximum of fifty (50) feet at the front building line.

(D) The setback for a parking lot shall be a minimum of twenty-five (25) feet along High Street; and a minimum of five (5) feet along any other public way.

(E) The setback for any vehicular circulation area, such as a drop-off drive, along High Street shall be a minimum of ten (10) feet.

(F) When the primary activity occurs predominantly outside of a structure; such as a car sales lot, miniature golf facility, or mulch sales; the setback for such activity shall be a minimum of twenty-five (25) feet along High Street; and a minimum of ten (10) feet along any other public way or along a lot line that borders (disregarding alleyways) a residentially-zoned or -used property. In lieu of the tree planting requirement of section C.C.3372.707(A), such setback area shall be landscaped and planted with at least one shade tree and three evergreen shrubs per thirty (30) lineal feet, or fraction thereof.

**3372.805 Accessibility.**

(A) A minimum five (5) foot wide public sidewalk shall be provided along a street (excluding alleys) and extending the breadth of the lot and connecting to the sidewalks on adjacent properties, with the interior edge of a sidewalk along High Street being located eight (8) feet from the curb.

(B) A pedestrian walkway shall be provided from the public sidewalk to the primary entrance.

(C) A primary building frontage shall incorporate a primary operable pedestrian entrance door that provides access to the users.

(D) A pedestrian walkway shall be provided from a parking lot to a building entrance. (E) Additional curb cuts along High Street will not be permitted unless the Director of Public Service determines that a new curb cut is the only means available to provide vehicular access to the site and that the proposed curb cut location meets all City standards and requirements.

**3372.806 Building design.**

(A) A principal building shall be oriented to face and nearly parallel High Street.

(B) The width of a principal building(s), including any significant architectural appurtenances thereto, along the High Street frontage shall be a minimum of sixty percent (60%) of the lot width; except for a building serving a primary activity that occurs predominantly outside a structure.

(C) The height of a building shall be a minimum of sixteen (16) feet above grade.

(D) A building frontage that exceeds a width of fifty (50) feet shall incorporate articulation and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the facade.

(E) For a High Street building frontage of a commercial use, a minimum of forty percent (40%) of the area between the height of two feet and ten feet above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least four feet. For the secondary building frontage, the pattern of window glass shall continue from the primary frontage a minimum distance of ten (10) feet.

(F) Any drive-thru pickup window or canopy shall be attached to the principal building and be located at the rear or side of the building.

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

(H) Backlit awnings are not permitted.

**3372.807 Landscaping and screening.**

(A) The front yard shall be planted with live vegetation and a shade tree(s), except for paved areas expressly designed for vehicular and pedestrian use. The number of shade trees required is determined by the rate of one tree per fifty (50) lineal feet, or fraction thereof, of frontage.

(B) Screening shall be provided along a lot line that borders (disregarding alleyways) a residentially-zoned or -used property. A screen, such as a fence or evergreen plants, shall maintain a minimum seventy-five percent (75%) opacity and permanently obstruct the view to a height of six (6) feet.

(C) A parking lot or vehicular circulation area shall be screened from all abutting public streets with a decorative wall or fence (excluding chain link), or a continuous row of shrubs to a minimum height of three (3) foot high (T at time of planting) and a maximum height of five (5) feet. Screening must be maintained to provide opacity of not less than seventy-five percent (75%). Mounding may be used in conjunction with landscaping provided the slope is no greater than a 4:1 ratio. In general, the standards for parking lot screening in section C.C.3342.17(c), applies.

(D) In addition to other landscaping requirements, shade trees shall be provided in and around a parking lot at a rate of one (1) tree for every ten (10) parking spaces, or fraction thereof. For parking lots of over forty (40) spaces, at least half the trees shall be located within the interior of the parking lot. A minimum soil area of one-hundred (100) square feet shall be provided for each tree.

(E) At the time of planting, a new shade tree shall have a minimum two-inch caliper trunk and new shrubs for screening shall have a minimum height of two (2) feet. All plants and landscaped areas shall be maintained in a neat and healthy condition. Replacement plants must be planted no later than the next planting season; and shall also meet the size requirements herein.

(F) Any dumpster or ground-mounted mechanical equipment shall be located at the rear of the building and screened from public view to the height of the dumpster/equipment.

