



# City of Columbus

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

## Agenda - 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.***

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Monday, November 1, 2004

5:00 PM

City Council Chambers, Rm 231

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**REGULAR MEETING NO. 58 OF COLUMBUS CITY COUNCIL, MONDAY,  
NOVEMBER 1, 2004 at 5:00 P.M. IN COUNCIL CHAMBERS.**

#### **ROLL CALL**

#### **READING AND DISPOSAL OF THE JOURNAL**

##### **C0032-2004**

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE  
CITY CLERK'S OFFICE AS OF WEDNESDAY, OCTOBER 27, 2004:

New Type: C1, C2  
To: M & M International Trade Corp  
DBA M & M Market  
1000 Parsons Av  
Columbus, Ohio 43206  
permit # 6071796

New Type: C1, C2  
To: Om Krishna Company  
DBA Two Brothers Wine Shop  
8380 N High St  
Columbus, Ohio 43235  
permit # 65470240005

Transfer Type: C1, C2, D6  
To: 1945 Lockbourne Inc  
DBA Georges Food Market  
1945 Lockbourne Rd  
Columbus, Ohio 43207  
From: G M George Inc  
DBA Georges Food Market  
1945 Lockbourne Rd  
Columbus, Ohio 43207  
permit # 6549300

Transfer Type: C1, C2  
To: Fakra Inc  
DBA PJs Grill  
15 E Frambes St  
Columbus, Ohio 43201  
From: C U C of Columbus Inc  
DBA Cluck U Chicken  
2620 N High St 1st Fl  
Columbus, Ohio 43202  
permit # 2630352

Transfer Type: C1, C2  
To: Chalachew Inc  
DBA All Star Carryout  
1410 E Livingston Av  
Columbus, Ohio 43205  
From: Ikhlayel Inc  
DBA All Star Carryout  
1410 E Livingston Av  
Columbus, Ohio 43205  
permit # 1381107

Transfer Type: C1, C2  
To: Home Market LLC  
DBA Home Market  
2386 Groveport Pk 1st Fl only  
Columbus, Ohio 43207  
From: 2386 Groveport Rd Inc  
DBA Home Market  
2386 Groveport Pk 1st Fl only  
Columbus, Ohio 43207  
permit # 3953304

Stock Type: C1, C2  
To: 2615 Summit Inc  
DBA Agler Market  
2043 Agler Rd  
Columbus, Ohio 43224  
permit # 9116340

Advertise 11/06/04  
Return 11/20/04

## **RESOLUTIONS OF EXPRESSION**

### **BOYCE**

**243X-2004**

To support Issue 97, the 6.95 mill operating levy for the Columbus Public Schools on the November 2nd ballot.

**Sponsors:** Kevin L. Boyce

**TAVARES****240X-2004**

To declare November as Pancreatic Cancer Awareness Month, in the City of Columbus.

**Sponsors:** Charleta B. Tavares and Patsy Thomas

**ADDITIONS OR CORRECTIONS TO THE AGENDA****FR FIRST READING OF 30-DAY LEGISLATION****RECREATION & PARKS: BOYCE, CHR. THOMAS HABASH****FR 1824-2004**

To authorize the expenditure of \$400,000.00 for CIP staff time billings from the 1995 and 1999 Parks and Recreation Bond Fund. (\$400,000.00)

**DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE TAVARES HABASH****FR 1799-2004**

To accept the application (AN04-019) of Ann & Larry Kleinhenz for the annexation of certain territory containing 1.015 ± Acres in Sharon Township.

**FR 1850-2004**

To adopt the South Alum Creek Neighborhood Plan as a guide for development, redevelopment, and the planning of future public improvements.

**FR 1875-2004**

To authorize the acceptance of a deed for one (1) parcel of land (157 Oakley Avenue) to be held in the Land Bank inventory.

**PUBLIC SERVICE & TRANSPORTATION: O'SHAUGHNESSY, CHR. TAVARES HABASH****FR 1789-2004**

To accept the plat titled LANGFORD MEADOW SECTION FIVE, from COLUMBUS CONTRACTOR COMPANY, by JOHN J. GIRARD, President.

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

- FR     [1856-2004](#)     To authorize the Director of the Department of Development to enter into tri-party agreements for infrastructure construction reimbursement as part of the Columbus Housing Initiatives Project, Capital Improvement Program; and to authorize the expenditure of \$392,000 from the Voted 1995, 1999 Streets and Highways Fund for this purpose. (\$392,000)

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

- FR     [1787-2004](#)     To amend the 2004 Capital Improvements Budget; to authorize the reimbursement to the Division of Electricity for inspection fees incurred for the Leawood Gardens and Willis Park street lighting project; and to authorize the expenditure in the amount of \$6,810.43 from the Voted Street Lighting and Electricity Distribution System Improvements Fund. (\$6,810.43)

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

- FR     [1851-2004](#)     To supplement the Columbus City Codes, 1959, by the modification of Chapter 3372, Planning Overlay, in order to add standards to the Urban Commercial Overlay that address second story windows, awning, fences and site lighting.

**Sponsors:**   Maryellen O'Shaughnessy

- FR     [1908-2004](#)     To amend various sections of Chapter 221 of the Columbus City Codes to create a Division of Operational Support within the Department of Public Utilities.

**Sponsors:**   Patsy Thomas

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

- FR     [1132-2004](#)     To rezone 359 OBETZ ROAD (43207), being 2.11± acres located on the south side of Obetz Road, 350± feet the west of Parsons Avenue, From: RRR, Restricted Rural Residential District, To: CPD, Commercial Planned Development District. (Rezoning # Z02-055)

- FR     [1133-2004](#)     To rezone 433 OBETZ ROAD (43207), being 4.98± acres located on the south side of Obetz Road, 545± feet west of Parsons Avenue, From: CPD, Commercial Planned Development District, To: CPD, Commercial Planned Development District. (Rezoning # Z03-117)

- FR**     [1693-2004](#)     To rezone 2789 EAST FIFTH AVENUE (43219), being 0.14± acres located on the south side of East Fifth Avenue, 100± feet west of Morris Avenue, From: R-4, Residential District, To: C-1, Commercial District. (Rezoning # Z04-016)
- FR**     [1784-2004](#)     To grant a Variance from the provisions of Sections 3332.02 3333.02, ARLD, AR-12, ARLD and AR-1 Apartment residential district use; 3333.09, Area requirements; 3333.16, Fronting; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3342.19, Parking space of the Columbus City Codes; for the property located at 926-928 DENNISON AVENUE (43201), to permit two single-family dwellings on the same lot with reduced development standards in the ARLD, Apartment Residential District and to declare an emergency (Council Variance CV04-035).

## **CA     CONSENT ACTIONS**

### **ADMINISTRATION: BOYCE, CHR. MENTEL HABASH**

- CA**     [1720-2004](#)     To authorize the City Auditor to transfer \$25,000.00 within the Facilities Management General Fund budget; to authorize the Public Service Director to modify and increase a contract with Pad Door Systems, Inc. for the maintenance and repair of overhead garage doors and entrance doors; to authorize the expenditure of \$25,000.00 from the General Fund; and to declare an emergency. (\$25,000.00).
- CA**     [1833-2004](#)     To authorize the Director of the Department of Technology to enter into a contract with Software House International for software maintenance and support for a SurfControl software product, to expend \$24,664.00 from the information services fund and to declare an emergency. (\$24,664.00)

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

- CA**     [1860-2004](#)     To authorize and direct the Director of Recreation and Parks to enter into contract with G & G Cement for various concrete walk replacements, to authorize the expenditure of \$269,600.00 from the Voted 1995 and 1999 Parks and Recreation Bond Fund, and to declare an emergency. (\$269,600.00)
- CA**     [1885-2004](#)     To authorize an appropriation of \$72,951.68 from the unappropriated balance of the Recreation and Parks Grant Fund to the Recreation and Parks Department for various services during 2004 funded through grants and donations, and to declare an emergency. (\$72,951.68)

- CA [1886-2004](#) To authorize an appropriation of \$6,370.00 from the unappropriated balance of the Recreation and Parks Special Purpose Fund to the Recreation and Parks Department to continue various services during 2004, and to declare an emergency. (\$6,370.00)

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

- CA [1846-2004](#) To authorize the Columbus Fire Chief to accept a grant award from Wal-Mart for the purchase of smoke detectors for the Fire Division distribution program, to appropriate \$625.00 from the unappropriated balance of the Special Revenue Private Grants Fund, and to declare an emergency. (\$625.00)
- CA [235X-2004](#) To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Hard Road Phase C Project, and to declare an emergency.
- [1863-2004](#) To authorize the City Attorney to accept a grant from the State of Ohio, Office of the Attorney General in the total amount of \$103,032.00 for the continued funding of the VOCA Domestic Violence Advocates; to authorize appropriation of said funds; to authorize the transfer and appropriation of matching funds required by the acceptance of this grant in the amount of \$34,344.00; and to declare an emergency. (\$137,376.00)
- CA [237X-2004](#) To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the Leland Ditch Storm Sewer Project, and to declare an emergency.

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

- CA [1876-2004](#) 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 (571 Whitethorne Avenue) held in the Land Bank pursuant to the Land Reutilization Program; and to declare an emergency.

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

- CA [1828-2004](#) To authorize and direct the Columbus Health Department to accept a grant from the Ohio Department of Public Safety in the amount of \$127,000.00; to authorize the appropriation of \$127,000.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$127,000.00)

- CA [1829-2004](#) To authorize and direct the Columbus Health Department to accept a grant from the Ohio Department of Public Safety in the amount of \$17,108.00; to authorize the appropriation of \$17,108.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$17,108.00) AMENDED BY ORD NO. 1697-2004 (PASSED ON 11/29/2004)
- CA [1831-2004](#) To authorize and direct the Columbus Health Department to accept a grant from the Ohio Department of Public Safety in the amount of \$68,667.00; to authorize the appropriation of \$68,667.00 from the unappropriated balance of the Health Department Grants Fund, and to declare an emergency. (\$68,667.00)

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

- CA [1679-2004](#) To authorize and direct the City Auditor to transfer \$90,000.00 within the Water Systems Operating Fund, Division of Water, from Object Level One 06 to Object Level One 02, to authorize the Finance Director to establish an additional Blanket Purchase Order, to purchase remote readers, from an established Universal Term Contract with Badger Meters, for the Division of Water, and to authorize the expenditure of \$65,382.00 from Water Systems Operating Fund. (\$65,382.00)
- CA [1764-2004](#) To authorize the Director of Public Utilities to enter into a contract with Matrix Systems, for a security system to our storage yard area, for the Division of Water, in accordance with the sole source provisions of the Columbus City Code, and to authorize the expenditure of \$24,427.00 from Water Systems Operating Fund. (\$24,427.00)

#### APPOINTMENTS

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

#### ADMINISTRATION: BOYCE, CHR. MENDEL HABASH

- [1755-2004](#) To authorize and direct the Finance Director to modify and extend the citywide contract for the option to purchase Computer Consulting from Compuware Corporation and to declare an emergency.  
*(Tabled 10/25/04)*
- [1796-2004](#) To authorize the Mayor's Office of Education to accept funding from the Franklin County Board of Commissioners and to authorize an appropriation of \$471,540.83 from the unappropriated balance of the General Government Grant Fund to the Office of Education to cover costs associated with after school programming and to declare an

emergency.

*(TABLED 10/18/04; request to amend as submitted to clerk)*

**1810-2004**

To authorize a transfer of \$123,084 within the Facilities Management Division General Fund Budget; to authorize the Public Service Director to contract for the Facilities Management Division with Dove Building Services, Inc. for custodial services at the new Police Academy at 1000 North Hague Avenue; to authorize the expenditure of \$123,084.00 from the General Fund; to waive the competitive bidding provisions of the Columbus City Codes; and to declare an emergency. (\$123,084.00)

**1811-2004**

To authorize the Public Service Director to modify a contract with Systems by Rich Consulting LLC on behalf of the Facilities Management Division for professional custodial service administration and management of the quality assurance and training programs at the new Police Academy; to authorize the expenditure of \$13,431.73 from the General Fund; to waive the competitive bidding provisions of the City Codes; and to declare an emergency. (\$13,431.73).

