

**MINUTES**  
**REGULAR SESSION**  
**WESTERVILLE CITY COUNCIL**  
*Council Chambers, February 21, 2006, 7:00 p.m.*

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session February 21, 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 Pastor Stan Ling of the Church of the Messiah.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes for the February 3, 2006 Regular Meeting and February 14, 2006 Executive Session were presented for approval.

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

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

Nays: None

Abstained: Mr. Heyeck on February 14, 2006 Meeting Minutes

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore gave an update on Capital Improvements Projects:

- West Broadway Improvements – All utility installation completed. Roadway repair over the trenches will be completed in late March, early April, weather permitting.
- Old Westerville Trunk Sewer – Sewer installation is 60% complete and on schedule for a March finish. Knox Street, between Walnut and Bishop, continues to be closed to through traffic with access maintained for local residents. All work to be completed by June.

7. **MAYOR'S REPORT**

Mayor Fosselman presented Certificates of Recognition to the Future City students who competed in the statewide Future City competition. These students were from Genoa Middle School, Blendon Middle School, Walnut Spring Middle School and Heritage Middle School. Walnut Spring Middle School placed third in the competition and Genoa Middle School placed fifth.

Mayor Fosselman issued a Proclamation for National Engineer's Week February 19 through February 25, 2006.

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

Mr. Treneff updated the Council on the activities of the Central Ohio Municipal Alliance. Mr. Treneff stated the Alliance is keeping a close watch on certain legislation being considered by state legislators and will keep

Council informed of any changes or new legislation. The Alliance will be hosting their quarterly luncheon in March.

9. **CITIZENS COMMENTS**

None

10. **LEGISLATION**

a) ***ORDINANCE NO. 06-01, "To Grant Consent to the Assignment of a Cable Franchise Agreement from Wide Open West Ohio, LLC to Racecar Acquisition, LLC"*** was read for the second time.

b) ***ORDINANCE NO. 06-02, "To Change the Street Name of a Portion of Hanawalt Road to County Line Road West"*** was read for the second time.

c) ***ORDINANCE NO. 06-04, "To Acknowledge Donations and to Provide for the Appropriation of Funds for the Costs of Construction and Related Services for the Otterbein Lake Phase I Improvements"*** was read for the second time.

d) ***ORDINANCE NO. 06-05, "An Ordinance to Authorize and Direct the Municipality to Execute a Mutual Aid Agreement with Interstate and Intrastate Participating Municipalities with Municipal Electric Systems, in order to be able to Receive and Provide Mutual Assistance during Times of Emergencies Through the Interchange and Use of Personnel and Equipment"*** was read for the first time.

Andy Boatright, Electric Utility Manager, stated the Electric Division currently participates in a mutual aid program comprised of 79 AMP-Ohio member communities. AMP-Ohio legal counsel has prepared a new mutual aid agreement to not only provide for interstate mutual aid assistance to the non-Ohio member communities, but also to eliminate the need for having the giving and receiving parties enter into a separate agreement; to maintain existing policies and procedures, including rates for mutual aid; and to maintain AMP-Ohio's role as facilitator or coordinator of the program. City Council authorization of this Ordinance does not imply that Westerville will ever be unduly subjected to providing service any further distance away or for any longer time duration than what is currently the practice. As with any mutual aid request for assistance, staff has full control over how and when the City's resources are allocated. The mutual aid agreement currently in place was adopted by City Council in 1985 and has been proved to be successful.

Mr. Treneff questioned the parameters of sector on the participants.

Mrs. Gonzales requested clarification on hotel expenses and liability to the city.

11. **TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT WITH STEPHEN R. MALIK FOR THE PROPERTY LOCATED AT 180 COMMERCE PARK DRIVE.**

Julie Colley, Economic Development Coordinator, stated a development and incentive agreement for the above location was passed by City Council in November 2003. The project was initially for two buildings containing 3,750 square feet each. During construction of the first building, Stephen Malik decided to purchase the building and relocate his dentistry practice, Westerville Dental Health, to this location. In order to accommodate the practice, the first building was expanded from 3,750 square feet to 5,500 square feet and the second building was eliminated. The resulting single, 5,500 square foot building has a value in the nature of \$700,000. Applying the existing 12 year, 50% net abatement to the building as recommended by the administration results in an approximate payment in lieu of taxes to the City of \$6,899 and a net abatement to Dr. Malik of \$6,899. The Westerville School District will receive 33% of the abatement value or approximately \$4,544. As before, the additional 15% PILOP payment will be used to offset the cost of Office Parkway construction. As Dr. Malik relocated from within Westerville, the agreement requires an increase in payroll of 35% in order to maintain the 50% net abatement; the 2005 payroll withholding of \$3,450 will be

the baseline. Dr. Malik's practice, which currently occupies 3,000 square feet, employs eight full time people with plans to add one full time and three part time people over the next several years. The remaining 2,500 square feet of office space is projected to employ seven to eight people with an average salary of \$30,000 to \$35,000. If these levels are met, the 50% abatement will be sustained, bringing an additional \$4,600 payroll withholding to the city by year four.

Mr. Treneff moved, Mrs. Gonzales seconded to authorize and direct the City Manager to enter into a Development and Incentive Agreement with Stephen R. Malik for the property located at 180 Commerce Park Drive.

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

Nays: None

The motion carried.

**12. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AND INCENTIVE AGREEMENT WITH KATELYNN COMPANY, LLC. AND CORBIN STREET INVESTMENTS, LLC. (D/B/A THOMAS W. RUFF COMPANY) FOR THE PROPERTY AT 455 EXECUTIVE CAMPUS DRIVE.**

Chairman Wetterauer stated staff has requested this motion be postponed to the March 7, 2006 Council meeting.

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

Adam Maxwell, Risk and Procurement Coordinator, stated this program represents the City's participation in the Franklin County 800 MHz radio system. The bulk of participation represents police and fire use for public safety communication. However, field personnel such as Planning and Development, Electric Division, Water, Parks and Recreation, and Service Department staff rely on the program as well. This contract renews automatically each year with a 3% increase 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. The rates established for 2006 is \$9.05 per radio per month. There are over 300 radios in the City's inventory. Contract Award Amount: \$48,011.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded to authorize and direct the City Manager to continue participation in the Franklin County 800 MHz Public Service Radio System.

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 CONTINUE PARTICIPATION IN THE CITY OF COLUMBUS 800 MHz PUBLIC SERVICE RADIO PROGRAM.**

Mr. Maxwell stated this represents the City's participation in the City of Columbus 800 MHz radio system. Specifically, the City's police and fire services use this program for public safety communication. This contract renews automatically each year for a three year term 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

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communication or talk groups that exist. The rate established for 2006 is \$11.08 per radio per month. There are over 200 City public safety users. Contract Award Amount: \$27,510.

Mr. Heyeck moved, Mrs. Gonzales seconded to authorize and direct the City Manager to continue participation in the City of Columbus 800 MHz Public Service Radio Program.

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**

Mr. Highfield stated Disaster Preparedness will be held on Saturday, March 11, 2006 from 9:00 a.m. to 12:00 Noon in City Council Chambers. Mr. Highfield stated he had a little hesitation on the radio contracts and did not agree with this agreement when it was initially approved. Mr. Highfield stated the frequency has been a problem in the past and felt this agreement is not the best for the city's safety forces.

Mr. Treneff requested crime statistics for the Cleveland Avenue and Main Street area especially for the shopping center located on the southeast corner of the intersection.

Mrs. Cocuzzi thanked the Westerville Area Chamber of Commerce and Westerville City Schools for inviting her to participate in the Principal for a Day and also thanked Walnut Springs Middle School Principle Matt Luetz and staff. Mrs. Cocuzzi thanked Parks and Recreation Director Jody Stowers and staff for allowing her to participate in the Ohio Parks and Recreation Association convention in Toledo. Mrs. Cocuzzi thanked the Westerville Police Division for providing escort service and honor guard at the funeral of Marine Jake Spann. Mrs. Cocuzzi thanked fellow Council members for participating in the Community Bowl-a-thon.

Mrs. Gonzales thanked the Westerville Area Chamber of Commerce and the Education Foundation for the Community Bowl-a-thon. Mrs. Gonzales stated Safe Escape will be held on March 27, 2006 at the Community Center.

Mr. Heyeck discussed the Westerville City School system and stated he is pleased with the school district academically. Mr. Heyeck discussed the cuts to the school's budget. Mr. Heyeck explained the upcoming school levy that will appear on May's ballot.

Mayor Fosselman congratulated the Westerville Warcat Hockey Team who won the Blue Jacket Cup this weekend. Mayor Fosselman reminded the community that the first Wednesday of the month is the Red Cross Donor Center from 1:00 p.m. to 7:00 p.m. at the Community Center. Mayor Fosselman stated A Dog Afternoon will be held at the Dog Park on February 26, 2006 from 2:00 p.m. to 4:00 p.m.

Chairman Wetterauer stated he is the proud parent of three students who graduated from Westerville City Schools. Chairman Wetterauer discussed the negativity of the upcoming school levy and the importance of what the school system has produced.

**17. ADJOURNMENT**

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

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

Nays: None

The motion carried.

The meeting adjourned into a Work Session at 7:39 p.m.

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Mary J. Johnston, MMC  
Clerk of Council

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Damon E. Wetterauer, Jr.  
Chair of Council