



Columbus City Attorney **Richard C. Pfeiffer, Jr.**

eNewsletter

Volume 6, Issue 1

July 2016



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A Word from City Attorney Pfeiffer

As we celebrate Independence Day it's always important to reflect upon some of the enduring strengths of our nation while also acknowledging that the "Great American Experiment" continues and myriad challenges abound. As an elected official and an attorney I appreciate that the rule of law not only has undergirded our democracy for the past 240 years but it also can serve—when wielded properly—as an instrument for enlightenment, evolution, and progress for society.

Much of the work that our office's attorneys and support staff perform is behind-the-scenes, as we act as legal counsel for all of city government while also serving to protect the public interest. Indeed, a good percentage of what we do is akin to preventative medicine as we take a proactive approach through legal advice, counsel, training, and instructive videos to improve city practices and policies so that actions that could potentially result in lawsuits against the city are prevented from happening in the first place.

To paraphrase a former U.S. Secretary of Defense, there are "known knowns," there are "known unknowns," and sometimes there are "unknown unknowns." We hope our e-newsletters bring to light some of the accomplishments and achievements of our staff that the public may not know about, or may not have known our office was involved. But sometimes there may be something like an "unknown unknown" because our efforts may lead to absolutely nothing to report—because our proactive approach may have prevented a mistake from ever occurring.

In this issue you will be able to learn about how our Division of Real Estate may go about their business far from the spotlight but their work will impact Columbus for generations to come. You'll also see other examples of our staff being called upon to share their expertise, knowledge, and best practices at a variety of different forums.



Student observers from Worthington Kilbourne High School recently joined City Attorney Pfeiffer at the Franklin County Municipal Court.

Parents or teachers interested in having a student learn more about our court system and serve as an observer for the day are encouraged to contact Chief of Staff Bill Hedrick at brhedrick@columbus.gov.

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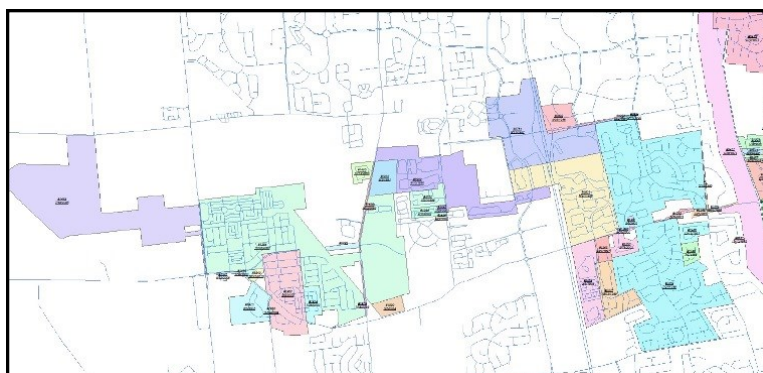
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City Attorney Continues Season Three of ‘Moseying’ Video Series

You live in Columbus, but your mailing address says Hilliard and your kids go to Hilliard schools. Your post office is in Dublin and you pay Dublin property taxes but you vote for the Mayor of Columbus. You have a Dublin zip code but pay your water bill to Columbus and attend Columbus PTA meetings. Confusing?



Map of northwest Columbus annexations, 1973-2014 (courtesy of the Columbus Division of Real Estate).

“Yes, it is,” says Columbus City Attorney Richard C. Pfeiffer, Jr.

In order to help understand the development patterns and annexation requests—some of which extend back 20, 30, and even 40 years ago—that led to this medley of municipal boundaries and political subdivisions in northwest Franklin County, City Attorney Pfeiffer’s moseying spirit took him to the Hayden Run Corridor and he invited the camera crew to come along.



Click on the above scene to watch the latest episode of season three of City Attorney Pfeiffer’s neighborhood documentary series.

The latest installment of the “[Moseying with Rick Pfeiffer: Exploring Columbus Neighborhoods](#)” video series welcomes viewers to go on a virtual tour of some of the more suburban, and even rural, parts of Columbus that are just now being developed, as City Attorney Pfeiffer relies on his trusty maps to try to make sense out of all the weaving and winding political boundaries he comes across in northwest Columbus.

Division of Real Estate Leaves Lasting Impact

It is rare, if ever, that you will see them holding a pair of scissors at a ribbon-cutting ceremony or wielding a shovel at a ground-breaking event. But without the two support staff, three attorneys, and four negotiators who comprise the Columbus Real Estate Division, hundreds of millions of dollars in private investment and scores of public improvement projects—such as road widenings, new bike paths, sidewalks, rain gardens, modern sanitary and sewer lines, water treatment plants, electrical lines, park land, conservation easements, protected green space acquisitions, new fire stations and refuse facilities—would never happen.

The above list, while indicative of projects that will serve generations of Columbus residents, is by no means comprehensive as the Real Estate Division, led by Chief Real Estate Attorney Dave Peterson, is responsible for the acquisition of all real property interests needed by city departments.

The departments bring their plans for capital improvement projects (e.g. a new sewer or water line or streetscape improvements) to the Real Estate staff, who in turn determine if real estate acquisition is needed. If so, the division provides all the research and legal work required to obtain title, including an independent appraisal process and contract negotiations.



Columbus acquired the closed Reeb Elementary building from Columbus City Schools in 2012. Located on the city's South Side, the renovated building opened last year and is home to the Boys & Girls Clubs of Columbus, Eastway Behavioral Healthcare, COWIC/Ohio Means Jobs, Godman Guild, St. Stephen's Community House, ConnectOhio, Alvis House, Lutheran Social Services, Mid-Ohio Foodbank, Community Development for All People, and the South Side Neighborhood Pride center.

Last year, the Real Estate Division provided legal and negotiating services for projects involving more than 161 land acquisitions, including the purchase of the real property needed to repurpose the former state detention facility on Home Road for a possible future water treatment plant, and the new Central Ohio Area Agency on Aging offices on South High Street.

They also assist in the management of real estate by drafting and reviewing leases, license agreements, and liability waivers as the city serves as a landlord for certain property it owns.



For example, the city has owned the North Market since 1992 and leases the building to the North Market Development Authority, the nonprofit that oversees the market. Another example is the 10 acre [Godown Dog Park](#), which Columbus owns but is operated by the City of Worthington.

The Real Estate Division works closely with the city's land bank to acquire abandoned properties that blight Columbus neighborhoods. They handled deed and instrument preparation and other assistance related to 550 deeds for the city's land bank, 220 easement or property donations, and the preparation and submittal of 30 real estate tax exemption applications for new construction and newly acquired properties.



An abandoned property that was subsequently demolished after being acquired by the Columbus Land Bank.

The Real Estate Division also participates in and provides guidance to the Columbus Land Review Commission, including the preparation and valuation of city property being considered by the commission for sale and the preparation of promissory notes and mortgages in connection with a city program to eliminate dangerous underground septic tanks.



The Scioto Audobon Park on the Whittier Peninsula was once a blighted brownfield but now is described as a "120 acre wildlife oasis."



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Summer Legal Issues

The warm weather and longer days of summer often bring one of the more misunderstood sections of the Columbus City Codes to the fore: the community noise ordinance ([CCC 2329.11](#)). Since our office receives several inquiries about noise violations, we are providing this basic FAQ to address some of the most commonly raised questions:



Q. Is the community noise ordinance enforceable/constitutional?

A. Yes. City residents who believe that unreasonably loud and/or raucous noise is disruptive “in such a manner or at such a volume as to disturb the quiet, comfort, or repose of a person of ordinary sensibilities,” may call the Columbus Police Division at 614-645-4545. The ordinance provides direct guidelines for assessing if a violation is occurring.

In general, two complaining parties and/or locations are desirable, so that it is clear under the law that persons of ordinary sensibilities are disturbed by the noise. If two people at two different locations are disturbed by the same noise at roughly the same time, and a police officer can confirm it is too loud, courts generally consider the noise to be unreasonably loud and a violation of code section 2329.11(C)(1).

Q. Are decibel readings necessary in determining a violation of the community noise ordinance?

A. No. If the noise seems unreasonably loud, there is some common sense that applies in assessing if the noise is too loud given the surroundings and the normal sound for the location and time. However, code sections 2329.11(C)(2)(a)(b) and (c) provide direct guidelines based upon the type of residential unit and exact distances from which the noise can be heard.

Q. Can someone get a “noise permit,” which exempts them from the community noise ordinance?

A. Yes, pursuant to code section 2329.11(D)(1)(c), a person may obtain a permit or license issued by the of License Section of the Department of Public Safety or the Special Events Section of the Department of Recreation and Parks.

Q. Does the community noise ordinance apply to commercial establishments like bars and restaurants?

A. Yes. If noise is unreasonably loud, the ordinance applies and it is possible for a manager of a bar that is generating unreasonably loud noise to be charged if they don't turn it down upon request from a police officer.

