

City of Columbus

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



Minutes - Final

Monday, June 9, 2003

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. 19 OF COLUMBUS CITY COUNCIL,
JUNE 9, 2003 at 5:00 P.M. IN COUNCIL CHAMBERS.**

ROLL CALL

READING AND DISPOSAL OF THE JOURNAL

A motion was made by President Habash, seconded by Tavares, to Dispense with the reading of the Journal and Approve. The motion carried by the following vote:

**COMMUNICATIONS AND REPORTS RECEIVED BY CITY
CLERK'S OFFICE**

THE FOLLOWING COMMUNICATIONS WERE RECEIVED IN THE CITY
CLERKS OFFICE AS OF MONDAY, JUNE 9, 2003

New Type: D5J
To: Red Robin International Inc
DBA Red Robin Gourmet
Burgers & Spirits
3977 Morse Crossing
Columbus Ohio 43219

Stock Type: C1
To: 4440 Indianola Inc
DBA Clintonville Market
4440-2 Indianola Ave
Columbus Ohio 43214

Stock Type: D5A, D6
To: B & R Restaurants Systems Inc
DBA Salvis Bistro
1323 St James Lutheran Ln & Patio
Columbus Ohio 43228

ADVERTISE: 06/14/03
RETURN: 06/27/03

RESOLUTIONS OF EXPRESSIONS

To recognize and honor The Franklinton Neighborhood Watch for 9 years of service and dedication to their community and the City of Columbus.

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

To recognize and congratulate Mr. Jim Harris on his retirement this 30th day of May, 2003.

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

To recognize and congratulate Martha Rebecca Jones on her 75th Birthday on Tuesday, June 3, 2003.

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

ADDITIONS OR CORRECTIONS TO THE AGENDA

**THE FOLLOWING ITEMS WERE REMOVED FROM THE
CONSENT AGENDA**

FR FIRST READING OF 30-DAY LEGISLATION

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

FR To authorize an appropriation of \$54,330.60 from the unappropriated monies in the Hazardous Material Incidents Reimbursement Fund, for the Division of Fire to provide funds for supplies and equipment needed for hazardous material incidents.(\$54,330.60)

FR To authorize the Director of Public Safety to execute a contract modification with Kenneth W. Borrer, for E-911 Consulting Services, for the Division of Communications, and to authorizxe the expenditure of \$27,940.00

FR To authorize and direct the Safety Director to enter into an agreement for the training of canines for the Division of Police, to waive the City Code provision of competitive bidding, to authorize the expenditure of \$39,786.00 from the General Fund. (\$39,786.00)

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

FR To adopt the North Linden Neighborhood Plan as a guide for future improvements, investments and actions within the North Linden neighborhood.

FR To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Kegler, Brown, Hill & Ritter as

provided in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

FR

To authorize the Director of the Department of Development to enter into a Columbus Downtown Office Incentive Program agreement with Ten/Resource as provide in Columbus City Council Resolution 144X-02 adopted July 22, 2002.

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

FR

To authorize the expenditure of \$180,000 from the Community Development Block Grant Fund for the purpose of continuing the Housing Division's optional relocation assistance program. (\$180,000)

FR

To authorize the Director of the Department of Development to enter into contract with Community Research Partners; and to authorize the expenditure of \$70,000 from the Community Development Block Grant Fund. (\$70,000)

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

FR

To declare a necessity to construct sanitary sewer improvements known as the Strimple, Kilbourne, and Minerva Avenues Assessment Sewer Project, and to approve the plans, specifications, estimates and the profiles in accordance with the assessment procedures of the Columbus City Charter, for the Division of Sewerage and Drainage.

FR

To declare a necessity to construct sanitary sewer improvements known as Willow Springs Area Assessment Sewer, and to approve the plans, specifications, estimates and profiles in accordance with the assessment procedures of the Columbus City Charter, for the Division of Sewerage and Drainage.

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

FR

To amend Chapter 1105 of the Columbus City Codes, 1959, regarding terminology located within the Yard Restoration portion of the Code.

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

FR

To rezone **547 RATHMELL ROAD (43207)**, being 10.98± acres located on the south side of Rathmell Road, 515± feet west of Parsons Avenue, From: R, Rural District, To: PUD-6, Planned Unit Development District.

FR

To rezone **5360 LINWORTH ROAD (43235)**, being 5.16± acres located on the east side of Linworth Road at the terminus of Congressional Way, From: R, Rural District, To: PUD-6, Planned Unit Development District.

FR

To grant a Variance from the provisions of Section 3356.03, C-4, Permitted Uses, for the property located at **24 WEST DESHLER AVENUE (43206)**, to permit an existing single-family dwelling in the C-4, Commercial District.

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

CA

To authorize the Public Service Director to modify and extend a lease agreement for the Facilities Management Division with the Child Development Council of Franklin County, Inc., for space located at 475 Elwood Avenue, to authorize the City Treasurer to accept payments as called for by said lease, and to declare an emergency.

This Matter was Approved on the Consent Agenda.

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

CA

To authorize the payment of \$3,059.09 for vacation time and benefits which have been accumulated in excess of the maximum amount established by Salary Ordinance for Firefighter Lawrence M. Pfeifer. (\$3,059.09)

This Matter was Approved on the Consent Agenda.

CA

To authorize the payment of \$336.74 for vacation time and benefits which have been accumulated in excess of the maximum amount established by Salary Ordinance for Fire Battalion Chief John Griffith. (\$336.74)

This Matter was Approved on the Consent Agenda.

CA

To authorize the City Attorney to enter into a modification of the contract with MS Consultants for acquisition services for the Norton Road-Broad to Hall Road Project.

This Matter was Approved on the Consent Agenda.

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

CA

To set forth a statement of municipal services and zoning conditions to be provided to the area contained in a proposed annexation (AN03-018) of 12.545± Acres in Orange 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.

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

CA

To authorize the Public Service Director to expend \$43,500.00 from the Street Construction, Maintenance and Repair Fund for use of the Franklin County 800 MHz radio system for the Transportation Division. (\$43,500.00)

This Matter was Approved on the Consent Agenda.

CA

To accept the plat titled TOWN SQUARE VILLAGES AT SHANNON ROAD SECTION 1, from MARONDA HOMES INC. OF OHIO, an Ohio corporation, by James F. Bauer, Executive Vice President.

This Matter was Approved on the Consent Agenda.

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

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

CA

To authorize the Director of Public Utilities to modify the contract with Hoffman Engineering Company, for Dublin Road Water Plant Miscellaneous Improvements, Auxiliary High Service Pump Station Electrical Renovation, for the Division of Water, and to authorize the expenditure of \$27,200.00 from Waterworks Enlargement Voted 1991 Bonds Fund. (\$27,200.00)

This Matter was Approved on the Consent Agenda.

CA

To approve certain rental charges submitted by the Director of Public Utilities and authorize the City Auditor to certify the same to the Auditor of the county in which the property is located for collection.

This Matter was Approved on the Consent Agenda.

Passed The Consent Agenda

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

To establish a new authorized strength ordinance for various city divisions; to repeal ordinance 1146-02, and to declare an emergency.

(REQUESTED TO BE DEFEATED AND REPLACED WITH ORD
#0952-2003)

A motion was made by Sensenbrenner, seconded by President Pro-Tem Boyce, that this matter be Defeated. The motion failed by the following vote:

To establish a new authorized strength ordinance for various city divisions; to repeal ordinance 1146-02, and to declare an emergency. (REPEALED BY

ORDINANCE 0952-2003 PASSED 06/09/03) (REPEALED BY ORD.
#2337-2003 PASSED 10/27/2003)

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

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

To authorize and direct the Director of Recreation and Parks to enter into contract with McDaniels Construction for the American Addition Park Improvements Project, and to authorize the expenditure of \$46,150.00 from the Voted 1995 and 1999 Parks and Recreation Bond Fund. (\$46,150.00)

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

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

To authorize and direct the City Attorney to extend contracts with Scoliere & Associates and Capital Recovery Systems, Inc., to authorize the City Attorney to expend up to Three Hundred Thousand Dollars and 00/100 (\$300,000.00) for services rendered pursuant thereto, to waive the competitive procurement provisions of Chapter 329 of the Columbus City Codes, and to declare an emergency. (\$300,000.00)

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

To authorize the City Attorney to enter into the first year of a two year flat-fee contract with WESTLAW for the provision of on-line legal research resources in the amount of \$51,700 (Fifty-One Thousand Seven Hundred Dollars), to appropriate and authorize the expenditure of said funds, to waive competitive bidding requirements of Chapter 329, Columbus City Codes, and to declare an emergency. (\$51,700)

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

DEVELOPMENT: O'SHAUGHNESSY, CHR. BOYCE HABASH TAVARES

To authorize the Director of the Department of Development to enter into an agreement with LTS/MAST for a Jobs Creation Tax Credit of sixty percent (60%) for a period of 7 (seven) years in consideration of a proposed \$1,300,000 investment, and the creation of 51 (fifty-one) new full-time jobs; 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:

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

To change the name of that portion of South 19th Street from the intersection of Markison Avenue and South 19th Street south to the north right-of-way line of vacated Welch Avenue to JAMES A. CARTER SR. PLACE and to declare an emergency.

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

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

To authorize the Director of the Department of Development to enter into contract with the Community Shelter Board to support the Homeless Prevention and Transition Programs; and to authorize the expenditure of \$420,000.00 from the 2003 Community Development Block Grant Fund. (\$420,000.00)

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

To authorize the Director of the Department of Development to enter into contract with the Columbus Metropolitan Housing Authority to assist eligible residents of Poindexter Towers with relocation; to authorize the expenditure of \$20,000 from the 2003 Community Development Block Grant Fund; and to declare an emergency. (\$20,000)

A motion was made by Tavares, seconded by Sensenbrenner, that this matter be Amended to 30 day. The motion carried by the following vote:

To authorize the Director of the Department of Development to enter into contract with the Columbus Metropolitan Housing Authority to assist eligible residents of Poindexter Towers with relocation; to authorize the expenditure of \$20,000 from the 2003 Community Development Block Grant Fund. ~~and to declare an emergency.~~ (\$20,000)

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

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

UTILITIES: THOMAS, CHR. HABASH MENTEL O'SHAUGHNESSY

To authorize the Director of Public Utilities to enter into a contract with ms consultants, inc. for the Hap Cremean Water Plant Lagoons Nos. 1, 2, and 3 Sludge Removal, for the Division of Water, to authorize the expenditure of \$387,743.74 from the Waterworks Enlargement Voted 1991 Bonds Fund, to amend the 2002 C.I.B., to authorize the City Auditor to transfer funds within the Waterworks Enlargement Voted 1991 Bonds Fund, and to declare an emergency. (\$387,743.74)

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

To increase an existing Auditor's Certificate by \$30,000.00 from the Water Limited Fund, for the Morse Road Reynoldsburg-New Albany 36" Water Main Project and to declare an emergency. (\$30,000.00).

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

RULES & REFERENCE: HABASH, CHR. MENTEL SENSENBRENNER TAVARES

To amend Section 2903.01 of the Columbus City Code to provide for the necessary modification of inspection fees for weighing and measuring devices used commercially in the City of Columbus; and to declare an emergency.

(REQUESTED TO BE DEFEATED AND REPLACED WITH ORDINANCE 0810-2003)

A motion was made by President Mentel, seconded by Sensenbrenner, that this matter be Approved. The motion failed by the following vote:

To amend Section 2903.01 of the Columbus City Code to provide for the necessary modification of inspection fees for weighing and measuring devices used commercially in the City of Columbus: and to declare an emergency.

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

To amend sections 501.09, 501.10, 501.14, 501.16, 505.06, 515.02, 517.04, 517.05, 523.06, 525.07, 525.21, 535.06, 540.04, 540.07, 545.03, 545.07, 549.03, 551.03, 551.10, 555.05, 559.12, 563.01, 573.06, 587.05, 587.08, 587.09, 587.13, 589.01, 589.10, 593.03, 593.06, 593.07, 593.21, 594.05, 594.22, 597.97, 2111.03, 2534.03 and to repeal sections 511.03, 519.04, 525.23, 537.07, 549.035, 557.01, 559.10, 563.03, 571.03, 587.04, 589.12, 594.16 of the Columbus City Codes, 1959, to increase various licensing fees.
(REQUESTED TO BE DEFEATED AND REPLACED WITH ORD # 0868-2003)

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

To amend sections 501.09, 501.10, 501.14, 501.16, 505.06, 515.02, 517.04, 517.05, 523.06, 525.07, 525.21, 535.06, 540.04, 540.07, 545.03, 545.07, 549.03, 551.03, 551.10, 555.05, 559.12, 563.01, 573.06, 587.05, 587.08, 587.09, 587.13, 589.01, 589.10, 593.03, 593.06, 593.07, 593.21, 594.05, 594.22, 597.97, 2111.03, 2534.03 and to repeal sections 511.03, 519.04, 525.23, 537.07, 549.035, 557.01, 559.10, 563.03, 571.03, 587.04, 589.12, 594.16 of the Columbus City Codes, 1959, to increase various licensing fees. (AMENDED BY 1984-2003 PASSED 9/22/2003)

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

To create a Chapter 135, "Board of Health and the Health Commissioner" consisting of six (6) sections oddly numbered 135.01 through 135.99 of the Columbus City Codes, 1959, in order to maintain the authority of the Board of Health and the Health Commissioner to promulgate rules and regulations needed to ensure the public health, safety, and welfare; and to declare an emergency.

A motion was made by Tavares, seconded by Sensenbrenner, that this matter be Amended to 30 day. The motion carried by the following vote:

To create a Chapter 135, "Board of Health and the Health Commissioner" consisting of six (6) sections oddly numbered 135.01 through 135.99 of the Columbus City Codes, 1959, in order to maintain the authority of the Board of Health and the Health Commissioner to promulgate rules and regulations needed to ensure the public health, safety, and welfare. ~~and to declare an emergency.~~

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

ADJOURNMENT

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