

# City of Columbus

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



## Minutes - Final

Monday, December 6, 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. 68 OF COLUMBUS CITY COUNCIL,  
MONDAY, DECEMBER 6, 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 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, DECEMBER 1, 2004:

New Type: D3. D3A  
To: Due Amici Restaurant LTD  
67 E Gay St  
Columbus, Ohio 43215  
permit # 2330662

New Type: D1  
To: Chipotle Mexican Grill of Colorado LLC  
DBA Chipotle  
1528 Georgesville Rd  
Columbus, Ohio 43228  
permit # 14374150315

New Type: D1  
To: Majorie L Jackson  
DBA Jacksons  
997 Mt Vernon Ave  
Columbus, Ohio 43203  
permit # 4201000

Transfer Type: D1  
To: Chipotle Mexican Grill of Colorado LLC  
DBA Chipotle  
6079 Park Center Circle  
Columbus, Ohio 43017  
From: Chipotle Mexican Grill of Colorado LLC  
DBA Chipotle  
1528 Georgesville Rd & Patio  
Columbus, Ohio 43228  
permit # 14374150346

Transfer Type: C1, C2, D6  
To: Birkdar Muiny BMM Inc  
DBA Tobacco International  
18 E 13th St  
Columbus, Ohio 43201

From: Muiny Inc  
DBA Tobacco International  
18 E 13th Ave 1st Fl & Bsmt Only  
Columbus, Ohio 43201  
permit # 0718013

Transfer Type: C1  
To: 385 Norton Rd Inc  
DBA Citgo at Norton  
385 Norton Rd  
Columbus, Ohio 43228  
From: J L Billman Inc  
385 Norton Rd  
Columbus, Ohio 43228  
permit # 8922539

Transfer Type: D2, D2X  
To: Due Amici Restaurant Ltd  
67 E Gay St  
Columbus, Ohio 43215  
From: Pogos Pub Inc  
DBA Pogos Pub  
214 W Rayen & Patio  
Youngstown, Ohio 44503  
permit # 2330662

Transfer Type: D5, D6  
To: Billy Goat Tavern Ltd  
5940 New Albany Rd W  
Columbus, Ohio 43054  
From: Chi Chis Inc  
2200 E Dublin Granville Rd  
Columbus, Ohio 43229  
permit # 07177980005

Advertise 12/11/04  
Return 12/23/04

## **ADDITIONS OR CORRECTIONS TO THE AGENDA**

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

**ADMINISTRATION: 2093-2004**

**UTILITIES: 2047-2004, 2054-2004, 2079-2004**

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

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

FR

To request that the Director of the Ohio Department of Transportation lower the speed limit on Cooper Road from the Columbus Corporation Limit south of Shady Ridge Drive, south to Westerville Road, to forty (40) mph from the posted speed of forty-five (45) mph, and to repeal any and all previous speed limit ordinances and resolutions on Cooper Road from the Columbus Corporation Limit south of Shady Ridge Drive, south to Westerville Road.

FR

To request the Director of the Ohio Department of Transportation (ODOT) to lower the speed limit on Port Road between Alum Creek Drive and London-Groveport Road to forty-five (45) mph from the posted speed of fifty-five (55) mph, and to repeal any and all previous speed limit ordinances and resolutions on Port Road between Alum Creek Drive and London-Groveport Road.

FR

To request that the Director of the Ohio Department of Transportation lower the speed limit on Spindler Road from the Columbus Corporation Limit north of Hickory Hill Drive, north to Roberts Road, to forty-five (45) mph from the posted speed of fifty (50) mph and to repeal any and all previous speed limit ordinances and resolutions on Spindler Road from the Columbus Corporation Limit north of Hickory Hill Drive, north to Roberts Road.

FR

To accept the plat titled **THE LAKES OF WORTHINGTON SECTION 2**, from **M/I HOMES OF CENTRAL OHIO, LLC**, an Ohio limited liability company, by **STEPHEN M. CAPLINGER, Vice President Land Operations**.

FR

To accept the plat titled **UPPER ALBANY WEST SECTION 1**, from **M/I HOMES OF CENTRAL OHIO, LLC**, an Ohio limited liability company, by **STEPHEN M. CAPLINGER, Vice President Land Operations**.

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

FR

To authorize the Director of Public Utilities to modify the agreement with EMA, Inc., for professional engineering services for the Maintenance Management Program Upgrade, for the Division of Sewerage and Drainage; to appropriate and authorize the transfer of funds from the Sewerage System Reserve Fund to the 1991 Sanitary Bond Fund; and to authorize the

expenditure of \$1,300,000.00 from the 1991 Sanitary Bond Fund. (\$1,300,000.00)

FR To authorize the Director of Public Utilities to enter into a modification of the Water Contracts with the City of Gahanna, Ohio. (\$0)

FR To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain City held sewer easements, located in the vicinity of Winchester Crossing and Hamilton Road, at the request of Triangle Real Estate Services, Inc.

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

FR To amend Sections 3305.01, 3385.04 and 3385.08 of the Columbus Zoning Code, Title 33, dealing specifically with minor changes requested by the Ohio Department of Natural Resources as part of the City of Columbus' participation in the National Flood Insurance Program.

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

FR To rezone **7601 ALTA VIEW BOULEVARD (43110)**, being 4.75± acres located on the west side of Alta View Boulevard, 133± feet north of Worthington Woods Boulevard, **From:** CPD, Commercial Planned Development District, **To:** L-R-2, Limited Residential District (Rezoning # Z04-060).

FR To grant a Variance from the provisions of Section 3365.01, M-1, Manufacturing District, of the Columbus City codes for the property located at **2135 JAMES ROAD (43232)**, to permit an automotive body shop, maintenance, or repair facility in the M-1, Manufacturing District (Council Variance # CV04-032).

FR To grant a Variance from the provisions of Sections 3365.01, M-1, Manufacturing District; and 3342.28, Minimum number of parking spaces required; of the Columbus City Codes for the property located at **6200 EAST BROAD STREET (43213)**, to permit office use without concurrent manufacturing use with off-site parking in the M-1, Manufacturing District (Council Variance # CV04-042).

FR To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, Apartment residential district use, and 3342.28(A), Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **2334 DELAVAN DRIVE (43219)**, to permit housing for the elderly in the AR-1, and ARLD, Apartment Residential

Districts with a reduction of one required parking space (Council Variance # CV04-040).

FR

To amend Ordinance #1394-2004, passed on July 26, 2004 (Z04-014), for property located at **4980 CENTRAL COLLEGE ROAD (43081)**, by amending Section 4 of the ordinance to extend the deadline for the City of Columbus to complete an economic development plan and a financing plan for public improvements and services to which this zoning ordinance applies, from 180 days after the ordinance was passed, to June 30, 2005 (Z04-014A).

FR

To amend Ordinance #1403-2004, passed on July 26, 2004 (Z03-104), for property located at **4955 CENTRAL COLLEGE ROAD (43081)**, by amending Section 4 of the ordinance to extend the deadline for the City of Columbus to complete an economic development plan and a financing plan for public improvements and services to which this zoning ordinance applies, from 180 days after the ordinance was passed, to June 30, 2005 (Z03-104A).

**CA CONSENT ACTIONS**

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

CA

To authorize and direct the Director of the Department of Technology to establish a purchase order with Software House International, for the Microsoft Office 2003 software, to authorize the expenditure of \$24,780.00, or so much as may be needed from the information services fund and to declare an emergency. (\$24,780.00)

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

CA

To authorize and direct the Finance Director to enter into three contracts for the option to purchase Light Duty Trucks with 32 Ford Mercury, Byers Chevrolet LLC and Haydocy Pontiac GMC Trucks Inc., to authorize the expenditure of three 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.**

CA

To authorize and direct the Finance Director to enter into a contract for an option to purchase Winter Wear and Raingear with Safety Solutions, 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.**

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

CA

To authorize and direct the Finance Director to modify and extend the citywide contracts for

the option to purchase Rifle Ammunition with Pennsylvania Police Supply Inc. and Matre Arms and Ammunition, Inc.

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

CA

To authorize an additional appropriation of \$25,000.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police to cover the costs of specialized program supplies for the FY2001 DNA - No Suspect Backlog Reduction Program. (\$25,000.00)

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

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 a FY2003 Violence Against Women Act (VAWA) Grant, to authorize an appropriation of \$13,661.00 from the unappropriated balance of the General Government Grant Fund to the Division of Police to cover the costs of the Sexual Abuse Squad FY2003 VAWA Grant project and to declare an emergency. (\$13,661.00)

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

CA

To authorize and direct the Finance Director to contract for the purchase of tire deflation systems with StopTech, Ltd. for the Division of Police, to authorize the expenditure of \$59,051.50 from the Law Enforcement Contraband Seizure Fund; and to declare an emergency. (\$59,051.50)

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

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

CA

To authorize and direct the Finance Director to enter into a contract for an option to purchase Winter Asphalt with The Apple-Smith Corporation, 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 the City Auditor to change the vendor assigned to three encumbering documents from 'Gaddis and Son, Incorporated' to 'Gaddis and Son, Incorporated, a joint venture with Decker Construction Company' to clarify that these are two separate legal entities with different City Auditor's Office-assigned city vendor numbers for the Transportation Division, and to declare an emergency. (\$-0-).

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

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

CA

To authorize the Director of Public Utilities to levy a special assessment upon the lots and lands benefited by the installation of a street lighting system with underground wiring and ornamental poles in the Clintonville II area, and to declare an emergency.

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

CA

To authorize the Finance Director to enter into a contract with Haydocy Pontiac GMC Truck, Inc., for a 17,500 GVW Cab and Chassis Truck with Dump Body and extended warranty, for the Division of Water, and to authorize the expenditure of \$45,507.94 from Water Systems Operating Fund, and to declare an emergency. (\$45,507.94)

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

CA

To authorize the Director of Public Utilities to enter into contract with Lake Erie Electric Inc for Thickening Centrifuge Console Replacement for the Division of Sewerage and Drainage, to authorize the expenditure of \$108,500.00 from the Sewerage System Operating Fund, and to declare an emergency. (\$108,500.00)

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

CA

To increase an existing Auditor's Certificate by \$14,000.00 from the Storm Sewer Bonds Fund, for the **Trentwood/Shadyhill Stormwater System Improvements Project** and to declare an emergency. (\$14,000.00).

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

CA

To increase an existing Auditor's Certificate by \$65,000.00 from the Storm Sewer Bonds Fund, for the "Cooke Road Phase" of the **Maize/Morse Stormwater System Improvement Project** and to declare an emergency. (\$65,000.00).

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

CA

To authorize and direct the Finance Director to enter into contracts for the option to purchase Plumbing Supplies with Westwater Supply Corporation, Worly Plumbing Supplies, and Southard Supply, Inc. to authorize the expenditure of \$3.00 to establish the contracts from the Purchasing/Contract Operation Fund, and to declare an emergency. (\$3.00).

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

CA

To authorize the Director of the Department of Public Utilities to execute those instruments necessary to release certain City held sewer easements, located in the vicinity of Sawmill Road and Berber Street, at the request of Reserve At Sawmill Park, LLC, in exchange for a replacement easement previously granted to the City of Columbus, Ohio.



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

**APPOINTMENTS**

**CA**

Appointment of James Allen Panzer, ASTC, 220 East Sycamore Street, Columbus, OH 43206, to serve on the German Village Commission replacing Rob Harris with a new term expiration date of June 30, 2006 (resume attached).

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

**Passed The Consent Agenda**

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

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

To authorize the Director of the Office of Education to enter into contract with various community organizations for after school program services; to authorize the expenditure of \$471,540.83.  ~~; and to declare an emergency (\$471,540.83)~~

**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:**

To authorize the Director of the Office of Education to enter into contract with various community organizations for after school program services; to authorize the expenditure of \$471,540.83.  ~~; and to declare an emergency (\$471,540.83)~~

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

To authorize the Director of the Office of Education to enter into contract with various community organizations for after school program services; to authorize the expenditure of  ~~\$471,540.83~~ **\$231,541.67**. ; and to declare an emergency  ~~(\$471,540.83)~~ **\$231,541.67**

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

To authorize and direct the City Auditor to decrease appropriations by \$173,000.00 within the

Department of Technology, information services internal fund for fiscal year 2004; and to declare an emergency. (\$173,000.00)

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

To authorize the City Treasurer to modify a contract with Fifth Third Bank and its processing agent, Fifth Third Processing Solutions, for the provision of credit card processing services, to authorize the expenditure of \$5,700.00 from the General Fund, and to declare an emergency. (\$5,700.00)

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

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

LA

To authorize the Director of the Department of Development to amend the Enterprise Zone Agreement (EZA) with AmerisourceBergen Drug Corporation by clarifying that leased personal property is eligible for abatement under the EZA and by adding information to identify the leased property and the lessor(s); and to declare an emergency.

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

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

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

To authorize and direct the Finance Director to enter into a contract for an option to purchase DNA Crime Lab Supplies with Applied Biosystems Group of Applied Biosystems Corporation in accordance with the provisions of sole source procurement, to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund and to declare an emergency. (\$1.00)

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

To authorize and direct the Finance Director to enter into a contract for an option to purchase Police Canines (K9's) and Handler Training with Gold Shield Canine Training, Ltd., to authorize the expenditure of one dollar to establish the contract from the Purchasing/Contract Operation Fund, to waive the requirements of competitive bidding and to declare an emergency. (\$1.00)

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

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

To rezone certain portions of the Merion Village and Hungarian Village neighborhoods from R4 Residential and C4 Commercial to R2F Residential.

**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. TAVARES HABASH**

To authorize the Director of the Public Service Department to impose a six (6) month moratorium on the acceptance, consideration, or approval of applications seeking to install pay telephones in the City's right-of-way, to instruct the Public Service Director to thoroughly research the safety, aesthetics, and other considerations affecting the circumstances under which such devices would be authorized and to promulgate regulations, as necessary, that specifically address the installation, maintenance, and removal of pay telephones in the City's right-of-way, 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:**

To accept the plat titled UPPER ALBANY WEST SECTION 1, from M/I HOMES OF CENTRAL OHIO, LLC, an Ohio limited liability company, by STEPHEN M. CAPLINGER, Vice President Land Operations and to declare an emergency.

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

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

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

To authorize and direct the City Auditor to transfer \$400,000 in appropriation authority within the Electricity Operating Fund to provide funding for purchase power; to authorize the Director of Public Utilities to modify contracts for the purchase of wholesale electric power with American Municipal Power-Ohio, Inc. for the Division of Electricity, under the provisions of Columbus City Codes; to authorize the expenditure of \$770,000.00 from the Division of Electricity Operating Fund; and to declare an emergency. (\$770,000.00)

**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 a blanket agreement with Capital Fire Protection Company for fire sprinkler suppression system maintenance and repairs for the Division of Electricity; to waive the competitive bidding provisions of Columbus City Code; to authorize the expenditure of \$10,000.00 from the Division of Electricity Operating Fund; and to declare an emergency. (\$10,000.00)

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

To authorize the City Auditor to transfer of \$310,000.00 within the Sewerage System Operating Fund to align budget authority with projected expenditures and to declare an emergency. (\$310,000.00)

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

**To authorize and direct the City Attorney to modify an existing contract for consulting engineering services with SEA, Inc. on behalf of the Department of Public Utilities, to authorize the expenditure of an additional Eighty Thousand Dollars (\$80,000.00), and to declare an emergency. (\$80,000.00)**

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

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

To authorize the Director of Public Utilities to modify an existing contract for the Division of Electricity with ABB, Inc. for the Italian Village Substation to change the GIS bus runs from overhead to underground; to authorize the expenditure of \$89,100.00 from the Voted 1995 and 1999 Street Lighting and Electricity Distribution Improvements Fund; and to declare an emergency. (\$89,100.00)

**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 authorize the Director of Public Utilities to enter into a contract with U.S. Utility Contractor Company for an Overhead Line Construction Labor and Equipment contract for the Division of Electricity; to authorize the expenditure of \$150,000.00 from the Division of Electricity Operating Fund; and to declare an emergency. (\$150,000.00)

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

ADJOURNMENT

ADJOURNMENT

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