

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, February 20, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session February 20, 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. Danny Lambert of First Baptist Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the February 6, 2007 Regular Meeting were presented for approval.

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

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

Nays: None

Abstention: Mr. Heyeck due to an excused absence

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore conducted the Oath of Office for firefighter Christopher McConnell. Frank Wiseman, Public Service Director, asked residents to clean the curb inlets on city streets to prevent flooding from melting snow or to contact the Public Service Department if assistance is needed to clear the snow.

7. **MAYOR'S REPORT**

Mayor Fosselman presented Certificates of Recognition to the MindStorm Troopers who recently won the coveted first place Directors Award at the FIRST Lego League State Tournament at Wright State University and will represent Ohio at the FLL World Tournament in Atlanta.

Mayor Fosselman encouraged residents to write letters to the Troops serving in the armed forces. There are collection boxes for the letters at City Hall, Fire Station on Main Street, Community Center and several senior housing facilities.

8. **REPORT FROM THE CENTRAL OHIO MUNICIPAL ALLIANCE REPRESENTATIVE**

Mr. Treneff stated there is nothing new to report in the new session of the General Assembly other than Eminent Domain. Leadership in both houses are going support a constitutional amendment to restrict home rule on Eminent Domain matters and amendments in a companion bill to the Eminent Domain statutes to make them more restrictive than the recent Ohio Supreme Court decision in the Norwood case. Mr. Treneff stated there is nothing new on the Local Government Fund situation and are waiting for the Governor's

budget which is due in March. Mr. Treneff stated COMA has changed lobbying groups and will now work with Government Advantage Group. Mr. Treneff stated COMA is planning a quarterly meeting and will announce the meeting date when determined.

9. **CITIZENS COMMENTS**

None.

10. **LEGISLATION**

a) ***RESOLUTION NO. 07-05, To Appoint City of Westerville Representatives to the Mid-Ohio Regional Planning Commission***” was presented.

Mr. Lindimore stated Mid Ohio Regional Planning Commission required these appointments be approved by City Council. A copy of this Resolution will be provided to MORPC showing the appointments were authorized by City Council.

Mr. Treneff moved, Mrs. Gonzales seconded for the adoption of Resolution No. 07-05.

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

Nays: None

The motion carried.

b) ***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.

Andy Boatright, Electric Utility Manager, stated this Ordinance is to appropriate funds for the Substation #3 project. With the substation construction bidding now complete, the costs for both the Substation #3 construction and the Substation #1 modifications should be firm and include a 10% contingency. The bald eagle situation may cause construction delays resulting in additional mobilization/demobilization costs for the project. The Construction Service costs and AEP-related costs are estimated: Construction Services, \$300,000; Substation #3 Construction, \$5,887,000; Substation #1 Modifications, \$370,000; and AEP Facilities Study Modifications, \$1,954,000. Total Estimated Cost of Project is \$8,511,000.

Mayor Fosselman requested staff keep Council up to date on the bald eagle situation.

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

Nays: None

Abstained: Mr. Heyeck due to a conflict of interest

The motion carried.

c) ***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 third time.

Rich Kight, Planning Administrator, stated there has been a change to the Ordinance since First Reading that dealt with the environmental issues on the tract and installation of the water and sewer lines. Council received the proposed changes prior to the meeting.

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

Speaking in Favor:

Janet Davis, Westerville Area Chamber of Commerce Executive Director, stated Westerville has a very unique opportunity to put the city on the map one more time. With this unique facility it will put the city on the map because there are very few urban equine science programs in the country. There are very few equine science programs with small liberal arts colleges in the country. This facility will bring visitors to the city and increase economic development. The college will have horse lessons which bring people into the community. From a parent perspective, this facility is very convenient for horse lessons and a joy to be able to see the horses on the paddock. The students in the Westerville Schools can partner with Otterbein College and get experience through an equine science program with college students. From an alumni perspective, it makes Otterbein alumni proud of the college and to know it continues to expand in the city is that much more supportive of the college.

Chris Warner, Assistant Superintendent of Westerville City Schools, stated the district is very receptive to the project and the programs available to the middle and high school students. The school district looks forward to the community partnership with Otterbein College that will mutually be beneficial to both schools.

Speaking in Opposition:

None

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

Mr. Treneff asked Mr. Bailey to explain the changes made to the Ordinance regarding environmental protection. Mr. Bailey explained the city has a moral obligation to make sure the property is safe for the persons who use the property but also adjoining properties. The city hired a special counsel to deal with the environmental issues who also worked with Otterbein's environmental counsel. What needed to be done was to have this property cleaned to the highest standard that exists by the Ohio EPA regulations. These regulations are spelled out in the Ordinance. Mr. Treneff stated this is a very creative use of a site that presented planning problems and is very happy Otterbein College can bring their program into the city. Mr. Treneff stated he appreciates the cooperation of the college with the community. Mr. Treneff stated he felt this development will enhance property values in the area. Mr. Treneff asked Otterbein College to keep in mind the residents were there first. Mr. Treneff stated he is comfortable with the plan. Mr. Treneff thanked Mr. Bailey and his staff for their work on the environmental issues.

Mayor Fosselman asked staff to review the utilities and sidewalks installation. Mr. Craven stated the Ordinance contains provisions pertaining to water line, sidewalk, drainage and sanitary sewer installation and extensions.

Mrs. Gonzales stated previously her concerns were how the environmental issues were going to be addressed. Mrs. Gonzales stated she is now very much in support of this application and feels very comfortable that Otterbein College will address those environmental concerns. Mrs. Gonzales stated she will be watching it very closely and urged the residents to contact her or City Council with any concerns.

Mrs. Cocuzzi commended Otterbein College for the creative use of this property and for embracing the neighbors prior to bringing this issue forward. Mrs. Cocuzzi stated she hopes the door is always open at Otterbein College for the cooperation and communication to continue and address any concerns that might develop.

Mr. Heyeck moved, Mayor Fosselman seconded for the adoption of Ordinance No. 06-46.

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

Nays: None

The motion carried.

d) ***ORDINANCE NO. 07-04, "To Provide for the Supplemental Appropriation of Funds for the Purpose of Acquiring Information Technology Computer Equipment, Related Professional Services and Other Related Appurtenances; To Authorize the City Manager to Enter into a Purchase Contract and Agreement without Formal Bidding and Advertising; and to Declare an Emergency"*** was read for the second time.

Todd Jackson, Information Systems Manager, stated detailed analysis of the network in Spring 2006 identified less than 36% of the network hardware would reach end of life and ineligible for maintenance/support as of January 2007 with an additional 30% reaching end of life or non-upgradeable by 2008. This purchase will complete the network backbone upgrade replacing old and end of life equipment located in every city facility. The objectives of the upgrade are to improve network security and redundancy, reduce single points of failure, and enable the city to adopt new technology as needed, while helping control maintenance and support costs. The plan calls for using existing equipment where possible, to leverage previous investment. Contract Award Amount: \$419,885.00.

Mayor Fosselman moved, Mrs. Gonzales seconded for the suspension of the rules for the required three readings.

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

Nays: None

The motion carried.

Mrs. Cocuzzi moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 07-04.

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

Nays: None

The motion carried

e) ***ORDINANCE NO. 07-05, "To Implement Recommendations of the Hillsdowne Secondary Access Study by Authorizing and Directing the City Manager to Enter into and Perform Real Estate Contracts to Provide for the Purchase of the Properties Known as 650 and 672 Hillsdowne Road, Westerville, and to Declare an Emergency"*** was read for the second time.

Julie Colley, Economic Development Director, stated the intent of the secondary access road is to enhance access and circulation to the South State Street businesses and the Concord Square Office Park as well as deter commercial cut-through traffic in the adjacent residential neighborhood. At this time, the City has the

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opportunity to acquire two properties on Hillsdowne, 650 and 672 Hillsdowne Road. The purchase of these properties will allow the city to proceed with maintaining and analyzing all options as the city moves through the public input, study and decision process. The city would enter into real estate contracts to purchase 650 and 672 Hillsdowne for the amount of \$167,900 and \$139,900 respectively. Should the purchase be approved and the properties acquired, the city will maintain and rent the properties.

Mrs. Gonzales moved, Mayor Fosselman seconded for the suspension of the rules for the required three readings.

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

Nays: None

The motion carried.

Mrs. Gonzales moved, Mayor Fosselman seconded for the adoption of Ordinance No. 07-05

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

Nays: None

The motion carried.

f) ***ORDINANCE NO. 07-06, "To Provide for the Supplemental Appropriation of Funds Necessary to Complete the Towers Park Improvements"*** was read for the second time.

Mike Hooper, Parks Development Coordinator, stated the Parks and Recreation Department had funds available at the close of business on December 31, 2006 to finish this project. Those appropriated funds were lost and this Ordinance would simply appropriate the necessary dollars to replace the lost appropriation and finish the project.

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

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

Nays: None

The motion carried.

Mrs. Cocuzzi moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 07-06.

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

Nays: None

The motion carried.

g) ***ORDINANCE NO. 07-07, "To Provide for the Re-Appropriation of Funds for the Completion of Otterbein Lake Phase I"*** was read for the second time.

Mr. Hooper stated the Otterbein Lake Phase I design component of the project is near completion and will soon be ready for bid. Funds for the project were appropriated in 2006. The 2006 balance of funds in the amount of \$130,000.00 is requested to be re-appropriated to complete Otterbein Lake Phase I Improvements. The fund balance will be used to secure a contract to complete the construction and any remaining related services that may be needed.

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

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

Nays: None

The motion carried.

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

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

Nays: None

The motion carried.

11. TO AWARD THE BID FOR THE NEW SUBSTATION #3 TO JESS HOWARD ELECTRIC COMPANY AS THE LOWEST AND BEST BIDDER SUBJECT TO THE ANTICIPATED TIME FOR COMPLETION BEING CLARIFIED TO THE SATISFACTION OF STAFF.

Mike Pope, Electrical Engineering Manager, stated seven bids were ultimately received at the official bid opening held on January 29, 2007. Staff recommends that the bid of Jess Howard Electric Company be accepted and awarded as the lowest and best bid. Throughout the bidding process, bidders were advised via addenda of the potential for delays, however, Jess Howard Electric Company identified their "anticipated time of completion" with a specific date, rather than indicating the number of days required to complete the project after issuance of the Notice to Proceed. The Law Department and staff are currently working to ensure that a true understanding exists with the contractor of the potential for project delays and are developing a workable project schedule with the contractor. Contract Award Amount: \$5,688,77.00 plus a 10% construction contingency of \$568,807.70 for a total of \$6,256,884.70.

Mrs. Gonzales moved, Mayor Fosselman seconded to award the bid for the new Substation #3 Project to Jess Howard Electric Company as the lowest and best bidder subject to the anticipated time for completion being clarified to the satisfaction of staff.

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

Nays: None

Abstained: Mr. Heyeck due to a conflict of interest

The motion carried.

12. TO AWARD BIDS FOR VEHICLES # CH-111, #P-115, #207, #218, #220, #407, #514, #702, #706, #707, #724 INCLUDING ALTERNATES 1-4, AND #782 AS LOWEST AND BEST BIDDERS AS RECOMMENDED BY STAFF; TO REJECT ALL BIDS FOR VEHICLES #11 THROUGH #17 AND TO AUTHORIZE THE PURCHASE OF VEHICLES #11, #12, #13, #14 AND #17 FROM 32 FORD LINCOLN MERCURY PURSUANT TO STATE OF OHIO COOPERATIVE PURCHASING CONTRACTS AND TO REJECT THE LOW BID FOR VEHICLE #502 FROM COUGHLIN AUTOMOTIVE AS NON-RESPONSIVE AND AWARD THE BID FOR VEHICLE #502 TO ED SCHMIDT AUTO GROUP AS LOWEST AND BEST BIDDER.

Mr. Wiseman stated the 2007 Fleet Vehicle package consists of 18 new vehicles with trade-ins. Ultimately 10 bids were received at the official bid opening on Monday, January 22, 2007. Pricing for alternate fuel and hybrid vehicles were requested. Although these prices are not advantageous to pursue at this time, staff will continue to monitor the vehicle market and evaluate the benefits associated with alternate fuel and hybrid options. Contract Award Amount: \$431,799.77

Mr. Heyeck moved, Mrs. Gonzales seconded to award bids for Vehicles #CH-111, #P-115, #207, #218, #220, #407, #514, #702, #706, #707, #724 including alternates 1-4, and #782 as lowest and best bidders as recommended by staff; To reject all bids for vehicles #11 through #17 and to authorize the purchase of vehicles #11, #12, #13, #14 and #17 from 32 Ford Lincoln Mercury pursuant to State of Ohio Cooperative Purchasing Contracts and to reject the low bid for vehicle #502 from Coughlin Automotive as non-responsive and award the bid for vehicle #502 to Ed Schmidt Auto Group as lowest and best bidder.

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

Nays: None

The motion carried.

13. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A FACILITIES AGREEMENT WITH AMERICAN ELECTRIC POWER SERVICE CORPORATION FOR THE SUBSTATION #3 PROJECT.

Mr. Boatright stated a facilities agreement between the city and American Electric Power is required to enable connection of the proposed Substation #3 to the AEP transmission system. The agreement provides the city with an estimate of reimbursements to AEP in the amount of \$1,954,200 for modifications required on the AEP transmission system to facilitate the Substation #3 interconnection. Payments by the city to AEP are to be made in five installments with the first payment of \$157,100 due at the time of agreement execution. AEP has indicated that this first payment amount represents their costs for engineering that are anticipated to occur in 2007. Staff has asked AEP to provide the city flexibility in the timing of follow-up payments considering possible delays due to the bald eagle situation.

Mr. Treneff moved, Mrs. Cocuzzi seconded to authorize and direct the City Manager to enter into a Facilities Agreement with American Electric Power Corporation for the Substation #3 Project.

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

Nays: None

Abstained: Mr. Heyeck due to a conflict of interest

The motion carried.

14. **TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO AN INTERCONNECTION AND LOCAL DELIVERY SERVICE AGREEMENT WITH AMERICAN ELECTRIC POWER SERVICE CORPORATION.**

Mr. Boatright stated the Federal Energy Regulatory Commission (FERC), who governs the operation of the PJM Regional Transmission Operator (RTO), of which American Electric Power is a participant, requires that each load serving entity, such as the city, execute an interconnection and local delivery service agreement with their respective transmission provider. This agreement defines tariffs and reimbursements; delivery points; delivery services; load, capacity, and obligations to the RTO; scope of facilities – their operation and maintenance; billing terms; taxes in aid of construction, indemnification, and effective dates.

Mr. Treneff moved, Mr. Highfield seconded to authorize and direct the City Manager to enter into an Interconnection and Local Delivery Service Agreement with American Electric Power Service Corporation.

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.

15. **TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE 50KVA PADMOUNT TRANSFORMERS FROM REED CITY POWERLINE SUPPLY COMPANY AND TO WAIVE COMPETITIVE BIDDING AND NOTICE REQUIREMENTS.**

Mr. Boatright stated quotations for 80 – 50kVA padmount transformers were solicited to a minimum of four padmount transformer vendors authorized to sell in Ohio. The quote with the best price and delivery time was provided by Reed City Powerline Supply Company in the amount of \$156,560.00 delivered in 18 to 20 weeks. Staff recommends adding a 15 percent metals escalation cost factor to cover the potential for metals cost increases that may occur from the time of placement of the order to the time of shipment. Contract Award Amount: \$156,560.00 plus 15% metals escalation of \$23,484.00 making a total of \$180,044.00.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to purchase 50kVA padmount transformers from Reed City Powerline Supply Company and to waive competitive bidding and notice requirements.

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

Nays: None

The motion carried.

16. **TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE 15KV UNDERGROUND CABLE FROM BROWNSTOWN ELECTRIC SUPPLY COMPANY AND TO WAIVE BIDDING AND NOTICE REQUIREMENTS.**

Mr. Boatright stated quotes for 26,000 feet of 15KV aluminum underground cable were solicited to several utility product vendors authorized to sell in Ohio. The lowest and best quote was received from Brownstown Electric Supply Company in the amount of \$47,840.00. Staff recommends adding a 10% metals escalation factor to cover the potential for metals cost increases that may occur from the time of placement of the order

to the time of shipment. Contract Award Amount: \$47,840.00 plus 15% metal escalation of \$4,784.00 making a total of \$52,624.00.

Mayor Fosselman moved, Mr. Treneff seconded to authorize and direct the City Manager to purchase 15KV underground cable from Brownstown Electric Supply Company and to waive bidding and notice requirements.

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

Nays:

The motion carried.

17. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO MODIFY THE EXISTING DEVELOPMENT AND INCENTIVE AGREEMENT WITH INLAND WESTERN WESTERVILLE CLEVELAND, LLC. FOR THE PROPERTY AT 505 CLEVELAND AVENUE.

Mrs. Colley stated a development and incentive agreement with Westar Five Zero Five LLC was entered into on April 9, 2004 for the development of a speculative building at 505 Cleveland Avenue. In September of 2004, the Administration sought Council's approval to modify the incentive agreement for the relocation of Mac Tools (Inland) to the project. The modification was intended to replicate the terms of the incentive provided to ABB; specifically a staggered Payment in Lieu of Taxes as well as the waiver of water capacity fees. The First Addendum, executed on November 10, 2004, however, inadvertently omitted the language necessary to authorize the City Manager to waive the fees. The incentive agreement was subsequently transferred and assigned to Inland Western Westerville Cleveland, LLC in January of 2005. This Second Addendum simply provides for authorization to waive 100% of the water capacity fee for a 3" line of \$45,950.00 and 100% of the fire prevention tap fee for a 6" line of \$81,400.00. This addendum does not alter or modify any other components of the incentive agreement and fulfills the City's stated obligation to the developer and company.

Mayor Fosselman moved, Mr. Treneff seconded to authorize and direct the City Manager to modify the existing Development and Incentive Agreement with Inland Western Westerville Cleveland, LLC. for the property at 505 Cleveland Avenue.

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

Nays: None

The motion carried.

18. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STEEL, PAPER & FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL & SERVICE WORKERS INTERNATIONAL UNION AFL-CIO-CLC, DISTRICT 1.

Ann Lund, Human Resource Coordinator, stated on January 17, 2007, the State Employee Labor Relations Board approved the petition filed by the United Steelworkers to include 2 new job classifications to the bargaining unit. This group represents eight employees assigned to the Community Center as maintenance and custodial staff. The Memorandum of Understanding is in effect from January 1, 2007 to September 30, 2009. The classifications to be included are Maintenance Custodian, formerly called Facilities Worker, and Maintenance Specialist, formerly called Facilities Maintenance Specialist.

Mrs. Gonzales moved, Mayor Fosselman seconded to authorize and direct the City Manager to enter into a Memorandum of Understanding with the United Steel, Paper, & Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union AFL-CIO-CLC, District 1.

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

Nays: None

The motion carried.

19. TO AUTHORIZE THE DIRECTOR OF FINANCE TO RECLASSIFY APPROPRIATED FUNDS IN THE AMOUNT OF \$33,918 FROM SERVICES AND CHARGES (7000) TO CAPITAL IMPROVEMENTS (8000).

Mr. Lindimore stated this authorization is to reclassify appropriated funds that were misclassified. These appropriated funds involved projects in the Parks and Recreation Department. The amount to be reclassified is \$33,918.

Mr. Treneff moved, Mrs. Cocuzzi seconded to authorize the Director of Finance to reclassify appropriated funds in the amount of \$33,918 from Services and Charges (7000) to Capital Improvements (8000).

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

Nays: None

The motion carried.

20. TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIRST EXTENSION AND MODIFICATION AGREEMENT WITH POLARIS AMPHITHEATER CONCERNS, INC. TO EXTEND THE TERM OF THE MARCH 1, 2005 SETTLEMENT AGREEMENT FOR AN ADDITIONAL TERM OF TWO (2) YEARS.

Mr. Heyeck moved, Mr. Highfield seconded to authorize the City Manager to enter into a first extension and modification agreement with Polaris Amphitheater Concerns, Inc. to extend the term of the March 1, 2005 settlement agreement for an additional term of two (2) years.

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

Nays: None

The motion carried.

21. ADDITIONAL BUSINESS

None

22. COUNCIL COMMENTS

Mr. Heyeck stated staff needs to collaborate with other communities regarding regional economic development and is pleased to see the communication between communities. Mr. Heyeck stated he would like the city to consider another income tax issue on the ballot and to begin the campaign process earlier. Mr. Heyeck explained the need for him to abstain from voting on AEP issues since he is an employee of AEP. Mr. Heyeck encouraged residents to attend the Westerville Area Chamber of Commerce's Election Academy being held on March 8, 22 and 29, 2007.

Mayor Fosselman announced the city has no plans for the Hillsdowne Secondary Access study. Mayor Fosselman thanked Jane for bringing in valentines addressed to the troops.

Mrs. Cocuzzi congratulated the MindStorm Troopers for their accomplishments. Mrs. Cocuzzi thanked everyone who participated in the Community Bowl-a-thon. Mrs. Cocuzzi thanked the Public Service Department and Parks and Recreation Department for a great job removing snow.

Mrs. Gonzales thanked the Public Service Department for the snow removal. Mrs. Gonzales also thanked Parks and Recreation Department employee Eric Dicke for finding basketball practice locations for local teams. Mrs. Gonzales thanked Mayor Fosselman, Mr. Heyeck and Mr. Treneff for finding a good City Manager search consultant.

Mr. Highfield stated the Public Service Department has used 1,000 tons of salt this year and thanked the Service Department for an outstanding job removing snow. Mr. Highfield congratulated the MindStorm Troopers. Mr. Highfield asked residents to remove their vehicles from city streets so city crews can remove snow from the streets.

Mr. Treneff wished SNP reporter Angie Schmidt good luck with her new position in Youngstown.

Chairman Wetterauer stated the April 3rd regular meeting is being moved to April 10th. Chairman Wetterauer stated Council is in the process of posting the City Manager position and appreciated Mr. Lindimore staying on to help with the transition.

17. ADJOURNMENT INTO WORK SESSION.

Mr. Highfield moved, Mrs. Cocuzzi seconded to adjourn into Work Session.

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

Nays: None

The motion carried.

The meeting adjourned at 8:48 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council