**1904-2004**

To accept Memorandum of Understanding #2004-4 executed between representatives of the City of Columbus and CMAGE/CWA, Local 4502, which amends the Collective Bargaining Contract, August 24, 2002 through August 23, 2005; and to declare an emergency.

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

**1838-2004**

To authorize and direct the Director of Public Safety to enter into a contract with Mt. Carmel Occupational Health and, to authorize the expenditure of \$40,000.00 from the General Funds. ; and to declare an emergency. (\$40,000.00).

**JOBS AND ECONOMIC DEVELOPMENT: HUDSON, CHR.**

**1872-2004**

To authorize and direct the Director of the Columbus Department of Development to apply to the Ohio Department of Development, Clean Ohio Assistance Fund, for emergency assistance grant funding in an amount up to \$750,000.00 for asbestos removal and other eligible costs within the Lazarus Building situated at High, Town, Front and State Streets in downtown Columbus; and to declare an emergency.

**1910-2004**

To authorize the Director of the Department of Development to amend the 515 Partners LLC Enterprise Zone Agreement to extend the period of time allowed for meeting the job creation requirement to December 31, 2007; and to declare an emergency.



- 1911-2004** To accept the recommendation of the Columbus Tax Incentive Review Council with respect to the Amerigraph LLC Enterprise Zone Agreement and to authorize the Director of the Department of Development to notify Amerigraph that its Enterprise Zone Agreement with the City of Columbus is dissolved and the tax exemptions cancelled, and that the City is requiring repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under the Agreement approved by Columbus City Council; and to declare an emergency.
- 1912-2004** To authorize the Director of the Department of Development to dissolve the Commercial Movers, Inc. Enterprise Zone Agreement and end the tax abatement one year early (the final year of exemption will be 2003 instead of 2004 -- the property will be fully taxable for 2004 and payable in 2005); and to declare an emergency.
- 1914-2004** To authorize the Director of the Department of Development to amend the C.O.W. Industries Inc. Enterprise Zone Agreement to acknowledge and accept that for personal property tax purposes the company uses the current fair market value for the M & E while for Enterprise Zone reporting and compliance the company uses the acquisition cost of the M & E; and to declare an emergency.
- 1915-2004** To authorize the Director of the Department of Development to amend the Enterprise Zone with Crane to allow the Remedy contract workers to be part of the job count and to require that the job retention goal must be met and that the number of new jobs must average at least 71 for each of the remaining 3-year periods after 2004 (i.e., 2005-2007 and 2006-2008) or the company will repay the amount of property taxes exempted in those 3 years. ; and to declare an emergency.
- 1916-2004** To authorize the Director of the Department of Development to amend the Weiler-Bowen/City Park Place Enterprise Zone Agreement to reduce the rate of exemption on the real property from 100% to 50% for 2004, one year earlier than originally scheduled. The original abatement scheduled was 100% for 2000-2004 and 50% through 2005-2009; and to declare an emergency.
- 1917-2004** To authorize the Director of the Department of Development to dissolve the United HealthCare Services CRA Agreement and make 2004 the final year for abatement, with no clawback or penalty applied; and to declare an emergency.
- 1919-2004** To authorize the Director of Development to amend the existing Enterprise Zone Agreement with Columbus Urban Growth Corporation to eliminate the requirement for personal property investment; and to declare an emergency.

1920-2004 To authorize the Director of the Department of Development to amend the Enterprise Zone Agreement (EZA) with Millennium Court LLC and The Environmentalists (formerly DuPont Flooring Systems, Inc.) by adding the tenant, Xpedx, to the EZA and allowing the Xpedx jobs at the project site to be counted toward the job goal under the EZA; and to declare an emergency.

1921-2004 To authorize the Director of the Department of Development to amend the ISG Columbus Coatings Enterprise Zone Agreement to acknowledge and accept that for purposes of Enterprise Zone reporting and compliance the company uses the historical cost of the M & E, while for personal property tax purposes the company uses the 2003 asset purchase cost; and to declare an emergency.

