

**MINUTES**  
**REGULAR SESSION**  
**WESTERVILLE CITY COUNCIL**  
*Council Chambers, April 18, 2006, 7:00 p.m.*

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session April 18, 2006 with Council Members, Damon Wetterauer, Jr., Michael Heyeck, Craig Treneff, William Highfield, 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. Rick Negley of Northside Fellowship Presbyterian Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **CITY MANAGER'S REPORT**

Mr. Lindimore gave a Capital Improvement Update:

- 2005 Sidewalk Maintenance Program – Sidewalk reconstruction and restoration continues in the Annehurst Subdivision. This program is scheduled for completion by the end of April.
- Parkview Avenue Reconstruction – The brick reconstruction of Parkview Avenue between Knox and Russell Streets has begun. This section of Parkview will be closed to through traffic for the duration of the construction. This work is being completed by Service Department staff. This project is scheduled for completion by October.
- Polaris/Henderson Intersection – Construction is ongoing at this intersection which includes the installation of a traffic signal. Lane restrictions are in place on Polaris Parkway. This work is scheduled for completion in May.

7. **MAYOR'S REPORT**

Mr. Highfield presented a Proclamation for Service Day on May 6, 2006 to Leadership Westerville Executive Director Kristi Robbins.

Mrs. Cocuzzi presented a Proclamation for Arbor Day on April 26, 2006 to Shade Tree Commission Member Bill Bausher for Arbor Day.

Mr. Heyeck presented a Proclamation for ALS Awareness Month in May 2006 to Leslie Resa.

Mrs. Gonzales presented a Proclamation for Municipal Clerk Week April 29 through May 6, 2006 to Clerk of Council Mary Johnston.

Mayor Fosselman presented a Proclamation for National Volunteer Week to Westerville Parks Foundation member Candy Canzoneri and Deputy Police Chief Del Robeson.

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

Jack Winkel, Finance Director, reported on the Interim Financial Report as of March 31, 2006. A complete copy of this report is on file in the Clerk of Council's office and can be viewed during regular business hours.

9. **CITIZENS COMMENTS**

Tom Augustus, 100 W. Plum Street, expressed his concerns with the parking spaces on South State Street in front of the CVS Pharmacy building. Mr. Augustus stated it is difficult for residents to exit Plum Avenue

onto State Street due to the traffic backing up from the intersection of State Street and Walnut Street and would like the city to consider removing the parking spaces to help with the traffic back-ups.

Chris Carlisle, 40 W. Broadway Avenue, expressed his concerns with water and sewer repairs along with the curb repairs on West Broadway Avenue. Mr. Carlisle stated the improvements/workmanship were done poorly and believes the city and residents were done an injustice by the lack of caring by the contractor. Mr. Carlisle stated he hopes the city can rectify the situation.

Mike Barr, 37 W. Broadway Avenue, expressed his concerns with the improvements made to West Broadway Avenue. Mr. Barr stated the contractor did a good job keeping the street open during construction but felt the construction of the curbs was not up to standard. Mrs. Barr stated there was substantial damage done to the curbs during sidewalk replacement. Mr. Barr stated some of the curbs will disappear when asphalt is laid and the drains will be half covered causing drainage problems. Mr. Barr stated communication between the city, residents and the contractor needs to occur to correct the problem with the curbs.

Rebekah Carlisle, 40 W. Broadway Avenue, read a letter from Belinda Mortensen of 15 W. Broadway Avenue. In the letter, Mrs. Mortensen expressed her displeasure with the construction of the curbs in front of her residence. Mrs. Mortensen stated in the letter she was shocked to see the damage that occurred to the sandstone curbs as a result of the construction. Mrs. Mortensen also expressed concerns with the level of West Broadway Avenue and the water run off which end up in the alley between her home and 27 W. Broadway Avenue. Mrs. Mortensen stated in the letter she hopes the city takes a serious look at the work done and to agree that the work done to date is not acceptable and needs to be fixed.

Chairman Wetterauer requested a report from the Planning and Development Department in response to these concerns expressed by the West Broadway Avenue residents.

#### **10. LEGISLATION**

a) ***RESOLUTION NO. 06-07, "To Declare the Necessity of an Election on August 8, 2006, of the Question of Approving the Passage of an Ordinance to Enact Section 191.023 of the Codified Ordinances of the City to Provide for an Additional Three-Fourths Percent (0.75%) Levy on Income, Seventy-Five Percent (75.00%) of which shall be used for the Purpose of General Municipal Operations, including the Daily Operations of the Police Division, Street Repairs, Maintenance, and New Equipment and Twenty-Five Percent (25.00%) of which shall be used exclusively for Capital Improvements and Payment of Debt Service on Debt Incurred for Capital Improvements and to Amend Section 191.16 with Respect to the Credit for Individual Resident Taxpayer*** was read for the first time.

Mr. Lindimore stated this Resolution is to declare a Special Election on August 8, 2006 for the voters to approve an increase in the city's income tax rate. Chairman Wetterauer stated this Resolution will be presented at three council meetings and voted on at the May 16, 2006 meeting.

Mr. Heyeck stated he would like to strike the statement "including the daily operations of the Police Division, Street Repairs, Maintenance, and new equipment" from the Resolution. Mr. Heyeck stated he felt there shouldn't be any delineation of future projects.

Mrs. Gonzales stated she agrees with Mr. Heyeck's suggestion on the wording changes to the Resolution.

Mr. Heyeck stated he would like a list of what is included as capital and felt the city was too low on the capital figure. Mr. Winkel stated he will provide that information to Council.

Chairman Wetterauer cautioned Council on increasing the capital figure and the effective on future capital improvement projects.

b) **ORDINANCE NO. 06-10, "To Authorize and Direct the City Manager to Execute One or More Long Term Power Purchase Schedules and Declaring an Emergency"** was read for the third time.

Staff has requested this Ordinance be postponed to date certain of May 2, 2006.

Mr. Highfield moved, Mrs. Gonzales seconded for the postponement of Ordinance No. 06-10 to date certain of May 2, 2006.

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

Nays: None

Abstention: Mr. Heyeck due to a conflict of interest.

The motion carried.

c) **ORDINANCE NO. 06-12, "To Amend Section 539.03, Notice to Cut Grass or Weeds, of the Westerville Codified Ordinances"** was read for the third time.

Staff is requesting this Ordinance be postponed to date certain of May 2, 2006.

Mr. Highfield moved, Mrs. Gonzales seconded for the postponement of Ordinance No. 06-12 to date certain of May 2, 2006.

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

Nays: None

The motion carried.

d) **ORDINANCE NO. 06-13, "To Enact Section 191.023 of the Codified Ordinances of the City of Westerville to Provide an Additional Three-Fourths Percent (0.75%) Levy on Income Commencing on January 1, 2007, Seventy-Five Percent (75.00%) of which shall be used for the Purpose of General Municipal Operations, Including the Daily Operations of the Police Division, Street Repairs, Maintenance, and New Equipment and Twenty-Five Percent (25.00%) of which shall be used exclusively for Capital Improvements and Payment of Debt Service on Debt Incurred for Capital Improvements and to Amend Section 191.16 with Respect to the Credit for Individual Resident Taxpayers and to Declare an Emergency"** was read for the first time.

Chairman Wetterauer stated the language in this Ordinance should be changed to reflect Resolution No. 06-07.

Mr. Bailey stated no action on this Ordinance will take place until after the August 8, 2006 election.

e) **ORDINANCE NO. 06-14, "To Amend Part Thirteen of the Westerville Codified Ordinances to Adopt the State of Ohio Building Code for One-, Two-, and Three-Family Dwellings; To Update Building Code Fees; To Adopt the 2003 Edition of the International Property Maintenance Code; To Renumber the Street Light Section; and to Declare an Emergency"** was read for the first time.

Karl Craven, Planning and Development Director, stated this Ordinance will amend Part Thirteen of the Codified Ordinances to adopt a new State Building Code for Residential Dwellings. The Ordinance also specifies a Property Maintenance Code, clarifies the method of establishing Building Fees, and changes the chapter location for Street Lighting. The Ohio General Assembly recently passed House Bill 175 which establishes a uniform and mandatory statewide residential building code. The new code will take effect on

May 27, 2006 requiring all municipal, county and township building departments to enforce this statewide residential building code. Under the new law, local jurisdictions may not adopt codes or regulations that differ from the state residential building code unless a regulation addresses subject matter not addressed by the state code or a "conflict" procedure specified in the law is followed to permit an exception. The effects of the new residential state code on the city should be minimal from a technical standpoint.

Mr. Heyeck asked for the wind speed for roof designs. Mr. Craven will provide the information.

f) ***ORDINANCE NO. 06-15, "To Provide for the Advance of Funds, and the Appropriation of Funds for the Purpose of Paying the Costs of Engineering and Related Services for the Worthington Road Improvements"*** was read for the first time.

Mr. Craven stated this Ordinance will advance from the General Fund and appropriate the amount of \$200,000 for final engineering design services to complete the plans and construction documents necessary for the Worthington Road improvements between Lazelle and County Line Road West. City Council approved a cooperation agreement with the City of Columbus to share in the costs of planning, design and construction of the Worthington Road improvement project earlier this year. The agreement designates the City of Westerville as the lead agency for the management and administration of both the engineering design and construction contracts, and that the City of Columbus reimburse the City of Westerville monthly for the proportional share of the project costs, as invoiced. The Westerville's share (\$45,000) of the cost of engineering services will be recovered from the future redirected property taxes of the Northstar TIF Developments.

