

**RESOLUTION NO. 08-12**

**By: Richard Sharp**

A Resolution authorizing the Mayor of the City of Bexley to enter into an agreement with central Ohio jurisdictions to discontinue the use of certain economic development incentives to entice companies to move within the central Ohio region, for a period of eighteen months.

**WHEREAS**, local governments in central Ohio have been meeting since January 27, 2011 to explore how they can best work together to attract new economic investment and jobs to the region; and

**WHEREAS**, the Parties have continued to meet and discuss viable strategies to bring new economic development to the region and have agreed that financial incentives are tools best used to entice investment from outside the region, and should not be used to encourage a central Ohio company to relocate from one local community to another; and

**WHEREAS**, the Parties agree that financial incentives include performance based payroll incentives, cash, land, grants, loans, and tax credits and any real estate tax abatements requiring the approval of an agreement by the legislative authority of a partnering jurisdiction or provided by an agent of the partnering jurisdiction; and

**WHEREAS**, to that end, the partnering jurisdictions have agreed to enter into an Agreement that limits the use of financial incentives for projects other than those bringing new jobs to the region.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

Section 1. That the Mayor is hereby authorized to enter into an Agreement with other local jurisdictions within the region to not use financial incentives to entice a company already located within the region to move from one partnering jurisdiction to another.

Section 2. That by entering into the Agreement, nothing will be construed to limit or preclude a partnering jurisdiction from offering whatever incentives are necessary to retain and grow a company already located within its jurisdiction.

Section 5. That this Resolution shall go into full force and effect at the earliest date allowed by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 4-10-12  
Second Reading 4-24-12

Third Reading 5-8-12

AMENDED RESOLUTION NO. 09-12

By: Steve Keyes

A Resolution to appoint the following individual:

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO**

**Section 1.** That Mabel Freeman is hereby appointed to the Central Ohio Transit Authority (COTA) Board as a representative for the City of Bexley.

**Section 2.** This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_, 2012  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 4-24-12

Second Reading 5-8-12

ORDINANCE NO 22 - 12

By: Matt Lampke

An Ordinance to amend Section 1490.09; of the Building and Property Maintenance Code.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

Section 1. That Section 1490.09; of the Building and Property Maintenance Code, is hereby amended as follows:

1490.09 MAINTENANCE OF EXTERIORS OF STRUCTURES.

(a) All exterior parts of every structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structural members, either above or below the roof line, shall be maintained in a safe, weathertight condition.

(b) All missing, buckled, rotten, or deteriorated structural members including, but not limited to, walls, doors, windows, porches, floors, steps, ceilings, soffits, posts, sills and trim must be repaired or replaced in a workmanlike manner. All such replacements must be consistent with the original design of the structure and/or part thereof.

- (1) THE CHOSEN WINDOW DRESSINGS (DRAPES, BLINDS, CURTAINS, ETC) SHALL BE MAINTAINED IN GOOD CONDITION AND FREE FROM DAMAGED, BENT OR MISSING SLATS; AND TORN OR WORN CURTAINS, BLINDS AND DRAPERIES.
- (2) SCREENS, IF PROVIDED, SHALL BE SECURELY FASTENED TO THE WINDOW AND MAINTAINED IN GOOD REPAIR.

Section 2. That Section 1490.09 as presently in effect is hereby repealed.

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

Passed: , 2012

Rick Weber, President of Council

Attest:  
Clerk of Council

Approved: , 2012

Ben Kessler, Mayor

First Reading 4-10-12  
Second Reading 4-24-12  
Third Reading 5-8-12

## ORDINANCE 23-12

By: Richard Sharp

An Ordinance to enter into an agreement with Capital University to pay the increased cost of water line from 8 inches to 12 inches.

WHEREAS, the City has received a loan from the Ohio Public Works Commission (OPWC) to replace a water line under College Avenue as part of the College Avenue reconstruction project, and,

WHEREAS, it is in the best interest of the City to install a 12 inch water line from Main St. to Astor Avenue to encourage growth in the City, and

WHEREAS, Capital University will also benefit from this larger water line and they are willing to pay the difference in costs between an 8 inch line and a 12 inch (cost to be approximately \$75,000) and,

WHEREAS, Capital University has agreed to pay the difference in costs over the next 20 years.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.** That the Mayor is hereby authorized to enter into an agreement on behalf of the City with Capital University for Capital University to repay the City the cost of the new water line at a rate of 1/20<sup>th</sup> per year for 20 years.

**Section 2.** That this Ordinance shall go into effect at the earliest period allowed by law.

Passed \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Benjamin J. Kessler, Mayor

First Reading April 10, 2012

Second Reading April 24, 2012

Third Reading May 8, 2012

**ORDINANCE 24-12**

By: Steven Keyes

An Ordinance to amend Second Amended Ordinance 44-11 authorizing the retail sale of food items from mobile, non-permanent, food carts.

**BE RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.** That the Bexley City Ordinance 832.04 is amended, by adding the following:

- a. Section 832.04(a)(8).
- b. The provisions of 832.04, including (a)(1) through (a)(7) may be waived by written permission of the Mayor for the purpose of allowing food service at community events.

**Section 2.** That this Ordinance shall go into effect at the earliest period allowed by law.

Passed: \_\_\_\_\_, 2012

\_\_\_\_\_  
Rick Weber, President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 4-10-12  
Second Reading 4-24-12  
Third Reading 5-8-12

ORDINANCE NO. 25 - 12

By: Richard Sharp

An Ordinance to terminate the Bexley Beautification 1992 Fund of Columbus Foundation, Inc. and to authorize the transfer of the funds therein to create the Bexley Beautification Fund of the Bexley Community Foundation of The Columbus Foundation.

WHEREAS, in 1991 the City created the Bexley Beautification 1992 Fund of Columbus Foundation, Inc. (the "1992 Fund") to solicit private donations and to support community beautification in the City; and

WHEREAS, the Bexley Community Foundation was formed in 2009 and commenced operation in 2011, and the mission of the Foundation is to maintain and enhance Bexley as a special place to live, learn, work and play by supporting a wide range of projects and programs, including community beautification; and

WHEREAS, the Board of Governors of the 1992 Fund has recommended that the 1992 Fund be terminated and that the funds therein be transferred to a new beautification fund within the Bexley Community Foundation; and

WHEREAS, this Council has determined that the interests of the community and the goals of the 1992 Fund would be better served by transferring the responsibility for generating private support for community beautification to the Bexley Community Foundation, consistent with the respective duties of the City and the mission of the Foundation;

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

Section 1. The City hereby terminates the Bexley Beautification 1992 Fund of Columbus Foundation, Inc. (the "1992 Fund") and authorizes the transfer of the funds therein to create the Bexley Beautification Fund of the Bexley Community Foundation of The Columbus Foundation.

Section 2. The letter of transmittal to The Columbus Foundation, in the form attached hereto at Exhibit A, is hereby approved, and the Mayor and Chair of the Board of Governors of the 1992 Fund are hereby authorized and directed to execute and deliver said letter of transmittal to The Columbus Foundation.

Section 3. That this ordinance shall be in full force and effect from and after the earliest date permitted by law.

\_\_\_\_\_  
Benjamin J. Kessler, Mayor

Dated: \_\_\_\_\_, 2012

Attest:

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_, 2012

First Reading 4-24-12  
Second Reading 5-8-12

THE COLUMBUS FOUNDATION (C)  
Letter of Transmittal

**Bexley Beautification Fund of the Bexley Community Foundation**  
Field of Interest Fund

The Columbus Foundation

To the Board of Trustees:

An internal transfer from the Bexley Beautification 1992 Fund of Columbus Foundation, Inc. (the "Bexley Beautification 1992 Fund") in the amount of \$ \_\_\_\_\_ has taken place within The Columbus Foundation, an Ohio not-for-profit corporation, for its charitable, educational and public purposes.

This internal transfer hereby creates a new fund as provided for in the Amended Articles of Incorporation and Code of Regulations establishing The Columbus Foundation, subject to all of the terms and conditions contained therein, and any amendments or additions thereto at any time made, except as hereinafter set forth. The variance power set forth in the Amended Articles of Incorporation shall apply if the purpose of the fund becomes unnecessary, undesirable, impractical or impossible to fulfill.

With this internal transfer, it is the intention of the City of Bexley, by action of the Bexley City Council, and the Board of Governors of the Bexley Beautification 1992 Fund to terminate the Bexley Beautification 1992 Fund and to create the **Bexley Beautification Fund of the Bexley Community Foundation** of The Columbus Foundation (the "Fund"). The Fund is established to support community beautification and improvement projects or activities in the City of Bexley, Ohio, including, but not limited to, landscaping, historic preservation, public sculpture or murals, signage and urban revitalization and to promote public interest in and awareness of community beautification, and to pay expenses incurred by the Bexley Community Foundation in connection with the promotion and administration of the Fund. The Board of Directors of the Bexley Community Foundation may add to the Fund from time to time, and it is the hope of the Bexley Community Foundation that other individuals and organizations will also add to the Fund.

The Board of Directors of the Bexley Community Foundation shall appoint a Board of Governors of the Fund comprised of not less than three nor more than seven persons to promote the purpose of the Fund and to recommend to the Board of Directors distributions from the Fund.

The initial members of the advisory board shall be the members of the Board of Governors of the Bexley Beautification 1992 Fund immediately prior to the transfer of funds therein to the Fund.

The Executive Committee of the Board of Directors of the Bexley Community Foundation may suggest (according to the method set forth in the next paragraph) to the Trustees of The Columbus Foundation, as to the distribution of the Fund (as well as income therefrom) among those entities, including, without limitation, the Bexley Community Foundation and the City of Bexley, as are eligible to receive funds by the terms of the Amended Articles of Incorporation and Code of Regulations of The Columbus Foundation, and provided further, that the entire Fund may be expended and distributed and shall not be subject to the restrictions set forth in Article III of said Amended Articles of Incorporation.

The directions to the Trustees of The Columbus Foundation as to the distribution of the Fund shall be in writing and shall contain the statement that the direction is made with the approval of at least a majority of the Executive Committee of the Board of Directors of the Bexley Community Foundation, upon recommendation of the Board of Governors of the Fund.

BEXLEY COMMUNITY FOUNDATION

By \_\_\_\_\_  
Judith Y. Brachman, Vice Chair

CITY OF BEXLEY, OHIO

By \_\_\_\_\_  
Benjamin J. Kessler, Mayor

BOARD OF GOVERNORS  
BEXLEY BEAUTIFICATION 1992 FUND

By \_\_\_\_\_  
Susan L. Quintenz, Chair

We hereby acknowledge the internal transfer of the above \$ \_\_\_\_\_ and agree to administer the Bexley Beautification Fund of the Bexley Community Foundation of The Columbus Foundation as created hereunder and under the Amended Articles of Incorporation and Code of Regulations establishing The Columbus Foundation as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE COLUMBUS FOUNDATION

By \_\_\_\_\_  
Douglas F. Kridler, President & CEO

**ORDINANCE NO. 26-12**

By: Richard Sharp

An Ordinance to pay \$8,105 from Account 01-170-1323 for the purpose of sharing payroll tax revenue from 2011, derived from the Bexley Gateway project, with the Bexley City School District in accordance with Section 5709.82 of the Ohio Revised Code.

