

City of Columbus

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



Minutes - Final

Monday, January 31, 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. 5 OF COLUMBUS CITY COUNCIL,
MONDAY, JANUARY 31, 2005 at 5:00 P.M. IN COUNCIL
CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

**A motion was made by Tavares, 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, JANUARY 26,2005:

New Type: D1
To: Osman Kivanc
DBA Turkish Cuisine
2653 N High St
Columbus, Ohio 43202
permit # 4687121

New Type: C1, C2
To: 2281 Sullivant LLC
2281 Sullivant Av
Columbus, Ohio 43223
permit # 91163630005

Liquor Agency Contract
To: TCKQ Inc
DBA Village Carryout
851 W 5th Av
Columbus, Ohio 43212
permit # 8772770

Transfer Type: C1, C2
To: Lights Drive Thru Inc
DBA Light Beer & Wine Drive Thru
3573 Cleveland Av
Columbus, Ohio 43224
From: 3573 Cleveland Ave Inc
DBA Light Beer & Wine Drive Thru
3573 Cleveland Av
Columbus, Ohio 43224
permit # 5200162

Transfer Type: D5, D6
To: ITW Ventures Inc
562-64 S High St
Columbus, Ohio 43215
From: Stebeck Inc

DBA High Beck Tavern
562-64 S High St 1st Fl & Bsmt
& Patio
Columbus, Ohio 43215
permit # 4168365

Transfer Type: C1, C2, D6, D8
To: TCKQ Inc
DBA Village Carryout
851 W 5th Av
Columbus, Ohio 43212
From: SAB & RRB Inc
DBA Village Carryout
851 W 5th Av
Columbus, Ohio 43212
permit # 8772770

Transfer Type: D2, D2X, D3, D3A, D6
To: Houlihans Restaurants Inc
DBA Houlihans
3580 W Dublin Granville Rd & Patio
Columbus, Ohio 43235
From: Houlihans of Cleveland Ltd
DBA Houlihans
3580 W Dublin GRanville Rd & Patio
Columbus, Ohio 43235
permit # 40036870025

Transfer Type: D1, D2, D3, D3A, D6
To: Rocky Top Tavern Inc
DBA Rocky Top Tavern
1384-86 Sullivant Av
Columbus, Ohio 43223
From: Kenneth H Riffe
DBA Coaches Tavern
1384-86 Sullivant Av
Columbus, Ohio 43223
permit # 7461295

Transfer Type: C1, C2, D6
To: 360 West Third Avenue Inc
DBA Ziggys
350 W Third Av
Columbus, Ohio 43201
From: 360 West Third Avenue Inc
DBA Ziggys
360 W 3rd Av
Columbus, Ohio 43201
permit # 89150150001

Transfer Type: C1, C2
To: Toshiko G Inc
DBA Howards Sunoco
726 W Broad St

Columbus, Ohio 43222
From: New America Investment Inc
DBA Howards Sunoco
726 W Broad St
Columbus, Ohio 43222
permit # 9002491

Advertise 2/5/05
Return 2/16/05

RESOLUTIONS OF EXPRESSION

BOYCE

To recognize, commend, and thank Ronald J. Ranney for his distinguished service to Columbus' citizens and his fellow employees, and to wish him well in his upcoming retirement.

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

THOMAS

Wear Red for Women Day

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 ORDINANCES WERE REMOVED FROM THE
CONSENT PORTION OF THE AGENDA AND VOTED ON LATER
IN THE MEETING**

DEVELOPMENT: 0155-2005

PUBLIC SERVICE & TRANSPORTATION: 2250-2005

FR FIRST READING OF 30-DAY LEGISLATION

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

FR To authorize the appropriation of up to \$13,000,000 within the Economic Stabilization Fund, and to authorize and direct the City Auditor, in consultation with the Finance Director, to transfer the appropriate portion of this amount to the general fund.

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

FR To accept the application (AN04-030) of Timothy D. Nielsen for the annexation of certain territory containing 0.51 ± Acres in Jefferson Township.

FR To accept the application (AN04-032) of Ohio Bell Telephone Co. for the annexation of certain territory containing 5.354 ± Acres in Perry Township.

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

FR To authorize the Director of Public Utilities to make payment to Delaware County for sewer services provided for Fiscal Year 2005, and to authorize an expenditure of \$1,800,000.00 from the Sewer System Operating Fund (\$1,800,000.00)

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

FR To authorize and direct the Director of Recreation and Parks to enter into contract with McDaniels Construction for the Krumm Park Improvements Project, and to authorize the expenditure of \$272,184.50 from the Voted 1995 and 1999 Parks and Recreation Bond Fund. (\$272,184.50)

**RULES & REFERENCE: HABASH, CHR. MENDEL HUDSON
TAVARES**

FR To amend Chapters 902, 2309, 2317, 2329, and 2333 and to enact new sections 2317.031 and 2317.14 of the Columbus City Codes, 1959, to clarify language and improve enforcement of Quality of Life Crimes.

CA CONSENT ACTIONS

ADMINISTRATION: BOYCE, CHR. MENDEL HUDSON HABASH

CA

To authorize and direct the Finance Director to enter into contract for an option to purchase DLT, LTO, DLT1V Tape Supplies with Tape Central, Inc., to authorize the expenditure of one dollar to establish contract from the Purchasing/Contract Account and to declare an emergency. (\$1.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the City Auditor to extend a contract agreement with Tier for the annual renewal of extended maintenance and support services necessary for the Accounting, Purchasing, Budgeting, and Asset Management Systems; to authorize the expenditure of \$83,872.00 from General Fund; and to declare an emergency. (\$83,872.00)

This Matter was Approved on the Consent Agenda.

JOBS AND ECONOMIC DEVELOPMENT: HUDSON, CHR. O'SHAUGHNESSY THOMAS HABASH

CA

To authorize the Director of the Department of Development to amend a contract with the Livingston Avenue Collaborative for Community Development by extending the expiration date of the contract to January 31, 2006; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS HABASH

CA

To authorize and direct the Mayor of the City of Columbus to accept a subgrantee award and enter into a contract with the Franklin County Board of Commissioners via the Justice Programs Unit for the FY 2004 Juvenile Justice and Delinquency Prevention Act Title II School Sports Violence Project, and to authorize an appropriation of \$24,000.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police to cover the costs of the above grant project. (\$24,000.00)

This Matter was Approved on the Consent Agenda.

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 **Upper Scioto West S.S.S. Hayden Run Area 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 **Refugee Road Pump Station Project**, 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, Justice Programs Unit and the appropriation of funds in the amount of Fifty-five Thousand Five Hundred Fifty-four and no/100 Dollars (\$55,554.00) for the funding of the Stalking Investigation program, to authorize the transfer and appropriation of matching funds required by the acceptance of the grant in the amount of Eighteen Thousand Five Hundred Eighteen and no/100 Dollars (\$18,518.00) and to declare an emergency. (\$74,072.00)

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the Director of the Department of Development to modify a contract with Levin, Driscoll & Fleeter by extending the contract to April 30, 2005; and to declare an emergency.

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the City Auditor to transfer \$9,100.00 between projects within the 1995, 1999 Voted Streets and Highways Fund; to authorize its transfer to and appropriation within the Federal State Highway Engineering Fund; to authorize the Public Service Director to modify and increase an existing contract with Columbus Asphalt Paving Company, Incorporated, for construction of the I-71/Morse Road Interchange Enhancement project for the Transportation Division; to authorize the expenditure of \$9,100.00 from the Federal State Highway Engineering Fund, and to declare an emergency. (\$9,100.00)

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 Radiator Repair Services, with Taliaferro Enterprises Inc., and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Finance Director to modify and extend the citywide contracts for the option to purchase Oils and Greases, with center Four O Corporation dba Oil Distributing Company, Circleville Oil Company, Holton Oil Company, Glockner Oil Company, and Columbus Oil Company, and to declare an emergency.

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 Sweeper Broom Refills, with Old Dominion Brush, and to declare an emergency.

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 Auto Body Repair with Keens Body Shop and Robert Burns DBA burns Body Shop Inc., 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 \$ 8,000 from the Area Commission Fund to the Department of Development in order to reimburse the German Village Commission, Historic Preservation Commission, Brewery District Commission and Victorian Village Commission for 2004 miscellaneous expenses; and to declare an emergency. (\$8,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize an appropriation of \$8,031 from the unappropriated balance of the General Government Grant Fund to the Department of Development, Neighborhood Services Division, to provide funds to co-sponsor the 2004 Building Connections Conference; and to declare an emergency. (\$8,031.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize an appropriation of \$2,100 from the unappropriated balance of the General Government Grant Fund to the Department of Development, Neighborhood Services Division, to provide funds to create and print a brochure for the Kelton House Museum and Garden; and to declare an emergency. (\$2,100.00)

This Matter was Approved on the Consent Agenda.

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

CA

To authorize and direct the Finance Director to enter into contract for the option to purchase Moyno Pump Parts_with Westcoast Rotor, Inc., to authorize the expenditure of \$1.00 to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$ 1.00).

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to execute eighteen (18) Water Pollution Control Loan Fund Agreements with the Ohio Water Development Authority and the Ohio Environmental Protection Agency, for the financing of 18 Sewerage and Drainage Division projects.

This Matter was Approved on the Consent Agenda.

RECREATION & PARKS: HABASH, CHR. BOYCE MENTEL THOMAS

CA

To authorize and direct the Finance Director to enter into a contract for the option to purchase Trophies and Awards (UTC) with Village Trophy Co., to authorize the expenditure of \$1.00 to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$ 1.00).

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

FINANCE: BOYCE, CHR. O'SHAUGHNESSY TAVARES HABASH

To make appropriations for the 12 months ending December 31, 2005, for each of the several Object Level 1s for which the City of Columbus has to provide from the monies known to be in the treasury of said City of Columbus, in the fund known as the General Fund, **and as amended by City Council per the attachment herein**, during the said 12 months from the collection of all taxes and from other sources of revenue, and to declare an emergency. ~~(\$560,628,365.00)~~ (\$561,365,175.00)

A motion was made by President Pro-Tem Boyce, seconded by Tavares, that this matter be Taken from the Table. 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:

To make appropriations for the 12 months ending December 31, 2005, for other funds for various divisions, to authorize the City Auditor to make transfers as may be necessary, and to declare an emergency.

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

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

ADMINISTRATION: BOYCE, CHR. MENDEL HUDSON HABASH

To appropriate and authorize the City Auditor to transfer \$6,485,541 from the Special Income Tax Fund to the Franklin County Facilities Authority Fund, for the purpose of providing secondary funding in the event that Franklin County Facilities Authority cannot meet its debt obligations, and to declare an emergency.

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 transfer of \$169,295 within the general fund in the Department of Finance, and to declare an emergency (\$169,295)

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

JOB AND ECONOMIC DEVELOPMENT: HUDSON, CHR. O'SHAUGHNESSY THOMAS HABASH

To authorize the Director of the Department of Development to enter into various contracts for the development and strengthening of neighborhood business organizations; to authorize the expenditure of \$245,700 from the 2005 Community Development Block Grant Fund; and to declare an emergency. (\$245,700)

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

To authorize the Director of the Department of Development to enter into a contract with Columbus State Community College, Small Business Development Center; to authorize the expenditure of \$24,300 from the 2005 Community Development Block Grant Fund; and to declare an emergency. (\$24,300)

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

To authorize the Director of Development to enter into an agreement with Simpson Strong-Tie Co. for an Enterprise Zone Tax Abatement of seventy-five percent (75%) for a period of ten (10) years on real property improvements, machinery & equipment, furniture & fixtures and new inventory; in consideration of a proposed investment of \$11,150,000 in real and personal property, the retention of 166 full-time permanent jobs and the creation of 6 (six) full-time permanent jobs; and to declare an emergency.

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

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

To authorize and direct the City Auditor to transfer \$175,000.00 within the general fund from the Finance Department to the Department of Public Safety, Division of Police, to authorize the City Attorney to pay the settlement amount to Edward Shnayder and Jim McNamara and John Marshall, counsel for Mr. Shnayder, in the case of Edward Shnayder v. City of Columbus, et al., United States District Court Case No. C2-03-192, to authorize the expenditure of the sum of One Hundred Seventy-Five Thousand and No/100 Dollars (\$175,000.00), and to declare an emergency.

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

To authorize the Franklin County Municipal Court Judges, through the Administrative/Presiding Judge, to contract with the Franklin County Commissioners to provide legal counsel to indigent defendants in the Franklin County Municipal Court when the public defender has a conflict of interest; to authorize the expenditure up to an amount not to exceed \$500,000.00 from the General Fund, and to declare an emergency. (\$500,000.00)

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

To authorize the City Attorney to enter into a contract with Mark W. Ely to serve as Stalking Investigator for the City Attorney's Office, Prosecutor Division, to authorize the expenditure of an amount not to exceed Fifty-three Thousand Four Hundred Fifty and no/100 Dollars (\$53,450.00) for services rendered pursuant thereto, to waive the competitive procurement provisions of Chapter 329 of the Columbus City Codes, and to declare an emergency. (\$53,450.00)

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

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

To authorize the Director of the Development Department to enter into an Annexation agreement with the Trustees of both Brown and Washington Townships and to declare an emergency.

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

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN04-025) of 9.616± Acres in Plain Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

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. HUDSON TAVARES HABASH**

To authorize the Public Service Director to execute those documents required to transfer Harvey Court from East Fifth Avenue to its northern terminus to YWCA Housing Corporation at no charge and to waive the competitive bidding provisions of Columbus City Codes.

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

To vacate the 15 foot wide alley east of Loew Street, north of the railroad tracks and south of Gibbard Avenue; and to the extent they may apply to waive the competitive bidding provisions and the Land Review Commission requirements of Columbus City Codes.

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 Finance Director to modify and increase an existing purchase order with Steven Steel Company for the purchase of steel traffic signposts for the Transportation Division; to authorize the expenditure of \$4,606.00 from the 1995, 1999 Voted Streets and Highways Fund, and to declare an emergency. (\$4,606.00)

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 and direct the Board of Health to enter into a contract with Columbus Neighborhood Health Center, Inc. to provide primary health care services at community-based health centers; to authorize the expenditure of \$5,029,260 from the Health Special Revenue Fund; to waive the provisions of competitive bidding; and to declare an emergency. (\$5,029,260)

A motion was made by Tavares, seconded by Thomas, 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 enter into a contract with The Righter Company, Inc. for the Hap Cremean Water Plant Miscellaneous Improvements - Piping and Couplings, for the Division of Water, to authorize the expenditure of \$204,270.00 from the Waterworks Enlargement Voted 1991 Bonds Fund, to authorize the City Auditor to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, to amend the 2004 C.I.B. and to declare an emergency. (\$204,270.00)

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

RECREATION & PARKS: HABASH, CHR. BOYCE MENTEL THOMAS

To authorize and direct the Director of Recreation and Parks to exercise the first five-year option in the lease agreement with MC-NC, LLC Company for space for the operation of a senior center, to authorize the appropriation of \$740,000.00 from the unappropriated balance of the Special Income Tax Fund, to authorize the expenditure of \$740,000.00 from the Special Income Tax Fund, and to declare an emergency. (\$740,000.00)

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

To authorize the Executive Director of Recreation and Parks to enter into option agreement with Columbus Urban Growth Corporation to convey by quit claim deed the property commonly known as Gowdy Field; to grant Columbus Urban Growth Corporation access to Gowdy Field for the purpose of conducting environmental assessments; to authorize the Development Director to reimburse Columbus Urban Growth Corporation up to \$50,000.00 for the costs of said environmental assessments; to waive the Land Review Commission provisions and the competitive bidding provisions of the Columbus City Codes; and to authorize the expenditure of \$50,000.00.

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

RULES & REFERENCE: HABASH, CHR. MENTEL HUDSON TAVARES

To amend Section 919.13 of the Columbus City Codes, 1959, to grant the Director of Recreation and Parks the authority to set policy and guidelines for the sale, service and/or consumption of alcoholic beverages at select park facilities in downtown parks and various Recreation and Parks' facilities.

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

ADJOURNMENT

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

vote: