

City of Columbus

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



Minutes - Final

Monday, May 16, 2005

5:00 PM

City Council Chambers, Rm 231

Columbus City Council

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.

**REGULAR MEETING NO. 29 OF COLUMBUS CITY COUNCIL,
MAY 16, 2005 at 5:00 P.M. IN COUNCIL CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

A motion was made by President Mentel, seconded by President Pro-Tem Boyce, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S OFFICE AS OF WEDNESDAY, MAY 11, 2005:

New Type: D1
To: Mozarts Inc
DBA Cafe Amadeus
363 E Town St
Columbus, Ohio 43215
permit # 62078090025

New Type: D1
To: Fire Dance LLC
DBA Garretts Saloon
1071 Parsons Av
Columbus, Ohio 43206
permit # 2738270

New Type: D1, D2
To: Larry F Gunsorek
4655 Scioto Darby Creek Rd
Columbus, Ohio 43206
permit # 34499560020

New Type: D1
To: Greek Corners LLC
DBA Greek Corners
3512 W Dublin-Granville Rd
Columbus, Ohio 43235
permit # 3345322

Advertise 5/21/05
Return 6/01/05

RESOLUTIONS OF EXPRESSION

HUDSON

To recognize and congratulate Dr. Paul Droste and Les Susi on their retirement after more than 20 years of bringing music to Columbus, as leaders of the Brass Band of Columbus.

A motion was made by Hudson, seconded by O'Shaughnessy, that this matter be Adopted. The motion carried by the following vote:

MENTEL

To proclaim May 15-21, 2005 as *NATIONAL EMERGENCY MEDICAL SERVICES WEEK*.

A motion was made by President Mentel, seconded by Tavares, that this matter be Adopted. The motion carried by the following vote:

O'SHAUGHNESSY

To Recognize the *Ride of Silence* and to declare Wednesday, May 18, 2005 as a day of remembrance for all bicyclists killed or injured by motorists in Ohio.

A motion was made by O'Shaughnessy, seconded by Tavares, that this matter be Adopted. The motion carried by the following vote:

ADDITIONS OR CORRECTIONS TO THE AGENDA

**THE FOLLOWING ORDINANCE WAS REMOVED FROM THE
CONSENT PORTION OF THE AGENDA AND VOTED ON LATER
IN THE MEETING
HEALTH, HOUSING & HUMAN SERVICES: Ordinance
#0846-2005**

FR FIRST READING OF 30-DAY LEGISLATION

**DEVELOPMENT: O'SHAUGHNESSY, CHR. HUDSON TAVARES
HABASH**

FR

To accept the application (AN04-028) of Lloyd J. Kurtz, et al. for the annexation of certain territory containing 322.41 ± Acres in Washington & Brown Townships.

**UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY
HABASH**

- FR** To authorize the Director of Public Utilities to enter into a guaranteed maximum cost agreement in accordance with Section 186 of the City Charter, with the City of Hilliard Ohio, for the construction of the Upper Scioto West, Hayden Run Sanitary Subtrunk Project; to authorize appropriation, transfer and expenditure of \$711,755.75 from within the 1991 Voted Sanitary Bond Fund; and to amend the 2004 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$711,755.75)

**ZONING: MENTEL, CHR. BOYCE HABASH HUDSON
O'SHAUGHNESSY TAVARES THOMAS**

- FR** To grant a Variance from the provisions of Sections 3333.02, AR-1, Apartment Residential District; 3342.15, Maneuvering; and 3342.28, Minimum number of parking spaces required of the Columbus City Codes for property located at **1641 SULLIVANT AVENUE (43223)**, to permit office and commercial uses in the AR-1, Apartment Residential District with reduced parking and maneuvering. (Council Variance # CV04-028)
- FR** To rezone **3000 MORSE ROAD (43231)**, being 2.07± acres located on the north side of Morse Road, 180± feet west of Westerville Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Z04-076).
- FR** To grant a Variance from the provisions of Section 3332.03, R-1, Residential District of the Columbus City codes for the property located at **1157 EAST COOKE ROAD (43224)**, to permit a two-family dwelling in the R-1, Residential District (Council Variance # CV05-002).
- FR** To rezone **5009 HAYDEN RUN ROAD (43221)**, being 16.30± acres located on the south side of Hayden Run Road, opposite the terminus of Camden Place Drive, **From:** R, Rural District, **To:** PUD-4, Planned Unit Development District (Rezoning # Z04-088).
- FR** To rezone **999 HARD ROAD (43235)**, being 8.99± acres located at the southwest corner of Linworth and Hard Roads, **From:** R-1, Residential District, **To:** PUD-4, Planned Unit Development District (Rezoning # Z04-074).

CA CONSENT ACTIONS

ADMINISTRATION: BOYCE, CHR. MENTEL HUDSON HABASH

- CA** To amend and extend an agreement with Weaver and Short Consulting for accounting and reporting services and to authorize the expenditure of \$70,000 from the General Fund and to declare an emergency (\$70,000)

This Matter was Approved on the Consent Agenda.

**SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS
HABASH**

CA

To authorize the City Attorney to file the necessary complaints for the appropriation of permanent easements in and to real estate necessary for the **Moler Road Stormwater System Improvements Project**, and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize the City Attorney to file the necessary complaints for the appropriation of construction and permanent easements in and to real estate necessary for the **Maize/Morse Project Stormwater System Improvement Project (Cooke Phase)**, and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize the acceptance of a grant from the Franklin County Board of Commissioners, Office of Homeland Security and Justice Programs and the appropriation of funds in the amount of Twenty-three Thousand Three Hundred Thirty-three and no/100 Dollars for the funding of the Project SMART program and to declare an emergency. (\$23,333.00)

This Matter was Approved on the Consent Agenda.

**PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY,
CHR. HUDSON TAVARES HABASH**

CA

To authorize the Public Service Director to modify and increase the existing design contract with Barr Engineering, Incorporated, for the "South High Street Over Railroad" project for the Transportation Division; to authorize the expenditure of \$11,174.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$11,174.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Finance Director to enter into a contract for the purchase of one digger derrick truck from Byers Chevrolet for the Transportation Division; to authorize the expenditure of \$149,200.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$149,200.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the transfer of \$6,200.00 between projects within the 1995, 1999 Voted Streets and Highways Fund; to authorize the Public Service Director to modify an existing design contract with Korda/Nemeth Engineering, Incorporated, for the Group 11 Intersection

Improvements project for the Transportation Division; to authorize the expenditure of \$6,200.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$6,200.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the transfer of \$10,000.00 between projects within the 1995, 1999 Voted Streets and Highways Fund; to authorize the Public Service Director to modify and increase an existing contract with Columbus Engineering Consultants, Incorporated, for the design of the Group 10 Intersection Improvements project for the Transportation Division; to authorize the expenditure of \$10,000.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$10,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Public Service Director to assign all past, present, and future City of Columbus business transactions with Woolpert LLP, to Woolpert Inc., and to declare an emergency. (\$-0-)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Public Service Director to execute those documents required to release all of the platted easement located between Lots 215 and 216 of the Northmoor Subdivision, of record in Plat Book 14, Page 18 of the Franklin County, Ohio, Recorder's Office.

This Matter was Approved on the Consent Agenda.

CA

To accept the plat titled PRESERVE CROSSING BOULEVARD, PRESERVE CROSSING BOULEVARD EAST, PRESERVE CROSSING BOULEVARD NORTH, PRESERVE CROSSING BOULEVARD SOUTH, PRESERVE CROSSING BOULEVARD WEST, THOMPSON ROAD AND MORSE ROAD DEDICATION AND EASEMENTS, from VILLAGES AT PRESERVE CROSSING, LTD., an Ohio limited liability company, by MICHAEL J. DEASCENTIS II, Manager.

This Matter was Approved on the Consent Agenda.

CA

To authorize the Public Service Director to make payment to the Mid-Ohio Regional Planning Commission for staff support services rendered in connection with the State Capital Improvement Program and Local Transportation Improvement Program for the Transportation Division; to authorize the expenditure of \$52,247.00 from the 1995, 1999 Voted Streets and Highways Fund for this purpose, and to declare an emergency. (\$52,247.00)

This Matter was Approved on the Consent Agenda.

**HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR.
BOYCE T HOMAS HABASH**

CA

To amend Ordinance No. 0440-2005, passed April 4, 2005, to correct program allocation amounts; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To amend Ordinance No. 0436-2005, passed April 4, 2005, to change the contract period for the Community Research Partners Technical Assistance Services contract; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of the Department of Development to release the recorded mortgage interests of the City of Columbus in the property that secures the loan with an outstanding balance totaling \$18,400; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

**UTILITIES: THOMAS, CHR. MENDEL O'SHAUGHNESSY
HABASH**

CA

To authorize the Finance Director to establish an additional Blanket Purchase Order, for water mainline parts, from an established Universal Term Contract with Hughes Supply, for the Division of Water, to authorize the expenditure of \$78,351.54 from Water Systems Operating Fund, and to declare an emergency. (\$78,351.54)

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

**DEVELOPMENT: O'SHAUGHNESSY, CHR. HUDSON TAVARES
HABASH**

To authorize the transfer of \$42,500 within the General Fund from the Department of Finance to the Development Department; to authorize the appropriation of \$80,000 to the Development Department within the Jobs Growth Fund; to authorize the Director of the Department of Development to enter into a contract with the Mid-Ohio Regional Planning Commission; to authorize the expenditure of \$42,500 from the General Fund; to authorize the expenditure of \$80,000 from the Jobs Growth Fund; and to declare an emergency. (\$122,500.00)

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

To authorize assessments for weed and solid waste removal on properties in violation of weed and solid waste regulations as set forth in the Columbus City Code; and to declare an emergency.

