

City of Columbus

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



Minutes - Final

Monday, December 8, 2008

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. 66 OF COLUMBUS CITY COUNCIL,
DECEMBER 8, 2008 at 5:00 P.M. IN COUNCIL CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

**A motion was made by President Pro-Tem Craig, seconded by Tyson, 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, DECEMBER 3, 2008:

Transfer Type: D5
To: Double DS Pub Inc
DBA Double DS Pub
1501 S High St
Columbus OH 43207
From: Offset Bar Inc
1501 S High St
Columbus OH 43207
Permit # 2279204

Transfer Type: C2, C2X
To: Resham LLC
DBA Quick Stop
2776 E 5th Av
Columbus OH 43219
From: Alabadi Inc
DBA Quick Stop
2776 E 5th Av
Columbus OH 43219
Permit # 7308900

Advertise: 12/13/2008
Return: 12/19/2008

RESOLUTIONS OF EXPRESSION

TYSON

To honor and recognize the Columbus Crew on winning the 2008 Major League Soccer Cup
Championship.

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

To honor and commend Gerald W. Borin for his leadership and profound impact on the citizens of the City of Columbus during his tenure as the Executive Director of the Columbus Zoo and Aquarium.

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

ADDITIONS OR CORRECTIONS TO THE AGENDA

FR FIRST READING OF 30-DAY LEGISLATION

A MOTION WAS MADE BY COUNCILMEMBER CRAIG, SECONDED BY COUNCILMEMBER TYSON TO WAIVE THE READING OF THE TITLES OF FIRST READING LEGISLATION. THE MOTION CARRIED THE FOLLOWING VOTE: AFFIRMATIVE: 5 NEGATIVE: 0

MINORITY AND SMALL BUSINESS DEVELOPMENT: CRAIG, CHR. BOYCE O'SHAUGHNESSY MENTEL

FR

To authorize and direct the transfer of \$50,000 within the General Fund, from the Department of Finance and Management's citywide account to the Director of the Department of Development, to authorize and direct the Director of the Department of Development to enter into a contract with Northland Alliance, Inc. to support the group's revitalization efforts within the Route 161 Corridor; to authorize the expenditure of \$50,000 from the General Fund. (\$50,000)

SAFETY : GINTHER, CHR. BOYCE CRAIG MENTEL

FR

To authorize the Columbus Fire Chief to accept a donation of pet air masks from ATT Telephone Pioneers for use by the Division of Fire in emergency response situations that require oxygen treatment for the pets of Columbus citizens.

UTILITIES: GINTHER, CHR. CRAIG O'SHAUGHNESSY MENTEL

FR

To authorize the Director of Public Utilities to enter into contract with Franklin County to extend water and sewer service by the City of Columbus to certain areas within the Big Darby Accord Planning Area

FR

To authorize and direct the City Auditor's Office to appropriate \$68,201.00 to align with actual cash; and to authorize the expenditure of \$6,062.75 to allow the Transportation Division to re-establish funds needed for the Seventh Avenue water line improvements project; within the Waterworks Enlargement Voted Bonds Fund; for the Division of Power and Water. (\$6,062.75)

FR

To authorize the Director of Finance and Management to enter into a purchase order with E.H. Wachs Company for purchase of three Transportable Vacuum Clean Out Systems for the Division of Power and Water and to authorize the expenditure of \$39,735.00 from the Water System Operating Fund. (\$39,735.00)

FR

To authorize the Director of Public Utilities to enter into a service agreement with Invensys Process Systems Inc. for the Maintenance Manager Service Agreement for the Foxboro I/A System in accordance with the sole source provisions of the Columbus City Code; and to authorize the expenditure of \$29,575.00 from the Sewerage System Operating Fund. (\$29,575.00).

FR

To authorize the Director of Public Utilities to execute a construction contract with Complete Clearing, Inc. for the Upground Reservoir Tree Removal Project; to authorize the appropriation and transfer of \$83,265.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$83,265.00 from the Water Works Enlargement Voted Bonds Fund; and to authorize an amendment to the 2008 Capital Improvements Budget; for the Division of Power and Water. (\$83,265.00)

FR

To authorize the Director of Public Utilities to execute a contract modification to the professional engineering services agreement with Stantec Consulting Services, Inc., for the Southerly Wastewater Treatment Plant Digester Rehabilitation project; to authorize the transfer and expenditure of \$972,976.00 from within the Sanitary Sewer Revenue Bonds Fund; and to amend the 2008 Capital Improvements Budget, for the Division of Sewerage and Drainage. (\$972,976.00).