WHEREAS, Section 5709.82 of the Ohio Revised Code requires municipalities which have granted tax exemptions to projects within their jurisdiction to share with their school district 50% of income taxes collected on a project in any given year in which the payroll of new employees at that project exceeds \$1,000,000; and

WHEREAS, the Bexley Gateway project generated a 2011 payroll of \$1,246,942 from new employees at the project; and

WHEREAS, the payroll taxes collected by the City on those employees totaled \$24,939 and

WHEREAS, 50% of the amount collected, which must be shared with the Bexley City Schools, equals \$12,470; and

WHEREAS, O.R.C. Section 5709.82 permits the City to deduct debt service on bonds for infrastructure improvements that directly benefit the exempted property, up to 35% of the amount owed to the school district; and

WHEREAS, debt service on the Main Street Storm Sewer project in 2011 was \$94,093;

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

Section 1. That \$8,105 from Account 01-170-1323 is hereby to be paid to the Bexley City Schools as revenue sharing owed to the Bexley City Schools for payroll taxes collected by the City on the Bexley Gateway project during 2011.

Section 2. That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 4-24-12

*Second Reading 5-8-12*

**SCHOOL REVENUE SHARING CALCULATIONS  
2011 TAX YEAR**

**Bexley Gateway Project**

<u>Business</u>	<u>Payroll</u>	<u>Taxes Withheld</u>
Rusty Bucket	\$818,323	\$16,368
Jeni's Splendid Ice Cream	\$108,169	\$ 2,163
Moshi Sushi	\$320,400	\$ 6,408
Hummel Title*	_____	_____
Total	\$1,246,942	\$24,939

Total Payroll \$1,246,942 X 2% = \$24,939

\$24,939 X 50% = \$12,470

Amount owed to Bexley City Schools = \$12,470

Less Credit of 35% for Main Street Storm  
Sewer Debt Service of \$94,093 (4,365)

**Total Owed to Bexley City Schools \$ 8,105**

\*Not applicable since no new employees in Bexley

Ordinance 27-12

By Ben Kessler:

An Ordinance to reduce the appropriation for construction of the police station by \$120,679 and to authorize transfer from the General Fund to the Bond Retirement fund of \$120,679 to reimburse the Bond Retirement Fund for the interest to be paid in 2011 on these bonds.

**Whereas,** The City issued \$7,400,000 general obligation bonds in 2009 to construct a new police station for the City, and

**Whereas,** There are \$120,679 in bond proceeds remaining unspent, and

**Whereas,** The City is permitted to use the excess proceeds from the bonds to pay for the interest portion of the debt service.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY OHIO:**

Section 1. That the appropriation for the police station construction is hereby reduced by \$120,679.

Section 2. That a transfer of \$120,679 is hereby authorized from the unencumbered General Fund to the Bond Retirement Fund to reimburse the Bond Retirement Fund for interest related to the police station bonds.

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

Passed: \_\_\_\_\_, 2012

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 4-24-12  
Second Reading 5-8-12

ORDINANCE NO. 29- 12

By: Matt Lampke

An Ordinance to amend Section 1490.09; of the Building and Property Maintenance Code.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

Section 1. That Section 1490.09; of the Building and Property Maintenance Code, is hereby amended as follows:

1490.09 MAINTENANCE OF EXTERIORS OF STRUCTURES.

(a) All exterior parts of every structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structural members, either above or below the roof line, shall be maintained in a safe, watertight condition.

(b) All missing, buckled, rotten, or deteriorated structural members including, but not limited to, walls, doors, windows, porches, floors, steps, ceilings, soffits, posts, sills and trim must be repaired or replaced in a workmanlike manner. All such replacements must be consistent with the original design of the structure and/or part thereof.

(1) THE CHOSEN WINDOW DRESSINGS (DRAPES, BLINDS, CURTAINS, ETC) SHALL BE MAINTAINED IN GOOD CONDITION AND FREE FROM DAMAGED, BENT OR MISSING SLATS; AND TORN OR WORN CURTAINS, BLINDS AND DRAPERIES.

(2) SCREENS, IF PROVIDED, SHALL BE SECURELY FASTENED TO THE WINDOW AND MAINTAINED IN GOOD REPAIR.

Section 2. That Section 1490.09 as presently in effect is hereby repealed.

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

Passed: \_\_\_\_\_, 2012

\_\_\_\_\_  
Rick Weber, President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_, 2012

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading 5-8-12