MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL
Council Chambers, September 19, 2006, 7:00 p.m.

1. ***CALL TO ORDER***

2. ***ROLL CALL***
Council met in regular session September 19, 2006 with Council Members, Damon Wetterauer, Jr., Craig Treneff, William Highfield, Kathy Cocuzzi, Anne Gonzales, Michael Heyeck, Diane Fosselman, City Manager G. David Lindimore and Staff and Law Director Bruce E. Bailey present.

3. ***INVOCATION***
The invocation was given by Mayor Diane Fosselman.

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

5. ***MINUTES***
The Minutes of the September 5, 2006 Regular Meeting and September 5, 2006 Executive Session was presented for approval.

Mrs. Gonzales moved, Mayor Fosselman seconded to approve the Minutes as provided.

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

Nays: None

Abstained: Mr. Heyeck

The motion carried.

6. ***CITY MANAGER'S REPORT***
Mr. Lindimore administered the Oath of Office to the following Westerville Division of Police Officers: Sergeant Charles Chandler, Sergeant Kenneth Featherling, Corporal Douglas Stephens, Corporal Ted Smith, Corporal Gregory Franey and Officer Eric Winters.

Mr. Lindimore gave a Capital Improvement Update:

- Illinois Avenue – Water services have been installed. The installation of new curb and drive approaches has begun. Resurfacing of the street will follow. All work is to be completed by the end of September, weather permitting.
- Sioux Drive and Oneida Avenue – The installation of the water main is 90% complete. Water services to follow. The reconstruction of the street will follow all water work. This work is scheduled for completion by the end of October.
- 2006 Sidewalk Replacement – Sidewalk replacement is 60% complete. Work is ongoing in Lexington Farms and Annehurst Village south of Main. This program is scheduled for completion in October.
- Westerville Bikeway – The bikeway construction is complete. Pedestrian signal work and restoration is ongoing. All work is to be completed by the end of September.
- Maebelle Way Bridge – The bridge and pavement work are complete. Maebelle Way is open for traffic with temporary barriers along both sides of the bridge. The installation of the guardrails will be completed by the end of September.

- Africa Road Improvements – The installation of underground utilities including electric, water line and storm sewers is ongoing. The new culvert is scheduled for delivery September 25th. This project is scheduled for completion in December.
- Circuit 13 Pole Replacement – Pole replacement work is ongoing in Annehurst Village. This project is scheduled for completion by early 2007.

7. ***MAYOR'S REPORT***

Mayor Fosselman introduced Laura Ehninger with the Westerville Reads Program through the Westerville City Schools. Ms. Ehninger stated the Westerville Reads Program is looking for community volunteers to assist first graders with their reading skills. Mayor Fosselman encouraged residents to participate in this program.

8. ***CITIZENS COMMENTS***

Scott Hrabcak, 150 Barmont West, representative of River Trace Homeowners Association, expressed his appreciation to City Council and staff for their assistance with the proposed cell tower construction on Hanawalt Road. Mr. Hrabcak stated he is pleased, along with the neighbors, that other locations for the cell tower are being considered.

9. ***LEGISLATION***

a) ***RESOLUTION NO. 06-13, "Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor"***.

Jack Winkel, Finance Director, stated this Resolution was prepared and submitted by the Franklin County Budget Commission. The Resolution must be voted on and adopted before the first day of October. The full tax rates as they appear in the Resolution are less than the rates currently in effect for tax year 2005/collection year 2006 by 0.25 mils. This is due to the final maturity on December 1, 2006 of voted bonds issued in 1986. It should be noted that current tax revenue estimates most likely will increase when actual property valuations become available in December. Likewise, effective tax rates will be adjusted by the Franklin County Budget Commission in December of this year.

Mayor Fosselman moved, Mr. Treneff seconded for the adoption of Resolution No. 06-13.

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

Nays: None

The motion carried.

b) ***ORDINANCE NO. 06-31, "To Approve a Development Standards Text and Preliminary Development Plan for a 1.005 acre Tract of Land Owned by David J. Young, Trustee, in the Planned Development District, located at 395 North West Avenue"*** was read for the second time. Public Hearing is scheduled for October 3, 2006.

c) ***ORDINANCE NO. 06-35, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a 2.766 acre Tract of Land Located at 600 North State Street from RR, Rural Residential to PO, Planned Office, and to Approve the Development Standards Text and Development Plan for such Tract"*** was read for the second time. Public Hearing is scheduled for October 3, 2006.

d) ***ORDINANCE NO. 06-36, "To Provide for the Supplemental Appropriation of Funds and the Transfer of Appropriations of Funds from the Electric Fund to Cover Expenses for the Substation #3 Project and Other Electric System Improvements"*** was read for the second time.

e) ***ORDINANCE NO. 06-37, "To Provide for the Transfer of Appropriations from the Swimming Pool for the Fiscal Year Ending December 31, 2006"*** was read for the second time.

f) ***ORDINANCE NO. 06-38, "To Provide for the Transfer of Funds for the Purpose of Providing Additional Funding to Pay the Costs of Construction and Related Services for Municipal Building Emergency Generator Improvements"*** was read for the second time.

g) ***ORDINANCE NO. 06-39, "To Accept a Donation and Provide for the Appropriation of Funds to Purchase Two (2) Medication Infusion Pumps"*** was read for the first time.
Fire Chief Bernie Ingles stated this Ordinance accepts a donation made to the Westerville Division of Fire in the amount of $9,200 from the Aladdin Shriners Hospital Association for Children for the purchase of two (2) MedSystem III Multi-Channel Infusion Pumps and associated infusion sets.

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

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

Nays: None

The motion to suspend the rules carried.

Mrs. Gonzales moved, Mayor Fosselman seconded for the adoption of Ordinance No. 06-39.

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

Nays: None

The motion carried.

h) ***ORDINANCE NO. 06-40, "To Acknowledge Donations from Mount Carmel Health System, Children's Hospital and Lakeshore Cryotronics, Inc., and to Provide for the Appropriation of Funds for the Costs Associated with the Community Health Initiative-Fit Quest"*** was read for the first time.
Jody Stowers, Parks and Recreation Director, stated the city has accepted $14,000 in donations from Mount Carmel Health System, Children's Hospital and Lakeshore Cryotronics, Inc. for the community health initiative FitQuest. FitQuest first kicked off in January 2005 and has been very successful. FitQuest was developed to encourage citizens and businesses to become more active and healthy. To date, 1,707 citizens are involved in the program and as a community has accumulated miles the equivalent of circling the globe over 16 times.

Mrs. Cocuzzi moved, Mr. Highfield seconded to suspend the rules for the required three readings.

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

Nays: None

The motion to suspend the rules carried.

Mr. Heyeck moved, Mrs. Gonzales seconded for the adoption of Ordinance No. 06-40.

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

Nays: None

The motion carried.

10. ***TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND PERFORM AN AGREEMENT GRANTING DREW BERLIN AN OPTION TO PURCHASE A 1.179 ACRE TRACT OF LAND OWNED BY THE CITY LOCATED IMMEDIATELY WEST OF 374 WESTDALE AVENUE.***

Julie Colley, Economic Development Coordinator, stated Drew Berlin, who owns and has developed the property immediately ease of the City's parcel, has expressed an interest in the purchase of the property in order to expand his office/warehouse development at 374 Westdale Avenue. In March, the city authorized an appraisal for the 1.179 acre tract of land. Based on the appraiser's analysis, the Fair Market Value of this property was determined to be $110,500. A real estate agreement provides a one-year option for Drew Berlin to purchase the property at this appraised price. The sum of $1,000 will be paid by Mr. Berlin to enter into the real estate option with the sum being credited against the purchase price should the option be exercised.

Mrs. Gonzales moved, Mr. Heyeck seconded to authorize the City Manager to execute and perform an agreement granting Drew Berlin an option to purchase a 1.179 acre tract of land owned by the city located immediately west of 374 Westdale Avenue.

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

Nays: None

Abstention: Chairman Wetterauer due to a conflict of interest

The motion carried.

11. ***TO CHANGE CITY COUNCIL'S 2ND MEETING IN NOVEMBER FROM NOVEMBER 21 TO NOVEMBER 28, 2006 AND TO SET CITY COUNCIL'S DECEMBER REGULAR MEETING ON DECEMBER 12, 2006.***

Mr. Heyeck moved, Mr. Highfield seconded to change City Council's 2nd meeting in November from November 21 to November 28, 2006 and to set City Council's December Regular Meeting on December 12, 2006.

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

Nays: None

The motion carried.

13. ***ADDITIONAL BUSINESS***

TO AUTHORIZE THE CITY MANAGER TO AMEND AND EXTEND THE CURRENT COLLECTIVE BARGAINING AGREEMENT WITH THE WESTERVILLE PROFESSIONAL FIREFIGHTERS IAFF LOCAL 3480 TO DECEMBER 31, 2006 AND TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT WITH LOCAL IAFF EFFECTIVE JANUARY 1, 2007 THROUGH DECEMBER 31, 2009.

Mr. Highfield moved, Mr. Heyeck seconded to authorize the City Manager to amend and extend the current collective bargaining agreement with the Westerville Professional Firefighters IAFF Local 3480 to December 31, 2006 and to execute a new collective bargaining agreement with local IAFF effective January 1, 2007 through December 31, 2009.

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

Nays: None

The motion carried.

14. ***COUNCIL COMMENTS***

Mayor Fosselman encouraged residents to attend Otterbein College's activities this Saturday on their campus. Mayor Fosselman commented on the income tax issue that will be on the November ballot and stated this is a very important issue for Westerville. Mayor Fosselman stated it is crucial that residents become familiar with the issue. Mayor Fosselman discussed the need for the increase that will fund infrastructure improvements and maintain city services. Mayor Fosselman asked the community to educate themselves on this very important issue.

Mr. Heyeck asked City Engineer Susan Banbury to investigate the left hand turn lane into the US Post Office parking lot at the intersection of State Street and Bishop Avenue. Mr. Heyeck stated some motorists are not waiting for the signal and choosing to proceed through the intersection and enter the parking lot at the southern entrance. Mr. Heyeck stated he is glad FitQuest is doing so well and would like folks to adopt a bikeway eventually.

Mrs. Gonzales thanked City Engineer Susan Banbury and staff for organizing the meeting in regards to the Hillsdowne Street access. Mrs. Gonzales asked staff about the parking lot painting and landscaping at the Access Drywall location.

Mrs. Cocuzzi congratulated the newly sworn police officers. Mrs. Cocuzzi congratulated the Westerville City School District for receiving its excellent rating. Mrs. Cocuzzi thanked Mr. Bailey and staff for working on the cell tower issue.

Mr. Treneff stated the "This Week's Business First" has a lead story regarding the Eastwind Medical facility that is locating in Westerville. Mr. Treneff stated it was a good article and puts the city in a very good light. Mr. Treneff thanked Public Service Director Frank Wiseman and staff for an outstanding job with the hazardous waste collection.

Mr. Highfield congratulated the Westerville Fire Division and Parks and Recreation Department for their respective donations. Mr. Highfield thanked everyone involved for their work in the cell tower issue. Mr. Highfield congratulated the newly sworn police officers.

Chairman Wetterauer asked staff to place the map of the proposed Eastwind Medical facility on the city's website so citizens are aware of the development and the possibilities for future tenants.

15. ***ADJOURNMENT***
Mr. Highfield moved, Mr. Treneff seconded to adjourn.

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

Nays: None

The motion carried.

The meeting adjourned at7:40 p.m.

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