

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, April 10, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session April 10, 2007 with Council Members, Damon Wetterauer, Jr., Craig Treneff, Kathy Cocuzzi, Anne Gonzales, William Highfield, Michael Heyeck, Diane Fosselman, City Manager G. David Lindimore and Staff, Law Director Bruce E. Bailey and Clerk of Council Mary Johnston present.

3. **INVOCATION**

The invocation was given by Rev. Dan Mortinger.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the March 20, 2007 Regular Meeting and March 27, 2007 Work Session were presented for approval.

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

Yeas: Mrs. Gonzales, Mayor Fosselman, Mr. Heyeck, Mrs. Cocuzzi, Mr. Highfield, Mr. Treneff, Chairman Wetterauer

Nays: None

Abstained: Mr. Heyeck and Mayor Fosselman on March 27, 2007 Work Session Minutes due to excused absence

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore gave an update on Capital Improvement Projects:

- Knox Street Improvements – Underground utility work is ongoing with sub grade preparation to follow. Knox Street will remain closed, with detours posted, until the completion of the project in early June, weather permitting.
- Africa Road Improvements – The installation of the traffic signal is ongoing. Final grading and concrete surface work to be completed this week. This project is scheduled for completion in May.

7. **MAYOR'S REPORT**

Vice Mayor Gonzales presented a Proclamation honoring Arbor Day on April 27, 2007 to Shade Tree Commission Chair Bill Bausher. Mr. Bausher updated Council on Shade Tree Commission activities.

Mayor Fosselman presented a Proclamation honoring National Library Week April 15 through April 21, 2007 to Westerville Public Library Deputy Director Karen Albury.

Mayor Fosselman presented a Proclamation honoring Celebration of the Arts Month in April to Westerville Arts Council representatives Jane Denig and Jan Federenko.

8. **REPORT FROM THE PLANNING COMMISSION REPRESENTATIVE**

Mr. Treneff stated the Planning Commission held a meeting on March 28, 2007.

Public Hearings:

- PC 2004-038: Preliminary Development Plan and Text for a Mixed Use Development (Office/Retail/Residential) on 99.723 acres in the PD, Planned Development District; located east of Olde Worthington Road and north and south of Polaris Parkway; Applicant: N.P. Limited Partnership. (Postponed to April)
- PC 2007-05: Conditional Use Permit for a Veterinary Hospital in an Existing Structure on 2.907 acres in the RR, Rural Residential District; located at 298 N. West Street; Applicant: Cryan Veterinary Hospital LLC (Terri Jones-Forte). (Approved 7-0)
- PC 2007-06: Conditional Use Permit to allow a personal training facility (Fitness First) in 2,272 sq. ft. of an existing building in the PID, Planned Industrial District; located at 585 Office Parkway (Suite B) in the North Westerville Office Park; Applicant: Timothy J. Bahan. (Approved 7-0)

Subdivision Reviews:

- PC 2007-03: Site Plan Review for a building and parking lot expansion at Grave Evangelical Lutheran Church on 3.23 acres in the R-1, Single Family Residential District; located at 100 East Schrock Road (Schrock and Otterbein); Applicant: Philip Markwood Architects, Inc. (Approved 7-0)
- PC 2007-04: Final Development Plan approval for an 9,160 square foot office building on 1.469 acres in the PID, Planned Industrial District; located at 98 Commerce Park Drive; Applicant: Meacham & Apel Architects. (Approved 7-0)

The next regular meeting of the Planning Commission will be held on April 25, 2007 at 6:30 p.m.

9. **CITIZENS COMMENTS**

David Barker, 64 W. Plum Street, expressed his concerns with parking on W. Plum Street. Mr. Barker stated college student residents are parking their vehicles too close to his driveway making it difficult to enter and exit his driveway and would like the city to resolve this issue. Mr. Barker asked if the city was going to continue painting the curbs on West Plum Street and to police motorists who are parking where they aren't suppose to. Chairman Wetterauer asked Mr. Barker to leave his contact information with the Clerk and will have staff answer Mr. Barker's questions.

Walt Maylis, Westerville Veterans of Foreign War Post #7883, invited City Council and staff to attend the Flag Ceremony on June 14, 2007 which is Flag Day. The ceremony is scheduled to begin at 7:00 p.m. at the Sports Complex, South Cleveland Avenue. Mr. Maylis stated Roush Hardware is sponsoring an old flag drop off at their S. Sate Street location. Mr. Lindimore stated a Boy Scout has requested a flag drop box behind the municipal building. Mr. Heyeck asked Scott McAfee, Community Relations Coordinator, to place this event on the city's website.

10. **LEGISLATION**

a) ***RESOLUTION NO. 07-06, "To Cooperate with the Director of Transportation in the Improvement of State Street South of Huber Village Boulevard, and to Pay for those Project Features Requested by the City but not Strictly Necessary for Completion of the Project"*** was read.

Karl Craven, Planning and Development Director, stated this Resolution will affirm Council's willingness to cooperate with ODOT in completing improvements to the State Route 3 and I-270 interchange. Council would also agree to pay those improvement costs associated with the proposed Gateway Concept that will be included as part of the ODOT project. Westerville has requested that the ODOT traffic signal, freeway access ramp right of way fencing and roadway median strip be enhanced to present an attractive Gateway along State Street. The Gateway features are not considered necessary improvement as determined by the State and Federal Highway Administration. Therefore, the City would be responsible for the costs of those features.

Mr. Treneff moved, Mrs. Gonzales seconded for the adoption of Resolution No. 07-06.

Yeas: Mayor Fosselman, Mr. Heyeck, Mrs. Cocuzzi, Mr. Highfield, Mr. Treneff, Mrs. Gonzales, Chairman Wetterauer

Nays: None

The motion carried.

b) ***RESOLUTION NO. 07-07, "To Adopt the Franklin County Hazard Mitigation Plan"*** was read.

Bernie Ingles, Fire Chief, stated in order to remain eligible for future federal funding for hazard mitigation projects, the City is requested by the Ohio Emergency Management Agency to adopt the Franklin County Hazard Mitigation Plan as part of the a cooperative interagency effort. It is recommended by staff to adopt the Resolution in order to ensure future project funding for efforts to reduce potential hazards to the community from natural disasters.

Mr. Heyeck moved, Mrs. Cocuzzi seconded for the adoption of Resolution No. 07-07.

Yeas: Mr. Heyeck, Mrs. Cocuzzi, Mr. Highfield, Mr. Treneff, Mrs. Gonzales, Mayor Fosselman, Chairman Wetterauer

Nays: None

The motion carried.

c) ***ORDINANCE NO. 07-08, "To Authorize the Execution of a New Power Schedule with American Municipal Power-Ohio, Inc. Based upon the Prepayment of the J. Aron Contract, and to Declare an Emergency"*** was read for the first time. Mr. Heyeck abstained from the presentation and discussion due to a conflict of interest.

Andy Boatright, Electric Utility Manager, stated American Electric Power-Ohio has made arrangements to allow members who currently participate in the J. Aron long term power supply purchase to prepay their portion of this obligation through the sale of revenue bonds. The purpose of the prepayment would be to reduce the cost to Westerville for this portion of energy by approximately \$1.07 per megawatt-hour or approximately \$1.2 million in present value savings over the term of the J. Aron agreement which expires on December 31, 2012.

11. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO SEEK BIDS IN CONJUNCTION WITH A CONSORTIUM AND AS A SINGLE ENTITY FOR A THREE YEAR REFUSE COLLECTION CONTRACT.

Frank Wiseman, Public Service Director, stated the current refuse collection contract ends December 31, 2007. The City's residential collection contract is part of a 7 community, 40,000 residential customer account contract the City entered into after receiving bids both as a single entity and as part of the consortium. Additionally, there is a clause in the current contract which allows for an extension. The consortium has requested a price from Rumpke that can be considered for an extension. The contract cost for 2007 is \$12.57 per resident with no extra cost for recycling or yard waste. New contracts for other cities over the past year have averaged approximately \$14.50 per resident.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to seek bids in conjunction with a consortium and as a single entity for a three year refuse collection contract.

Yeas: Mrs. Cocuzzi, Mr. Highfield, Mr. Treneff, Mrs. Gonzales, Mayor Fosselman, Mr. Heyeck, Chairman Wetterauer

Nays: None

The motion carried.

12. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO INCREASE THE CONTRACT AMOUNT TO GEORGE J. IGEL & COMPANY, INC. BY \$6,500 FOR TOWERS PARK DEVELOPMENT PROJECT.

Mike Hooper, Parks Development Coordinator, stated staff is requesting moving \$6,500 in budgeted funds to the George J. Igel & Company, Inc. contract to complete the by-owner walkway to the restroom facility at Towers Park. Staff has found that using George J. Igel & Company, Inc. as the most economical way to complete the work. No additional funds are being requested.

Mr. Highfield stated he felt that staff could complete this project at a lesser cost to the city.

Mayor Fosselman moved, Mrs. Cocuzzi seconded to authorize and direct the City Manager to increase the contract amount to George J. Igel & Company, Inc. by \$6,500 for Towers Park Development Project.

Yeas: Mr. Treneff, Mrs. Gonzales, Mayor Fosselman, Mr. Heyeck, Mrs. Cocuzzi, Chairman Wetterauer

Nays: Mr. Highfield

The motion carried.

