

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, January 17, 2006, 7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session January 17, 2006 with Council Members, Craig Treneff, Damon Wetterauer, Jr., William Highfield, Michael Heyeck, Kathy Cocuzzi, Anne Gonzales, Diane Fosselman, City Manager G. David Lindimore and Staff and Law Director Bruce E. Bailey present.

3. **INVOCATION**

The invocation was given by Rev. Mark Gauen of First Presbyterian Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes for the January 3, 2006 Regular Meeting were presented for approval.

Mr. Treneff moved, Mayor Fosselman seconded to approve the Minutes as provided.

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

Nays: None

Abstained: Mrs. Gonzales

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore gave an update on Capital Improvements Projects:

- Miscellaneous Utilities Project – The West Broadway sanitary sewer replacement is underway and will be completed in March. The replacement of the Old Westerville sewer line is underway and is scheduled to be completed by March. Knox Street, between Walnut and Bishop, is closed to through traffic with access maintained for local residents. Total project completion is June 2006.

Mrs. Gonzales asked if Delaware County were current with their repayment of loans for the Maxtown Road project. Mr. Lindimore stated they were current with the repayment schedule.

7. **MAYOR'S REPORT**

Mayor Fosselman issued a Proclamation for Stroll for Epilepsy Day on January 28, 2006.

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

Mr. Winkel reviewed the Preliminary Year End Interim Financial Report as of December 31, 2005. A complete copy of this report is on file in the Clerk of Council's office and may be viewed during regular business hours.

9. **CITIZENS COMMENTS**

Mr. Stephen Slocum, 1165 Colony Drive, expressed his concerns with the lack of pedestrian sidewalks on Dempsey Road and with the reduction of public transportation provided by the Central Ohio Transit Agency.

10. **LEGISLATION**

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a) RESOLUTION NO. 06-02, "Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor".

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 2006. 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. 06-02.

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

Nays: None

The motion carried.

b) RESOLUTION NO. 06-03, "To Request the Franklin County Auditor to Draw and the Franklin County Treasurer to Pay a Draft to the Finance Director of the City of Westerville for any Money that may be in the Treasury to the Account of the City of Westerville".

Mr. Winkel stated this Resolution authorizes the Franklin County Auditor to draw funds and for the Treasurer of Franklin County to pay to the City of Westerville any money. Without approval of this Resolution, tax settlements would be limited to semi annual payments. The adoption of this Resolution increases the city's ability to earn investment earnings.

Mrs. Gonzales moved, Mr. Heyeck seconded for the adoption of Resolution No. 06-03.

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

Nays: None

The motion carried.

c) RESOLUTION NO. 06-04, "To Request the Delaware County Auditor to Draw and the Delaware County Treasurer to Pay a Draft to the Finance Director of the City of Westerville for any Money that may be in the Treasury to the Account of the City of Westerville".

Mr. Winkel stated this Resolution is the same as the previous Resolution except this requests the same from Delaware County officials.

Mr. Heyeck moved, Mrs. Gonzales seconded for the adoption of Resolution No. 06-04.

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

Nays: None

The motion carried.

d) ORDINANCE NO. 97-54, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a 100.00 acre Tract of Land from Office Institutional District (OI), Planned Industrial District (PID), and Multi-Family District (R-4), to Planned Office District (PO), Owned

by Kirk and Ackley Enterprises, Inc., located at Cooper Road and Cleveland Avenue” was read for the third time.

Mr. Bailey stated Kirk and Ackley Enterprises has agreed to an agreement which obligates the City not to initiate rezoning of the property without the property owner’s consent and the property owner agrees not to develop the property until it is rezoned and a development plan is approved. Mr. Bailey had initially requested Council authorize the City Manager to enter into the agreement with Kirk and Ackley Enterprises but the property owner was unable to sign the agreement due to health reasons. Therefore, Mr. Bailey is requesting Council to continue this Ordinance to date certain of February 7, 2006.

Mr. Heyeck moved, Mrs. Gonzales seconded to continue Ordinance No. 97-54 to date certain of February 7, 2006.

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

Nays: None

The motion carried.

e) ORDINANCE NO. 05-49, “An Ordinance Creating a Tax Increment Financing Area Encompassing Certain Parcels of Real Property, Declaring Improvements to those Parcels to be a Public Purpose, Exempting those Improvements from Taxation, 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, Describing the Public Infrastructure Improvements made, to be made or in the Process of being made by the City that Directly Benefit, or that once made will Directly Benefit those Parcels, Approving and Authorizing the Execution of Tax Increment Financing Agreements, and Declaring an Emergency” was read for the third time.

Mr. Lindimore stated this Ordinance establishes the ability for a TIF to be legislatively approved by Council at a later date on the property currently owned by Mr. Carmel/St. Ann’s Hospital. Mr. Lindimore stated this is a non-school TIF.

Mrs. Gonzales moved, Mr. Heyeck seconded for the adoption of Ordinance No. 05-49.

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

Nays: None

The motion carried.

Chairman Wetterauer requested a map showing all parcels instead of parcel numbers for all future TIF ordinances.

f) ORDINANCE NO. 05-53, “To Provide for the Advance and the Transfer of Funds, and the Appropriation of Funds for the Purpose of Paying the Costs of Engineering and Related Services for the Africa Road Improvements” was read for the third time.

Susan Banbury, City Engineer, stated this Ordinance is to provide funding to complete engineering for improvements on Africa Road between Polaris Parkway and northern corporation line.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 05-53.

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

Nays: None

The motion carried.

11. APPEAL OF BOARD OF ZONING APPEAL'S DECISION IN CASE NO. BZA 2005-14 (220 CAVENWAY PLACE).

Jeff Buehler, Planner reviewed the applicant and site of Case No. BZA 2005-14 (220 Cavenway Place). This application is for a variance to the setback requirements for a garage/screened porch addition. Mr. Buehler stated concerns expressed by the Planning Commission were the amount of total setback and what kind of precedent it would set in the neighborhood.

Speaking in Favor:

Nick Cavalieri, 220 Cavenway Place, discussed his reason for the appeal on BZA's decision. Mr. Cavalieri stated the applicant has submitted a detailed and sound plan prepared by an architect and city planner who worked with staff to design an acceptable plan that was approved by staff. Mr. Cavalieri stated no objections were received from adjacent property owners.

Speaking in Opposition:

None

Mr. Heyeck stated he is not concerned with the issue setting precedent but thought that allowances were made with cul-de-sac properties in the past.

Mr. Treneff stated he felt the appeal was justified because of the tie vote from Board of Zoning Appeal and staff's recommendation of the application.

Mr. Heyeck moved, Mr. Treneff seconded to overturn Board of Zoning Appeal's decision in Case No. 2005-14.

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

Nays: None

The motion carried.

12. TO CONSIDER APPEAL OF PLANNING COMMISSION'S DECISION IN CASE NO. 2005-036 (90 NORTH STATE STREET).

Mr. Heyeck moved, Mrs. Gonzales seconded to consider appeal of Planning Commission's decision in Case No. 2005-036 (90 North State Street).

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

Nays: Chairman Wetterauer

The motion carried. The appeal will be heard at the February 7, 2006 meeting.

13. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO SOFTWARE MAINTENANCE AGREEMENTS WITH SUNGARD HTE, INC., ESRI, INC., MOTOROLA INC., AND ASAP SOFTWARE AND TO WAIVE COMPETITIVE BIDDING REQUIREMENTS.

Adam Maxwell, Risk and Procurement Coordinator, 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. The aggregation of these agreements pushes the costs over the threshold that staff can authorize administratively and thus, the proposed request for Council authorization for the City Manager to enter into these agreements. A breakdown of each maintenance agreement follows: Sungard H.T.E., Inc - \$97,713; ESRI, Inc. - \$41,065; Motorola, Inc. - \$42,628; and ASAP Software - \$65,800. Total maintenance agreement costs are \$247,206.

Mrs. Gonzales requested the budgeted amount be placed on all bid authorizations.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to enter into software maintenance agreements with Sungard HTE, Inc., ESRI, Inc., Motorola, Inc., and ASAP Software and to waive competitive bidding requirements.

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

Nays: None

The motion carried.

14. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF COLUMBUS FOR THE WORTHINGTON ROAD IMPROVEMENTS.

Mrs. Banbury stated staff is requesting authorization to enter into an agreement with the City of Columbus for engineering and construction services associated with improvements on Worthington Road. Improvements include widening Worthington Road to three lanes, addition of left turn lanes and a traffic signal at Lazelle Road, bikeway located along the east side of Worthington Road and street lighting improvements.

Mr. Heyeck expressed his concerns with the improvements at Lazelle Road and under I-71 Bridge. Mr. Heyeck asked staff to keep in touch with the City of Columbus on their plans.

Mr. Heyeck moved, Mrs. Gonzales seconded to authorize and direct the City Manager to enter into a cooperative agreement with the City of Columbus for the Worthington Road Improvements.

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

Nays: None

The motion carried.

15. ADDITIONAL BUSINESS

None

16. COUNCIL COMMENTS

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Mayor Fosselman reminded residents that trash collection have changed (Monday is yard waste pickup and Tuesday is trash and recycling pickup). Mayor Fosselman reminded everyone of the Stroll for Epilepsy on January 28, 2006 at 10:00 a.m. Mayor Fosselman stated SB 82 (Residency Requirements) is being considered by state legislators and this piece of legislation is another attempt of eroding home rule. Mayor Fosselman requested the Law Department to make recommendations on how to turn this trend around.

Mr. Heyeck asked if closing Otterbein Avenue at County Line Road and extending Old County Line Road to Otterbein Avenue so motorists could exit onto County Line Road at McCorkle Boulevard was an opportunity. Mr. Heyeck discussed the COTA issues and cutback of express routes. Mr. Heyeck stated the cutbacks were due to lack of rider ship.

Mrs. Gonzales asked Police Chief Joe Morbitzer to provide statistics on crime in Westerville. Mrs. Gonzales reminded everyone of the Fit Quest Celebration on January 29, 2006 at the Community Center. Mrs. Gonzales welcomed SNP News Reporter Angie Schmitt. Mrs. Gonzales stated free child seat inspections are held on Wednesdays of each week at the Fire Station on West Main Street.

Mrs. Cocuzzi congratulated Pastor Jim Zippay of Heritage Christian Church for a wonderful Martin Luther King, Jr. Breakfast. Mrs. Cocuzzi congratulated Employee of the Year Ralph Kitzmiller. Mrs. Cocuzzi stated she was glad to see the trash pickup went smoother this week.

Mr. Treneff stated he felt the city should take a look at pedestrian access on Dempsey Road. Mr. Treneff commended Pastor Zippay and Pastor Bell for the Martin Luther King, Jr. Breakfast and thanked the parishioners who assisted with the event. Mr. Treneff welcomed news reporter Angie Schmitt.

Mr. Highfield welcomed Angie Schmitt. Mr. Highfield stated he would like staff to look at sidewalks on Dempsey Road. Mr. Highfield stated the roadway is starting to wash out at Broadway and Main Streets. Mr. Highfield stated he appreciated all of staff's work over the holidays.

Chairman Wetterauer asked a letter be sent to State Representative Larry Flowers expressing concerns of SB 82 and the effect on home rule. Chairman Wetterauer extended his prayers to Karl Craven's family on the recent passing of his father. Chairman Wetterauer thanked the local area ministers for giving the invocation at City Council meetings.

17. ADJOURNMENT

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

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

Nays: None

The motion carried.

The meeting adjourned at 8:04 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council

