

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, November 27, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session November 27, 2007 with Council Members, Craig Treneff, Kathy Cocuzzi, William Highfield, Anne Gonzales, Damon E. Wetterauer, Jr., 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**

Rev. Greg Bondurant of Westerville Christian Church gave the invocation.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the November 6, 2007 Regular Meeting, November 6, 2007 Executive Session and November 13, 2007 Executive Session were presented for approval.

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

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

Nays: None

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore stated he has been very blessed to serve as City Manager and to be a participant in all city activities over the years.

7. **MAYOR'S REPORT**

Mayor Fosselman invited Tim Bullock, Uptown Merchant's Association, to report on the weekend festivities. Mr. Bullock stated the Annual Christmas Tree Lighting is Friday evening in front of the municipal building. Mr. Bullock stated free carriage rides would be available on Friday evening. Mr. Bullock stated many of the shops in Uptown District would have extended shopping hours. Mr. Bullock stated the Annual Christmas Parade would be held on Sunday afternoon. Mr. Bullock encouraged everyone to attend these events.

Mayor Fosselman introduced U. S. Representative Pat Tiberi who recognized and honored City Manager David Lindimore and Chairman Wetterauer for their many years of service to the community. Representative Tiberi presented a Proclamation from the U.S. Congress to Chairman Wetterauer for his service and commitment to the City of Westerville.

Mayor Fosselman introduced State Senator David Goodman who presented Proclamations to City Manager David Lindimore and Chairman Wetterauer honoring them for their service to the community.

Mayor Fosselman introduced State Representative Larry Flowers who presented Statehouse Resolutions to City Manager David Lindimore and Chairman Wetterauer honoring them for their service to the community.

Mayor Fosselman introduced Westerville Area Chamber of Commerce Representatives Janet Davis and Michael Borowitz. Mr. Borowitz, on behalf of the Westerville Area Chamber of Commerce, thanked Chairman Wetterauer for the many years of service to Westerville. Mrs. Davis, on behalf of the Westerville Area Chamber of Commerce, thanked City Manager David Lindimore for his many years of service to Westerville and congratulated him on his retirement.

Mike Collins, representing Westerville School District, presented a Resolution from the Westerville City School Board of Education, honoring City Manager David Lindimore and Chairman Wetterauer for their many years of service to Westerville and wished them well in the future.

Dr. Rick Dorman, representing Otterbein College, thanked Chairman Wetterauer and City Manager David Lindimore for providing exceptional service to the community and working with Otterbein College for many years.

Mr. Heyeck, representing City Council, thanked City Manager David Lindimore and Chairman Wetterauer for their contributions and presented them with a picture of City Council.

Chairman Wetterauer stated he appreciated the kind words that were said tonight.

8. REPORT FROM THE MID OHIO REGIONAL PLANNING COMMISSION REPRESENTATIVE

Mayor Fosselman reported on the current activities of the Mid-Ohio Regional Planning Commission. Mayor Fosselman stated, at their last meeting, MORPC announced the "Regional Connections" which is a shared growth strategy for Central Ohio. Mayor Fosselman stated this is how the region can grow, prosper, and enhance the quality of life for all residents in the next twenty-five years. MORPC has collected information over the past two years to develop this plan on how to be proactive in development plans and policies that anticipate growth issues and transcend political boundaries. MORPC also adopted procedures for selecting and funding future regional transportation projects. The three goals they will focus on are: 1) transportation efficiency; 2) multi modal considerations; 3) quality of life improvements including the reduction of fuel consumption and air quality. Mayor Fosselman stated MORPC has relocated their offices to Liberty Street in the Brewery District.

9. CITIZENS COMMENTS

None.

10. LEGISLATION

a) ***ORDINANCE NO. 07-32, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a 7.9 acre Tract of Land Located at 547 Executive Campus Drive from RR, Rural Residential to PO, Planned Office, and to Approve the Development Standards Text and Development Plan for Such Tract"*** was read for the third time.

Chairman Wetterauer declared the Public Hearing open. Mrs. Johnston administered the Oath to those who wished to testify during the Public Hearing.

Lisa LaMantia, Planner, stated this Ordinance is a request to rezone the recently approved electric substation site located at 547 Executive Campus Drive from RR, Rural Residential, to PO, Planned Office. ABB, zoned PD, Planned Development, is located immediately to the east of the subject site. To the south, the undeveloped land is zoned PO. The current use is a conditional use in both the RR and PO districts; however, since a conditional use was recently approved, no action is needed regarding its status. The reason for the staff-sponsored rezoning is simply for housekeeping reasons. Located in Westar, it is one of the last remaining pieces that fails to share similar zoning with the area.

Speaking in Favor:

None

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Speaking in Opposition:

None

There being no further testimony, Chairman Wetterauer declared the Public Hearing closed.

Mrs. Gonzales moved, Mr. Treneff seconded for the adoption of Ordinance No. 07-32.

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

Nays: None

The motion carried.

b) ***ORDINANCE NO. 07-46, "To Amend Chapter 1171, Off-Street Parking and Loading Facilities, To Amend the Standards for Driveways, Parking Improvements and the Required Number of Parking Spaces"*** was read for the second time. Public Hearing is scheduled for December 11, 2007.

c) ***ORDINANCE NO. 07-48, "to Amend Chapter 154 of the Codified Ordinances to Provide a Code of Personnel Practices and Procedures for all Employees other than those covered by a Bargaining Unit, and to Declare an Emergency"*** was read for the second time.

d) ***ORDINANCE NO. 07-49, "To Establish Employment Classifications, Pay Grades and Pay Ranges for Municipal Employees, and to Declare an Emergency"*** was read for the second time.

e) ***ORDINANCE NO. 70-50, "An Ordinance to Make Appropriations for Current Expenses and Other Expenditures of the City of Westerville, Ohio, during the Fiscal Year Ending December 31, 2008"*** was read for the second time.

f) ***ORDINANCE NO. 07-51, "To Provide for the Appropriation and Transfer of Appropriations for the Fiscal Year ending December 31, 2007"*** was read for the second time.

g) ***ORDINANCE NO. 07-52, "To Amend Section 935.04 of the Codified Ordinances of the City of Westerville, To Modify Charges for Sewer Service, and to Declare an Emergency"*** was read for the second time.

h) ***ORDINANCE NO. 07-53, "An Ordinance Declaring Improvements to Certain Parcels of Real Property to be a Public Purpose, Exempting those Improvements from Real Property Taxation, Describing the Public Infrastructure Improvements Made or to be Made that Benefit those Parcels, Requiring the Owners of those Parcels to Make Service Payments in Lieu of Taxes, Providing for the Distribution of the Applicable Portion of those Service Payments to the Westerville City School District, Establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the Deposit of the Remainder of those Service Payments, Approving and Authorizing the Execution of a Tax Increment Financing Agreement, and Declaring an Emergency"*** was read for the second time.

i) ***ORDINANCE NO. 07-47, "To Amend Chapter 1105, Definitions, and Chapter 1175, Supplementary District Regulations, To Create New Standards for the Parking and Storage of Portable Onsite Deliverable Storage Units"*** was read for the first time. Chairman Wetterauer set the Public Hearing for January 8, 2008. Lisa LaMantia, Planner, stated staff is proposing several amendments to Chapters 1105 and 1175 of the Westerville Planning and Zoning Code as an effort to regulate the length of time and where PODS (Portable Onsite Storage Units) and dumpsters can be located in residential areas. While the total number of incidents

involving this issue is small, staff has received an increasing number of complaints and inquires regarding these units on residential properties and has decided to address the issue with the subsequent language amendments to two sections of the Code. Staff proposes to control and monitor the usage of PODS by issuing a temporary use permit administratively. Dumpsters, on the other hand, shall be permitted on site as long as an active building permit is on the property. Staff feels these proposed amendments will help control the increased use of PODS and dumpsters in residential areas and therefore, staff recommends approval. PODS and dumpsters in non-residential areas are controlled through existing regulations regarding trash containers and accessory structures.

j) ***ORDINANCE NO. 07-55, "An Ordinance to Revise the Codified Ordinances by Adopting Current Replacement Pages and Declaring an Emergency"*** was read for the first time.

Mr. Bailey stated this is the semi-annual updates to the Westerville Codified Ordinances. This Ordinance includes actions by City Council since April 2007 and includes Traffic Code Updates and General Offense Code Updates as defined under the Ohio Revised Code. Staff is requesting suspension of the rules for the required three readings since this is a housekeeping matter.

Mr. Highfield moved, Mrs. Gonzales seconded for the suspension of the rules for the required three readings.

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

Nays: None

The motion carried to suspend the rules.

Mr. Highfield moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 07-55.

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

Nays: None

The motion carried. Ordinance No. 07-55 was adopted.

k) ***ORDINANCE NO. 07-56, "An Ordinance Determining the Fees to be Paid by Any Person Offering Video Service in the City Pursuant to a State-Issued Video Service Authorization, and Authorizing the City Manager to Give Notice of the Fee to the Video Service Provider; and Declaring an Emergency"*** was read for the first time.

Mr. Bailey stated this Ordinance is in response to Ohio's new statewide video franchising law, commonly known as "SB 117". This Ordinance addresses the existing cable franchises ability to terminate their agreements and their obligation to pay franchise fees to the city. SB 117 requires the city to determine the percentage of gross revenues that a video service provider will pay as the VSP fee and to notify any video service provider with a state-issued VSA of the VSP fee within 10 days of receiving notice that the provider will begin providing service. Staff recommends passing this Ordinance prior to receiving notice of service under a state-issued authorization from the cable franchisees as soon as possible, therefore, staff is requesting suspension of the rules for the required three readings.

Mr. Heyeck moved, Mrs. Gonzales seconded for the suspension of the rules for the required three readings.

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

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Nays: None

The motion carried to suspend the rules.

Mrs. Cocuzzi moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 07-56.

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

Nays: None

The motion carried. Ordinance No. 07-56 was adopted.

l) ***ORDINANCE NO. 07-58, "To Acknowledge Award of a Grant from the American Public Power Association; To Provide for the Supplemental Appropriation of Funds for the Purpose of Acquiring Electrical Equipment to Improve Distribution Reliability; To Authorize the City Manager to Enter into a Purchasing Contract and Agreement Without Formal Bidding and Advertising; and To Declare an Emergency"*** was read for the first time.

Andy Boatright, Electric Utility Manager, stated in August 2007, staff applied for a grant from the American Public Power Association Demonstration of Energy Efficient Developments in the amount of \$58,780 for the project, "Best Practice to Identify Failing Overhead Distribution Equipment. In October 2007, staff was informed that the total grant amount of \$58,780 was awarded to Westerville Electric Division. The project involves subcontracting with the firm Exacter, Inc. with the objective being to improve the efficacy of newly available technology to locate failing above-ground electrical equipment for preventive maintenance to improve overall distribution system reliability. This legislation is to appropriate funds in the amount of \$58,780 from the Electric Enterprise Fund, which will later be fully reimbursed by the grant at project completion. The project completion is scheduled for the 2nd quarter of 2008. Staff will be requesting suspension of the rules for the required three readings at the December 11, 2007 meeting so that the project can be launched prior to year end.

m) ***ORDINANCE NO. 07-58, "To Authorize an Amended Agreement with the Central Ohio Transit Authority"*** was read for the first time.

Mr. Bailey stated that City Council, at the October 2, 2007 City Council meeting, authorized the City Manager to enter into the Amended Agreement with COTA. However, in reviewing the law, specifically Section 306.32 of the Ohio Revised Code, it has come to our attention that the authorization to amend the Agreement must be done by Ordinance in order to comply with Ohio law. Staff is requesting suspension of the rules for the required three readings so that this Ordinance can be forwarded to COTA.

Mr. Heyeck moved, Mrs. Gonzales seconded for the suspension of the rules for the required three readings.

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

Nays: None

The motion carried to suspend the rules.

Mrs. Gonzales moved, Mr. Treneff seconded for the adoption of Ordinance No. 07-58.

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

Nays: None

The motion carried. Ordinance No. 07-58 was adopted.

11. TO AUTHORIZE A ONE YEAR EXTENSION TO DREW BERLIN'S REAL ESTATE OPTION AND PURCHASE AGREEMENT FOR THE 1.179 ACRE TRACT LOCATED WEST OF 374 WESTDALE AVENUE.

Julie Colley, Economic Development Coordinator, stated the City entered into a real estate option and purchase agreement with Drew Berlin in August 2006 for the sale of a city-owned parcel on Westdale Avenue; this real estate option expired after one year. Both the city and Mr. Berlin desire to extend the option to purchase for another year. The essential components of the contract remain the same. The value of the property, based on an appraiser's analysis, was determined to be \$110,500. With the execution of the original option, Mr. Berlin paid the sum of \$1,000 to enter into the real estate option. With this extension, the additional sum of \$1,000 will be paid. Both payments, totaling \$2,000, will be credited toward the purchase price.

Mrs. Gonzales moved, Mr. Heyeck seconded to authorize a one year extension to Drew Berlin's real estate option and purchase agreement for the 1.179 acre tract located west of 374 Westdale Avenue.

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

Nays: None

Abstained: Chairman Wetterauer due to a conflict of interest.

The motion carried.

12. TO AWARD THE BIDS FOR PAVING MATERIALS FOR 2008 AS RECOMMENDED BY STAFF AND REJECT THE BID FROM NATIONAL LIME AND STONE COMPANY AS BEING NON-RESPONSIVE.

Adam Maxwell, Risk and Procurement Administrator, stated eleven (11) bids were ultimately received at the official bid opening held on Friday, November 9, 2007. This is the annual award for materials for the various maintenance projects for 2008. Awards of the contracts are subject to the appropriation of funds by City Council in the Cemetery Maintenance, Streets Maintenance, Water Distribution Maintenance, Sanitary Sewer Collection Maintenance and Storm Sewer Collection Maintenance organizations. Staff recommends the bid submitted by National Lime and Stone Company be rejected as non-responsive due to the bidder's failure to sign their bid form. It is recommended that the bid be awarded to the following:

Top Cat Concrete (delivered): #499 Concrete Class C-\$88.00; #499 Concrete Class S-\$92.00; #636 Controlled Density Fill-\$52.00.

Kevin Justice Trucking (delivered): #703 Aggregate #1 and #2 Stone-\$13.95; #703 Aggregate #57 Stone-\$14.50; #703 Aggregate #411 Stone-\$12.50; #703 Aggregate #8 Pee Gravel (coarse)-\$13.85.

Shelly Materials, Inc. (delivered): #703 Aggregate #9 Grit-\$12.75.

Wilson-Michaels Trucking (delivered): #703 Aggregate #8 Pee Gravel (round)-\$12.00.

Kurtz Brothers Central Ohio, LLC. (delivered): #653 Topsoil (pulverized)-\$20.50; #653 Topsoil (garden blend)-\$17.13.

Apple-Smith Corporation (picked up): #405 Bituminous Cold Mix-\$75.00.

Scioto Materials, Inc. (picked up): #402 Asphalt Concrete AC-20 #402-\$50.00; #402 Asphalt Concrete AC-20 #404-\$52.00.

Shelly Materials, Inc. (picked up): #703 Aggregate #411 Stone-\$9.00; #703 Aggregate #8 Pee Gravel (coarse)-\$11.20.

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The Olen Corporation (picked up): #703 Aggregate #57 Stone-\$11.50; #703 Aggregate #9 Grit-\$6.75; #703 Aggregate #8 Pee Gravel (round)-\$10.50.

Kurtz Brothers Central Ohio, LLC. (picked up): #653 Topsoil (pulverized)-\$19.99; #653 Topsoil (garden blend)-\$19.99

Mrs. Gonzales moved, Mrs. Cocuzzi seconded to award the bids for Paving Materials for 2008 as recommended by staff and reject the bid from National Lime and Stone Company as being non-responsive.

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

Nays: None

The motion carried.

13. TO REJECT THE LOW BID FROM UNIVAR USA, INC. FOR CAUSTIC SODA AS BEING NON-RESPONSIVE AND AWARD BIDS FOR WATER TREATMENT CHEMICALS FOR 2008 ON A LOWEST AND BEST BASIS AS RECOMMENDED BY STAFF.

Dick Lorenz, Water Utility Manager, stated fourteen (14) bids were ultimately received at the official bid opening held on Tuesday, November 13, 2007. The total estimated amount of this bid package, based on estimated quantities specified in the bid, is \$210,835. The bid package total is over the proposed 2008 chemical supply line item budget, but within the total supplies and materials budget. The 2008 treatment chemical bids represent a 14% increase over 2007 due to supply shortages, energy costs and increased quantities. Staff is recommending that the low bid for caustic soda from UNIVAR USA, Inc. be rejected due to their failure to provide proper pricing on the unit of measure specified, and to award the 2008 water treatment chemical bids to the lowest and best bidders based upon the delivered unit prices listed:

Lime ½ “, Huron Lime, Inc. @ \$6.40/cwt delivered

Ferric Chloride, Bonded Chemicals, Inc. @ \$21.75/cwt delivered

Liquid Carbon Dioxide, Continental Carbonic Products @ \$4.60/cwt delivered

Activated Carbon, SAL Chemical @ \$63.00/cwt delivered

Fluoride, Univar USA, Inc. @ \$31.00/cwt delivered

Chlorine, JCI Jones Chemicals, Inc. @ \$25.50/cwt delivered

Liquid Blended Phosphate, SAL Chemical @ \$32.90/cwt delivered

Caustic Soda, JCI Jones Chemicals, Inc. @ \$26.15/cwt delivered

*cwt = price per one hundred weight (lbs)

Mr. Heyeck moved, Mr. Treneff seconded to reject the low bid from Univar, USA, Inc. for caustic soda as being non-responsive and award bids for water treatment chemicals for 2008 on a lowest and best basis as recommended by staff.

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

Nays: None

The motion carried.

14. TO AWARD THE BID FOR 2007 STREET LIGHTING IMPROVEMENTS PROJECT TO COMPLETE GENERAL CONSTRUCTION COMPANY.

Mike Pope, Electrical Engineering Manager, stated eleven (11) bids were ultimately received at the official bid opening held on Tuesday, November 13, 2007. The recommended contract award amount of \$529,964.90

exceeds the \$479,091, which is currently unencumbered in this account. The capital budget can handle this overage due to savings experienced elsewhere. This project involves the replacement of the existing street lighting system with a new street lighting system in the Westerville Estates, Lexington Farms, and Annehurst Village areas. This project is scheduled to begin in early 2008 with a contract completion date of August 15, 2008. Staff recommends awarding the bid to Complete General Construction Company in the amount of \$495,294.30 plus a 7% construction contingency of \$34,670.80 for a total award of \$529,964.90.

Mayor Fosselman moved, Mrs. Gonzales seconded to award the bid for 2007 Street Lighting Improvements Project to Complete General Construction Company.

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

Nays: None

The motion carried.

15. TO AWARD THE BID FOR 2007 CABLE REPLACEMENT PROJECT TO NEW RIVER ELECTRICAL CORPORATION.

Mr. Pope stated ten (10) bids were ultimately received at the official bid opening held on Tuesday, November 13, 2007. This project involves the replacement of existing underground cable in the Woodlake Colony, Chatham Ridge, and Spring Grove areas. The existing cables in these areas are becoming less reliable as they are reaching the end of their useful life. This project is scheduled to begin in early 2008 with a contract completion date of August 15, 2008. Staff recommends awarding the bid to New River Electrical Corporation in the amount of \$291,883.75 plus a 7% construction contingency of \$20,431.86 for a total award of \$312,315.61. The New River Electrical Corporation bid is significantly less than the other bids. Staff discussed this with the company and was assured that their bid included all of the items specified in the bidding documents.

Mrs. Gonzales encouraged staff to stay in contact with the affected residents during construction.

Mayor Fosselman moved, Mrs. Gonzales seconded to award the bid for 2007 Cable Replacement Project to New River Electrical Corporation.

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

Nays: None

Abstained: Mr. Heyeck due to a conflict of interest.

The motion carried.

16. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO MODIFY THE PURCHASE AGREEMENT FOR A POWER TRANSFORMER FOR SUBSTATION #3, MANUFACTURED BY DELTA-STAR, INC., FROM PROFESSIONAL ELECTRIC PRODUCTS COMPANY (PEPCO) IN THE AMOUNT OF \$11,500.00.

Mr. Pope stated, in 2006, City Council authorized the purchase of one Power Transformer for Substation #3 in the amount of \$1,187,920.00. The "dress-out" includes filling the transformer with oil, installing the bushings, arresters, radiators, and appurtenant items and testing. Since there is considerable construction activity taking place at the substation site and around the transformer, staff recommends that, other than filling the transformer with oil, the other "dress-out" items not be performed at this time. The purpose of this

is to protect the bushings, arresters, and radiators from possible damage due to the construction activity around the transformer. As such, this requires that Delta-Star, Inc. make an extra trip to the site to fill the transformer tank with oil since the transformer must be filled with oil within three months of delivery. The cost of this extra trip is \$11,500.00. Since the original authorization did not include a contingency amount, staff is requesting this additional authorization. The transformer was delivered to the substation site on Friday, November 9, 2007.

Mr. Treneff moved, Mrs. Gonzales seconded to authorize and direct the City Manager to modify the purchase agreement for a power transformer for Substation #3, manufactured by Delta-Star, Inc. from Professional Electric Products Company (PEPCO) in the amount of \$11,500.00.

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

Nays: None

Abstained: Mr. Heyeck due to a conflict of interest.

The motion carried.

17. TO AUTHORIZE AND DIRECT THE FINANCE DIRECTOR TO ENTER INTO AN EMPLOYEE BENEFIT CONTRACT FOR THE PROVISION OF HEALTH INSURANCE AS RECOMMENDED BY STAFF.

