

ORDINANCE NO. 38-88

By: J. Heckman

An Ordinance to authorize the Mayor and Auditor to enter into an agreement on behalf of the City with Hayes Concessions for the operation of the Bexley pool concession stand and to declare an emergency.

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

Section 1. That the Mayor and Auditor are hereby authorized and directed to execute on behalf of the City an agreement with Hayes Concessions for the operation of the Bexley pool concessions stand in the form attached hereto and incorporated herein by reference, subject to such changes, if any, as may be approved by the City Solicitor.

Section 2. That this Ordinance is an emergency ordinance necessary for the immediate preservation of the public peace, health and safety, said emergency being the opening of the Bexley pool on May 28, 1988, and shall go into effect upon its passage and approval by the Mayor.

Passed: May 24, 1988

Attest: J. W. H. H. H.

Clerk of Council

Albert Meyer
President of Council

APPROVED: May 24, 1988

David H. Madison
David H. Madison, Mayor

May 24, 1988 - 1st Reading
Susp. & Adopted

City of Bexley, Ohio
2242 East Main Street, 43209 235-8694

David H. Madison, Mayor

City Council

Albert J. Myers, President
John M. Brennan
John T. Loehnert
Mark R. Masser
John H. Offenberger
Joanne H. Ranft
Robert K. Schmitz
James H. Gross, City Attorney
John W. Hornberger, Auditor

May 24, 1988

Hayes Concessions
c/o Robert S. Leffler
753 Francis Avenue
Columbus, OH 43209

Gentlemen:

The City of Bexley is in receipt of your letters dated February 23, 1988 and March 4, 1988, to John A. Barr, which letters set forth a proposal to operate the concession stand at the Bexley pool for the 1988 season. Your proposal is acceptable to the City subject to the following changes:

1. Item 2 of your letter dated February 23, 1988 is deleted in its entirety and amended to read as follows:

"Hayes Concessions will operate the concession stand consistent with pool hours. Hours of operation will be subject to change due to inclement weather or as adverse sales patterns dictate; provided, however, that any deviation from normal hours during which the pool is open must be approved by the Recreation Director, or in his absence, the Pool Manager, which approval shall not be unreasonably withheld."

2. Item 7 of your letter dated February 23, 1988 is deleted in its entirety and amended to read as follows: "Hayes Concessions will not be responsible for any repairs to pool concession stand equipment owned by the City of Bexley unless such repair is caused by the negligence or improper use of such equipment by employees of Hayes Concessions. A list of concession stand equipment owned by the City of Bexley is attached as Exhibit A. Notwithstanding the foregoing, Hayes Concessions shall be responsible for any personal injury or property damage arising out of the operation of the concession stand and agrees to indemnify and hold the City of Bexley, its elected officials, employees and agents, from any and all liability. Hayes Concessions shall furnish to the City evidence of general liability insurance coverage for bodily injury and property damage in an amount not less than \$1 million per

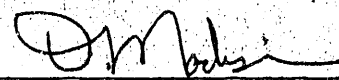
Hayes Concessions
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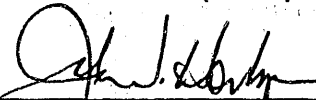
occurrence with such insurance policy naming the City of Bexley as a co-insured."

Your letters of February 23, 1988 and March 4, 1988, together with this letter to you, shall be deemed to constitute the contract between Hayes Concessions and the City of Bexley for operation of the Bexley pool concession stand. If the foregoing changes to your letter of February 23, 1988 are acceptable, please indicate your acceptance by signing the enclosed copy of this letter in the space indicated and returning it to John Barr.

Very truly yours,

City of Bexley


By 
David H. Madison, Mayor

By 
John W. Hornberger, Auditor

Accepted:

Hayes Concessions

By 
Richard C. Hayes

By 
Robert S. Leffler

Dated: May , 1988

EXHIBIT A

CONCESSION ROOM EQUIPMENT

1 Crathco Double Juice Dispenser
1 Toastmaster Deep Fryer
1 Double Sink 1051
1 G.E. Griddle 1035196001
1 Woods Freezer
1 Stainless Counter Table