

# City of Columbus

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



## Minutes - Final

Monday, November 8, 2004

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. 60 OF COLUMBUS CITY COUNCIL,  
MONDAY NOVEMBER 8, 2004 at 5:00 P.M. IN COUNCIL  
CHAMBERS.**

**ROLL CALL**

**READING AND DISPOSAL OF THE JOURNAL**

**A motion was made by President Pro-Tem Boyce, seconded by President Mentel, 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, NOVEMBER 3, 2004:

New Type: C1, C2  
To: 5 Miller Corp  
DBA Champion Av Carryout  
522 S Champion Av  
Columbus, Ohio 43205  
permit # 2759460

Transfer Type: D5  
To: Cheeseburger Buckeye  
Limited Partnership  
DBA Cheeseburger in Paradise  
8665 Sancus Blvd  
Columbus, Ohio 43240  
From: Daniel L Pizzurro  
DBA Westside Bar  
2422 W Broad St  
Columbus, Ohio 43223  
permit # 14141690015

**FROM THE FLOOR:**

**BOYCE**

*To honor and recognize Coach Robert T. Talley for over 35 years of service to youth in the Columbus community*

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

*In memory of Myrna Harriet Moore Beatty*

**A motion was made by President Pro-Tem Boyce, seconded by Thomas, 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**

**ADMINISTRATION: 1943-2004**

**SAFETY & JUDICIARY: 1857-2004**

**FR FIRST READING OF 30-DAY LEGISLATION**

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

FR

To enter into contract with The Shamrock Companies, Inc. for the production of 2003-2004 personalized income tax forms for the Department of the City Auditor, Division of Income Tax and to authorize the expenditure of \$55,175.00.

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

FR

To authorize the Public Service Director and Recreation and Parks Director to grant consent and propose cooperation with the Franklin County Engineer for the Greenlawn Avenue over Scioto River bridge reconstruction project; the Dublin-Granville Road at Harlem Road intersection improvement project and the Innis Road over Alum Creek bridge reconstruction project for the Transportation Division and Recreation and Parks Department. (\$0)

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

FR

To authorize and direct the Finance Director to issue a purchase order for uniforms from an existing Universal Term Contract established for such purpose by the Purchasing Office with Roy Tailors Uniform Company, and to authorize the expenditure of \$300,000.00 from the General Fund. (\$300,000.00)

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

FR

To authorize the Public Service Director to execute those documents required to transfer that portion of Charles Street from Park Street to the alley west thereof and a triangular portion of excess I-670 right-of-way north of the Charles Street right-of-way line to Robert and Hilma Kriss for \$23,413.50 and to waive the competitive bidding provisions of Columbus City Codes.

FR

To authorize the Public Service Director to reimburse Limited Brands for the City's share of material costs incurred in the construction of a new traffic signal at Easton Way and Sunbury Road for the Transportation Division and to authorize the expenditure of \$9,098.00 from the 1995, 1999 Voted Streets and Highways Fund. (\$9,098.00)

FR

To authorize the Public Service Director to grant consent and propose cooperation with the Franklin County Engineer for the Stelzer Road widening project for the Transportation Division. (\$0.00)

FR

To change the name of that right-of-way currently referred to as Fashion Mall Parkway to Gemini Place.

FR

To authorize the City Auditor to transfer \$4,018,378.84 from the 1995, 1999 Voted Streets and Highways Fund to the Local Transportation Improvement Fund; to appropriate \$5,435,271.00 within the Local Transportation Improvement Fund; to authorize the Public Service Director to enter into contract with Decker Construction Company for the Resurfacing 2004 Project 3 (OPWC) project for the Transportation Division; to authorize the expenditure of \$5,435,271.00 the Local Transportation Improvement Fund. (\$5,435,271.00)

FR

To authorize the Public Service Director to execute those documents required to transfer the second unimproved alley west of Northwest Boulevard from Ida Avenue to the alley north thereof to Asim Sheikh and Nelda Gentile for a total of \$12,870.00 and to waive the competitive bidding provisions of Columbus City Codes.

FR

**To accept the plat titled THE RESERVE AT McNAUGHTEN, from PAOLO A. CUGINI and THE KING GROUP, LTD, by its President DENIS R. KING JR., Managing General Partner.**

FR

**To accept the plat titled VILLAGE AT OLENTANGY MEADOWS SECTION 1 PART 1, from DOMINION HOMES, INC., an Ohio corporation, by ROBERT A. MEYER, JR., Senior Vice President.**

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

FR

To authorize the Department of Public Utilities, Division of Electricity, to proceed with the installation of a high pressure sodium street lighting system with ornamental poles and underground wiring in the Raspberry Run Subdivision under the assessment procedure.

FR

To authorize the Department of Public Utilities, Division of Electricity, to proceed with the installation of a high pressure sodium street lighting system with ornamental poles and underground wiring in the Madison Mills Subdivision under the assessment procedure.

FR

To authorize the Department of Public Utilities, Division of Electricity, to proceed with the installation of a high pressure sodium street lighting system with ornamental poles and underground wiring in the Heatherbrook Subdivision under the assessment procedure.

FR

To authorize the Director of Public Utilities to enter into contract with The Righter Company Inc. for the Storm Water Lagoon Upgrade for the Division of Sewerage and Drainage, and to authorize the expenditure of \$234,000.00 from the Sewerage System Operating Fund. (\$234,000.00)

FR

To authorize the Director of Public Utilities to enter into a service agreement with Ohio Mulch Supply Inc. for Yard Waste and Log Grinding Services for the Division of Sewerage and Drainage, to authorize the expenditure of \$45,000.00 from the Sewerage System Operating Fund. (\$45,000.00)

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

FR

To rezone **1150 HARRISBURG PIKE (43223)**, being 1.36± acres located at the northeast corner of Hopkins Avenue and Harrisburg Pike, **From:** R, Rural District, **To:** CPD, Commercial Planned Development District (Rezoning # Z04-063).

FR

To grant a Variance from the provisions of Sections 3332.029, SR, Suburban Residential District; and 3332.38(A), Private garage; of the Columbus City codes for the property located at **2618 THORNDALE AVENUE (43207)**, to permit a private garage as the principal use of a lot in the SR, Suburban Residential District (Council Variance # CV04-027).

## **CA CONSENT ACTIONS**

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

CA

To authorize the Public Service Director to enter into contracts for the Facilities Management Division for the renovation of 2077 Parkwood Avenue with Colonial Painting, Inc., for painting and wall renovation and with Door Company of Ohio, Inc., for the renovation of the exterior doors, to authorize the expenditure of \$75,088.00 from the Safety Voted Bond Fund, and to declare an emergency. (\$75,088.00)

**This Matter was Approved on the Consent Agenda.**

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

CA

To authorize an appropriation from the unappropriated balance of the Clerk's Collection Fee Special Revenue Fund and from all monies estimated to come into said fund during the 12 months ending December 31, 2005 in the amount of \$85,015.00 and to declare an emergency. (\$85,015.00)

**This Matter was Approved on the Consent Agenda.**

CA

To authorize the Director of Public Safety to enter into an additional agreement with the Office of the Governor's Highway Safety Representative, State of Ohio to participate in the Ohio Safe Commute (2004-Phase 3) program and to authorize an appropriation of \$48,735.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police to cover the costs associated with the CPD-Ohio Safe Commute (2004-Phase 3) project and to declare an emergency. (\$48,735.00)

**This Matter was Approved on the Consent Agenda.**

CA

To authorize the transfer of \$911.03 from the General Fund to the FY03 Byrne Memorial DV Film Grant Fund for the Division of Police to provide the city cash match for the FY03 Byrne Memorial DV Film Grant and to declare an emergency. (\$911.03).

**This Matter was Approved on the Consent Agenda.**

CA

To declare the necessity and intent to appropriate permanent and construction easements in, over, under and through real estate in connection with the **Moler Road Stormwater System Improvements Project**, and to declare an emergency.

**This Matter was Adopted on the Consent Agenda.**

CA

To authorize and direct the Finance Director to enter into a contract for the purchase of rifles and accessories with Vance Outdoors, Inc., for the Division of Police, to authorize the expenditure of \$50,654.70 from the Law Enforcement Drug Seizure Funds; and to declare an emergency (\$50,654.70).

**This Matter was Approved on the Consent Agenda.**

CA

To authorize the Columbus Fire Chief to accept a grant award from the Sam's Club Foundation for the Columbus Fire-n-Columbus Schools Program, to appropriate \$2,250.00

from the unappropriated balance of the Special Revenue Private Grants Fund, and to declare an emergency. (\$2,250.00)

**This Matter was Approved on the Consent Agenda.**

CA

To declare the necessity and intent to appropriate fee simple title and lesser interests in and to real estate in connection with the **Maize/Morse Project Stormwater System Improvement Project**, and to declare an emergency.

**This Matter was Adopted on the Consent Agenda.**

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

CA

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

**This Matter was Approved on the Consent Agenda.**

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

CA

To authorize and direct the Finance Director to enter into a contract for an option to purchase Various Asphalt Emulsions, with Phillips Oil Co., of Ohio and Northcoast Products, to authorize the expenditure of two 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 accept the plat titled LANGFORD MEADOW SECTION FIVE, from COLUMBUS CONTRACTOR COMPANY, by JOHN J. GIRARD, President.

**This Matter was Approved on the Consent Agenda.**

CA

To authorize and direct the Finance Director to enter into a contract for the option to purchase Auto Body Repair Supplies with Genuine Parts Company operating as Automotive Parts Company dba NAPA Columbus, 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 two contracts for the option to purchase Reflective Sheeting with Avery Dennison/Stimsonite Corporation and 3M Company, to authorize the expenditure of \$2.00 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.**

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

CA

To authorize the Director of the Department of Development to apply for and accept a Certified Local Government Grant from the Ohio Historic Preservation Office for an amount not to exceed \$2,100 to provide funds to create and print a brochure for the Kelton House Museum and Garden; and to declare an emergency.

