

City of Columbus

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



Minutes - Final

Monday, October 25, 2004

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. 56 OF COLUMBUS CITY COUNCIL,
MONDAY, OCTOBER 25, 2004 at 5:00 P.M. IN COUNCIL
CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

**A motion was made by President Pro-Tem Boyce, seconded by Thomas, 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 20, 2004:

New Type: D1
To: 1714 High Street Inc
DBA Paninis
1714-16 N High St
Columbus, Ohio 43201
permit # 6548693

New Type: D2
To: Bento Go Go High Street inc
1728 N High St
Columbus, Ohio 43201
permit # 0625392

New Type: D1
To: China Garden International Inc
DBA China Garden Restaurant
5041 N High St
Columbus, Ohio 43214
permit # 1434240

New Type: D3A
To: Tres Hombres Holdings LLC
DBA The Outside Corner
5571 N Hamilton Rd & Patio
Columbus, Ohio 43230
permit # 9043964

Transfer Type: D5A, D6
To: Ashford Trs Lessee LLC
DBA Doubletree Guest Suites Columbus
50 S Front St
Columbus, Ohio 43215
From: Ashford Trs Corp
DBA Doubletree Guest Suites Columbus
50 S Front St
Columbus, Ohio 43215

permit # 0296045

Transfer Type: C1, C2
To: 2825 Olentangy Inc
DBA OSU Citgo
2825 Olentangy River Rd
Columbus, Ohio 43202
From: Hawkstone Associates Inc
DBA OSU Citgo #18
2825 Olentangy River Rd
Columbus, Ohio 43202
permit # 9115462

Transfer Type: C1, C2, D6
To: Wine Gallery LLC
1500 Polaris Pkwy Suite 560
Columbus, Ohio 43219
From: Wine Gallery LLC
1500 Polaris Pkwy Suite 560
Columbus, Ohio 43240
permit # 96908550001

Transfer Type: C2, C2X
To: Campus Corner on High LLC
DBA Campus Corner on High
1876 N High St 1st Fl & Bsmt
Columbus, Ohio 43201
From: State Discount Corp
1876 N High St 1st Fl & Bsmt
Columbus, Ohio 43201
permit # 1219300

Transfer Type: D5, D6
To: Colpo Grosso LLC
DBA Trattoria Roma
1447 Grandview Av
Columbus, Ohio 43212
From: Sestre Corp
DBA Trattoria Roma
1447 Grandview Av & Patio
Columbus, Ohio 43212
permit # 1642280

Stock Type: D2, D2X, D3
To: Crest Tavern Ltd
397 Crestview Rd
Columbus, Ohio 43202
permit # 1814602

NOTICE:

TO THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

The undersigned, a Board of Revision, appointed and acting in the pursuance of Resolution

No. 197X-2004 adopted on the 13th day of September, 2004, respectfully approve the estimated assessment of the cost and expense of improving Berwick Phase II Street Lighting Assessment, as made by the Division of Electricity, and hereby adopts said report as its own.

Walter R. Cates, Sr., Chair
Darrin Wasniewski
Fred K. Parker

NOTICE:

TO THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

The undersigned, a Board of Revision, appointed and acting in the pursuance of Resolution No. 197X-2004 adopted on the 13th day of September, 2004, respectfully approve the estimated assessment of the cost and expense of improving Berwick Phase III Street Lighting Assessment, as made by the Division of Electricity, and hereby adopts said report as its own.

Walter R. Cates, Sr., Chair
Darrin Wasniewski
Fred K. Parker

ADVERTISE 10/30/04
RETURN 11/13/04

RESOLUTIONS OF EXPRESSION

HUDSON

To recognize and congratulate The Council of American-Islamic Relations (CAIR) for its continued efforts in leading the way for social justice and increased understanding of the Islamic faith.

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

Mentel

To recognize and celebrate the 25th Anniversary of the Ancient Order of Hibernians, Patrick Pearse, Franklin County, Ohio Division #1.

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

To proclaim October as Crime Prevention Month in the City of Columbus.

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

THOMAS

To recognize and honor the "Help Kids Find Their Way" Awareness Campaign and to commend the Huckleberry House for their tireless commitment and dedication to the youth.

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 PORTION OF THE AGENDA AND VOTED ON LATER
IN THE MEETING**

ADMINISTRATION: 1780-2004, 1755-2004, 1736-2004

APPOINTMENT: A0132-2004

FR FIRST READING OF 30-DAY LEGISLATION

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

FR

To authorize the Public Service Director to execute those documents required to transfer portions of Hickory Street between Front Street and Marconi Boulevard to 221 North Front Street, LLC at no charge and to waive the competitive bidding provisions of Columbus City Codes.

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

FR

To authorize and direct the City Auditor to transfer \$90,000.00 within the Water Systems Operating Fund, Division of Water, from Object Level One 06 to Object Level One 02, to authorize the Finance Director to establish an additional Blanket Purchase Order, to purchase remote readers, from an

established Universal Term Contract with Badger Meters, for the Division of Water, and to authorize the expenditure of \$65,382.00 from Water Systems Operating Fund. (\$65,382.00)

FR

To authorize the Director of Public Utilities to enter into a contract with Matrix Systems, for a security system to our storage yard area, for the Division of Water, in accordance with the sole source provisions of the Columbus City Code, and to authorize the expenditure of \$24,427.00 from Water Systems Operating Fund. (\$24,427.00)

RULES & REFERENCE: HABASH, CHR. MENDEL TAVARES

FR

To enact a new Section 2321.53 in the Columbus City Code where additional campaign finance disclosure requirements related to municipal elections are adopted above and beyond the State of Ohio standards.

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

FR

To grant a Variance from the provisions of Sections 3332.03, R-1, Residential District ; 3357.01, C-5, Commercial District; 3342.07, Drive-in stacking area; 3342.29, Minimum number of loading spaces required of the Columbus City Codes for property located at **4295 SULLIVANT AVENUE (43228)**, to permit a retail development in the R-1, Residential and C-5, Commercial Districts with reduced development standards. (Council Variance # CV04-025).

FR

To grant a Variance from the provisions of Sections 3332.039, R-4 Residential District use; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3342.18, Parking setback line; for property located at **1117 EAST WINDSOR AVENUE (43211)**, to permit a fifteen (15) space remote private parking lot in the R-4, Residential District. (Council Variance # CV04-033)

CA CONSENT ACTIONS

ADMINISTRATION: BOYCE, CHR. MENDEL HABASH

CA

To authorize the Public Service Director to enter into contract for the Facilities Management Division with Dynamix Engineering Ltd. for professional engineering services related to the renovation of HVAC, direct digital controls, and fire alarm systems at 750 Piedmont Avenue, to authorize the expenditure of \$90,000.00 from the Facilities Management Capital

Improvement Fund, and to declare an emergency. (\$90,000.00).

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of the Civil Service Commission to establish a blanket certificate for the purpose of administering the uniformed examinations of the Department of Safety, and to authorize the expenditure of \$78,000.00 from the General Fund. (\$78,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Public Service Director to enter into contracts for the Facilities Management Division for renovation of 650 West Nationwide Boulevard, with Enviro-Flow Companies for the renovation of the plumbing, with Pad Door Systems for the renovation of the exterior doors, and with Bomar Construction Co., Inc. for the renovation of the office area, to authorize the expenditure of \$81,565.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$81,565.00)

This Matter was Approved on the Consent Agenda.

SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS HABASH

CA

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend \$100,000.00 from the Storm Sewer Bonds Fund for costs in connection with the **Moler Road Stormwater System Improvements Project (aka Frebis Ellsworth)**, and to declare an emergency. (\$100,000.00).

This Matter was Approved on the Consent Agenda.

DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE TAVARES HABASH

CA

To authorize the acceptance of deeds for two parcels of land to be held in the Land Bank for redevelopment.

This Matter was Approved on the Consent Agenda.

CA

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN04-032) of 5.354± 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.

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

- CA** To authorize the Finance Director to enter into a contract for the purchase of an aerial bucket truck from Byers Chevrolet, LLC, for the Transportation Division; to authorize the expenditure of \$76,601.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$76,601.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Finance Director to enter into a contract for the purchase of a flusher truck from Southeastern Equipment Company, Incorporated, for the Transportation Division; to authorize the expenditure of \$123,830.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$123,830.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Finance Director to enter into a contract with Kinstle Sterling Western Star for the purchase of two tandem axle dump trucks for the Transportation Division; to authorize the expenditure of \$205,000.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$205,000.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Public Service Director to modify and increase an existing contract with G & G Cement Contractors for construction of the Morse Road Gateway project for the Transportation Division; to authorize the expenditure of \$15,000.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$15,000.00)

This Matter was Approved on the Consent Agenda.

UTILITIES: THOMAS, CHR. MENDEL O'SHAUGHNESSY HABASH

- CA** To authorize the Director of Public Utilities to enter into an reimbursement agreement with Intrust Land Development for the construction of the Rathmell Road Water Line and to authorize the expenditure of \$107,000.00 from the Water Works Enlargement Voted 1991 Bonds Fund for the Division of Water. (\$107,000.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Director of Public Utilities to modify the contract with JBS Associates, Inc. for professional engineering services for a comprehensive water audit, for the Division of Water, and to authorize the expenditure of \$32,530.14 from the Water Works Enlargement Voted 1991 Bond Fund. (\$32,530.14)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Director of Public Utilities to enter into an reimbursement agreement with Homewood Corporation for the construction of the Refugee Road Water Line and to authorize the expenditure of \$7,300.00 from the Water Works Enlargement Voted 1991 Bonds Fund for the Division of Water. (\$7,300.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Finance Director to enter into a contract with Fyda Freightliner Columbus, Inc. for the purchase of two Panel Vans for the Division of Electricity and to authorize the expenditure of \$137,774.00 from the Division of Electricity Operating Fund. (\$137,774.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Director of Finance to establish a blanket purchase order to purchase Wire and Cable for the Division of Electricity, in accordance with the terms and conditions of the universal term contract with Consolidated Electrical Distributors, Inc., and to authorize the expenditure of \$165,134.00 from the Division of Electricity Operating Fund. (\$165,134.00)

This Matter was Approved on the Consent Agenda.

- CA** To authorize the Director of the Department of Public Utilities to execute those documents necessary to remedy an encroachment upon City owned real property by entering into a one (1) year lease agreement between the City ("Lessor") and the Gudenkauf Corporation, ("Lessee"), 2679 McKinley Avenue, for the lease of approximately 1.212 ± acres of City owned real property located adjacent to the Lessee's real property, and to declare an emergency.

This Matter was Approved on the Consent Agenda.**APPOINTMENTS**

- CA** Reappointment of John Kulewicz, Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, P.O. Box 1008, Columbus, Ohio 43216 to serve on the Columbus Zoo Board with a new expiration date of December 31, 2007.

This Matter was Read and Approved on the Consent Agenda.

- CA** Appointment of Charles Cantor, 297 Winfall Drive, Gahanna, Ohio 43230 to serve on the Veterans Advisory Board replacing Harry Goldstein with a new expiration date of October 31, 2006 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Druelton Bagley, 2028 Doren Avenue, Columbus, Ohio 43223 to serve on the Greater Hilltop Area Commission with a new term expiration date of June 30, 2007 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Doug Lay, 5247 Southminster Road, Columbus, OH 43221 to serve on the Veterans Advisory Board with a new term expiration date of November 30, 2006 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Stanley Harris, National City Bank, 155 E. Broad Street, Columbus, Ohio 43251 to serve on the Columbus Metropolitan Advisory Board with a new expiration date of October 31, 2009 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Andrew Wall, 86 East Gates Street, Columbus, OH 43206, to serve on the Historic Resources Commission with a new term expiration date of May 31, 2007 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Steven H. Shinn, AIA, 328 West Fourth Avenue, Columbus, OH 43201, to serve on the Historic Resources Commission with a new term expiration date of May 31, 2007 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Cynthia Hayes, AIA, Feinknopf Macioce Schappa Architects, Inc., 1020 Dennison Avenue, Suite 300, Columbus, OH 43201, to serve on the Italian Village Commission replacing Steven Hurtt, 797 Summit Street, Columbus, OH 43215, with a new term expiration date of May 31, 2007. (resume attached)

This Matter was Read and Approved on the Consent Agenda.

CA Reappointment of Joel D. Rhoades, 5975 South Section Line Road, Delaware, OH 43015, to serve on the Board of Commission Appeals with a new term expiration date of June 30, 2007 (resume attached).

This Matter was Read and Approved on the Consent Agenda.

Passed The Consent Agenda

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

ADMINISTRATION

To authorize the Director of Finance to establish a purchase order with SBC, Inc., for the purchase of local telephone service in accordance with the terms and conditions of a universal term contract, to authorize the expenditure of \$63,000 from the Department of Technology

information services fund, and to declare an emergency. (\$63,000.00)

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

To authorize and direct the Finance Director to modify and extend the citywide contract for the option to purchase Computer Consulting from Compuware Corporation.

A motion was made by President Pro-Tem Boyce that this matter be Tabled to Certain Date. The motion carried by the following vote:

To authorize the Director of the Department of Technology to modify and extend a contract with Unisys Corporation through June 2005 for hardware, license and software support services for the Department of Technology Information Services Division, to authorize the expenditure of \$121,275.00 from the information services fund, and to declare an emergency. (\$121,275.00)

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

To authorize the Director of Finance to establish a purchase order with SBC, Inc., for the purchase of local telephone service in accordance with the terms and conditions of a universal term contract, to authorize the expenditure of \$63,000 from the Department of Technology information services fund, and to declare an emergency. (\$63,000.00)

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

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

RECREATION & PARKS: BOYCE, CHR. THOMAS HABASH

To authorize an appropriation in the amount of \$7,417,596.00 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for the operation of various grant programs administered by the Central Ohio Area Agency on Aging, and to declare an emergency. \$7,417,596.00.

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

To authorize and direct the Director of Recreation and Parks to enter into contracts with thirty-two community agencies to provide social and nutrition services to older adults in Central Ohio during 2005 and to authorize the expenditure of \$5,631,000.00 from the Recreation and Parks Grant Fund, and to declare an emergency. (\$5,631,000.00)

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

A motion was made by President Pro-Tem Boyce, seconded by Tavares, that

this matter be Waived the 2nd Reading. The motion carried by the following vote:

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: MENDEL, CHR. BOYCE THOMAS
HABASH**

To accept Memorandum of Understanding #2004-01 executed between representatives of the City of Columbus and FOP/Ohio Labor Council, Inc., which amends the Collective Bargaining Contract, April 2, 2004 through April 1, 2007; and to declare an emergency.

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

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

To authorize the Director of Development to enter into a contract with S. G. Loewendick & Sons Contractors for the demolition of a structure found to be unsafe in accordance with the provisions of Columbus City Codes, 1959, pertaining to Emergency Waiver of Competitive Bidding; to authorize the expenditure of \$62,919 from the Development Services Fund; and to declare an emergency. (\$62,919)

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

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

To authorize the Finance Director to enter into a contract for the purchase of a Striping Apparatus Vehicle from Mark Rite Lines Equipment Company, Incorporated, for the Transportation Division; to authorize the expenditure of \$330,771.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$330,771.00)

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

To authorize and direct the Finance Director to issue a purchase order for credit card gasoline purchases for the Fleet Management Division, to authorize and direct the expenditure of \$320,000.00 from the Fleet Maintenance Fund, and to declare an emergency. (\$320,000.00)

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

To authorize the Public Service Director to enter into a contract with the Decker

Construction Company for construction of the Hollenback Drive Improvement project for the Transportation Division; to authorize the expenditure of \$444,950.23 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$444,950.23)

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

UTILITIES: THOMAS, CHR. MENTEL O'SHAUGHNESSY HABASH

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services in connection with the Livingston Avenue Sewer Improvements Project; to authorize the appropriation, transfer and expenditure of \$75,000.00 from within the 1991 Voted Sanitary Bond Fund; to amend the 2004 Capital Improvements Budget; and to declare an emergency. (\$75,000.00)

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 contract with McDaniel's Construction Corp., Inc. for Marion Franklin Area Water Line Improvements for the Division of Water and to authorize the expenditure of \$2,771,273.53 for construction and \$332,726.47 for inspection services by the Transportation Division from the Water Works Enlargement Voted 1991 Bonds Fund. (\$3,104,000.00)

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

RULES & REFERENCE: HABASH, CHR. MENTEL TAVARES

To amend Section 2107.06 of the Columbus City Codes, 1959, pertaining to impounding fees and storage charges.

A motion was made by President Mentel, seconded by President Pro-Tem Boyce, that this matter be Tabled to Certain Date. The motion carried by the following vote:

THOMAS

Authorizing the issuance and sale of special assessment bond anticipation notes in the amount of \$131,000 for the Willow Springs Area Sewer Assessment Project. (\$131,000).

Section 55(b) of the City Charter

A motion was made by Thomas, seconded by Tavares, that this matter be

Waived the 2nd Reading. The motion carried by the following vote:

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

Authorizing the issuance and sale of special assessment bond anticipation notes in the amount of \$1,235,000 for the McDannald Estates Area Sewer Assessment Project. (\$1,235,000).

Section 55(b) of the City Charter

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

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

APPOINTMENT

Reappointment of Susan Rector, Schottenstein, Zox & Dunn, 250 West Street, Columbus, Ohio 43216 to serve on the Columbus Zoo Board with a new term expiration date of December 31, 2007 (resume attached).

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

ADJOURNMENT

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