

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

1. **CALL TO ORDER**

2. **ROLL CALL**

Council met in regular session October 3, 2006 with Council Members, Damon Wetterauer, Jr., Craig Treneff, Kathy Cocuzzi, Anne Gonzales, Michael Heyeck, Diane Fosselman, City Manager G. David Lindimore and Staff and Law Director Bruce E. Bailey present. William Highfield was excused.

3. **INVOCATION**

The invocation was given by Rev. Danny Lambert of First Baptist Church in Westerville.

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **MINUTES**

The Minutes of the October 3, 2006 Executive Session, October 3, 2006 Regular Meeting and October 10, 2006 Work Session was presented for approval.

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

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

Nays: None

The motion carried.

6. **CITY MANAGER'S REPORT**

Mr. Lindimore administered the Oath of Office to the following Westerville Division of Fire Firefighter Richard Best, Jr.

Mr. Lindimore gave a Capital Improvement Update:

- Sioux Drive and Oneida Avenue – Water service connections are continuing. Curb reconstruction is underway with roadway to follow. This project is scheduled for completion by early November.
- Otterbein/County Line Intersection – Utility relocation work is ongoing. Curb and gutter installation has begun with pavement work to follow. This work is scheduled for completion by the end of October.
- 2006 Sidewalk Replacement – Work continues in Annehurst Village. This project is scheduled for completion by early November.
- Africa Road Improvements – The installation of curb and gutters has begun. The embankment for the roadway is being placed. This project is scheduled for completion in December.
- Annehurst Village Underground Cable Replacement – The replacement of underground cable is underway north of Main Street. This project is scheduled for completion in December.
- Circuit 13 Pole Replacement – Pole replacement is also ongoing in Annehurst Village. This project is scheduled for completion by Spring 2007.

Mr. Lindimore introduced Bill Lhota of the Central Ohio Transit Authority. Mr. Lhota is requesting City Council support of Issue 7 on the November 7, 2006 ballot that will, if approved by voters, expand bus service in Central Ohio.

7. **MAYOR'S REPORT**

Mayor Fosselman issued a Proclamation to Lynda Yonkers of Mt. Carmel/St. Ann's for National Breast Cancer Awareness Month in October 2006.

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

Jack Winkel, Finance Director, stated the September 2006 Interim Financial Report was distributed. Mr. Winkel stated the Finance/Audit Review Committee met on October 10, 2006 to review and discuss the report. Mr. Winkel stated, during the committee meeting, committee members met with Electric Division staff to discuss the Substation #3 project and its effect on fund balance. Mr. Winkel stated the committee discussed the adjustments to projections moving into the five year plan. Mr. Winkel stated the September Interim Financial Report is on file in the City Clerk's Office and may be viewed during regular business hours.

9. **CITIZENS COMMENTS**

None

10. **LEGISLATION**

a) ***RESOLUTION NO. 06-14, "A Resolution of Support for the Central Ohio Transit Authority (COTA) and Increased Bus Service in Central Ohio"***

This Resolution is asking City Council support of Issue 7 on the November 7, 2006 ballot that will increase bus service in Central Ohio if approved by the voters.

Mr. Heyeck moved, Mr. Treneff seconded for the adoption of Resolution No. 06-14.

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

Nays: None

The motion carried.

b) ***ORDINANCE NO. 06-41, "To Amend Section 961.10 of the Westerville Codified Ordinances to Set Hours of Operation of Commercial Refuse Haulers"*** was read for the first time.

Mr. Bailey stated the city has recently received noise complaints concerning the pick up of trash at a commercial site in the early hours of the morning. This amendment will set the same time period for all other waste haulers in the city. Failure to comply could bring enforcement and penalty of \$100 per event and has a provision for the City Manager to revoke the permit to haul.

Mayor Fosselman asked if the permit fees would be pro-rated. Mr. Wiseman will provide that information to Council.

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

Chairman Wetterauer expressed his concerns with passage of this Ordinance without giving the opportunity for those affected to review the changes.

After discussion, Mr. Heyeck withdrew his motion and Mrs. Gonzales withdrew her second to suspend the rules.

Chairman Wetterauer asked staff to notify the interested party and let them know Council will suspend the rules at the next regular meeting and notification to businesses, churches and schools should be conducted quickly.

11. TO AWARD THE BID FOR CONTRACT STREET SWEEPING TO CONTRACT SWEEPERS AND EQUIPMENT COMPANY.

Frank Wiseman, Public Service Department, stated one bid was received at the official bid opening held Monday, October 9, 2006. Staff recommends that the contract be awarded to Contract Sweepers and Equipment Company for pavement sweeping services as outlined in the bid in the amount of \$82,528.00 for the scheduled sweeping program and \$105.00 per hour for emergency call street sweeping.

Mrs. Gonzales requested the amount spent on emergency street sweeping in the past.

Mr. Heyeck urged residents to not place leaves in street gutters.

Mrs. Gonzales moved, Mr. Heyeck seconded to award the bid for contract street sweeping to Contract Sweepers and Equipment Company.

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

Nays: None

The motion carried.

12. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO PURCHASE REPLACEMENT RELAY TEST EQUIPMENT AND TO WAIVE COMPETITIVE BIDDING AND NOTICE REQUIREMENTS.

Steve Garnick, Electrical Operations Manager, stated the Electric Division's relay test equipment has been scheduled for replacement due to age and condition and is to be traded-in for credit against the purchase price of the new equipment. Vendors were asked to quote and three quotations were obtained: Doble Engineering Company (\$39,900), Principal Sales, Inc. (\$39,990), and MMC, Ltd. (\$39,999). Staff recommends purchasing the replacement relay test equipment from Doble Engineering Company in the amount of \$39,900.

Mrs. Gonzales moved, Mayor Fosselman to authorize and direct the City Manager to purchase Replacement Relay Test Equipment and to waive competitive bidding and notice requirements.

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

Nays: None

The motion carried.

13. ADDITIONAL BUSINESS

Fire Chief Bernie Ingles stated the Fire Division, in partnership with the Franklin County EMS, will present a pandemic flu session on November 1, 2006 at 7:00 p.m. in City Council Chambers and encouraged residents to attend this informational session.

14. COUNCIL COMMENTS

Mr. Heyeck discussed the income tax rate increase that will appear on the November 7, 2006 ballot. Mr. Westerville stated the city has been enjoying low income tax rates and has done a great job in its financial responsibility to the residents. Mr. Heyeck discussed the reason for the income tax rate increase from the current 1.25% to 2.00%. Mr. Heyeck stated the city can't continue to offer low income rates and provide the current level of services expected. Mr. Heyeck stated the income tax monies provides funding to the city's General Fund and pays for many services. Mr. Heyeck stated the income tax needs are not to raise the employment levels significantly in the city but to keep the infrastructure of the city healthy. Mr. Heyeck stated if the income tax rate increase does not pass, the infrastructure will disintegrate, property values will

deteriorate and employers would not want to come to the city. Mr. Heyeck stated the good news is the city has put together a five year plan to look at future projects and needs in the city. Mr. Heyeck stated the five year plan is available for public viewing but does not include all of the infrastructure replacement needed. Mr. Heyeck stated more revenues are needed in the General Fund to fund infrastructure improvements. Mr. Heyeck stated it is important to keep income tax dollars in the city and explained how income tax is paid by employees. Mr. Heyeck encouraged voters to consider voting for the issue.

Mayor Fosselman asked if the streets lights on Illinois Avenue will be updated. Mayor Fosselman requested additional information on the new A T & T utility boxes. Mayor Fosselman reminded residents of the current vacancies on boards and commissions and encouraged residents to apply for the vacancies.

Mrs. Cocuzzi thanked City Engineer Susan Banbury for the information on the A T & T utility boxes. Mrs. Cocuzzi thanked the Westerville Police Division for the fine job they have been doing with recent incidents. Mrs. Cocuzzi stated the "History Exhumed" will be held on October 28, 2006 in Alum Creek Park North.

Mrs. Gonzales stated Trick or Treating will take place on Tuesday, October 31, 2006 during the hours of 6:00 p.m. to 8:00 p.m. Mrs. Gonzales asked residents to notify the Police Division if they have an unlisted phone number or cell phone so it can be added to the automated call back system for future events.

Chairman Wetterauer stated all City Council members are unanimous in their support of the income tax rate issue and asked for voter support. Chairman Wetterauer urges voters to vote by absentee ballot or vote on November 7th. Chairman Wetterauer stated former Council member Stew Flaherty's mother passed away today.

15. **ADJOURNMENT**

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

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

Nays: None

The motion carried.

The meeting adjourned into Work Session at 7:45 p.m.

Mary J. Johnston, MMC
Clerk of Council

Damon E. Wetterauer, Jr.
Chair of Council