GROVE CITY, OHIO COUNCIL
LEGISLATIVE AGENDA

February 03, 2020 | 7:00 p.m. | Regular Meeting

Presentations:

LANDS: Mr. Schottke

Ordinance C-02-20 — Approve a Special Use Permit for an Automotive Dealer for Gibby's Auto Exchange located at 3420 Mill Street. Second reading and public hearing.

Ordinance C-03-20 — Accept the Plat of Courtyards at Beulah Park. Second reading and public hearing.

Ordinance C-06-20 — Authorizing the Annexation of 0.4± Acres located on State Route 104 from Jackson Township to the City of Grove City. First reading.

SAFETY: Mr. Schlabach

Resolution CR-01-20 — Form the Substance Addiction and Mental Health Action Plan Committee for the Grove City community.

FINANCE: Mr. Holt

Ordinance C-05-20 — Appropriate $42,008.00 from the General Fund for Central Ohio Transit Authority Agreement. Second reading and public hearing.

Ordinance C-07-20 — Provide for the Issuance and Sale of Notes in the Maximum Principal amount of $6,000,000.00 in anticipation of the Issuance of Bonds for the purpose of paying the costs of Improving and Extending Columbus Street between certain termini by constructing certain roadway improvements, including widening, opening, improving, excavating, grading, draining, paving, extending or changing the line of roads, streets, sidewalks, alleys, or curbs and gutters, and landscaping, any related public utility improvements, street lighting, traffic signalization, electrical lines and signage, and acquiring necessary real estate and interests therefor, together with all necessary and related appurtenances thereto, and declaring an Emergency.

ON FILE: Minutes of: 01/06/19 Council Meeting; 01/07/19 Plan. Comm.

EXECUTIVE SESSION

Date: 01/14/20	No.: C-02-20
Introduced By: Mr. Schottke	1st Reading: 01/21/20
Committee: Lands	Public Notice: 1/22/20
Originated By: Plan. Comm.	2nd Reading: 02/03/20
Sponsor: ____	Passed: ____ Rejected: ____
Emergency: ___ 30 Days: ___	Codified: ___ Code No: ___
Current Expense: ____	Passage Publication: ____

ORDINANCE C-02-20

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT FOR AN AUTOMOTIVE DEALERSHIP FOR GIBBY'S AUTO EXCHANGE LOCATED AT 3420 MILL STREET

WHEREAS, Gibby's Auto Exchange, applicant, has submitted a request for a Special Use Permit for a Wholesale Automotive Dealership located at 3420 Mill Street; and

WHEREAS, on January 07, 2020, the Planning Commission of the City of Grove City recommended the approval of a Special Use Permit at this location, with the following stipulation:

1. Outdoor storage of vehicles, vehicular parts, related supplies, tools and materials shall be prohibited.

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

SECTION 1. A Special Use Permit, under Section 1135.09b(12)Ae is hereby issued to Gibby's Auto Exchange, located at 3420 Mill Street, contingent upon the stipulation set by Planning Commission.

SECTION 2. This ordinance shall take effect at the earliest opportunity allowed by law.

Christine Houk, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance is correct as to form.

Stephen J. Smith, Director of Law

Date: 01/14/20
Introduced By: Mr. Schottke
Committee: Lands
Originated By: Plan Comm
Approved:
Emergency: ___ 30 Days: X
Current Expense:

No.: C-03-20
1st Reading: 01/21/20
Public Notice: 1/22/20
2nd Reading: 02/03/20
Passed: ___ Rejected: ___
Codified: ___ Code No: ___
Passage Publication: ___

ORDINANCE C-03-20

AN ORDINANCE TO ACCEPT THE
PLAT OF COURTYARDS AT BEULAH PARK

WHEREAS, Courtyards at Beulah Park, a subdivision containing lots 1 - 103 inclusive, and areas designated as Reserve "A", "B", "C", & "D" inclusive, has been submitted to Council for their consideration.

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

SECTION 1. The Plat of Courtyards at Beulah Park, situated in the State of Ohio, County of Franklin, Township of Jackson, City of Grove City and being part of Virginia Military Survey No. 1388, containing 20.686 acres of land, more or less. Said 20.686 acres being part of those tracts of land conveyed to Epcon Beulah LLC, by deed, all being of record in the Recorder's Office, Franklin County, Ohio, is hereby accepted and this Council accepts for public use the street right of way that is within the boundaries of this subdivision.

SECTION 2. Easements, where indicated on the plat, are hereby accepted for operation and maintenance of public utility services including but not limited to water, sanitary sewers, electricity and telephone, and to companies providing cable television and cable signal transmission services and for storm water drainage systems for the construction, operation and maintenance of the facilities to provide such services and systems above and beneath the ground.

SECTION 3. This ordinance shall take effect at the earliest opportunity allowed by law.

Christine Houk, President of Council

Passed:
Effective:

Richard L. Stage, Mayor

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this ordinance
is correct as to form.

Stephen J. Smith, Director of Law

Date: 01-27-20	No.: C-06-20
Introduced By: Mr. Schottke	1st Reading: 02/03/20
Committee: Lands	Public Notice: 02/04/20
Originated By: Law Dir.	2nd Reading: 02/18/20
Approved: Mr. Boso	Passed: ___ Rejected:
Emergency: ___ 30 Days: X	Codified: ___ Code No:
Current Expense: ___	Passage Publication:

ORDINANCE C-06-20

AN ORDINANCE AUTHORIZING THE ANNEXATION OF 0.4 ± ACRES OF PROPERTY LOCATED ON STATE ROUTE 104 FROM JACKSON TOWNSHIP TO THE CITY OF GROVE CITY

WHEREAS, the City of Grove City desires to annex from Jackson Township 0.4 acres, more or less, of property located on State Route 104 (Jackson Pike) that is owned in fee simple by the City of Grove City as legally described in Exhibit A and depicted in the annexation plat attached hereto as Exhibit B; and

WHEREAS, the City of Grove City desires to annex this roadway property in order to construct and maintain certain improvements being made to the roadway by the City of Grove City; and

WHEREAS, pursuant to Ohio Revised Code Section 709.16, the City of Grove City has the authority to petition the Board of County Commissioners of Franklin County, State of Ohio, to annex this property as the property is contiguous to the corporation line of the City of Grove City, and the property is being acquired and will be owned in fee simple by the City of Grove City; and

WHEREAS, upon receipt of an annexation petition from the City of Grove City for the annexation of the property, the Board of County Commissioners of Franklin County, State of Ohio, shall grant the annexation petition.

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

SECTION 1. The City of Grove City hereby authorizes the annexation from Jackson Township of 0.4 acres, more or less, of property located on State Route 104 (Jackson Pike) and owned in fee simple by the City of Grove City as legally described in Exhibit A and depicted in the annexation plat attached hereto as Exhibit B.

SECTION 2. The Director of Law and the Clerk of Council are hereby vested with the authority to file an annexation petition for the annexation of this property with the Board of County Commissioners of Franklin County, State of Ohio.

SECTION 3. This Ordinance shall take effect at the earliest opportunity allowed by law.

____
Christine A. Houk, President of Council

Passed:

____
Richard L. Stage, Mayor

Effective:

Attest:

____
Tami K. Kelly, MMC, Clerk of Council

I certify that this
ordinance is correct as to form.

____
Stephen J. Smith, Director of Law

C-06-20

Exhibit A

PROPOSED ANNEXATION
0.4± ACRE

FROM: TOWNSHIP OF JACKSON

TO: CITY OF GROVE CITY

Situated in the State of Ohio, County of Franklin, Township of Jackson, lying in Virginia Military Survey Number 478, and being part of Jackson Pike (State Route 104) conveyed as that 0.351 acre tract conveyed to the City of Grove City, Ohio by deed of record in Instrument Number 201910100135030, that 0.126 acre tract conveyed to the City of Grove City, Ohio by deed of record in Instrument Number 201910100135029, and dedicated by Plat Book 32, Page 17-B (all references are to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the southwesterly corner of Lot 1 of that subdivision entitled "Jahn Estates", of record in Plat Book 32, Page 17-B, said lot being conveyed to Andrew Loewendick by deed of record in Instrument Number 201307080113592, an angle point in the easterly right-of-way line of said Jackson Pike, and an angle point in the existing City of Grove City corporation line, as established by Ordinance Number C-107-05, recorded in Instrument Number 200511280248767;

Thence with the easterly right-of-way line of said Jackson Pike, the westerly line of said Lot 1 and said existing City of Grove City corporation line, a distance of approximately 31 feet to the an angle point in said existing City of Grove City corporation line, being the TRUE POINT OF BEGINNING;

Thence continuing with said existing City of Grove City corporation line, partially with the southerly line of said 0.351 acre tract, a distance of approximately 102 feet to the common corner of said 0.351 acre tract and the remainder of that 5.495 acre tract conveyed to Malcolm C. Mogren and Barbara J. Macewen-Mogren of record in Instrument Number 200108070181475, and at the right-of-way intersection of the westerly right-of-way line of said Jackson Pike and the northerly right-of-way line of Holton Road;

Thence with the line common to said 0.351 acre tract and the remainder of said 5.495 acre tracts, and the westerly right-of-way line of said Jackson Pike, a distance of approximately 335 feet to the northwesterly corner of said 0.351 acre tract, in the southerly line of said 0.126 acre tract;

Thence with the line common to said 0.126 acre and 5.495 acre tracts and the westerly right-of-way line of said Jackson Pike, a distance of approximately 10 feet to the common corner of said 0.126 acre tract and the remainder of that 50,000 square foot tract conveyed to John T. Hirt, Jr. and Helen M. Hirt by deed of record in Official Record 15830A10;

Thence with the line common to said 0.126 acre tract and the remainder of said 50,000 square foot tract and the westerly right-of-way line of said Jackson Pike, a distance of approximately 100 feet to an angle point in said existing City of Grove City corporation line, at the common corner of said 0.126 acre tract and that Lot 14 of said "Jahn Estates", said lot being conveyed to Dirk C. Blacker and Melanie E. Blacker by deeds of record in Instrument Numbers 200801240011768 and 201903060025631;

Thence with the northerly line of said 0.126 acre tract, said existing City of Grove City corporation line, and across said Jackson Pike, a distance of approximately 25 feet to an angle point in said existing City of Grove City corporation line;

Thence continuing with said existing City of Grove City corporation line, and across said 0.126 acre and 0.351 acre tracts, a distance of approximately 337 feet to an angle point in said existing City of Grove City corporation line;

PROPOSED ANNEXATION
0.4± ACRE
-2-

Thence across Jackson Pike, continuing with said existing City of Grove City corporation line, a distance of approximately 85 feet to the easterly right-of-way line of said Jackson Pike, the westerly line of Lot 2 of said "Jahn Estates", said lot being conveyed to Susan J. Wilson of record in Instrument Number 200003300061577, and an angle point of said existing City of Grove City corporation line;

Thence with the easterly right-of-way line of said Jackson Pike, the westerly lines of said Lots 2 and 1, a distance of approximately 120 feet to the TRUE POINT OF BEGINNING, containing 0.4 acre, more or less.

Total perimeter of annexation area is 1114 feet, of which 549 feet is contiguous with the City of Grove City by Ordinance Number C-107-05, giving 49% perimeter contiguity.

This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

This description is for annexation purposes only and is not to be used for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.

John C. Dodgion 01/14/2020
Date
Professional Surveyor No. 8069

STATE OF OHIO
JOHN C. DODGION
S-8069
REGISTERED SURVEYOR

JCD:anp
0_4 ac 20190226-ANNX-01.doc

C-06-20

Exhibit B

EMHT

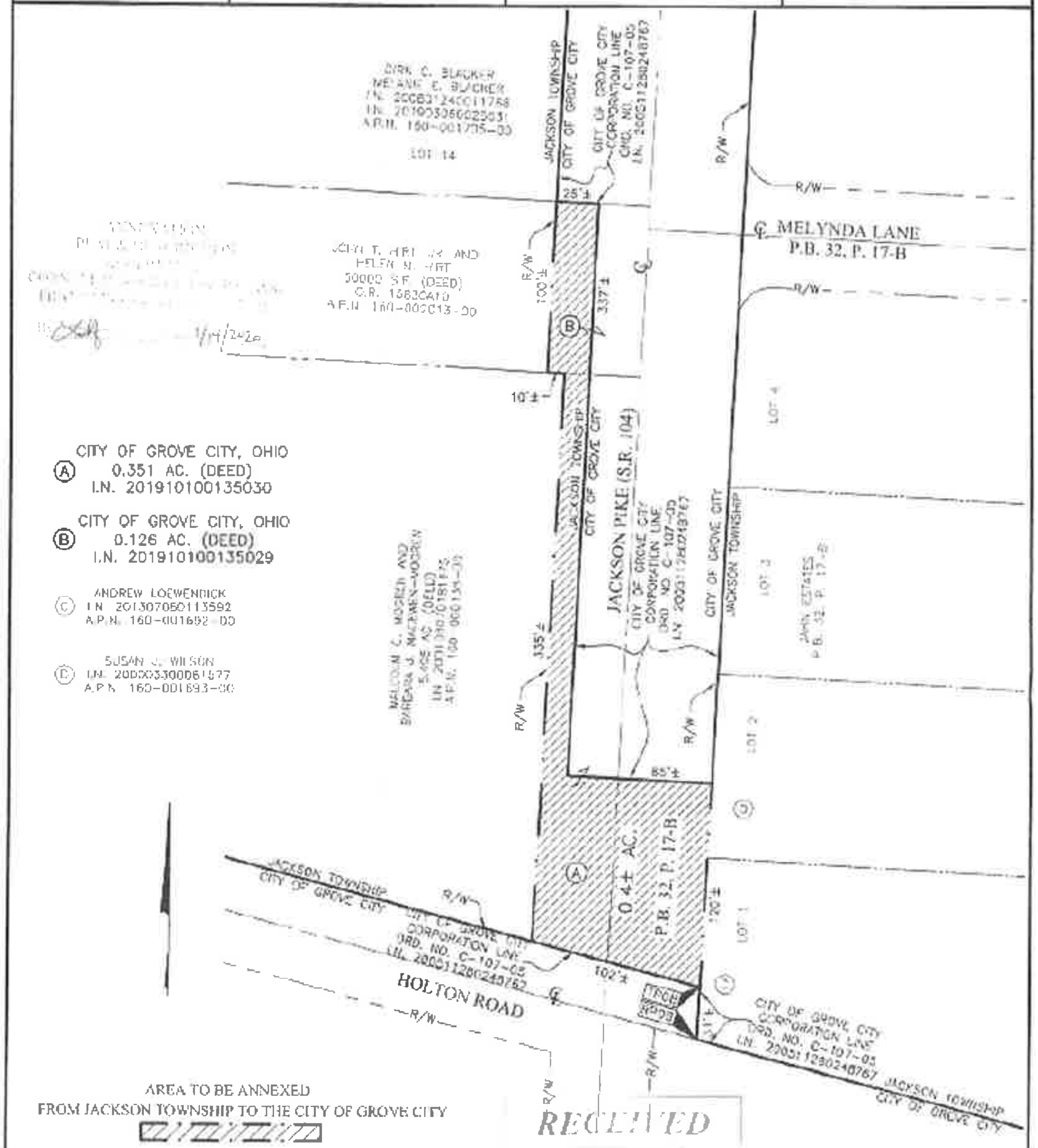
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Toll Free: 888.775.3648
emht.com

PROPOSED ANNEXATION OF 0.4± ACRE FROM JACKSON TOWNSHIP TO THE CITY OF GROVE CITY

VIRGINIA MILITARY SURVEY NUMBER 478

TOWNSHIP OF JACKSON, COUNTY OF FRANKLIN, STATE OF OHIO

Date: October 16, 2019	Job No: 2019-0228	Scale: 1" = 60'



AREA TO BE ANNEXED FROM JACKSON TOWNSHIP TO THE CITY OF GROVE CITY

PROPOSED CITY OF GROVE CITY CORPORATION LINE

EXISTING CITY OF GROVE CITY CORPORATION LINE

RECEIVED

JAN 14 2020

Contiguity Note:
Total perimeter of annexation area is 1114 feet, of which 549 feet is contiguous with the City of Grove City by Ordinance Number C-107-05, giving 49% perimeter contiguity.

Note:
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.

60 0 60 120

GRAPHIC SCALE (in feet)

STATE OF OHIO JOHN C. DODGION S-8069 REGISTERED PROFESSIONAL SURVEYOR

By John C. Dodgion 01/14/2020

John C. Dodgion
Professional Surveyor No. 8069

Date

Holton Road and SR 104 Intersection Imp / 20190228-VS-ANNX-01

Date:	01/28/20
Introduced By:	Mr. Schlabach
Committee:	Service
Originated By:	Mayor/Houk
Approved:	
Emergency: ___	30 Days: ___
Current Expense:	

No.:	CR-01-20
1st Reading:	02/03/20
Public Notice:	
2nd Reading:	
Passed: ___	Rejected:
Codified: ___	Code No:
Passage Publication:	

RESOLUTION NO. CR-01-20

A RESOLUTION TO FORM THE SUBSTANCE ADDICTION AND MENTAL HEALTH ACTION PLAN COMMITTEE FOR THE GROVE CITY COMMUNITY

WHEREAS, Council and Administration met January 26, 2019 to discuss goals for 2019, and development of a formal Grove City Opioid Action Plan was included; and

WHEREAS, in March 2019, the Governor's Recovery Ohio Advisory Council released its initial report addressing 75 recommendations in 8 core areas (Stigma and Education, Parity, Workforce Development, Prevention, Harm Reduction, Treatment and Recovery Supports, Specialty Populations, and Data Measurement and System Linkage); and

WHEREAS, Alcohol Drug and Mental Health (ADAMH) Board of Franklin County, through collaboration with stakeholders throughout Franklin County, created a Franklin County Opiate Action Plan, which provided four overarching goals to serve as the focus of policy strategies for 2017 through 2019 (Prevent opiate abuse and addiction; Reduce the number of opiate-related deaths; Expand access and decrease wait time for treatment; Improve the safety of our community); and

WHEREAS, the City recognizes successful initiatives on both the state and county level demonstrate the importance of working collaboratively and effective local strategies will involve bringing together community partners from government agencies, education, law enforcement, first responders, health care providers, mental health clinicians, treatment facilities, faith communities and others; and

WHEREAS, the harm caused by the opioid crisis extends beyond opioids to many forms of addiction and mental health illnesses; and

WHEREAS, Recovery Ohio's initial report expressly recommends expansion of "access to specialty courts for people and families with mental illness and addiction and increase the number of specialty dockets that embrace Trauma-Informed best practices and family-centered approaches;" and

WHEREAS, the Mayor and Council recognize the many successful programs and initiatives currently being implemented by the City's numerous community partners and accordingly assert that bringing these partners together will facilitate the discovery of opportunities for collaboration and a resulting network of support for the comprehensive Grove City Substance Addiction and Mental Health Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

SECTION 1. The Mayor has directed the Safety Director to establish a pilot program and create a Substance Addiction and Mental Health Advocate position in cooperation with

ADAMH. The pilot program will include policies, procedures and protocols for the Advocate and City Staff. The Advocate will assist individuals with addiction/mental health illnesses through a variety of treatment and service options while also serving as the primary contact and subject matter expert for City staff and

- Assist the City Prosecutor with referrals from the Grove City Mayor's Court/Municipal Court to the Franklin County Recovery Court or other treatment options
- Provide a local contact to help determine treatment options
- Divert appropriate individuals into treatment vs. incarceration
- Serve as a resource for affected family members

SECTION 2. The Mayor and City Council will coordinate the formation of the Substance Addiction and Mental Health Action Plan Committee (SAMHAPC), with the mission of working collaboratively to formalize the City of Grove City Substance Addiction and Mental Health Action Plan. The Safety Director or his/her designee will serve as the chair of the committee.

`**SECTION 3**. The Mayor will continue to be a partner in the Ohio Opioid Education Alliance, and Central Ohio Mayors and Managers Association in the development of regional recovery strategies.

SECTION 4 The City will recognize Jackson Township Fire and EMS Department as an integral member of the Committee and provider of services.

SECTION 5. This resolution shall take effect at the earliest opportunity allowed by law.

Christine Houk, President of Council

Richard L. Stage, Mayor

Passed:
Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I Certify that this resolution is correct as to form.

Stephen J. Smith, Director of Law

Date: 01-14-20	No.: C-05-20
Introduced By: Mr. Holt	1st Reading: 01/21/20
Committee: Finance	Public Notice: 01/22/20
Originated By: Mr. Smith	2nd Reading: 02/03/20
Approved: Ms. Houk	Passed: ____ Rejected:
Emergency: ___ 30 Days: XX	Codified: ___ Code No:
Current Expense:	Passage Publication:

ORDINANCE C-05-20

AN ORDINANCE TO APPROPRIATE $42,008.00 FROM THE GENERAL FUND FOR THE CENTRAL OHIO TRANSIT AUTHORITY AGREEMENT

WHEREAS, in 2019, this Council approved Ordinance C-19-19 that implemented a pilot program with the Central Ohio Transit Authority to provide on-demand micro-transit service in a portion of the City; and

WHEREAS, this Project provided "last-mile" connection for workers and businesses located in the City, but was limited in the area in which the service was available; and

WHEREAS, within the existing agreement, Section 3.1 and 3.2 allow for the expansion of COTA Plus service City wide as a pilot from April 15, 2020 to July 15, 2020; and

WHEREAS, for the second year of the Project, the City and COTA wish to extend the service City wide; and

WHEREAS, the City and COTA will share the cost equally for the expanded service.

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

SECTION 1. There is hereby appropriated $42,008.00 from the unappropriated monies of the General Fund to account number 100120.551300 for the Current Expense of said purchase and related expenses.

SECTION 3. This Ordinance appropriates for current expenses and shall therefore go into immediate effect.

Christine A. Houk, President of Council

Passed:

Richard L. Stage, Mayor

Effective:

Attest:

Tami K. Kelly, MMC, Clerk of Council

I certify that this
ordinance is correct as to form.

