



City of Columbus

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Columbus OH
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Minutes - Final 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.***

Monday, October 27, 2008

5:00 PM

City Council Chambers, Rm 231

REGULAR MEETING NO. 55 OF COLUMBUS CITY COUNCIL, OCTOBER 27, 2008 at 5:00 P.M. IN COUNCIL CHAMBERS.

ROLL CALL

Present 7 - Kevin Boyce Andrew Ginther Maryellen O'Shaughnessy Charleta Tavares
Hearcel Craig Priscilla Tyson Michael Mentel

READING AND DISPOSAL OF THE JOURNAL

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta
Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

C0033-2008

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY CLERK'S
OFFICE AS OF WEDNESDAY, OCTOBER 22, 2008:

New Type: D3, D3A
To: Basilios LLC
6094 Park Center Circle
Columbus OH 43017
Permit # 0498207

New Type: D1
To: Bahn Thai LLC
DBA Bahn Thai Bistro
1932 W Henderson Rd
Columbus OH 43220
Permit # 0370210

New Type: C1, C2
To: Oakland Nursery Inc
DBA Oakland Nurseries
1156 Oakland Park Ave
Columbus OH 43224
Permit # 6485536

New Type: D5A
To: Wilcare Polaris LLC
DBA Cambria Suites
9100 Lyra Dr
Columbus OH 43240
Permit # 9610008

New Type: C1, C2
To: Ace High Beer and Wine Corp
DBA Ace S High
3497 S High St
Columbus OH 43207
Permit # 0040677

New Type: D2
To: Smiths Restaurant and Deli LLC
DBA Smiths Restaurant and Deli
3737 N High St
Columbus OH 43214
Permit # 8305308

Transfer Type: D1, D2
To: Basilios LLC
6094 Park Center Circle
Columbus OH 43017
From: Cozymel #11 LLC
DBA Cozymels Coastal Grill
Patio & Courtyard
6100 Parkcenter Circle
Columbus OH 43017
Permit # 0498207

Transfer Type:D5, D6
To: Mac Acquisition LLC
DBA Romanos Macaroni Grill
6115 Park Center Circle
Columbus OH 43017
From: Brinker Ohio Inc
DBA Romanos Macaroni Grill
6115 Park Center Circle
Columbus OH 43017
Permit # 54020250015

Transfer Type: D1, D3, D3A, D3X
To: Jonfer LLC
1183-85 N Wilson Rd
Columbus OH 43024
From: H & F Inc
3277-79 W Broad St
Columbus OH 43204
Permit # 43749830005

Stock Type: D5, D6
To: Los Compadres Night Club LLC
5690 Kathy Run Ln
Columbus OH 43229

Permit # 5299583

Advertise: 11/01/2008

Return: 11/06/2008

RESOLUTIONS OF EXPRESSION

GINTHER

0196X-2008

To urge the Ohio General Assembly to adopt legislation to prohibit discrimination on the basis of sexual orientation.

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

ADDITIONS OR CORRECTIONS TO THE AGENDA

FR FIRST READING OF 30-DAY LEGISLATION

UTILITIES: GINTHER, CHR. CRAIG O'SHAUGHNESSY MENTEL

FR 1531-2008

To authorize the Director of Public Utilities to enter into a professional design services agreement with Braun & Steidl Architects, Inc. for the Fairwood Facility Improvements project; to authorize the transfer of \$9,245.00 and expenditure of \$159,245.00 from within the Sanitary Sewer Revenue Bonds Fund; to authorize the transfer of \$72,101.00 within the Water Works Enlargement Voted Bonds Fund; to authorize the appropriation and transfer of \$10,815.00 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$82,916.00 from the Water Works Enlargement Voted Bonds Fund; and to amend the 2008 Capital Improvements Budget, for the Division of Sewerage and Drainage, and the Division of Water. (\$242,161.00).

FR 1568-2008

To authorize the Director of Public Utilities to enter into a planned modification of the General Engineering Services contract with Stantec Consulting Services, Inc. (f.k.a. R.D. Zande & Associates, Inc.); to authorize the appropriation, transfer, an expenditure of \$150,000 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; and to authorize the expenditure of \$150,000 from the Water Works Enlargement Voted Bonds Fund; for the Division of Power and Water. (\$150,000)

FR 1578-2008

To authorize the Director of Public Utilities to continue to be a member of the Ohio State University's Center for Resilience; and to authorize the expenditure of \$25,000.00 from the Sewerage System Operating Fund for its annual membership fee for the Division of Sewerage and Drainage. (\$25,000.00)

FR 1580-2008

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

John Eramo & Sons, Inc. for construction of the Morse Road 36" Water Main Part 2 Project; to authorize the transfer of \$11,993.79 within the Water Works Enlargement Voted Bonds Fund; to authorize the appropriation, transfer, an expenditure of \$2,451,334.11 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$2,463,327.90 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. (\$2,463,327.90)

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

- FR [1573-2008](#) To authorize the Director of the Department of Public Service to execute those documents required to transfer the unimproved and/or excess rights-of-way more fully described in the body of this legislation to The Board of Education of the Columbus City School District at no charge; and to waive the Land Review Commission and competitive bidding provisions of Columbus City Codes.

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

- FR [1523-2008](#) To rezone 5719 WEST BROAD STREET (43228), being 4.38± acres located at the southeast corner of West Broad Street and Galloway Road, From: R, Rural District, To: CPD, Commercial Planned Development District (Rezoning # Z07-021).
- FR [1555-2008](#) To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3332.05, Area district lot width requirements of the Columbus City Codes; for the property located at 596-598 SOUTH OHIO AVENUE (43205), to permit an existing two-family dwelling on a lot that is less than fifty feet (50') wide in the R-3, Residential District and to declare an emergency (Council Variance # CV08-017).

CA CONSENT ACTIONS

RESOLUTIONS OF EXPRESSION

CRAIG

- CA [0194X-2008](#) To recognize Reverend Doctor Joseph Freeman, Jr. for his 50 years of service to the East Mount Olivet Baptist Church and to the Columbus community.
This Matter was Adopted on the Consent Agenda.

SAFETY : GINTHER, CHR. BOYCE CRAIG MENTEL

- CA [1445-2008](#) To authorize the payment of \$1,470.30 for vacation time and benefits which have been accumulated in excess of the maximum amount established by salary ordinance for Fire Division personnel. (\$1,470.30)
This Matter was Approved on the Consent Agenda.

- CA [1545-2008](#) To authorize and direct the Finance and Management Director to enter into contract with Vance Outdoors, Inc. for the trade of weapons for the Division of Police, and to authorize the expenditure of \$1.00 from the General Fund. (\$1.00)

This Matter was Approved on the Consent Agenda.

UTILITIES: GINTHER, CHR. CRAIG O'SHAUGHNESSY MENTEL

- CA [1485-2008](#) To authorize the Director of Finance and Management to establish a purchase order with K.E. Rose Company for the purchase of a 37 Foot Dump Trailer for the Division of Sewerage and Drainage, to authorize the expenditure of \$49,990.00 from the Sewerage System Operating Fund (\$49,990.00)

This Matter was Approved on the Consent Agenda.

- CA [1515-2008](#) To authorize the Director of Finance and Management to establish a Blanket Purchase Order with Neenah Foundry for the purchase of Construction Castings from an established Universal Term Contract for the Division of Sewerage and Drainage, to authorize the expenditure of \$50,000.00 from the Sewerage System Operating Fund and to declare an emergency. (\$50,000.00)

This Matter was Approved on the Consent Agenda.

- CA [1521-2008](#) To authorize the Director of Public Utilities to pay operating license fees for the three water treatment plants to the Treasurer, State of Ohio, Ohio Environmental Protection Agency, for the Division of Power and Water; and to authorize the expenditure of \$208,000.00 from the Water Systems Operating Fund. (\$208,000.00)

This Matter was Approved on the Consent Agenda.

- CA [1548-2008](#) To authorize the Director of Public Utilities to enter into a planned modification and increase of the professional engineering services contract with Stantec Consulting Services, Inc. to provide for construction administration services on the Morse Rd. 36" W.M. Part II Project; for the Division of Power and Water; to authorize the transfer of \$267,763.40 within the Water Works Enlargement Voted Bonds Fund; to authorize the appropriation, transfer, an expenditure of \$47,236.60 from the Water System Reserve Fund to the Water Works Enlargement Voted Bonds Fund; to authorize the expenditure of \$315,000.00 from the Water Works Enlargement Voted Bonds Fund; and to authorize an amendment to the 2008 Capital Improvements Budget. (\$315,000.00)

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

Abstained: 1 - Michael Mentel

Affirmative: 6 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, and Priscilla Tyson

DEVELOPMENT: O'SHAUGHNESSY, CHR. TAVARES TYSON MENTEL

- CA [1586-2008](#) To authorize the Director of the Department of Development to execute any and all necessary agreements and deeds for conveyance of title of one parcel of real property located at 919 Sunbury Road, held in the Land Bank pursuant to the Land Reutilization Program.

This Matter was Approved on the Consent Agenda.

**RECREATION & PARKS: TYSON, CHR. GINTHER TAVARES
MENTEL**

CA [1614-2008](#) To authorize the appropriation, transfer and expenditure of \$110,000.00 within the Recreation and Parks Permanent Improvement Fund for various facility renovations, to amend the 2008 Capital Improvements Budget, and to declare an emergency. (\$110,000.00)

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

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

**FINANCE: BOYCE, CHR. O'SHAUGHNESSY TAVARES
MENTEL**

[1651-2008](#) To authorize and direct the Finance and Management Director to enter into two contracts for the option to purchase Traffic Vehicular Signal Heads with Path Master, Inc. and Baldwin & Sours, Inc. to authorize the appropriation and expenditure of two (2) dollars to establish the contracts from the Purchasing/UTC Account, and to declare an emergency. (\$2.00).

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

SAFETY : GINTHER, CHR. BOYCE CRAIG MENTEL

[1541-2008](#) To amend the Department of Public Safety's 2008 Capital Improvement Budget, to authorize the City Auditor to transfer funds between projects in the Safety Voted Bond Fund, to authorize the Director of The Department of Public Safety to enter into an agreement with the Franklin County Emergency Management and Homeland Security for the purchase and installation of the City of Columbus' portion of the outdoor warning siren system, to authorize the expenditure of \$200,000 from the Voted Public Safety Bond Fund, and to declare an emergency. (\$200,000.00)

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

**DEVELOPMENT: O'SHAUGHNESSY, CHR. TAVARES TYSON
MENTEL****1635-2008**

To authorize the Director of Development to enter into a Columbus Downtown Office Incentive Agreement with Floyd Browne Group as provided in Columbus City Council Resolution Number 0088X-2007, adopted June 4, 2007.

TABLED UNTIL 11/03/08

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

1662-2008

To approve an economic development plan for the Blausen-Summerlyn incentive district; to confirm state that the City will may hereafter proceed with approval of the tax increment financing; and to declare an emergency.

A motion was made by O'Shaughnessy, seconded by Ginther, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

1662-2008

To approve an economic development plan for the Blausen-Summerlyn incentive district; to confirm state that the City will may hereafter proceed with approval of the tax increment financing; and to declare an emergency.

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

**PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY,
CHR. TAVARES CRAIG MENTEL****1625-2008**

To authorize the Director of the Department of Public Service to execute those documents necessary to grant easements for a tunnel easement beneath Mound Street connecting the proposed new Halls of Justice Building to the existing courthouse and minor encroachment easements into the right of way abutting the new courthouse, and/or pavilion, and to the extent they may be applicable, to waive the competitive bidding and Land Review Commission requirements of the Columbus City Codes (1959) Revised and to declare an emergency.

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

**HEALTH, HOUSING & HUMAN SERVICES: TAVARES, CHR.
BOYCE CRAIG MENTEL****1608-2008**

To create the Hubbard & High Community Reinvestment Area and to authorize real

property tax exemptions as established in Section 3735.65 to 3735.70 of the Ohio Revised Code. (AMEDNED BY ORDINANCE 1153-2009 PASSED 09/14/090)

A motion was made by Tavares, seconded by Tyson, that this matter be Tabled Indefinitely. The motion carried by the following vote:

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

ADMINISTRATION: TYSON, CHR. BOYCE CRAIG MENTEL

1622-2008

To authorize a transfer of \$57,000 within the general fund, to authorize the Human Resources Department to enter into a contract with Educators Preferred Corporation to implement and administer a one-time voluntary employee severance plan in FY 2009; to authorize the expenditure of \$57,000.00 or so much thereof as may be necessary to pay the cost of said contract (\$57,000.00), to waive the provisions of competitive bidding, and to declare an emergency.

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

RECREATION & PARKS: TYSON, CHR. GINTHER TAVARES MENTEL

1601-2008

To authorize and direct the Director of Recreation and Parks to enter into contract with Greenscapes Landscape Co., Inc. for the Street Tree Installation Spring 2009 Project, to authorize the expenditure of \$200,012.93 from the Voted 1999/2004 Recreation and Parks Bond Fund, and to declare an emergency. (\$200,012.93)

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

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

1569-2008

To amend section 3115.04 of the Columbus City Codes, 1959, relating to approval authority of the Columbus Art Commission.

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

Affirmative: 7 - Kevin Boyce, Andrew Ginther, Maryellen O'Shaughnessy, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

1664-2008

To amend various sections of the Columbus City Codes, 1959, relating to parking violation fines for the Department of Public Service.

A motion was made by Ginther, seconded by President Pro-Tem Craig, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

Absent@vote: 1 - Maryellen O'Shaughnessy

Affirmative: 6 - Kevin Boyce, Andrew Ginther, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

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

Absent@vote: 1 - Maryellen O'Shaughnessy

Affirmative: 6 - Kevin Boyce, Andrew Ginther, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

1667-2008

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

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

Absent@vote: 1 - Maryellen O'Shaughnessy

Affirmative: 6 - Kevin Boyce, Andrew Ginther, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel

ADJOURNMENT

ADJOURNED: 7:32 P.M.

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

Absent@vote: 1 - Maryellen O'Shaughnessy

Affirmative: 6 - Kevin Boyce, Andrew Ginther, Charleta Tavares, Hearcel Craig, Priscilla Tyson, and Michael Mentel