

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, January 2, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session January 2, 2007 with Council Members, Damon Wetterauer, Jr., Craig Treneff, Kathy Cocuzzi, Anne Gonzales, Michael Heyeck, William Highfield, Diane Fosselman, City Manager G. David Lindimore and Staff, Law Director Bruce E. Bailey and Administrative Secretary Danette Rohr present.

3. **INVOCATION**

The invocation was given by Rev. Mark Gauen of First Presbyterian Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the December 12, 2006 Regular Meeting were presented for approval.

Mrs. Gonzales moved, Mayor Fosselman seconded to approve the Minutes as provided.

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

Nays: None

Abstained: Mr. Heyeck due to excused absence

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore stated there will be no meeting on January 9, 2007, a regular meeting on January 16, 2007, no meeting on January 23, 2007, a work session on January 30, 2007, a work session on February 13, 2007 and the State of the Community address on February 27, 2007.

7. **MAYOR'S REPORT**

Mayor Fosselman introduced Richard Johnson of Heritage Christian Church. Mr. Johnson discussed the Martin Luther King 2nd Annual Breakfast on January 15, 2007 at Heritage Christian Church located on Maxtown Road. Mr. Johnson stated the doors open at 7:30 a.m. and invited everyone to attend.

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

Mr. Treneff reported the Planning Commission held a meeting on December 20, 2006.

Public Hearings:

- PC 2006-027: Final Development Plan for a 230,000 square foot medical center on 20.6 acres in the PO, Planned Office District; located at the northeast corner of Africa Road and Polaris Parkway; Applicant: Advanced Civil Design, Inc. (for Ohio Health). (Minor Modification – Approved 7-0)
- PC 2006-028: Final Development Plan for a 178,000 square foot retail use on 17.605 acres and an 18,800 square foot retail outlot center on 2.655 acres in the PD, Planned Development District; located north of Polaris Parkway between Africa Road and Cleveland Avenue extended; Applicant: CRI Polaris Village LP. (Charlie Fraas – Casto for Target). (Withdrawn)

- PC 2006-030: Site Plan Review for a 5.845 square foot auto parts store (NAPA) with variances on .388 acres in the CC, Community Commercial District; located at 359 South State Street (SW corner of South State and Central Avenue); Applicant: Genuine Auto Parts Company (NAPA Auto Parts). (Approved 7-0)
- PC 2006-031: Conditional Use Permit for a 2,190 square foot financial institution with drive-through (BMI) in an existing building on 1.07 acres in the PCC, Planned Community Commercial District; located at 12 South Cleveland Avenue (SE corner of Cleveland and Main); Applicant: Lusk Harkin Architects (Kirk Paisley). (Approved 7-0)
- PC 2006-033: Preliminary/Final Plat for subdivision of a lot with development standards less than the minimum required to allow construction of a single-family dwelling in the R-2 Single Family District (modification of PC 2005-018); location: 24 Glenwood Avenue; Applicant: Kirk Denyes for Truberry Group. (Approved 7-0)

Subdivision Reviews:

- PC 2006-032: Final Development Plan for two 17,500 square foot spec office/medical office buildings (35,000 square feet total) on 3.359 acres in the PD, Planned Development District; location: southeast corner of Cleveland Avenue and Westar Boulevard (Parcel G in Altair); Applicant: Dublin Building Systems. (Postponed to January)
- PC 2005-005: (Renewal of approval set to expire in January 2007); Final Development Plan for an 80 unit ranch-style condominium development on 15.028 acres in the PND, Planned Neighborhood District; located north of Birch Street; Applicant: The Epcon Group. (Approved 7-0)

Mr. Treneff stated the Planning Commission will hold their next meeting on Wednesday, January 24, 2007 at 6:30 p.m.

Mr. Heyeck asked staff for a copy of the building rendition for the NAPA Auto Parts Store on South State Street.

9. **CITIZENS COMMENTS**

None.

10. **LEGISLATION**

a) ***RESOLUTION NO. 07-01, "To Request the Franklin County Auditor to Draw and the Franklin County Treasurer to pay a draft to the Finance Director of the City of Westerville for any money that may be in the County Treasury to the Account of the City of Westerville"*** was read.

Mr. Winkel stated this Resolution and the following Resolution is to request advances of City property taxes which have been collected by both Franklin and Delaware Counties. Without approval of these Resolutions, property tax settlements would be limited to semi-annual payments (March & August) from the County Treasurers.

Mr. Heyeck moved, Mrs. Gonzales seconded for the adoption of Resolution No. 07-01.

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

Nays: None

The motion carried.

b) **RESOLUTION NO. 07-02, "To Request the Delaware County Auditor to Draw and the Delaware County Treasurer to pay a Draft to the Finance Director of the City of Westerville for any money that may be in the County Treasury to the Account of the City of Westerville"** was read.

Mr. Heyeck moved, Mrs. Cocuzzi seconded for the adoption of Resolution No. 07-02.

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

Nays: None

The motion carried.

c) **ORDINANCE NO. 07-01, "To Dedicate the Public Road Right of Way Purposes Land Owned by the City Within the Existing Road Rights of Way of Knox Street, Spring Road, Polaris Parkway, Cleveland Avenue, Oneida Avenue, County Line Road West, North State Street, Maxtown Road and McCorkle Boulevard"** was read for the first time.

Karl Craven, Planning and Development Director, stated over the past several years as the City has completed a dozen or more major road improvements projects and acquired over 100 parcels, the preamble language was inadvertently omitted in several acquisitions. As a housekeeping measure, this Ordinance would formally dedicate these parcels as public road right of way.

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

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

Nays: None

The motion carried to suspend the rules.

Mr. Heyeck moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 07-01.

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

Nays: None

The motion carried. Ordinance No. 07-01 was adopted.

d) **ORDINANCE NO. 07-02, "To Change the Name of College Street to College Avenue"** was read for the first time.

Mr. Craven stated the section of College dedicated by the Springcrest Subdivision plat was identified as College Street on the plat. The other sections of the road are named College Avenue. This Ordinance is a housekeeping item to eliminate possible confusion.

e) **ORDINANCE NO. 07-03, "To Change the Name of a Portion of Broad Street east of Otterbein Avenue to Farthing Drive"** was read for the first time.

Mr. Craven stated a stub section for the easterly extension of Broad Street was created when Otterbein Avenue was constructed in the 1960's. When the subdivision of Sterling Glen was created in the 1990's it

connected its Farthing Drive into the stub. This Ordinance is a housekeeping item to eliminate possible confusion.

11. TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LABOR AGREEMENT WITH THE WESTERVILLE FIRE OFFICERS ASSOCIATION.

Mike Wasylik, Assistant City Manager, stated this agreement is with four members of the Fire Officers Association. This tentative agreement extends the same economic benefits to them as with the larger fire union. This agreement will go through December 31, 2009 and keeps the members ranked 3rd or 4th amongst seven bargaining groups in Central Ohio. This agreement represents a 10% increase for the four members.

Mrs. Gonzales moved, Mayor Fosselman seconded to authorize the City Manager to enter into a labor agreement with the Westerville Fire Officers Association.

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

Nays: None

The motion carried.

12. ADDITIONAL BUSINESS

None

13. COUNCIL COMMENTS

Mr. Highfield wished everyone a Happy New Year and stated it sounds like this will be an interesting 2007.

Mrs. Cocuzzi wished everyone a Happy New Year.

Mr. Treneff had no comments.

Mrs. Gonzales wished everyone a Happy New Year. Mrs. Gonzales thanked Mrs. Rohr for doing a good job filling in for Clerk of Council Mary Johnston. Mrs. Gonzales stated Scott McAfee and Mike Wasylik coach the Westerville South High School Freshmen Basketball team and the leadership these two individuals exhibit while coaching is amazing.

Mr. Heyeck wished everyone a Happy New Year and stated there are many good things happening in Westerville. Mr. Heyeck recapped the number of volunteer projects and contributions made in 2006.

Mayor Fosselman wished everyone a Happy New Year and encouraged the community to attend the 2nd Annual Martin Luther King Jr. Celebration Breakfast on January 15, 2007.

Chairman Wetterauer wished everyone a Happy New Year.

14. ADJOURNMENT

Mr. Highfield moved, Mr. Heyeck seconded to adjourn into Work Session.

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

Nays: None

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The motion carried.

The meeting adjourned into Work Session at 7:29 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council