

MINUTES
REGULAR SESSION/EXECUTIVE SESSION
WESTERVILLE CITY COUNCIL

Council Chambers, June 16, 2009, 7:00 p.m.

1. **CALL TO ORDER**

Chair Fosselman called the regular meeting of the Westerville City Council to order.

2. **ROLL CALL**

Council met in regular session June 16, 2009 with Council Members, Craig Treneff, Kathy Cocuzzi, Michael Heyeck, Eric Busch, Anne Gonzales, Diane Fosselman, City Manager David Collinsworth and Staff, Law Director Bruce E. Bailey and Clerk of Council Mary Johnston present. William Highfield was excused.

3. **INVOCATION**

Mayor Anne Gonzales gave the invocation.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the June 2, 2009 Regular Meeting was presented for approval.

Mr. Treneff moved, Mrs. Cocuzzi seconded to approve the Minutes as provided.

Yeas: Mrs. Cocuzzi, Mayor Gonzales, Mr. Treneff, Mr. Busch, Chair Fosselman

Nays: None

Abstention: Mr. Heyeck due to an excused absence

The motion carried.

6. **MAYOR'S REPORT**

Mrs. Cocuzzi, on behalf of Mayor Gonzales, read a Proclamation for Educator Appreciation Month during June 2009. Westerville City Schools Chief of Academic Affairs Diane Conley accepted the Proclamation from Mrs. Cocuzzi.

Mr. Busch, on behalf of Mayor Gonzales, read a Proclamation for Parks and Recreation Month during July 2009. Recreation Advisory Board Chair Maureen Trimble and Vice Chair Jim McCann accepted the Proclamation from Mr. Busch and thanked Mayor Gonzales and City Council for the recognition.

Mayor Gonzales read a Certificate of Recognition for My Very Own Blanket. My Very Own Blanket Executive Director Jessica Hollins accepted the Certificate of Recognition from Mayor Gonzales. My Very Own Blanket provides handmade blankets to foster children around the State of Ohio.

7. **CITY MANAGER'S REPORT**

2009 Street Rehabilitation Project

The reconstruction of Smoke Burr Court, Essen Place and Palermo Place is underway. Water main installation is complete on Catawba Avenue and water services are being transferred. Water Main installation is nearly complete on Pawnee Drive, and the contractor intends to install water mains on Crescent and Myrtle Drives later in the week. Local traffic is being maintained.

Concrete curb repairs and ADA ramp installation have begun on Three Forks Drive, Autumn Lake Court and Chatham Ridge Road.

In addition, the Service Dept's brickwork on Center Street from Main St. to the alley (adjacent to Hanby House) is now complete. Crews will move now to repair Home St. from West to Grove starting next week.

Visit website at www.westerville.org for construction schedules for this project.

West Main Street Manhole and Conduit Project

The installation of the underground conduit and manholes is continuing along the north side of Main Street between Cleveland Ave and Alum Creek. The construction of the conduit bank across Main Street, just west of Alum Creek, is now scheduled to occur this week, weather permitting. Through traffic will be maintained.

Polaris Traffic Adjustment

The Engineering Division will be converting the westbound curb lane on Polaris Parkway at Worthington Rd from a thru / right turn lane to a right turn only lane this week. Since the number of westbound lanes drop just west of this intersection, this lane functions as a right turn only lane anyway. This should eliminate thru vehicles being trapped just west of the intersection, or worse, merging left hurriedly back into the thru lane.

The signal related work began this week and is scheduled to be completed tomorrow with the signage and striping to follow immediately (weather permitting). The Police Dept. will be providing a grace period before citations will be issued for traffic violations.

Bravery Award - Special Presentation tonight by Chief Bernie Ingles.

*The **CITIZEN'S AWARD FOR BRAVERY** is awarded to citizens, other than members of the fire service, who distinguished themselves by performing heroic acts involving hazard to life or great personal danger, while saving or attempting to save a life. The recipient is Jodi Smith who provided critical first aid to an injured man last week in Sharon Woods.*

Swearing-In Two Firefighters –

- *Jonathan Jenkins* began his fire service at Harrison Township in Asheville in 2000 as a volunteer, was hired by Scioto Township as a full time firefighter in 2004. Jonathan currently resides in Chillicothe with his wife, Kim, and their three kids.
- *Gretchen Sutton* is originally from Huron, Ohio. She graduated from Ohio State University in 1997, and currently resides in Columbus. Gretchen obtained her Firefighter II certification from Columbus State Community College in 2006, and her paramedic certification from Grant Hospital in 2008. Prior to coming to Westerville, Gretchen was a researcher at the Ohio State University Department of Entomology.

New Police Dept. Employee – Chief Morbitzer would like to introduce one of his newest employees.

Council Meeting Schedule – Next Council meeting will be Wednesday, July 1st, not Tuesday, July 7th. Also, that meeting will be the last prior to Council's summer recess. The first post-recess meeting will be Tuesday, Sept. 2.

8. REPORT FROM THE RECREATION ADVISORY BOARD REPRESENTATIVE

Mr. Busch shared five points with City Council and the audience. Mr. Busch stated that spring and summer rehab and project work is well under way by the Department of Parks and Recreation including rehabbing parking lots, paths, sports courts and bikeways along with the Huber Village Park recent completion. Mr. Busch stated the second point is land acquisition in a down real estate market and the Recreation Advisory Board has made recommendations on priorities regarding that acquisition. Planning for several projects is underway both conceptual and detailed or about to begin. Later this evening Council will be asked to fund a design of Highlands Pool facilities and the conceptual planning for the Senior Center/Community Center. The Recreation Advisory Board will continue the discussion of bikeway improvements at their meeting on June 18, 2009. Major thrust is to fill some gaps in the system and to add feeder bikeways. The fourth point is that the department continues to do a great job of partnering with anyone and everyone to stretch resources. Recently three Eagle Scout projects have been completed and one Girl Scout project is in the planning stages. The Parks Foundation has raised a \$121,000 from the Adopt a Foot project and one major improvement, the Spring Grove Bike Hub, is nearing completion. The Noon Rotary was recognized this past Sunday for their donation for the new Shade Structure at Alum Creek Park Rotary Amphitheater. And while program

City of Westerville Council Minutes

June 16, 2009

Page 3

revenues are up, membership revenue is down at the Community Center from the economic sag and new competition. As a result of discussion and suggestion from the Board, monthly membership payment plan will soon be in place. Mr. Busch stated he thinks the department is doing a good job of listening and the Board continues to do a good job of providing advice. Mr. Busch appreciates the department's quality and drive.

9. **CITIZENS COMMENTS**

Westerville Honor Flight Committee Members Jeff Reschke and Rock Lantz spoke about Honor Flight Westerville activities and fundraising efforts. Honor Flight Westerville is hosting a Pancake Breakfast on Saturday, June 27, 2009 to help raise funds for the Westerville Honor Flight scheduled for October 10, 2009. The Westerville Honor Flight Committee will have a float in the July 4th parade and will be collecting donations along the parade route.

10. **LEGISLATION**

a) ***RESOLUTION NO. 09-12, "To Authorize the City Manager to File an Application with the United States Department of Energy for an Energy Efficiency & Conservation Block Grant for the Purpose of Increasing Energy Efficiency in Municipal Infrastructure"*** was read.

Chair Fosselman declared the Public Hearing open. Mrs. Johnston administered the oath to those who wished to testify during the Public Hearing.

Assistant City Manager Julie Colley stated the City is eligible to receive a direct allocation of \$160,100 in Energy Efficiency and Conservation Block Grant stimulus funding from the United States Department of Energy. The City must apply for these funds and the deadline for the submission of applications is June 25, 2009. Staff has already completed the necessary steps to facilitate the required on-line submission of the grant application.

Speaking in Favor:

None

Speaking in Opposition:

None

There being no further testimony, Chair Fosselman declared the Public Hearing closed.

Mr. Treneff asked if staff could be more specific about the use of money. Mrs. Colley stated the first step is to conduct an energy audit with the next step being a very specific energy audit for each city building. Mrs. Colley stated this block grant would pay for that assessment and implement whatever comes out of the audit. Mr. Treneff asked about the cost of the assessment as opposed to the capital portion. Mrs. Colley stated it depends on the type of assessment but staff is considering an assessment where the cost will be in the implantation stage. Mrs. Colley stated the maximum amount is \$50,000 for the study.