**This Matter was Approved on the Consent Agenda.**

CA

To authorize and direct the Director of the Department of Development to apply for and accept a Certified Local Government Grant from the Ohio Historic Preservation Office for an amount not to exceed \$8,031 to provide funds to co-sponsor the 2004 Building Connections Conference; and to declare an emergency.

**This Matter was Approved on the Consent Agenda.**

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

CA

To authorize the Director of the Department of Public Utilities to execute those documents necessary to grant Delaware County certain temporary construction easements through certain City owned real property located in the vicinity of State Route 257 and Hoskins Road, in order that Delaware County may replace portions of the Hoskins Road Bridge and to declare an emergency.

**This Matter was Approved on the Consent Agenda.**

CA

To authorize the Director of Public Utilities to execute a purchase order to Synergen, Inc., in order to pay the annual software license fee for the Integrated Maintenance Management System, to provide continuing rights for use of the system, and for the support of such use for the Division of Sewerage and Drainage; to authorize the expenditure of \$ 55,000.00; and to declare an emergency. (\$55,000.00)

**This Matter was Approved on the Consent Agenda.**

CA

To authorize the Director of Public Utilities to enter into a service agreement with Environmental Systems Corporation for the maintenance and software upgrade for the Emissions Monitoring Systems under the Sole Source provisions of Section 329.07 of the Columbus City Code for the Division of Sewerage and Drainage, to authorize the expenditure of \$39,955.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$39,955.00)



**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 Sludge Grinder Parts and Service, with JWC Environmental, 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. MENDEL HABASH**

To authorize and direct the City Auditor to enter into contract for the bonding of the City Treasurer, Deputy City Treasurer, police up through the rank of sergeant and all other City employees and elected or appointed officials including all officially appointed members of City Boards and/or Commissions; to authorize the expenditure of \$116,073.00 from the General Fund; and to declare an emergency. (\$116,073.00)

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

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

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)

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

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

To authorize and direct the Director of Finance on behalf of the Franklin County Municipal Court Clerk to modify the agreement and issue a blanket purchase order to the National City Bank for the purpose of paying for banking services, to authorize the expenditure of \$50,000 from the General Fund, and to declare an emergency. (\$50,000.00)

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

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

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

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

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

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

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

To authorize the transfer of \$1,000,000.00 from the 1995, 1999 Voted Streets and Highways Fund to the Street Construction, Maintenance and Repair Fund to reimburse eligible capital expenditures initially incurred by and paid from the latter fund to benefit the Transportation Division, and to declare an emergency. (\$1,000,000.00)

**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 adopt the Consolidated Submission for Community Planning and Development Programs including the Consolidated Plan, the related Citizen Participation Plan, the Community Development Service Area Designation, and the Action Plan; to authorize the filing of the Consolidated Submission with the U.S. Department of Housing and Urban Development; and to declare an emergency.

**A motion was made by Tavares, seconded by Thomas, that this matter be Taken from the Table. 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 adopt the Action Plan budget items presented in the attachment as part of the Consolidated Submission for Community Planning and Development Programs consisting of the Consolidated Plan, the Citizen Participation Plan, the CDBG Service Area Designation, and

the Action Plan; and to declare an emergency

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

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

To authorize the Columbus Health Commissioner to execute those documents necessary to grant certain perpetual utility easements to the Columbus Southern Power Company, in order to provide electrical service to that City owned real property located in the vicinity of East Main Street and Champion Avenue, commonly known as the Central Community Center, 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 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 as Amended. The motion carried by the following vote:**

To authorize the appropriation of \$66,666.00 from the unappropriated balance of the Emergency Human Services Capital Fund to the Department of Development; to authorize the Director of the Department of Development to enter into a contract with Heritage Day Health Centers; to authorize the expenditure of \$66,666.00 from the Emergency Human Services Capital Fund; and to declare an emergency. (\$66,666.00)

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

To authorize the appropriation of \$200,000.00 from the unappropriated balance of the Emergency Human Services Capital Fund to the Department of Development; to authorize the Director of the Department of Development to enter into contracts with two (2) social service agencies; to authorize the expenditure of \$200,000.00 from the Emergency Human Services Capital Fund; and to declare an emergency. (\$200,000.00)

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

To support the application of Lutheran Social Services of Central Ohio (Barnett Plaza) for the Housing Development Assistance

Program; and to declare an emergency.

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

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

To authorize and direct the Finance Director to enter into three contracts for the option to purchase Street Light Controllers with Graybar Electric Co., General Electric Supply Company, and Central Systems & Controls, to waive competitive bidding requirements, to authorize the expenditure of three dollars to establish the contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00).

**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 enter into contract with Fields Excavating, Inc. for the construction of the McDannald Estates Area Assessment Sewer Project, to provide for the payment of construction inspection and prevailing wage coordination services; and to authorize the appropriation and expenditure of \$1,198,816.96 from the McDannald Estates Assessment Sewer Fund; and to amend the 2004 Capital Improvements Budget, for the Division of Sewerage and Drainage; and to declare an emergency. (\$1,198,816.96)

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

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)

**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 TAVARES**

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.

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

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.

**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 Mentel, seconded by President Pro-Tem Boyce, to adjourn this Regular Meeting. The motion carried by the following vote:**