



# City of Columbus

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

## Legislation Text

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**File #:** 0847-2010, **Version:** 2

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**BACKGROUND:** In 2008, the Department of Health solicited vendors to provide retail sale of food and beverages to Health Department staff and the public at 240 Parsons Avenue. JCLK Enterprises, dba as Black Creek Bistro, was the only respondent interested and a lease was executed in January 2009. Ultimately, Black Creek abandoned the premises, leaving the building with no food service operation. This legislation authorizes the Director of Finance and Management, on behalf of the Columbus Department of Health: (1) to execute a termination agreement with JCLK Enterprises d/b/a Black Creek Bistro; and (2) to enter into a lease agreement with Skyward Marketing, Inc., dba Skyward Grille & Catering to provide for the retail food services to the building. Skyward will offer these services through a combination of an exterior food cart as well as utilizing the interior food service area on the second floor of the building.

This ordinance is requested as an emergency to allow retail sale of food and beverages to be offered as soon as possible.

The Contract Compliance number for Skyward Marketing, Inc., dba Skyward Grille & Catering is 311406144, which expires on 5/27/2012.

**Fiscal Impact:** The lease will provide the City with rental income of \$6,000.00 in the first year of the lease.

**Emergency Action:** Emergency action is requested to allow for the immediate provision of food services to both the public visitors and the staff at Columbus Public Health.

To authorize the Director of the Department of Finance and Management to execute, on behalf of the Columbus Health Department, those documents necessary to terminate the lease with JCLK Enterprises, Inc., dba Black Creek Bistro, and to enter into a lease agreement by and between the City of Columbus and Marketing Inc., dba Skyward Grille & Catering for approximately 2,504 square feet of space at Columbus Public Health, 240 Parsons Avenue for the retail sale of food and beverage, as well as utilizing an exterior food cart on the parking lot deck; and to declare an emergency.

**WHEREAS,** a need exists for food services to be available to staff and the public at the Columbus Public Health facility located at 240 Parsons Avenue; and,

**WHEREAS,** JCLK Enterprises dba Black Creek Bistro had been selected to be the food service provider pursuant to being the only bidder to SA002862 ; and,

**WHEREAS,** JCLK Enterprises has abandoned the premises and defaulted on the terms of the lease, and the City desires to terminate this lease agreement; and

**WHEREAS,** Skyward Marketing, Inc., dba Skyward Grille & Catering, desires to enter into a lease with the City to provide for the retail sale of food and beverage for the 240 Parsons location;

**WHEREAS,** an emergency exists in the usual daily operation of the City in that it is immediately necessary to terminate the lease with JCLK Enterprises d/b/a Black Creek Bistro, and to enter into a lease agreement with Skyward Marketing, Inc. to provide food service for both the public and staff at Columbus Public Health and for the immediate preservation of the public health, peace, property, safety and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Finance and Management is hereby authorized to execute those documents necessary to terminate the lease agreement with JCLK Enterprises d/b/a Black Creek Bistro originally executed in January 2009 for retail sales of food and beverages at the Columbus Public Health facility located at 240 Parsons Avenue.

**SECTION 2.** That the Director of Finance and Management is hereby authorized to enter into a new lease agreement with Skyward Marketing, Inc., dba Skyward Grille & Catering, to provide retail sales of food and beverages for the benefit of the public guests and staff at the Columbus Public Health facility.

~~**SECTION 2.**~~ **SECTION 3.** That the terms and conditions of this lease shall be in a form approved by the City Attorney's office and shall include the following: the lease shall have an initial term of ~~one (1) year~~ **two (2) years** commencing on June 1, 2010 and expiring on May 31, 2012 and the Lessee shall have the option to renew the lease for ~~three (3) consecutive additional one year renewal terms~~ provided that i) written notification of the renewal election is provided not less than 90 days in advance of the commencement of the renewal term, ii) the Lessee is not in default of any terms and conditions of the lease, and iii) such other terms and conditions as are required and/or approved by the City Attorney's Office.

**SECTION 3.** That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.