

City of Columbus

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



Minutes - Final

Monday, October 27, 2003

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. 42 OF COLUMBUS CITY COUNCIL,
MONDAY, OCTOBER 27, 2003 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 Sensenbrenner, 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, OCTOBER 22, 2003:**

New Type: D5A
To: Ashford TRS Corp
DBA Doubletree Guest Suites Columbus
50 S Front St
Columbus Ohio 43215

New Type: C1, C2
To: Skyline Fuel Inc
DBA Shady Lane Marathon
4751 E Main St
Columbus Ohio 43213

New Type: D5
To: Stopper Enterprises LLC
DBA R J Snappers Bar & Grill
700 N High St 1st Flr Bsmt Mezz
Columbus Ohio 43215

Transfer Type: D1, D3
To: Evening Star Café LLC
DBA Gourmet Grinder Café
5060 N High St & Patio
Columbus, Ohio 43214
From: Skullys Café LTD
DBA Gourmet Grinder Café
5060 N High St & Patio
Columbus Ohio 43214

Transfer Type: D1, D3
To: Genghis Enterprises LLC
DBA Genghis Grill
4770 Morse Rd
Columbus Ohio 43230
From: Virdi Inc
816 Bethel Rd

Columbus Ohio 43214

ADVERTISE 11/01/03

RETURN 11/13/03

RESOLUTIONS OF EXPRESSION

BOYCE

To Honor And Recognize The Flintridge Missionary Baptist Church For Hosting A Community Outreach Health Fair On Saturday, October 25, 2003

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

TAVARES

To recognize and congratulate Maryhaven on their 50th Anniversary on this 22nd day of October.

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

To recognize LifeCare Alliance on celebrating their 105th Anniversary.

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

THOMAS

To recognize and congratulate Bishop Jerome H. Ross and Lady Patricia A. Ross on their 37th Pastoral Anniversary.

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

ADDITIONS OR CORRECTIONS TO THE AGENDA

**THE FOLLOWING ITEMS WERE REMOVED FROM THE
CONSENT AGENDA AND VOTED ON LATER IN THE MEETING**

SAFETY & JUDICIARY: 2222-2003**PUBLIC SERVICE & TRANSPORTATION: 2248-2003, 2311-2003****HEALTH, HOUSING & HUMAN SERVICES: 2351-2003****FR FIRST READING OF 30-DAY LEGISLATION****DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE TAVARES
HABASH****FR**

To accept the application (AN03-022) of Hurstle & Imogene Long for the annexation of certain territory containing 0.419 ± Acres in Madison Township.

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

To authorize the transfer of \$100,000.00 between projects within the 1995, 1999 Voted Streets and Highways Fund; to authorize the Public Service Director to enter into contract with Columbus Engineering Consultants, Inc., for professional engineering services associated with the 2004 Traffic Calming Program - General Engineering Services projects for the Transportation Division, and to authorize the expenditure of \$100,000.00 from the 1995, 1999 Voted Streets and Highways Fund. (\$100,000.00)

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

To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain sewer easements, located in the vicinity of Postlewaite Road, at the request of Gregory A. Marietti, in exchange for a replacement easement previously granted to the City of Columbus, Ohio.

FR

To authorize the Director of Public Utilities to enter into contract with the Nickolas M. Savko & Sons Company, and to provide for the payment of construction administration services for the construction of the Rose Run North Subtrunk, Locust Alley North Sewer Extension Project, to authorize the transfer and expenditure of \$82,791.60 from the Sewer Permanent Improvements Fund; and to amend the 2003 Capital Improvements Budget; for the Division of Drainage. (\$82,791.60)

FR

To authorize the Director of Public Utilities to modify the professional engineering services

contract with DLZ Ohio, Inc., for the Jackson Pike Wastewater Treatment Plant Sludge Handling and Dewatering Improvements Project; to authorize the appropriation, transfer and expenditure of \$162,890.90 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; for the Division of Sewerage and Drainage. (\$162,890.90)

FR To authorize the Director of Public Utilities to modify the professional engineering services contract with URS Corporation., for the Southerly Wastewater Treatment Plant Electrical System Upgrade; to authorize the appropriation, transfer and expenditure of \$199,893.00 from the Sewerage System Reserve Fund to the Ohio Water Pollution Control Loan Fund; to amend the 2003 Capital Improvements Budget; for the Division of Sewerage and Drainage. (\$199,893.000)

CA CONSENT ACTIONS

**ADMINISTRATION: BOYCE, CHR. SENSENBRENNER MENTEL
HABASH**

CA To authorize the Director of the Department of Technology to modify and extend a contract with Network Appliance Inc. for software/hardware and system support services, to authorize the expenditure of \$68,731.00 from the Information Services Fund, and to declare an emergency. (\$68,731.00)

This Matter was Approved on the Consent Agenda.

CA To authorize and direct the City Auditor to appropriate and transfer \$150,000 within the general permanent improvement fund to provide funding for a performance management application, and to declare an emergency (\$150,000.00).

This Matter was Approved on the Consent Agenda.

**RECREATION & PARKS: BOYCE, CHR. SENSENBRENNER
THOMAS HABASH**

CA To authorize and direct the Director of Recreation and Parks to enter into contract with Traditional Hardwood Floors for the Whetstone Gym Floor Renovation, to authorize the expenditure of \$56,500.00 from the Voted 1995 and 1999 Parks and Recreation Bond Fund, and to declare an emergency. (\$56,500.00)

This Matter was Approved on the Consent Agenda.

CA To authorize and direct the Director of Finance to purchase golf course equipment from Century Equipment, Inc., for the Recreation and Parks Department, in accordance with the terms and conditions of formal bid SA000497 GRW, to authorize the expenditure of \$38,025.95 from the Golf Course Operations Fund, and to declare an emergency. (\$38,025.95)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Director of Finance to purchase golf course equipment from Century Equipment, Inc., for the Recreation and Parks Department, in accordance with the terms and conditions of formal bid SA000505 GRW, to authorize the expenditure of \$22,748.32 from the Golf Course Operations Fund, and to declare an emergency. (\$22,748.32)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Director of Finance to purchase golf course equipment from Xenia Power Equipment, for the Recreation and Parks Department, in accordance with the terms and conditions of formal bid SA000501 GRW, to authorize the expenditure of \$37,276.78 from the Golf Course Operations Fund, and to declare an emergency. (\$37,276.78)

This Matter was Approved on the Consent Agenda.

SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS HABASH

CA

To authorize and direct the Director of Finance to establish a Purchase Order with Independence Communications, Inc., to purchase Telecommunication Devices for the Deaf (TDD), for use in daily operations at the City's Police and Fire Dispatch Center, to authorize the expenditure of \$46,430.00 from the General Permanent Improvements Fund and to declare an emergency. (\$46,430.00).

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Finance Director to modify and extend the citywide contract for the option to purchase Firefighter's Gloves, with Darling Fire & Safety Company, and to declare an emergency.

This Matter was Approved on the Consent Agenda.

DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE TAVARES HABASH

CA

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN03-038) of 4.484± Acres in Perry Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the appropriation of \$20,000.00 from the unappropriated balance of the Emergency Human Services Fund to the Department of Development; to authorize the Director of the Department of Development to enter into contract with the River of Life Christian Center; to authorize the expenditure of \$20,000.00 from the Emergency Human Services Fund; and to declare an emergency. (\$20,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Board of Health to modify and increase a contract with Columbus Neighborhood Health Center, Inc. for the provision of basic medical examinations to determine eligibility for disability assistance, to authorize the expenditure of \$175,000 from the Health Special Revenue Fund to pay the cost thereof, and to declare an emergency. (\$175,000)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Board of Health to accept a grant from the Ohio Department of Public Safety in the amount of \$68,667; to authorize the appropriation of \$68,667 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$68,667)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Board of Health to accept a grant from the Ohio Department of Public Safety in the amount of \$34,215; to authorize the appropriation of \$34,215 from the unappropriated balance of the Health Department Grants Fund; and to declare an emergency. (\$34,215)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Board of Health to accept additional grant funds from the Ohio Department of Health in the amount of \$7,000; to authorize the appropriation of \$7,000 from the Health Department Grants Fund, and to declare an emergency. (\$7,000.00)

This Matter was Approved on the Consent Agenda.

UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH

CA

To authorize the Director of Public Utilities to modify the contract with T&Y Construction, Inc., for Construction Services for the Division of Sewerage and Drainage; and to authorize the expenditure of \$145,471.20. (\$145,471.20)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to execute a contract modification with Bale

Contracting, Inc., in connection with the Sanitary System Rehabilitation-Olentangy Manhole Project, to authorize the transfer and expenditure of \$58,132.01 from the Sewer Permanent Improvements Fund; for the Division of Drainage; and to declare an emergency. (\$58,132.01)

This Matter was Approved on the Consent Agenda.

APPOINTMENTS

CA The Department of Development would like to recommend the appointment of Gregory A. Gorospe, Jones Day , 41 South High Street, Suite 1900, Columbus, OH 43215-4198 to serve on the Board of Commission Appeals, replacing Scot Dewhirst with a new term expiration date of May 15, 2006.

This Matter was Approved on the Consent Agenda.

CA Appointment of Cynthia Hayes, Feinknope Magioce Schappa Architects, 1020 Dennison Avenue, Suite 300, Columbus, Ohio 43201 to serve on Victorian Village Commission reappointments with a term expiration date of June 30, 2006 (appointees resume on file in the Mayor's office).

This Matter was Approved on the Consent Agenda.

CA Appointment of Alfred Edwin Berthold, Alfred Edwin Berthold Architects, 330 W. Spring Street, Suite 325, Columbus, Ohio 43215 to serve on Victorian Village Commission reappointments with a term expiration date of June 30, 2006 (appointees resume on file in the Mayor's office).

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

FINANCE: SENSENBRENNER, CHR. O'SHAUGHNESSY TAVARES HABASH

To establish a new authorized strength ordinance for various city divisions; to repeal ordinance 0952-2003, and to declare an emergency. **(REPEALED BY ORDINANCE # 0381-2004 PASSED 2/23/2004)**

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

RECREATION & PARKS: BOYCE, CHR. SENSENBRENNER THOMAS HABASH

To authorize and direct the Director of Recreation and Parks to submit a grant application to the Ohio Department of Development in the amount of \$300,000.00 to assist older adults and caregivers.

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

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

To authorize the payment of \$239.93 ~~\$293.93~~ for shift differential pay accumulated in excess of the maximum amount established by Salary Ordinance for Firefighter Lawrence M. Pfeifer. (\$239.93)

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

To authorize the payment of \$293.93 for shift differential pay accumulated in excess of the maximum amount established by Salary Ordinance for Firefighter Lawrence M. Pfeifer. (\$239.93)

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

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

To accept the application (AN03-018RF) of Coughlin Land Company, LDT. for the annexation of certain territory containing 12.545 ± Acres in Orange Township.

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

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

To authorize the Public Service Director to execute those documents required to transfer a portion of unimproved Morgan Road to the State of Ohio, Department of Transportation and to waive the competitive bidding provisions of Columbus City Codes.

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

To authorize the transfer of \$1,000,000.00 between projects within the the1995, 1999 Voted Streets and Highways Fund; to authorize the City Attorney's Office, Real Estate Division, to acquire fee simple title and lesser interests in and to property needed for the Morse Road Improvement project for the Transportation Division; to authorize the hiring of professional services related to the acquisition of the necessary property

rights; to authorize the expenditure of \$1,000,000.00 or so much thereof as may be needed from the 1995, 1999 Voted Streets and Highways Fund for these purposes and to declare an emergency. (\$1,000,000.00)

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

To accept the plat titled RADIO CITY BOULEVARD & NORTH HIGH STREET DEDICATION AND PARTIAL CROSSWOODS DRIVE VACATION PLAT, from CROSSWOODS CENTRAL PARK, LLC., an Ohio limited liability company, by TREMONT FAMILY III, LLC, its member/manager, by JEFFREY W. EDWARDS, Authorized Member.

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

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

To accept the plat titled CENTRAL COLLEGE ROAD AND NEW ALBANY ROAD WEST DEDICATION AND EASEMENTS PART 2, from THE NEW ALBANY COMPANY LLC, an Delaware limited liability company, successor to THE NEW ALBANY COMPANY, an Ohio general partnership, by BRENT B. BRADBURY, Chief Financial Officer.

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

To accept the plat titled CENTRAL COLLEGE ROAD AND NEW ALBANY ROAD WEST DEDICATION AND EASEMENTS PART 2, from THE NEW ALBANY COMPANY LLC, an Delaware limited liability company, successor to THE NEW ALBANY COMPANY, an Ohio general partnership, by BRENT B. BRADBURY, Chief Financial Officer **and to declare an emergency.**

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

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

To authorize and direct the Board of Health to enter into a lease agreement with the Central Ohio Transit Authority for clinic space for the Health Department's Perinatal Program, to authorize a total expenditure of \$26,292 from the Health Special Revenue Fund, to authorize the Board of Health to sublease a portion of the space to other health care providers, and to declare an emergency. (\$26,292)

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

To authorize and direct the Board of Health to accept a grant from the U.S. Department of Health and Human Services in the amount of \$280,000.00; to authorize the appropriation of

\$280,000.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$280,000.00)

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

To amend Ordinance No. 0161-03, passed February 3, 2003, to extend the contract period of truancy prevention and intervention programs; and to declare an emergency.

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

UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH

To authorize the Director of Public Utilities to execute a contract modification with the Mid-Ohio Pipeline Company, Inc., in connection with the Castle Road 16-inch Force Main Discharge Point Relocation Project; to authorize the appropriation and expenditure of \$341,684.83 from the Ohio Water Pollution Control Loan Fund; to amend the 2003 Capital Improvements Budget; for the Division of Sewerage and Drainage; and to declare an emergency.

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

To authorize the Director of Public Utilities to modify the professional engineering services contract with Brown & Caldwell Ohio, LLC for the Sanitary Sewer Overflow Elimination Project; and to authorize the appropriation, transfer and expenditure of \$6,500,000.00 from the Sewer System Reserve Fund to the 1991 Voted Sanitary Bond Fund; for the Division of Sewerage and Drainage. (\$6,500,000.00)

A motion was made by Thomas, 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 professional engineering services agreement with DLZ Ohio, Inc., in connection with the Olentangy-Scioto Intercepting Sewer Downtown Odor Control Facilities Project; to authorize the transfer, appropriation and expenditure of \$229,649.26 from the Sanitary Sewer Reserve Fund to the 1991 Voted Sanitary Bond Fund; to amend the 2003 Capital Improvements Budget; for the Division of Sewerage and Drainage; and to declare an emergency. (\$229,649.26).

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

To authorize the Director of Public Utilities to execute a construction contract with the Kokosing Construction Company and a contract modification with Camp Dresser & McKee; to provide for payment of testing and prevailing wage coordination services to the Transportation Division for the Bliss Run Relief Trunk Sewer, Phase 2 Project; to authorize the transfer, appropriation, and expenditure of \$7,460,999.43 from the Storm Sewer System Reserve Fund to the Storm Sewer Bond Fund; for the Division of Sewerage and Drainage; and to declare an emergency. (\$7,460,999.43)

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

To authorize the Director of Public Utilities to pay the Water Pollution Control Loan Fund application fee to the Ohio Water Development Authority, for a Sewerage and Drainage Division project; to authorize the expenditure of \$389,610.00; and to declare an emergency. (\$389,610.00)

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

RULES & REFERENCE: HABASH, CHR. MENTEL SENSENBRENNER TAVARES

To amend Chapter 4123 of the Columbus City Codes, 1959, by enacting new Section 4123.49, to require that all buildings and structures and the walls enclosing habitable and occupiable rooms and spaces therein, which are regulated by the Columbus Building Code (Title 41), incorporate rat and rodent proofing in their design and construction.

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

To amend section 3342.09 of the Columbus Zoning Code (Title 33) in order to allow for the appropriate placement and screening of recycling drop-off locations and dumpsters as provided by the Solid Waste Authority of Central Ohio (SWACO) for community use as part of a comprehensive community recycling program.

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

APPOINTMENT

Reappointment of Kevin Boyce, 90 West Board Street, Columbus, OH 43215 to serve on the Joint Columbus and Franklin County Housing Advisory Board, replacing no one since this is a reappointment with a new term expiration date of December 31, 2006.

A motion was made by President Habash, seconded by President Mentel, that this matter be Tabled Indefinitely. 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: