

**MINUTES**  
**REGULAR SESSION**  
**WESTERVILLE CITY COUNCIL**  
*Council Chambers, June 20, 2006, 7:00 p.m.*

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session June 20, 2006 with Council Members, Damon Wetterauer, Jr., Craig Treneff, William Highfield, Kathy Cocuzzi, Anne Gonzales, Diane Fosselman, City Manager G. David Lindimore and Staff and Law Director Bruce E. Bailey present. Michael Heyeck was excused.

3. **INVOCATION**

The invocation was given by Rev. Mark Stier of the Westerville Christian Church.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the June 6, 2006 Regular Meeting, June 6, 2006 Executive Session and June 13, 2006 Special Meeting was presented for approval.

Mr. Treneff moved, Mrs. Gonzales seconded to approve the Minutes as provided.

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

Nays: None

Abstained: Mr. Highfield on the June 13, 2006 Special Meeting

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore gave a Capital Improvement Update:

- 2006 Street Rehabilitation Work – Crack fill and slurry seal work is ongoing city wide. Installation of replacement curb on West Broadway has begun. Contractor is salvaging sandstone curb that is in good condition for storage at the Service Department. Curb replacement on Tradewind Drive will begin on June 26, 2006 with resurfacing to follow. Resurfacing of State Street from Walnut Street to Old County Line Road is scheduled to begin the week of July 10, 2006 and to be completed within two weeks. Communications with the Uptown Merchants regarding this work has already begun. Message boards will be provided advising motorists of possible delays and suggested alternate routes. Work on streets in the vicinity of schools will be completed by mid-August with the overall program being completed by mid-October.
- Parkview Avenue – Reconstruction of Parkview Avenue between Knox Street and Russell Street is ongoing. Parkview Avenue will be closed to through traffic for the duration of the construction. Project is scheduled for completion in October, 2006.
- Westerville Bikeway – The bikeway construction has begun in the vicinity of Charring Cross Drive. Resurfacing of Charring Cross is part of the street rehabilitation program will follow this project.

Mr. Lindimore conducted Oaths of Office to the following police officers: Deputy Police Chief Del Robeson and Police Officers Keith Jackson, James Mason, Brian Gavaghan, Ryan Aspey, Stacy Kenney and Aaron Dickison.

7. **MAYOR'S REPORT**

Mayor Fosselman introduced Linda Brownstein who invited everyone to the Wessie Fest Nature Festival on Saturday, June 24, 2006 from 9:00 a.m. to 2:00 p.m. on the bike path surrounding Otterbein Lake.

Scott Marier, Executive Director of Westerville Area Resource Ministry, invited everyone to attend the Westerville Rotary Fourth of July Parade on July 4, 2006 beginning at 1:00 p.m. Mr. Marier stated WARM is partnering with the Westerville Rotary by conducting the first Independence Food Drive and WARM will be collecting non-perishable food items during the parade. Mr. Marier stated volunteers will be collecting the food items from parade viewers and asked all residents to bring their non-perishable food items to the parade.

8. **CITIZENS COMMENTS**

Rev. Mark Stier stated the Westerville Christian Church will be holding their Grand Opening on Saturday, July 22, 2006 and worship time on Sunday, July 23, 2006 and invited the community to attend the event and view the newly completed facility at their church.

9. **LEGISLATION**

a) ***RESOLUTION NO. 06-09, "To Authorize and Direct the City Manager to File an Application with the Mid-Ohio Regional Planning Commission for the Purpose of Acquiring Funds through the MORPC-Attributable Federal Funding Program for Dempsey Road Improvements"***.

Karl Craven, Planning and Development Director, stated applications for the next round of Federal Grants are due to the Mid Ohio Regional Planning Commission by July 31, 2006. The city is proposing to apply for funds to improve Dempsey Road. This project will be completed cooperatively with the Franklin County Engineer.

Mrs. Gonzales moved, Mr. Treneff seconded for the approval of Resolution No. 06-09.

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

Nays: None

The motion carried.

b) ***RESOLUTION NO. 06-10, "To Authorize the City Manager to File an Application with the Mid-Ohio Regional Planning Commission for the purpose of Acquiring Funds through the MORPC-Attributable Federal Funding Program for West Main Street Bridge over Alum Creek"***.

Mr. Craven stated the city is also proposing to apply for funds to improve the West Main Street Bridge over Alum Creek. This project will be completed cooperatively with the Franklin County Engineer.

Mr. Treneff moved, Mrs. Gonzales seconded for the approval of Resolution No. 06-10.

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

Nays: None

The motion carried.

c) ***ORDINANCE NO. 06-17, "To Provide for the Advance of Funds, and the Appropriation of Funds for the Purpose of Paying the Costs of Construction and Related Services for the Cleveland Avenue and Westar Boulevard Intersection Improvements, To Authorize the City Manager to Enter in Related Contracts with Opus North Corporation Without Formal Bidding and Advertising, and to Declare an Emergency"*** was read for the third time.

Staff is requesting this Ordinance be postponed to date certain of July 5, 2006.

Mr. Highfield moved, Mrs. Cocuzzi seconded to postpone this Ordinance to date certain of July 5, 2006.

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

Nays: None

The motion carried.

d) ***ORDINANCE NO. 06-20, "To Amend Sections 539.01 and 539.04 of the Westerville Codified Ordinances to Reduce the Maximum Allowable Grass Height and Extend the Grass Height Enforcement Season and to Declare an Emergency"*** was read for the third time.

Mr. Craven stated there have been no changes to the Ordinance since first reading.

Mrs. Gonzales moved, Mr. Treneff seconded for the adoption of Ordinance No. 06-20.

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

Nays: None

The motion carried.

e) ***ORDINANCE NO. 06-24, "To Provide for the Supplemental Appropriation of Funds for the Cost of Construction Inspection Services as Administered by the Department of Planning and Development"*** was read for the third time.

Mr. Craven stated the adoption of Ordinance No. 06-24 will appropriate \$85,000 for construction inspection services for fiscal year 2006. The Planning and Development Department budgeted \$54,000 for construction inspection services related to private development. These services are recovered through the subdivision development fees. Staff anticipates that the current appropriation will be exhausted before September 1. Based on proposed residential and commercial buildings associated with recent approvals by Planning Commission staff now project the supplemental appropriation is needed to carry the department responsibilities through to the end of 2006.

Mayor Fosselman moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 06-24.

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

Nays: None

The motion carried.

f) ***ORDINANCE NO. 06-25, "To Provide for the Supplemental Appropriation of Funds for the Fiscal Year 2006 Street Rehabilitation Program"*** was read for the third time.

Mr. Craven stated approval of Ordinance No. 06-25 will appropriate an additional \$50,000 from the Highway Maintenance Fund. There are seventeen traffic signal loops on State Street between Walnut and Home Street. When the street was repaved in 1997 staff attempted to protect the loops by cutting them into the pavement course below the new overlay surface. However, the 2006 planing of State Street as part of the resurfacing will affect the loops and they will have to be replaced. Highway Maintenance Funds can only be used for road, signage and drainage improvements on State Street.

Mrs. Gonzales moved, Mayor Fosselman seconded for the adoption of Ordinance No. 06-25.

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

Nays: None

The motion carried.

g) ***ORDINANCE NO. 06-26, "To Provide for the Transfer of Funds, and the Supplemental Appropriation of Funds for the Purpose of Paying the Cost of Construction and Related Services for the Spring Road Improvements"*** was read for the third time.

Mr. Craven stated this Ordinance will transfer from the General Fund a supplemental amount of \$335,000 for the completion of Spring Road, including the Maxtown/Spring and Maxtown/Sunbury intersections. These improvements were combined under one project and administered by the City of Westerville on behalf of the City and the Delaware County Engineer. There is approximately \$440,000 in contractor's claims regarding the County's portion of the project. The County wishes to respond to the contractor's claims through the joint project contract. Therefore, the County is depositing \$335,000 into the City's General Fund to cover a portion of the claims. Any project balance will be paid from city funds previously appropriated on behalf of the County and invoiced to the County for reimbursement. To date, the County is current on payment of all invoices due the city for the project.

Mrs. Gonzales moved, Mr. Treneff seconded for the adoption of Ordinance No. 06-26.

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

Nays: None

The motion carried.

h) ***ORDINANCE NO. 06-27, "To Authorize an Advance of Funds from the General Fund and to Provide for the Supplemental Appropriation of Funds for the Purpose of Constructing a Culvert for Cleveland Avenue"*** was read for the third time.

Mr. Craven stated this Ordinance will advance from the General Fund the supplemental amount of \$9,200 to complete the construction of a large culvert associated with the future extension of Cleveland Avenue. During construction, there was a significant change to the subsurface conditions that merits a \$9,200 change order. Final completion of the culvert has been suspended pending the outcome of the Ordinance.

Mayor Fosselman moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-27.

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

Nays: None

The motion carried.

i) ***ORDINANCE NO. 06-28, "To Provide for the Appropriation of Funds for Reimbursing Crafton Properties for the Cost of Extending and Over sizing a Sanitary Sewer to Serve Properties North and East of Africa and County Line Road"*** was read for the third time.

Mr. Craven stated this Ordinance will appropriate \$40,000 to reimburse Crafton Properties for the over sizing and installation of a sanitary sewer to provide service for properties on the north side of County Line Road, east of Africa Road. As part of their development responsibilities on West Street, Crafton Properties installed a sanitary sewer for the sole benefit of the future re-development of the properties located on the east side of Africa Road north of County Line Road. The extension was considered by the City as a private line sewer and eligible for reimbursement. Under the provisions of Chapter 935.05 of the Codified Ordinances, the developer may be compensated for the costs of construction by the benefiting upstream properties. The city wishes to reimburse Crafton for a portion of the costs now. In return, the future compensation Crafton will receive from the benefiting properties will be \$40,000. The recovery period for Crafton is 6 years according to City Code. The city can recover the amount of this appropriation from the future redevelopment of the benefiting properties.

Mr. Treneff moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 06-28.

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

Nays: None

The motion carried.

j) ***ORDINANCE NO. 06-29, "To Provide for Transfer and the Appropriation of Funds for Professional Services to Complete Studies, Design and Streetscape Standards for South State Street Gateway and Right-of-Way Corridor between Huber Village Boulevard and Walnut Street"*** was read for the third time.

Mr. Craven stated this Ordinance will appropriate \$120,000 from the General Capital Improvement Fund for the costs to complete engineering studies, designs and streetscape standards for South State Street Gateway and right of way corridor between I-270 and Walnut Street. The Planning and Development Department's Fiscal Year 2006 operating budget included an appropriation for the development of streetscape standards for South State Street between the outer belt and Walnut Street. The Ohio Department of Transportation is developing the final plans for safety changes to the SR3/I-270 interchange that will be completed in Fiscal Year 2008. ODOT will include the proposed right of way fence modifications and lane configurations as part of their project if the city will provide the engineering plans. Staff has completed preliminary studies for connecting a bikeway along Schrock Road between Otterbein Avenue and Charring Cross Drive. This connection would be the first step in providing an east/west bikeway link between the Westerville and Alum Creek bikeways on the west side of the city and the Sunbury Road bikeway on the east side. A need exists to develop design standards which clarify streetscape characteristics and re-development standards along the South State Street right of way corridor to aid and guide the community revitalization. One concept which deserves further consideration is the use of Hillstown Road as a alternative route to serve the retail and office development on the east side of South State Street between Schrock Road and Huber Village Boulevard.

Mrs. Gonzales moved, Mr. Treneff seconded for the adoption of Ordinance No. 06-29.

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

Nays: None

The motion carried.

Chairman Wetterauer requested staff to schedule a Council work session to review the South State Street Gateway plans.

k) ***ORDINANCE NO. 06-30, "An Ordinance Authorizing and Directing the Execution of a Hydro Matrix Developmental Cost Sharing Agreement by the City of Westerville, Ohio with American Municipal Power-Ohio, Inc."*** was read for the third time.

Andy Boatright, Electric Utility Manager, stated AMP-Ohio, Inc. has been investigating the development of two or more hydro-electric generating plants along the Ohio River. The project involves retrofitting small micro-turbines arranged in a structural steel bay on an existing dam. AMP-Ohio, Inc. estimates the output cost of electricity from the Hydro Matrix projects in the range of \$45 to \$53 dollars per megawatt-hour (MWh) or \$0.045 to \$0.053 per kilowatt-hour (kWh). The maximum total cost to Westerville for participation in the developmental phase of the Hydro Matrix Project is approximately \$88,500 based on an output allocation of 10MW at an approximate unit cost of \$8.85 per kilowatt. In consideration of the high AMP-Ohio member participation, Westerville's allocation will remain at 10MW or less which means the maximum total development cost to Westerville will not exceed \$88,500. Should the project proceed to construction, Westerville will have the option to participate or decline. In the event Westerville participates, the monies expended in the developmental phase may be applied toward the capital financing of the project.

Should Westerville decide not to participate, the monies would be potentially forfeited, but likely could, at least partially, be recovered if Westerville's allocation is taken-up by another AMP-Ohio member participant.

Mr. Highfield moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-30.

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

Nays: None

The motion carried.

l) ***ORDINANCE NO. 06-22, "To Vacate a Portion of Blinn Alley within Weyant's Addition to the City of Westerville, of Record in Plat Book 2, Page 352, Franklin County Recorder's Office"*** was read for the second time. Public Hearing has been set for July 5, 2006.

m) ***ORDINANCE NO. 06-23, "To Provide for the Advance and the Appropriation of Funds for the Purpose of Paying the Costs of Construction and Related Services of the Africa Road Improvements"*** was read for the second time.

**10. TO REJECT THE BID OF VITITOE CONSTRUCTION, INC. AND TO AWARD THE BID TO PRECISION DIRECTIONAL BORING, LLC. AS THE LOWEST AND BEST BID FOR THE ANNEHURST VILLAGE LOOP A-2 AND LOOP A-3 UNDERGROUND CABLE REPLACEMENT PROJECT.**

Mike Pope, Electric Engineering Manager, stated eight contractors picked up contract documents and five bids were ultimately received at the official bid opening on June 8, 2006. This project involves replacing existing underground cable in the Annehurst Village area. The existing cables in this area are becoming less reliable as they are reaching the end of the useful life. This project is scheduled to begin in July 2006 with a contract completion date of November 17, 2006. Staff has concerns with the experience and past performance of Vititoe Construction, Inc. and feels that Vititoe Construction, Inc. is not the best bidder. Therefore, staff recommends that the bid of Vititoe Construction, Inc. be rejected and that the bid of Precision Directional Boring, LLC. Be accepted and awarded as the lowest and best bid. Contract Award Amount: \$120,677.50 plus a construction contingency amount of \$9,000.00 for a total contract amount of \$129,677.50.

Mayor Fosselman moved, Mr. Treneff seconded to reject the bid of Vititoe Construction, Inc. and to award the bid to Precision Directional Boring, LLC as the lowest and best bid for the Annehurst Village Loop A-2 and Loop A-3 Underground Cable Replacement Project.

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

Nays: None

The motion carried.

**11. TO AWARD THE BID FOR THE 2006 SIDEWALK RECONSTRUCTION PROGRAM TO G MARCHI & SON, LLC.**

Mr. Craven stated nine contractors picked up contract documents and five bids were ultimately received at the official bid opening on June 9, 2006. The low bidder, G. Marchi & Son, LLC, of Columbus, Ohio, has worked on many projects in the central Ohio region. Contract award amount: \$405,925.00 plus a construction contingency amount of \$28,075.00 for a total contract amount of \$434,000.00.

Mayor Fosselman asked staff to provide square foot costs for year to year comparison.

Mrs. Gonzales moved, Mayor Fosselman seconded to award the bid for the 2006 Sidewalk Reconstruction Program to G. Marchi & Son, LLC.

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

Nays: None

The motion carried.

**12. TO AWARD THE BID FOR DETECTABLE WARNING DEVICES TO WHITE CAP CONSTRUCTION SUPPLY.**

Mr. Craven stated two bids were ultimately received at the bid opening held on June 13, 2006. The low bidder, White Cap Construction Supply, of Columbus, Ohio, has provided these devices for communities throughout the central Ohio area. The installation of these devices will be performed by the Service Department at locations city-wide. Contract award amount: \$80,000.00.

Mr. Treneff moved, Mayor Fosselman seconded to award the bid for the detectable warning devices to White Cap Construction Supply.

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

Nays: None

The motion carried.

**13. TO AWARD THE BID FOR ANNEHURST VILLAGE CIRCUIT 13 OVERHEAD POLE LINE REPLACEMENT PROJECT PHASE 2 TO N. G. GILBERT.**

Mr. Pope stated four bids were ultimately received at the official bid opening on June 13, 2006. This project involves replacing existing wood poles, overhead conductors, transformers and related items which are reaching the end of their usual life. This project is scheduled to begin in July 2006 with a contract completion date of May 18, 2007. This project is a combination of two separate projects including the Phase 2 project which was included in the 2005 appropriation (\$300,000 budget) and the Phase 3 project which is included in the 2006 appropriations (\$300,000 budget). In late 2005, the one bid for the Phase 2 project was rejected (exceeded the budget) and staff recommended that both the Phase 2 and Phase 3 projects be combined and bid as one project in 2006. Since the Engineer's Estimate of \$600,000.00 exceeded the 2006 appropriation of \$300,000.00 for this project staff requested that additional capital funds be redirected to cover the cost of this project. This redirection is within the same budget account. Contract award amount: \$402,480.00 plus a construction contingency amount of \$30,000.00 for a total contract amount of \$432,480.00.

Mayor Fosselman moved, Mrs. Gonzales seconded to award the bid for Annehurst Village Circuit 13 Overhead Pole Line Replacement Project Phase 2 to N. G. Gilbert.

Yeas: , Chairman Wetterauer

Nays: None

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

The motion carried.

**14. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE 9,000 FEET OF 750 MCM 15 kV PARALLELED UNDERGROUND CABLE FROM REED CITY POWER LINE SUPPLY COMPANY AND WAIVE COMPETITIVE BIDDING AND NOTICE REQUIREMENTS.**

Mr. Pope stated six quotations for the cable were solicited from vendors. The Reed City Power Line Supply prices are based on \$1.3579 per pound for aluminum and \$3.7586 per pound for copper and are subject to change depending on actual delivery date. To provide a minimum of 9,000 feet of cable, the vendor will be advised to provide positive tolerances of the cable reel quantities. As such, staff recommends that a 15% contingency be allowed for this cable purchase to take into consideration additional costs as a function of the actual cable length received from the vendor, the metals cost escalation, and cable cutting lengths. The total amount requested for authorization by City Council is \$211,554.00.

Mayor Fosselman moved, Mr. Treneff seconded to authorize and direct the City Manager to purchase 9,000 feet of 750 MCM 15 kV paralleled underground cable from Reed City Power Line Supply Company and waive competitive bidding and notice requirements.

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

Nays: None

The motion carried.

**15. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER FOR THE DEMPSEY ROAD IMPROVEMENT PROJECT.**

Mr. Craven stated the passage of Resolution No. 06-09 will allow the city to apply for Federal Funds to be used for the Dempsey Road improvements. Applications for the next round of Federal Grants are due to the Mid-Ohio Regional Planning Commission by July 31, 2006. The City is proposing to apply for funds to improve Dempsey Road in cooperation with the Franklin County Engineer. If the city is successful in obtaining any grants, additional legislation will be required in the future to commit public funds for match or advance appropriations.

Mrs. Gonzales moved, Mrs. Cocuzzi seconded to authorize and direct the City Manager to enter into a cooperative agreement with the Franklin County Engineer for the Dempsey Road Improvements Project.

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

Nays: None

The motion carried.

**16. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER FOR THE WEST MAIN STREET BRIDGE OVER ALUM CREEK PROJECT.**

Mr. Craven stated the passage of Resolution No. 06-10 will allow the city to apply for Federal Funds to be used for the West Main Street Bridge over Alum Creek Project. Applications for the next round of Federal Grants are due to the Mid-Ohio Regional Planning Commission by July 31, 2006. The City is proposing to apply for funds to improve West Main Street Bridge over Alum Creek in cooperation with the Franklin County Engineer. If the city is successful in obtaining any grants, additional legislation will be required in the future to commit public funds for match or advance appropriations.

Mr. Treneff moved, Mayor Fosselman seconded to authorize and direct the City Manager to enter into a cooperative agreement with the Franklin County Engineer for the West Main Street Bridge over Alum Creek Project.

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



Nays: None

The motion carried.

**17. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DECKER CONSTRUCTION AND TO WAIVE COMPETITIVE BIDDING AND NOTICE REQUIREMENTS FOR THE CONSTRUCTION OF THE CHERRI PARK SERVICE DRIVE GRADING PROJECT.**

Mr. Craven stated the future service drive is intended to serve as an alternate access route for businesses along the west side of South State Street, between Cherri Park Shopping Center and Westerville Center. To economize on earthwork soon to begin as part of the FRA-Westerville Bikeway, which will run parallel to this future service drive, staff recommends the preliminary grading for the drive be completed concurrently with the bikeway work. By performing this work now, the city will also minimize the impact to the bikeway when the drive construction is completed in the future. Contract award amount: \$53,059.60 plus a construction contingency amount of \$4,715.40 for a total contract amount of \$57,775.00.

Mrs. Gonzales moved, Mayor Fosselman seconded to authorize and direct the City Manager to enter into an agreement with Decker Construction and to waive competitive bidding and notice requirements for the construction of the Cherri Park Service Drive Grading Project.

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

Nays: None

The motion carried.

**18. APPOINTMENT TO THE BOARD OF ZONING APPEALS**

Mrs. Cocuzzi read the following names into nomination to fill two vacancies with a term to expire December 31, 2007: Ken Habegger, James Rishel, Gary Bix and Leo Harding.

After hearing no other nominations from the floor, Chairman Wetterauer declared that all nominations be closed for Board of Zoning Appeals.

After ballots were cast and tabulated, Mrs. Johnston announced the following received the required number of votes for appointment to the Board of Zoning Appeals: Ken Habegger and James Rishel with a term ending December 31, 2007.

**19. TO MOVE THE REGULARLY SCHEDULED JULY 4, 2006 CITY COUNCIL MEETING TO JULY 5, 2006 DUE TO THE FOURTH OF JULY HOLIDAY.**

Mr. Highfield moved, Mrs. Cocuzzi seconded to move the regularly scheduled July 4, 2006 City Council meeting to July 5, 2006 due to the Fourth of July Holiday.

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

Nays: None

The motion carried.

**20. ADDITIONAL BUSINESS**

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Andy Boatright, Electric Utility Manager, stated the City of Westerville Electric Division received the Scattergood Award at the Annual APPA Conference in Chicago last week and presented the award to City Council. Chairman Wetterauer extended Council's appreciation to the Electric Division staff.

John Ross, Deputy Fire Chief, reminded everyone of the Fourth Friday/Safety Fest event on June 23, 2006 in Uptown Westerville. Mr. Ross stated the 2006 Westerville Symphony Conductor's Club campaign between the Police Chief and Fire Chief will be holding a basketball game on June 25, 2006 at 7:00 p.m. in the Westerville Central High School gymnasium.

**21. COUNCIL COMMENTS**

Mrs. Gonzales congratulated the Electric Division for their award. Mrs. Gonzales welcomed the newly sworn Deputy Police Chief and Police Officers. Mrs. Gonzales encouraged everyone to attend the Wessie Fest this Saturday, June 24, 2006. Mrs. Gonzales wished everyone a safe summer.

Mrs. Cocuzzi congratulated the Electric Division and Mr. Boatright for the award. Mrs. Cocuzzi stated the Recreation Advisory Board proclaimed June 20<sup>th</sup> as Youth Sports Day in Westerville. Mrs. Cocuzzi stated the Parks and Recreation Department received the 2006 OPRA Healthy Ohioans Community Award and the 2006 Recreational Trails Program Annual Achievement Award for County Line Acres Bikeway. Mrs. Cocuzzi thanked the Parks and Recreation Department for trimming tree limbs over sidewalks. Mrs. Cocuzzi stated the Summer Concert Series is held every Sunday at 6:30 p.m. in Alum Creek Park North. Mrs. Cocuzzi reminded everyone to have a safe Fourth of July.

Mayor Fosselman congratulated the Electric Division and Parks and Recreation Department for their awards. Mayor Fosselman reminded staff of her request for photos of existing trees located in Blinns Alley prior to the third reading of the Ordinance No. 06-22. Mayor Fosselman expressed her appreciation for the approval of funds to conduct the study for the South State Street Gateway project. Mayor Fosselman reminded everyone of the Fourth Friday event on June 23<sup>rd</sup> along with Safety Fest. Mayor Fosselman encouraged everyone to attend the Westerville Symphony Conductor's Club fundraiser on Sunday, June 25, 2006

Mr. Highfield congratulated the Electric Division and Parks and Recreation Department for their awards and recognition. Mr. Highfield encouraged everyone to enjoy the summer and the many events in Westerville.

Mr. Treneff requested a status report from staff on the curbs on West Broadway Avenue. Mr. Treneff also requested from staff the mosquito fogging schedule. Mr. Treneff congratulated the Electric Division for the award received. Mr. Treneff stated he is pleased with the passage of the South State Street Gateway study.

Chairman Wetterauer announced there will be no meeting next Tuesday. Chairman Wetterauer announced the Fourth of July activities happening in Westerville such as the Rotary Fun Run and Fourth of July Parade with fireworks in the evening.

**22. ADJOURNMENT**

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

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

Nays: None

The motion carried.

The meeting adjourned at 8:10 p.m.

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Mary J. Johnston, MMC  
Clerk of Council

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Damon E. Wetterauer, Jr.  
Chair of Council