Jack Winkel, Finance Director, stated the City's outside consultant, Aon Consulting, Inc., recommends continuing the City's health care coverage for city employees with United Health Care for calendar year 2008. The City received proposals from United Health Care, Aetna and Anthem. Staff concurs with Aon Consulting recommendation to award the 2008 contract to United Health Care.

Mr. Highfield moved, Mayor Fosselman seconded to authorize and direct the Finance Director to enter into an employee benefit contract for the provision of health insurance as recommended by staff.

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

Nays: None

The motion carried.

18. ADDITIONAL BUSINESS

Chairman Wetterauer recognized Boy Scout Troop No. 696 who was in the audience and working on their Communication Merit Badge.

Mr. Boatright invited everyone to attend the Central Ohio Energy Reception on Tuesday, December 11, 2007 from 10:00 a.m. to 11:00 a.m. in Roush Hall at Otterbein College.

19. COUNCIL COMMENTS

Mr. Treneff stated it was an honor to be present for the celebrations honoring Mr. Lindimore and Chairman Wetterauer. Mr. Treneff commented on the significant contributions made by Chairman Wetterauer. Mr. Treneff stated no one has had a greater influence on the development of the city than Mr. Lindimore has and that Mr. Lindimore has given outstanding leadership during his tenure. Mr. Treneff stated it has been a pure pleasure to serve with both individuals.

Mr. Highfield thanked Chairman Wetterauer and Mr. Lindimore for their service and appreciates the time and commitment they gave to the community. Chairman Wetterauer displayed quality leadership during his two years as Council Chair. Mr. Highfield stated Mr. Lindimore provided superior customer service to the residents and was a true visionary leader by keeping the city's best interests at heart.

Mrs. Gonzales reminded everyone that leaf collection is still ongoing until December 22, 2007 and asked residents to place leaves in the easement and not in the gutter. Mrs. Gonzales asked Water Utility Manager Dick Lorenz to follow up on the water pressure in the Hampton Park Subdivision. Mrs. Gonzales reminded everyone about the upcoming weekend activities. Mrs. Gonzales thanked Chairman Wetterauer for his many years of service to the community and residents and stated it has been a pleasure to serve with him on Council. Mrs. Gonzales stated Mr. Lindimore leaves behind a legacy that everyone can be proud of and it has been an honor to serve with him as well.

Mrs. Cocuzzi announced the Ohio Parks and Recreation Association has announced the Westerville Parks and Recreation Department received programming awards: Youth Programming and Events-Honorable Mention for the Youth Marathon Fitness Challenge; Adult Programming and Events-Superior rating for the Business Fitness Solutions Operation Better Body; Senior Programming-Outstanding rating for the Grandparent's Day Celebration. Mrs. Cocuzzi discussed the reputation Westerville has and felt the leadership given by Mr. Lindimore resulted in the city's outstanding reputation. Mrs. Cocuzzi thanked Mr. Lindimore for his years of service. Mrs. Cocuzzi stated Chairman Wetterauer's leadership the last two years has been outstanding especially during the City Manager search. Mrs. Cocuzzi stated she appreciates Chairman Wetterauer's contributions to the community.

Mr. Heyeck stated the City has been blessed with exceptional leadership, past and present. Mr. Heyeck thanked Chairman Wetterauer and City Manager David Lindimore for their service.

Mayor Fosselman reminded everyone to bring canned goods to the Christmas Parade on Sunday. Mayor Fosselman stated she agrees with everything that has been said tonight. Mayor Fosselman stated the leadership, vision and partnerships has been outstanding. Mayor Fosselman thanked Chairman Wetterauer for his service to the community. Mayor Fosselman thanked City Manager Lindimore for the guidance over the years.

Mr. Lindimore stated he has been very fortunate with staff and City Council and it has been a great ride.

Chairman Wetterauer thanked everyone for making this evening memorable. Chairman Wetterauer stated he has been thankful for the opportunity to serve the City of Westerville and the citizens. Chairman Wetterauer discussed the many changes that have occurred in Westerville and how these changes have made Westerville an outstanding community. Chairman Wetterauer complimented staff for never making City Council look bad and for the quick response to citizen complaints. Chairman Wetterauer wished everyone a fruitful year and to assist the new City Manager. Chairman Wetterauer complimented Mr. Lindimore for a job well done.

20. **ADJOURNMENT.**

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

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

Nays: None

The motion carried.

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The meeting adjourned at 8:45 p.m.

Mary J. Johnston, MMC
Clerk of Council

Diane C. Fosselman
Chair of Council