

City of Columbus

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



Minutes - Final

Monday, May 3, 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. 24 OF COLUMBUS CITY COUNCIL,
MAY 3, 2004 at 5:00 P.M. IN COUNCIL CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

A motion was made by Tavares, seconded by Thomas, 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, APRIL 28, 2004:

New Type: D3A
To: Cameron Mitchell Restaurants LLC
DMA M
2 Miranova Pl & Patio
Columbus Ohio 43215

New Type: C1, C2
To: Y S Holdings LLC
2725 W Broad St
Columbus Ohio 43204

New Type: C1, C2
To: Y S Holdings LLC
1711 Lockbourne Rd
Columbus Ohio 43207

Transfer Type: C2, C2X
To: Brianna Inc
DBA Long & 20th Carryout
1032 E Long St
Columbus Ohio 43203
From: Amjad Inc
DBA Long & 20th Carryout
1032 E Long St
Columbus Ohio 43203

Transfer Type: C1, C2, D6
To: One Ola Inc
DBA United Foodland
2218 Summit St
Columbus Ohio 43201
From: R & A Enterprises Inc
DBA United Foodland
2218 Summit St
Columbus Ohio 43201

Transfer Type: C2, C2X

To: Alabadi Inc
DBA Quick Stop
2776 E 5th Av
Columbus Ohio 43219
From: 5th Ave Quick Stop Inc
DBA 5th Ave Quick Stop
2776 E 5th Av
Columbus Ohio 43219

Transfer Type: D5, D6

To: Spainn Inc
DBA Silvas
1420 Presidential Dr & Patio
Columbus Ohio 43212
From: Tobar Properties LLC
DBA Blackhorse Inn
1420 Presidential Dr & Patio
Columbus Ohio 43212

Transfer Type: D1, D3, D3A

To: E Wood Inc
DBA My Bar 161
3534 W Dublin Granville Rd
Columbus Ohio 43085
From: W E E Inc
DBA Donericks Pub
1137-39 Worthington Woods Blvd
Columbus Ohio 43085

Transfer Type: D1, D2, D3, D6

To: Network Restaurant and
Video Bar LLC
525 N Park
Columbus Ohio 43215
From: Cooker Restaurant Corp
5225 E Main St
Columbus Ohio 43213

ADVERTISE 05/08/04
RETURN 05/20/04

RESOLUTIONS OF EXPRESSION

SENSENBRENNER

To recognize and congratulate Dorothy Fischer on the occasion of her 90th Birthday.

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

TAVARES

To declare May, 2004 as Dr. Arthur L. Clark Month.

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

To declare May 9 - May 16, 2004 as Homeless Awareness Week.

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 honor and recognize Mr. George Smith, Sr., Most Excellent Grand High Priest of the Most Excellent Prince Hall Grand Chapter of Ohio Royal Arch Masons on this 1st day of May, 2004.

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

To honor and recognize Mary Ann Rollins, Columbus Health Department's very own Shero.

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

MENTEL

To proclaim May 2-8, 2004 as *NATIONAL ARSON AWARENESS WEEK*.

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

ADDITIONS OR CORRECTIONS TO THE AGENDA

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

UTILITIES COMMITTEE: O640-2004, 0631-2004

FR FIRST READING OF 30-DAY LEGISLATION

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

FR

To authorize the Director of the Department of Technology to enter into a revenue contract with Community Research Partners to provide web hosting and data sharing and maintenance services for the Community Research Partners' community data system in the amount of \$20,000.00 (\$20,000.00)

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

FR

To accept the application (AN03-041) of Frank W. Otto, et al for the annexation of certain territory containing 4.86 ± Acres in Orange Township.

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

FR

To accept the plats titled BIG RUN RIDGE SECTION 2 PART 1 and BIG RUN RIDGE SECTION 2 PART 2, from DOMINION HOMES INC., an Ohio Corporation, by ROBERT A. MEYER, JR., Senior Vice President.

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

FR

To authorize and direct the Columbus Health Department to accept a grant from the Ohio Children's Trust Fund in the amount of \$75,000 and to authorize the appropriation of \$75,000 from the Health Department Grants Fund.

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

FR

To authorize the City Auditor to issue payment in the amount of \$55,000.00 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 \$55,000.00 from the Storm Sewer Operating Fund for the Division of Sewerage and Drainage. (\$55,000.00)

FR

To authorize the Director of the Department of Public Utilities to execute those instruments

necessary to release a City owned sanitary sewer easement, located in the vicinity of Gender Road and Refugee Road.

FR

To authorize the Director of Finance to enter into a purchase order with Century Equipment Inc. for the purchase of four (4) Utility Vehicles for the Division of Sewerage and Drainage, to authorize the expenditure of \$34,088.30 from the Sewerage System Operating Fund, (\$34,088.30)

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

FR

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District, 3332.15, R-4 Area District Requirements, 3332.22(a)(1) and (c), Building Lines on Corner Lots, 3332.26(C) and (E), Minimum Side yard permitted, 3332.30(c) Clear Vision at Vehicular Access Points, 3342.28,A.6. and B.11. Minimum number of parking spaces required of Columbus City Codes; for the property located at **162 DETROIT AVENUE (43201)**, to permit general office uses in the R-4, Residential District with reduced development standards.

FR

To rezone **1402 FASHION MALL PARKWAY (43240)**, being 10.0± acres located on the north side of Fashion Mall Parkway, 832± feet west of Lyra Drive, **From:** R, Rural District, **To:** L-C-4, Limited Commercial District. (Rezoning # Z03-087)

FR

To rezone **8240 COLONIAL MEADOWS DRIVE (43240)**, being 5.68± acres located at the southern terminus of Colonial Meadows Drive, **From:** R, Rural District, **To:** L-C-4, Limited Commercial District. (Rezoning # Z03-089)

CA CONSENT ACTIONS

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

CA

To authorize the Finance Director to transfer \$84,980 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, to authorize the expenditure of \$84,980 from the general fund, and to declare an emergency. (\$84,980)

This Matter was Approved on the Consent Agenda.

CA

To amend ordinance 0702-2004 passed April 19, 2004; to authorize and direct the Director of Finance to enter into a purchase order for \$6,843.84 with Smart Solutions, Inc. for hardware associated with the performance management software system purchased in the original ordinance; and to declare an emergency. (\$6,843.84)

This Matter was Approved on the Consent Agenda.

RECREATION & PARKS: BOYCE, CHR. SENSENBRENNER THOMAS HABASH

CA

To amend ordinance number 0306-2004 to change the company name and federal identification number, to authorize and direct the Finance Director to assign past, present and future business with United Horticulture Supply to Verdicon, Inc. and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the Director of Finance to enter into a purchase order with SBC for local telephone services for the Recreation and Parks Department, to authorize the expenditure of \$238,352.00 from the Recreation and Parks General Fund, and to declare an emergency. (\$238,352.00)

This Matter was Approved on the Consent Agenda.

SAFETY & JUDICARY: MENTEL, CHR. BOYCE THOMAS HABASH

CA

To authorize an appropriation of \$6,852.94, from the unappropriated monies in the Heartmobile Maintenance and Improvement Fund, for the Division of Fire, Department of Public Safety, in order to provide funds for continuing education and training materials for medic personnel in the Division of Fire. (\$6,852.94)

This Matter was Approved on the Consent Agenda.

CA

To authorize and direct the City Auditor to transfer \$200,000.00 from the Special Income Tax Fund to the Safety Bond Fund; to authorize the appropriation of said funds; and to authorize and direct the Director of Public Safety to expend \$200,000.00 for miscellaneous renovations of various Division of Police facilities from the Safety Bond Fund, and to declare an emergency. (\$200,000.00)

This Matter was Approved on the Consent Agenda.

CA

To declare the necessity and intent to appropriate permanent easements in, over, under and through real estate in connection with the **Blacklick Creek Sanitary Interceptor 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 Director of Department of Development to enter into a contract with the Columbus Sister Cities International, Inc.; to authorize the expenditure of \$35,000 from the General Fund; and to declare an emergency. (\$35,000)

This Matter was Approved on the Consent Agenda.

CA

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN04-008) of 2.3± Acres in Plain Township to the city of Columbus as required by the Ohio Revised Code and to declare an emergency.

This Matter was Approved on the Consent Agenda.

CA

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN04-011) of 0.75± Acres in Clinton Township to the city of Columbus as required by the Ohio Revised Code 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 instruments necessary to release certain sanitary sewer easements, at the request of the Wexner Heritage Village, in exchange for a replacement easement previously granted to the City of Columbus, Ohio.

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 a sanitary sewer easement on the behalf of **Carlisle V. Perry** in exchange for a replacement easement previously granted to the City of Columbus, Ohio.

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 Weed & Vegetation Management, with Hickman Lawn Care, Inc. and Tru Green Chemlawn., 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.

Passed The Consent Agenda**EMERGENCY, TABLED AND 2ND READING OF 30-DAY LEGISLATION****FINANCE: SENSENBRENNER, CHR. O'SHAUGHNESSY
TAVARES HABASH**

Authorizing the issuance of limited tax bonds in an aggregate amount not to exceed \$3,125,000 and unlimited tax bonds in an aggregate principal amount not to exceed \$6,650,000 for the purpose of providing funds to currently refund certain outstanding general obligation bonds of the City dated May 15, 1994 (\$9,775,000)

Section 55(B) of the City Charter.

A motion was made by Sensenbrenner, seconded by Tavares, that this matter be Waived the 2nd Reading. The motion carried by the following vote:

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

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

To authorize the transfer of \$35,000.00 within the Department Technology information service fund 2004 appropriations, to authorize the Director of the Department of Finance to enter into contract with Mail Processing Systems for the purchase of a folder gluer machine for the Information Services Division, to waive competitive bidding provisions of the Columbus City Code, to authorize the expenditure of \$35,000.00 from the Department of Technology's information services fund, and to declare an emergency. (\$35,000.00)

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

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

To accept the proposed collective bargaining contract between the City of Columbus and the Fraternal Order of Police, Ohio Labor Council, Inc. (FOP/OLC), to provide for wages, hours and other terms and conditions of employment for employees in the bargaining unit as provided in Attachment A attached hereto; and to declare an emergency.

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

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

To accept the application (AN03-047) of Alice S. Wood, Trustee for the annexation of certain territory containing 3.5 ± Acres in Plain Township.

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

To authorize the Director of Development to enter into an agreement with JBG Enterprises LLC and America's Floor Source LLC for a tax abatement of 60 (sixty) percent for a period of 6 (six) years in consideration of a proposed \$2,100,000 investment in real property improvements and personal property, the retention of 24 (twenty-four) jobs and the creation of 5 (five) new jobs.

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 the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Palmer & Cay Holdings, Inc. as provide in Columbus City Council Resolution 075X-2004, adopted March 29, 2004.

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 Director of the Department of Finance to appropriate and expend \$293,917.00 from the General Government Grant Fund, to enter into a contract with the Community Shelter Board for the provision of homeless services and to declare an emergency. (\$293,917.00)

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

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

To authorize the Director of Public Utilities to enter into an agreement with Cues Incorporated for Telemonitoring Equipment Parts and Repair Services in accordance with the provisions of sole source procurement for the Division of Sewerage and Drainage, to authorize the expenditure of \$40,000.00 from the Sewerage System Operating Fund and to declare an emergency. (\$40,000.00)

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 the Department of Public Utilities to execute those instruments necessary to release certain City owned sanitary sewer easements, located in the vicinity of Gender Road and Pfeifer Drive, at the request of **Lifestyle Communities**.

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

To authorize the Public Utilities Director to enter into an agreement with American Electric Service Corporation as agent for Columbus Southern Power Company to purchase a 34.5 kV circuit breaker and other associated equipment located adjacent to the O'Shaughnessy Dam; to authorize the expenditure of \$1.00 from the Division of Electricity Operating Fund; and to declare an emergency. (\$1.00)

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

RULES & REFERENCE: HABASH, CHR. MENTEL SENSENBRENNER TAVARES

To amend sections of the Columbus Building Code, Title 41, in Chapter 4101 in order to correct references to the adopted model codes and to specify by adding new definitions and other code clarifications in Chapter 4113 that potable water piping is part of the building services plumbing equipment system.

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

ADJOURNMENT

A motion was made by Tavares, seconded by Thomas, to adjourn this Regular Meeting. The motion carried by the following vote: