

City of Columbus

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



Minutes - Final

Monday, April 4, 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. 18 OF COLUMBUS CITY COUNCIL,
APRIL 4, 2005 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 Hudson, 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, MARCH 30, 2005:

Transfer Type: D5
To: CH Inc
6823-6835 E Broad St
Columbus, Ohio 43213
From: China International Corp
Blacklick Creek Shopping Center
6823-6835 E Broad St
Columbus, Ohio 43213
permit # 11643750045

Transfer Type: C1, C2
To: Valery Petrosian
DBA Russian Home
5941 E Main St
Columbus, Ohio 43213
From: Russian Home Inc
DBA Russian Home
5941 E Main St
Columbus, Ohio 43213
permit # 6861430

Transfer Type: D2, D2X, D3, D3A, D6
To: Elevation Night Club Inc
DBA Elevation Night Club
2997 E 5th Av
Columbus, Ohio 43202
From: Maylin Inc
DBA Whiskey Still
2271 Morse Rd
Columbus, Ohio 43229
Atty Gary Lyons
permit # 2485350

Transfer Type: D4, D6
To: Ibpoe of W Lodge0521 Olentangy
780 Mt Vernon Av
Columbus, Ohio 43203

From: Ibpoe of Lodge0521 Olentangy
117 Hamilton Av
Columbus, Ohio 43203
Ralph S Spencer
permit # 411896905217

Transfer Type: D5, D6
To: Kuie Lung Liu Inc
DBA Liu Pon Xi
8 E Goodale St & Mezzanine
Columbus, Ohio 43215
From: CH Inc
8 E Goodale St & Mezzanine
Columbus, Ohio 43215
permit # 34373590005

Stock Type: D5, D6
To: Milos Deli & Cafe Inc
DBA Milos Deli & Cafe
980 W Broad St 1st Fl
Columbus, Ohio 43222
permit # 6020081

Stock Type: C1, C2
To: Shalin Inc
DBA K & M Express Market
3520 Clime Rd
Columbus, Ohio 43228
permit # 8030537

Stock Type: C2
To: Evineyard Inc
2192 Wilson Rd
Columbus, Ohio 43228
permit # 25948230005

Advertise 04/09/05
Return 04/22/05

RESOLUTIONS OF EXPRESSION

HUDSON

To congratulate the Hilliard Davidson High School Renaissance Program, recipient of the 2005 Central Ohio AFL-CIO Youth Services Award, recognizing students who have voluntarily given their time to help others in the community.

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

To congratulate the Jackson Middle School Student Volunteers for the Transitional Developmentally Handicapped Class, recipient of the 2005 Central Ohio AFL-CIO Youth Services Award, recognizing students who have voluntarily given their time to help others in the community.

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

To congratulate Rhonda Johnson, recipient of the 2005 George Meany Award, recognizing outstanding volunteer service to the Columbus community.

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

To congratulate Judge Cynthia C. Lazarus, recipient of the 2005 AFL-CIO Community Service Award, recognizing leadership and involvement in the Central Ohio Community.

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

To congratulate Beth Wagenbrenner, recipient of the 2005 Central Ohio AFL-CIO Scouting Awards, for outstanding service to youth through the programs of the Boy Scouts of America or Girl Scouts of the U.S.A.

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

To recognize Prevent Child Abuse Ohio and support it's Pinwheels for Prevention Campaign, to enhance community awareness about child abuse and neglect in Franklin County and encourage support for prevention.

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

TAVARES

To declare the month of April 2005 as DONATE LIFE MONTH in Columbus and to strongly encourage all citizens to consider the heroic difference a single donor can make in the lives of others and register their advance directive for organ, tissue and eye donation in the Ohio Donor Registry.

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

To proclaim the month of April to be minority health month in the City of Columbus.

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

Habash

To declare April 10th to 16th, 2005 American Home Week in Columbus, Ohio.

A motion was made by President Habash, seconded by President Mentel, 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

ADMINISTRATION: BOYCE, CHR. MENTEL HUDSON HABASH

FR To authorize the Finance Director to transfer \$100,000 within the General Fund, Department of Finance, to authorize and direct the Director of Finance to establish purchase orders for the payment of annual membership dues or subscriptions for the City of Columbus for the National League of Cities, the Ohio Municipal League, the U.S. Conference of Mayors, the Central Ohio Municipal Alliance, the Government Finance Officers' Association, the National Conference of Black Mayors, and Gongwer, and to authorize the expenditure of \$100,000 from the general fund (\$100,000)

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

FR To authorize the Director of Development to enter into an agreement with Morrison Medical LTD for a tax abatement of sixty percent (60%) for a period of seven (7) years in consideration of a proposed \$1,250,000 investment in real property improvements, machinery & equipment and new inventory, retention of 25 (twenty-five) full-time permanent jobs and the creation of 5 (five) full-time permanent jobs.

FR To authorize the appropriation of \$114,810.00 from the Capital South Fund; to authorize the Director of the Department of Development to enter into an agreement with the Columbus Downtown Development Corporation; and to authorize the expenditure of \$114,810 from the Capital South Fund. (114,810.00)

**SAFETY & JUDICIARY: MENTEL, CHR. BOYCE THOMAS
HABASH****PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY,
CHR. HUDSON TAVARES HABASH**

- FR To authorize the Public Service Director to enter into a professional engineering services contract for the Transportation Division with Dynotec, Inc. for the design of the Milo-Grogan Improvements project; and to authorize the expenditure of \$920,000.00 from the 1995, 1999 Voted Streets and Highways fund. (\$920,000.00).

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

- FR To authorize the City Auditor to issue payment in the amount of \$60,000.00 to the Mid-Ohio Regional Planning Commission (MORPC) for the purposes of providing funding for the Franklin County Greenway Plan, and to authorize the expenditure of \$60,000.00 from the Storm Sewer Operating Fund for the Division of Sewerage and Drainage. (\$60,000.00)

- FR To authorize the Director of Public Utilities to enter into a contract with Malcolm Pirnie, Inc. for the Dublin Road Water Plant Misc. Improvements - Raw Water Intake Improvements, for the Division of Water, to authorize the expenditure of \$564,182.00 from the Waterworks Enlargement Voted 1991 Bonds Fund. (\$564,182.00)

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

- FR To rezone **5463 WESTERVILLE ROAD (43081)**, being 13.43± acres located on the east side of Westerville Road, 299± feet north of Old Dublin Granville Road, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District. (Rezoning # Z04-089)

- FR To grant a Variance from the provisions of Section 3332.039, R-4, Residential District Use, for the property located at **29 CLARK PLACE (43201)**, to permit a private parking lot on a parcel zoned in the R-4, Residential District (Council Variance CV04-036).

CA CONSENT ACTIONS**ADMINISTRATION: BOYCE, CHR. MENTEL HUDSON HABASH**

CA

To authorize the expenditure of \$100,000.00 from the Facilities Management Capital Improvement Fund for various facility renovations, and to declare an emergency. (\$100,000.00)

This Matter was Approved on the Consent Agenda.

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

CA

To authorize and direct the transfer of \$130,962.00 from the Safety Bond Fund to the General Government Grant Fund to provide grant matching funds for a Department of Homeland Security grant; to authorize the appropriation of \$130,962.00 within the General Government Grant fund; and to declare an emergency. (\$130,962.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Columbus Fire Chief to accept a grant award from the National Automobile Dealers Charitable Foundation for a Little Annie Four Pack of CPR training manikins for the Division of Fire, and to declare an emergency.

This Matter was Approved on the Consent Agenda.

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

CA

To authorize and direct the City Auditor to transfer \$12,579.66 between subfunds within the Area Commission Fund to provide monies in the proper subfunds for the 2005 funding of area commissions; and to declare an emergency. (\$12,579.66)

This Matter was Approved on the Consent Agenda.

CA

To authorize 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 Northland Community; to authorize the expenditure of \$75,000 from the General Fund; and to declare an emergency. (\$75,000)

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the establishment of a \$100,000.00 Urban Infrastructure Recovery Fund right-of-way acquisition contingency sum to acquire small parcels of additional right-of-way for miscellaneous UIRF projects as requested by the Public Service Department,

Transportation Division, to authorize the City Attorney's Office, Real Estate Division, to expend \$100,000.00 from the 1995, 1999 Voted Streets and Highways Fund. (\$100,000.00)

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 90 Gallon Rotational Mold Containers with Toter, Inc., and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Finance Director to enter into two (2) contracts for the option to purchase OEM Motorcycle Parts with C & A Harley Davidson and Classic Cycles, to authorize the expenditure of two (2) dollars to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$2.00).

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Finance Director to enter into three (3) contracts for the option to purchase OEM Auto Parts with Byers Chevrolet LLC, Byers Chrysler LLC and Dick Masheter Ford Inc., to authorize the expenditure of three (3) dollars to establish the contract from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00).

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the Board of Health to enter into contracts with Flooring Foundations (\$12,650.49), J&P Masonry & Sealant (\$11,241.00), and Winnsapes, Inc. (\$26,431.70) for renovations at the Health Department facility; to authorize the expenditure of \$50,323.19 from the Voted 1999 Health Renovation Fund; and to declare an emergency. (\$50,323.19)

This Matter was Approved on the Consent Agenda.

CA

To authorize the director of the Department of Finance to expend \$238,841.00 from the Community Development Block Grant (CDBG) program to fund the second year of a two year contract with AmeriNational Community Services, Inc. which provides servicing of housing and commercial loans for the CDBG and Home Investment Partnerships Grant (HOME) programs; and to declare an emergency. (\$238,841.00)

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the Director of the Department of Public Utilities to enter into agreement with the Franklin Soil and Water Conservation District (SWCD), for the purposes of providing funding for the stormwater/subsurface drainage research program; and to authorize the expenditure of \$32,000.00 from the Storm Sewer Operating Fund; and to declare an emergency. (\$32,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to modify the contract for Specialized Machining and Fabrication Services with Universal Fabricating & Construction Services, Inc., for the Division of Sewerage and Drainage; and to authorize the expenditure of \$60,000.00 from the Sewerage System Operating Fund. (\$60,000.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize the Director of Public Utilities to enter into contract with T. Luckey Sons Inc for Sludge Storage Tanks Seam Repair for the Division of Sewerage and Drainage, to authorize the expenditure of \$69,450.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$69,450.00)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Finance Director to enter into a contract for an option to purchase Liquid Caustic Soda, with Univar USA Inc., to authorize the expenditure of one dollar 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 and direct the Finance Director to enter into a contract for an option to purchase Construction Castings, with Neenah Foundry Company., to authorize the expenditure of one dollar 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 and direct the Finance Director to enter into a contract for an option to purchase Sodium Hypochlorite, with Bonded Chemicals., to authorize the expenditure of one dollar 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****ADMINISTRATION: BOYCE, CHR. MENTEL HUDSON HABASH**

To authorize the appropriation of \$34,117.00 within the General Permanent Improvement Fund; to authorize the Public Service Director to enter into two contracts with Bomar Construction, Incorporated, for the renovation of Refuse Collection Division facilities at 1265 Marion Road and 1550 Georgesville Road, respectively; to authorize the expenditure of \$34,117.00 from the General Permanent Improvement Fund; to waive the formal competitive bidding requirements of the Columbus City Code, and to declare an emergency. (\$34,117.00)

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

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

To adopt the NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) and to direct all first responders to become certified by completing the required IS-700 NIMS training and to declare an emergency. (\$0.00)

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

To authorize the Mayor to execute the First Amendment to the Lease Agreement between the City of Columbus and the State of Ohio, acting through the Ohio Cultural Facilities Commission, for the lease of the property formerly known as Central High School, and to declare an emergency.

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

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

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

To rezone certain portions of the Livingston Avenue corridor between Eighteenth Street and Fairwood Avenue from C4 Commercial to R2F Residential. (**Rezoning # Z05-023**)

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

To rezone certain portions of the Livingston Avenue corridor between Eighteenth Street and Fairwood Avenue from C4 Commercial to R2F Residential.

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

To rezone certain portions of the Livingston Avenue corridor between Eighteenth Street and Fairwood Avenue from C4 Commercial to R2F Residential. **(Rezoning # Z05-023)**

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

An ordinance creating the Hayden Run Corridor North Incentive District and the Hayden Run Corridor South Incentive District; declaring the increase in assessed valuation of parcels within each Incentive District to be a public purpose; exempting from taxation 100 percent of that increase in assessed valuation; describing the public improvements to be made to benefit those parcels; requiring owners thereof to make service payments in lieu of taxes; establishing municipal public improvement tax increment equivalent funds for the deposit of service payments; and protecting the Columbus City School District against any loss of tax revenue.

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 Director of Development to enter into the Big Darby Accord Participation Agreement with Grove City, Hilliard, Harrisburg, Franklin County, and Prairie, Brown, Pleasant, Norwich and Washington Townships to secure their funding commitments to the Contract for Professional Services; to authorize the acceptance of \$321,000 from these jurisdictions; to authorize the Director of Development to enter into contract with EDAW, Inc. in an amount not to exceed \$500,000 for planning services related to the development of the Big Darby Accord; to waive the formal professional service contracts process of Chapter 329 of the City Code; to authorize the appropriation and expenditure of \$321,000 from the General Government Grant Fund; that the Director of Development will draw an amount not to exceed \$79,000 from an existing Auditor's Certificate; to authorize the expenditure of \$50,000 from the Water Operating Fund; to authorize the expenditure of \$50,000 from the Sanitary Sewer Operating Fund; and to declare an emergency. (\$500,000)

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 modify and increase the contract with R. D. Zande and Associates, Inc. for the preparation of construction plans for the Iuka Ravine

Improvements project for the Transportation Division; to authorize the expenditure of \$100,000.00 from the Transportation Division's 1995, 1999 Voted Streets and Highways fund. (\$100,000.00)

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 the transfer of \$242,819 within the Neighborhood Services Division, General Fund; to authorize the Director of the Department of Development to enter into contracts with various social service agencies; to authorize the expenditure of \$918,499.00 from the General Fund; and to declare an emergency. (\$918,499.00)

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

To authorize the Director of the Department of Development to enter into contracts with various social service agencies; to authorize the expenditure of \$1,204,983.00 from the General Fund; and to declare an emergency. (\$1,204,983.00)

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

To authorize the Director of the Department of Development to enter into contracts with various social service agencies; to authorize the expenditure of \$599,554.00 from the General Fund; and to declare an emergency (\$599,554.00)

A motion was made by Tavares, seconded by Thomas, that this matter be Amended as submitted to the Clerk. The motion carried by the following vote:

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

To authorize the Director of the Department of Development to enter into contracts with various social service agencies; to authorize the expenditure of \$507,181.00 from the Emergency Human Service Fund; and to declare an emergency. (\$507,181.00)

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

To authorize the Director of the Department of Development to enter into contracts with various social service agencies to promote work force development; to authorize the

expenditure of \$238,647.00 from the Community Development Block Grant Fund; and to declare an emergency. (\$238,647.00)

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

To authorize and direct the Columbus Health Department to accept a grant from the Franklin County Board of Commissioners in the amount of \$1,449,078 for the continued operation of the Ben Franklin Tuberculosis Clinic; to authorize the appropriation of \$1,449,078 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$1,449,078.00)

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 modify contracts with Kokosing Construction Company, Inc., and DLZ Ohio, Inc., in connection with the Jackson Pike Wastewater Treatment Plant Sludge Handling and Dewatering Improvements Project; to authorize the transfer, appropriation and expenditure of \$718,432.60 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; to amend the 2004 Capital Improvements Budget; for the Division of Sewerage and Drainage; and to declare an emergency. (\$718,432.60)

A motion was made by Thomas, seconded by Tavares, that this matter be Taken from the Table. 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:

To authorize the Director of Public Utilities to modify the contract for professional engineering design and technical project services with Pomeroy & Associates, Ltd. for the Moler Road Stormwater System Improvements Project for the Division of Sewerage and Drainage; to authorize the transfer of \$48,776.82 within the Storm Sewer Bond Fund; to authorize the expenditure of \$48,776.82 within the Storm Sewer Bond Fund; to authorize an amendment to the 2004 Capital Improvements Budget; and to declare an emergency. (\$48,776.82)

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 contract for professional engineering design and technical project services with Stone Environmental Engineering & Science, Inc. for the Olentangy River Road Culvert Replacement & East 5th Avenue Stormwater System Improvements Project for the Division of Sewerage and Drainage; to authorize the transfer of \$13,091.75 within the Storm Sewer Bond Fund; to authorize the expenditure of \$13,091.75 within the Storm Sewer Bond Fund; to authorize an amendment to the 2004 Capital Improvements Budget; and to declare an emergency. (\$13,091.75)

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

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

To supplement the Columbus City Codes, 1959, by amending Chapter 3372.673 to expand the Urban Commercial Overlay along portions of Livingston Avenue.

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

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

ADJOURNMENT

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