Mayor Gonzales moved, Mr. Highfield seconded for the adoption of Resolution No. 09-12.

Yeas: Mayor Gonzales, Mrs. Cocuzzi, Mr. Highfield, Mr. Busch, Mr. Treneff, Chair Fosselman

Nays: None

The motion carried.

b) ***ORDINANCE NO. 09-27, "To Grant Consent to and to Cooperate with the Director of Transportation of the State of Ohio in the Planning, Design and Construction of the Bridge on Central College road over the Big Walnut Creek, and to Declare an Emergency"*** was read for the second time.

c) **ORDINANCE NO. 09-28, “To Grant Consent to and to Cooperate with the Director of Transportation of the State of Ohio in the Resurfacing of County Line Road, and to Declare an Emergency”** was read for the second time.

d) **ORDINANCE NO. 09-29, “To Provide for the Transfer and the Appropriation of Funds for Professional Services to Complete the Preliminary Engineering Design, Construction Schedules, and Project Estimates for the Cleveland Avenue Improvement Project”** was read for the second time.

e) **ORDINANCE NO. 09-30, “To Provide for the Advance and the Appropriation of Funds for the Purpose of Paying the Costs on Construction and Related Services of the Worthington Road Signal Improvements”** was read for the second time.

f) **ORDINANCE NO. 09-31, “To Provide for the Appropriation and Transfer of Appropriations for Fiscal Year 2009”** was read for the second time.

g) **ORDINANCE NO. 09-32, “To Establish the Community Broadband Capital Improvement Project Fund and to Provide for the Advance, Transfer and the Appropriation of Funds for Professional Services to Complete the Engineering, Design and Construction Estimates and for the Purpose of Paying the Costs of Construction and Related Services of Expanding the Community Broadband Digital Corridor”** was read for the second time.

h) **ORDINANCE NO. 09-33, “To Establish a User Fee for Emergency Ambulance Transport Services; To Authorize an Amendment to the Cooperative Fire Protection Agreement with Blendon Township; To Authorize the City Manager to Enter into a Contract with MED3000, Inc. for the Collection of Such User Fees; and to appropriate Funds for such Contract”** was read for the second time.

i) **ORDINANCE NO. 09-34, “To Provide for the Transfer and Appropriation of Funds for the Costs of Related Services for the Repairs to Hannah Mayne Park; Construction of Millstone Creek Park; Architectural, Engineering and Related Design Services for Highlands Pool; Conceptual Design Services for the Westerville Senior Center/Community Center, and to Declare an Emergency”** was read for the second time.

j) **ORDINANCE NO. 09-35, “An Ordinance to Revise the Codified Ordinances by Adopting Current Laws and Replacement Pages and Declaring an Emergency”** was read for the second time.

Mr. Bailey stated this Ordinance revises the Codified Ordinances through March 31, 2009. This revision also includes modifications to Section 531.01 of the Codified Ordinances related to animals running at large which case physical harm to persons or property. Staff is requesting Council to suspend the rules for the required three readings.

Mayor Gonzales moved, Mr. Heyeck seconded to suspend the rules for the required three readings.

Yeas: Mr. Treneff, Mr. Busch, Mr. Heyeck, Mrs. Cocuzzi, Mayor Gonzales, Chair Fosselman

Nays: None

The motion carried to suspend the rules for the required three readings.

Mr. Heyeck moved, Mr. Treneff seconded for the adoption of Ordinance No. 09-35.

Yeas: Mr. Busch, Mr. Heyeck, Mrs. Cocuzzi, Mayor Gonzales, Mr. Treneff, Chair Fosselman

Nays: None

The motion carried. Ordinance No. 09-35 was adopted.

11. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO RENEW NOVELL ANNUAL MAINTENANCE WITH NOVACOAST THROUGH STATE OF OHIO CONTRACT #STS-533370-4.

Information Systems Manager Todd Jackson stated the City utilizes Novell for network file security, network printing, messaging, application delivery, software asset management, e-mail and calendaring, and patch management. The request is determined from an annual self-audit required by Novell and covers annual maintenance and costs associated with new licenses added since the previous year's audit. Novacoast, a Novell-chosen fulfillment partner for annual software maintenance, has provided the State of Ohio contract pricing indicated as follows: Maintenance of licenses already owned - \$30,092; Additional licenses for accounts added since 6/30/2008 - \$1,164. Total costs to renew the Novell agreement is \$31,256. These costs were included in the Information Systems Department 2009 budget.

Mayor Gonzales moved, Mr. Busch seconded to authorize and direct the City Manager to renew Novell Annual Maintenance with Novacoast through State of Ohio Contract #STS-533370-4.

Yeas: Mr. Heyeck, Mrs. Cocuzzi, Mayor Gonzales, Mr. Treneff, Mr. Busch, Chair Fosselman

Nays: None

The motion carried.

12. ADDITIONAL BUSINESS

None

13. COUNCIL COMMENTS

Mr. Busch stated he had the opportunity to attend the Flag Retirement Ceremony on Sunday and during the ceremony many citizens were recognized who died in the many wars. Mr. Busch thanked all veterans for their service. Mr. Busch stated the ceremony was very moving and thanked those who put together the ceremony. Mr. Busch congratulated all graduates but reminded everyone to practice safe driving during the summer months.

Mayor Gonzales asked staff if the traffic signal at County Line Road and Africa Road could be put in a flash mode in the early morning hours. Mayor Gonzales thanked the Noon Rotary for Shade Structure at Rotary Amphitheater. Mayor Gonzales welcomed new employees Julie Reed, Jonathan Jenkins and Gretchen Sutton.

Mrs. Cocuzzi welcomed the new firefighters and congratulated Jody Smith for her heroism. Mrs. Cocuzzi congratulated Jessica Hollins and My Very Own Blanket. Mrs. Cocuzzi reminded everyone that Safety City is going on right now for the next two weeks at Robert Frost Elementary School.

Mr. Heyeck discussed his recent visit to Poland and witnessed the 20th anniversary of Poland's independence. Mr. Heyeck stated the Honor Flight is something the City needs to do for those among us that are the greatest of our greatest generation.

Chair Fosselman reminded everyone the next regular meeting is July 1, 2009. Chair Fosselman thanked the VFW American Legion for putting on the Flag Retirement Ceremony. Chair Fosselman thanked the Westerville Noon Rotary for the Shade Structure and continued support of the community. Chair Fosselman reminded everyone of Wednesday Car Seat Day at the West Main Street Fire Station. Chair Fosselman stated

City of Westerville Council Minutes

June 16, 2009

Page 6

the Farmer's Market is every Wednesday afternoon in the Uptown District. Chair Fosselman announced June 24, 2009 is the next Fourth Friday in the Uptown District and the theme is Safety Fest. Chair Fosselman reminded everyone of Honor Flight's Pancake Breakfast on Saturday, June 27, 2009 at the American Legion Hall and thanked Jeff Reschke for his work with Honor Flight Columbus.

14. **MOTION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS**

Mayor Gonzales moved, Mr. Treneff seconded to adjourn into Executive Session to discuss personnel matters.

Yeas: Mrs. Cocuzzi, Mayor Gonzales, Mr. Treneff, Mr. Busch, Mr. Heyeck, Chair Fosselman

Nays: None

The motion carried. City Council adjourned into Executive Session at 7:53 p.m.

15. **MOTION TO ADJOURN OUT OF EXECUTIVE SESSION**

Mayor Gonzales moved, Mr. Treneff seconded to adjourn out of Executive Session.

Yeas: Mayor Gonzales, Mr. Treneff, Mr. Busch, Mr. Heyeck, Mrs. Cocuzzi, Chair Fosselman

Nays: None

The motion carried.

16. **ADJOURN**

Mayor Gonzales moved, Mrs. Cocuzzi seconded to adjourn.

Yeas: Mr. Treneff, Mr. Busch, Mr. Heyeck, Mrs. Cocuzzi, Mayor Gonzales, Chair Fosselman

Nays: None

The motion carried.

There being no further business, the meeting was adjourned at 8:35 p.m.

Mary J. Johnston, MMC
Clerk of Council

Diane C. Fosselman
Chair of Council