Mr. Heyeck stated he wants staff to make sure the project doesn't encroach on residents located on Lori Lane.

Mr. Lindimore requested a section be added to this Ordinance that states the city's intention to seek participation if development occurs in the City of Columbus with participation payment back to the City of Westerville.

g) ***ORDINANCE NO. 06-16, "To Provide for the Appropriation of Funds for Preliminary Engineering and Related Services to Complete the Studies and Concepts for the Dempsey Road Improvements from Sunbury Road to Hempstead Road"*** was read for the first time.

Mr. Craven stated this Ordinance will appropriate \$100,000 from the Dempsey Road Capital Project Fund for the costs to complete preliminary engineering studies, investigation and conceptual designs for the Dempsey Road improvements between Sunbury Road and Hempstead Road. The proposed improvements to Dempsey Road include widening to three lanes, a bike bath, drainage systems, street lights and curbs. A portion of the project is within Blendon Township and is the responsibility of the Franklin County Engineer.

**10. TO AWARD THE BID FOR MEDIC VEHICLE RECHASSIS/REFURBISH PROJECT 2006 PLUS ALTERNATES 2 A, 2B, 2C AND 2D (INCLUDING TRADE-IN OF A 1996 INTERNATIONAL CHASSIS) TO LIFE STAR RESCUE, INC. AS RECOMMENDED BY STAFF.**

Fire Chief Bernie Ingles stated the bid for the Fire Division's Rechassis/Refurbish Project 2006 was advertised for 15 days, posted on the procurement website and solicited to over 30 ambulance vehicle refurbishers/manufacturers nationwide. One response was received from Life Star Rescue, Inc. at the official bid opening held on Thursday, April 6, 2006. Responses were received from two suppliers, including Braun Industries, Inc. that indicated that they are no longer a remount facility, and Lifeline Emergency Vehicles, stating that they were not interested in bidding on the project at this time. Life Star Rescue, Inc. completed a similar project for the Fire Division in 2004, and their work is of high quality. Service has been excellent in the past two years, and problems with workmanship have been minimal. It is the recommendation of staff that Life Star Rescue, Inc. be awarded the bid, including four bid alternates, for a total of \$113,866.00.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded to award the bid for the Medic Vehicle Rechassis/Refurbish Project 2006 Plus Alternates 2A, 2B, 2C, and 2D (including Trade-In of a 1996 International Chassis) to Life Star Rescue, Inc. as recommended by staff.

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

Nays: None

The motion carried.

**11. TO AWARD THE BID FOR PORTABLE SEWER CAMERA TO ELXSI D/B/A CUES.**

Frank Wiseman, Public Service Director, stated two bids were received at the official bid opening held on Friday, April 7, 2006. Both bids received by the City substantially meet the specifications. The low bidder, ELXSI d/b/a CUES, is a well-known manufacturing company in Florida. While response for future service work to the unit is a concern, there is no compelling reason not to award to the lowest bidder; therefore, staff requests the contract for the Portable Sewer Camera be awarded to ELXSI d/b/a CUES in the amount of \$34,600.00.

Mrs. Gonzales moved, Mayor Fosselman seconded to award the bid for the Portable Sewer Camera to ELXSI d/b/a CUES.

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

Nays: None

The motion carried.

**12. TO AWARD THE BID FOR 2006 STREET REHABILITATION PROJECT CONTRACT A INCLUDING ALTERNATE NO. 1 TO STRAWSER PAVING COMPANY, AND CONTRACT B TO STRAWSER, INC.**

Mr. Craven stated six bids were received at the official bid opening held on April 7, 2006. Four bids were for Contract A which includes pavement planing and overlay, pavement and concrete repairs and other appurtenant work, and two bids for Contract B which consists of crack sealing, slurry sealing and similar work. The base bid and alternate for Contract A ranged from \$1.47 to \$1.57 million dollars; where the Contract A bid for the installation of pavement markings for aerial enforcement on Polaris Parkway and Sunbury Road was accepted. The bids for Contract B ranged from \$95,000 to \$105,000. Total Contract Award Amount is: Contract A-\$1,476,446.90 plus a construction contingency amount of \$103,535.10 for a total contract amount of \$1,580,000.00; Contract B-\$94,761.71 plus a construction contingency amount of \$6,238.29 for a total contract amount of \$101,000.00.

Lt. Tracy Myers explained the aerial enforcement project on Polaris Parkway and Sunbury Road. The Ohio State Highway Patrol will be conducting the aerial enforcement in Westerville.

Mayor Fosselman moved, Mr. Treneff seconded to award the bid for 2006 Street Rehabilitation Project Contract A including Alternate No. 1 to Strawser Paving Company and for Contract B to Strawser, Inc.

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

Nays: None

The motion carried.

**13. TO AWARD THE BID FOR WESTERVILLE BIKE PATH SEGMENT 1 TO DECKER CONSTRUCTION COMPANY FOR BASE BID AND ALTERNATE NO. 1, ALTERNATE NO. 2 AND ALTERNATE NO. 3 AS RECOMMENDED BY STAFF.**

Jody Stowers, Parks and Recreation Director, stated four bids were received at the official bid opening on Friday, April 7, 2006. Staff is recommending City Council accept the base bid and all three alternates to the low bidder Decker Construction Company. In addition, staff is requesting a contingency amount of \$24,692 be added for a combined contract amount of \$333,349.55.

Mrs. Gonzales moved, Mr. Highfield seconded to award the bid for the Westerville Bike Path Segment 1 to Decker Construction Company for Base Bid and Alternate No. 1, Alternate No. 2 and Alternate No. 3 as recommended by staff.

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

Nays: None

The motion carried.

**14. ADDITIONAL BUSINESS**

None

**15. COUNCIL COMMENTS**

Mr. Heyeck stated the street lights on the south side of Polaris Parkway west of State Street are out and would like staff to check on this. Mr. Heyeck stated the Central Ohio Transit Authority has bio diesel fuel options for their vehicles and wondered if this was an option for city vehicles. Mr. Heyeck asked Mr. Bailey and Mr. Lindimore to review Ordinances and Public Hearings before they are presented to Council. Mr. Heyeck stated May 2<sup>nd</sup> is Election Day and asked everyone to please vote on the issues especially the school levy issue.

Mrs. Cocuzzi thanked all volunteers who donate their time in Westerville. Mrs. Cocuzzi thanked Clerk of Council Johnston for her work in the Clerk's Office. Mrs. Cocuzzi thanked the residents who spoke at tonight's meeting. Mrs. Cocuzzi urges residents to get out and vote on May 2<sup>nd</sup> and to consider the school levy question.

Mr. Highfield congratulated his daughter and son-in-law Amy and Bud Spain for their new daughter Mary Kate.

Mr. Treneff asked staff to check on the landscape plans for Polaris Parkway and State Street and the parking lot at Hanby Square. Mr. Treneff stated the most important thing for him on the income tax issue is to ask the right questions. Mr. Treneff stated what is driving his thinking is the five year plan and what it shows in the near future. Mr. Treneff stated there are three critical questions Council has to ask before voting: 1) Are the income assumptions from the five year plan accurate or too conservative; 2) Are the expenditure assumptions right; 3) Are the capital projects in the five year plan and additional street maintenance projects absolutely necessary. Mr. Treneff stated his vote will be driven by the answers to the three questions. Mr. Treneff stated he felt the parking spaces on South State Street in front of CVS Pharmacy do not impede traffic control.

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Mrs. Gonzales stated cars are backing up on South State Street and residents are having problems getting onto State Street because of the traffic backups. Mrs. Gonzales asked City Engineer Susan Banbury for a follow up report on the Whittier Elementary School parking lot. Mrs. Gonzales reminded everyone of the May 6<sup>th</sup> Service Day. Mrs. Gonzales urged everyone to vote in favor of the school levy on May 2<sup>nd</sup> and a Community March in favor of the levy will be held on April 22<sup>nd</sup>.

Mayor Fosselman asked staff when there are future improvements to North Hempstead where it intersects with County Line Road to please make sure the pavements meet up properly. Mayor Fosselman stated there is a pedestrian signal out at the southwest corner of Sunbury Road and Smoke Burr Drive. Mayor Fosselman thanked the Westerville Lions who helped with the Annual Easter Eggstravaganza and also thanked the Westerville Civitans for the egg hunt for special needs children. Mayor Fosselman congratulated the Shade Tree Commission for their 30<sup>th</sup> anniversary of being a "Tree City". Mayor Fosselman urged everyone to vote on May 2<sup>nd</sup> and to please support the schools.

Chairman Wetterauer stated him and his wife are the proud grandparents of a baby boy for the third time. Chairman Wetterauer stated he agreed with Mr. Treneff comments in regards to traffic on State Street and felt there are traffic problems all over Westerville.

**16. ADJOURNMENT**

Mr. Highfield moved, Mr. Heyeck seconded to adjourn.

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

Nays: None

The motion carried.

The meeting adjourned at 8:40 p.m.

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Mary J. Johnston, MMC  
Clerk of Council

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Damon E. Wetterauer, Jr.  
Chair of Council