

Columbus City Bulletin



**Bulletin #45
November 6, 2010**

Proceedings of City Council

Saturday November 6, 2010



SIGNING OF LEGISLATION

(With the exception of Ordinance of 1513-2010 which was signed by President Pro Tem Hearcel Craig on the night of the Council meeting; all other legislation was signed by Council President Michael C. Mentel on the night of the Council meeting, Monday, *November 1, 2010*; by Mayor, Michael B. Coleman on *Wednesday, November 3, 2010*; and attested by the City Clerk, prior to Bulletin publishing.)

The City Bulletin **Official Publication of the City of Columbus**

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

Council Journal (minutes)



City of Columbus

Journal - Final

Columbus City Council

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

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

Monday, November 1, 2010

5:00 PM

Columbus City Council

Columbus City Council

Journal

November 01, 2010

REGULAR MEETING NO. 54 OF COLUMBUS CITY COUNCIL, NOVEMBER 1, 2010 at 5:00 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

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

READING AND DISPOSAL OF THE JOURNAL

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

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

C0034-2010

THE CITY CLERK'S OFFICE RECEIVED THE FOLLOWING COMMUNICATIONS AS OF WEDNESDAY OCTOBER 27, 2010.

Transfer Type: D5, D6
To: Quarthouse Promo LLC
DBA Quarthouse
1st FI & Mezzanine
303 S Front St
Columbus OH 43215
From: Lash Nightlife LLC
DBA Standard Lounge
1st FI & Mezzanine
303 S Front St
Columbus OH 43215
Permit # 7133406

Transfer Type: C1, C2
To: Sajo Food LLC
DBA C Town Market and Deli
1st FI
150 E State St
Columbus OH 43215
From: Shalash Properties LLC

DBA C Town
150 E State St 1st Fl
Columbus OH 43215
Permit # 7677245

Transfer Type: D5, D6
To: Y & H Presents LLC
& 2 Patios
482 S Front St
Columbus OH 43215
From: Brewery District Bar LLC
DBA After Five
482 S Front St & 2 Patios
Columbus OH 43215
Permit # 9804530

Transfer Type: D2, D2X, D3, D6
To: Cuisine of India Inc
DBA Cuisine of India
1025 Polaris Prkwy
Columbus OH 43240
From: Cuisine of India Inc
DBA Cuisine of India
8475 Sancus Blvd
Columbus OH 43240
Permit # 18452430001

Advertise: 11/6/2010

Return: 11/16/2010

Read and Filed

ADDITIONS OR CORRECTIONS TO THE AGENDA

FIRST READING OF 30-DAY LEGISLATION

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

AFFIRMATIVE: 7 NEGATIVE: 0

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

1497-2010 **FR** To authorize the Director of Finance and Management to establish purchase orders with Toter, Incorporated for the purchase of mechanized collection containers and container parts for the Division of Refuse Collection per the terms and conditions of an existing citywide contract; to authorize the expenditure of \$310,759.00 or so much thereof as may be needed from the Refuse Collection G.O. Bonds Fund.(\$310,759.00)

Read for the First Time

UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL

1317-2010 FR To authorize the Director of Finance and Management to establish a Blanket Purchase Order, for Process Control Computer Maintenance, from an established Universal Term Contract with Telvent USA Corporation for the Division of Power and Water; and to authorize the expenditure of \$45,000.00 from Water Systems Operating Fund. (\$45,000.00)

Read for the First Time

1440-2010 FR To authorize the Finance and Management Director to establish a Blanket Purchase Order, based on an existing Universal Term Contract with Motion Industries, for flocculator replacement parts, for the Division of Power and Water, and to authorize an expenditure of \$135,000.00 from the Water Build America Bonds Fund. (\$135,000.00)

Read for the First Time

1450-2010 FR To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with DLZ Ohio, Inc. for the South Wellfield Expansion - Raw Water Line Project; for the Division of Power and Water; to authorize the transfer and expenditure of \$150,838.93 from the Water Works Enlargement Voted Bonds Fund; and to authorize an amendment to the 2010 Capital Improvements Budget. (\$150,838.93)

Read for the First Time

1484-2010 FR To authorize the Director of Public Utilities to execute a construction contract with The Righter Co., Inc. for the Water Supply Facilities Elevator Replacement Project; for the Division of Power and Water; to authorize a transfer and expenditure of \$1,114,300.00 within the Water Build America Bonds Fund; and to amend the 2010 Capital Improvements Budget. (\$1,114,300.00)

Read for the First Time

DEVELOPMENT: TYSON, CHR. GINTHER MILLER MENTEL

0144X-2010 FR A resolution of intention to participate in watershed planning partnerships to develop balanced growth plans for the Big Walnut Creek and Scioto River watersheds.

Read for the First Time

1314-2010 FR To approve the nomination of the Old Beechwold Historic District to the Columbus Register of Historic Properties.

Read for the First Time

RECREATION & PARKS: TYSON, CHR. TAVARES PALEY MENTEL

1294-2010 FR To establish an Auditor's certificate, and to authorize the expenditure of \$575,000.00 from the voted Recreation and Parks Bond Fund for the reimbursement of staff time related to the administration of the balance of 2010 Capital Improvement Projects and for the 2011 CIP Staff Time. (\$575,000.00)

Read for the First Time

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

1545-2010 FR To grant a Variance from the provisions of Sections 3363.01, M-Manufacturing district; 3312.13(A), Driveway; 3312.25, Maneuvering; 3312.27(3), Parking setback line; 3312.29, Parking space; and 3363.24(F), Building lines in an M-Manufacturing district, of the Columbus City Codes;

for the property located at 771 SOUTH FRONT STREET (43206), to permit four dwelling units (a three-unit dwelling and a single-unit dwelling) with reduced development standards in the M, Manufacturing District (Council Variance # CV03-031).

Read for the First Time

- 1346-2010** **FR** To rezone 3408 SOUTH HIGH STREET (43207), being 2.13± acres located at the northeast corner of South High Street and Williams Road, From: C-4, Commercial, L-C-4, Limited Commercial, and R-2, Residential Districts, To: CPD, Commercial Planned Development District (Rezoning # Z09-040).

Read for the First Time

CONSENT ACTIONS

FINANCE & ECONOMIC DEVELOPMENT: GINTHER, CHR. MILLER, TYSON MENTEL

- 1486-2010** **CA** To authorize and direct the City Auditor to enter into contract for the bonding of the City Treasurer, Deputy City Treasurer, police up through the rank of sergeant, all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions, forgery or alteration, money and securities on premises, money and securities off premises, money orders and counterfeit money, and computer fraud; to authorize the expenditure of \$127,753.00 from the General Fund; and to declare an emergency. (\$127,753.00)

This Matter was Approved on the Consent Agenda.

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

- 0150X-2010** **CA** To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Hamilton Avenue & St. Clair Avenue Project, and to declare an emergency.

This Matter was Adopted on the Consent Agenda.

- 1324-2010** **CA** To authorize the appropriation and transfer of \$41,025.00 received from the City's insurance company for facility damage incurred in the windstorm in the fall of 2008 from the General Permanent Improvement Fund to the Street Construction Maintenance and Repair Fund for the Division of Planning and Operations; to authorize the expenditure of these funds for facility renovation and repair; and to authorize the City Auditor to establish an Auditor's Certificate for this purpose. (\$41,025.00)

This Matter was Approved on the Consent Agenda.

- 1391-2010** **CA** To authorize the Director of Public Service to enter into agreement with the Director of the Ohio Department of Transportation for the Hilliard-Rome Road(C.R. 3) widening and reconstruction project; and to declare an emergency. (\$0.00)

This Matter was Approved on the Consent Agenda.

UTILITIES: PALEY, CHR. CRAIG GINTHER MENTEL

- 1292-2010** **CA** To authorize the Director of Public Utilities to enter into a professional engineering services agreement with Stantec Consulting Services Inc., for the Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam);

to transfer within the G.O. Bond Fund for the expenditure of \$422,984.34; and to amend the 2010 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$422,984.23)

This Matter was Approved on the Consent Agenda.

- 1372-2010 CA To authorize the Director of Finance and Management to establish a purchase order with Ohio Machinery Company dba Ohio Cat for the purchase of GME Trench Shoring for the Division of Sewerage and Drainage, and to authorize the expenditure of \$36,550.00 from the Sewerage System Operating Fund. (\$36,550.00)

This Matter was Approved on the Consent Agenda.

- 1393-2010 CA To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services; to authorize the transfer of \$20,500.00 within the Storm B.A.B.s Fund; to authorize an amendment to the 2010 Capital Improvements Budget; and to authorize the expenditure of \$20,500.00 from the Storm B.A.B.s Fund for costs in connection with Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project; and to declare an emergency. (\$20,500.00)

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

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

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

FINANCE & ECONOMIC DEVELOPMENT: GINTHER, CHR. MILLER TYSON MENTEL

- 1322-2010 To appropriate and authorize the expenditure of \$4,500,000.00 for principal redemption and \$590,000.00 for interest payments on Columbus Notes applicable to the 2 City owned garages on 4th and Elm Streets and South Front Street; and to declare an emergency. (\$5,090,000.00)

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

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

- 1551-2010 To authorize the Director of Development to enter into a real estate sale contract with Northland Village Developers, LLC for the sale of 19.8 acres of the City owned land located at the former Northland Mall site; to execute a Quit Claim Deed conveying specified portions of property, to the extent applicable; to waive the competitive bidding and land review provisions of the Columbus City Codes; and to declare an emergency.

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

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

- 1558-2010** To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$9,025,000.00 for sanitary sewer improvements (\$9,025,000.00). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- A motion was made by Ginther, seconded by Craig, that this matter be Approved. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- 1559-2010** To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$26,325,000.00 for water system projects (\$26,325,000.00). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Tyson, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- A motion was made by Ginther, seconded by Tyson, that this matter be Approved. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- 1560-2010** To authorize the issuance of limited tax notes in the amount of not to exceed \$25,000,000 for transportation projects (\$25,000,000.00) .Section 55(b) of the City Charter.
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- A motion was made by Ginther, seconded by Ms. Tavares, that this matter be Approved. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- 1561-2010** To authorize the issuance of limited tax notes in an amount not to exceed \$8,150,000.00 for the purpose of providing funds to refund certain outstanding notes of the City (\$8,150,000.00). Section 55(B) of the City Charter.
- A motion was made by Ginther, seconded by Paley, that this matter be Waived the 2nd Reading. The motion carried by the following vote:**
- Affirmative: 7 - Ginther, Ms. Tavares, Craig, Tyson, President Mentel, Miller and Paley
- A motion was made by Ginther, seconded by Tyson, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:**

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

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

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

1563-2010

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$67,300,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$67,300,000.00). Section 55(B) of the City Charter.

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

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

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

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

1564-2010

To authorize the issuance of limited tax bonds in an amount not to exceed \$65,000,000.00 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$65,000,000.00). Section 55(B) of the City Charter.

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

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

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

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

SAFETY: GINTHER, CHR. PALEY CRAIG MENTEL

1524-2010

To authorize and direct the Director of Public Safety to expend funds for the use of the Franklin County Correction Centers for the housing of City of Columbus prisoners; to authorize the expenditure of \$1,517,000.00 from the General Fund; and to declare an emergency. (\$1,517,000.00)

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

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

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

1505-2010

To authorize the Director of Finance and Management to establish a purchase order with Path Master, Inc. for the purchase of Audible Pedestrian traffic signal equipment per the terms and conditions of an existing universal

term contract; to amend the 2010 CIB; to authorize the transfer of monies within the Build America Bonds Fund for the Division of Planning and Operations; to authorize the expenditure of \$49,400.00 from the Build America Bonds Fund; and to declare an emergency. (\$49,400.00)

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

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

1513-2010

To authorize the Director of Public Service to modify the contract with Rumpke of Ohio, Incorporated to extend the timeframe by one year for subscription curbside-recycling collection services.

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

Abstained: 1 - President Mentel

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

ADMINISTRATION: MILLER, CHR. PALEY TAVARES MENDEL

1473-2010

To authorize the Director of the Department of Finance and Management for the Department of Technology to establish a purchase order with Lawson Software to purchase Lawson Process Flow Integrator (PFI) software licenses and training as part of the Columbus Human Resource Information System (CHRIS); in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$27,500.00 from the Department of Technology Information Services Capital Improvement Fund. (\$27,500.00)

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

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

1492-2010

To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology to establish a purchase order with Echo 24 from an existing Universal Term Contract (UTC) for fiber optic repair services associated with the Metronet fiber optic backbone; and to authorize the expenditure of \$105,832.00 from the Department of Technology Information Services Fund.; and to declare an emergency. (\$105,832.00)

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

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

JUDICIARY AND COURT ADMINISTRATION: PALEY, CHR. CRAIG TYSON MENDEL

1375-2010

To authorize and direct the Municipal Court Clerk to modify the contract with OSU/OARnet for the provision of VMware software licenses and maintenance services; to authorize an expenditure of \$18,879.45 from the Municipal Court Clerk computer fund; and to declare an emergency. (\$18,879.45)

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

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

UTILITIES: PALEY, CHR CRAIG GINTHER MENTEL

1396-2010

This legislation authorizes the Director of Public Utilities to execute a planned contract modification (#4) for professional engineering services with DLZ Ohio, Inc. in connection with the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant; to authorize the transfer within and expenditure of \$2,153,622.82 from the Sanitary Build America Bond (B.A.B.'s) Fund; and to amend the 2010 Capital Improvements Budget. (\$2,153,622.82)

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

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

1478-2010

To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with Malcolm Pirnie, Inc. for the Comprehensive Water Master Plan and Water Distribution System Master Plan; for the Division of Power and Water; to authorize a transfer and an expenditure of \$1,142,225.00 from the Water Build America Bonds Fund; to authorize an amendment to the 2010 Capital Improvements Budget; and to declare an emergency. (\$1,142,225.00)

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

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

HOUSING: TAVARES, CHR. TYSON MILLER MENTEL

1499-2010

To authorize and direct the City Auditor to cancel \$1,500,000.00 from an Auditor's Certificate; to authorize and direct a transfer between OCA Codes within the General Government Grant Fund; to authorize the Director of the Department of Development to modify and increase the NSP2 Consortium Agreement with Campus Partners for Community Urban Redevelopment; to authorize the expenditure of \$1,500,000.00 from the General Government Grant Fund; and to declare an emergency. (\$1,500,000.00)

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

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

RECREATION & PARKS: TYSON, CHR. TAVARES PALEY MENTEL

1495-2010

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend \$41,000.00 from the Recreation and Parks Voted Bond Fund for costs in connection with the Bikeway Land Acquisitions Project, and to declare an emergency. (\$41,000.00).

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

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

ADJOURNMENT

adjourned 5:47 PM

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

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



City of Columbus

Journal - Final

Zoning Committee

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

A. Troy Miller, Chair
All Members

Monday, November 1, 2010

6:30 PM

Zoning Committee

Zoning Committee

Journal

November 01, 2010

**REGULAR MEETING NO. 55 OF CITY COUNCIL (ZONING), NOVEMBER 1, 2010
AT 6:30 P.M. IN COUNCIL CHAMBERS.**

ROLL CALL

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

READING AND DISPOSAL OF THE JOURNAL

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

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

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

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

1502-2010

To rezone 3401 JACKSON PIKE (43123), being 5.5± acres generally located 1700± feet east of Jackson Pike, and 3,100± feet north of Interstate 270, From: EQ, Excavation and Quarrying District, To: M, Manufacturing District (Rezoning # Z10-017).

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

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

ADJOURNMENT

ADJOURNED 6:35 PM

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

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

Ordinances and Resolutions

**City of Columbus
City Bulletin Report**

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

Legislation Number: 0150X-2010

Drafting Date: 10/21/2010

Version: 1

Current Status: Passed

Matter Type: Resolution

Explanation

Background:

The following is a resolution to declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Hamilton Avenue & St. Clair Avenue Project.

Fiscal Impact:

N/A

Emergency Justification:

Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay, thus facilitating the commencement of construction necessary to the project.

Title

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Hamilton Avenue & St. Clair Avenue Project, and to declare an emergency.

Body

WHEREAS, the City of Columbus is engaged in the Hamilton Avenue & St. Clair Avenue Project; and

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

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

Section 1. That this Council hereby declares the necessity and intent to appropriate fee simple title and lesser interests in and to the following listed parcels of real estate more fully described in Exhibits A through I attached hereto and made a part hereof as though fully written herein, necessary for the Hamilton Avenue & St. Clair Avenue Project, Project # 440005-100018 pursuant to and in accordance with the Charter of the City of Columbus, Columbus City Code (1959) Revised, Chapter 909, the Constitution of the State of Ohio and Ohio Revised Code, Chapter 719; to-wit:

EXHIBIT/PARCEL NUMBERS

A/13T
B/15T
C/18T

D/21T
E/25WD
F/26WD
G/28T; T-1
H/29T
I/30WD

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

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

Legislation Number: 1292-2010

Drafting Date: 09/07/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. **BACKGROUND:** This legislation authorizes the Director of Public Utilities to enter into an agreement with Stantec Consulting Services Inc., in the amount of \$422,984.23 for professional engineering services for the Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam), CIP No, 650706, for the Division of Sewerage and Drainage. This project primarily involves the modification or removal of the 5th Ave. Dam and restoration of 10,560 linear feet of the Olentangy River.

This project includes preliminary engineering (field surveys, structural and floodplain analyses, report, etc.), design engineering (preparation of construction documents, easements, maintenance plan, etc.), and construction inspection services (administration, inspection) for the removal of the Fifth Avenue Dam and construction of in-stream and riparian restoration features along the Olentangy River in the vicinity and upstream of the dam. Work completed thus far (Phase I), covered by the original contract and contract mod 1, includes field survey, hydrographic survey, geomorphic assessment, sediment sampling and survey, structural analyses, floodplain evaluations, and preparation of a report.

Work to be completed as part of this contract modification (Phase II) includes a mussel survey, which is time sensitive. Additionally it requires preparing detail construction documents, easements, permitting, maintenance plan, etc. Phase III: Contract modification required. It is anticipated the consultant will perform construction administration/inspection services and post project inspection/ maintenance services.

A. Amount of additional funds to be expended: \$422,984.23

Original Contract -	\$200,000.00 (Utilized EPA 319 Grant Funds)
Modification No. 1 -	\$ 73,460.80 (Utilized EPA 319 Grant Funds)
Current Modification No. 2 -	\$422,984.23
<u>Future Modifications Phase III -</u>	<u>\$200,000.00</u>
Total Proposal Amount:	\$896,445.03

Estimated total contract amount with all existing and future modifications: \$896,445.03

Reasons additional goods/services could not be foreseen:

This modification was part of a phase plan. This is Phase II of a planned three phase project.

Reason other procurement processes are not used:

Stantec is the design firm contracted to complete this project. The project was set up to be jointly funded by EPA Section 319 grant monies and funds to be paid by the City, using certain accrued stipulated penalties, that, with approval of Ohio EPA, are authorized to be used on the project. Work completed thus far has been funded by EPA Section 319 Grant. Remaining design work shall be funded by the City.

How was the cost of modification determined:

Stantec prepared cost estimate to complete associated work.

B. Contract Compliance No.: 11-2167170 | (MAJ) | (Expires 01/07/2010)

C. Emergency Designation: Emergency designation is being requested for this ordinance because time sensitive work is currently under way and this funding will allow the project to continue uninterrupted. The time sensitive survey requires that the survey be completed by October 2010.

2. **FISCAL IMPACT:** This ordinance authorizes the transfer and expenditure of funds from within the G.O. Bond Fund (Fund 664) for the purpose of providing the necessary funding and authority required for this expenditure and to amend the 2010 Capital Improvements Budget.

Title

To authorize the Director of Public Utilities to enter into a professional engineering services agreement with Stantec Consulting Services Inc., for the Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam); to transfer within the G.O. Bond Fund for the expenditure of \$422,984.34; and to amend the 2010 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$422,984.23)

Body

WHEREAS, the Director of Public Utilities to entered into a 319 grant agreement with the Ohio EPA project for Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam) and restoration of 10,560 linear feet of the Olentangy River via Ordinance No. 1685-2006 passed by City Council on October 25, 2006; and

WHEREAS, the ordinance authorizes an encumbrance to expend funds established on AC026295 in the of \$416,063.00 as authorized by Ordinance 1685-2006 passed by City Council on October 23, 2006; and

WHEREAS, Contract No. EL010263 Modification No. 1 was authorized by Ordinance No. 0145-2010, as passed by City Council on March 1, 2010, was executed April 15, 2010, and approved by the City Attorney April 19, 2010; and

WHEREAS, it is necessary to authorize the transfer within funds from the G.O. Bond Fund, (Fund 664) in the amount of \$422,984.23 for purposes of providing sufficient funding for the aforementioned project expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the G.O. Bond Fund, (Fund 664); and

WHEREAS, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures 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 for this Council to authorize the Director of Public Utilities to execute an engineering agreement with Stantec Consulting Services, in connection with the Lower Olentangy River Ecosystem Restoration Project, in order to continue a time sensitive mussel survey; for the immediate preservation of the public health, peace, property, and safety; **Now, Therefore,**

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

Section 1. That the Director of Public Utilities be, and hereby is, authorized to enter into an agreement for professional engineering services with Stantec Consulting Services Inc., 1500 Lake Shore Drive, Columbus, Ohio 43204, in connection with the Lower Olentangy River Ecosystem Restoration Project (5th Ave. Dam) in accordance with the terms and conditions as shown in the forthcoming contract to be filed in the office of the Division of Sewerage and Drainage.

Section 2. That the City Auditor is hereby authorized to transfer of \$422,984.23 within the Department of Public Utilities, Division of Sewerage and Drainage, Dept/Div. No. 60-05, Sewerage and Drainage G.O. Bond Fund, Fund No. 664, Object Level Three 6676, as follows:

From:

Project No. | Project Name | OCA Code | Change

650429-100000 (carryover) | Cleveland Combined Sewer Rehab. | 650429 | (-\$422,984.23)

To:

Project No. | Project Name | OCA Code | Change

650706-100000 (carryover) | Lower Olentangy River Ecosystem Restoration | 650706 | (+\$422,984.23)

Section 3. That the Director of Public Utilities be and hereby is authorized to expend a total of \$422,984.23 from the GO Bond Fund, (Fund 664) from the Lower Olentangy River Ecosystem Restoration Project (5th Ave Dam) | Fund 664 | Div. 60-05 | Proj. 650706-100000 (carryover) | 650706 | Object Level Three 6676.

Section 4. That the 2010 Capital Improvements Budget Ordinance 0564-2010 is hereby amended as follows, to provide sufficient budget for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650429-100000 (carryover) | Cleveland Combined Sewer Rehab. | \$0 | \$542,045 | (+\$542,045) (est. authority for cancellation)

650429-100000 (carryover) | Cleveland Combined Sewer Rehab. | \$542,045 | \$119,060 | (-\$422,985)

650706-100000 (carryover) | Lower Olentangy River Ecosystem Res. | \$250,000 | \$672,985 | (+\$422,985)

Section 5. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

Section 7. That said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 8. That 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 which shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1322-2010

Drafting Date: 09/10/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

ExplanationBACKGROUND

This Ordinance evolves from a series of 11 Ordinances previously authorized by Columbus City Council leading up to the construction and operation of the 2 City owned garages located at 4th and Elm Streets and South Front Street.

Those previous ordinances adopted by Council are as follows:

- | | |
|--|---|
| 1. Ordinance No. 1704-1996 passed as amended July 22, 1996 | 8. Ordinance No. 1655-2008 passed October 20, 2008 |
| 2. Ordinance No. 0709-2003 passed May 19, 2003 | 9. Ordinance No. 1879-2008 passed November 24, 2008 |
| 3. Ordinance No. 2198-2003 passed October 6, 2003 | 10. Ordinance No. 0689-2009 passed May 18, 2009 |
| 4. Ordinance No. 0180-2004 passed | 11. Ordinance No. 1506-2009 passed November 9, 2009 |
| 5. Ordinance No. 1167-2007 passed July 23, 2007 | |
| 6. Ordinance No. 1277-2007 passed July 30, 2007 | |
| 7. Ordinance No. 0167-2008 passed February 4, 2008 | |

Construction of the 2 garages is now complete and both garages are in operation. Ordinance No. 1506-2009 approved November 9, 2009 authorized the issuance of \$29.5 million of City of Columbus Notes authorizing both the refunding of previously issued notes of \$20 million and an additional \$9.5 million to assure the completion and construction of the garages. It is now time to renew a portion of these Notes. Due to a successful completion of the garages, it is possible to redeem \$4.5 million of these Notes and simply refund the remaining \$25 million. The refunding of the \$25 million will be a subject of a separate ordinance. This Ordinance also authorizes the expenditure of \$590,000.00 for the payment of interest on the existing \$29.5 million of Notes.

The \$5,090,000.00 is presently available and will come from the Parking Garage Enterprise Fund No. 630. These payments have no relationship and will have no impact on the City's General Operating Fund.

Both of these City owned garages are operated by Capitol South Community Urban Redevelopment Corporation.

FISCAL IMPACT

Funding for both the redemption of the principal amount of \$4.5 million and the interest due on existing Notes of \$590,000.00 is available within the Parking Garage Enterprise Fund No. 630.

Emergency action is necessary in order to be fully prepared for the refunding of the remaining \$25 million outstanding notes.

Title

To appropriate and authorize the expenditure of \$4,500,000.00 for principal redemption and \$590,000.00 for interest payments on Columbus Notes applicable to the 2 City owned garages on 4th and Elm Streets and South Front Street; and to declare an emergency. (\$5,090,000.00)

Body

Whereas, the City Council, through a series of Ordinances (listed above) previously approved by Council, authorized the construction of 2 City owned garages, and

Whereas, the construction of these garages is now complete and the garages are in full operation, and

Whereas, the total of \$29.5 million of City of Columbus Notes has been previously authorized by this Council, and

Whereas, the successful completion of the construction of the garages allows for a partial redemption of these outstanding Notes, and

Whereas, interest is coming due on these previously issued Notes, and

Whereas, an emergency exists in the usual daily operation of the City Auditor, in that it is immediately necessary to appropriate and authorize the expenditure of \$4,500,000.00 of principal redemption, and \$590,000.00 for interest payments on Columbus notes applicable to the 2 City owned garages on 4th and Elm Streets, and South Front Street, 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 authorized to redeem \$4.5 million of the previously issued \$29.5 million of City of Columbus notes.

Section 2. The City Auditor is authorized to expend \$590,000.00 in order to pay interest on the previously issued Notes.

Section 3. Such principal payments will come from the following subfunds of the City's Garages Enterprise Fund No. 630:

Subfund No.	
001 -	\$ 577,510.74
001 -	1,978,553.00
001 -	349,985.02
003 -	193,951.24
006 -	<u>1,400,000.00</u>
	<u>\$ 4,500,000.00</u>

Section 4. Payments for the interest due on the existing outstanding Notes of \$29.5 million is to come from the following subfunds of the City's Garages Enterprise Fund No. 630:

Subfund No.	
001 -	\$ 215,966.36
002 -	167,991.80
008 -	<u>206,041.84</u>
	<u>\$ 590,000.00</u>

Section 5. Funds are hereby deemed appropriated in order to carry out the purposes of this Ordinance.

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

Legislation Number: 1324-2010

Drafting Date: 09/10/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

Several Department of Public Service Facilities sustained damage due to a wind storm that occurred in the fall of 2008. The City received a grant from The Federal Emergency Management Agency (FEMA) for the purpose of repairing these facilities due to this damage.

The Department of Public Service has received \$52,307.00 for repairs from FEMA, and \$44,911.52 from insurance due to the damage caused by this windstorm. These funds are being utilized for facility renovation and repair. An additional insurance payment in the amount of \$41,025.00 has since been received and is available for use by the Department of Public Service.

These funds will be transferred from the General Permanent Improvement Fund to the Street Construction Maintenance and Repair Fund for utilization by the Division of Planning and Operations for Facility Renovation Projects. All contracts will be conducted in accordance with provisions of the City Code.

2. FISCAL IMPACT

This ordinance will appropriate \$41,025.00 within the General Permanent Improvement Fund and authorize the transfer to the Street Construction Maintenance and Repair Fund and appropriation therein. The expenditure of these funds will also be authorized for the purpose of performing renovation and repair work to Department of Public Service Facilities. Title To authorize the appropriation and transfer of \$41,025.00 received from the City's insurance company for facility damage incurred in the windstorm in the fall of 2008 from the General Permanent Improvement Fund to the Street Construction Maintenance and Repair Fund for the Division of Planning and Operations; to authorize the expenditure of these funds for facility renovation and repair; and to authorize the City Auditor to establish an Auditor's Certificate for this purpose. (\$41,025.00)

Body **WHEREAS**, several Department of Public Service facilities sustained damage due to a wind storm that occurred in the fall of 2008; and

WHEREAS, The Department of Public Service had previously received \$52,307.00 for repairs from FEMA, and \$44,911.52 from insurance due to the damage caused by this windstorm; and

WHEREAS, additional funds in the amount of \$41,025.00 received from the insurance company have been received and these funds are available to be transferred from the General Permanent Improvement Fund to the Street Construction Maintenance and Repair Fund for use by the Department of Public Service, Division of Planning and Operations; and

WHEREAS, it is necessary to transfer these funds for this purpose; and

WHEREAS, it is necessary to authorize the City Auditor to establish and Auditor's Certificate for Facility Renovation and Repair for the Division of Planning and Operations: and

WHEREAS, all contracts utilized will be conducted in accordance with the provisions of the City Code; now therefore,

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

Section 1. That the sum of \$41,025.00 be and hereby is appropriated from the unappropriated balance of Fund 748, the General Permanent Improvement 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, 2010 as follows:

Dept-Div / Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
45-01 / 748 / 748999 / Facility Improvements / 10-5501 / 643114 / \$41,025.00

Section 2. That the transfer of cash between the General Permanent Improvement Fund, No 748 and the Street Construction Maintenance Repair Fund, No 265, be authorized as follows:

Transfer From:

Dept-Div / Fund / Project Number / Project Name / O.L. 01-03 Codes / OCA / Amount
45-01 / 748 / 748999 / Unallocated Balance / 10-5501 / 643114 / \$41,025.00

Transfer To:

Dept-Div / Fund / O.L. 01-03 Codes / OCA / Amount
59-11 / 265 / 80-0886 / 591117 / \$41,025.00

Section 3. That the sum of \$41,025.00 be and hereby is appropriated from the unappropriated balance of Fund 265, the Street Construction Maintenance Repair Fund, and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2010 as follows:

Dept-Div / Fund / O.L. 03 Code / OCA / Amount
59-11 / 265 / 3370 / 591117 / \$41,025.00

Section 4. That the expenditure of \$41,025.00, or so much thereof as may be necessary be authorized and approved as follows for facility renovation and repairs for the Department of Public Service, Division of Planning and Operations as follows:

Dept-Div / Fund / O.L. 03 Code / OCA / Amount
59-11 / 265 / 3370 / 591117 / \$41,025.00

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

Legislation Number: 1372-2010

Drafting Date: 09/21/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

The purpose of this ordinance is to authorize the Director of Finance and Management to enter into contract with Ohio Machinery Company dba Ohio Cat for the purchase of GME Trench Shoring for the Division of Sewerage and Drainage, Sewer Maintenance Operations Center.

The equipment will be used by the Sewer Maintenance Operation Center crews for safety precautions in trenches during sewer line repair, maintenance and rehabilitation projects. The equipment ensures that the walls of trenches dug by the crews do not collapse.

The Purchasing Office opened formal bids on September 2, 2010 and three (3) bids were received. A tabulation of those bids is attached.

SUPPLIER: Ohio Machinery Company dba Ohio Cat (34-0672363) Expires 9-22-11

FISCAL IMPACT: \$36,550.00 is budgeted for this purchase.

Title

To authorize the Director of Finance and Management to establish a purchase order with Ohio Machinery Company dba Ohio Cat for the purchase of GME Trench Shoring for the Division of Sewerage and Drainage, and to authorize the expenditure of \$36,550.00 from the Sewerage System Operating Fund. (\$36,550.00)

Body

WHEREAS, the Purchasing Office opened formal bids on September 2, 2010 for the purchase of GME Trench Shoring for the Division of Sewerage and Drainage, Sewer Maintenance Operations Center, and

WHEREAS, the equipment will be used by the Sewer Maintenance Operation Center crews for safety precautions in trenches during sewer line repair, maintenance and rehabilitation projects. The equipment ensures that the walls of trenches dug by the crews do not collapse, and

WHEREAS, the Division of Sewerage and Drainage recommends an award to be made to the lowest, responsive, and responsible bidder Ohio Machinery Company dba Ohio Cat for the trenching equipment and,

WHEREAS, A purchase order will be issued in accordance with the terms, conditions and specifications of Solicitation Number: SA003676 on file in the Purchasing Office; now, therefore

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

Section 1. That the Director of Finance and Management be and is hereby authorized to establish a purchase order with Ohio Machinery Company dba Ohio Cat for the purchase of GME Trench Shoring for the Division of Sewerage and Drainage, in accordance with specifications on file in the Purchasing Office.

Section 2. That the expenditure of \$36,550.00 or so much thereof as may be needed, be and the same hereby is authorized from the Sewerage System Operating Fund, Fund No. 650, OCA 605089, Object Level 1: 06, Object Level 03: 6651.

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

Legislation Number: 1375-2010

Drafting Date: 09/21/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: This ordinance authorizes the Franklin County Municipal Court Clerk (hereinafter "Municipal Court Clerk") to modify and increase the existing contract with the Ohio State University/Ohio Academic Resource Network (hereinafter OSU/OARnet) for the provision of Virtual Machine Ware (hereinafter VMware) software licenses and maintenance services for the Municipal Court Clerk's Office.

Contract Modification:

1. The amount of additional funds to be expended under this modification is \$18,879.45.
2. It is necessary to purchase additional VMware software licenses and maintenance to complete the upgrade from aging technology to a consolidated and redundant VMware blade environment. The upgrade will reduce downtime, hardware, power, cooling and administrative costs; thereby, providing a more efficient Information System for the Clerk's Office.
3. Pricing was based on established rates previously agreed to with OSU/OARnet.

Bid Information:

In 2010 an informal bid process was solicited through SO033428 for a three year contract for the provision of software licenses and maintenance services. A total of seven vendors submitted bids. OSU/OARnet, the lowest responsive, responsible and best bidder was awarded the contract.

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

Contracts:

Original Contract Number: ED040743; \$18,879.45

1st Modification: Ordinance 1375-2010; \$18,879.45

Contract Compliance Number:

31-6025986 - 105

OSU/OARnet is an Instrumentality of the State of Ohio.

Fiscal Impact: Sufficient funds are available within the Clerk's 2010 computer fund budget.

Emergency: There is an immediate need to modify the contract with OSU/OARnet for the provision of VMware and maintenance services to provide for a more efficient Information System for the Municipal Court Clerk's Office.

Title

To authorize and direct the Municipal Court Clerk to modify the contract with OSU/OARnet for the provision of VMware software licenses and maintenance services; to authorize an expenditure of \$18,879.45 from the Municipal Court Clerk computer fund; and to declare an emergency. (\$18,879.45)

Body

Whereas, it is necessary to modify and increase the existing contract with OSU/OARnet for the provision of VMware software licenses and maintenance services to provide for a more efficient Information Systems for Municipal Court Clerk's Office; and

Whereas, an emergency exists in the daily operations of the Municipal Court Clerk's Office in that it is necessary to authorize such contract modification for the provision of VMware software licenses and maintenance services, for the immediate preservation of the public peace, health, safety and welfare; now, therefore,

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

Section 1. That the Municipal Court Clerk is authorized and directed to modify and increase the existing contract with OSU/OARnet in the amount of \$18,879.45, for the provision VMware software licenses and maintenance services.

SECTION 2: That the expenditure of \$18,879.45 or so much thereof as may be necessary is hereby authorized to be expended from:

Department: 26-01| Fund: 227 |Subfund: 002| OCA Code: 260208| Obj. Level 1:03| Obj. Level 3:3358| Amount: \$7,191.00.

Department: 26-01| Fund: 227|Subfund: 002| OCA Code: 260208| Obj. Level 1:03| Obj. Level 3:3369| Amount: \$11,688.45.

Section 3. This contract modification is in accordance with Columbus City Code 329.16.

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

Legislation Number: 1391-2010

Drafting Date: 09/22/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. BACKGROUND

This ordinance authorizes The Director of Public Service to enter into an agreement with the Ohio Department of Transportation (ODOT) for the widening and reconstruction of Hilliard-Rome Road from Westchester Woods Boulevard to South of Roberts Road, lying within the City of Columbus. (FRA-C.R. 3-14.06, PID 14538)

Total project length is 1.19 miles. The construction includes the addition of three (3) new traffic lanes, sidewalks, tree lawns, bike lanes and utility relocation. It is estimated to have a project completion date of June, 2012.

1.19 miles of 5 foot wide sidewalk will be added or reconstructed in this project on the east and west sides of Hilliard Rome Road, along with 10 foot wide bike lanes. 50 ADA ramps will be added or reconstructed in this project. There are

2 bus stops and transit routes within the limits of this project.

This project complies with the recommendation of the Pedestrian Thoroughfare Plan because the Division of Mobility Options reviewed walk widths for anticipated future activity.

Pedestrian generators and destinations impacting the proposed project include SilverHorn Shopping Center, Tanglewood Park Plaza, Huntington National Bank, Lake Spur Apartments, Wendy's and other businesses along the corridor.

Environmental "Green" materials or processes associated with this project include inclusion of street trees along Hilliard Rome Road.

2. EMERGENCY DESIGNATION

Emergency action is requested in order to meet ODOT's schedule to bid this project on December 16, 2010. In order to do this paperwork needs to be returned to ODOT by December 3, 2010. The project is scheduled to begin construction in April 2011 and end in September 2012.

3. FISCAL IMPACT

The estimated cost of construction for this project is \$9,122,410.00. This project will be funded by Federal-aid funding, MORPC ARRA and MORPC funds. The total share of the cost for the City is \$0.00, but the estimated amount will be adjusted so that the City's ultimate share of the cost of the improvement shall correspond with the actual cost when said actual costs are determined. Funds for the City's share of this project are available due to cancellation of encumbrances from completed projects.

Title To authorize the Director of Public Service to enter into agreement with the Director of the Ohio Department of Transportation for the Hilliard-Rome Road(C.R. 3) widening and reconstruction project; and to declare an emergency. (\$0.00)

Body The following ordinance enacted by the City of Columbus, Ohio, hereinafter referred to as the Legislative Authority or Local Public Agency or "LPA", in the matter of the stated described project.

WHEREAS, this project is being funded in part by the American Recovery and Reinvestment Act ("ARRA") and funds from that Act are capped at the Federal share amount.

WHEREAS, on the 27th day of June, 1994, the LPA enacted legislation (Ordinance 1249-94) proposing cooperation with the Director of the Ohio Department of Transportation (Director of Transportation) for the described project:

This project consists of the widening and reconstruction of Hilliard-Rome Road from Westchester Woods Boulevard to south of Roberts Road, lying within the City of Columbus and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid, \$1,269,286.33, MORPC ARRA, and ARRA Funds set aside by the Director of Transportation of the State of Ohio for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Right of Way less the Federal-aid funds set aside as well as one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.

In view of the fact that the LPA's share of the project is now estimated in the amount of Two Million One Hundred Ninety Nine Thousand Six Hundred Ninety One and 84/100 Dollars, (\$2,199,691.84) less Ohio Public Works Commission funding in the amount of Two Million One Hundred Ninety Nine Thousand Six Hundred Ninety One and 84/100 Dollars (\$2,199,691.84) leaving the amount of \$0.00 therefore, the City will not be required to deposit any funds at this time. The LPA's ultimate share of the cost will be determined when final actual costs and allocations are determined; and

WHEREAS, the Director of the Ohio Department of Transportation has approved said legislation proposing

cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is the sense of this Council that the Director of the Ohio Department of Transportation must proceed with the aforesaid highway improvement, thereby preserving the public health, peace, property, and safety; now, therefore

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

Section 1. The LPA hereby agrees to assume the share of the cost and expense over and above the amount to be paid from Federal Funds.

Section 2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3. That the LPA enter into a contract with the State, and the Director of Public Service be and is hereby authorized to execute said contract, for improving the described project.

Section 4. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

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

Legislation Number: 1393-2010

Drafting Date: 09/22/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

Background: The following is an ordinance to authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend the monies for payment of acquisition costs in connection with the Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project.

Fiscal Impact: The Department of Public Utilities, Division of Sewerage and Drainage, has determined that funding for this project will be from the Storm B.A.B.s Fund. This legislation includes a transfer of funds within the Storm B.A.B.s Fund and an amendment to the 2010 Capital Improvements Budget to allow sufficient cash and authority in the proper account for this project.

Emergency Justification: Emergency action is requested in order to provide for the immediate acquisition of real property interests necessary to the City's project in order to preserve public health, peace, property and safety.

Title

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services; to

authorize the transfer of \$20,500.00 within the Storm B.A.B.s Fund; to authorize an amendment to the 2010 Capital Improvements Budget; and to authorize the expenditure of \$20,500.00 from the Storm B.A.B.s Fund for costs in connection with Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project; and to declare an emergency. (\$20,500.00)

Body

WHEREAS, the City of Columbus is engaged in the Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Storm B.A.B.s Fund; and

WHEREAS, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for purposes of providing sufficient funding and spending authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of The Department of Public Utilities, Division of Sewerage and Drainage, 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 immediate preservation of the public health, peace, property and safety; now, therefore:

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

SECTION 1. That the 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 Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project, Project No. 610990-100004.

SECTION 2. That the expenditure of \$20,500.00, or so much thereof as may be necessary for the Leonard Avenue and Wildwood Avenue Stormwater System Improvement Project, Project #610990-100004, from the Storm B.A.B.s Fund, OCA Code 689904, Object Level Three, 6601, for the appropriation of said real property interests determined to be necessary for the stated public purpose is hereby authorized.

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

SECTION 4. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

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

SECTION 6. That the City Auditor is hereby authorized to transfer \$20,500.00 within the Storm B.A.B.s Fund, Fund 676, Division of Sewerage and Drainage, Division 60-15, Object Level 3 6601 as follows:

TRANSFER FROM:

Proj. No. | Proj. Name | OCA | Amount

610796-100000 | River South Roadway Improvements | OCA 685796 | \$20,500.00

TRANSFER TO:

Proj. No. | Proj. Name | OCA | Amount

610990-100004 | Leonard Avenue Stormwater System Improvements | OCA 689904 | \$20,500.00

SECTION 7. That the 2010 Capital Improvements Budget Ordinance No. 0564-2010 is hereby amended as follows, to provide sufficient budget authority for the execution of the construction contract stated in Section 1 herein.

Proj. No. | Proj. Name | Current Authority | Revised Authority | (Amount of Change)
 610990-100004 | Leonard Avenue Stormwater System Improvements | \$0 | \$20,500 | (+\$20,500)
 610796-100000 | River South Roadway Improvements | \$194,304 | \$173,804 | (-\$20,500)

SECTION 8. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1396-2010

Drafting Date: 09/22/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This legislation authorizes the Director of Public Utilities to execute a planned contract modification (#4) for professional engineering services with DLZ Ohio, Inc. in connection with the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant; to authorize the transfer within and expenditure of \$2,153,622.82 from the Sanitary Build America Bond (B.A.B.'s) Fund; and to amend the 2010 Capital Improvements Budget.

This portion of the project will complete the design and bidding services for Phase 2 of OARS. This modification will provide engineering services during construction of OARS, including shop drawing reviews, responding to requests for information, interpretation of contract documents, review of construction details, start-up assistance, preparation of record drawings, and other services required during construction. This project will be modified annually to keep controls and costs in check.

The original contract for DLZ Ohio, Inc. was for the design of Phase 1 of the OSIS Augmentation and Relief Sewer (OARS). The work included the design of a 15,000 foot long large diameter conduit via open-cut methods and other facilities and appurtenances to convey Combined Sewer flows from the vicinity of the Whittier Street Storm Standby Tanks south to the vicinity of the Jackson Pike Wastewater Treatment Plant.

Future modifications are anticipated at this time for engineering services during construction. A summary of the design contract, legislation and ordinance dates and funding amounts is as follows:

1.1 Amount of additional funds to be expended: \$2,139,082.82

Original Contract Amount:	OARS Phase 1	\$ 5,622,070.00
Modification #1:	OARS Phase 2, 3 & 4	\$ 0.00
Modification #2:	OARS Phase 1 through 4	\$ 8,925,509.96
Modification #3:	OARS Revisions	\$ 2,139,082.82
<u>Modification #4 (Current)</u>	Eng. During Const	<u>\$ 2,153,622.82</u>
Total (Orig. + Mod's # 1-4)		\$18,840,285.60
Future Modifications (5 - 9)	Estimated Cost	\$10,000,000.00

1.2 Reasons additional goods/services could not be foreseen.

This was a planned modification. Due to the large cost and long duration associated with the design of this project, the contract was established to be funded incrementally. The proposed modification amount is \$2,153,622.82 which includes a 10% contingency amount that will be utilized to fund any needed and approved changes in the work.

1.3. Reason other procurement processes are not used:

This modification provides costs to complete the detailed design and preparation of construction documents as part of the planned incremental funding.

1.4. How cost of modification was determined:

The scope of services and costs were negotiated with DLZ by the Administrator of the Division and the division's project manager.

2. MULTI-YEAR CONTRACT:

This ordinance will authorize the expenditure of \$2,153,622.82. The Department anticipates requesting additional appropriations to this contract for the fiscal years 2010 through 2015, through planned contract modifications duly authorized by City Council. Under the terms of this contract, the City has the right to contract for additional services to fulfill emergency capital improvements related needs subject to the approval of a contract modification by City Council. The rates schedules established within this contract will remain in force throughout the life of the contract.

3. FISCAL IMPACT:

This ordinance authorizes the transfer within and expenditure of \$2,153,622.82 from the Sanitary Build America Bond (B.A.B.'s) Fund; and to amend the 2010 Capital Improvements Budget to establish sufficient budget authority for this ordinance.

4. CONTRACT COMPLIANCE INFO: 31-1268980 | MAJ | Expiration Date: 03/10/2011

5. Emergency Designation: No emergency designation is requested for this legislation

Title

This legislation authorizes the Director of Public Utilities to execute a planned contract modification (#4) for professional engineering services with DLZ Ohio, Inc. in connection with the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant; to authorize the transfer within and expenditure of \$2,153,622.82 from the Sanitary Build America Bond (B.A.B.'s) Fund; and to amend the 2010 Capital Improvements Budget. (\$2,153,622.82)

Body

WHEREAS, it is necessary to authorize a planned contract modification (#4) for professional engineering services with DLZ Ohio, Inc. for the Division of Sewerage and Drainage for the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant to provide engineering services will include: shop drawing reviews, requests for information, interpretation of contract documents, review of construction details, start-up assistance, preparation of record drawings, and other services required during construction; and

WHEREAS, the initial funding of Contract No. EL005911 for \$5,622,070, was authorized by Ordinance No. 1354-2005, as passed February 27, 2006, executed March 22, 2006, and approved by the City Attorney on March 23, 2006, for the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS); and

WHEREAS, Modification No. 1 was authorized by Ordinance No. 0050-2007 and as passed April 16, 2007. No money was involved in this modification as only a change in Scope took place; and

WHEREAS, Modification No. 2 for Contract No. EL007666 for \$8,925,509.96, was authorized by Ordinance No. 1569-2007, as passed November 12, 2007, executed January 16, 2008, and approved by the City Attorney on January 24, 2008; and

WHEREAS, Modification No. 3 for Contract No. EL009865 for \$2,139,082.82 was authorized by Ordinance NO. 1253-2009, as passed October 26, 2009, executed December 16, 2009, and approved by the City Attorney on December 16, 2009; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Sanitary Build America Bond (B.A.B.'s) Fund for purposes of providing sufficient funding for the sanitary expenditure; and

WHEREAS, it is necessary for City Council to authorize the expenditure of funds from the Voted Sanitary Sewer Bond Fund; and

WHEREAS, it is necessary to authorize an amendment the 2010 Amend Capital Improvement Budget for purposes of creating and providing sufficient budget authority for the aforementioned expenditure; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities is requesting that this Council authorize the Director of Public Utilities to modify the professional services agreement with DLZ Ohio, Inc. for the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant Project at the earliest practicable date; for the preservation of the public health, peace, property, safety, and welfare; **Now, Therefore,**

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

Section 1. That the Director of Public Utilities be, and hereby is, authorized to modify Contract No. EL005911 with DLZ Ohio, Inc., 6161 Huntley Rd., Columbus, Ohio 43229-1003, for professional engineering services in connection with the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant Project, in accordance with the terms and conditions as shown in the contract modification on file in the office of the Division of Sewerage and Drainage.

Section 2. That the City Auditor is hereby authorized to transfer of \$2,153,622.82 within the Department of Public Utilities, Division of Sewerage and Drainage, Dept/Div. No. 60-05, Sewerage and Drainage Sanitary B.A.B.s (Build America Bonds) Fund, Fund No. 668, Object Level Three 6676, as follows:

From:

Project No. | Project Name | OCA Code | Change

650704-100002 | OSIS + OARS Henry St. Phase 2 | 668704 | (-\$2,153,622.82)

To:

Project No. | Project Name | OCA Code | Change

650704-100000 | OSIS + OARS (Engineering & Design) Henry St. Regulator to JPWWTP | 650704 | (+\$2,153,622.82)

Section 3. That the Director of Public Utilities be and hereby is authorized to expend a total of \$2,153,622.82 from the Sanitary B.A.B.s (Build America Bonds) Fund into the Olentangy-Scioto Interceptor Sewer (OSIS) Augmentation and Relief Sewer (OARS) (Engineering & Design) from the Henry Street Regulator to the Jackson Pike Wastewater Treatment Plant Project | Fund 668 | Div. 60-05 | Proj. 650704-100000 | OCA Code 650704 | Object Level Three 6676.

Section 4. That the 2010 Capital Improvements Budget Ordinance 0564-2010 is hereby amended as follows, to provide sufficient budget authority for the award of the agreement stated herein:

Project No. | Project Name | Current Authority | Revised Authority | (Change)

650704-100002 | OSIS + OARS Henry St. Phase 2 | \$9,500,000 | \$7,346,377 | (-\$2,153,623)

650704-100000 | OSIS + OARS (Engineering & Design) Henry St. Regulator to JPWWTP | \$0 | \$2,153,623 | (+\$2,153,623)

Section 5. That the said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 6. That the Director of Public Utilities is hereby authorized to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project;

except that no transfer shall be made from a project by monies from more than one source.

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

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

Section 9. That said firm shall perform the work to the satisfaction of the Director of Public Utilities and the Administrator of the Division of Sewerage and Drainage.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Legislation Number: 1473-2010

Drafting Date: 10/04/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

BACKGROUND

This legislation authorizes the Director of the Department of Finance and Management to establish a purchase order for the Department of Technology with Lawson Software, to purchase licenses and training for the Lawson Process Flow Integrator (PFI) software. As part of the Columbus Human Resources Information System (CHRIS), this new software will enable the City to integrate the Lawson CHRIS software with other applications utilized as part of CHRIS using a tool specially developed by Lawson for use with its software products. Lawson PFI will also enable integration with other non-Lawson systems (e.g., existing time-keeping systems) currently utilized throughout the City.

As part of the original Lawson Software purchase, associated with purchase order EL007511, the City purchased Lawson Process Flow Professional as part of the Lawson Business Intelligence Suite. Since then, it has been discovered that this software product does not enable the City to automate some key business processes, including the electronic approval of payroll by appointing authorities and the electronic approval of personnel actions. Both of these functions are required before the City can complete Phase I of the CHRIS project. The new Lawson Process Flow Integrator will enable the necessary automation. Furthermore, Lawson Software will no longer support Process Flow Professional after May 31, 2011, so it is necessary to upgrade to the next-generation Process Flow Integrator software.

The initial software license cost is \$40,000.00, however, with a \$21,500.00 discount off the regular price of Lawson PFI, which Lawson will honor until November 8, 2010, the purchase price is \$27,500.00 (\$18,500.00 for software licenses and \$9,000.00 for training). The initial maintenance coverage period associated with this purchase will begin the date the purchase order is certified by the Columbus City Auditor through May 31, 2011. Subsequent annual maintenance costs will be \$3,712.00 (twenty percent of the annual license fee). Included in this purchase is training for two (2) City staff at Lawson facilities, incorporating two (2) classes focused on administering the PFI application. The funding needed for this purchase is \$27,500.00.

This ordinance also requests approval to purchase Lawson PFI in accordance with sole source procurement provisions of Section 329 of the Columbus City Code; as it has been determined Lawson Software is the sole distributor of PFI, and does not utilize distributors or re-sellers for PFI software in the public sector.

The Department of Technology staff researched alternative software products, and concluded that the Lawson PFI software was best able to meet the needs of the City, as it has been specially designed to integrate the Lawson CHRIS suite and also integrate with other non-Lawson City systems involved in human resource management and payroll processing. The price of PFI was negotiated between the City and Lawson, and Lawson has offered a substantial (over 50%) discount off the regular price of PFI software licenses. Training needs were determined in discussions between City staff and Lawson

Software, and Lawson is charging the City its standard per credit fee of \$750.00.

EMERGENCY: Emergency designation is requested to avoid interruption of service, and to enable the City to integrate the Lawson HRIS software.

Fiscal Impact: The cost associated with this legislation is \$27,500.00 for the purchase of Lawson Process Flow Integrator (PFI) software licenses and training from Lawson Software with a maintenance period to begin the date the purchase order is certified by the Columbus City Auditor through May 31, 2011. This amount is budgeted and available within the Department of Technology Information Services Capital Improvement Fund.

Contract Compliance:

Lawson Software - 41-1251159 - Expiration 09/02/2011

Title

To authorize the Director of the Department of Finance and Management for the Department of Technology to establish a purchase order with Lawson Software to purchase Lawson Process Flow Integrator (PFI) software licenses and training as part of the Columbus Human Resource Information System (CHRIS); in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$27,500.00 from the Department of Technology Information Services Capital Improvement Fund. (\$27,500.00)

Body

WHEREAS, the Department of Technology has a need to acquire the Lawson Process Flow Integrator (PFI) software licenses and training to be utilized in the Columbus Human Resource Information System (CHRIS) project, and

WHEREAS, Lawson Software has provided the Department of Technology with an initial cost of \$40,000.00, however, with a \$21,500.00 discount off the regular price of Lawson PFI, which Lawson will honor if a purchase order is certified by November 8, 2010; the purchase price is \$27,500.00 (\$18,500.00 for software licenses and \$9,000.00 for training), and

WHEREAS, this legislation authorizes the Director of the Department of Finance and Management, for the Department of Technology, to establish a purchase order to acquire Lawson Process Flow Integrator (PFI) software licenses and training from Lawson Software, to enable the City to integrate the Lawson HRIS software with other applications utilized as part of CHRIS, using a tool specially developed by Lawson Software for use with its products and integration with non-Lawson systems currently utilized throughout the City, and

WHEREAS, this agreement is being established in accordance with the sole source provisions of the Columbus City Code, Section 329.07, and

WHEREAS, the initial maintenance coverage period associated with this agreement will begin on the date the purchase order is certified by the Columbus City Auditor through May 31, 2011; \$3,712.00 per year thereafter, and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary for the Director of the Department of Finance and Management on behalf of the Department of Technology to establish a purchase order with Lawson Software to acquire Lawson PFI and training, to enable the City to integrate the Lawson HRIS software with other applications and avoid interruption in the performance of services necessary; for the preservation of public health, safety, and welfare; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF COLUMBUS:

SECTION 1: That the Director of the Department of Finance and Management, for the Department of Technology, is hereby authorized to establish a purchase order with Lawson Software, to purchase Lawson Process Flow Integrator (PFI) software licenses and training; with an initial cost of \$40,000.00, however, with a \$21,500.00 discount off the regular price, which Lawson will honor if a purchase order is certified by November 8, 2010, the purchase price is \$27,500.00 (\$18,500.00 for software licenses and \$9,000.00 for training) for installation and related services associated with the Central Payroll and Human Resources Information Management System (CHRIS); with the initial maintenance coverage period associated with this agreement to begin the date the purchase order is certified by the Columbus City Auditor through May 31, 2011.

SECTION 2: That the expenditure of \$27,500.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Dept./Div.: 47-02| **Fund:** 514| **Sub-fund:** 002| **Project Name:** Human Resources Information| **Project Number:** 470049-100000| **OCA Code:** 514049| **Obj. Level 1:** 06 | **Obj. Level 3:** 6655| **Amount:** \$27,500.00

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

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

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

Legislation Number: 1478-2010

Drafting Date: 10/05/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

1. BACKGROUND: This Ordinance authorizes the Director of Public Utilities to modify and increase the professional engineering services agreement with Malcolm Pirnie, Inc. for the Comprehensive Water Master Plan and Water Distribution System Master Plan, Division of Power and Water Contract Number 1110.

This modification is needed for further evaluation, development and coordination of additional planning documents, including business case evaluations on near term recommendations made by the consultant relating to water supply, treatment and distribution projects. Included in this work is an analysis and recommendation of a compliance strategy to meet the Ohio EPA Approved Capacity Criteria for the water supply and treatment plants, and development of an Emergency Response Plan needed to accommodate the schedule for the various upgrades and expansion of the existing source, treatment and distribution facilities. Additional project management budget is also required due to the extension of the project to complete the tasks that needed further evaluation.

1.1 Amount of additional funds to be expended: \$1,142,225.00

Original Contract Amount:	\$3,321,747.00
Modification 1 (current)	<u>\$1,142,225.00</u>
Total (Orig. + Mod 1)	\$4,463,972.00

1.2. Reasons additional goods/services could not be foreseen:

The original legislation stated that a modification would be necessary to address topics not originally addressed in the contract. These topics were identified during the course of the project, and were determined to be important issues that needed further evaluation by the consultant performing the master plans.

1.3. Reason other procurement processes are not used:

The consultant and the Department have invested a significant amount of time and effort in preparing these master plans. During the course of the project the consultant has gained a unique understanding of our operations. This unique understanding allows the consultant to perform the requested work that is directly related and an integral part of this contract in the most efficient and cost effective manner for the Department.

1.4. How cost of modification was determined:

Costs were submitted by the consultant and reviewed and deemed acceptable by the Division of Power & Water.

2. CONTRACT COMPLIANCE INFO: 13-2653703, expires 3/9/12, Majority

3. EMERGENCY DESIGNATION: It is requested that this Ordinance be handled in an emergency manner in order to expedite completion of tasks associated with the approval of design documents for two water treatment plants.

4. FISCAL IMPACT: A transfer of funds within the Water Build America Bonds Fund will be necessary, as well as an amendment to the 2010 Capital Improvements Budget.

Title

To authorize the Director of Public Utilities to modify and increase the professional engineering services agreement with Malcolm Pirnie, Inc. for the Comprehensive Water Master Plan and Water Distribution System Master Plan; for the Division of Power and Water; to authorize a transfer and an expenditure of \$1,142,225.00 from the Water Build America Bonds Fund; to authorize an amendment to the 2010 Capital Improvements Budget; and to declare an emergency. (\$1,142,225.00)

Body

WHEREAS, Contract No. EL008380 was authorized by Ordinance No. 0915-2008, passed June 23, 2008, was executed on July 24, 2008, and approved by the City Attorney on July 29, 2008; and

WHEREAS, the Division of Power and Water would like to modify and increase the professional engineering services contract for the Comprehensive Water Master Plan and Water Distribution System Master Plan, in order to perform further evaluation, development and coordination of additional planning documents, including business case evaluations on near term recommendations made by the consultant relating to water supply, treatment and distribution projects; and

WHEREAS, this modification was addressed in the original legislation;

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

WHEREAS, it is necessary to authorize an amendment to the 2010 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the aforementioned project expenditure; and

WHEREAS, it has become necessary in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is immediately necessary to authorize the Director of Public Utilities to modify and increase the professional engineering services contract with Malcolm Pirnie, Inc., for the Comprehensive Water Master Plan and Water Distribution System Master Plan, in an emergency manner in order to expedite completion of tasks associated with the approval of design documents for two water treatment plants, 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 Public Utilities is hereby authorized and directed to modify and increase the professional engineering services agreement with Malcolm Pirnie, Inc. for the Comprehensive Water Master Plan and Water Distribution System Master Plan, in the amount of \$1,142,225.00.

SECTION 2. That this contract modification is in compliance with Section 329.16 of Columbus City Codes, 1959.

SECTION 3. That the City Auditor is hereby authorized to transfer \$642,225.00 within the Department of Public Utilities, Division of Power and Water, Water Build America Bonds Fund, Fund No. 609, Dept./Div. No. 60-09, Object Level Three 6621, as follows:

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

609 | 690236-100021 (carryover) | River South Ph. 2 | 623621 | -\$430,782.34
609 | 690510-100000 (carryover) | HCWP Sludge Disposal Line, Pt. 2 | 609510 | -\$211,442.66
609 | 690290-100001 (carryover) | Comp. Master Plan | 606290 | +\$642,225

SECTION 4. That the 2010 Capital Improvements Budget is hereby amended as follows:

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

609 | 690236-100021 (carryover) | River South Ph. 2 | \$2,216,049 | \$2,216,050 | +\$1 (establish authority for change)
609 | 690236-100021 (carryover) | River South Ph. 2 | \$2,216,050 | \$1,785,267 | -\$430,783
609 | 690510-100000 (carryover) | HCWP Sludge Disposal Line, Pt. 2 | -\$369,124 | \$157,681 | -\$211,443
609 | 690290-100001 (carryover) | Comp. Master Plan | \$500,000 | \$1,142,226 | +\$642,226

SECTION 5. That the expenditure of \$1,142,225.00 is hereby authorized for the Comprehensive Water Master Plan and Water Distribution System Master Plan, within the Water Build America Voted Bonds Fund, Fund No. 609, Division 60-09, Project No. 690290-100001 (carryover), Object Level Three 6621, OCA Code 606290.

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

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

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

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

Legislation Number: 1486-2010

Drafting Date: 10/06/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation This legislation will authorize and direct the City Auditor to enter into contracts bonding 1.) City Treasurer, 2.) Deputy City Treasurer, 3.) police up through the rank of sergeant, 4.) all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions, 5.) forgery or alteration, 6.)

money and securities on premises, 7.) money and securities off premises, 8.) money orders and counterfeit money, and 9.) computer fraud. The dollar coverage obtained for the City Treasurer, Deputy City Treasurer, police up through the rank of sergeant, all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions, forgery or alteration, money and securities on premises, money and securities off premises, money orders and counterfeit money, and computer fraud commences 01-01-2011 and expires 12-31-2013. After publically advertising in the City Bulletin for four weeks and one direct mail solicitation to eighteen (18) prospective bidders, one (1) response was received. Huntington Insurance, contract compliance #34-1715613, expiration date 9-24-2012.

FISCAL IMPACT:

Currently \$127,753.00 of appropriation authority is available within the General Fund in the Auditor's Office.

TitleTo authorize and direct the City Auditor to enter into contract for the bonding of the City Treasurer, Deputy City Treasurer, police up through the rank of sergeant, all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions, forgery or alteration, money and securities on premises, money and securities off premises, money orders and counterfeit money, and computer fraud; to authorize the expenditure of \$127,753.00 from the General Fund; and to declare an emergency. (\$127,753.00)

BodyTo authorize and direct the City Auditor to enter into contract for the bonding of the City Treasurer, Deputy City Treasurer, police up through the rank of sergeant, all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions, forgery or alteration, money and securities on premises, money and securities off premises, money orders and counterfeit money, and computer fraud; to authorize the expenditure of \$127,753.00 from the General Fund; and to declare an emergency. (\$127,753.00)

WHEREAS, Section 16 of the Columbus city Charter provides, in part, that "the Council may determine whether any officer of employee shall give a bond, and the amount there of" and

WHEREAS, an emergency exists in the usual daily operation of the Auditor's Office in that it is immediately necessary to enter into contract with Huntington Insurance for the preservation of the public health, peace, prosperity, safety and welfare, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS

Section 1. That the City Auditor if hereby authorized and directed to enter into contracts for the following bonds

<u>Insurance Agency</u>	<u>Position Bonded</u>	<u>Coverage</u>	<u>Term</u>	<u>Premium</u>
1. Huntington Insurance	Treasurer	\$10,000,000.00	01/01/2011 - 12/31/2013	\$26,849.00
2. Huntington Insurance	Deputy Treasurer	10,000,000.00	01/01/2011 - 12/31/2013	26,849.00
3. Huntington Insurance	Police up through the rank of sergeant	25,000.00	01/01/2011 - 12/31/2013	9,046.00
4. Huntington Insurance	All other City Employees and elected or appointed officials including all officially appointed members of the City Boards and/or Commissions	1,000,000.00	01/01/2011 - 12/31/2013	40,371.00
5. Huntington Insurance	Forgery or Alteration	1,000,000.00	01/01/2011 - 12/31/2013	8,588.00
6. Huntington Insurance	Money and Securities- On Premises	1,000,000.00	01/01/2011 - 12/31/2013	6,676.00
7. Huntington Insurance	Money and Securities- Off Premises	1,000,000.00	01/01/2011 - 12/31/2013	3,338.00
8. Huntington Insurance	Money Orders and Counterfeit Money	1,000,000.00	01/01/2011 - 12/31/2013	1,001.00

9. Huntington Insurance	Computer Fraud	1,000,000.00	01/01/2011 - 12/31/2013	<u>5,035.00</u>
			Total	<u>\$127,753.00</u>

Section 2. That the expenditures of \$127,753.00 is hereby authorized from the Division No. 22-01, Fund 010, Object Level 1, 03, Object Level 3, 3392, OCA Code 220111, to pay the costs thereof.

Section 3. The sureties accepted on aforesaid bonds must be authorized to do business in Ohio.

Section 4. The City Auditor shall and is hereby directed to charge and make appropriate accounting charges to each department or division which operates from a fund other than the General Fund, for the official bond premium properly chargeable to their operation.

Section 5. That for the reasons states in the preamble hereto, which is hereby made a party hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor of ten days after passage if the Mayor neither approves or vetoes the same.

Legislation Number: 1492-2010

Drafting Date: 10/06/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND:

This ordinance authorizes the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order for the acquisition of fiber optic repair services associated with the Department of Technology's Metronet fiber optic backbone in the amount of \$105,832.00. This purchase order will be created utilizing the terms and conditions from an existing Universal Term Contract (UTC), established through the competitive bid process by the Purchasing Office, with Echo 24 (FL004688, BPCMP33G- Expiration Date: 3/31/13).

The Department of Technology's Metronet Services provides data connectivity that supports various business functions and allows all city agencies and departments to communicate. Currently, the Department of Technology has a need to repair fiber optic cabling connecting the City of Columbus' Health Department at Bryden Alley and a repair at 5th and Olentangy that services the Ohio State University (OSU) area, Police Crime Lab, and the Franklin County Morgue. These repairs are necessary to ensure data connectivity at city facilities and prevent lengthy outages due to damaged fiber optic cabling.

Echo 24 will be providing repair services and associated materials through the Echo 24 UTC contract with the City of Columbus.

EMERGENCY: Emergency designation is requested to execute necessary repairs to the fiber optic cabling utilized citywide.

FISCAL IMPACT: In 2008 the Department of Technology legislated \$91,646.00 and in 2009 \$258,490.00 was legislated for Echo 24 services. This ordinance will allow for the expenditure of \$105,832.00, for Metronet fiber optic repair services, utilizing an existing Universal Term Contract (UTC) with Echo 24. Funding for this project in the amount of \$105,832.00 is available within the Department of Technology Information Services Fund.

CONTRACT COMPLIANCE NUMBERS:

Echo 24 Inc.: 311753698 Expiration Date: 9/22/2011

Title

To authorize the Director of the Department of Finance and Management, on behalf of the Department of Technology to establish a purchase order with Echo 24 from an existing Universal Term Contract (UTC) for fiber optic repair services associated with the Metronet fiber optic backbone; and to authorize the expenditure of \$105,832.00 from the Department of Technology Information Services Fund.; and to declare an emergency. (\$105,832.00)

Body

WHEREAS, it is necessary for the Director of the Department of Finance and Management, on behalf of the Department of Technology, to establish a purchase order with Echo 24, from an existing Universal Term Contract (UTC/FL004688), for repair services in connection with the Metronet fiber optic backbone; and

WHEREAS, the Department of Technology currently has a need to repair fiber optic cabling connecting the City of Columbus' Health Department at Bryden Alley and a repair at 5th and Olentangy that services The Ohio State University (OSU) area, Police Crime Lab, and the Franklin County Morgue. These repairs are necessary to ensure data connectivity at city facilities and prevent lengthy outages due to damaged fiber optic cabling; and

WHEREAS, an emergency exist in the daily operation of the city in that it is immediately necessary for the Director of the Department of Finance and Management to establish a purchase order on behalf of the Department of Technology, for the purchase of fiber optic repair services from Echo 24 from an existing Universal Term Contract (UTC/FL004688); utilized citywide to continue with services that support daily operation activities, for the preservation of public health, peace, property, safety, and welfare; now, therefore:

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

SECTION 1: That the Director of the Department of Finance and Management, on behalf of the Department of Technology, is hereby authorized to establish a purchase order with Echo 24 in the amount of \$105,832.00, from an existing Universal Term Contract (UTC/FL004688), for repair services in connection with the Department of Technology's Metronet fiber optic backbone.

SECTION 2: That the expenditure of \$105,832.00 or so much thereof as may be necessary is hereby authorized to be expended from:

Dept./Div.:47-02| Fund: 514| Sub-fund: 001 OCA Code: 470206| Obj. Level 1: 03 Obj. Level 3: 3336 Amount \$105,832.00

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

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

Legislation Number: 1495-2010

Drafting Date: 10/07/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The following is an ordinance to authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend the monies for payment of acquisition costs in connection with the Bikeway Land Acquisitions Project.

Fiscal Impact: The Recreation and Parks Department has determined funding for this project will be from the Recreation and Parks Voted Bond Fund.

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for the aforementioned project to proceed without delay thereby allowing this project to move forward.

Title

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend \$41,000.00 from the Recreation and Parks Voted Bond Fund for costs in connection with the Bikeway Land Acquisitions Project, and to declare an emergency. (\$41,000.00).

Body

WHEREAS, the City of Columbus is engaged in the Bikeway Land Acquisitions Project; and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department, 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 Bikeway Land Acquisitions Project.

Section 2. That the expenditure of \$41,000.00, or so much thereof as may be necessary for the Bikeway Land Acquisitions Project, Project #510316-100021, from the Recreation and Parks Voted Bond Fund, Fund 702, OCA Code 731621, Object Level Three, 6601, for the appropriation of said real property interests determined to be necessary for the stated public purpose is hereby authorized.

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.

Legislation Number: 1499-2010

Drafting Date: 10/08/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

BACKGROUND: This legislation authorizes the transfer of \$1,500,000.00 between OCA codes within the General Government Grant Fund to modify and increase the NSP2 Consortium Agreement with Campus Partners for Community Urban Redevelopment. The City of Columbus is the Lead Applicant of the NSP2 Consortium which is an association of seven organizations and government entities formed for the purpose of applying for and implementing NSP2 funds. Campus Partners for Community Urban Redevelopment is a member of the NSP2 Consortium. Prior ordinance 0156-2010, as amended by ordinance 1278-2010, authorized the Director of the Department of Development to enter into consortium funding agreements with members of the NSP2 Consortium. The NSP2 funds provide for the acquisition, rehabilitation, redevelopment or demolition of foreclosed, abandoned and vacant properties in order to stabilize neighborhoods and stem the decline of housing values.

Emergency action is requested to avoid interruptions in program services.

FISCAL IMPACT: This legislation authorizes the transfer and expenditure of \$1,500,000.00 in General Government Grant funds within the Department of Development. The City of Columbus was awarded \$23,200,773.00 of Neighborhood Stabilization Program 2 (NSP2) grant funds under the American Reinvestment and Recovery Act of 2009 from the U.S. Department of Housing and Urban Development. A partial cancellation of Auditor's Certificate AC031459, Suffix 1 will make the funds available for this expenditure.

Title

To authorize and direct the City Auditor to cancel \$1,500,000.00 from an Auditor's Certificate; to authorize and direct a transfer between OCA Codes within the General Government Grant Fund; to authorize the Director of the Department of Development to modify and increase the NSP2 Consortium Agreement with Campus Partners for Community Urban Redevelopment; to authorize the expenditure of \$1,500,000.00 from the General Government Grant Fund; and to declare an emergency. (\$1,500,000.00)

Body

Whereas, this legislation authorizes the transfer and expenditure of \$1,500,000.00 in General Government Grant funds within the Department of Development in order to modify a NSP2 Consortium Agreement with Campus Partners for Community Urban Redevelopment; and

Whereas, the funds will provide for the acquisition, rehabilitation, redevelopment or demolition of foreclosed, abandoned and vacant properties in order to stabilize neighborhoods and stem the decline of housing values; and

Whereas, Campus Partners for Community Urban Redevelopment will receive an additional \$1,500,000 from a Neighborhood Stabilization Program 2 grant; and

Whereas, emergency action is requested to avoid interruptions in program services; and

Whereas, an emergency exists in the usual daily operation of the Department of Development, Housing Division, in that it is immediately necessary to transfer and expend the aforementioned grant funds, thereby preserving the public health, peace, property, safety and welfare; and **NOW, THEREFORE**,

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

Section 1. That the City Auditor is hereby authorized and directed to cancel \$1,500,000.00 from Auditor's Certificate

No.
AC031459, Suffix 1.

Section 2. That the City Auditor is hereby authorized to transfer \$1,500,000.00 within the General Government Grant Fund, Division 44-10, Fund No. 220, Grant No. 451036, Object Level One 05, Object Level Three 5528 as follows:

FROM:
OCA Code 441043

TO:
OCA Code 441053

Section 3. That the Development Director is hereby authorized to modify the NSP2 Consortium Agreement with the Campus Partners for Community Urban Redevelopment by increasing the contract amount \$1,500,000.00.

Section 4. That for the purposes stated in Section 3 above, the expenditure of \$1,500,000.00 or so much thereof as may be necessary is hereby authorized, from the Department of Development, Housing Division, Division No. 44-10, Fund No. 220, Grant No. 451036, Object Level One 05, Object Level Three 5528, OCA 441053.

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

Legislation Number: 1502-2010

Drafting Date: 10/08/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Rezoning Application Z10-017

APPLICANT: Columbus Limestone, Inc.; c/o Richard C. Brahm and Aaron M. Glasgow, Attys.; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Industrial development.

DEVELOPMENT COMMISSION RECOMMENDATION: Approval (4-0) on September 9, 2010.

SOUTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The 5.5± acre site is currently used for surface mining operations and is zoned in the EQ, Excavation and Quarrying District. The applicant requests the M, Manufacturing District which would allow industrial development, and more specifically, an asphalt shingle recycling facility. A Special Permit from the Board of Zoning Adjustment would be required after the rezoning is complete for any recycling facility use. The site is located within the planning area of the *Southwest Plan (2009)*, which recommends landfill and quarrying uses for this location. Staff has determined that the request does not pose a negative impact to the surrounding quarry uses, and is consistent with the zoning and development patterns of the area.

Title

To rezone **3401 JACKSON PIKE (43123)**, being 5.5± acres generally located 1700± feet east of Jackson Pike, and 3,100± feet north of Interstate 270, **From:** EQ, Excavation and Quarrying District, **To:** M, Manufacturing District (Rezoning # Z10-017).

WHEREAS, application #Z10-017 is on file with the Building Services Division of the Department of Development requesting rezoning of 5.5± acres from EQ, Excavation and Quarrying District, to the M, Manufacturing District; and

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

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

WHEREAS, the City Departments recommend approval of said zoning change because the requested M, Manufacturing District does not pose a negative impact to the surrounding quarry uses. The request will permit industrial development, and would allow the applicant to request a Special Permit from the Board of Zoning Adjustment for an asphalt shingle recycling facility. Staff has determined that the request is consistent with the zoning and development patterns of the area, now, therefore:

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

SECTION 1. That the Official Zoning Map of the City of Columbus, as adopted by Ordinance No. 0179 -03, passed February 24, 2003, and as subsequently amended, is hereby revised by changing the zoning of the property as follows:

3401 JACKSON PIKE (43123), being 5.5± acres generally located 1700± feet east of Jackson Pike, and 3,100± feet north of Interstate 270, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, Being 5.5 Acres out of Columbus Limestone Inc., Tract Three, Parcel One and Tract Three Parcel Two as recorded in the Franklin County Recorder's Office in Instrument # 200206250156219.

And being more particularly described as followed:

Beginning for reference at a railroad spike found at the intersection of SR 104 (Jackson Pike) and Thrailkill Rd., the same being the original southwest corner of said tract three, parcel three; thence over the grantors property, North 51° 12' 00" East, 3090.70' to the southwesterly corner of the herein described 5.5 acre lease tract; (Ohio State Plane Coordinates N=688754.50 E=1822808.47),

thence, continuing over the grantors property the following eight courses:

South 34°32'09" West, a distance of 231.96';

South 21°49'07" West, a distance of 223.05'

South 15°45'20" West, a distance of 234.34';

North 67°07'25" West, a distance of 322.42';

North 16°51'41" East, a distance of 280.36'

North 04°39'36" West, a distance of 305.60';

North 88°30'42" East, a distance of 252.34';

South 73°04'02" East, a distance of 278.42' to the point of beginning and containing 5.5 acres.

Being subject to all legal highways, easements, and restrictions of record. Basis of bearing is Ohio State Plane Coordinates (South Zone).

This description was prepared from actual field locations under my direct supervision in May 2010.

Douglas L. Moore
Ohio Professional Surveyor # 7011
8311 Harrisburg-London Rd.
Orient, Ohio 614-877-2506

To Rezone From: EQ, Excavation and Quarrying District,

To: M, Manufacturing District

SECTION 2. That a Height District of thirty-five (35) feet is hereby established on the M, Manufacturing District on this property.

SECTION 3. That the Director of the Department of Building and Zoning Services be, and is hereby authorized and directed to make the said changes on the said original zoning map in the office of the Department of Building and Zoning Services.

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

Legislation Number: 1505-2010

Drafting Date: 10/08/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. **BACKGROUND**

The Division of Planning and Operations is responsible for Traffic Signals throughout the City. This includes installation and ensuring the proper operation of the traffic control devices. The proper operation of these signals promote pedestrian safety and expedite vehicular traffic flow.

The Purchasing Office has solicited formal competitive bids for the purchase of Audible Pedestrian Traffic signal equipment in the process of establishing a universal term contract (UTC). These Audible Pedestrian Signals provide an audible notification in the form of a chirping noise when the signals change. These signals will be installed at various traffic signal locations throughout the City of Columbus.

This ordinance authorizes the expenditure of \$49,400.00 for purchase of Audible Pedestrian Traffic signal equipment per the terms and conditions of universal term contract number FL004660 (Solicitation No. SA003584).

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

2. CONTRACT COMPLIANCE

Path Master, Inc., CC#341233777, Exp. 05/17/2012

3. FISCAL IMPACT

Funding for this commodity is available within the Build America Bonds Fund due to cancellation of encumbrances from completed projects.

4. EMERGENCY DESIGNATION

Emergency action is requested to procure the needed signal commodities as soon as possible to provide replacement signal materials and meet signal installation schedules at the earliest possible time for the safety of the travelling public.

TitleTo authorize the Director of Finance and Management to establish a purchase order with Path Master, Inc. for the purchase of Audible Pedestrian traffic signal equipment per the terms and conditions of an existing universal term contract;

to amend the 2010 CIB; to authorize the transfer of monies within the Build America Bonds Fund for the Division of Planning and Operations; to authorize the expenditure of \$49,400.00 from the Build America Bonds Fund; and to declare an emergency. (\$49,400.00)

Body

WHEREAS, the Purchasing Office has solicited bids and established a universal term contract for the purchase of Audible Pedestrian Signal Equipment commodities; and

WHEREAS, the Division of Planning and Operations has a need to procure these items in a timely manner so as not to delay scheduled signal installations; and

WHEREAS, it is necessary to transfer monies between projects to fund the purchase of said signal commodities; and

WHEREAS, an emergency exists in the usual daily operation of the Division of Planning and Operations, Department of Public Service, 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 Director of Finance and Management be and hereby is authorized to establish a purchase order for the purchase of Audible Pedestrian Signal Equipment per the terms and conditions of an existing universal term contract for the Division of Planning and Operations as described below.

Fund / Project

746 / 540007-100003

1. FL004660

SA003584

Path Master, Inc.

1960 Midway Drive

Twinsburg, OH 44087

Signal Equipment - \$49,400.00

SECTION 2. That the expenditure of \$49,400.00 be and hereby is authorized from the Build America Bonds Fund, Fund 746, Dept.-Div. 59-11, Division of Planning and Operations as follows

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

746 / 540007-100003 / Traffic Signal Installations - Signal Commodities / 06-6622 / 540703 / \$49,400.00

SECTION 3. That the 2010 CIB authorized within ordinance 0564-2010 be amended to provide sufficient authority for this commodity acquisition as follows:

Fund / Project / Project / Current CIB Amount / amendment amount / CIB amount as amended

746 / 530282 - 100046 / Resurfacing - Urban Paving East Broad Street / \$519,050.00 (Carryover) / (\$49,400.00) (Carryover) / \$469,650.00 (Carryover)

746 / 540007-100003 / Traffic Signal Installations - Signal Commodities / \$673,660.00 (Carryover) / \$49,400.00 (Carryover) / \$723,060.00 (Carryover)

SECTION 4. To move cash and appropriation between projects within Fund 746, the Gov'l Build America Bonds (B.A.B.s) Fund as follows:

FROM:

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

746 / 530282 - 100046 / Resurfacing - Urban Paving East Broad Street / 06-6600 / 528246 / \$49,400.00

TO:

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

746 / 540007-100003 / Traffic Signal Installations - Signal Commodities / 06-6600 / 540703 / \$49,400.00

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

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

Legislation Number: 1513-2010

Drafting Date: 10/12/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation1. **BACKGROUND**

This ordinance authorizes the Director of Public Service to modify an existing contract with Rumpke of Ohio, Inc. in order to extend the contract duration for the curbside-recycling collection service for a one year period. The extended time frame will be from March 1, 2011 to February 28, 2012.

Ordinance 0371-2006 passed March 1, 2006, authorized a contract with Rumpke of Ohio, Incorporated that afforded households an optional curbside-recycling collection service on a subscription basis. The current contract for subscription curbside-recycling commenced March 1, 2006, for a five-year period which will end February 28, 2011. The monthly rate for this subscription service is \$8.25 per household.

The City has (in effect) licensed the contractor to provide this service and negotiates the terms and conditions on behalf of individual residents. Continuing this contract maintains a public good for Columbus citizens, namely, it increases waste-stream diversion and reduces refuse tonnage going to the landfill. Homeowners who may choose to discontinue this service have a network of nearly 200 drop-off recycling containers located throughout Columbus and Franklin County.

2. CONTRACT COMPLIANCE

Rumpke of Ohio, Incorporated's contract compliance number is 31-1617611 and expires January 25, 2012.

3. FISCAL IMPACT

There is no cost to the city for this contract modification.

TitleTo authorize the Director of Public Service to modify the contract with Rumpke of Ohio, Incorporated to extend the timeframe by one year for subscription curbside-recycling collection services.

Body**WHEREAS**, the City has licensed Rumpke of Ohio, Inc. to provide an optional curbside-recycling collection service to residents on a subscription basis; and

WHEREAS, The current contract for subscription curbside-recycling commenced March 1, 2006, for a five-year period which will end February 28, 2011; and

WHEREAS, it is necessary to modify this contract in order to extend the contract for a one year period from March 1, 2011 to February 28, 2012; and

WHEREAS, continuing this contract maintains a public good for Columbus citizens, namely, it increases waste-stream diversion and reduces refuse tonnage going to the landfill, now, therefore,

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

SECTION 1. That the Director of Public Service be and hereby is authorized to modify the contract with Rumpke of Ohio, Incorporated, to extend the contract for subscription curbside-recycling collection for a 1 year period from March 1,

2011 through February 28, 2012.

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

Legislation Number: 1524-2010

Drafting Date: 10/15/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation Background: This ordinance authorizes the Director of the Department of Public Safety to expend \$1,517,000.00 for the use of the Franklin County Correction Centers for the housing of City of Columbus prisoners. The City of Columbus and Franklin County entered into a contract, numbered CT-15777, that charges a per diem amount for the housing of prisoners, thus eliminating the need for an annual reconciliation. This contract, signed in 1994 by the County Commissioners and the city is amended periodically only for per diem increases. The current per diem amount of \$70 per day was established in January 2002. This ordinance is a request to encumber an additional \$1,517,000 towards jail per diem expenses to ensure that sufficient funds are available to pay for expenditures through February of 2011. These funds are in addition to the \$1,950,000.00 that was established for jail expenses earlier this year.

Bid Information: N/A

Contract Compliance Number: N/A

Emergency Designation: An emergency designation will insure timely payments to Franklin County.

FISCAL IMPACT: The Public Safety Director's office budgeted \$6.0 million in the 2010 General Fund budget for the jail contract with Franklin County. Ordinance 0630-2010, approved by City Council on May 24, 2010 established \$1,950,000.00 for jail per-diem expenses. This ordinance authorizes an additional \$1,517,000.00 for the jail contract. Therefore, the city's total jail contract encumbrance with Franklin County is expected to be \$3,470,000.00 for 2010. The city's cost of housing prisoners with Franklin County was \$5,303,352 in 2009 and \$7,018,685 in 2008. However, because of credits from prior years' over payments, the city only paid \$6,367,972 of the 2008 costs.

TitleTo authorize and direct the Director of Public Safety to expend funds for the use of the Franklin County Correction Centers for the housing of City of Columbus prisoners; to authorize the expenditure of \$1,517,000.00 from the General Fund; and to declare an emergency. (\$1,517,000.00)

BodyWHEREAS, the City of Columbus desires to continue its agreement with The Franklin County Commissioners for the housing of prisoners in the Franklin County Correctional Centers by encumbering additional funds for prisoner expenses; and

WHEREAS, it is necessary to direct the Director of Public Safety to continue with the terms of contract number CT-15777 between the City of Columbus and the Franklin County Commissioners established in 1994; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Safety in that it is immediately necessary to continue our contract with Franklin County numbered CT-15777, and encumber funds to ensure timely payments for services already provided by the Franklin County Sheriff, and for the preservation of the public health, peace,

property, safety, and welfare; Now, Therefore;

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

SECTION 1. That the Director of Public Safety is hereby authorized and directed to pay City of Columbus prisoner expenses to the Franklin County Board of Commissioners, in accordance with contract number CT-15777, for the housing of prisoners in the Franklin County Correction Centers.

SECTION 2. That the expenditure of \$1,517,000.00, or so much thereof as may be necessary, be hereby authorized from the Department of Public Safety as follows:

Division: 30-01 Fund: 010 OCA Code: 300111 Object Level One: 03 Object Level Three: 3336 Amount: \$1,517,000.00

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.

Legislation Number: 1551-2010

Drafting Date: 10/21/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

Background: The City purchased the former Northland Mall property in 2003 and began working with Columbus Urban Growth Corporation ("CUGC") to redevelop the property. In February 2004, as part of that redevelopment by CUGC, the City sold approximately 10 acres of the former Lazarus property to Retail Ventures, Inc. for its new corporate headquarters. Contemporaneously with that sale, the City and CUGC entered into a formal lease agreement for the remaining 75 acres. The lease permitted CUGC to sublease portions of Northland property for redevelopment or to exercise options to take title of portions where CUGC was able to find buyers.

In January, 2008, CUGC entered into a development agreement with Northland Village Developers, LLC to facilitate the redevelopment of the project site. The City conveyed certain pieces of real property to CUGC that were subsequently sold to Northland Village Developers, LLC. Construction is currently underway on a Menard's Home Improvement store, Franklin County Animal Shelter, and redevelopment of the former JC Penney Department Store.

In 2010 CUGC closed down their operations and dissolved the corporation. Before its dissolution CUGC had under the option provisions of the lease sold all but approximately 19.8 acres. The Department of Development has been engaged in discussions with Northland Village Developers, LLC regarding the future development of the 19.8 acres in the absence of CUGC. The Department of Development recommends selling the site to Northland Village Developers, LLC under similar terms agreed to between CUGC and Northland Village Developers, LLC. The remaining approximate 19.8 acres will be sold for a purchase price of \$2,853,000 less credits for infrastructure improvements, utility relocations, survey costs and a prior real property tax adjustment. As part of the contract the sale will close by year end 2010.

This ordinance authorizes the Director of Development to enter into the purchase and sale agreement with Northland Village Developers, LLC and to execute a Quit Claim Deed conveying the remaining portions of city-owned property formally known as Northland Mall.

Fiscal Impact: Proceeds from the sale of land shall be deposited in Fund 735, Project Number 441735-100000, Department 44, OCA 441735.

Emergency Justification: This Ordinance is submitted as an emergency to allow for the immediate execution of a real estate sale contract and disposition of the property so the redevelopment of the project site may commence by year end.

Title

To authorize the Director of Development to enter into a real estate sale contract with Northland Village Developers, LLC for the sale of 19.8 acres of the City owned land located at the former Northland Mall site; to execute a Quit Claim Deed conveying specified portions of property, to the extent applicable; to waive the competitive bidding and land review provisions of the Columbus City Codes; and to declare an emergency.

Body

WHEREAS, the City purchased the former Northland Mall property in 2003 and began working with Columbus Urban Growth Corporation ("CUGC") to redevelop the property; and

WHEREAS, in February 2004, as part of that redevelopment by CUGC, the City sold approximately 10 acres of the former Lazarus property to Retail Ventures, Inc. for its new corporate headquarters and entered into a formal lease with CUGC; and

WHEREAS, the lease permitted CUGC to sublease portions of Northland property for redevelopment or to exercise options to take title of portions where CUGC was able to find buyers; and

WHEREAS, in January, 2008, CUGC entered into a development agreement with Northland Village Developers, LLC to facilitate the redevelopment of the project site; and

WHEREAS, the City conveyed certain pieces of real property to CUGC that were subsequently sold to Northland Village Developers, LLC; and

WHEREAS, in 2010 CUGC closed down their operations and dissolved the corporation; and

WHEREAS, before its dissolution CUGC had under the option provisions of the lease sold all but approximately 19.8 acres; and

WHEREAS, the Department of Development has been engaged in discussions with Northland Village Developers, LLC regarding the future development of the 19.8 acres in the absence of CUGC; and

WHEREAS, the Department of Development recommends selling the remaining approximate 19.8 for \$2,853,000 less credits totaling \$2,120,401.00, (net \$732,599.00) to Northland Village Developers, LLC under similar terms agreed to by CUGC to facilitate further development of the site; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the Director of Development to convey the proposed parcels to Northland Village Developers, LLC to facilitate development of the site 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 Director of Development is authorized to execute those documents prepared by the Department of

Law, Real Estate Division, necessary to enter into a real estate sale contract with Northland Village Developers, LLC for the sale of 19.8 acres of the City owned land located at the former Northland Mall site for the amount stated in the preamble and to execute a Quit Claim Deed conveying the specified portions of property as described in the attached legal description.

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 329.29 (competitive bidding) to the extent that it may apply to this transaction.

Section 3. That the net proceeds shall be deposited into fund Fund 735, Project Number 441735-100000, Department 44, OCA 441735.

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

Legislation Number: 1558-2010

Drafting Date: 10/22/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$9,025,000.00 for sanitary sewer projects .

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$9,025,000.00 for sanitary sewer improvements (\$9,025,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Fifty-One Million Nine Hundred Seventy Thousand Dollars (\$551,970,000.00) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$9,025,000.00 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose acquiring real estate and interests in real estate, landscaping and making site improvements, expanding and improving existing wastewater treatment facilities, constructing new wastewater treatment facilities, acquiring and improving instrumentation and control systems, sewer lines, pumping stations, lagoons and levees, constructing storm and sanitary sewer septations, wetlands, bioswales, rain gardens and vegetated roofs, and acquiring related machinery, equipment and appurtenances; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty-five (25) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Nine Million Twenty-Five Thousand Dollars (\$9,025,000.00) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Bonds with other unlimited tax bonds of the City, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bond or Recovery Zone Economic Development Bonds, as provided in Section 10 hereof and shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Bonds, Series 2010-2A", or as otherwise designated in the Certificate of Fiscal Officer in order to provide for any issuance of Build America Bonds and Recovery Zone Economic Development Bonds. As used in this ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000.00 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000.00 or an integral multiple thereof. If optional redemption of Bonds at a redemption price exceeding 100% of the principal amount thereof is to take place on any date on which a mandatory redemption of Bonds will take place, the Bonds to be redeemed by optional redemption shall be selected prior to the selection of Bonds to be redeemed at par on the same date.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the

principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, shall be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification

of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, shall identify the Original Purchasers, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"First Interest Payment Date" means the first date on which interest on the Bonds is to be paid.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement

Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 97% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Bonds and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$8,935,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
664	650014-100000	\$ 500,000	Sanitary Sewer Construction
664	650460-100000	1,500,000	Sewer System Capacity Model Update 2006
664	650751-100000	300,000	Williams Road Sanitary Pump Station Control Valve Upgrade
664	650688-100000	1,700,000	Skyline Drive Assessment Sewer
664	650699-100000	700,000	Merwin Hill Assessment Sewer
664	650700-100000	1,150,000	Portage Grove Area Assessment Sewer
664	650755-100000	291,000	Third Avenue Local Storage Tank
664	650243-100002	415,000	JPWWTP Biosolids Land Application Improvements
664	650333-100000	774,000	WWTFs Ash Lagoons Improvements
664	650350-100002	300,000	SWWTP Corrosion Prevention & Protection Systems Consulting
664	650356-100002	765,000	SWWTP Biosolids Land Application Facility
664	650361-100002	540,000	WWTFs Professional Construction Mgmt
Total		<u>\$8,935,000</u>	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Recovery Zone Economic Development Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1559-2010

Drafting Date: 10/22/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$26,325,000.00 for water system improvements .

Title

To authorize the issuance of unlimited tax bonds in the amount of not to exceed \$26,325,000.00 for water system projects (\$26,325,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, at the election held on November 4, 2008 on the proposition of issuing bonds for the purpose hereinafter stated in the sum of Five Hundred Twenty-Four Million Seven Hundred Thousand Dollars (\$524,700,000.00) and levying taxes outside the ten mill limitation to pay the principal and interest on such bonds, the majority of those voting on the proposition voted in favor thereof; and

WHEREAS, it is now deemed necessary to issue and sell up to \$26,325,000.00 of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, for the purpose of acquiring real estate and interests in real estate, landscaping and making site improvements, improving existing water plants and acquiring and improving instrumentation and control systems, hydroelectric facilities, raw water conduits, transmission and distribution lines, booster stations, tanks, lagoons and levees; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said bonds is twenty-five (25) years.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in one or more series, in the principal sum of Twenty-Six Million Three Hundred Twenty-Five Thousand Dollars (\$26,325,000.00) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Bonds with other unlimited tax bonds of the City, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Bonds and such other bonds will be jointly referred to herein as the "Combined Bonds". As described herein, the Combined Bonds may be issued in multiple series in order to provide, among other things, for the designation of a portion of the Combined Bonds as Build America Bond or Recovery Zone Economic Development Bonds, as provided in Section 10 hereof and shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Bonds,

Series 2010-2A", or as otherwise designated in the Certificate of Fiscal Officer in order to provide for any issuance of Build America Bonds and Recovery Zone Economic Development Bonds. As used in this ordinance, the term "Bonds" shall also mean the Combined Bonds, where appropriate.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000.00 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on dates specified in the Certificate of Fiscal Officer (the "Interest Payment Date"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof. If optional redemption of Bonds at a redemption price exceeding 100% of the principal amount thereof is to take place on any date on which a mandatory redemption of Bonds will take place, the Bonds to be redeemed by optional redemption shall be selected prior to the selection of Bonds to be redeemed at par on the same date.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed

payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity in a series, (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the

ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Combined Bonds to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, shall identify the Original Purchasers, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined), and shall include such

additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"First Interest Payment Date" means the first date on which interest on the Bonds is to be paid.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 97% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed eight per centum (8.00%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Bonds and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and

payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Break1

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$26,065,000) shall be deposited in the City Treasury and allocated to the following funds and projects in the amounts set forth below:

<u>Fund</u>	<u>Project</u>	<u>Amount</u>	<u>Description</u>
606	690026-100002	\$ 3,000,000	Dublin Road & Indianola Bldg. Improvements
606	690236-100006	1,000,000	Hudson St. and Joyce Ave. Water Line
606	690236-100011	3,000,000	Briggs Road Area Waterline Improvements
606	690335-100000	2,000,000	DRWP Olentangy River Intake
606	690359-100002	2,000,000	South Wellfield Expansion -CW-106 (pump house & RWL)
606	690365-100000	2,000,000	Sullivant Ave. Water Line Cleaning
606	690384-100000	200,000	Watershed Road Improvements
606	690394-100000	1,000,000	Water Meter Renewal
606	690411-100000	250,000	Watershed Misc. Improvement Facilities
606	690421-100000	200,000	Watershed Protection Easements
606	690446-100000	500,000	General Engineering Services - Supply Group
606	690462-100000	1,500,000	East Corridor Trans. Main Cleaning
606	690473-100000	500,000	Misc Booster Station and Water Tank Impr.
606	690473-100001	3,000,000	Bethel & Henderson Booster Station Improvements
606	690473-100005	100,000	Stand-by Power for Critical Booster Stations
606	690475-100000	150,000	Taylor-Nelson Water Main Cleaning
606	690477-100000	1,000,000	Water Storage Tank Painting
606	690479-100001	1,800,000	Security Enhancements-Bethel Booster Station
606	690494-100002	1,500,000	DRWP Low Service Pump Replacement Phase II
606	690498-100000	250,000	HCWP & DRWP Coating Projects
606	690504-100000	500,000	Cleveland Ave Booster Station Expansion
606	690521-100000	615,000	Emergency Repair CT
	Total	\$26,065,000	

While the Municipality anticipates spending the moneys allocated to the funds and projects in the manner set forth in the table above, the Municipality may determine, upon the approval of this Council, to reallocate proceeds of the Bonds to another fund and project consistent with the purpose for which the Bonds are issued.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council has authorized, by separate ordinances, the issuance by the City of new money and refunding obligations (the "Obligations") for various purposes. To provide for the payment of the costs of issuance of such Obligations, which shall include, but shall not be limited to, the fees and expenses of the Municipality's bond counsel, the fees and expenses of the Municipality's financial advisor, rating agency fees, the fees and expenses associated with the sale of the Obligations and printing fees, the Municipality is hereby authorized to expend a sum not to exceed Five Hundred Thousand Dollars (\$500,000), and such amount is hereby deemed appropriated, which amount shall be allocated to, and paid from, the benefiting funds as determined by the City Auditor. Initial funds for the payment of such costs of issuance are hereby appropriated from Debt Service Fund #430, which fund shall then be reimbursed by the benefiting funds as determined by the City Auditor. In the alternative, the City Auditor is hereby authorized to pay the costs of issuance of the Obligations from the proceeds of the sale of the Obligations.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a) (7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. In the event that the City Auditor determines that some or all of the Combined Bonds or a series thereof are to be issued as obligations the interest on which is excludable from gross income for purposes of federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Code. The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Build America Bonds" within the meaning of Section 54AA(d) of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Build America Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Build America Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

In the event that the City Auditor determines that it is in the best interests of the Municipality that some or all of the Combined Bonds are to be issued as "Recovery Zone Economic Development Bonds" within the meaning of Section 1400U-2 of the Code, such designation shall be made in the Certificate of Fiscal Officer and the Municipality hereby covenants that it will observe the requirements of the Code and Regulations necessary to preserve the status of such Combined Bonds as Recovery Zone Economic Development Bonds, including, but not limited to, and executing, delivering and performing any agreement, certificate, document or instrument as shall be advisable to attain or preserve such status. Any subsidy payments received by the Municipality with respect to Recovery Zone Economic Development Bonds shall be deposited into the fund of the Municipality from which interest on such bonds was originally paid.