Q. Can someone be arrested for a noise violation?

A. Yes, if the offender persists in making or allowing to be made unreasonably loud and/or raucous noise after authorities issued a reasonable warning or request to desist within a twelve-hour period, it is a misdemeanor of the fourth degree.

Q. Can the community noise ordinance apply to a vehicle with a stereo deemed to be too loud?

A. If a vehicle is being operated on a street, highway, or other property open to the public for the purpose of vehicular travel or parking, and the music can be heard from 50 feet or more from the vehicle, Columbus City Code [2137.27](#) (loud sound amplification systems prohibited) may apply. If the vehicle is on a purely private property, the community noise ordinance [specifically 2329.11(C)(1)] may apply.

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News and Notes

The Linden-McKinley High School Lady Panthers basketball team won the Wellington Summer League Championship last month. The team finished the three-week tournament with a perfect record, including a made free throw with a half-second left in the game to win the championship 30-29.

Assistant City Attorney Bill Sperlazza, who helps coach the team, is pictured standing at the far right.



Earlier this year, Domestic Violence Unit Director Anne Murray and Stalking Coordinator Gil Leffler (pictured) conducted a webinar for the [Ohio Domestic Violence Network](#).

Gil also spoke to young women and parents about stalking, cyber-stalking, human trafficking, and the importance of safety planning at the Leewood Gardens Neighborhood Association.



Several of our prosecutors, including Principal Assistant City Attorney and Director of our Prosecution Resources Unit Robert Tobias, joined attorneys from the U.S. Attorney's Office, Ohio State University, and private practice for an event geared towards pre-law undergraduates to learn about the LSAT, law school, and careers in the law. Pictured (left to right) are Mr. Tobias, Gary Carr, Zach Gwin, Judge James Green, Haidy Tawadros, and Judge Green's wife, Rhesa.



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Assistant City Attorney Bill Sperlazza, City Councilmember Jaiza Page, and Columbus Division of Police Officers Scott Clinger and Larry Geis received an award from the [Ohio Crime Prevention Association](#) for their work in abating nuisance hotels.

They all have been driving forces in the efforts to eliminate drug trafficking, prostitution, and rampant code violations in Columbus hotels. Congratulations to a great team for their well-deserved recognition!

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City Attorney Pfeiffer, Principal Assistant City Attorney Robert Tobias, and several of our staff members attended the naturalization ceremony this past spring at the Federal Courthouse, where one of our legal intake officers, Jad Rizk, became a United States Citizen.



Assistant City Prosecutor Jarrod Skinner was recently recognized as one of the [National Black Lawyers](#) Top 100. Jarrod has been working in our office since 2007 and is the Immediate Past President/ Special Initiatives Chair of the [John Mercer Langston Bar Association](#).

This past spring, Assistant City Attorney Michael Halloran spoke at the EMS Leadership Development Conference sponsored by the [Center for Emergency Medical Services](#) at the [Ohio State University Wexner Medical Center](#).



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Worthington Kilbourne High School student observers, Alyssa Jozefowicz and Kasey Trout, were able to watch an interview with Steve Levine of [WSYX ABC 6](http://www.wsyx.com) and Chief of Staff Bill R. Hedrick.

Parents or teachers interested in having a student learn more about our court system and being an observer for the day are encouraged to contact Chief of Staff Hedrick at brhedrick@columbus.gov.



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Assistant City Attorneys Steve Dunbar and Bill Sperlazza helped participate in a public safety panel at CrossRoads Baptist Church that included forum sponsors Columbus City Council President Zach Klein and Councilmember Mitch Brown, along with Columbus Division of Police Deputy Chief Tom Quinlan, Assistant Safety Director Bob Stewart and Alicia Ward from the [Northland Community Council](#).



The audience had several questions about nuisance abatement cases and expressed their appreciation for our crackdown on problem hotels. One Forest Park resident noted a reduction of thefts, prostitution and drugs after the “base of operations” for criminal activity was eliminated.



Gil Leffler and Kendra Wiechart from our Domestic Violence & Stalking Unit helped give a presentation on stalking evidence preservation and collection to the Yorkshire Community Council at Woodcrest Elementary School earlier this year at the invitation of CPD Community Liaison Officer Shana Keckley.

Gil, Kendra, and Dave Fox also conducted two training sessions at the [Ohio School for the Deaf](#), where they trained 66 students and seven staff members on various aspects of stalking, cyber stalking, protection orders, and safety planning.

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Chief Real Estate Attorney Dave Peterson takes a very “hands-on,” direct, and pragmatic approach to the practice of law. His style may be attributed to the fact that he may be one of the few attorneys around town who can change his own oil and has gone wild boar hunting in the dead-of-night in the backwoods of South Carolina (don’t worry, no animals were harmed).

Born in Elmhurst, Illinois, a suburb west of Chicago, Dave made his way to Central Ohio as a child when his family moved to Upper Arlington. In high school, he began working at what was then called the Sohio ProCare (which eventually became BP) on Tremont Rd. He started out getting his hands dirty working on cars and was then promoted to assistant manager while earning a Bachelor of Science degree in Business Administration from The Ohio State University.

A year after graduating from OSU and still working for BP, Dave decided to give law school a try because, in his words, he was competitive, liked to use logic, and liked to argue (seemingly a pre-requisite for attorneys).

He entered [Capital University Law School](#) while continuing to work full-time at BP, whose local management informed him that he was being promoted again and given the responsibility of serving as accountant for 17 of the area’s ProCare shops.

It was during this time period juggling law school and full-time employment that Dave also began working in the night mediation program at the Columbus City Attorney’s office through an arrangement with Capital Law School. He proceeded to become a law clerk in the [City Attorney’s Prosecutor Division](#) and after graduating and passing the bar he was hired as an Assistant City Prosecutor.

Dave developed a reputation for being a hard-nosed, straightforward, and fair prosecutor over the course of the next six years before switching over to the [City Attorney’s Civil Division](#) in 2004. As a member of the [Litigation Section](#), he was still able demonstrate his competitive nature, particularly when litigating several federal cases and handling appeals in the [Ohio 10th District Court of Appeals](#) and the [U.S. Sixth Circuit Court of Appeals](#).

In 2008, Dave moved to the [City Attorney’s Real Estate Division](#) and officially began leading the division in 2015 after long-time Chief Real Estate Attorney John Klein retired. Dave has enjoyed every aspect of his diverse legal career but finds his current work in the Real Estate Division to be the most rewarding, as it touches upon every aspect of the city from large economic development deals to creating a community garden where a blighted, abandoned building once stood.

Being able to see the tangible results of his legal work, such as [Columbus Commons](#) and the [Scioto Greenways](#) project, keeps Dave energized and focused on contributing his part in helping secure community assets that Columbus residents will enjoy for generations to come. **8**



Dave Peterson

Title: Chief Real Estate Attorney
Education: Capital University Law, School J.D.; The Ohio State University, B.S. in Business Administration; Upper Arlington High School

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As Columbus and the rest of the country prepare to celebrate the Fourth of July, City Attorney Richard C. Pfeiffer, Jr. released his annual public service announcement warning against a continuing trend that has authorities concerned.

Celebratory gunfire, or indiscriminately shooting a firearm into the air in an act of “celebration,” is a crime under [Section 2323.30](#) of the Columbus City Code. It is also an avoidable phenomenon that tragically has claimed the lives of several individuals throughout the United States in the last several years.

The City Attorney’s office is hoping to be proactive in raising awareness of illegally discharging a firearm into the air in Columbus by delivering a simple, common sense message that “what goes up, most come down.”

“Our office is always looking for new ways to enhance public safety,” said City Attorney Richard C. Pfeiffer, Jr. “We are hoping that our video will help bring more awareness to this issue and perhaps avoid an unnecessary tragedy.”

According to reports, on January 1, 2015 a 43-year-old Texas man was struck on top of his head by a bullet while watching fireworks with his family. On July 4, 2013 a seven-year-old boy in Virginia was struck on top of the head and killed by a falling bullet while walking with his father to watch a fireworks display. On July 4, 2012 a 34-year-old doctoral student in Michigan was struck and killed by a falling bullet while watching fireworks.

In a typical year, charges are filed against several dozen individuals for illegally discharging weapons in Columbus.

Spearheading the City Attorney’s PSA program is Chief of Staff and First Assistant City Prosecutor Bill R. Hedrick, who is featured in the video.

Hedrick received a City of Columbus Award of Excellence in 2013 for his “creative use of technology, resources, and community partnerships to improve services” and last year was nominated for a Professional Innovation Award by the Office for Victims of Crime, a division of the United States Department of Justice’s Office of Justice Programs.

The PSA may be viewed online on the City Attorney’s [website](#) and [YouTube channel](#).

“While we are under no illusions that individuals foolish enough to shoot guns into the air will listen to reason, we still feel strongly about trying to educate the overall public about this issue.”

**Chief of Staff and First Assistant
City Prosecutor
Bill R. Hedrick**



Click on the scene above to watch our annual Fourth of July PSA: “What Goes Up, Must Come Down.”



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