

**MINUTES**  
**REGULAR SESSION**  
**WESTERVILLE CITY COUNCIL**  
*Council Chambers, January 16, 2007, 7:00 p.m.*

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session January 16, 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 Clerk of Council Mary Johnston present.

3. **INVOCATION**

The invocation was given by Mayor Diane Fosselman.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the January 2, 2007 Regular Meeting and January 2, 2007 Work Session were presented for approval.

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

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

Nays: None

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore reported on the Knox Street Utility Improvements project and stated the neighborhood meeting is scheduled next week.

7. **MAYOR'S REPORT**

Mayor Fosselman issued a Proclamation for National Clergy Week February 1, 2007 through February 10, 2007 and presented the Proclamation to Brenda Lantz of the Civitan Club.

8. **REPORT FROM THE FINANCE REVIEW/AUDIT COMMITTEE**

Mr. Winkel stated the Preliminary Year-End Interim Finance Report as of December 31, 2006 has been distributed and is on file in the Clerk of Council's office for inspection. Mr. Winkel stated revenues reflected an overall increase in 2006 over 2005 at a total rate of 5.2%. This was mostly due to growth in income tax and property tax collections. Other significant revenues of the General Fund remain flat for the year 2006 compared to 2005. The estate taxes for 2006 reflected a 50% decrease from 2005. The total expenditure costs were held to approximately 3% increase in 2006 over 2005. The General Fund Balance increased approximately \$160,000 over the course of this year. Staff is in the process of updating the 5 Year Plan projections with the final 2006 year end figures. Staff would like to revisit the 20 Year Capital Improvement Plan to include the list of projects not part of the current five year plan.

9. **CITIZENS COMMENTS**

Katrina Johnson and Jeff Hartnell of the Westerville Visitors and Convention Bureau invited City Council and the public to the Bureau's Annual Meeting scheduled on Wednesday, February 7, 2007 in the lower level of Everal Barn. The meeting is from 5:30 p.m. to 7:00 p.m.

Mark Stephens, Director of the Westerville South High School Orchestra, invited City Council and public to the Columbus Symphony Orchestra event at Westerville South High School on Sunday, January 21, 2007. The proceeds will benefit the Westerville South High School Orchestra program and upcoming trip to Austria in 2008. Westerville South High School Orchestra members Rebecca Bell and Siwoo Kim discussed the orchestra program and the upcoming concert on Sunday.

10. **LEGISLATION**

a) ***RESOLUTION NO. 07-03, "To Authorize the City Manager to File Application with the Ohio Department of Natural Resources for the Nature Works Program for the Hanby Park Pedestrian Gateway"*** was read.

Mike Hooper, Park Development Coordinator, stated this project is to extend the bikeway spur from South State Street to the Westerville Library per the Hanby Park Master Plan. This project includes an entrance plaza with a trellis and shade garden path between the Library and Masonic Temple. Staff will be leveraging the 2007 appropriated Library bikeway spur funds as the match for the grant. Therefore, no additional city funds will be required.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded for the adoption of Resolution No. 07-03.

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

Nays: None

The motion carried.

b) ***RESOLUTION NO. 07-04, "Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Tem to the County Auditor"*** was read.

Jack Winkel, Finance Director, stated the information on the Resolution was derived from the tax budget that Council adopted last July for the fiscal year 2007. The information is consistent with the five-year plan and is in line with all the approved levies by the voters of the City of Westerville.

Mr. Treneff moved, Mayor Fosselman seconded for the adoption of Resolution No. 07-04.

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

Nays: None

The motion carried.

c) ***ORDINANCE NO. 06-36(B), "To Provide for the Supplemental Appropriation of Funds from the Electric Fund to Cover Expenses for the Substation #3 Project"*** was read for the third time.

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Mrs. Gonzales moved, Mayor Fosselman seconded to postpone this Ordinance to date certain of February 6, 2007.

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

Nays: None

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

The motion carried.

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

Chairman Wetterauer set the Public Hearing for February 6, 2007.

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 second time.

Chairman Wetterauer set the Public Hearing for February 6, 2007.

f) ***ORDINANCE NO. 06-46, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a 110.00± tract of land from RR, Rural Residential to PND, Planned Neighborhood District and to Approve the Preliminary Development Plan and Development Standards Text for a College Equine Facility (Otterbein College) located on the east side of Spring Road, north of Heritage Middle School"*** was read for the first time.

Chairman Wetterauer set the Public Hearing for February 20, 2007.

Rich Kight, Planning Administrator, stated Otterbein College is proposing to relocate their Equine Facility to the Kilgore property located along North Spring Road. The property is roughly 110 acres and is zoned RR, Rural Residential. It is being requested that the PND zoning be assigned for the Equine Center due to the fact that it is a college use. The variety of uses on the site which include classrooms, a residence, an animal facility, and events arena make it difficult for it to fit in an RR district. The site was historically used as a dumping site for ammunitions during WWII and therefore has rendered the site difficult to redevelop due to the lasting environmental impact. The land was eventually donated to Otterbein College and Otterbein has been working with the EPA to address the site's environmental issues. After evaluating the site and its environmental condition, the college has decided to utilize the western two-thirds of the property as it has been the least impacted. The remaining eastern third of the property will be fenced off and not used at this time. When funding is made available, the college plans to address the remaining area of concern. The college is proposing five outdoor pastures, an outdoor arena for special events, an unpaved perimeter riding trail, a small cottage for a live-in care taker, multiple support structures and a large primary structure that will contain classrooms, horse stalls and other supporting amenities. Mr. Kight stated although there are several engineering and site issues that still need to be addressed, staff is supportive of the proposed use and is committed to working with the applicant in addressing these concerns. Staff recommends approval with the conditions outlined in the Ordinance.

Mr. Treneff commented on the environmental issues with this development and stated the Law Department did an excellent job of addressing every conceivable approach to disturbing the ground and protecting the residents.

Mrs. Gonzales stated she likes the concept but expressed concerns with the risks if something is discovered in the soil.

Chairman Wetterauer stated he would like more information on the water and sewer lines prior to the Second Reading.

**11. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO SOFTWARE MAINTENANCE AGREEMENTS WITH SUNGARD HTE, INC., ESRI, INC., ASAP SOFTWARE, NOVELL, INC., ARMADA GROUP, INC., AND A HARDWARE MAINTENANCE AGREEMENT WITH MOTOROLA, INC., AND TO WAIVE COMPETITIVE BIDDING REQUIREMENTS.**

Adam Maxwell, Risk and Procurement Administrator, stated this request is brought to Council annually and is to authorize the City Manager to enter into software maintenance agreements with various software providers and hardware maintenance agreements for hardware equipment and infrastructure. These agreements represent proprietary applications and maintenance can only be purchased from the vendors directly. Maintenance Agreement Costs: \$102,688.00-Sungard H.T.E, Inc., \$44,332.00-ESRI, Inc., \$65,800.00-ASAP Software (Microsoft), \$29,185.00-Novell, Inc., \$25,740.00-Armada Group, Inc., \$43,929.00-Motorola, Inc. Total costs are \$311,674.00.

Mr. Heyeck moved, Mrs. Gonzales seconded to authorize and direct the City Manager to enter into software maintenance agreements with Sungard HTE, Inc., ESRI, Inc., ASAP Software, Novell, Inc., Armada Group, Inc., and a hardware maintenance agreement with Motorola, Inc., and to waive competitive bidding requirements.

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

Nays: None

The motion carried.

**12. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO CONTINUE PARTICIPATION IN THE FRANKLIN COUNTY 800 MHZ PUBLIC SERVICE RADIO SYSTEM.**

Mr. Maxwell stated in the past, departments have been responsible for requesting purchase orders to meet their annual needs. Staff has bundled the entire organization's annual costs together for ease of purchase and invoicing administration. The aggregate organizational cost exceeds the threshold that staff can approve administratively and thus this request of Council. This contract renews with a 3% increased adjustment. The participation cost is based on a monthly per radio fee, with an additional factor for the number of different communication or talk groups that exist. There are over 300 radios in the city's inventory. Contract award amount: \$49,175.00.

Mayor Fosselman moved, Mr. Treneff seconded to authorize and direct the City Manager to continue participation in the Franklin County 800 MHz Public Service Radio System.

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

Nays: None

The motion carried.

**13. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO CONTINUE PARTICIPATION IN THE CITY OF COLUMBUS 800 MHZ PUBLIC SAFETY RADIO SYSTEM.**

Mr. Maxwell stated this contract renews with a 3% increased adjustment. The participation cost is based on a monthly per radio fee, with an additional factor for the number of difference communication or talk groups that exist. There are over 200 city public safety users. Contract award amount: \$28,425.00.

Mayor Fosselman moved, Mrs. Cocuzzi seconded to authorize and direct the City Manager to continue participation in the City of Columbus 800 MHz Public Safety Radio System.

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

Nays: None

The motion carried.

**14. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT WITH DORAY, LLC. FOR THE PROPERTY AT 584 NORTH STATE STREET.**

Julie Colley, Economic Development Coordinator, stated Dr. David Ray is in the process of acquiring the property at 584 North State Street in the North Westerville Office Park to construct a new 10,334 square foot building valued at approximately \$1.8 million. Ray Orthodontics currently employs nine (9) full-time and two (2) part-time people with plans upon relocation to expand the practice to include another doctor, 3-4 new assistants, and 1-2 new business office personnel. The increase in employees is expected to generate an additional \$442,000 in payroll or \$5,000 in income tax annually. The administration is recommending a 12 year, 100% property tax abatement on the improvements to the property, with a 50% payment in lieu of taxes (PILOT) be provided to the company. In the initial year of the exemption period, the 50% PILOT is estimated to be \$16,831.00, of which approximately \$11,109 will be distributed to the Westerville City School District; the remainder will be retained by the City to offset construction costs associated with Office Parkway. A Dr. Ray is relocating within the City of Westerville, the agreement requires the practice to generate new income tax to the City and bases the amount of the PILOT payment in years 3 through 12 on the percentage increase in income tax. In tax year 2005, the property yielded \$5,849.70 in property taxes – these taxes on the underlying property will not be abated.

Mr. Treneff appreciated the information presented on the benefit to the city but would like to see the actual cost of the abated property tax.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to enter into a Development and Incentive Agreement with Doray, LLC. for the property at 584 North State Street.

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

Nays: Chairman Wetterauer

The motion carried.

**15. ADDITIONAL BUSINESS**

Mr. Bailey discussed two liquor permit hearings for the Tirado's Bakery and Bope's Sunoco establishments scheduled on January 22, 2007 and stated he wanted City Council to be aware of the applications. Mr. Bailey stated it is his opinion and advice that the facts that are relevant are not sufficient to deny issuance of the liquor permits and will waive the hearings.

Mr. Heyeck stated he will agree with the recommendation and that the city monitor the facility to make sure there aren't any issues in the annual renewal process.

16. **COUNCIL COMMENTS**

Mayor Fosselman stated she liked the new bid forms being used by staff. Mayor Fosselman stated she appreciated the tax abatement information that was presented. Mayor Fosselman stated she appreciates the Westerville Civitan Club and the service they provide the community.

Mr. Heyeck stated he was unhappy with a recent article in the Columbus Dispatch regarding the use of Ice Ban on city streets and asked staff to address the article. Frank Wiseman, Public Service Director, explained the treatment process of city streets during snow removal.

Mrs. Cocuzzi congratulated the Martin Luther King Jr. Breakfast volunteers and organizers. Mrs. Cocuzzi invited everyone to participate in the Westerville Community Bowl-a-thon on February 10, 2007.

Mrs. Gonzales thanked the Planning Committee and Heritage Christian Church for the Martin Luther King Jr. Breakfast. Mrs. Gonzales reminded everyone of the Columbus Symphony concert at Westerville South High School on January 21, 2007. Mrs. Gonzales stated the Westerville Police Division is holding a Self Defense for Women class on February 17, 2007 and the Westerville Parks and Recreation Department has scheduled a Safe Escape session on March 26, 2007 at the Community Center.

Mr. Treneff requested crime statistics from the Westerville Police Division. Mr. Treneff discussed the Interim Financial Report as of December 31, 2006 and observed that operating expenses increased 3% which means the budgeting and money is being handled frugally by the administration. Mr. Treneff stated the Finance Review/Audit Committee is also considering how staff views fiscal policy.

Mr. Highfield asked staff to investigate frozen water on the street at the intersection of Polaris Parkway and Maxtown Road.

Chairman Wetterauer stated no meeting is scheduled for January 23, 2007 and a Work Session is scheduled for January 30, 2007.

14. **ADJOURNMENT**

Mr. Highfield moved, Mr. Heyeck seconded to adjourn.

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

Nays: None

The motion carried.

The meeting adjourned at 8:12 p.m.

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Mary J. Johnston, MMC  
Clerk of Council

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Damon E. Wetterauer, Jr.  
Chair of Council