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as

permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income or the status of some or all of the Bonds as Build America Bonds, or the status of some or all of the Bonds as Recovery Zone Economic Development Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with Section 1400U-2, Section 54AA or Sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1560-2010

Drafting Date: 10/22/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

This ordinance authorizes the issuance of limited tax notes in the amount of not to exceed \$25,000,000.00 for transportation projects.

Title

To authorize the issuance of limited tax notes in the amount of not to exceed \$25,000,000 for transportation projects (\$25,000,000.00) .Section 55(b) of the City Charter.

Body

WHEREAS, pursuant to Ordinance No. 1506-2009, duly adopted by the City Council (the "Council") for the City of Columbus, Ohio (the "Municipality" or the "City") on November 9, 2009, notes in the principal amount of \$29,500,000 (the "Outstanding Notes") dated December 10, 2009 were issued in anticipation of the issuance of bonds for the purpose of widening, opening, extending, constructing, paving, repaving, improving and changing the line of expressways, freeways, roads, highways, bikeways, streets, alleys, bridges, viaducts, overpasses, underpasses, grade crossing eliminations, service and access roads, and sidewalks, including development of off-street parking facilities, the acquisition and installation of parking meters, traffic control systems, equipment and signs and related appurtenances thereto, the acquisition of real estate and interests in real estate and related equipment, and landscaping and making site improvements (the "Project"), and such notes mature December 10, 2010; and

WHEREAS, it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds; and

WHEREAS, it is now deemed necessary to issue and sell up to \$25,000,000 of notes in anticipation of the issuance of bonds under authority of the general laws of the State of Ohio, and in particular Section 133.23 of the Ohio Revised Code, to provide for the payment of a portion of the Outstanding Notes and to provide for additional costs of the Project; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvement stated above which is to be financed from the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being twenty-five (25) years and notes being eighteen (18) years.

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City, in the maximum principal sum of \$25,000,000 or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of refunding a portion of the Outstanding Notes and providing for the cost of advertising, printing and legal services and other costs incidental thereto.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein), shall bear interest at the maximum average annual interest rate presently estimated to be five and one-half per centum (5.50%) per annum, payable semiannually until the principal sum is paid or provision has been duly made therefor and shall mature in twenty-five (25) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of \$25,000,000 or such lesser amount as shall be determined by the Director of Finance and Management or City Auditor and certified to this Council, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed five per centum (5.00%) per annum, based on a 360-day year of twelve 30-day months, payable at maturity. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the City Auditor and shall be numbered as determined by the City Auditor.

Section 5. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 6. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Notes in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 7. The Notes shall be the full general obligation of the Municipality, and the full faith, credit and revenue of the Municipality are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. The Notes shall be designated "City of Columbus, Ohio Transportation Projects Limited Tax Notes, Series 2010-1", or as otherwise provided in the Certificate of Fiscal Officer Relating to Terms of the Notes hereinafter identified.

Section 9. The Notes shall be executed by the City Auditor and the Mayor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile, shall be payable as to both principal and interest upon presentation and surrender of the Notes at the office of the Note Registrar, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. No Note 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 Note, is signed by the Note Registrar (as defined in Section 10 hereof) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar as paying agent. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar.

Section 10. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Notes. So long as any of the Notes remain outstanding, the Municipality will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of the Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 11 hereof, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Notes shall be made only to or upon the order of that person. Neither the Municipality nor the Note 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 Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the

Note 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 Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Note surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Note Registrar shall not be required to transfer or exchange any Note for a period of fifteen days next preceding the date of its maturity.

In all cases in which Notes are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and the Note 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 Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. The Notes shall be initially issued to a Depository (as defined herein) for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Note, (ii) the Note 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 Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Note 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 Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on the Notes in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of a Note in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of these agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Note Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Notes to a Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the Municipality and the Note Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Note Registrar do not or are unable to do so, the Municipality and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver Note 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 Notes), if the event is not the result of action or inaction by the Municipality or the Note Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes, and to effect transfers of Notes, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 12. The sale and award of the Combined Notes shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Notes ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Notes, the dated date of the Notes, shall identify the Original Purchasers, the Purchase Price, the Specified Interest Rate, the Maturity Date, (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 12 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Notes authorized by this Section 12 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Notes, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Maturity Date" means the maturity date for the Notes as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than the aggregate principal amount of the Notes, together with accrued interest on the Notes from their date to the date of their delivery and payment therefor.

"Specified Interest Rate" means the interest rate at which the Notes bear interest, which rate is to be determined in the Certificate of Fiscal Officer.

The Notes shall be sold to the Original Purchasers in accordance with the terms of the Note Purchase Agreement (the "Note Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Notes and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Notes from the date of the Notes to the date of delivery of and payment therefor. The Note Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Note Purchase Agreement shall be conclusively evidenced by the execution of the Note Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rate for the Notes, the manner of sale and the terms of the Notes, all as provided herein, in the Certificate of Fiscal Officer and in the Note Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Notes to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due

execution, authentication and delivery of the Notes under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Notes is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Notes, 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 Notes as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Notes, except accrued interest, premium, if any, or costs of issuance, allocable to the Notes (to wit: \$25,000,000) shall be deposited in the City Treasury and allocated to the payment of the Outstanding Notes.

Any accrued interest or premium received from the sale of the Notes shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Notes are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 13. 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 Notes 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 Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer of the Municipality, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Notes 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 Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer of the Municipality, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes 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 Notes which limits the amount of Note proceeds which may

be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor of the Municipality is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 14. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 15. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 16. The City Clerk is hereby directed to forward certified copies of this ordinance to the Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 17. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1561-2010

Drafting Date: 10/22/2010

Current Status: Passed

Version: 2

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax **notes bonds** in the amount of not to exceed 8,150,000.00 for the purpose of providing funds to refund certain outstanding notes of the City.

Title

To authorize the issuance of limited tax **notes bonds** in an amount not to exceed \$8,150,000.00 for the purpose of providing funds to refund certain outstanding notes of the City (\$8,150,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to Ordinance No. 1507-2009, duly adopted by the City Council (the "Council") for the City of Columbus, Ohio (the "Municipality" or the "City") on November 9, 2009, limited tax general obligation notes in the principal amount of \$8,150,000 (the "Outstanding Notes") dated December 10, 2009 were issued in anticipation of the issuance of bonds for the purpose of refunding certain special obligations of the City designated City of Columbus, Ohio Subordinated Tax Increment Financing Bonds, Series 2005A (Polaris Project) in the amount of \$15,000,000.00 dated May 3, 2005 (the "Original Obligations"), and such notes mature December 10, 2010; and

WHEREAS, the City Auditor has certified to this Council that the estimated life of the improvements stated above which is to be financed from the proceeds of said bonds exceeds five (5) years and the maximum maturity of said Original Obligations being May 3, 2035, which date is thirty (30) years following the date of the original issuance of the Original Obligations (determined in accordance with Section 133.34(A)(1), of the Ohio Revised Code).

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$8,150,000.00 of such bonds under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, for the purpose stated herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the City of Columbus, Ohio (the "Municipality") shall be issued in the principal sum of Eight Million One Hundred Fifty Thousand Dollars (\$8,150,000.00) (the "Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose set forth above and for paying the cost of advertising, printing and legal services and other costs incidental thereto. The Bonds shall be issued in one lot.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 4. It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine the Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Bonds and such other bonds may be issued in one or more series and will be jointly referred to herein as the "Combined Bonds" and shall be designated "Various Purpose Limited Tax Bonds, Series 2010-2B", or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined.

Section 5. The Combined Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000.00 or any integral multiple thereof but not exceeding the principal amount of Combined Bonds maturing on any one date; shall be numbered from R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer hereinafter identified; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory and optional redemption in the years and at the redemption prices as shall be set forth in the Certificate of Fiscal Officer hereinafter identified. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

If less than all of the then outstanding Combined Bonds are called for redemption, the Combined Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of Combined Bonds is authorized, the Bond Registrar shall select Combined Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Combined Bond so selected will be in the amount of \$5,000 or an integral multiple thereof. If optional redemption of Bonds at a redemption price exceeding 100% of the principal amount thereof is to take place on any date on which a mandatory redemption of Bonds will take place, the Bonds to be redeemed by optional redemption shall be selected prior to the selection of Bonds to be redeemed at par on the same date.

The right of redemption shall be exercised by notice specifying by numbers the Combined Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Combined Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Combined Bonds so called for redemption shall cease to

bear interest on the redemption date, provided moneys for the redemption of said Combined Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Combined Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance. The Combined Bonds shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Combined Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 7 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

The principal of and premium, if any, and interest on the Combined Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Combined Bonds shall be payable upon presentation and surrender of the Combined Bonds at the office of the Bond Registrar. Each Combined Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined in Section 7 hereof) at the address appearing therein.

Any interest on any Combined Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Combined Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 6, each Combined Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Combined Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Combined Bond.

Section 7. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Combined Bonds. So long as any of the Combined Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Combined Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 6 hereof, the person in whose name any Combined Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Combined Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Combined Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds

surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Combined Bond or Combined Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Combined Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Combined Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Combined Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Combined Bonds. All Combined Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Combined Bonds surrendered upon that transfer or exchange.

Section 8. A Series of Combined Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) there shall be a single Combined Bond of each maturity, in a series (ii) those Combined Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Combined Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined Bond in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Combined Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Combined Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Combined Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Combined Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Combined Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Combined Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, the letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered, in connection with the issuance of the Combined Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Combined Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Combined Bonds from the Depository, and authenticate and deliver Combined Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Combined Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest and premium, if any, on the Combined Bonds may be transferred only through a book entry and (ii) physical Combined Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Combined Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Combined Bonds, and to effect transfers of Combined Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

Section 9. The sale and award of the Combined Bonds shall be evidenced by the Certificate of Fiscal Officer Relating to Terms of Bonds ("Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor. The Certificate of Fiscal Officer shall also state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Combined Bonds to be issued, the dated date of the Combined Bonds, shall identify the Original Purchasers, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, the Earliest Optional Redemption Date and the Optional Redemption Prices (all as hereinafter defined) and shall include such additional information as shall be required by the terms of this Ordinance and the Certificate of Fiscal Officer.

As used in this Section 9 and Section 5 hereof:

"Certificate of Fiscal Officer" means the Certificate of Fiscal Officer Relating to Terms of Bonds authorized by this Section 9 to be executed by the Director of Finance and Management or the City Auditor setting forth and determining such terms and other matters pertaining to the Combined Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance.

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Combined Bonds may be called for redemption at the option of the Municipality.

"First Interest Payment Date" means the first date on which interest on the Bonds is to be paid.

"Mandatory Redemption Dates" means the first day of the month in the years to be specified in the Certificate of Fiscal Officer in which the Combined Bonds that are Term Bonds are to be redeemed pursuant to Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Combined Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Combined Bonds (less the amount of credit as provided in the Certificate of Fiscal Officer) on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Optional Redemption Prices", if any, for the Combined Bonds shall be as set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the day on which the Combined Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer; provided that the Principal Retirement Dates shall be such that the final maturity of the principal portion of the Bonds included in the Combined Bonds is not later than the final maturity date permitted pursuant to Section 133.20, Ohio Revised Code.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Combined Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 97% of the aggregate principal amount of the Combined Bonds, together with accrued interest on the Combined Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Combined Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Bonds shall not exceed six and one-half per centum (6.50%) per annum.

"Term Bonds" means those Combined Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the day on which Combined Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Bonds and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Combined Bonds to the Original Purchaser. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Combined Bonds under the terms of this Ordinance.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Combined Bonds is hereby authorized, and the Director of Finance and Management and the City Auditor, and each of them acting alone, is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Combined Bonds, and he is authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for

purposes of marketing or reoffering the Combined Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds from the sale of the Combined Bonds, except accrued interest, premium, if any, or costs of issuance, allocable to the Bonds (to wit: \$8,150,000) shall be deposited in the City Treasury and allocated to the payment of the Outstanding Notes.

Any premium received from the sale of the Combined Bonds shall be deposited in the City Treasury and shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer. All moneys necessary to carry out the purpose of this Ordinance are hereby deemed appropriated and authorized for expenditure by the City Auditor.

This Council hereby declares that the Combined Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 10. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Combined Bonds is and will continue to be excluded from gross income for federal income tax purposes, under applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Combined Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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The City Auditor, the Deputy Auditor and the Director of Finance and Management, or any other officer, including the City Clerk, and each of them acting alone, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Combined Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Combined Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, the Deputy Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor, the Deputy Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Combined Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Combined Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Combined Bonds which limits the amount of Combined Bond proceeds which may be invested on an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Combined Bonds requires any such reports or rebates. Moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 11. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Combined Bonds.

Section 12. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 14. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1563-2010

Drafting Date: 10/22/2010

Current Status: Passed

Version: 1

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of unlimited tax bonds in the amount of not to exceed \$67,300,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City.

Title

To authorize the issuance of unlimited tax bonds in an amount not to exceed \$67,300,000.00 for the purpose of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City (\$67,300,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City"), the City issued \$160,435,000 of its Various Purpose Unlimited Tax Bonds, Series 2004-1, dated July 27, 2004 (the "Outstanding Bonds"), of which \$67,300,000 is callable on or after July 1, 2014 (the "Callable Amount"), which Outstanding Bonds were issued and sold for the purposes described in those ordinances authorizing such issuance; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the Callable Amount (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the proceeds of refunding bonds, authorized by Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed Sixty-Seven Million Three Hundred Thousand Dollars (\$67,300,000.00) (the "Unlimited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of, along with other funds available for such purpose, to refund, either currently or in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and outside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Unlimited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Unlimited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Unlimited Tax Refunding Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Unlimited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Unlimited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Unlimited Tax Refunding Bonds in accordance with law.

Section 4. The Unlimited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Refunding Bonds" or as otherwise provided in Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Unlimited Tax Refunding Bonds with other unlimited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Unlimited Tax Refunding Bonds and such other bonds will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Unlimited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered Bonds, in the denomination of \$5,000.00 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional

redemption at a redemption price specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Unlimited Tax Refunding Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Unlimited Tax Refunding Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account

of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on the Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for the Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion

of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 97% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Unlimited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Bonds and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale, shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation Bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity Bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage Bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and monesecessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Unlimited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. To the extent that this Ordinance is inconsistent with previously adopted ordinances of this Council authorizing the issuance of the Bonds, those prior ordinances are hereby amended by this Ordinance.

Section 16. 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 17. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 18. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

Legislation Number: 1564-2010

Drafting Date: 10/22/2010

Version: 1

Current Status: Passed

Matter Type: Ordinance

Explanation

This ordinance authorizes the issuance of limited tax bonds in the amount of not to exceed \$65,000,000.00 for the purpose

of providing funds to refund either currently or in advance, certain outstanding unlimited tax general obligation bonds of the City.

Title

To authorize the issuance of limited tax bonds in an amount not to exceed \$65,000,000.00 for the purpose of providing funds to refund, either currently or in advance, certain outstanding general obligation bonds of the City (\$65,000,000.00). Section 55(B) of the City Charter.

Body

WHEREAS, pursuant to various ordinances passed by City Council (the "Council") of the City of Columbus, Ohio (the "Municipality" or the "City"), the City issued \$142,500,000 of its Various Purpose Limited Tax Bonds, Series 2004-2, dated July 27, 2004 (the "Outstanding Limited Tax Bonds"), of which \$55,295,000 is callable on or after July 1, 2014 (the "Limited Tax Callable Amount"), and \$160,435,000 of its Various Purpose Unlimited Tax Bonds, Series 2004-1, dated July 27, 2004 (the "Outstanding Unlimited Tax Bonds" and together with the Outstanding Limited Tax Bonds, the "Outstanding Bonds"), of which \$67,300,000 is callable on or after July 1, 2014 (the "Unlimited Tax Callable Amount" and, together with the Limited Tax Callable Amount, the "Callable Amount"), which Outstanding Bonds were issued and sold for the purposes described in those ordinances authorizing such issuance; and

WHEREAS, the Municipality can achieve a reduction in the debt service associated with the Outstanding Bonds by providing for the refunding of the Callable Amount (the "Refunded Bonds"); and

WHEREAS, due to current market conditions, this Council believes that it is in the best interest of the Municipality to refund the Refunded Bonds using the process of refunding bonds, authorized by pursuant to Section 133.34(A)(3) of the Ohio Revised Code, together with other moneys available for that purpose, if any;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. Bonds of the Municipality shall be issued in one or more series, in the aggregate principal sum not to exceed Sixty-Five Million Dollars (\$65,000,000) (the "Limited Tax Refunding Bonds"), or such lesser amount as shall be determined by the Director of Finance and Management and certified to this Council, for the purpose of refunding, either currently or in advance, all or a portion of the Refunded Bonds.

Section 2. There shall be and is hereby levied annually on all the taxable property in the Municipality, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Limited Tax Refunding Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Limited Tax Refunding Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Limited Tax Refunding Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 3. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in

preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Limited Tax Refunding Bonds when and as the same falls due. Notwithstanding the foregoing, if the Municipality determines that funds will be available from other sources for the payment of the Limited Tax Refunding Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the Municipality shall appropriate such funds to the payment of the Limited Tax Refunding Bonds in accordance with law.

Section 4. The Limited Tax Refunding Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Refunding Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

It is hereby determined that, for purposes of issuance and sale, it may be in the best interests of the Municipality to combine all or a portion of the Limited Tax Refunding Bonds with other limited tax bond issues of the Municipality, authorized by other ordinances adopted by this Council. The Certificate of Fiscal Officer shall indicate the extent to which such bonds are combined. The Limited Tax Refunding Bonds and such other bonds may be issued in one or more series and will be collectively referred to herein as the "Bonds". The Bonds shall be designated "City of Columbus, Ohio Various Purpose Limited Tax Bonds" or as otherwise provided in the Certificate of Fiscal Officer hereinafter defined in order to distinguish one series of bonds from another.

Section 5. The Bonds shall be issued only as fully registered bonds, in the denomination of \$5,000 or any integral multiple thereof but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered R-1 upward; shall be dated as set forth in the Certificate of Fiscal Officer; shall bear interest payable semi-annually on the dates specified in the Certificate of Fiscal Officer (the "Interest Payment Dates"), until the principal sum is paid; and shall bear interest at the rates and shall mature and be subject to mandatory redemption, and shall be subject to optional redemption at a redemption price as specified in the Certificate of Fiscal Officer, on the dates as shall be set forth in the Certificate of Fiscal Officer.

If less than all of the then outstanding Bonds are called for redemption, the Bonds so called shall be selected by lot by the Municipality in such manner as it shall determine. When partial redemption of a single maturity of the Bonds is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within such maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or an integral multiple thereof.

The right of redemption shall be exercised by notice specifying by numbers the Bonds to be called, the redemption price to be paid, the date fixed for redemption and the places where amounts due upon such redemption are payable. The Municipality shall cause such notice to be given by first class mail, postage prepaid, to the registered holder or holders of the Bonds to be redeemed, mailed to the address shown on the registration books, not less than thirty (30) days prior to such redemption date. All Bonds so called for redemption shall cease to bear interest on the redemption date, provided moneys for the redemption of said Bonds are on deposit at the office of the Bond Registrar at that time.

Section 6. The Bonds shall set forth the purposes for which they are issued and that they are issued pursuant to this Ordinance, and shall be executed by the Mayor and the City Auditor of the Municipality, in their official capacities, provided that any of those signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Bond, is signed by the Bond Registrar (as defined in Section 8 hereof) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Combined Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance.

Section 7. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the office of the Bond Registrar. Each Bond shall bear interest from the later of the date of the presentation and surrender of the Bonds at the office of the Bond Registrar or the most recent Interest Payment Date to which interest has been paid or duly provided. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Combined Bond is registered, at the close of business on the 1st day (unless such 1st day is a non-business day, in which case the record date will be the preceding business day) of the calendar month in which occurs that Interest Payment Date (the "Record Date"), on the

Bond Register (as defined in Section 8 hereof) at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Combined Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner, at his address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section 7, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The Trustees of the Sinking Fund of the City of Columbus are appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds. So long as any of the Bonds remain outstanding, the Municipality will cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 7 hereof, the person in whose name any Bonds shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person. Neither the Municipality nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the principal office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmaturing principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The Municipality and the Bond Registrar shall not be required to transfer or exchange any Bond for a period of fifteen days next preceding the date of its maturity.

In all cases in which Bonds are exchanged or transferred hereunder, the Municipality shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Municipality and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Municipality or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the Municipality, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. The Bonds, or any portion thereof, may be initially issued to a Depository for use in a book entry system (each as hereinafter defined), and the provisions of this Section shall apply notwithstanding any other provision of this

Ordinance: (i) the Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in any Bonds in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Municipality. Principal of and premium, if any, and interest on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (a) in the case of interest, on each Interest Payment Date, and (b) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City Auditor or the Director of Finance and Management, enter into an agreement with the beneficial owner or registered owner of a Bond in the custody of a Depository providing for making all payments to that owner of principal of and premium, if any, and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Combined Bond, upon any conditions which shall be satisfactory to the Bond Registrar and the Municipality. That payment in any event shall be made to the person who is the registered owner of the Combined Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar will furnish a copy of each of these agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the Municipality. Any payment of principal, premium or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

The City Auditor or the Director of Finance and Management of the Municipality is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the Municipality, a letter agreement among the Municipality, the Bond Registrar and The Depository Trust Company, as Depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the Municipality and the Bond Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under this Ordinance. If the Municipality and the Bond Registrar do not or are unable to do so, the Municipality and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver Bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the Municipality or the Bond Registrar, of those persons requesting such issuance.

For purposes of this Ordinance the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book entry and (ii) physical Bonds in fully registered form are issued only to a Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York, and its nominees.

Section 10. Certain terms of the Bonds shall be set forth in a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") signed by the Director of Finance and Management or the City Auditor, which Certificate of Fiscal Officer shall set forth and determine such terms and other matters pertaining to the Bonds, their issuance, sale or delivery, as are authorized and directed to be determined therein by this Ordinance. The Certificate of Fiscal Officer shall state the aggregate principal amount of the Bonds as well as the aggregate principal amount of the

Bonds to be issued, the dated date of the Bonds, the Purchase Price, the Specified Interest Rates, the Principal Retirement Dates, the Principal Retirement Schedule, Mandatory Redemption Dates, Mandatory Sinking Fund Requirements, Term Bonds, Term Maturity Dates, and the Earliest Optional Redemption Date (all as hereinafter defined), shall identify the Original Purchasers, shall identify the Verification Agent, and shall include such additional information as shall be required by the terms of this Bond Legislation and the Bond Purchase Agreement.

As used in this Section 10 and Section 5 hereof:

"Earliest Optional Redemption Date" means the date specified in the Certificate of Fiscal Officer as the earliest date on which the Bonds may be called for redemption at the option of the Municipality.

"Mandatory Redemption Dates" means the dates to be specified in the Certificate of Fiscal Officer in which such Bonds that are Term Bonds are to be redeemed pursuant to applicable Mandatory Sinking Fund Requirements.

"Mandatory Sinking Fund Requirements" means, as to the Bonds maturing on Term Maturity Dates, amounts sufficient to redeem such Bonds on each Mandatory Redemption Date, as are to be set forth in the Certificate of Fiscal Officer.

"Original Purchasers" means such investment banking firms or financial institutions as are identified in the Certificate of Fiscal Officer.

"Principal Retirement Dates" means the dates on which Bonds are to be retired in accordance with their stated terms, which dates are to be specified in the Certificate of Fiscal Officer, provided that the final maturity of the principal portion of the Bonds included in the Bonds shall not be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Principal Retirement Schedule" means the schedule for the retirement of the principal of the Bonds on the Principal Retirement Dates, in accordance with their stated terms, in the years of Principal Retirement Dates and in the amounts to be retired which shall be determined in the Certificate of Fiscal Officer.

"Purchase Price" means that amount which is to be determined in the Certificate of Fiscal Officer, but such amount is to be no less than 97% of the aggregate principal amount of the Bonds, together with accrued interest on such Bonds from their date to the date of their delivery and payment therefor.

"Specified Interest Rates" means the interest rate or rates at which the Bonds bear interest, which rates are to be determined in the Certificate of Fiscal Officer, provided the true interest cost of the Limited Tax Refunding Bonds shall not exceed five and one half per centum (5.50%) per annum.

"Term Bonds" means those Bonds, as are determined in the Certificate of Fiscal Officer, that are to mature on Term Maturity Dates, unless previously redeemed pursuant to Mandatory Sinking Fund Requirements.

"Term Maturity Dates" means the dates on which Bonds that are Term Bonds are to be retired in accordance with their stated terms, which date or dates are to be determined in the Certificate of Fiscal Officer, provided no such date shall be later than the year of the last maturity permitted by law for the Outstanding Bonds.

"Verification Agent" means the certified public accounting firm specified within the Certificate of Fiscal Officer that will deliver reports on the arithmetical accuracy of certain computations contained in schedules provided to them by the Original Purchasers on behalf of the Municipality relating to the Escrow Fund.

The Bonds shall be sold to the Original Purchasers in accordance with the terms of the Bond Purchase Agreement (the "Bond Purchase Agreement") between the Municipality and the Original Purchasers (or the entity serving as senior manager for the Bonds and acting as representative for the Original Purchasers, if applicable), at the Purchase Price, plus any accrued interest on the principal amount of the Bonds from the date of the Bonds to the date of delivery of and payment therefor. The Bond Purchase Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance and permitted by applicable law as shall be approved by the City Auditor

or the Director of Finance and Management and approved as to form by the City Attorney. The approval of such Bond Purchase Agreement shall be conclusively evidenced by the execution of the Bond Purchase Agreement by such officers. It is hereby determined that the Purchase Price and the Specified Interest Rates for the Bonds, the manner of sale and the terms of the Bonds, all as provided herein, in the Certificate of Fiscal Officer and in the Bond Purchase Agreement, will be in the best interests of the Municipality and consistent with all legal requirements.

