

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, February 6, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session February 6, 2007 with Council Members, Damon Wetterauer, Jr., Craig Treneff, Kathy Cocuzzi, Anne Gonzales, William Highfield, Diane Fosselman, City Manager G. David Lindimore and Staff, Law Director Bruce E. Bailey and Clerk of Council Mary Johnston present. Mike Heyeck was excused.

3. **INVOCATION**

The invocation was given by Brian Smith, Mission Services, Mt. Carmel/St. Ann's Hospital.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the January 16, 2007 Regular Meeting, January 16, 2007 Executive Session, January 30, 2007 Executive Session and January 30, 2007 Work Session were presented for approval.

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

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

Nays: None

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore swore in Westerville Firefighter Wesley Campbell. Mr. Lindimore stated there will be a change to Ordinance No. 06-46, Paragraph (E), regarding waterline installation at the equine facility.

7. **MAYOR'S REPORT**

Mayor Fosselman issued a Proclamation for National Engineers week February 18, 2007 through February 25, 2007 and presented the Proclamation to City Engineer Susan Banbury.

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

Mr. Treneff stated the Planning Commission held a meeting on January 24, 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 March)
- PC 2007-002; Conditional Use Approval for a wireless telecommunication facility in the R-1, Single-Family Residential District; located at 400 W. Main Street (behind Fire Department); Applicant: T-Mobile Central LLC (Dena Farmer). (Postponed to February)

Subdivision Reviews:

- PC 2006-023; 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. (Approved 7-0)

- PC 2007-001; Final Development Plan for a 10,334 square foot dental office building on 1.2 acres in the PO, Planned Office District; location: 584 N. State Street (North Westerville Office Park); Applicant: Scott Klingensmith for Ray Orthodontics. (Approved 7-0)

Miscellaneous:

- Amendments to Planning Commission Rules and Regulations, Re: Sign-in for Speakers. (Approved 7-0)
- Presentation of Planning Commission 2006 Annual Report.

Mr. Treneff stated the next Planning Commission meeting is scheduled for February 28, 2007.

9. **CITIZENS COMMENTS**

None.

10. **LEGISLATION**

a) ***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.

Mayor Fosselman moved, Mr. Highfield seconded to postpone this Ordinance to date certain of February 20, 2007.

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

Nays: None

The motion carried.

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

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

Karl Craven, Planning and Development Director, 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.

Speaking in Favor:

None

Speaking in Opposition:

None

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

Mrs. Cocuzzi moved, Mr. Treneff seconded for the adoption of Ordinance No. 07-02.

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

Nays: None

The motion carried.

c) ***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 third time.

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

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.

Speaking in Favor:

None

Speaking in Opposition:

None

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

Mr. Treneff moved, Mr. Highfield seconded for the adoption of Ordinance No. 07-03.

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

Nays: None

The motion carried.

d) ***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 second time.

Chairman Wetterauer stated the Public Hearing will be held on February 20, 2007.

e) ***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 first 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.

f) ***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 first 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 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.

Mayor Fosselman stated there is no plan to make any changes.

Mrs. Colley stated open houses and informational meetings will be held with residents and businesses.

g) ***ORDINANCE NO. 07-06, “To Provide for the Supplemental Appropriation of Funds Necessary to Complete the Towers Park Improvements”*** was read for the first 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.

h) ***ORDINANCE NO. 07-07, “To Provide for the Re-Appropriation of Funds for the Completion of Otterbein Lake Phase I”*** was read for the first 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.

Mayor Fosselman requested a timeline of the project.

11. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE MOTOROLA XTL5000 MOBILE RADIO AND CONSOLLETTE EQUIPMENT FROM B&C COMMUNICATIONS AND TO WAIVE COMPETITIVE BIDDING REQUIREMENTS.

Holly Wayt, Communications Manager, stated Delaware County public safety forces recently began operating on a digital 800 MHz frequency system which currently does not interface with the Columbus analog 800 MHz system. Monies have been requested for the Communication Division to provide for a solution to this issue. By replacing and adding specific radio equipment in Communications, the city can maintain interoperable communications with Delaware County for both Fire and Police responses as defined by mutual aid agreements. Contract Award Amount: \$24,184.98.

Mayor Fosselman moved, Mr. Treneff seconded to authorize and direct the City Manager to purchase Motorola XTL5000 Mobile Radio and Consollette Equipment from B&C Communications and to waive competitive bidding requirements.

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

Nays: None

The motion carried.

12. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT WITH NRI OFFICE VENTURES, LTD. FOR THE PROPERTY AT 999 COUNTY LINE ROAD WEST.

Mrs. Colley stated NRI Office Ventures is preparing to construct the twin building at 955 County Line Road West immediately to its west at 999 County Line Road West. Their central Ohio branch, currently located on Airport Drive in Columbus, has been searching for a location in order to accommodate the growth of the local office and address their logistical needs. The company currently employs 50 with projections to expand to 60-70 employees over the next five years. As the current average employee salary is \$85,000, the total payroll for this communication engineering firm is approximately \$4.25 million. The remaining space, at 1 employee per 300 square feet and at an average of \$40,000, is expected to generate another \$1.82 million annually. The building is anticipated to generate nearly \$76,000 or more in new income tax revenues on an annual basis. Staff is recommending the approval of a 15 year, 100% property tax exemption for NRI Office Ventures, with a 35% payment in lieu of taxes for the first 12 years and a 100% payment in lieu of taxes for years 13 through 15. The payment in lieu of taxes in the initial year of the exemption period is estimated around \$25,759. As the project is located in the Olentangy Local School District, the city will share income taxes such that the school district will receive at 50% of the property taxes it would have received if the improvements had not been abated as required by State law; this sharing is anticipated to initially be in the nature of \$26,000. Staff believes this project will benefit the city in several ways: 1) the city attracts an engineering firm with highly paid employees (\$53,125 in new income tax); 2) the twin building at 999 is constructed; and 3) the remainder of the space has the potential to generate an additional \$15,000 in new income tax for the city.

Mr. Treneff moved, Mrs. Gonzales seconded to authorize and direct the City Manager to enter into a Development and Incentive Agreement with NRI Office Ventures, Ltd. for the property at 999 County Line Road West.

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

Nays: None

The motion carried.

13. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT WITH HLZ PROPERTIES, LLC. FOR THE PROPERTY AT 420 WESTDALE DRIVE.

Mrs. Colley stated in order to accommodate its continued growth, the company is proposing to completely remodel the existing facility and construct a 3,000 square foot addition to the rear of the property. With this addition, the company plans to create approximately 10 new job opportunities over the next 5 years, adding an additional \$125,000 to \$200,000 in payroll per year. In order to retain the company in the City of Westerville and assist in its future growth, the administration is recommending a 12 year, 100% abatement with a 35% payment in lieu of taxes payment be approved for the improvement value as a result of the renovations and 3,000 square foot addition. Based on an improvement value of \$500,000, the payment in lieu of taxes payment is estimated at \$3,273 with \$3,086 of this distributed to the Westerville City School District. The addition of 10 new jobs is estimated to generate new income taxes in the amount of \$8,000.

Mrs. Gonzales moved, Mayor Fosselman seconded to authorize and direct the City Manager to enter into a Development and Incentive Agreement with HLZ Properties, LLC. for the property at 420 Westdale Drive.

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

Nays: None

The motion carried.

14. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO MODIFY THE EXISTING DEVELOPMENT AND INCENTIVE AGREEMENT WITH MT. CARMEL/ST. ANN'S HOSPITAL FOR THE PROPERTY AT 477 COOPER ROAD (MOB III).

Mrs. Colley stated a development and incentive agreement with Mr. Carmel St. Ann's Hospital was entered into on July 17, 2003. As the tax exemption period began in January of 2005 and the required site visits and payment in lieu of taxes payment were processed in 2006, the hospital voiced its concern about its ability to secure additional tenants to fill the remainder of MOB III (the building was less than 50% occupied in March of 2006). The hospital cited the competition offered by nearby office space with lower rents, some in part due to the abatements offered by the city. The hospital also indicated their desire to pursue future growth plans noting their desire to "spread the cost" of future road improvements over several buildings instead of the MOB III bearing the burden. The administration is recommending the modification of the existing agreement to decrease the payment in lieu of taxes percentage from the full 100% to 45%. The entirety of the 45% payment in lieu of taxes would continue to be distributed to the school district as previously agreed upon. For tax year 2005, this payment was \$100,852.89. The city will continue to receive the income tax from the new building, which for 2005, was approximately \$75,500.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to modify the existing Development and Incentive Agreement with Mt. Carmel St. Ann's Hospital for the property at 477 Cooper Road (MOB III).

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

Nays: None

The motion carried.

15. ADDITIONAL BUSINESS

None

16. COUNCIL COMMENTS

Mrs. Cocuzzi requested Police Chief Joe Morbitzer and Mr. Bailey to provide additional information on residency requirements for sexual predators, research existing ordinances and report to Council the pros and cons. Mrs. Cocuzzi stated the Community Bowl-a-thon is Saturday, February 10, 2007, at the Columbus Palace.

Mr. Highfield asked residents to move vehicles from city streets so city plows can clear streets. Mr. Highfield wished his wife a Happy 37th Anniversary.

Mrs. Gonzales thanked Police Chief Joe Morbitzer for the crime statistic information. Mrs. Gonzales thanked the Planning and Development staff for the Annual Planning Commission Report and the Purchasing Department for the Annual Purchasing Report. Mrs. Gonzales wished Mr. Heyeck a speedy recovery.

Mr. Treneff thanked Police Chief Morbitzer for providing crime statistic information and requested a graphic of patrol districts. Mr. Treneff requested a survey of current sexual predator residents in Westerville. Mr.

Treneck discussed a news article on income tax abatements and asked for clarification from Mrs. Colley. Mrs. Colley discussed the news article and distributed a creed that MODE abides by regarding regional economic development. Mrs. Colley stated the city's relationship with MODE is good with area businesses. Mr. Treneck stated he felt the Work Session on income tax abatements was very informative.

Mayor Fosselman wished Mr. Heyeck a speedy recovery.

Chairman Wetterauer asked motorists to not follow salt trucks too closely. Chairman Wetterauer asked residents to patient with city plows during the snow clearing and cleanup. Chairman Wetterauer discussed the news article regarding income tax abatements and hoped the City of Columbus understands that they need to be part of regional economic development.

17. **ADJOURNMENT**

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

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

Nays: None

The motion carried.

The meeting adjourned at 7:59 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council