13. TO RE-APPOINT AND RE-EMPLOY G. DAVID LINDIMORE AS THE CITY MANAGER EFFECTIVE MAY 1, 2007 FOR AN UNDETERMINED INTERIM PERIOD.

Mayor Fosselman moved, Mrs. Gonzales seconded to re-appoint and re-employ G. David Lindimore as the City Manager effective May 1, 2007 for an undetermined interim period.

Yeas: Mr. Treneff, Mrs. Gonzales, Mayor Fosselman, Mr. Heyeck, Mrs. Cocuzzi, Mr. Highfield, Chairman Wetterauer

Nays: None

The motion carried.

14. ADDITIONAL BUSINESS

Mr. Boatright stated the Ohio Department of Natural Resources has lifted the bald eagle restriction and staff is finalizing details before construction begins on the Sub-Station #3 project.

U. S. Congressman Pat Tiberi and stated he appreciated the opportunity to attend the Council meeting. Congressman Tiberi stated Mr. Boatright and Ms. Stowers had been in Washington, D.C. recently and they represented Westerville well. Congressman Tiberi gave his reaffirmation to help promote the City of Westerville today and in the future. Chairman Wetterauer stated, on behalf of City Council, his appreciation to Congressman Tiberi for visiting the Council meeting and being accessible to constituents.

15. COUNCIL COMMENTS

Mr. Treneff thanked staff for the report on the proposed rental property inspection program. Mr. Treneff stated it was a good report and an excellent approach to the problem. Mr. Treneff stated the issue of converting single family homes to student housing needs to be addressed. Mr. Treneff stated the city needs to look at the zoning code in regards to student housing and asked staff to report back on this issue.

Mayor Fosselman wished the MindStorm Troopers good luck at the World Championship in Atlanta, GA. Mayor Fosselman thanked the Westerville Lions Club and Westerville Parks Department for organizing the Eggstravaganza event. Mayor Fosselman also thanked the Westerville Civitan Club for the Easter egg hunt

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for special needs children. Mayor Fosselman stated April 21, 2007 is Earth Day and invited the community to help Sunrise Rotary, Friends of Alum Creek Tributaries and Westerville Parks Department clean up the parks and leisure trails. Mayor Fosselman stated Service Day will take place on May 5, 2007 and encouraged residents to volunteer or request assistance from the volunteers. Mayor Fosselman stated City Council has received numerous supporting comments on the property maintenance issue and expressed her appreciation to the residents who are taking the time to contact Council.

Mr. Heyeck asked Ms. Stowers to use cherry blossom trees if a location is found for the Chintous Shrine. Mr. Heyeck thanked Deputy Police Chief Del Roberson for fingerprinting services. Mr. Heyeck stated he is going off the COTA Board and was happy to represent Westerville on the Board. Mr. Heyeck asked staff to consider planting trees in front of the property located on the south side of Polaris Parkway that contains rusting farm equipment and a school bus.

Mrs. Cocuzzi thanked Economic Development Coordinator Julie Colley and Community Relations Coordinator Scott McAfee for the recent article on tax abatements. Mrs. Cocuzzi stated she agrees with Mr. Treneff's comments on property maintenance and urged residents to continue submitting their comments. Mrs. Cocuzzi urged everyone to attend the Flag Day Ceremony on June 14, 2007. Mrs. Cocuzzi thanked Congressman Tiberi for attending the council meeting and appreciates the time he takes to visit. Mrs. Cocuzzi congratulated Battalion Chief John Bokros on being named the 2007 Larry Parlett County Firefighter of the Year. Mrs. Cocuzzi urged motorists to pay attention when driving on Westerville streets.

Mr. Highfield thanked Mr. Craven for the quick response on the property maintenance proposal and stated re-inspections deserve a much quicker and stiffer fine. Mr. Highfield stated he is not ready to add additional personnel. Mr. Highfield stated he appreciated the comments received from residents on the matter. Mr. Highfield thanked Congressman Pat Tiberi for attending tonight's meeting.

Chairman Wetterauer asked staff to follow up with David Barker's concerns. Chairman Wetterauer stated City Council has an obligation to take action and move forward with property maintenance and rental properties. Chairman Wetterauer thanked Mr. Craven for the report.

17. **ADJOURNMENT.**

Mr. Highfield moved, Mrs. Cocuzzi seconded to adjourn.

Yeas: Mrs. Gonzales, Mayor Fosselman, Mr. Heyeck, Mrs. Cocuzzi, Mr. Highfield, Mr. Treneff, Chairman Wetterauer

Nays: None

The motion carried.

The meeting adjourned at 8:00 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council