The Director of Finance and Management, the City Auditor and the City Clerk are authorized and directed to make the necessary arrangements on behalf of the Municipality to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchasers. Those officers are further directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds under the terms of this Ordinance and the Bond Purchase Agreement.

The distribution of an Official Statement of the Municipality, in preliminary and final form, relating to the original issuance of the Bonds as described in the Bond Purchase Agreement is hereby authorized, and the Director of Finance and Management is hereby authorized and directed to negotiate, prepare and execute, on behalf of the Municipality and in his official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and he is authorized and directed to advise the Original Purchasers in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as he deems necessary or appropriate to protect the interests of the Municipality. The Director of Finance and Management, the City Auditor, the City Attorney and any other official of the Municipality are each authorized to execute and deliver, on behalf of the Municipality and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

The proceeds of the Bonds, including premium, if any, received from the sale of the Bonds, but excluding costs of issuance and any accrued interest, shall be credited to such funds and used for such purposes as shall be specified in the Certificate of Fiscal Officer.

The Municipality shall deposit with the Escrow Trustee, hereinafter identified, proceeds of the Bonds paid to the Municipality pursuant to the Bond Purchase Agreement in an amount sufficient to defease the Refunded Bonds, and such monies shall be applied in accordance with the terms of the Escrow Deposit Agreement, hereinafter identified. The balance of such proceeds, including any accrued interest received from such sale but excluding any proceeds designated to pay costs of issuance of the Bonds and any other refunding bonds issued at the same time as the bonds (which shall be deposited into a fund to be designated by the City Auditor for the payment of such costs of issuance), shall be deposited in the City Treasury and shall be credited to the proper Bond Retirement Fund to be applied to the payment of the principal and interest of general obligation bonds of the Municipality in the manner provided by law. Said proceeds are hereby appropriated for such purposes.

All moneys necessary to carry out the purpose of this Ordinance, including all principal of and interest on the Bonds, are hereby deemed appropriated.

This Council hereby declares that the Bonds are "obligations" within the meaning of Section 323.07(a)(7) of the Columbus City Codes. The Certificate of Fiscal Officer shall identify the annual financial information and operating data that will constitute the "annual information" for purposes of said Section 323.07.

Section 11. The Municipality hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The Municipality further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or (the "Regulations").

Break1

The City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Municipality with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor or the Director of Finance and Management, which action shall be in writing and signed by the City Auditor or the Director of Finance and Management, or any other officer, including the City Clerk, on behalf of the Municipality; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the Municipality, as may be appropriate to assure such exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Municipality, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Municipality pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Municipality regarding compliance by the Municipality with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the Municipality to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of Bond proceeds which may be invested at an unrestricted yield or requires the Municipality to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The City Auditor is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose.

Section 12. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the defeasance of the Refunded Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Refunded Bonds on their first optional redemption dates. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such banking association selected by the City Auditor to serve as Escrow Trustee (the "Escrow Trustee"), pursuant to which the Escrow Trustee shall: (i) maintain a trust fund for the proceeds of the Limited Tax Refunding Bonds deposited with the Escrow Trustee for the defeasance of the Refunded Bonds, in accordance with the terms of the Escrow Deposit Agreement; and (ii) be appointed and serve as the co-paying agent for the Refunded Bonds. The Escrow Deposit Agreement shall be in such form and shall contain such terms, covenants and conditions not inconsistent with this Ordinance as shall be approved by the officer executing the same and as shall be approved as to form by the City Attorney. The approval of the Escrow Deposit Agreement shall be conclusively evidenced by the execution thereof by those officials.

Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the Municipality have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the Municipality are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. The Director of Finance and Management and the City Auditor and each of them, acting alone, are hereby authorized and directed, for and in the name of the Municipality and on its behalf, to give, or cause to be given, such notices as may be required in order to effect the refunding of the Outstanding Bonds, including, but not limited to, giving such notices of redemption as may be necessary to redeem the Outstanding Bonds on their first optional redemption dates.

Section 15. To the extent that this Ordinance is inconsistent with previously adopted ordinances of this Council authorizing the issuance of the Bonds, those prior ordinances are hereby amended by this Ordinance.

Section 16. 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 17. The City Clerk is hereby directed to forward certified copies of this Ordinance to the County Auditors of Franklin, Fairfield and Delaware Counties, Ohio.

Section 18. In accordance with Section 55(b) of the Charter of the City of Columbus, Ohio, this Ordinance shall take effect and be in force from and immediately after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.

City RFPs, RFQs, and Bids

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

CITY OF COLUMBUS FORMAL BID OPPORTUNITIES ARE UPDATED DAILY AT:

<http://vendorservices.columbus.gov/e-proc/venSolicitationsAll.asp?link=Open+Solicitations&cboType=B>

Each proposal shall contain the full name and address of every person, firm or corporation interested in the same, and if corporation, the name and address of the President and Secretary.

EQUAL OPPORTUNITY CLAUSE: Each responsive bidder shall submit, with its bid, a contract compliance certification number or a completed application for certification. Compliance with the provisions of Article I, Title 39, is a condition of the contract. Failure to comply with this Article may result in cancellation of the contract.

WITHHOLDING OF INCOME TAX: All bidders are advised that in order for a contract to bind the City, each contract must contain the provisions found in Section 361.35 C.C.C. with regard to income taxes due or payable to the City of Columbus for wages, salaries and commissions paid to the contractor's employees as well as requiring those contractors to ensure that subcontractors withhold in a like manner.

LOCAL CREDIT: For all contracts EXCEPT PROFESSIONAL SERVICE CONTRACTS: In determining the lowest bid for purpose of awarding a contract not exceeding \$20,000.00, a local bidder shall receive a credit equal to five percent (5%) of the lowest bid submitted by a non-local bidder. In determining the lowest bid for purposes of awarding a contract in excess of \$20,000.00, a local bidder shall receive a credit equal to one percent (1%) or \$10,000.00, whichever is less, of the lowest bid submitted by a non-local bidder. A local bidder is a person, corporation or business which (a) has listed its principal place of business as being located within the corporation limits of the City of Columbus or the County of Franklin in official documents filed with Secretary of State, State of Ohio, or a valid vendor's license which indicates its place of business is located within the corporation limits of the City of Columbus or County of Franklin.

FOR COPIES OF ANY OF THE FOLLOWING BID PROPOSALS CALL THE LISTED DIVISION

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

BID OPENING DATE - November 10, 2010 3:00 pm

SA003732 - CIP 610738 Olentangy Blvd & Amazon Place

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE: The City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage is receiving proposals for CIP 610738 Olentangy Blvd. & Amazon Place Stormwater Improvements. Sealed Bids will be received by the Director of Public Utilities of the City of Columbus, Ohio, at its office, 910 Dublin Road, Room 4002, until 3:00 p.m. Local Time on Wednesday, November 10, 2010. They will be publicly opened and read thereafter in the basement Auditorium.

The work for which proposals are invited consists of constructing approximately 2,500 LF of 12-inch to 24-inch storm sewer, including approximately 45 catch basins and manholes & and such other work as may be necessary to complete the contract in accordance with the plans (CC-14935) and specifications. All work shall be completed within 180 days.

CLASSIFICATION: Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (one hundred percent) performance and payment bond are required for this bid. The Contract Documents in paper format (with Plans and Prevailing Wages Packet on CD (Compact Disc)), are on file at the Division of Sewerage and Drainage, Sewer System Engineering Section, Room No. 1021A, 1250 Fairwood Avenue, Columbus, Ohio 43206-3372. The first set is available to prospective bidders at no cost with the second and subsequent sets available at a cost of \$25.00 per set on a no-refund basis. No partial units will be released.

QUESTIONS: All questions regarding this project should be presented by email submittal as soon as possible but no later than the close of business on November 4, 2010 to Jeremy Cawley, P.E. jkcawley@columbus.gov. Answers to questions will be given via addenda, if required, on or before November 5, 2010.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 23, 2010

SA003747 - CSO Sluice Gate Project

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE: The City of Columbus Department of Public Utilities, Division of Sewerage and Drainage is receiving proposals for CSO REGULATOR SLUICE GATE MODIFICATIONS.

Sealed Bids will be received by the Director of Public Utilities of the City of Columbus, Ohio, at its office, 910 Dublin Road, Room 4002, until 3:00 p.m. Local Time on Wednesday, November 10, 2010. They will be publicly opened and read thereafter in the basement Auditorium.

The work for which proposals are invited consists of various elements involved in the modification of fifteen (15) existing combined sewer overflows located in various regulator structures in the Ohio State University Campus and Downtown Columbus area, modification of one (1) Designed Sanitary Relief structure and a manhole raising at the Whittier Street Storm Standby Tanks. Work includes installation of two (2) back flow prevention valves into sanitary manholes, flow control using bypass pumping, regulator chamber power cleaning, abandonment of regulator electrical and water service, demolition of reinforced concrete, new reinforced concrete work, enlargement of orifice area at four (4) regulators, removal of sluice gate guides, frames, disc and operator, removal of cast iron grates and frames, installation of new stainless steel frames and grates, rehabilitation of stop log storage areas, guides and logs, installation of SCADA instrumentation and control system, power and communication conduit, depth sensor, installation of prefabricated stainless steel angles, channels and wooden stop logs; and all other such work that may be necessary to complete the contract in accordance with the plans (CC-15689) and specifications.

All work shall be completed within 365 days from date of the Notice to Proceed

CLASSIFICATIONS: Access to sites shall be conducted via Pre-Bid Site Meeting to be held on October 26 and October 27, with all parties arriving on location at the Hudson Street Regulator at 8:30 am on October 26. Due to site field conditions the City requests attendance be limited to two employees of each bidder. There is also a Pre-Bid Conference at 2:00 PM on November 1, at Sewer Maintenance Operation Center, Room 0031A, 1250 Fairwood Avenue, Columbus, OH 43206. A 10% (ten percent) proposal bond and a 100% (One hundred percent) performance bond are required for this bid.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 20, 2010

SA003752 - CHATTERTON ROAD WATER MAIN IMP

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SCOPE: The City of Columbus, Department of Public Utilities, Division of Power and Water is receiving proposals for the Chatterton Road Water Main Improvements. The work for which proposals are invited consists of the constructing approximately 8,000 linear feet of 24-inch water main, 2,500 linear feet of 30-inch water main, and other such work as may be necessary to complete the contract in accordance with the plans (C-1105) and specifications. All work shall be completed within 270 days from date of the Notice to Proceed.

CLASSIFICATIONS: There is a Pre-Bid Conference for this bid. The pre-bid meeting will be held on November 3, 2010, at 10:00 AM, at 910 Dublin Road, 1st Floor Auditorium, Columbus, Ohio 43215. Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (One hundred percent) performance and payment bond are required for this bid. Plans are available to prospective bidders after October 24, 2010. The Bid Date for the project is November 10, 2010.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 20, 2010

BID OPENING DATE - November 11, 2010 11:00 am

SA003754 - Temporary Document Scanning Clerks

1.1 Scope: It is the intent of the City of Columbus, Income Tax Division to obtain formal bids to establish a contract for temporary staffing services for, but not limited to, preparing documents to be scanned, and the scanning of documents on a high speed scanner.

1.2 Classification: The successful vendor will be responsible for providing temporary staffing of 1 -5 temporary workers to work Monday through Friday, 8 am until 5 pm for the entire 2011 year, or until the maximum obligation of \$80,000 is met.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 30, 2010

SA003757 - VARIOUS MEDICAL SUPPLIES UTC

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: This bid proposal is to provide the City of Columbus, Public Health Department with a "Catalog" offer to purchase various medical supplies on an as needed basis. Items will be delivered to various City of Columbus agencies. The bidder shall submit their standard catalog and price lists. The proposed contract will be in effect through December 31, 2013. The City estimates spending fifty thousand dollars annually for this contract.

1.2 Classification: Bidders are to submit price lists for their medical supplies. Price lists may be in the form of spreadsheet, catalogs, CD, website etc. so long as the information reflects description, item number and price. Bidders may provide different percentage discounts provided that bidders clearly list all brands and corresponding list price discount in their bid response. To evaluate the bid for award, a market basket listing of items anticipated to be purchased in highest volume is supplied. The City will use the price listed on the price list and/or catalog and apply any discount offered to obtain a net result and add the net results to determine the low bidder.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 28, 2010

SA003759 - CITY HALL VIDEO CAMERA REPLACEMENT

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Scope: The City of Columbus, Division of Facilities Management is seeking proposals for the purchase and installation of video camera replacements throughout City Hall. This specification describes the purchase and installation of fifty six (56) video cameras and additional hardware and software required for a complete replacement of the existing City Hall video security system. The City anticipates this project will begin before December 15, 2010 and be completed before February 28, 2011.

Classification: The successful responsible Video Camera Replacement Contractor will provide all materials, equipment and services required to meet the specification requirements herein. Unless otherwise necessary, it is the City's intent to purchase the City Hall video camera replacement system from a single contractor.

Bidder experience: The Video Camera Replacement Bidder must submit an outline of its experience and work history in installation of video camera equipment and services for the past five years.

Technical Certifications: Video Camera Replacement Contractor will provide certified technician(s) who is an authorized service representative of the proposed equipment must be on the project site and shall have the requisite training and authorization from proposed equipment manufacturer(s) to install and program the solution specified at the time of installation.

Specification Questions: Questions regarding this bid must be sent by in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on November 3, 2010. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on November 4, 2010.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 29, 2010

SA003762 - NEC COMMUNICATIONS EQUIPMENT

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

Scope: The City of Columbus, Division of Support Services is seeking bids for the immediate purchase and installation of NEC SV8300 telephone communications equipment and NEC 2400 IPX P2P software licenses. This equipment and software will be installed at two sites at two different locations (a total of four sites) as part the Public Safety Telephone Network. The two sites at each location will be connected via an IP network and Cisco equipment.

Classification: Successful responsible Contractor will provide all materials, equipment and services required to meet the specification requirements listed herein. There will be one quote per location for the NEC parts and installation, and one per location for Cisco parts and installation. Bidders must be Cisco and NEC certified. Vendor must be certified in NEC 2400 IPX and SV8300. Proof of certification must be provided.

Bidder experience: The Offeror must submit an outline of its experience and work history in installation of telephone equipment and services for the past five years.

Specification Questions: Questions regarding this bid must be sent by in writing via email to vendorservices@columbus.gov no later than 11:00 a.m. (local time) on November 3, 2010. Responses will be posted as an addendum to this bid on the City's website (vendorservices.columbus.gov) no later than 11:00 a.m. (local time) on November 4, 2010.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 30, 2010

SA003764 - PUBLIC SERVICE/SNOW PLOWS/SALT SPREADERS

1.1 Scope: It is the intent of the City of Columbus, Public Service Department to obtain formal bids to establish a contract for the purchase and installation of Pick-up Truck Mounted Snow Plows and Salt Spreaders for use in the Street Maintenance Operations Section of the Division of Planning and Operations. The installation will be on four (4) new Ford F-350's provided by the City of Columbus.

1.2 Classification: The contract resulting from this bid proposal will provide for the purchase, installation, delivery, and warranty service of new and unused Pick-up Truck Mounted Snow Plows and Salt Spreaders. The installation will be on four (4) new Ford F-350's provided by The City of Columbus. The successful bidder assumes the responsibility for the pick-up and delivery of completed units, including, but not limited to, transportation and insurance for completed units while in transport and until accepted by the City of Columbus.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: November 04, 2010

<p>THE CITY BULLETIN BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS</p>
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SA003766 - Demolition and Asbestos Remediation

DEMOLITION AND ASBESTOS REMEDIATION CONTRACTORS.

The City of Columbus, Department of Development, Land Redevelopment Office (Columbus Land Bank) is inviting the submission of proposals for qualified professionals to establish contract(s) through the Neighborhood Stabilization Program 2 (NSP 2) for all labor, materials, and equipment necessary to complete asbestos removal, demolition and site clearing services at various properties within the City of Columbus. The proposed contract shall be in effect for the Neighborhood Stabilization Program 2 Expenditure Period, the Expenditure Deadline is February 11, 2013.

I. INTRODUCTION

The City of Columbus receives funds from the U.S. Department of Housing and Urban Development (HUD) under the Neighborhood Stabilization Program 2 (NSP2) to demolish blighted residential structures. In January, 2010 a Consortium lead by the City of Columbus was selected to receive \$23,200,773 to stabilize and redevelop Columbus and Franklin County neighborhoods. A copy of the Consortium's NSP 2 Application is available for review on the City's website:

(http://finance.columbus.gov/uploadedFiles/Finance_and_Management/Financial_Management_Division/Grants_Management/Columbus%20NSP2%20Application.pdf). The NSP 2 Application identifies areas where the City will seek to acquire foreclosed-upon properties and establishes the Columbus Land Bank as an entity that will demolish blighted properties as a part of redevelopment efforts. In January, 2010, the City executed a Grant Agreement which established a deadline to expend all funds by February 11, 2013. The purpose of this RFP is to contract with firms to abate asbestos and demolish structures for eventual redevelopment. The City published a separate bid request for asbestos testing services.

II. PURPOSE

With an anticipated inventory of 100 residential structures to demolish, the Columbus Land Bank seeks proposals from qualified professional service companies to demolish structures, abate asbestos, file all required notices, permits (including payment of all fees charged by regulatory agencies), clear and leave site in a development ready condition. The City has designated funds for demolition services not to exceed \$1,000,000 and may elect to select multiple proposals. The sites will be held in the Land Bank for an undetermined amount of time until each site is sold for redevelopment.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov> <<http://vendorservices.columbus.gov/>>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: November 04, 2010

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003725 - UIRF Holtzman/Main

1.1 Scope: The City of Columbus, Department of Public Service, is receiving proposals until 3:00 P.M., October 21, 2010, for UIRF - HOLTZMAN/MAIN CIP NOS.. 440005-100009 and 610795, 2393 Drawer E. Proposals are being received at the Department of Public Service, Office of Support Services, 109 N. Front St., Ground Floor, Security Desk, Columbus, OH, 43215. The purpose of the project is to construct a new storm sewer system from Nelson Road along Rich Street and connecting alleys east to Alum Creek. Rich Street and a portion of Holtzman Avenue will be resurfaced and the three connecting alleys will be reconstructed, and such other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents. The Bid Submittal Documents are defined in the City of Columbus Construction and Material Specifications, 2002, as the bound manual which includes the advertisement for bids, special provisions, the proposal forms, proposed guaranty, contract forms, supplemental specifications, standard drawings (if included), and other notices. The work under this contract shall be completed in a manner acceptable to the City by June 24, 2011.

1.2 Classification: Prevailing wage rates apply. The bidder is required to submit a proposal bond in the form provided in the Bid Submittal documents. The amount of the guaranty shall be expressed in dollars and cents or as a percentage of the bid amount, and shall not be less than ten (10) percent of the bid, including all alternates submitted which increases the bid. Each offeror shall submit with its bond an active City of Columbus Contract Compliance Certification Number, or a completed application for certification. Half sized plans can be purchased at 109 N. Front St, Room 301 for \$14.00 and full sized plans can be purchased for \$18.00. A pre-bid meeting will be held at 1:00 p.m. on October 12, 2010 at 1800 E. 17th Ave. All questions concerning the project are to be sent to capitalprojects@columbus.gov. The last day to submit questions is October 14, 2010 at 10:00 am. Responses will be posted on the Vendor Services web site as an addendum and an e-mail will be sent to each firm who purchased plans. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the ?open solicitations? listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: October 20, 2010

BID OPENING DATE - November 12, 2010 5:00 pm

THE CITY BULLETIN
BIDS WANTED - PURCHASING OFFICE AND OTHER DIVISIONS

SA003729 - CIP 650741 Scioto River Basin Stage Pred

SCOPE: The City of Columbus, Ohio is soliciting proposals for CIP 650741 Scioto River Basin Stage Prediction Augmentation pursuant to Columbus City Code 329.14. Proposals will be received at the Division of Sewerage and Drainage, 1250 Fairwood Avenue, Room 1021, Columbus, Ohio, 43206 until close of business on Friday, November 12, 2010.

The Division of Sewerage and Drainage is seeking experienced professional consulting/engineering firms to assist in investigating and augmenting the City's current practices in predicting Scioto River basin water surface elevations in accord with agreements made with the United States Army Corps of Engineers under the West Columbus Local Protection Project (WCLPP the Franklinton Floodwall).

The City currently uses water surface predictions by the US National Weather Service to initiate and maintain certain elements of the WCLPP during high River events. The City wishes to investigate the process and applicability of its current methods and affect an augmentation to increase confidence level of the accuracy of the data and the process by which it is applied.

This project will investigate all aspects to the City's current methods and procedures on the prediction of water surface elevations in the Basin, particularly to aid in the operations during flood events. This includes evaluating all aspects of acquisition, accuracy and precision of current hydraulic and rainfall data collected; investigating how this data is applied to water surface predictions; proposing economical methods for augmenting these predictions (like augmenting NWS's models or constructing a completely new model); implementing solutions chosen by the City; and publishing the augmented model results in an easily-accessed, secure environment. Deliverables include, but are not limited to a Rainfall and River Stage Prediction Evaluation describing data process and accuracy evaluations and recommendations; a Current River Stage Prediction Process Evaluation describing existing water surface model methods and accuracy with recommendations on possible augmentation; a Current Industry Methods and Products Evaluation describing new Model augmentation or development features with recommendations; and the implementation of these accepted augmentations, data hardware and software, NWS or new models; and web-publishing expertise to publish to the World Wide Web. The Consultant shall be responsible for all work necessary to generate these and all other deliverables and associated progress and ancillary reports.

PRE-QUALIFICATIONS: Because of the specialized nature of this project, a brief set of pre-qualifying statements are required in the Proposal transmittal before the City will consider any submitted proposal. Interested parties shall refer to the Instructions to Bidders in the Request for Proposal package for specific requirements.

CLASSIFICATIONS: The information package for this RFP will be available for pick-up beginning Monday, October 4, 2010 at 1250 Fairwood Avenue, Room 1021, Columbus, Ohio 43206. There is no charge for the information packages.

QUESTIONS: All questions regarding this RFP should be presented by email submittal as soon as possible but no later than the close of business on Friday, October 29, 2010 to C. Timothy Fallara, P.E.

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ctfallara@columbus.gov. Answers to RFP questions will be given and addendums will be issued by Friday, November 5, 2010.

For additional information concerning this request, including procedures for obtaining a copy of the of the RFP, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 23, 2010

SA003750 - Construction Adm Services 2011-2013

SCOPE: The City of Columbus, Ohio is soliciting proposals for Construction Administration Services 2011-2013 for the Division of Sewerage and Drainage and for the Division of Power and Water pursuant to Columbus City Code 329.14.

Proposals will be received at the Division of Sewerage and Drainage, 1250 Fairwood Avenue, Room 1021, Columbus, Ohio 43206 until close of business on Friday, November 12, 2010. Both Divisions have identified several Capital Improvement Projects that require new construction, reconstruction or rehabilitation utilizing various techniques for which construction administration/inspection services is being sought.

The Construction Project Engineer/Construction Administrator(s) for this contract shall meet one or both of the following: 1) Minimum of 5 years experience overseeing construction of water mains, sewers, AND trenchless rehabilitation of sewers, they shall have performed these duties as a full-time position for the last 3 years; 2) Minimum of 5 years experience overseeing construction of sewers, water mains, AND water tanks and booster stations, they shall have performed these duties as a full-time position for the last 3 years.

The firm/team shall have at least 2 inspectors with a minimum of 3-years experience inspecting trenchless rehabilitation of sewers, are NASSCO PACP and ITCP-CIPP Certified, and have ?Confined Space Entry Training? as required by CFR 1910.146. The firm/team shall have field or lab personnel that are ACI Level 1 and ODOT Asphalt Level 2 certified. The lab shall be AAP accredited with A2LA accreditation or equivalent for plastics testing.

CLASSIFICATIONS: ALL OFFERORS ARE REQUIRED TO OBTAIN A COPY OF THE INFORMATION PACKAGE, which is available for pick-up at the Division of Sewerage and Drainage, Sewer System Engineering Section, Room No. 1021, 1250 Fairwood Avenue, Columbus, Ohio 43206-3372.

For additional information concerning this request, including procedures for obtaining a copy of the of the RFP, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 19, 2010

BID OPENING DATE - November 18, 2010 11:00 am

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SA003755 - FOLDING TABLES, CHAIRS AND CARTS - UTC

1.1 Scope: It is the intent of the City of Columbus, Recreation and Parks Dept. to obtain formal bids to establish a Universal Term Contract for the purchase of folding tables, chairs, and carts for use at various City locations through March 31, 2013.

1.2 Classification: Bidders shall submit pricing for folding tables, chairs and carts in accordance with the current Manufacturer's list price, less the discounts offered. The contract(s) resulting from this bid proposal will provide for the option to purchase including delivery of folding tables, chairs, and carts to various City locations.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: November 03, 2010

SA003758 - REFUS/UTC 8 cy Front Loader Refuse Cntrs

1.0 SCOPE AND CLASSIFICATION

1.1 Scope: The City of Columbus, Division of Refuse Collection, is obtaining bids to establish an option contract(s) for the purchase of Eight (8) Cubic Yard Front Loader Refuse Containers and replacement parts. The City estimates an annual purchase of between one (1) and twenty (20) of these refuse containers. All refuse containers will be serviced by front loader collection vehicles throughout the City, by City personnel and/or agents of the City, for utilization in residential collections and by City Agencies. The term of the proposed contract will be for a period of two (2) years, with an option to renew for one (1) additional year.

1.2 Classification: The contract(s) resulting from this proposal will provide for the option to purchase eight (8) cubic yard front loader refuse containers and replacement parts as specified. The containers must be available locally for inspection by City personnel and bids must include documentation, as described herein, of successful operation of the proposed container. Bidders must also provide the Make and Model of any front-loader collection vehicle or equipment that is not compatible with proposed container. Bids shall include literature, drawings, photos, specifications and installation/assembly instructions.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.
ORIGINAL PUBLISHING DATE: October 28, 2010

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SA003760 - BRIDGE REHABILITATION - MAJOR BRIDGE REH

1.1 Scope: The City of Columbus, Department of Public Service, is receiving proposals until 3:00 P.M., November 18, 2010, for BRIDGE REHABILITATION ? MAJOR BRIDGE REHABILITATION, CIP NO. 530301-100015 1669 Drawer A and 1670 Drawer A. Proposals are being received at the Department of Public Service, Office of Support Services, 109 N. Front St., Ground Floor, Security Desk, Columbus, OH, 43215. The purpose of the project is the rehabilitation of the Calumet Street Bridge over Glen Echo ravine and the Fisher Road bridge over the CSX and Norfolk Southern railroad. The Calumet Street Bridge rehabilitation includes asphalt overlay and resurfacing, patching of superstructure and substructure, fiber reinforced polymer wrapping, concrete sealing, and repair of channel protection. The Fisher Road bridge rehabilitation consists of minor superstructure rehabilitation of the existing bridge, including removing and replacing the vandal protection fence, and removing and replacing the existing concrete parapets, and such other work as may be necessary to complete the contract in accordance with the plans and specifications set forth in the Bid Submittal Documents. The Bid Submittal Documents are defined in the City of Columbus Construction and Material Specifications, 2002, as ?the bound manual which includes the advertisement for bids, special provisions, the proposal forms, proposed guaranty, contract forms, supplemental specifications, standard drawings (if included), and other notices.? The work under this contract shall be completed in a manner acceptable to the City by July 29, 2011.

1.2 Classification: Prevailing wage rates apply. The bidder is required to submit a proposal bond in the form provided in the Bid Submittal documents. The amount of the guaranty shall be expressed in dollars and cents or as a percentage of the bid amount, and shall not be less than ten (10) percent of the bid, including all alternates submitted which increases the bid. Each offeror shall submit with its bond an active City of Columbus Contract Compliance Certification Number, or a completed application for certification. Plans can be purchased at 109 N. Front St, Room 301 for \$15.00 for a half-size set. A pre-bid meeting will be held at 10:00 a.m. on November 9, 2010 at 1800 E. 17th Ave. All questions concerning the project are to be sent to capitalprojects@columbus.gov. The last day to submit questions is November 11, 2010 at 10:00 am. Responses will be posted on the Vendor Services web site as an addendum and an e-mail will be sent to each firm who purchased plans. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the ?open solicitations? listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: October 29, 2010

BID OPENING DATE - November 22, 2010 4:00 pm

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SA003753 - HIV Prevention Services 2011-2012

1.1 Scope: It is the intent of the City of Columbus, Department of Health, to obtain formal bids to establish community-based contracts for the purchase of an array of CDC-defined Effective Behavioral Interventions for eligible persons infected with or at risk for acquiring HIV/AIDS for implementation from January 1, 2011 to December 31, 2012.

1.2 Classification: ***** (3 PARTS) *****

#1 - Very briefly describe the structure in which you are receiving bids (describe proposal page):

The City of Columbus - Columbus Public Health is announcing the availability of funds for a two (2) year competitive grant award from the Centers for Disease Control (CDC) through the Ohio Department of Health (ODH) which is awarded to Columbus, Ohio to serve Franklin County. These funds are available to eligible grant applicants that are located in and providing services to people infected with or at risk for acquiring HIV/AIDS living in the Central Ohio. The FY 2011/12 award is for \$220,000.00. The grant cycle is 1/1/2011-12/31/12, based upon the confirmed availability of federal funds, satisfactory program performance, measurable outcomes and documented continued community need. Columbus Public Health intends to make these funds available on a competitive basis. Columbus Public Health determines the final award totals of all submitted applications, based upon current, documented community need priorities.

To respond to the "Request for Proposals for the 2011/12 Federal HIV Prevention Grant Funds" agencies can access the complete Request for Proposals via Vendor Services for the City of Columbus Public Health Department.

<http://vendorservices.columbus.gov> Hard copies of the RFP can be picked-up at: Columbus Public Health, 240 Parsons Avenue, 2nd floor / Room 211, Columbus, Ohio 43215 or send an e-mail to mailto:

lindal@columbus.gov to request an electronic copy or a postal service mailed copy. Completed proposals can not be submitted online. Deliver hard copy proposals to:

Attention: Linda Laroche
Columbus Public Health Information Desk, 1st floor lobby
240 Parsons Avenue
Columbus Ohio 43215
No later than 4pm Monday, November 22, 2010

There are two (2) steps to applying for these funds; completion of the Vendor Services City of Columbus Administrative forms and the actual HIV Prevention RFP. Applicants must do both - Apply via Vendor Services for the City of Columbus and submit a hard copy proposal. For additional information or to obtain Technical Assistance, please contact: Linda Laroche, HIV Prevention Coordinator, Columbus Public Health at 614-645-6445 or lindal@columbus.gov

#2 - List any vendor requirements to be able to bid (local place of business required, ability to service

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warranty, etc.).

Eligible grant applicants include:

- ? Private, nonprofit organizations incorporated with the Ohio Secretary of State and granted 501 C (3) status by the Internal Revenue Service, including existent
- ? Project Sponsors utilizing 2010 HIV Prevention Program funds;
- ? Units of local government;
- ? Agencies must have a City of Columbus Contract Compliance Number, register with Vendor Services to obtain a number and the agency must be ?Contract Compliance in Status Active.?

#3 - Add separate paragraphs if prebid exists, prevailing wage, bid bond, etc.

N/A

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 22, 2010

BID OPENING DATE - November 30, 2010 10:00 am

SA003761 - FMD-RENOV/INSTALLATION OF FLR COVERINGS

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INVITATION TO BID

RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT

Sealed bids will be received by the Department of Finance and Management, Division of Facilities Management of the City of Columbus, at their office, located at 640 Nationwide Blvd., Columbus, Ohio 43215 until 10:00 a.m. local time, and publicly opened and read at the hour and place on, NOVEMBER 30, 2010 for RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT. The work for which bids are invited consist of renovation and preparation of floor surfaces and installation of various flooring materials at various city locations. This is a prevailing wage project.. All questions and concerns pertaining to the specifications shall be directed in writing to Facilities Management Division, Designee, 640 Nationwide Blvd., Columbus, Ohio 43215. In order to receive consideration, questions must be received at least eight (8) days prior to the date fixed for the opening of bids. Any interpretations of questions so raised, which in the opinion of the City or its representatives require interpretations, will be issued by Addenda mailed, faxed or delivered to holders of record no later than NOVEMBER 18, 2010, 12:00 p.m. All questions must be emailed no later then NOVEMBER 15, 2010 12:00 p.m. to jjchappelear@columbus.gov. The City or its representative will not be bound by any oral interpretations which are not reduced in writing and included in the addenda. The budget estimate for this project is \$30,000.00

A pre-bid meeting will be held NOVEMBER 09, 2010 AT 10:00 A.M., at 640 Nationwide Blvd., Second Floor Conference Room, Columbus, Ohio 43215.

Copies of the contract documents available for download on <http://vendorservices.columbus.gov> also can be requested by email jjchappelear@columbus.gov.

Proposals must be submitted on the proper forms contained in the Bid Documents and the Bid Documents containing the Proposals must be submitted IN THEIR ENTIRETY in a sealed envelopment marked: Bid for: RENOVATION AND INSTALLATION OF FLOOR COVERINGS FOR VARIOUS CITY FACILITIES UNDER THE PURVIEW OF FACILITIES MANAGEMENT.

FAILURE TO RETURN THE BID PACKET AND REQUIRED INFORMATION MAY RESULT IN REJECTION OF THE PROPOSAL.

ORIGINAL PUBLISHING DATE: October 29, 2010

BID OPENING DATE - December 1, 2010 1:00 pm

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SA003763 - Bikeway Dev. - Professional Services

1.1 Overview: The City of Columbus, Public Service Department is receiving proposals until 1:00 P.M. December 1, 2010, for professional engineering consulting services for the Bikeway Development - Professional Services (Bikeway Plan PE Services) CIP No. 540002-100000 Preliminary Engineering project. Proposals are being received by Department of Public Service, Office of Support Services, 109 N. Front St., Room 301, Columbus, OH 43215. The City of Columbus has developed a Bicentennial Bikeways Plan (BBP) which was adopted by City Council on June 2, 2008. The BBP consists of over 200 projects, with over 540 miles of new bicycle facilities located throughout the City. Of these, approximately 170 miles are shared-use path and the remaining 370 miles are on-street facilities. In addition, the BBP identifies 25 spot improvements including intersections and railroad crossings. Details of the projects may be found in Appendix H of the Columbus Bicentennial Bikeway Plan. The Division of Mobility Options is responsible for the management and implementation of these improvement projects. It is the responsibility of the Consultant to produce a preliminary engineering report which analyzes the bikeway projects included in the BBP as well as additional projects identified by the Division. The report shall include such items as, conceptual designs, preliminary alignments, traffic analyses, preliminary cost estimates, preliminary environmental analyses, as well as determinations of feasibility and constructability. The preliminary engineering report shall serve as the source document for future detailed design efforts. In order to successfully link a planning level project to a feasible and affordable design, the Consultant shall become familiar with the intent and methodology behind the BBP projects.

1.2 Scope: The scope of the project is to provide the City of Columbus, Division of Mobility Options, additional resources to determine capital improvement priorities by the production of a preliminary engineering report including preliminary engineering analysis, traffic engineering analysis, conceptual designs, preliminary alignments, traffic and parking analyses, preliminary cost estimates, preliminary environmental analysis, as well as determinations of project feasibility and constructability.

Existing mapping will be provided in digital form by the City. Mapping will include GIS mapping showing the BBP projects, and Digital Orthos for use in depicting preliminary alignment and conclusions. Detailed topographic and boundary survey will not be required.

The projects range from small to large sized bikeway projects such as shared use paths, bike lanes, and shared routes. The selected Consultant shall be readily available to perform such tasks when requested by the City. The ability to complete the source document in a reasonable timeframe will be a critical point in the evaluation process. The Consultant shall be expected to analyze multiple projects concurrently. The prospective Consultant should refer to this description when preparing their proposal for understanding, schedule, and tasks defined.

A listing of the specifications and deliverables are available in the attached document. Click `continue? on the first web page of the solicitation and click on the bid packet.

1.3 Classification: Interested firms may request a copy of the RFP via e-mail from capitalprojects@columbus.gov, Subject: Request RFP for Bikeway Development - Professional Services

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(Bikeway Plan PE Services) CIP No. 540002-100000 Preliminary Engineering project. Firms wishing to submit a proposal must meet the mandatory requirements stated in the RFP. Each offeror shall submit with its proposal an active City of Columbus Contract Compliance Certification Number, or a completed application for certification. A pre-proposal meeting will be held at 11:00 a.m. on November 11, 2010 at 1881 E. 25th Avenue. All questions concerning the RFP are to be sent to capitalprojects@columbus.gov. The last day to submit questions is November 18, 2010. Responses will be posted on the Vendor Services web site as an addendum and an e-mail will be sent to each firm requesting a RFP. Phone calls will not be accepted.

For additional information concerning this bid go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov/e-proc/>) and view this solicitation number in the "open solicitations" listing.

Additional information:

It is highly recommended that proposals are hand delivered and not mailed as US Mail is not delivered directly to this building.

ORIGINAL PUBLISHING DATE: November 02, 2010

SA003756 - CIP 610761 & CIP 690236 Safford/Union Ar

SCOPE: The City of Columbus, Department of Public Utilities, Division of Sewerage and Drainage is receiving proposals for CIP 610761 Safford/Union Area Stormwater System Improvements & CIP 690236 Safford/Union Area Water Line Improvements. Sealed proposals will be received by the Director of Public Utilities of the City of Columbus, Ohio at the office of the Director of Public Utilities, 910 Dublin Road, Room 4002, until 3:00 p.m., Local Time, on Wednesday, December 1, 2010, and publicly opened and read in the basement Auditorium.

The work for which proposals are invited consists of constructing approximately 5,700 LF of 12- to 42-inch sewer, 4,460 LF of 6- and 8-inch water line, and such other work as may be necessary to complete the contract in accordance with the plans and specifications. All work shall be completed within 270 days.

CLASSIFICATION: Prevailing wage rates apply. A 10% (ten percent) proposal guaranty (proposal bond or certified check) and a 100% (one hundred percent) performance and payment bond are required for this bid. The Contract Documents, bid book in paper format and plans as TIFF images on CD (Compact Disc), are available at the Division of Sewerage and Drainage, Sewer System Engineering Section, Room No. 1021A, 1250 Fairwood Avenue, Columbus, Ohio 43206-3372. The first set is available to prospective bidders at no cost with the second and subsequent sets available at a cost of \$25.00 per set on a no-refund basis. No partial units will be released. Paper copy of the Construction Plans is not available.

For additional information concerning this bid, including procedures for obtaining a copy of the bid document(s) and how to submit a proposal, you must go to the City of Columbus Vendor Services web page (<http://vendorservices.columbus.gov>) and view this bid number in the open solicitations listing.

ORIGINAL PUBLISHING DATE: October 26, 2010

Public Notices

The link to the **Columbus City Health Code** pdf shall constitute publication in the City Bulletin of changes to the Columbus City Health Department's Health Code. To go to the Columbus City Health Code, click [here](#) (pdf).

The Columbus City Code's "**Title 7 -- Health Code**" is separate from the Columbus City Health Code. Changes to "Title 7 -- Health Code" are published in the City Bulletin. To go to the Columbus City Code's "Title 7 -- Health Code," click [here](#) (html).

**City of Columbus
City Bulletin Report**

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

Legislation Number: PN0006-2010

Drafting Date: 12/18/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: 2010 Recreation and Parks Committee/Development Committee Meeting Notice

Contact Name: Carl Williams

Contact Telephone Number: (614) 645-2932

Contact Email Address: CGWilliams@columbus.gov

Body

Council Member Priscilla R. Tyson will host a Recreation and Parks Committee / Development Committee Meeting on the dates listed below. Unless otherwise noted, the meetings will begin at 5:30 P.M. in City Council Chambers, located on the second floor of City Hall, 90 West Broad Street, Columbus, Ohio.

A valid picture ID is needed to enter City Hall.

Persons wishing to address the meeting must fill out a speaker slip. These speaker forms will be made available in Council Chambers for the first half-hour of the meeting.

Thursday, February 18, 2010

Thursday, March 18, 2010 (Arts & Culture Briefing)

Thursday, March 25, 2010 (Arts & Culture Briefing)

Thursday, April 15, 2010

Thursday, May 20, 2010, 4:00 p.m.

Thursday, June 17, 2010, 3:00 p.m.

Thursday, July 15, 2010

Thursday, September 16, 2010

Tuesday, October 26, 2010, 4:00 p.m. (Monthly Hearing), 5:00 p.m. (Old Beechwold Historic District Designation Hearing)

Thursday, November 18, 2010

Thursday, December 16, 2010 (Budget Hearing, 5:00 pm)

Agendas for these meetings will be posted on www.columbuscitycouncil.org/tyson as soon as possible.

Legislation Number: PN0010-2010

Drafting Date: 12/23/2009

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: 2010 German Village Commission Meeting Schedule

Contact Name: Randy Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

German Village Commission 2010 Meeting Schedule

The German Village Commission has its Regular Meeting the 1st Tuesday of every month (barring Holiday exceptions). Copies of

the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (German Village Meeting Haus 588 S Third St.) 4:00pm
December 22, 2009	December 29, 2009	January 5, 2010
January 19, 2010	January 26, 2010	February 2, 2010
February 16, 2010	February 23, 2010	March 2, 2010
March 23, 2010	March 30, 2010	April 6, 2010
April 20, 2010	April 27, 2010	May 4, 2010
May 18, 2010	May 25, 2010	June 1, 2010
June 22, 2010	June 29, 2010	July 6, 2010
July 20, 2010	July 27, 2010	August 3, 2010
August 24, 2010	August 31, 2010	September 7, 2010
September 21, 2010	September 28, 2010	October 5, 2010
October 19, 2010	October 26, 2010	November 2, 2010
November 23, 2010	November 30, 2010	December 7, 2010
December 21, 2010	December 28, 2010	January 4, 2011
January 18, 2011	January 25, 2011	February 1, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
 Historic Preservation Office
 109 N. Front St. - Ground Floor
 Columbus OH 43215-9031

Legislation Number: PN0011-2010

Drafting Date: 12/23/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Brewery District 2010 Meeting Schedule

Contact Name: Randy F. Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

Brewery District Commission 2010 Meeting Schedule

The Brewery District Commission has its Regular Meeting the 1st Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is made aware of this need and given a reasonable notice of at least forty-eight (48) hours prior to the scheduled meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
December 24, 2009	December 30, 2009	January 7, 2010
January 21, 2010	January 28, 2010	February 4, 2010
February 18, 2010	February 25, 2010	March 4, 2010
March 18, 2010	March 25, 2010	April 1, 2010
April 22, 2010	April 29, 2010	May 6, 2010
May 20, 2010	May 27, 2010	June 3, 2010
June 17, 2010	June 24, 2010	July 1, 2010
July 22, 2010	July 29, 2010	August 5, 2010
August 19, 2010	August 26, 2010	September 2, 2010
September 23, 2010	September 30, 2010	October 7, 2010
October 21, 2010	October 28, 2010	November 4, 2010
November 18, 2010	November 24, 2010*	December 2, 2010
December 23, 2010	December 30, 2010	January 6, 2011
January 20, 2011	January 27, 2011	February 3, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0012-2010

Drafting Date: 12/23/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Victorian Village Commission 2010 Meeting schedule

Contact Name: Randy Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

Victorian Village Commission 2010 Meeting Schedule

The Victorian Village Commission has its Regular Meeting the 2nd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
December 31, 2009	January 7, 2010	January 14, 2010
January 28, 2010	February 4, 2010	February 11, 2010
February 25, 2010	March 4, 2010	March 11, 2010
March 25, 2010	April 1, 2010	April 8, 2010
April 29, 2010	May 6, 2010	May 13, 2010
May 27, 2010	June 3, 2010	June 10, 2010
June 24, 2010	July 1, 2010	July 8, 2010
July 29, 2010	August 5, 2010	August 12, 2010
August 26, 2010	September 2, 2010	September 9, 2010
September 30, 2010	October 7, 2010	October 14, 2010
October 28, 2010	November 4, 2010	November 11, 2010
November 25, 2010	December 2, 2010	December 9, 2010
December 30, 2010	January 6, 2011	January 13, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0013-2010

Drafting Date: 12/23/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Italian Village Commission 2010 Meeting Schedule

Contact Name: Randy F. Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

Italian Village Commission 2010 Meeting Schedule

The Italian Village Commission has its Regular Meeting the 3rd Tuesday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
January 5, 2010	January 12, 2010	January 19, 2010
February 2, 2010	February 9, 2010	February 16, 2010
March 2, 2010	March 9, 2010	March 16, 2010
April 6, 2010	April 13, 2010	April 20, 2010
May 4, 2010	May 11, 2010	May 18, 2010
June 1, 2010	June 8, 2010	June 15, 2010
July 6, 2010	July 13, 2010	July 20, 2010
August 3, 2010	August 10, 2010	August 17, 2010
September 7, 2010	September 14, 2010	September 21, 2010
October 5, 2010	October 12, 2010	October 19, 2010
November 2, 2010	November 9, 2010	November 16, 2010
December 7, 2010	December 14, 2010	December 21, 2010
January 4, 2011	January 11, 2011	January 18, 2011
February 1, 2011	February 8, 2011	February 15, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
 Historic Preservation Office
 109 N. Front St. - Ground Floor
 Columbus OH 43215-9031

Legislation Number: PN0014-2010

Drafting Date: 12/23/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Historic Resource Commission 2010 Meeting

Contact Name: Randy F Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

[Historic Resource Commission 2010 Meeting Schedule](#)

The Historic Resource Commission has its Regular Meeting the 3rd Thursday of every month (barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least

forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Application Deadline	Business Meeting Dates (1st fl. Conf. Rm, 109 N. Front St.) 12:00pm	Regular Meeting Date (Training Center, 109 N. Front St.) 6:15pm
January 7, 2010	January 14, 2010	January 21, 2010
February 4, 2010	February 11, 2010	February 18, 2010
March 4, 2010	March 11, 2010	March 18, 2010
April 1, 2010	April 8, 2010	April 15, 2010
May 6, 2010	May 13, 2010	May 20, 2010
June 3, 2010	June 10, 2010	June 17, 2010
July 1, 2010	July 8, 2010	July 15, 2010
August 5, 2010	August 12, 2010	August 19, 2010
September 2, 2010	September 9, 2010	September 16, 2010
October 7, 2010	October 14, 2010	October 21, 2010
November 4, 2010	November 11, 2010	November 18, 2010
December 2, 2010	December 9, 2010	December 16, 2010
January 6, 2011	January 13, 2011	January 20, 2011
February 3, 2011	February 10, 2011	February 17, 2011

Mail or deliver completed Certificate of Appropriateness applications to:

City of Columbus
Historic Preservation Office
109 N. Front St. - Ground Floor
Columbus OH 43215-9031

Legislation Number: PN0015-2010

Drafting Date: 12/23/2009

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Board of Commission Appeals 2010 Meeting Schedule

Contact Name: Randy F Black

Contact Telephone Number: (614) 645-6821

Contact Email Address: rblack@columbus.gov

Body

Board of Commission Appeals 2010 Meeting Schedule

The Board of Commission Appeals has its Business Meeting the last Wednesday of every other month (as necessary and barring Holiday exceptions). Copies of the Agenda may be obtained by calling 645-8620 or by e-mail to ljpoulton@columbus.gov. A Sign Language Interpreter will be made available provided the Historic Preservation Office is given a reasonable notice of at least forty-eight (48) hours prior to the scheduled Regular meeting time. To schedule, please call 645-8036 or TDD 645-6802.

Business Meeting Dates
(1st fl. Conf. Rm, 109 N. Front St.)
12:00pm

January 27, 2010
March 31, 2010
May 26, 2010
July 28, 2010
September 29, 2010
November 24, 2010
January 27, 2011

Legislation Number: PN0023-2010

Drafting Date: 01/04/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

**OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS**

Notice/Advertisement Title: Civil Service Commission Notice

Contact Name: Annette Bigham

Contact Telephone Number: 614.645.7531

Contact Email Address: eabigham@columbus.gov

Body

OFFICIAL NOTICE
CIVIL SERVICE COMMISSION
COMPETITIVE EXAMINATION ANNOUNCEMENTS

APPLY ON-LINE 24 HOURS A DAY, 7 DAYS A WEEK OR APPLY IN PERSON 9:00 A.M. TO 4:00 P.M.
MONDAY, WEDNESDAY, or THURSDAY.

The Civil Service Commission continuously administers competitive examinations. Information regarding examinations, for which the Civil Service Commission is currently accepting applications, is located on our website at www.csc.columbus.gov and is also posted at the Commission offices located at 50 West Gay Street, 6th Floor, Columbus, Ohio. Please note that all visitors to the Beacon Building are required to produce a picture ID, authenticating their identity, in order to visit the applications area. Applicants interested in City jobs should check our website or visit the Commission offices.

Legislation Number: PN0060-2005

Drafting Date: 02/23/2005

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: Published Columbus City Health Code

Contact Name: Roger Cloern

Contact Telephone Number: 654-6444

Contact Email Address: rogerc@columbus.gov

Body"The Columbus City Health Code is updated and maintained by the Columbus Health Department.

To view the most current City Health Code, please visit:

www.publichealth.columbus.gov

Legislation Number: PN0266-2010

Drafting Date: 10/06/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: City of Columbus, Ohio Application for Deposit of Public Money

Contact Name: Deborah L. Klie

Contact Telephone Number: 614-645-7737

Contact Email Address: dlklie@columbus.gov

Body

Notice is hereby given in accordance with Chapter 321 of the Columbus City Codes, 1959 to all banks, building and loan or savings associations or companies located in Franklin County, Ohio duly organized under the laws of the State of Ohio or of the United States, that application for deposit of public money for fiscal year 2011 will be accepted by the Columbus Depository Commission at the Office of the Columbus City Auditor, Secretary of said Commission, until 2:00 p.m., Tuesday, December 14, 2010.

Said application shall determine the eligibility of the applicant to receive active and inactive deposits from the Columbus City Treasurer for the period beginning January 1, 2011 and ending December 31, 2011. Said application shall be in such a form prescribed by the Commission and shall contain such information, as the Commission shall require.