Stephen J. Smith, Director of Law

I Certify that there is money in the treasury, or

Date:	01-14-20	No.:	C-07-20
Introduced By:	Mr. Holt	1st Reading:	02/03/20
Committee:	Finance	Public Notice:	
Originated By:	Mr. Smith	2nd Reading:	
Approved:	Ms. Houk	Passed: ____ Rejected:	
Emergency:	X 30 Days: ____	Codified: ___ Code No:	
Current Expense:		Passage Publication:	

ORDINANCE NO. C-07-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF $6,000,000.00 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND EXTENDING COLUMBUS STREET BETWEEN CERTAIN TERMINI BY CONSTRUCTING CERTAIN ROADWAY IMPROVEMENTS, INCLUDING WIDENING, OPENING, IMPROVING, EXCAVATING, GRADING, DRAINING, PAVING, EXTENDING, OR CHANGING THE LINE OF ROADS, STREETS, SIDEWALKS, ALLEYS, OR CURBS AND GUTTERS, AND LANDSCAPING, ANY RELATED PUBLIC UTILITY IMPROVEMENTS, STREET LIGHTING, TRAFFIC SIGNALIZATION, ELECTRICAL LINES AND SIGNAGE, AND ACQUIRING NECESSARY REAL ESTATE AND INTERESTS THEREFOR, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. C-70-18 passed January 7, 2019, notes in anticipation of bonds in the aggregate principal amount of $6,000,000.00, dated March 6, 2019 (the "*Outstanding Notes*"), were issued for the purpose described in Section 1 to mature on March 5, 2020; and

WHEREAS, this Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five (5) years, the estimated maximum maturity of the Bonds described in Section 1 is at least twenty (20) years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is March 7, 2038.

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

SECTION 1. It is necessary to issue bonds of this City in the maximum principal amount of $6,000,000.00 (the "*Bonds*") for the purpose of paying the costs of improving and extending Columbus Street between certain termini by constructing certain roadway improvements, including widening, opening, improving, excavating, grading, draining, paving, extending, or changing the line of roads, streets, sidewalks, alleys, or curbs and gutters, and landscaping, any related public utility improvements, street lighting, traffic signalization, electrical lines and signage, and acquiring necessary real estate and interests therefor, together with all necessary and related appurtenances thereto (the "*Improvement*").

SECTION 2. The Bonds shall be dated approximately January 1, 2021, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds, in any fiscal year in which principal is payable, shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2021.

SECTION 3. It is necessary to issue and this Council determines that notes in the maximum principal amount of $6,000,000.00 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance; *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

SECTION 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*"). The Director of Finance is authorized, to the extent necessary or appropriate, to enter into an agreement with the Paying Agent in connection with the services to be provided by the Paying Agent after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 5. The Notes shall be signed by the Mayor and the Director of Finance in the name of the City and in their official capacities, *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of $100,000.00 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

"*Book entry form*" or "*book entry system*" means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and "immobilized" in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

"*Depository*" means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"*Participant*" means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) 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 City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

SECTION 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, and any person serving in an interim or acting capacity for any such official, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

SECTION 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser or deposited with the Paying Agent, in each case on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to (a) withhold certain proceeds from the sale of the Notes or (b) remit certain proceeds from the sale of the Notes to the Paying Agent, in each case to provide for the payment of certain financing costs on behalf of the City. If proceeds are remitted to the Paying Agent in accordance with this Section 7, the Paying Agent shall be authorized to create a fund in accordance with the Certificate of Award for that purpose. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

SECTION 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

SECTION 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the four-mill limitation imposed by the Charter of the City, shall be and is 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 those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes or the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes or the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

SECTION 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "*Code*") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, 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 one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

SECTION 11. The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or S&P Global Ratings, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

SECTION 12. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

SECTION 13. The services of Baker Tilly Municipal Advisors, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

SECTION 14. The Clerk of Council is directed to promptly deliver or cause to be delivered a certified copy of this Ordinance to the County Auditor of Franklin County, Ohio.

SECTION 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no charter, statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

SECTION 16. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 17. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

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Christine Houk, President of Council

Passed: ____________, 2020

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Richard L. Stage, Mayor

Effective: ____________, 2020

Attest: ______________________________
Tami K. Kelly, MMC, Clerk of Council

I certify that this Ordinance is correct as to form.

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Stephen J. Smith, Director of Law