### **3372.808 Lighting.**

(A) Exterior lighting shall be designed, located, constructed, and maintained to minimize light and reflected light trespass and spill over off the subject property. Area lighting fixtures shall direct light downwardly, i.e. cut-off type fixtures. For pedestrian, architectural, or period type fixtures, low light levels shall be used and the height of the fixture shall not exceed fourteen (14) feet above grade.

(B) The average horizontal illumination level on the ground shall not exceed two (2) footcandles. The light level along a property line adjacent to a residentially-zoned or -used property shall not exceed an average intensity of one-half (1/2) footcandle.

(C) The height of any source of exterior area lighting shall not exceed eighteen (18) feet above grade.

(D) Exterior building illumination shall be from concealed sources. Strobe or flashing lights are not permitted. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the facade onto neighboring property, streets, or the night sky. The maximum illumination of any vertical surface or angular roof surface shall not exceed four (4) footcandles.

(E) Security lighting shall be from full cut-off type fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.

(F) Lighting fixtures used to illuminate the area below a freestanding canopy shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. However, indirect lighting may be used where a shielded source of light is beamed upward and then reflected down from the underside of the canopy.

### **3372.809 Parking.**

(A) A parking lot or stacking space is not permitted between the principal building and a public street right-of-way line.

(B) A parking lot shall be located at the rear of the principal building; however, up to half the number of parking spaces provided may be located at the side of the building.

(C) The Director may reduce the required number of off-street parking spaces by up to fifty percent (50%) after giving due consideration to the following factors:

- (1) type of land use/development;
- (2) hours of operation;
- (3) pedestrian traffic and accessibility;
- (4) availability of transit service;
- (5) opportunities for shared parking;
- (6) availability of on street parking;
- (7) availability of other public parking;
- (8) elimination of arterial curb cuts; and
- (9) recommendation from the area commission.

(D) The Director may reduce the required number of loading spaces after giving due consideration to the following factors:

- (1) frequency and time of deliveries;
- (2) necessary size and nature of delivery vehicles;
- (3) impact on adjoining streets or alleys; and
- (4) neighborhood character.



**3372.810 Graphics.**

(A) In addition to all other code provisions, any new graphic or sign, other than a like-kind replacement for maintenance reasons, is subject to all the provisions of this section.

(B) The following types of signs are not permitted: projecting, roof-mounted, monopole, co-op, rotating, signs with flashing messages or bare bulbs, changeable copy signs, signs on backlit awnings, off-premise signs, billboards, and bench signs.

(C) A graphic or sign for a commercial use shall comply with provisions, in particular the Table of Elements, as they pertain to a Commercial Planned Development District (CPD); i.e. using a mass factor of two to determine the allowable graphic area.

(D) Ground Sign. Only one ground sign is permitted per development parcel; however it may include the names of all the major tenants of that parcel. Only a monument type ground sign is permitted. The sign base shall be integral to the overall sign design and compliment the design of the building and landscape. The setback for a ground sign shall be a minimum of fifteen (15) feet. The height of a ground sign shall not exceed six (6) feet above grade.

(E) Wall Sign. Multiple wall signs, including those for individual tenants, are permitted on the primary building frontage provided the aggregate graphic area does not exceed the allowable graphic area for its building frontage. Each tenant is permitted a wall sign of a size determined by the wall area corresponding to its individual frontage provided the aggregate graphic area of all individual tenant signs does not exceed the allowable graphic area for its corresponding building frontage. For a use fronting on more than one street, a wall sign with a maximum area of thirty (30) square feet is permitted on the secondary building frontage.

(F) The following signs are permitted in addition to the uses' primary sign:

- (1) drive-thru menu board(s) with a total graphic area not to exceed twenty (20) square feet;
- (2) temporary window signs with a total graphic area not to exceed ten (10) square feet provided they are not displayed for more than 20 consecutive days and no more than five times within a period of a year; and
- (3) signs associated with identifying the sale of gasoline with a graphic area not to exceed five (5) square feet.

(G) When indirectly lighting a ground sign, the light source shall be screened from motorist view.

Section 3. That for the reasons stated in the preamble hereto, which is hereby made part hereof, this ordinance is hereby declared to be an emergency measure and is effective upon approval by

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

Passed July 29, 2002, Matthew D. Habash, President of Council / Approved July 29, 2002 Michael B. Coleman, Mayor / Attest, Timothy McSweeney, City Clerk

REPRINTED WITH CORRECTIONS

**ORD. NO. 0754-02**

To enact new Chapter 373 of the Columbus City Codes, 1959, to provide for an excise tax upon the short-term rental of passenger vehicles and to provide for administration and collection of the tax by the City Auditor.

WHEREAS, the Economic Advisory Committee recommended frequent review of city fees and revenue sources, it is the intent of Council to annually review this action in the spirit of that recommendation and in light of the city's on-going economic situation to facilitate consideration of appropriate amendments, including incorporation of a sunset provision; and

WHEREAS, one of the steps recommended by the Committee to address this situation is the consideration of new sources of revenue; and

WHEREAS, an excise tax upon the short-term leasing of automobiles was recommended for consideration by the Committee and is a source of revenue in a number of other cities; and

WHEREAS, it is not the intention of Council to levy the excise tax upon the leasing of a vehicle which is incidental to another vehicle-related purpose, such as the possible purchase of the vehicle through a long-term lease/purchase agreement or the servicing or repair of another vehicle owned by the lessee; and

WHEREAS, it is not the intention of Council to levy the excise tax upon the leasing of a vehicle for commercial purposes unrelated to passenger transport, such as a truck, or transactions which involve the supply of a driver as well as the vehicle, such as a taxi or livery vehicle; now, therefore,

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

SECTION 1. That new Chapter 373 of the Columbus City Codes, 1959, be enacted as follows.

373.01 Definitions

As used in this chapter:

(a) "Lease" means a contract to lease a passenger vehicle for a period not to exceed 90 days in which the lessor transfers to the lessee the possession or control, or the right to possession or control of that passenger vehicle to a lessee for a valuable consideration.

- (b) "Lessee" means a person who leases a passenger vehicle from another under a lease.
- (c) "Lessor" means any person who, in connection with a trade or business conducted by such person, leases a passenger vehicle directly to lessee. In a multi-party transaction, the lessor is the person who transfers the passenger vehicle to a lessee. "Lessor" does not mean any person who leases passenger vehicles to customers only for that period of time during which their passenger vehicles are being repaired or serviced by that person's trade or business.
- (d) "Livery vehicle" shall mean the definition as set forth in C.C.C. Section 585.01(0).
- (e) "Passenger Vehicle" means any motor vehicle that is designed (and used) for carrying not more than nine (9) persons.
- (f) "Person" means every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause herein prescribing and imposing a penalty, the term "person" as applied to any unincorporated entity shall mean the parties or members thereof, and as applied to corporations, the officers thereof.
- (g) "Lease Period" means the term of the lease as specified in the lease or as amended to reflect the actual period of time over which the lessee had possession or control of the passenger vehicle.
- (h) "Tax" means the passenger vehicle lessor tax imposed pursuant to this chapter.
- (i) "Taxicab" shall mean the definition as set forth in C.C.C. Section 585.01 (e).

#### 373.02 Imposition of Tax

(a) For the purpose of providing funds with which to meet the various needs of the city, an excise tax is hereby imposed upon the privilege of leasing passenger vehicles within the city to a lessee. Such tax shall be imposed upon the lessor and shall be in the amount of four dollars (\$4) per passenger vehicle per day for the first thirty (30) days of all lease periods.

(b) The tax shall not apply to the lease of:

- (1) livery vehicles
- (2) taxicabs
- (3) passenger vehicles leased only to persons for that period of time during which their passenger vehicles are being repaired or serviced.

#### 373.03 Lessor to Pay Tax

The tax imposed by this chapter shall be paid by the lessor. The lessor shall be permitted to pass this tax along to lessees as a separate charge, indicated as such on lease agreements, bills or invoices. In the event that a lessee fails to pay such separate charge, the lessor shall remit same to the city.

#### 373.04 Required Records; Inspection and Retention

Each lessor shall keep complete and accurate records of each passenger motor vehicle leased as part of the leasing business. Such books and records shall include invoices, rental agreements, annual inventories of passenger motor vehicles available for rental and all other pertinent papers and documents. If the lessor enters into a lease not subject to the tax under C.C.C. Section 373.02(b)(3), lessor's records shall show the identity of the lessee and include copies of repair or service orders for lessee's passenger vehicle substantiating the basis for said exemption. All such books and records shall be kept in the English language and shall, at all times during business hours, be open to the inspection of the Auditor of the City of Columbus or the duly authorized agents and employees thereof, and shall be preserved for a period of 2 ½ years, unless the Auditor, in writing, consents to their destruction within that period, or by order requires that they be kept longer.

It shall be presumed that all leases of passenger vehicles occur at the lessor's place of business and are subject to the tax imposed by this chapter. The burden of proving that a lease is not taxable hereunder shall be upon the lessor.

#### 373.05 Returns Required: Payment of Tax

Each lessor shall, on or before the twentieth day of each month, make and file a return for the preceding month, on forms prescribed by the Auditor showing; the number of passenger vehicles leased, the total of all days in the lease periods for which those vehicles were leased, the amount of tax due from the lessor to the city for the period covered by the return and such other information as the Auditor deems necessary for the proper administration of the excise tax, including a certificate of exemption for each vehicle for which an exemption is claimed by lessor pursuant to C.C.C. Section 373.02(b)(3). The return shall be signed by the lessor or an authorized agent thereof. Returns shall be filed by mailing or delivering same to the Division of Income Tax: Excise Taxes together with payment to the City Treasurer in the amount of tax shown to be due thereon.

The Auditor may authorize lessors whose tax liability is not such as to remit monthly returns, as determined by the Auditor upon the basis of administrative costs to the city, to make and file returns at less frequent intervals. Such authorization shall be in writing and shall indicate the intervals at which returns are to be filed and payment of the tax made.

The Auditor, if it be deemed necessary to insure the payment of the tax imposed by this Chapter, may require returns and deposit of tax on a more frequent than monthly basis. Such requirement shall be in writing and shall indicate the intervals at which returns are to be filed and payment of the tax made.

#### 373.06 Returns Must be Filed; Fraudulent Returns

(a) No person, including any officer of a corporation or employee of a corporation having control or supervision of or charged with the responsibility of filing returns, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report or statement, or aid or abet another in the filing of any false or fraudulent return report or statement.

(b) If any lessor required to file monthly returns under this chapter fails, on two consecutive months, or on three or more months within a twelve-month period, to file such returns when due or to pay the tax due as shown thereon, or if any lessor authorized by the Auditor to file returns at less frequent intervals, fails on two or more occasions within a twenty four month period, to file such returns when due or to pay the tax due as shown thereon, the Auditor may require such lessor to furnish security in an amount equal to the average tax liability of the lessor for a period of one year as determined by the Auditor from a review of returns or other information pertaining to such lessor.

The amount of such security shall in no event be less than one hundred dollars. The security may be in the form of an advance tax payment to be applied to the tax due as shown on subsequent returns, or a corporate surety bond, satisfactory to the Auditor, conditioned upon the payment of the tax due as shown on the returns filed by the lessor. This security must be filed and/or deposited within ten (10) days following the lessor's receipt of the notice from the Auditor of its requirement.

A corporate surety bond filed under this section shall be returned to the lessor if, for a period of twelve consecutive months following the date of the bond's filing, the lessor has filed all returns and remitted payment of tax therewith within the time prescribed in this Chapter or as otherwise authorized by the Auditor.

#### 373.07 Collection of Unpaid Tax

All tax as imposed by this Chapter, shall be collectable, together with any interest accrued and penalties thereon, by suit as other debts of like nature are recoverable.

The City Auditor is authorized to institute civil law suits to collect delinquent taxes due and owing to the City by virtue of the provisions of this chapter. The City Auditor is authorized to waive penalties and interest and compromise tax liability and to accept waiver of state statutes of limitations.

#### 373.08 2 ½ year limitation for assessment of tax; exceptions

No assessment shall be made or issued against a lessor for any tax imposed by or pursuant to this chapter more than 2 ½ years after the return date for the period in which the passenger vehicle was furnished, or more than 2 ½ years after the return for such period is filed, whichever is later. This section does not bar an assessment where the Auditor has substantiated evidence of amounts of taxes collected by a lessor from the leasing of passenger vehicles which were not remitted to the City or when the lessor assessed failed to file a return as required.

#### 373.09 Duties of the City Auditor

The City Auditor is hereby charged with the administration and enforcement of this chapter and is hereby empowered to adopt and promulgate and to enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns and payments.

#### 373.10 Investigative Powers of the Auditor

The City Auditor, or any employee or agent authorized thereby, is hereby authorized to examine the books, papers and records of any lessor for the purposes of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due under this chapter. Every lessor is hereby directed and required to furnish upon written request by the City Auditor or duly authorized employee or agent thereof at the reasonable time and place designated, the opportunity for making such examinations and investigations as are hereby authorized.

#### 373.11 Allocation of Funds.

The funds collected under the provisions of this chapter shall be deposited to the credit of the general fund for the purpose of paying the cost of general municipal operations until otherwise designated.

#### 373.12 Penalties and Interest.

(a) All taxes imposed by this chapter, which remain unpaid after they become due shall result in the assessment of a penalty of fifty (50) percent of the amount of unpaid tax.

(b) All taxes imposed by this chapter and remaining unpaid after they become due shall bear interest, in addition to the amount of the unpaid tax.

Such interest shall be computed by using the federal short-term rate rounded to the nearest whole number plus three (3) percent for interest that accrues during the calendar year.

(1) Such interest rate shall be made public on the thirtieth day of October of each year.

(2) As used in this section, "federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity of three (3) years or less, as determined under Section 1274 of the Internal Revenue Code of 1966, 100 Stat. 2085, 26 U. S. C. 1274, for July of the current year.

(c) In the event that a lessor fails to file a return, a penalty of twenty-five dollars (\$25) per month shall be assessed the day after the due date of the filing and for each month thereafter not to exceed one hundred fifty dollars (\$150).

(d) Any payment or return not physically received by the Division by the due date shall be considered late filed or made.

(e) When the last day for filing a return or making payment falls upon a Saturday, Sunday or federal holiday, filing and payment shall be permitted on the first business day following said Saturday, Sunday or federal holiday without penalty.

373.13 Responsible Party

The officer or the employee having control or supervision of or charged with the responsibility of filing the return and making payment is personally liable for failure to file the return or pay the tax due as required by this chapter. The dissolution of a corporation does not discharge an officer's or employee's liability for a prior failure of the corporation to file returns or pay the tax due.

373.99.1 Violations; General Penalty

(a) No person subject to the provisions of this chapter shall do any of the following:

(1) Fail, neglect or refuse to make and file any return.

(2) Fail, neglect or refuse to pay the tax, interest or penalty imposed by this chapter.

(3) Fail, neglect or refuse to permit the City Auditor or duly authorized agent or employee the opportunity to examine books, records and papers by failing to produce such information at the reasonable time and place designated pursuant to Section 373.04 of this code.

(4) Knowingly make and file an incomplete false or fraudulent return.

(b) That person violating division (a)(1)(2) or (3) is guilty of a misdemeanor of the fourth degree and upon conviction thereof, shall be fined in a sum not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a period not to exceed thirty (30) days or both for a first offense, and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned more than six (6) months or both for a second or subsequent conviction.

(c) That person violating division (a)(4) is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for more than six (6) months or both.

Section 2. That this tax shall cease to be in effect on December 31, 2005 unless by legislative action City Council extends its effective period. Said cessation or extension shall be preceded by an evaluation and review, as directed by City Council, of the tax in light of the City's economic situation at that time and as projected for the future.

Section 3. That this ordinance shall take effect on August 1, 2002.

Passed as amended June 24, 2002, Matthew D. Habash, President of Council / Approved as amended June 25, 2002 Mitchell J. Brown, Acting Mayor / Attest, Timothy McSweeney, City Clerk

TABLE OF CHANGES IN YOUR 1959  
COLUMBUS CITY CODE

Code	Ordinance	2001	Page	Subject
To amend substantial portions of Chapter 540	0973-02	27	1373	To amend substantial portions of Chapter 540 of the Columbus City Code to correct constitutional defects that have rendered this ordinance unenforceable since 1978, to expand the scope of establishments regulated by this chapter to include bath establishments, and to classify violations of this chapter as first-degree misdemeanors.
To supplement the Columbus City Codes	1128-02	28	1432	To supplement the Columbus City Codes, 1959, by the enactment of new sections in Chapter 3372, Planning Overlay, in order to create the "High Street: North of Morse Road Planning Overlay" for that portion of the High Street corridor from Morse Road/Rathbone Avenue to the city of Worthington corporate line; and to declare an emergency.
To repeal the Current Chapter 4117	1092-02	29	1488	To repeal the current Chapter 4117 and amend Sections 3381.18, 4114.515, 4114.707 and 4114.931 of the Columbus City Codes, 1959, by replacing current Chapter 4117 - "Certificate of Occupancy" with a revised version which correctly reflects the new "One-Stop-Shop" initiative changes including changes in the Ohio Building Code, and to make necessary corrections in specific Sections of Chapters 3381 and 4114.
To amend various Chapters	1182-02	29	1491	To amend various Chapters of the Columbus City Codes, 1959, by allowing the Director of Public Service to utilize the standards for multi-way stop applications as provided in either the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, or the Federal Manual of Uniform Traffic Control Devices; and to declare an emergency.
To repeal Columbus Building Code sections 4125.43 & 4127.70	1093-02	29	1492	To repeal Columbus Building Code sections 4125.43 and 4127.70 in order to remove the requirement that in-sink food waste grinders, commonly referred to as garbage disposal units, be installed in all new residential kitchens or as part of a major remodeling.
To supplement the Columbus City Codes	1094-02	29	1493	To supplement the Columbus City Codes, 1959, with the addition of Section 3372.690 in order to create an Urban Commercial Overlay (UCO) district along portions of South Front Street and South High Street.
To revise Chapter 3372	1095-02	29	1495	To revise Chapter 3372 (Urban Commercial Overlay) of the Columbus City Codes by adoption of new Sections 3372.601, 3372.603, 3372.605, 3372.607, 3372.609, 3372.611, 3372.613 and 3372.615.
To amend Section 3101.01	2279-01	29	1497	To amend Section 3101.01 of the Columbus City Codes, 1959, to change the composition of the Development Commission by eliminating the Public Service Director as the seventh member; to allow the Mayor to appoint, with the approval of City Council, all qualified regular and alternate members of the Commission without regard to occupation or employer; and to declare an emergency.
To amend the Columbus City Codes	1145-02	29	1498	To amend the Columbus City Codes, 1959, by increasing the penalty for speeding in a school zone from a minor misdemeanor to a 4th degree misdemeanor, with a mandatory court appearance and a maximum fine \$250; and to make the Code consistent with the Ohio Revised Code; and to declare an emergency.
To supplement the Columbus City Codes	1143-02	30	1561	To supplement the Columbus City Codes, 1959, by amending C.C. 3303, 3351, 3353, and 3355 to: standardize the definition of dwelling unit among three different codes; augment the definition of hotel and motel; clarify where dwelling units may be constructed in commercial districts; update terminology and make language and grammatical changes.
To supplement and amend various sections of the Columbus Building Code	1144-02	30	1569	To supplement and amend various sections of the Columbus Building Code, Title 41, in order to allow for the registration of all general contractors responsible for all work on multi-family, commercial, industrial and institutional structures as governed by the Ohio Basic Building Code (OBC) as well as all new one, two, and three family dwellings for a flat fee as already prescribed in the Building Services Fee Schedule.
To establish new chapter 1934 of the Columbus City Codes	1183-02	30	1584	To establish new chapter 1934 of the Columbus City Codes, 1959, thereby establishing the authority to assess and collect an emergency medical services reimbursement fee.
To repeal ordinance 1128-02	1335-02	31	1686	To repeal ordinance 1128-02 in order to correct a numbering conflict in Chapter 3372 and to supplement the Columbus City Codes, 1959, by the enactment of new sections in Chapter 3372, Planning Overlay, in order to create the "High Street: North of Morse Road Planning Overlay" for that portion of the High Street corridor from Morse Road/Rathbone Avenue to the city of Worthington corporate line; and to declare an emergency.
To enact new Chapter 373	0754-02	31	1689	To enact new Chapter 373 of the Columbus City Codes, 1959, to provide for an excise tax upon the short-term rental of passenger vehicles and to provide for administration and collection of the tax by the City Auditor.