Applications may be obtained from the Office of: Deborah L. Klie, City Treasurer, 90 West Broad Street, Columbus, Ohio 43215, telephone 645-7737.

All information and statements contained on said application shall be verified by affidavit.

Address envelope containing application to: Hugh J. Dorrian, Secretary, Columbus Depository Commission, City Hall, 90 West Broad Street, Columbus, Ohio 43215.

By the order of the Columbus Depository Commission.

Deborah L. Klie, Chairperson

Hugh J. Dorrian, Secretary

Paul R. Rakosky, Member

Legislation Number: PN0274-2010

Drafting Date: 10/15/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Maize Road Traffic Calming Islands Public Open House

Contact Name: Terry L. Stewart, P.E.
Contact Telephone Number: (614) 645-5671
Contact Email Address: tlstewart@columbus.gov

Body

NOTICE

MAIZE ROAD TRAFFIC CALMING ISLANDS PUBLIC OPEN HOUSE

**Linden Recreation Center
1254 Briarwood Avenue
Columbus, Ohio 43211
Tuesday, November 16, 2010
6:00 p.m. to 8:00 p.m.**

The North Linden Area Commission and the Columbus Department of Public Service, Division of Mobility Options are hosting a public open house on the Maize Road portion of the Linden Area Traffic Management Plan. The Plan was developed over two years to moderate vehicular speeds and cut-through traffic within North and South Linden neighborhoods. The purpose of the meeting is to gain feedback on the traffic calming islands installed on Maize Road between Cooke Road and Zebulon Avenue.

Legislation Number: PN0275-2010

Drafting Date: 10/15/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Norris Drive Traffic Calming Islands Public Open House

Contact Name: Terry L. Stewart, P.E.

Contact Telephone Number: (614) 645-5671

Contact Email Address: tlstewart@columbus.gov

Body

NOTICE

NORRIS DRIVE TRAFFIC CALMING ISLANDS PUBLIC OPEN HOUSE

**Linden Recreation Center
1254 Briarwood Avenue
Columbus, Ohio 43211
Wednesday, November 10, 2010
6:00 p.m. to 8:00 p.m.**

The North Linden Area Commission and the Columbus Department of Public Service, Division of Mobility Options are hosting a public open house on the Norris Drive portion of the Linden Area Traffic Management Plan. The Plan was developed over two years to moderate vehicular speeds and cut-through traffic within North and South Linden neighborhoods, including Norris Drive. The purpose of the meeting is to gain public feedback on the traffic calming islands installed on Norris Drive between Maize Road and Karl Road.

Legislation Number: PN0277-2010

Drafting Date: 10/20/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title: Councilmember Ginther to hold a Development Committee Meeting to discuss the Tax Incentive Review Council (TIRC) recommendations

Notice/Advertisement Title: Councilmember Ginther to hold a Development Committee Meeting to discuss the Tax Incentive Review Council (TIRC) recommendations

Contact Name: Kenneth Paul

Contact Telephone Number: 645-2931

Contact Email Address: KCPaul@columbus.gov

Body

The City of Columbus uses tax incentives to encourage new development and employment. In accordance with the Ohio Revised Code Section 5709.85, the City's Tax Incentive Review Council (TIRC) is required to meet annually and review the property tax exemptions granted under such programs and to determine compliance with agreement terms.

Date: Thursday, November 11, 2010

Time: 5:30 PM

Location:

City Hall

Columbus City Council Chambers

90 West Broad Street

Columbus, OH 43215

This informational session is open to the public. Interested civic leaders are encouraged to attend. Free parking is available after 5 PM in the City Hall surface lot at Gay and Front Streets.

Legislation Number: PN0281-2010

Drafting Date: 10/26/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Administration Committee Briefing

Contact Name: John Ivanic

Contact Telephone Number: 645-6798

Contact Email Address: jpivanic@columbus.gov

Body

Columbus City Councilmember A. Troy Miller, Chair of Administration Committee, will host a community briefing to explain the health insurance bid process companies must adhere to before contracting with the City of Columbus.

What: Administration Committee Briefing

Who: Councilmember A. Troy Miller

When: Tuesday, November 9, 2010
5:00 pm

Where: City Hall
Columbus City Council Chambers
90 West Broad Street
Columbus, Ohio 43215

The meeting will be televised live on CTV, Columbus' government television.

Legislation Number: PN0283-2010

Drafting Date: 10/27/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Development Commission Zoning Meeting Agenda- November 11, 2010

Contact Name: Shannon Pine

Contact Telephone Number: (614) 645-2208

Contact Email Address: spine@columbus.gov

Body

AGENDA

DEVELOPMENT COMMISSION

ZONING MEETING

CITY OF COLUMBUS, OHIO

NOVEMBER 11, 2010

The Development Commission of the City of Columbus will hold a public hearing on the following applications on **Thursday, November 11, 2010**, beginning at **6:00 P.M.** at the **CITY OF COLUMBUS, I-71 NORTH COMPLEX** at 757 Carolyn Avenue, Columbus, OH 43224 in the lower level **HEARING ROOM**.

Further information may be obtained by visiting the City of Columbus Zoning Office website at <http://bzs.columbus.gov/commission.aspx?id=20698> or by calling the Department of Building and Zoning Services, Council Activities section at 645-4522.

THE FOLLOWING APPLICATIONS WILL BE HEARD ON THE 6:00 P.M. AGENDA:

1. APPLICATION: Z10-023 (10335-00000-00419)

Location: **3100 DELTA MARINE DRIVE (43068)**, being 9.85± acres located at the terminus of Delta Marine Drive on the west side of Gender Road (530-166440).

Existing Zoning: L-C-4, Limited Commercial District.

Request: L-M, Limited Manufacturing District.

Proposed Use: Limited industrial or commercial development.

Applicant(s): Paul Shaneyfelt Esq., Court Appointed Receiver; c/o Robert S. Ryan, Atty.; Murray Murphy Moul & Basil, LLP; 1533 Lake Shore Drive; Columbus, OH 43204.

Property Owner(s): J. Anthony Kingston, Successor Trustee, and Paul Shaneyfelt Esq., Court Appointed Receiver; c/o Robert S. Ryan, Atty.; Murray Murphy Moul & Basil, LLP; 1533 Lake Shore Drive; Columbus, OH 43204.

Planner: Shannon Pine, 645-2208, spine@columbus.gov

2. APPLICATION: Z10-022 (10335-00000-00418)

Location: **370 MORRISON ROAD (43213)**, being 11.7± acres located at the corner of Morrison Road and Westbourne

Avenue (010-210588).

Existing Zoning: M-1, Manufacturing District.

Request: L-M, Manufacturing District.

Proposed Use: Concrete salvage facility.

Applicant(s): Columbus Bituminous Concrete Corporation c/o Robert R. Dunn; 10 West Broad Street; Suite 2100; Columbus, OH 43215.

Property Owner(s): Columbus Bituminous Concrete Corporation c/o Jeffrey L. Brown, Atty.; Smith and Hale; 37 West Broad Street, Suite 725; Columbus, OH 43215.

Planner: Dana Hitt, 645-2395; dahitt@columbus.gov

3. APPLICATION: Z10-014 (10335-00000-00224)

Location: 1250 GEMINI PLACE (43240), being 19.4± acres located on the north side of Gemini Place, 2425± feet west of Lyra Drive (3184321002000).

Existing Zoning: R, Rural District.

Request: L-C-4, Limited Commercial District.

Proposed Use: Commercial development.

Applicant(s): The Church at Polaris; c/o Jill Tangeman; 52 East Gay Street; Columbus, Ohio 43215.

Property Owner(s): The Church at Polaris; 1250 Gemini Place; Columbus, Ohio 43240

Planner: Dana Hitt, 645-2395; dahitt@columbus.gov

4. APPLICATION: Z10-005 (ACCELA # 10335-00000-00074)

Location: 6698 EAST BROAD STREET (43213), being 31± acres located at the northeast corner of East Broad Street and Brice Road. (010-165722)

Existing Zoning: M-2, Manufacturing District.

Request: CPD, Commercial Planned Development District.

Proposed Use: Building materials supply dealer and commercial uses.

Applicant(s): Menard Inc; a Wisconsin Corporation; 5101 Menard Drive; Eau Claire, WI 54703.

Property Owner(s): Columbus Corporate Center Inc; 191 West Nationwide Boulevard; Suite 200; Columbus, OH 43215.

Planner: Dana Hitt, AICP, 645-2395, dahitt@columbus.gov

Legislation Number: PN0285-2010

Drafting Date: 10/27/2010

Version: 1

Current Status: Clerk's Office for Bulletin

Matter Type: Public Notice

Title

Notice/Advertisement Title: City Council Zoning Agenda for 11/08/2010

Contact Name: Shezronne Zaccardi

Contact Telephone Number: 614-645-1695

Contact Email Address: sezaccardi@columbus.gov

Body

REGULAR MEETING NO. 57

CITY COUNCIL (ZONING)

NOVEMBER 8, 2010

6:30 P.M.

COUNCIL CHAMBERS

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

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

1545-2010

To grant a Variance from the provisions of Sections 3363.01, M-Manufacturing district; 3312.13(A), Driveway; 3312.25, Maneuvering; 3312.27(3), Parking setback line; 3312.29, Parking space; and 3363.24(F), Building lines in an M-Manufacturing district, of the Columbus City Codes; for the property located at 771 SOUTH FRONT STREET (43206), to permit four dwelling units (a three-unit dwelling and a single-unit dwelling) with reduced development standards in the M, Manufacturing District (Council Variance # CV03-031).

1346-2010

To rezone 3408 SOUTH HIGH STREET (43207), being 2.13± acres located at the northeast corner of South High Street and Williams Road, From: C-4, Commercial, L-C-4, Limited Commercial, and R-2, Residential Districts, To: CPD, Commercial Planned Development District (Rezoning # Z09-040).

Legislation Number: PN0286-2010

Drafting Date: 10/28/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Public Utilities Notice: Department of Public Utilities - Industrial Wastewater Discharge Permits

Contact Name: Jeffrey L. Bertacchi

Contact Telephone Number: (614) 645-5876

Contact Email Address: jlb@columbus.gov

Body

The Administrator of the Division of Sewerage and Drainage announces intent to issue an Industrial Wastewater Discharge Permit to the following company on or about Monday, November 30, 2010: Worthington Cylinder Corporation - Westerville, 333 Maxtown Road, Westerville, Ohio 43082.

The Draft Permit will be available for review, Monday through Friday, between the hours of 7:30 A.M. and 4:30 P.M., November 8, 2010 through November 29, 2010 at the City of Columbus Industrial Wastewater Pretreatment Office, 1250 Fairwood Avenue, Suite 186, Columbus, Ohio 43206. Written comments will be accepted during this period at the above address or by FAX at (614) 645-0227. This Notice is made according to Columbus City Code Chapter 1145.44(B).

Legislation Number: PN0287-2010

Drafting Date: 11/01/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Board of Zoning Adjustment November 16, 2010 Agenda

Contact Name: David Reiss

Contact Telephone Number: 645-7973

Contact Email Address: djreiss@columbus.gov

Body

**AGENDA
BOARD OF ZONING ADJUSTMENT
CITY OF COLUMBUS, OHIO
NOVEMBER 16, 2010**

The Columbus Board of Zoning Adjustment will hold a public hearing on the following applications on **TUESDAY, NOVEMBER 16, 2010 at 6:00 P.M.** in the First Floor Hearing Room of the Department of Building & Zoning Services, 757 Carolyn Avenue.

The Board of Zoning Adjustment hears requests for Special Permits, Appeals and Variances to the requirements of the Columbus Zoning Code, Title 33, of the Columbus City Codes. The Board does not hear applications to amend the Official Zoning Map. Specific case information may be obtained by contacting the Department of Building & Zoning Services, 757 Carolyn Avenue, 645-4522.

SPECIAL NOTE TO THE APPLICANT: It is important that you or your representative be present at the public hearing. It is the rule of the Board to dismiss an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: An interpreter will be made available for anyone in need of this service. To request an interpreter, please contact the City of Columbus, Department of Building & Zoning Services at 645-4522 at least four (4) hours before the scheduled meeting time.

-
- 1. Application No.: 10310-00353**
- Location:** 1032 BRONWYN AVENUE (43204), located at the northeast corner of Bronwyn and Rosedale Aves.
- Area Comm./Civic:** Greater Hilltop Area Commission
- Existing Zoning:** SR, Suburban Residential District
- Request:** Variance to Section:
3332.27, Rear yard.
- To reduce the required rear yard from 25% of the total lot area to 16% of the total lot area.
- Proposal:** To construct a three-season room addition onto a single-family dwelling.
- Applicant(s):** Revive Remodeling
7395 Tumblebrook Rd.
New Albany, Ohio 43054
- Property Owner(s):** David & Joni Finley
1032 Bronwyn Ave.
Columbus, Ohio 43204
- Case Planner:** Dave Reiss, 645-7973
- E-mail:** DJReiss@Columbus.gov

- 2. Application No.: 10310-00365**
- Location:** 97 WISCONSIN AVENUE (43223), located at the southwest corner of Cable & Wisconsin Aves.
- Area Comm./Civic:** Franklinton Area Commission
- Existing Zoning:** R-4, Residential District
- Request:** Variance to Section:
3312.49, Minimum number of parking spaces required.
To reduce the minimum number of parking spaces from 2 to 0.
- Proposal:** To allow a single-family dwelling on a lot without on-site parking.
- Applicant(s):** Thomas Donaghy c/o Youthbuild Columbus
1183 Essex Ave.
Columbus, Ohio 43201
- Property Owner(s):** Same as applicant.

Case Planner: Dave Reiss, 645-7973
E-mail: DJReiss@Columbus.gov

3. Application No.: 10310-00378

Location: **1300 ALUM CREEK DRIVE (43209)**, located at the north east corner of Alum Creek Drive and Memory Lane.
Area Comm./Civic: Livingston Avenue Area Commission.
Existing Zoning: M, Manufacturing District
Request: Variance(s) to Section(s):
3312.49, Minimum number of parking spaces required.
To reduce the minimum number of parking spaces from 613 to 310 and to reduce the minimum number of bicycle parking spaces from 20 to 0.
Proposal: To allow an expansion of a bingo parlour.
Applicant(s): Alum Lion Limited Partnership
107 South High Street
Columbus, Ohio 43215
Property Owner(s): Beth Torah Congregation- House of Tradition
1300 Alum Creek Drive
Columbus, Ohio 43209

Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov

4. Application No.: 10310-00381

Location: **475 SOUTH OHIO AVENUE (43204)**, located on the west side of South Ohio Avenue, approximately 80 feet north of Fulton Street.
Area Comm./Civic: Near East Area Commission
Existing Zoning: R-2F, Residential District
Request: Variance(s) to Section(s):
3332.38, Private garage
To increase the allowable size of a private garage from 720 square feet to 896 square feet.

Proposal: To construct a new 896 sq. ft. detached garage.
Applicant(s): Omniscapes, c/o Jason Craycraft
2338 Scitoharper
Columbus, Ohio 43204
Property Owner(s): Fiery W. Hayes
475 South Ohio Avenue
Columbus, Ohio 43205

Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov

POSTPONED CASES FROM OCTOBER:

5. Application No.: 10311-00341

Location: **2055 REFUGEE ROAD (43207)**, located on the south side of Refugee Rd., approximately 234 ft. west of the Norfolk-Southern railroad underpass.
Area Comm./Civic: South Side
Existing Zoning: M, Manufacturing District
Request: Special Permit and Variance to Sections:
3389.07, Impound lot, junk yard or salvage yard.
To allow a vehicle part salvage operation.

3392.12, Prohibited location.

To allow a salvage operation to be located within 600 ft. of a residential zoning district.

Proposal: To establish and operate a vehicle part salvage business.

Applicant(s): U-Part-It, L.L.C.; c/o Edward T. McClellan
880 Mendes Ct.
Columbus, Ohio 43235

Property Owner(s): U-Part-It, L.L.C.
2181 Alum Creek Dr.
Columbus, Ohio 43207

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

6. Application No.: 10310-00340

Location: 1276 NORTON AVENUE (43212), located on the east side of Norton Ave., approximately 220 ft. north of W. 3rd Ave.

Area Comm./Civic: Fifth by Northwest Area Commission

Existing Zoning: M, Manufacturing District

Request: Variances to Sections:
3312.49, Minimum number of parking spaces required.
To reduce the minimum number of parking spaces from 100 to 44.
3363.24, Building lines in an M-manufacturing zoning district.
To reduce the required building setback along Norton Ave. from 25 ft. to 0 ft.

Proposal: To construct a 100 unit supportive housing facility.

Applicant(s): National Church Residences; c/o Robert A. Meyer, Jr.; Porter, Wright, Morris & Arthur, L.L.P.
41 S. High St.
Columbus, Ohio 43215

Property Owner(s): Pomar, L.P., F.K.A., Khempton Building Supply Co.
500 W. Wilson Bridge Rd., L.P.
Worthington, Ohio 43085

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

RECONSIDERATION CASE:

7. Application No.: 10310-00272

Location: 2432 CLEVELAND AVENUE (43211), located at the southeast corner of Myrtle and Cleveland Aves.

Area Comm./Civic: North Linden Area Commission

Existing Zoning: C-4, Commercial District

Request: Variances to Sections:
3312.21, Landscaping and screening.
To not provide parking lot screening along Myrtle Ave. and along the alley.
3312.27, Parking setback line.
To reduce the required parking setback along Myrtle Ave. from 10 ft. to 0 ft.
3312.49, Minimum number of parking spaces required.
To reduce the minimum number of additional parking spaces from 53 to 0.
3356.11, C-4 district setback lines.
To reduce the required building setback along Cleveland Ave. from 35 ft. to 20 ft.

Proposal: To legitimize the conversion of a dentist's clinic into a church.

Applicant(s): James Monsul for Vergniaud Angrand
642 Brookside Blvd.
Westerville, Ohio 43081

Property Owner(s): Ohio Conference Association of Seventh-Day Adventists
2 Fairgrounds Rd.
Mt. Vernon, Ohio 43050

Case Planner: Dave Reiss, 645-7973

E-mail: DJReiss@Columbus.gov

Legislation Number: PN0288-2010

Drafting Date: 11/01/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Graphics Commission November 16, 2010 Meeting Notice

Contact Name: David Reiss

Contact Telephone Number: 645-7973

Contact Email Address: djreiss@columbus.gov

Body

AGENDA

GRAPHICS COMMISSION

CITY OF COLUMBUS, OHIO

NOVEMBER 16, 2010

The City Graphics Commission will hold a public hearing on **TUESDAY, NOVEMBER 16, 2010 at 4:15 p.m.** in the First Floor Hearing Room, Department of Building & Zoning Services, 757 Carolyn Avenue.

The City Graphics Commission hears requests for Variances, Special Permits, Appeals, Graphics Plans and certain Miscellaneous Graphics, as provided by the Columbus Graphics Code, Title 33, Article 15 of the City Codes.

SPECIAL NOTE TO APPLICANT: YOU OR YOUR REPRESENTATIVE MUST ATTEND THIS MEETING. It is the rule of the Commission to withdraw an application when a representative is not present.

SIGN LANGUAGE INTERPRETER: A Sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Department of Building & Zoning Services is made aware of this need and given a reasonable notice of at least four (4) hours prior to the scheduled meeting time. To schedule an interpreter, please call 614-645-6373 or TDD 614-645-3293.

- 1. Application No.: 10320-00376**
- Location:** **5500 RENNER ROAD (43228)**, located on the north side of Renner Road, approximately 75 feet west of Hilliard-Rome Road.
- Area Comm./Civic:** None
- Existing Zoning:** C-4, Commercial District
- Request:** Graphics Plan(s) to Section(s):
3382.07, Graphics requiring graphics commission approval.
To create a new graphics plan for wall and free standing signs.
- Proposal:** A graphics plan for a redeveloped shopping center.
- Applicant(s):** Northstar Realty
150 E. Broad Street

Property Owner(s): Columbus, Ohio 43215
Motel 6 Operating LP
4001 International Parkway
Carrollton, Texas 75007
Attorney/Agent: Jackson Reynolds; c/o Smith & Hale, L.L.C.
37 W. Broad St., Suite 725
Columbus, Ohio 43215
Case Planner: Jamie Freise, 645-6350
E-mail: JFFreise@Columbus.gov

2. Application No.: 10320-00377

Location: **1400 AUTO MALL DRIVE (43228)**, located on the east side of Auto Mall Dr., approximately 400 ft. north of Georgesville Rd.
Area Comm./Civic: Westland Area Commission
Existing Zoning: M, Manufacturing
Request: Graphics Plan
3375.12, Graphics requiring graphics commission approval.
To amend existing Graphics Plan #06320-00039.
Proposal: To permit the installation of a second ground sign on the same parcel with frontage on I-270.
Applicant(s): Hatfield Auto Mall
1400 Auto Mall Dr.
Columbus, Ohio 43228
Property Owner(s): Cars-DB4, L.P.
8270 Greensboro Dr., Suite 950
McLean, Virginia 22102
Attorney/Agent: David Hodge; c/o Smith & Hale, L.L.C.
37 W. Broad St., Suite 725
Columbus, Ohio 43215
Case Planner: Dave Reiss, 645-7973
E-mail: DJReiss@Columbus.gov

3. Application No.: 10320-00380

Location: **1147 COLLEGE AVENUE (43209)**
Area Comm./Civic: Berwick Civic Association
Existing Zoning: AR-3, Apartment Residential
Request: Variance
3376.06, Residential complex instructional signs.
To install a ground sign for medical offices and other facilities serving a residential complex.
Proposed Use: To install a directional sign for institutional uses in a residential zoning district.
Applicant: Bruce Sommerfelt; c/o Signcom, Inc.
527 W. Rich St.
Columbus, Ohio 43215
Property Owner: Wexner Heritage Village
1151 N. College Ave.
Columbus, Ohio 43209
Attorney/Agent: Same as applicant
Case Planner: Dave Reiss, 645-7973
E-mail: DJReiss@Columbus.gov

Drafting Date: 11/02/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Art Commission Public Hearings

Contact Name: Lori Baudro

Contact Telephone Number: 645-6986

Contact Email Address: lsbaudro@columbus.gov

Body

Public Hearing -- Columbus Art Commission

The Columbus Art Commission has two meetings scheduled in November 2010:

Business Meeting

8:30 to 10:30 am on Wednesday, November 10, 2010

At the King Arts Complex, 867 Mt. Vernon Avenue, Columbus OH

Regular Commission Meeting

6:00 to 8:00 pm on Thursday, November 18, 2010

At the Columbus Health Department, 240 Parsons Avenue, Columbus OH

For more information contact: Lori Baudro, AICP at 645-6986 or lsbaudro@columbus.gov

A sign language interpreter will be made available provided the Planning Division has at least 48 hours notice before the meeting. Call 645-6986 to make arrangements

Legislation Number: PN0291-2010

Drafting Date: 11/03/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: Columbus Building Commission November 16, 2010 Agenda

Contact Name: Pam Dawley

Contact Telephone Number: 645-2204

Contact Email Address: pjdawley@columbus.gov

Body

**AGENDA
COLUMBUS BUILDING COMMISSION
NOVEMBER 16, 2010 - 1:00 p.m.
757 CAROLYN AVENUE
HEARING ROOM - LOWER LEVEL**

- 1. ROLL CALL**
- 2. APPROVAL OF OCTOBER 19, 2010 MEETING MINUTES**

3. **ADJUDICATION ORDER A/O2010-020DD**
WILLIAM BRIDGE

4. **ADJUDICATION ORDER #A/O2010-021**
WILLIAM J. REES, ATTORNEY
23-25 W. 10TH AVENUE

5. **ITEMS FROM THE FLOOR (as approved by the Board)**

A sign Language Interpreter, to "Sign" this meeting, will be made available for anyone with a need for this service, provided the Building Services Division is made aware of this need and given a reasonable notice of at least four (4) hours before the scheduled meeting time. To schedule an interpreter, please call 645-6079 or TDD 645-3293. Should you have any questions regarding this policy, please contact the City of Columbus, Human Resources Department, at 645-6373.

Legislation Number: PN0292-2010

Drafting Date: 11/04/2010

Current Status: Clerk's Office for Bulletin

Version: 1

Matter Type: Public Notice

Title

Notice/Advertisement Title: City Council Zoning Agenda for 11/15/2010

Contact Name: Shezronne Zaccardi

Contact Telephone Number: 614-645-1695

Contact Email Address: sezaccardi@columbus.gov

Body

REGULAR MEETING NO. 59

CITY COUNCIL (ZONING)

NOVEMBER 15, 2010

6:30 P.M.

COUNCIL CHAMBERS

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

EMERGENCY, TABLED AND 2ND READING OF 30 DAY LEGISLATION

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

1287-2010

To rezone 1354 KING AVENUE (43214), being 0.41± acres located on the north side of King Avenue, 167± feet east of Grandview Avenue, From: AR-3, Apartment Residential District, To: L-C-4, Limited Commercial District. (Rezoning # Z10-001)

1572-2010

To grant a Variance from the provisions of Sections 3363.01, M-Manufacturing district; of the Columbus City Codes for property located at 941 SOUTH FRONT STREET (43215), to conform a single-unit dwelling in the M, Manufacturing District.