1922-2004 To authorize the Director of Development to amend the existing Enterprise Zone Agreement with Roanoke Furniture and to eliminate the job creation requirement (20 jobs); require the retention of the 42 full-time permanent jobs that existed at the project site in July 2004 and require that a minimum of 75% of the original job retention requirement be attained by the end of 2005 or Roanoke shall repay the taxes for the number of jobs short of the retention goal that were exempted for 2005; and to declare this an emergency.

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

1821-2004 To authorize the Public Service Director to execute those documents required to transfer portions of Hickory Street between Front Street and Marconi Boulevard to 221 North Front Street, LLC at no charge and to waive the competitive bidding provisions of Columbus City Codes.

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

1488-2004 To authorize the Board of Health to enter into contract with United Security Management Services for security services, to authorize a total expenditure of \$263,000 from the Health Department Special Revenue Fund, and to declare an emergency. (\$263,000)

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

1491-2004 To authorize the Director of Public Utilities to modify the contract for HVAC Specialty Maintenance Services with Cornerstone Services, for the Division of Sewerage and Drainage; and to authorize the expenditure of \$89,000.00. (\$89,000.00)

(TABLED 10/18/04)

**1771-2004** To authorize the Director of Public Utilities to modify the professional engineering services contract with URS Corporation for the Big Walnut Augmentation/Rickenbacker Interceptor Sewer Project; to authorize the appropriation, transfer and expenditure of \$4,198,764.00 from the Sewer System Reserve Fund to the Ohio Water Pollution Control Loan Fund; and to amend the 2004 Capital Improvements Budget; for the Division of Sewerage and Drainage, and to declare an emergency. (\$4,198,764.00)

**1786-2004** To authorize the Director of Public Utilities to modify the contract with the Kokosing Construction Company, Inc., for construction of the Jackson Pike Wastewater Treatment Plant New Headworks, Preliminary Treatment and Reliability Improvements Project; to authorize the appropriation and expenditure of \$1,000,000.00 from 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. (\$1,000,000.00)

**1815-2004** To authorize the Director of Public Utilities to execute a construction contract with N. M. Savko & Sons, Inc.; to provide for payment of inspection, material testing and related services to the Transportation Division for the Bexvie Avenue Stormwater System Improvements Project; to authorize the transfer of \$336,104.20 within the Storm Sewer Bond Fund; to authorize an amendment to the 2004 Capital Improvements Budget; for the Division of Sewerage and Drainage; to authorize the expenditure of \$1,336,104.20 within the Storm Sewer Bond Fund; and to declare an emergency. (\$1,336,104.20)

**1820-2004** To authorize the City Auditor to transfer appropriations within the Water Systems Operating Fund to align budget authority with projected expenditures; and to declare an emergency. (\$300,000.00)

## **RULES & REFERENCE: HABASH, CHR. MENTEL TAVARES**

**2121-2003** To amend Section 2107.06 of the Columbus City Codes, 1959, pertaining to impounding fees and storage charges.

**Sponsors:** Michael C. Mentel

*(Tabled 12/15/03; request ordinance be defeated and replaced with ord. 1544-2004)*

**1544-2004** To amend Section 2107.06 of the Columbus City Codes, 1959, pertaining to impounding fees and storage charges.

**Sponsors:** Michael C. Mentel

*(Tabled 10/25/04)*

**2549-2003**

To supplement Chapter 4113 of the Columbus City Codes, 1959, by amending existing Section 4113.505 of the Columbus Building Code by eliminating archaic home improvement limited license classifications and by augmenting the current qualifications of an applicant for any home improvement license classification to include an Ohio registered design professional that is experienced in residential design and construction.

**Sponsors:** Maryellen O'Shaughnessy

*(Tabled 12/08/03; request ordinance be defeated)*

**2673-2003**

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

**Sponsors:** Matthew D. Habash

*(Request Ordinance be Tabled)*

## APPOINTMENT

**A0132-2004**

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

*(Tabled 10/25/04)*

## FROM THE FLOOR:

### TAVARES

**246X-2004**

To recognize and congratulate the March of Dimes of Central Ohio Division on its Second Annual Health Leadership Awards Luncheon being celebrated on the 10th day of November 2004.

**Sponsors:** Charleta B. Tavares

## ADJOURNMENT