FR

To authorize the Director of Finance and Management to enter into a purchase order with Southeastern Fabrications, LLC for the purchase of Dumpsters with Covers for the Division of Power and Water and to authorize the expenditure of \$52,000.00 from the Electricity Operating Fund. (\$52,000.00)

**DEVELOPMENT: O'SHAUGHNESSY, CHR. TAVARES TYSON
MENTEL**

FR

To resolve to support Franklin County, in partnership with Gowdy Partners III, LLC, in their efforts to obtain Round 6 Clean Ohio Program grant finding for use in the cleanup and redevelopment of the Gowdy North site in the Columbus community.

FR

To resolve to approve the Big Darby Revenue Program.

FR

To authorize the Director of the Department of Development to enter into an agreement with the Ohio Department of Development to accept a \$5,000,000.00 Job Ready Sites grant for improvements at the TechCenter South site; to authorize the appropriation of \$5,000,000.00 from the General Government Grant Fund; to authorize any necessary agreements with the site owner, TechCenter South Development Co., LLC, to facilitate site improvements under the said grant in partnership with the City of Columbus; and to authorize the expenditure of up to \$5,000,000.00 from the General Government Grant Fund. (\$5,000,000.00)

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

FR

To authorize the Director of Finance & Management to establish purchase orders from an existing universal term contract for the purchase of traffic signal equipment; to authorize the expenditure of \$198,250.00 or so much thereof as may be necessary from the Streets and Highways G.O. Bonds Fund. (\$198,250.00)

FR

To authorize the Director of Public Service to execute a contract modification with the Mid-Ohio Regional Planning Commission for purposes of extending the term of the Downtown Columbus Circulation Study contract to ensure the continuation of services that are necessary to address downtown traffic concerns associated with the impacts of the continuing I-70/71 ODOT Improvements Project, for the Division of Transportation. (\$0.00)

FR

To authorize the Director of Public Service to pay American Electric Power Company for utility relocation costs incurred in conjunction with the Lane Avenue Widening Project for the Division of Transportation; to authorize the appropriation and expenditure of \$116,389.81 from the Street and Highway Improvement Fund. (\$116,389.81)

RECREATION & PARKS: TYSON, CHR. GINTHER TAVARES MENTEL

FR

To authorize and direct the Director of Recreation and Parks to modify the contract with Gaddis & Sons, Inc. for the sidewalk repair work at the King Arts Complex, and to authorize the expenditure of \$7,079.10 from the Voted 1999/2004 Recreation and Parks Bond Fund. (\$7,079.10)

RULES & REFERENCE: MENTEL, CHR. BOYCE O'SHAUGHNESSY TAVARES

FR

To amend existing Sections 2333.01, 2333.02, 2333.04 and 2333.99 of the Columbus City Codes, 1959, to increase the scope of current prima facie evidence of intimidation relative to aggressive panhandling and to create the offense of improper solicitation after dark.

FR

To amend section 4113.79 of the Columbus Building Code, Title 41, in order to provide for a sixty (60) day review period and electronic posting of applications prior to the issuance of demolition permits.

FR

To amend various sections of Chapter 2331 of the Columbus City Codes, 1959 in order to include additional protected classes of individuals from discriminatory practices that are not currently covered.

FR

To enact Chapter 900, and to amend various sections of of the Columbus City Code, 1959, for consideration of greater sidewalk and bikeway connectivity and safety.

ZONING: BOYCE, CHR. CRAIG GINTHER O'SHAUGHNESSY TAVARES TYSON MENTEL

FR

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, apartment residential district use; 3333.22, Maximum side yard required; and 3333.23, Minimum side yard permitted, of the Columbus City Codes, for the property located at **1176 STEELWOOD ROAD (43212)**, to conform an existing driveway and parking lot serving M, manufacturing uses with reduced development standards in the AR-1, Apartment Residential District. (Council Variance #CV08-030)

FR

To rezone **1132 EAST WINDSOR AVENUE (43211)**, being 2.37± acres located at the northwest corner of East Windsor Avenue and Isabel Avenue and at the southwest corner of East Windsor Avenue and Gerald Avenue, **From:** C-3, Commercial, P-1, Parking, R-3 and R-4, Residential Districts, **To:** CPD, Commercial Planned Development District. (Rezoning # Z08-017)

CA CONSENT ACTIONS

RESOLUTIONS OF EXPRESSION

CA

To recognize the dedication of Charlie Pace in his efforts to promote bicycling in Columbus and throughout the country.

This Matter was Adopted on the Consent Agenda.

UTILITIES: GINTHER, CHR. CRAIG O'SHAUGHNESSY MENDEL

CA

To authorize the Director of Finance and Management to enter into a purchase order with 32 Ford-Mercury, Inc. for the purchase of a Diesel Cab & Chassis w/9ft. Dump Body for the Division of Power and Water and to authorize the expenditure of \$53,039.00 from the Water System Operating Fund. (\$53,039.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to enter into a purchase order with Horner Industrial Services for the reconditioning of a high service pump drive unit for the Division of Power and Water and to authorize the expenditure of \$42,967.00 from the Water System Operating Fund. (\$42,967.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to apply for, accept, and enter into eight (8) Water Supply Revolving Loan Account Agreements with the Ohio Water Development Authority and the Ohio Environmental Protection Agency, during the year 2009, for the construction of water distribution system improvements; and to designate a repayment source for the loans.

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Finance and Management to establish a blanket purchase order for Pole Line Hardware from an established universal term contract with Power Line Supply Company for the Division of Power and Water and to authorize the expenditure of \$30,000.00 from the Electricity Operating Fund. (\$30,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to enter into an agreement with EMH&T, Inc. for professional engineering services for the Lazelle Road 2 MG Storage Tank Project; to authorize the transfer of \$1,278.30 within the Water Works Enlargement Voted Bonds Fund; to authorize the appropriation and transfer of \$157,276.70 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; and to authorize the expenditure of \$158,555.00 from the Water Works Enlargement Voted Bonds Fund; for the Division of Power and Water. (\$158,555.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to write off, as uncollectible, two unpaid electric accounts due the City of Columbus, Department of Public Utilities, Division of Power and Water, in the amount of Fifty-One Thousand, Three Hundred Ninety-Nine Dollars and Seventy-Three Cents. (\$51,399.73)

This Matter was Approved on the Consent Agenda.

**HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR.
BOYCE CRAIG MENTEL**

CA

To authorize the Board of Health to enter into a revenue contract with the Franklin County Sheriff's Office for the provision of lab testing services in an amount not to exceed \$30,000; (\$30,000)

This Matter was Approved on the Consent Agenda.

APPOINTMENTS

CA

Appointment of Scott Fulton of 327 E. Mithoff St. Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2009 (resume attached)(Replacing A0107-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Craig Clay of 1229 Gilbert St. Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2009 (resume attached) (Replacing A0108-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Randelle Bowman of 310 E. Innis Ave. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2009 (resume attached) (Replacing A0109-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Tina Goodman of 360 Stewart Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2010 (resume attached)(Replacing A0110-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Lillie Banner of 224 Hosack St. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2010 (resume attached)(Replacing A0111-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Jeff Knoll of 827 Parsons Ave. Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a new term expiration date of December 31, 2010 (resume attached) (Replacing A0112-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA

Appointment of Jim Griffin of 507 Sheldon Ave. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December, 31 2010

(resume attached) (Replacing A0113-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Andy Plagenz of 236 E. Hinman Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2011 (resume attached)(Replacing A0114-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Mike Wiles, 203 E. Welch Ave. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2011 (resume attached)(Replacing A0115-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Connie Boykin of 1331 E. Gates Ave. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2009 (resume attached)(Replacing A0119-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Ola M. Bibb of 820 Stambaugh Ave. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2009 (resume attached)(Replacing A0120-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Darren Jordan of 934 Antwerp Rd. Columbus, Ohio 43213 to serve on the Columbus South Side Area Commission with a new term expiration date of December 31, 2010 (resume attached)(Replacing A0121-2008 Expiration date corrected) .

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Rachel Robinson of 668 E. Kossuth St. Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2011 (resume attached)(Replacing A0122-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Phyllis Holbert of 1919 Berkeley Rd. Columbus, Ohio 43207 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2011 (resume attached)(Replacing A0123-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Debera Diggs of 1312 Linwood Ave. Columbus, Ohio 43206 to serve on the Columbus South Side Area Commission with a term expiration date of December 31, 2011 (resume attached)(Replacing A0124-2008 Expiration date corrected).

This Matter was Read and Approved on the Consent Agenda.

CA Appointment of Barry Pickett, 4673 Tarryton Court South, Columbus, Ohio 43228 to serve on the Columbus Recreation and Parks Commission, with a new term expiration date of December 31, 2009 (resume attached) (replacing A0118-2007 - expiration date corrected)

This Matter was Read and Approved on the Consent Agenda.

CA

Reappointment of Kathy Espy, 1350 Brookwood Place, Columbus, Ohio, 43209 to serve on the Recreation and Parks Commission with a new term expiration date of December 31, 2009. (resume attached) (replacing A0095-2004 - expiration date corrected)

This Matter was Read and Approved on the Consent Agenda.

Passed The Consent Agenda

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

FINANCE: BOYCE, CHR. O'SHAUGHNESSY TAVARES MENTEL

To authorize the Finance and Management Director to modify a contract with Schooley Caldwell Associates, Inc., for professional services for the renovation of a vacant area at 1111 East Broad Street; to amend the 2008 Capital Improvements Budget; to authorize the City Auditor to transfer \$34,994.48 within the Information Services Fund; and to authorize the expenditure of \$35,437.78 from the Information Services Fund. (\$35,437.78)

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

To authorize the Finance and Management Director to enter into contract on behalf of the Office of Construction Management with The Albert M. Higley Company for miscellaneous renovations and selective demolition at the Municipal Court Building, 375 South High; to authorize and direct the City Auditor to transfer \$599,348.02 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the City Auditor to appropriate \$111,406.50 within the Construction Management Improvement Fund; to transfer \$804,692.71 between projects within the Construction Management Capital Improvement Fund; to amend the 2008 Capital Improvements Budget; and to authorize the expenditure of \$1,574,000.00 from the Construction Management Capital Improvement Fund. (\$1,574,000.00)

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

JUDICIARY & COURT ADMINISTRATION: CRAIG, CHR GINTHER TYSON MENTEL

To declare the necessity and intent to appropriate permanent easements in, over, under and through real estate in connection with the OSIS Augmentation and Relief Sewer (OARS) Project.

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

**UTILITIES: GINTHER, CHR. CRAIG O'SHAUGHNESSY
MENTEL**

To authorize the Director of Finance and Management to establish a purchase order with Perkin Elmer LAS for the purchase of one Inductively Coupled Plasma Mass Spectrometer for the Division of Sewerage and Drainage, to waive the provisions of competitive bidding and to authorize the expenditure of \$120,572.90 from the Sewerage System Operating Fund. (\$120,572.90)

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

To authorize the Director of Public Utilities to execute a contract modification for the professional engineering services agreement with DLZ Ohio, Inc. for the Olentangy Scioto Interceptor Sewer (OSIS) - Downtown Odor Control Project; to authorize the transfer of \$1,195,507.97 and the expenditure of \$1,214,852.97 from within the Sanitary Sewer Revenue Bonds Fund; and to amend the 2008 Capital Improvements Budget, for the Division of Sewerage and Drainage. (\$1,214,852.97).

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

To authorize the Director of Public Utilities to modify a contract with Crace Construction Company, Inc. for the Southerly Wastewater Treatment Plant Digester Rehabilitation Project; to authorize the appropriation, transfer, and expenditure of \$2,499,619.00 from the Sewer System Reserve Fund to the Ohio Water Development Authority Loan Fund; and to amend the 2008 Capital Improvements Budget, for the division of Sewerage and Drainage. (\$2,499,619.00)

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

**DEVELOPMENT: O'SHAUGHNESSY, CHR. TAVARES TYSON
MENTEL**

To amend Ordinance No. 1841-2005 creating the AC Humko Community Reinvestment Area to extend the date by which new construction work on certain real property within that area must be completed in order to qualify for the CRA exemption and to make technical amendments to the terms of the exemption for certain real property within that area.

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

ADMINISTRATION: TYSON, CHR. BOYCE CRAIG MENTEL

To authorize the Director of Human Resources to establish and institute the Black History Celebration program.

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

RECREATION & PARKS: TYSON, CHR. GINTHER TAVARES MENTEL

To authorize and direct the Director of Recreation and Parks to modify the contract with Gaddis & Sons, Inc. for the sidewalk repair work at the King Arts Complex, and to authorize the expenditure of \$7,079.10 from the Voted 1999/2004 Recreation and Parks Bond Fund. (\$7,079.10)

A motion was made by Tyson, seconded by President Pro-Tem Craig, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

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

RULES & REFERENCE: MENTEL, CHR. BOYCE O'SHAUGHNESSY TAVARES

To amend various sections of the Columbus City Code to make appropriate corrections and additions.

A motion was made by President Pro-Tem Craig, seconded by Tyson, that this matter be Taken from the Table. The motion carried by the following vote:

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

ADJOURNMENT

A motion was made by President Pro-Tem Craig, seconded by President Pro-Tem Boyce, to adjourn this Regular Meeting. The motion carried by the following vote: