MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, June 6, 2006, 7:00 p.m.

1. ***CALL TO ORDER***

2. ***ROLL CALL***
Council met in regular session June 6, 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. Stan Ling of the Church of the Messiah.

4. ***PLEDGE OF ALLEGIANCE***
The Pledge of Allegiance was recited.

5. ***MINUTES***
The Minutes of the May 16, 2006 Regular Meeting were presented for approval.

Mrs. Gonzales moved, Mr. Highfield 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 a Capital Improvement Update:

- 2006 Street Rehabilitation – Contracts A and B – The planing and overlaying of Huber Village Boulevard between Birmingham and Spring Road will begin tomorrow and extend through the end of next week. Pavement and spot curb repairs are ongoing on streets city-wide. The bikeway in Springborough Park between St. Thomas and Gentlewind Drive is currently being reconstructed. This project is scheduled for completion by mid-August.

Mr. Heyeck asked about the timetable for the construction repairs to the Main Street Bridge between Cleveland Avenue and Alum Creek Park.

7. ***MAYOR'S REPORT***
Mr. Heyeck presented a Proclamation for Flag Day on June 14, 2006 to Police Chief Joe Morbitzer.

Jolene Thompson of AMP-Ohio, Inc. presented the Lyle B. Wright Scholarship in the amount of $1,500 to Westerville North High School graduate Angela Reed.

Kristi Robbins, Executive Director of Leadership Westerville and Mayor Fosselman presented Certificates of Recognition to the graduates of the 2006 Leadership Today participants.

Mayor Fosselman stated the Le Tour De Westerville will be held on Saturday, June 10, 2006 at 9:00 a.m. at the Community Center.

8. ***REPORT FROM THE PLANNING COMMISSION REPRESENTATIVE***
Mr. Treneff stated the Planning Commission held a meeting on May 24, 2006.

Public Hearings:

- PC 2006-011; Rezoning of an 18.912 acre tract from O/I, Office-Institutional to PND, Planned Neighborhood District, and a Preliminary Development Plan and Development Standards Text for a 74 unit residential development (a concept plan for a larger mixed use project including 4.93 acres in the OI, Office Institutional District is also part of this application); located at the southwest corner of Sunbury Road and North Street; Applicant: Tabco Development, LLC. (Postponed indefinitely)
- PC 2006-013; Site Plan Review for the construction of a two-story accessory structure containing two apartments (for a total of 6 units on this site) and space for six vehicles with several variances on 0.26 acres in the UD, Uptown District, located at 93-95 North State Street; Applicant: Charles and Gayle Moon. (Approved 5-2)
- PC 2006-014; Parking variance to reduce the required number of spaces from 45 to 40 for a restaurant in the UD, Uptown District; located at 14 North State Street; Applicant: James A. Francisco, d/b/a Pasquale's Pizza and Pasta. (Approved 7-0)
- PC 2006-015; Conditional Use Permit to allow an academic use of an existing building on 6.9 acres in the PID (Planned Industrial District); located at 60 Collegeview Road; Applicant: Stephen R. Storck (for Otterbein College). (Approved 6-0)
- PC 2006-007; Preliminary Development Plan for a 10,768 square foot two-story office building on 1.005 acres in the PD, Planned Development District; located at 395 West Street; Applicant: Richard Glover. (Postponed to June)

Subdivision Reviews:

- PC 2006-010; Final Development Plan for a 58,857 square foot six building office park on 9.971 acres in the PD, Planned Development District located at the northwest corner of Africa Road and County Line Road West; Applicant: Smiley/Sutliff POP, LLC. (Withdrawn)
- PC 2006-012; Site Plan Review of the Redevelopment of the St. Paul The Apostle Church Campus at the southwest corner of North State Street and County Line Road West including development of a new sanctuary, an expansion of the existing parochial school on 18.5± acres in the R-1 single-family residential district; Applicant: Meleca Architecture for St. Paul The Apostle Church. (Postponed to June)

The next meeting of the Planning Commission will be held on June 28, 2006 at 6:30 p.m. in City Council Chambers.

9. ***CITIZENS COMMENTS***

None.

10. ***LEGISLATION***

a) ***RECONSIDERATION OF RESOLUTION NO. 06-07.***

Mr. Lindimore stated it is staff's desire to move the Special Election for the income tax issue from August 8, 2006 to the General Election on November 7, 2006. Mr. Lindimore stated staff has discussed this change with the State Board of Elections and there should be no cost to the city for the change.

Mayor Fosselman moved, Mr. Heyeck seconded to reconsider Resolution No. 06-07.

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

Nays: None

The motion carried.

Mayor Fosselman moved, seconded by Mrs. Cocuzzi to amend the Caption and Section 1 of Resolution No. 06-07 to reflect an election date of November 7, 2006.

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

Nays: None

The motion carried.
Mr. Heyeck moved, Mr. Treneff seconded for the approval of Resolution No. 06-07 as amended.

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

Nays: None

The motion carried.

b) ***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 June 20, 2006.

Mr. Heyeck moved, Mrs. Cocuzzi seconded to postpone this Ordinance to date certain of June 20, 2006.

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

Nays: None

The motion carried.

c) ***ORDINANCE NO. 06-19, "An Ordinance to Amend Section 191.16 of the Codified Ordinances of the City of Westerville with Respect to the Credit for Individual Resident Taxpayers"*** was read for the third time.
Mayor Fosselman moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-19.

Mr. Heyeck moved, Mrs. Gonzales seconded to amend Section 1 and Section 2 to change the date of the election from a special election on August 8, 2006 to a general election on November 7, 2006.

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

Nays: None

The motion carried.

Mr. Highfield moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-19 as amended.

Yeas: Mrs. Cocuzzi, Mr. Heyeck, Mayor Fosselman, Mrs. Gonzales, Mr. Treneff, Mr. Highfield, 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 and to Declare an Emergency"*** was read for the second time.

e) ***ORDINANCE NO. 06-21, "An Ordinance to Revise the Codified Ordinances by Adopting Current Replacement Pages and Declaring an Emergency"*** was read for the first time.
Mr. Bailey stated this is a housekeeping measure in updating the city's Codified Ordinances. The Codified Ordinances were updated once a year but has now been changed to bi-annually. Staff requested suspension of the rules for the required three readings.

Mr. Heyeck moved, Mrs. Gonzales seconded to suspend the rules for the required three readings.

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

Nays: None

The motion carried.

Mayor Fosselman moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-21.

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

Nays: None

The motion carried.

f) ***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 first time. Public Hearing has been set for July 5, 2006.
Karl Craven, Planning and Development Director, stated Blinn Alley is an unimproved right-of-way running east and west between Whitehead Street and Weyant Avenue. The Clerk of Council has received a petition, signed by the owners of three of the six properties abutting Blinn Alley, requesting that the alley be vacated. The fourth property owner is also in favor of the vacation, however, is out of town and unavailable to sign the petition but indicated he will sign the petition upon his return. If passed, the Ordinance would retain rights for public utilities.

Mrs. Gonzales requested staff to extend an offer to meet with those residents who have concerns with this action.

Mayor Fosselman requested an additional diagram showing the existing trees in the alley way.

g) ***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 first time.
Mr. Craven stated the approval of Ordinance No. 06-23 will advance from the General Fund and appropriate from the project and utility funds the amount of $1,928,000 for construction and related services for the Africa Road improvements between Polaris Parkway and the city's north corporation line. Approval would also appropriate approximately $279,000 from the sewer fund to reimburse the Daimler Group for extending and over sizing the sanitary sewer to serve the Henderson property. The work includes the extension of underground electric and water lines, widening Africa Road to three lanes with curbs, realigning the road to

remove the severe curve, replacing the existing undersized culvert crossing, and installing a traffic signal to serve Henderson and the Ohio Health Africa Road entrances.

h) ***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 first 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.

Mr. Highfield expressed his concerns with the quality of outside inspection services used by the city.

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

Mr. Treneff asked staff for a cost comparison between traffic signal loops in the pavement versus the traffic signal loops installed on the mast arms of traffic signals.

j) ***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 first 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.

Several Council members expressed concerns with this situation and hoped it didn't jeopardize future city projects.

k) ***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 first 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.

Mrs. Gonzales moved, Mr. Heyeck seconded for the suspension of the rules for the required three readings.

Yeas: Mrs. Cocuzzi, Mr. Heyeck, Mrs. Gonzales, Mr. Treneff

Nays: Mr. Highfield, Mayor Fosselman, Chairman Wetterauer

The motion failed due to the lack of a 2/3's majority vote which required five affirmative votes.

l) ***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 first 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.

m) ***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 first 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 and Charring Cross. 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 Hillsdown 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. Cocuzzi requested staff to have the Guernsey Bank property owners clean up and maintain the property before it is developed. Mr. Highfield stated the property owners should demolish the existing buildings on this property.

n) ***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 first time. Mr. Heyeck abstained from the discussion due to a conflict of interest.
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.

11. ***TO AWARD THE BID FOR MAEBELLE WAY BRIDGE IMPROVEMENTS TO McDANIEL'S CONSTRUCTION CORPORATION, INC.***

Mr. Craven stated five contractors picked up plans and specifications, with two bids ultimately received at the official bid opening held on May 25, 2006. Bids ranged from $110,000 to $132,000. The lower bidder, McDaniel's Construction Corporation, Inc. of Columbus, Ohio, has worked extensively in the central Ohio region. Contract Award Amount: $110,081.92 plus a construction contingency amount of $7,418.08 for a total contract amount of $117,500.00. Mr. Craven stated there was some irregularity with the receiving and opening of the bids and explained that two bids were received prior to the bid opening deadline but one bid was opened and read publicly at the bid opening. Mr. Craven stated it is in the city's best interest to go ahead and award the bid to the low bidder. Mr. Bailey gave an explanation of the bid opening to Council and provided some options to Council such as: 1) reject all the bids; 2) reject all the bids and override the bidding process and award the bid or 3) to include in the motion that there is a waivable defect.

Mr. Heyeck moved, Mayor Fosselman seconded to award the bid for Maebelle Way Bridge Improvements to McDaniel's Construction Corporation, Inc. and to waive informalities and/or irregularities in the bid opening process.

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

Nays: None

The motion carried.

12. ***TO AWARD THE BID FOR 2006 STREET REHABILITATION PROJECT – CONTRACT C, INCLUDING ALTERNATE NO. 1, TO NEWCOMER CONCRETE SERVICES, INC. AS RECOMMENDED BY STAFF.***

Mr. Craven stated thirteen contractors picked up plans and specifications, with four bids ultimately received at the official bid opening held on May 30, 2006. The low bidder, Newcomer Concrete Services, Inc. of Newark, Ohio has worked extensively in the central Ohio region and for the city of Westerville on the 2004 Sidewalk Reconstruction Project and as a subcontractor for the 2005 Miscellaneous Utility and the 2005 Street Rehabilitation Projects. This bid also includes the alternate for the construction of a cul-de-sac on Oneida Avenue. Contract Award Amount: $1,667,335.05 plus a construction contingency amount of $116,664.95 for a total contract amount of $1,784,000.00.

Mrs. Gonzales moved, Mr. Treneff seconded to award the bid for 2006 Street Rehabilitation Project – Contract C, including Alternate No. 1, to Newcomer Concrete Services, Inc. as recommended by staff.

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

Nays: None

Abstained: Chairman Wetterauer due to a conflict of interest.

The motion carried.

13. ***TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE TRAFFIC SIGNAL CONTROL EQUIPMENT FROM TRAFFIC CONTROL PRODUCTS AND FROM BALDWIN & SOURS AND WAIVE COMPETITIVE BIDDING AND NOTICE REQUIREMENTS.***

Mr. Craven stated staff requests Council consider approval of purchasing traffic controllers and appurtenance equipment from Traffic Control Products and Baldwin & Sours. The existing controllers at several of the city's intersections have reached the end of their useful life; due to their age, they are no longer supported by the manufacturer for maintenance and the software currently used to support them is not compatible with the city's current computer operating system. These upgrades will also correct an intermittent communication problem on the Cleveland Avenue signal system. Some of the existing controllers on Cleveland Avenue, those that are newer, will be reused at other signal locations. Staff is requesting that competitive bidding and notice requirements be waived and to purchase PEEK traffic signal controllers from Traffic Control Products at their quoted price of $7,050.00 and Eagle traffic signal controllers and appurtenant equipment from Baldwin & Sours at their quoted price of $29,605.

Mr. Treneff moved, Mrs. Gonzales seconded to authorize and direct the City Manager to purchase traffic signal control equipment from Traffic Control Products and from Baldwin & Sours, and waive competitive bidding and notice requirements.

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

Nays: None

The motion carried.

14. ***TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE A POWER TRANSFORMER FROM SUBSTATION #3, MANUFACTURED BY DELTA-STAR, INC., FROM PROFESSIONAL ELECTRIC PRODUCTS COMPANY (PEPCO).***

Mike Pope, Electric Engineer Manager, stated the lowest initial purchase price quotation for the two power transformers was $2,375,840.00 from Professional Electric Products Company for transformers manufactured by Delta Star, Inc. This quotation significantly exceeds the estimated cost of $1,100,000.00 for the two power transformers. The cost of transformers has increased dramatically over the last year or so. This is primarily due to sharp increased in the costs of steel, copper and mineral oil which are major transfer components. Staff recommends the purchase of only one power transformer from PEPCO in the amount of $1,187,920.00.

Mrs. Gonzales moved, Mr. Treneff seconded to authorize and direct the City Manager to purchase a power transformer from Substation #3, manufactured by Delta-Star, Inc., from Professional Electric Products Company (PEPCO).

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

Nays: None

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

The motion carried.

15. ***TO AUTHORIZE AND DIRECT THE CITY MANAGER AND POLICE CHIEF TO FILE APPLICATION WITH THE OHIO ATTORNEY GENERAL'S OFFICE FOR THE DARE GRANT PROGRAM.***

Police Chief Joe Morbitzer stated staff is requesting authorization to direct the City Manager and Police Chief to file the necessary applications with the Ohio Attorney General's Office for the DARE Grant Program in Westerville.

Mrs. Gonzales moved, Mayor Fosselman seconded to authorize and direct the City Manager and Police Chief to file application with the Ohio Attorney General's Office for the DARE Grant Program.

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

Nays: None

The motion carried.

16. ***TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO ISSUE AND RENEW TELECOMMUNICATION OR UTILITY PERMITS, AND TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO NEGOTIATE AND ENTER LEASE AGREEMENTS FOR SPACE IN THE CITY'S UNDERGROUND CONDUIT SYSTEM.***

Mr. Bailey stated delegating this authority to the City Manager improves the city's ability to be responsive to potential permits, bringing the city into conformance with common practice in other communities, and in this particular case, also promotes competition and the advancement of technology in the city. Currently, the City Manager has the authority to issue only Special Permits, which are for a specific limited use.

Mr. Treneff moved, Mrs. Gonzales seconded to delegate to the City Manager the authority to issue and renew telecommunication or utility permits, and to delegate to the City Manager the authority to negotiate and enter lease agreements for space in the city's underground conduit system.

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

Nays: None

The motion carried.

17. ***ADDITIONAL BUSINESS***

None.

18. ***COUNCIL COMMENTS***

Mr. Treneff stated he would be interested in knowing how much trash was not picked up last week. Mr. Treneff stated he supported the comments of the Chair and the Mayor on the change of the election date for the income tax issue. Mr. Treneff stated he felt the original August date had some merit but cost was an issue. Mr. Treneff stated a benefit of holding the election on November 7th is more voters casting their vote. Mr. Treneff stated he applauds Council for making the change to the November 7th election.

Mrs. Gonzales congratulated all of the high school graduates. Mrs. Gonzales stated the Citizens Police Academy Alumni Association is conducting weekly fundraising drawings with the proceeds benefiting police training and community events.

Mrs. Cocuzzi asked staff to trim tree limbs hanging over sidewalks. Mrs. Cocuzzi stated Concord Counseling is holding a fundraising event at Max and Erma's Restaurant on North State Street on June 15, 2006.

Mr. Highfield congratulated all of the high school graduates and future leaders. Mr. Highfield stated he is pleased the TEL amendment is not on the November ballot. Mr. Highfield congratulated Mr. Craven and the

Planning and Development staff for controlling the number of curb cuts on Polaris Parkway. Mr. Highfield asked residents to be careful of children on city streets during the summer months.

Mr. Heyeck stated he would like staff to educate residents on disposal of certain items such as batteries, tires and computers. Mr. Heyeck asked staff to investigate the clean up of property that contains firewood and logs located on the south side of Polaris Parkway. Mr. Heyeck stated staff has done a great job on sidewalk maintenance but is waiting for the billing statement for his sidewalk repairs. Mr. Heyeck reminded everyone of Flag Day on June 14, 2006.

Chairman Wetterauer stated a special Council meeting will be held on June 13, 2006 at 7:00 p.m. for the purpose of the second reading of Ordinances. Chairman Wetterauer congratulated Mayor Fosselman for receiving the Monroe Courtright Winner award from the Westerville Rotary.

Mayor Fosselman stated it is an honor to be recognized and comes from being a part of a wonderful community. Mayor Fosselman stated she is thrilled the city is looking at east/west connectors for the city's leisure path system.

19. ***ADJOURNMENT***

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

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

Nays: None

The motion carried.

The meeting adjourned at 9:10 p.m.

Mary J. Johnston, MMC Clerk of Council	Damon E. Wetterauer, Jr. Chair of Council