A motion was made by O'Shaughnessy, seconded by Hudson, that this matter be Approved. The motion carried by the following vote:

PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY, CHR. HUDSON TAVARES HABASH

To amend the 2004 Capital Improvements Budget; to authorize the Public Service Director and the Public Utilities Director to reimburse Roman Czech a total of \$48,155.49 for the cost of replacing a lateral storm sewer line inadvertently damaged by roadway and sewer separation improvements undertaken by the Transportation Division and Sewerage and Drainage Divisions, respectively; to authorize the expenditure of \$24,077.74 from the 1995, 1999 Voted Streets and Highways Fund and \$24,077.75 from the Sanitary Bond Fund, and to declare an emergency. (\$48,155.49)

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

To authorize and direct the Finance Director to enter into contracts for an option to purchase Limestone & Gravel Aggregates, with CLB Trucking Inc., The Olen Corporation, Shelly Materials, Inc., and Wilson-Michaels Trucking, to authorize the expenditure of four dollars to establish the contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$4.00)

A motion was made by O'Shaughnessy, seconded by Tavares, that this matter be Taken from the Table. The motion carried by the following vote:

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

HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR. BOYCE THOMAS HABASH

To authorize an appropriation from the unappropriated balance of the Health Department Grants Fund for fees collected by the Ben Franklin Tuberculosis Clinic for TB skin tests, in an amount of \$85,000; and to declare an emergency. (\$85,000)

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

UTILITIES: THOMAS, CHR. MENDEL O'SHAUGHNESSY HABASH

To authorize the Public Service Director to modify and increase an existing contract with Floyd Browne Associates, Incorporated, for landfill gas monitoring and mitigation services for the Refuse Collection Division and to authorize the expenditure of \$10,000.00 from the General Fund. (\$10,000.00)

A motion was made by President Habash, seconded by Tavares, that this matter be Taken from the Table. The motion carried by the following vote:

A motion was made by President Habash, seconded by Tavares, that this matter be Defeated. The motion failed by the following vote:

To authorize the Director of Public Utilities to modify the construction administration and inspection services agreement with R. D. Zande & Associates, Inc. in the amount of \$1,032,328.36, to authorize the appropriation and transfer of \$304,160.76 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; the transfer and expenditure of \$419,599.60 from within the 1991 Voted Sanitary Bond Fund; to authorize the expenditure of \$612,728.76 from the Ohio Water Pollution Control Loan Fund; for the Division of Sewerage and Drainage; and to declare an emergency. (\$1,032,328.36)

A motion was made by President Habash, seconded by Tavares, that this matter be Amended to 30 day. The motion carried by the following vote:

To authorize the Director of Public Utilities to modify the construction administration and inspection services agreement with R. D. Zande & Associates, Inc. in the amount of \$1,032,328.36, to authorize the appropriation and transfer of \$304,160.76 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; the transfer and expenditure of \$419,599.60 from within the 1991 Voted Sanitary Bond Fund; to authorize the expenditure of \$612,728.76 from the Ohio Water Pollution Control Loan Fund; for the Division of Sewerage and Drainage. ~~and to declare an emergency.~~ (\$1,032,328.36)

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

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

To authorize the Director of Public Utilities to execute a construction contract with George J. Igel & Company, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the Hilliard-Rome Road Relief Storm Sewer Project; to authorize the transfer of \$158,102.80 within the Storm Sewer Bond Fund; to authorize an amendment to the 2004 Capital Improvements Budget; for the Division of Sewerage and Drainage; to authorize the expenditure of \$905,284.80 within the Storm Sewer Bond Fund; and to declare an emergency. (\$905,284.80)

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

To amend the 2004 Capital Improvements Budget; to appropriate and authorize the City Auditor to transfer \$450,000.00 from the Special Income Tax Fund to the 1995, 1999 Voted Refuse Collection Fund; to authorize the Finance Director to establish a purchase order with Rotonics Manufacturing, Incorporated, for the purchase of 300-gallon mechanized collection containers and container parts for the Refuse Collection Division per the terms and conditions of an existing citywide contract; to authorize the expenditure of \$450,000.00 or so much thereof as may be necessary from the 1995, 1999 Voted Refuse Collection Fund, and to declare an emergency. (\$450,000.00)

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

To authorize the Director of Public Utilities to enter into a contract with the Righter Company for the Dublin Road Water Plant Disinfection and Miscellaneous Improvements Temporary Scrubber, for the Division of Water, to authorize the expenditure of \$322,350.00 from the Waterworks Enlargement Voted 1991 Bonds Fund, to amend the 2004 C.I.B., and to declare an emergency. (\$322,350.00)

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

RECREATION & PARKS: HABASH, CHR. BOYCE MENTEL THOMAS

To waive the appropriate section of the Columbus City Codes, and to authorize and direct the Executive Director of Recreation and Parks to issue a Block Party Permit for COSI for more than (5) consecutive days.

A motion was made by President Habash, seconded by President Pro-Tem Boyce, that this matter be Approved. The motion carried by the following vote:

To authorize and direct the Director of Recreation and Parks to submit a grant application in the amount of \$456,000.00 to the Ohio Public Works Commission for a Clean Ohio Conservation Fund Program grant for acquisition and protection of the riparian corridor and forest along the Alum Creek Corridor, and to declare an emergency. (\$456,000.00)

A motion was made by President Habash, seconded by Hudson, that this matter be Approved. The motion carried by the following vote:

ADJOURNMENT

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