

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, September 4, 2007, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session September 4, 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**

The invocation was given by Rev. Dan Mortinger of Outville Presbyterian Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the July 2, 2007 Regular Meeting, July 10, 2007 Executive Session, August 13, 2007 Executive Session and August 30, 2007 Executive 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 gave an update of Construction Projects:

- 2007 Street Rehabilitation – Soil stabilization is underway on Ottawa. Paving will follow. Local traffic is being maintained. The water main has been replaced on Hillsdowne. Water services will be transferred this week. The reconstruction of the street will follow. Local traffic is being maintained. The pedestrian island on County Line at Towers Park is under construction. The installation of the overhead warning signs and landscaping will follow later this year. The parking lot expansion at Towers Park is underway. Sealing of the existing lot and pavement striping will follow. Surface treatments and pavement repairs continue city-wide. All work is to be completed by November.
- 2007 Sidewalk Program – Sidewalk replacement is underway in the Annehurst Subdivision. All work is scheduled for completion by September.
- Annehurst Village Circuit 13 – This overhead pole replacement project is underway. The project is scheduled for completion in spring 2008.

Mayor Fosselman introduced Mr. Bell, representing Congressman Pat Tiberi, who presented an honorary certificate of appreciation to City Manager Lindimore who is retiring later this year.

Mayor Fosselman stated the City of Westerville received a certificate from Congressman Tiberi honoring the city of being named the 46th in Money Magazine's Great Places to Live.

7. MAYOR'S REPORT

Mr. Highfield presented a Proclamation honoring Grandparent's Day on September 16, 2007. Pat and Howard Freund from the Westerville Senior Center accepted the Proclamation.

Mrs. Gonzales presented a Proclamation naming September 2007 as National Save a Life Month. Fire Chief Bernie Ingles accepted the Proclamation.

Mayor Fosselman presented a Proclamation to the Westerville Sertoma Club naming September 8, 2007 as Westerville Sertoma Club Day. Westerville Sertoma Club President John Olivieri and District Governor Andi Stoughton accepted the Proclamation.

8. REPORT FROM THE PLANNING COMMISSION REPRESENTATIVE

Mr. Treneff stated the Planning Commission held their regular monthly meeting on July 25, 2007.

Public Hearings:

- PC 2004-38: 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 September).
- PC 2007-18: Conditional Use Permit for a wireless telecommunication facility in the PID, Planned Industrial District, located at 20 Collegeview Road; Applicant: Dena Farmer for T-Mobile. (Approved 7-0)
- PC 2007-19: Conditional Use Permit for the demolition of an existing single family home and the construction of a new single family home on 0.13 acres in the Olde Westerville Special Overlay District and in the R-2 Single-Family Residential District, located at 104 West Plum Street; Applicant: Thomas and Jeanne Augustus. (Approved 7-0)

The Planning Commission held their regular monthly meeting on August 22, 2007.

Public Hearings:

- PC 2007-20: Conditional Use Permit to allow an automotive storage /service facility on 4.31 acres in the PID, Planned Industrial District; located at 875 South State Street (formerly 84 Lumber); Applicant: Roush Honda. (Approved 7-0)
- PC 2007-21: Request for variance to Chapter 1171, Off Street Parking and Loading Facilities, of the Westerville Planning and Zoning Code, as provided in Section 1147.04(c)(1), to reduce the required number of parking spaces for a restaurant from 23 to 0, located at 1 South State Street in the UD, Uptown District; Applicant: John Roberson for the Uptown Market. (Approved 7-0)
- PC 2007-22: Rezoning of two parcels totaling 1.147 acres from RR, Rural Residential, To R-1, Single-Family, to accommodate a church use, located at 40 and 50 Moss Road; Applicant: City of Westerville Planning Commission. (Approved 7-0)
- PC 2007-23: Development Text and Rezoning of a 7.9-acre site from RR, Rural Residential, to PO Planned Office, for a previously approved electric substation located at 547 Executive Campus Drive; Applicant: City of Westerville Planning Commission. (Approved 7-0)
- PC 2007-24: Amendments to the City of Westerville Planning and Zoning Code Chapter 1171, Off Street Parking and Loading Facilities, to clarify maintenance requirements of driveways and parking areas; Applicant: City of Westerville Planning Commission. (Approved 7-0)

The next regular meeting of the Planning Commission is scheduled for September 26, 2007 at 6:30 p.m. in City Council Chambers.

9. CITIZENS COMMENTS

Randall Thompson, 1066 Lyndale Drive, stated a Petition from the residents on Lyndale Drive, North Lyndale and Elcliff Drive requesting the city to resurface in the spring/summer 2008 Lyndale Drive, North Lyndale and Elcliff Drive due to the deteriorated conditions of these streets was delivered to the Clerk of

Council on August 16, 2007 and is on file in the Clerk of Council's office. Mr. Thompson stated 100% of the residents in the area signed the Petition. Mr. Thompson stated these streets have not been resurfaced in over 20 years. Mr. Thompson stated he contacted the City Engineer's Office on June 5, 2007 and inquired about the possibility of getting Lyndale Drive, North Lyndale and Elcliff Drive resurfaced and curb repaired. Mr. Thompson stated he was told at that time none of those streets was on the five-year horizon for work that needed to be done. Mr. Thompson stated he felt that traffic has increased in this neighborhood in recent years due to new housing developments. Mr. Thompson discussed the current conditions of the streets and curbs.

Eddie Rowe, 560 B South Otterbein, stated he receives a monthly bill from the city's Electric Division but it does not show where the energy came from. Mr. Rowe stated he thought the city authorized a Nature's Energy Program on December 7, 2004. Mr. Rowe stated if he were to purchase greener energy under that program, his total purchase price for electricity would have gone up \$6.27 on last month's bill. Mr. Rowe asked how much longer will residents have to wait for a greener energy program to be implemented in the city.

John Wall, 979 Elcliff Drive, stated he would like to address the pavement situation on Lyndale, North Lyndale and Elcliff Drives. Mr. Wall stated he walks his dog in the street because of the uneven sidewalks in his neighborhood. Mr. Wall stated curb cuts are inadequate and that he has fallen twice out of his wheelchair from hitting the potholes. Mr. Wall stated he hopes Council will consider making the repairs to the streets and curbs.

Chairman Wetterauer requested staff give a report to City Council on how these streets fall into the selection category for replacement and repairs. Chairman Wetterauer asked Electric Utility Manager Andy Boatright to speak with Mr. Rowe on greener energy solutions in the city.

10. **LEGISLATION**

a) ***ORDINANCE NO. 07-22, "To Appropriate a 0.391-acre, more or less, Public Utility Easement and Lessor Estates, Owned by Diane C. Brown, located on Sunbury Road in the City of Westerville, County of Franklin, State of Ohio, and to Declare an Emergency"*** was read for the third time.

b) ***ORDINANCE NO. 07-23, "To Appropriate a 0.053-acre, more or less, Public Utility Easement and Lessor Estates, Owned by Diane C. Brown, located on Sunbury Road in the City of Westerville, County of Franklin, State of Ohio, and to Declare an Emergency"*** was read for the third time.

c) ***ORDINANCE NO. 07-24, "To Appropriate a 0.052-acre, more or less, Public Utility Easement and Lessor Estates, Owned by Paul E. Robinson, Jr. and Diane B. Robinson, located on Sunbury Road in the City of Westerville, County of Franklin, State of Ohio, and to Declare an Emergency"*** was read for the third time.

d) ***ORDINANCE NO. 07-25, "To Appropriate a 0.052-acre, more or less, Public Utility Easement and Lessor Estates, Owned by Etta K. Moor, located on Sunbury Road in the City of Westerville, County of Franklin, State of Ohio, and to Declare an Emergency"*** was read for the third time.

e) ***ORDINANCE NO. 07-26, "To Appropriate a 0.053-acre, more or less, Public Utility Easement and Lessor Estates, Owned by Paul and Maria Anna Cirolì, located on Sunbury Road in the City of Westerville, County of Franklin, State of Ohio, and to Declare an Emergency"*** was read for the third time.

Staff is requesting Ordinances No. 07-22, 07-23, 07-24, 07-25 and 07-26 be postponed to date certain of September 18, 2007 to allow for staff to share additional information with the property owners. Chairman Wetterauer asked staff to keep Council updated on the information shared with the property owners.

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Mr. Highfield moved, Mrs. Cocuzzi seconded to postpone Ordinances No. 07-22, 07-23, 07-24, 07-25 and 07-26 be postponed to date certain of September 18, 2007.

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

Nays: None

The motion carried.

f) ***ORDINANCE NO. 07-28, "To Provide for the Supplemental Appropriation of Funds Necessary for the Payment of Utility Cost"*** was read for the third time.

Jody Stowers, Parks and Recreation Director, stated this Ordinance is to appropriate an additional \$50,000 for natural gas utility services for the Westerville Community Center. Based on projections in 2006, the amount appropriated in the 2007 budget will be not cover utility costs due to price escalations. Staff will continue to monitor the utility cost closely and will have a more accurate year-end projection by the third reading in September.

Mr. Heyeck moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 07-28.

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

Nays: None

The motion carried.

g) ***ORDINANCE NO. 07-29, "To Vacate a Portion of a Watercourse Easement, of Record in Plat Book 61, Page 4, Recorder's Office, Franklin County, Ohio, on Lot 79 (323 Mainsail Drive) in McDot Farms Section 11, Phase 2b"*** was read for the second time.

h) ***ORDINANCE NO. 07-30, "To Provide for the Supplemental Appropriations of Funds and to Authorize and Direct the City Manager to Enter into and Perform a Real Estate Contract Providing for the Purchase of the Property located at 240 South State Street Known as the Westerville Armory and to Declare an Emergency"*** was read for the first time.

Mr. Bailey stated the city submitted a \$500,000 bid on July 18, 2007 for the purchase of the Westerville Armory (formerly used as the Ohio National Guard Armory) during a public auction conducted by the Ohio Department of Administrative Services. On July 23, 2007 Adjutant General's Office of the State of Ohio accepted the City of Westerville's bid in the amount of \$500,000 for the purchase of the Westerville Armory subject to the conditions in the Auction Bid Form and with closing to be within 60 days of the date of the public sale. Mr. Bailey gave a history of the Westerville Armory facility in the city. Staff is requesting suspension of the rules for the required three readings so the purchase of the Westerville Armory can proceed with the closing of the purchase.

Mrs. Gonzales moved, Mayor Fosselman seconded for the suspension of the rules requiring three readings of Ordinance No. 07-30.

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

Nays: None

The motion carried.

Mrs. Cocuzzi moved, Mr. Treneff seconded for the adoption of Ordinance No. 07-30.

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

Nays: None

The motion carried.

i) ***ORDINANCE NO. 07-31, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning Two Parcels Totaling 1.147 acres of Land Zoned RR, Rural Residential to R-1, Single Family Residential located at 40 and 50 Moss Road"*** was read for the first time.

Chairman Wetterauer set the Public Hearing for October 2, 2007.

Bassem Bitar, Planner, stated the subject site is owned by St. Paul the Apostle Catholic Church whose main campus is located across Moss Road to the south. The existing campus is zoned R-1, Single-Family Residential in which churches are permitted. In order to maintain consistent zoning for this use, the city has initiated this request for rezoning of the two RR parcels to R-1. It is expected that all parcels north of Moss Road will eventually be combined into one, and split zoning would not be desirable. For those reasons, the Planning Commission voted unanimously to recommend approval of the rezoning during its August 22, 2007 meeting. Staff will recommend to City Council that the parcels owned by the church and currently located in Genoa Township be zoned R-1 at the time of acceptance of the annexation.

Mr. Heyeck asked staff to consider changing Thompson Road to Westar Boulevard once Westar is developed in the future.

Mrs. Gonzales asked Mr. Bitar to provide City Council with a copy of St. Paul's master plan.

j) ***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 first time.

Chairman Wetterauer set the Public Hearing for October 2, 2007.

Mr. Bitar 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.

k) ***ORDINANCE NO. 07-33, "To Provide for the Dis-Appropriation of Funds for the Fiscal Year Ending December 31, 2007"*** was read for the first time.

Karl Craven, Planning and Development Director, stated this Ordinance would dis-appropriate \$2,268,000 in the Sewer Fund originally earmarked for the design and construction of the Central College Trunk Sanitary Sewer improvements for fiscal year 2007. Design and construction of the project has been delayed as staff continues to work through easement and construction impact issues with several of the property owners affected by the project. The delay means that only \$12,000 related to easement appraisal, negotiations and

acquisition may need to be encumbered before the end of this year. Staff is requesting suspension of the rules requiring three readings of this Ordinance.

Mayor Fosselman questioned the original estimate of the project and what the figures were based on at that time.

Mr. Highfield asked if the original plan was still a doable plan for the project and if the cost would be the same. Mr. Craven stated there has been no engineering done on the original plan.

Mr. Highfield moved, Mrs. Gonzales seconded to suspend the rules requiring three readings of Ordinance No. 07-33.

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

Nays: None

The motion carried to suspend the rules.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 07-33.

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

Nays: None

The motion carried. Ordinances No. 07-33 was adopted.

11. **ADDITIONAL BUSINESS**

None.

12. **COUNCIL COMMENTS**

Mayor Fosselman reminded everyone of the Westerville Sertoma Club Car Show on Saturday, September 8, 2007 in Heritage Park. Mayor Fosselman stated Cops N Kids Day would be Sunday, September 9, 2007 in the Hoff Woods Park from 10:30 a.m. to 3:30 p.m. Police Chief Joe Morbitzer highlighted the Cops N Kids Day event. Mayor Fosselman thanked the Westerville Firefighters for the Fill the Boot Campaign on Saturday, September 1, 2007 benefiting MDA.

Mr. Heyeck asked staff to consider changing the flashing traffic signal at South State Street and McDonald's entrance from 6:00 p.m. to 6:30 p.m. to due the congestion of traffic at that time of the day. Mr. Heyeck asked staff to place a sign at Westerville's entrances designating Westerville as the 46th Money Magazine Great Places to Live. Mr. Heyeck reminded motorists to obey school zone speed limits now that school is back in session.

Mrs. Gonzales questioned the status of the barn on Africa Road and asked for an update. Mrs. Gonzales reminded the community of the Hazard Waste Collection Day on Saturday, September 8, 2007 at the city's Service facility. Frank Wiseman, Service Director, gave an overview of the Hazard Waste Collection event. Mrs. Gonzales stated the city would be accepting applications for Board and Commission vacancies and encouraged residents to apply. Mrs. Gonzales congratulated Suite 59 Hair Design for 25 years of service in the community.

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Mrs. Cocuzzi asked how residents could replace damaged recycling bins. Mr. Wiseman stated residents could contact the Service Department to pick up a replacement bin. Mrs. Cocuzzi informed everyone about the countywide disaster drill-taking place on Thursday, September 6, 2007.

Mr. Treneff promoted the Council Work Session scheduled on September 11, 2007 and stated the city is facing an important issue dealing with the future of the city's Electric Division.

Mr. Highfield asked about the enforcement of parking in the Uptown District and wanted to know the number of spaces for businesses and the current number of spaces available. Mr. Highfield expressed his concerns with rental properties not providing adequate space for off street parking and parking spaces for the church immediately behind the municipal building being used by renters in the neighborhood. Mr. Highfield stated Cops N Kids Day is a wonderful program. Mr. Highfield stated the Westerville Sertoma Club Car Show is an outstanding event. Mr. Highfield stated this City Council has two major decisions that will affect the city for a long time.

Mr. Wetterauer asked staff to follow up with City Council on the conversations with the Lyndale Drive residents. Chairman Wetterauer gave an update on the City Manager search.

13. **ADJOURNMENT.**

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

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

Nays: None

The motion carried.

The meeting adjourned at 8:19 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council