

MINUTES
REGULAR SESSION
WESTERVILLE CITY COUNCIL

City Council Chambers, June 19, 2018
Regular Meeting 7:00 PM
www.westerville.org

1. CALL TO ORDER

2. ROLL CALL

Council met in Regular Session on June 19, 2018 with Council Members Alex Heckman, Kathy Cocuzzi, Craig Treneff, Diane Fosselman, Tim Davey, Valerie Cumming, Michael Heyeck, City Manager David Collinsworth and staff, Law Director Bruce Bailey and Clerk of Council Mary Johnston.

3. INVOCATION GIVEN BY PASTOR JOHN WALLACE OF CHURCH OF THE SAVIOR

4. PLEDGE OF ALLEGIANCE

5. MINUTES OF THE JUNE 5, 2018 REGULAR MEETING AND JUNE 12, 2018 SPECIAL MEETING/WORK SESSION/EXECUTIVE SESSION

Mrs. Fosselman moved, Mayor Treneff seconded to approve the Minutes as presented.

Yeas: Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Mr. Davey, Ms. Cumming, Mr. Heckman, Chairman Heyeck

Nays: None

Abstained: Mrs. Cocuzzi abstained on the June 5, 2018 Minutes due to absence.

The motion carried.

6. MAYOR'S REPORT

Mayor Treneff read a Proclamation for Jack Bope, Jr. in recognition of his many years of service on the Franklin County Board of Health. Mr. Bope graciously accepted the Proclamation from Mayor Treneff.

Mayor Treneff introduced Mike Schadek, City of Columbus's Deputy Director of the Department of Development. Mr. Schadek thanked the Council Members for their time they put into the City. Mr. Schadek stated that Mayor Ginther, Mayor for City of Columbus, believes in collaboration between the communities. Mr. Schadek stated that the City of Columbus wants to be good neighbors with the City of Westerville.

Mayor Treneff stated that he made a surprise visit to Carole Straub at the 50th Anniversary Recital for Straub Dance Studio on June 9, 2018. Mayor Treneff stated that he spoke to a group of 4th graders from China on June 11, 2018. Mayor Treneff stated that he spoke at the Flag Day Ceremony at First Responders Park on June 14, 2018. Mayor Treneff visited Musicology on June 15, 2018. Mayor Treneff stated that the American Issue Sculpture unveiling, on July 15, 2018, was a significant event for the City of Westerville. Mayor Treneff stated that the next Meet the Mayor is Wednesday, June 27, 2018 at Westerville South High School.

Vice Mayor Cocuzzi stated that she represented the Mayor at Bru Burger's ribbon cutting on June 11, 2018.

7. CITY MANAGER'S REPORT

Mr. Collinsworth gave his report at this time.

Construction Updates:

Cleveland Avenue – The water service transfers started last week from the new water line. Excavation continued on the second half of the ramp widening which will continue through this week. Storm work continues on east side of Cleveland Avenue, south of Schrock Road. Permanent seeding was performed in completed areas.

Vancouver Drive – Curb installation continues with the east side being completed and work on the west side to follow.

Library Drive – Library Drive is now open. The landscape finished last week and lawn restoration is underway.

Resurfacing Program – Huber Village Boulevard paving should be completed this week. Paving was completed on Braxton Place and Allview Court. Curb replacement continues on Autumn Woods and Autumn Meadows. Curb removals for Kim Court East and Chertsey Court will begin next week.

Uptown Parking Lot Paving – The lot on East Home Street, behind Rotary Park, was repaved last week, as was the lot on East Main Street and Haywood Alley behind Old Bag of Nails. The parking lot between Main Street and College Avenue, west of State Street (behind Graeters), will be paved next week. Lots will remain closed during the work and final striping, which should take approximately three days. All lots will be available for this week's Fourth Friday event.

Thomas James Knox Rink Dedication and Grand Opening – The new project is nearing completion at Alum Creek Park South. The project has been completed through a generous donation from Jim and Lisa Knox, as well as other donors. A dedication event will be on Saturday, June 30, 2018 at 11:30 a.m. Special guests include members of the Columbus Blue Jackets and Stingers. The Columbus Blue Jackets will provide a free hockey learners clinic from 12:00 p.m. to 1:00 p.m.

South Hempstead/McVay Park Planning – Parks and Recreation Department hosted two public input sessions concerning the new park. The City received a strong response and interest from the public. If residents missed these sessions they can review the materials and leave comments on the City's website. The preliminary plans, based on input, will be available late summer.

American Issue Sculpture – The dedication was this past Friday evening with Sculptor Matthew Gray Palmer. The sculpture celebrates Westerville's role in changing the Constitution of the United States. There was a great turn out for the dedication event. Mr. Collinsworth congratulated and showed his appreciation to Bruce Bailey who led this public art initiative. It is an important memorial to the City's history.

Fourth of July – There will be a multitude of festivities sponsored by Westerville Noon Rotary. There will be a 5K Walk/Run at 8:00 a.m. The parade will begin at 1:00 p.m. The Family Fun Zone at Westerville South High School will start at 2:00 p.m., which will include live music, food trucks and inflatables. The fireworks will start at dusk (10:00 p.m.).

The last meeting before summer recess will be Monday, July 2 at 7:00 p.m.

8. COUNCIL REPRESENTATIVE REPORT

8a. Otterbein STEAM/The Point Report

Diane Fosselman, Otterbein STEAM Representative, gave her report at this time.

Mrs. Fosselman stated that The Point Advisory Council has met in January and April this year, with the next meeting being in July. Mrs. Fosselman stated that The Point is currently experiencing significant engagement and momentum with the expansion almost complete. Mrs. Fosselman stated that The Point is home to six tenants. Mrs. Fosselman stated that Nikola Labs expanded into two additional locations within The Point, adding twelve additional jobs. Mrs. Fosselman stated that Nestle has completed their initial project with the

proprietary equipment and has begun a second project. Mrs. Fosselman stated that The Point is providing opportunities for community involvement and learning. Mrs. Fosselman stated that the growth in the facility and the additional companies provide unique opportunities for students and the community.

8b. Westerville Industry and Commerce Corporation

Kathy Cocuzzi, Westerville Industry and Commerce Corporation Representative, gave her report at this time. Mrs. Cocuzzi stated that the Westerville Industry and Commerce Corporation or WICC serves as the City's Community Improvement Corporation as authorized by Chapter 1724 of the Ohio Revised Code. Mrs. Cocuzzi stated that this 501c3 Economic Development organization is made up of seven board members: four City representatives and three private sector representatives. Mrs. Cocuzzi stated that the purpose of the organization is to advance, encourage and promote the industrial, economic, commercial and civic development of the City of Westerville. Mrs. Cocuzzi stated to execute its purpose, in partnership with the City and our Economic Development team, the organization administers various incentive programs and a conduit for real estate transactions. Mrs. Cocuzzi stated that the three main incentives programs are BusinessWISE, the Uptown Improvement Program, and the WICC Forgivable Loans.

- BusinessWISE – An incentive program targeted at energy efficiency and conservation projects for large and small commercial and industrial (C&I) electric customers. By implementing energy efficiency projects, the City reduces the peak amount of energy needed to purchase, so everybody benefits by lower rates. Totals for 2018: \$342,570 funded or pre-approved (meaning that not all of these funds have been paid out in 2018 thus far), nearly 4,000,000 kWh per year savings, 18 companies positively impacted, 24 additional projects in process. Project Highlights – JP Morgan Chase (800 Brooksedge) – Final incentive approved \$131,558; lighting; more than 1.4M kWh savings per year.
- Uptown Improvement Program (formerly the Uptown Façade Improvement Program) – Designed to stimulate private investment in high-quality building improvements that contribute to the overall character of the Uptown District. WICC provides matching grants to property owners or tenants of commercial buildings up to 50% of the eligible project cost and maximum grant of \$30,000. To date, WICC have assisted or authorized 38 Uptown Improvements and nearly \$1.3 million in investment of these historic structures. According to our Economic Development team, this program has a strong pipeline of future projects with recent property acquisitions in the Uptown.
- WICC Forgivable Loan – WICC provides no-interest loans to companies for costs incurred due to relocation or tenant improvements associated with the company's move or expansion to the City. Over the past year, the Board has authorized five WICC loans; these projects could bring approximately 100 jobs with nearly \$7.5 million in payroll.

9. CITIZENS COMMENTS

Peg Duffy, 14 South Spring Road, stated that, in regards to the Age Friendly Initiative Discussion, Council will probably say nice things about making life easier for the senior residents in order to make them stay. Ms. Duffy asked that Council keeps this in mind the next time Council reviews the Rumpke contract. Ms. Duffy stated that if the City switches to the larger trash containers that have been discussed, then it will make life miserable for the seniors.

Joe Mazzola, Health Commissioner of Franklin County Public Health, stated that the consideration for tobacco free parks is certainly a public health issue. Mr. Mazzola stated that Franklin County has been working with other communities that are looking at similar Ordinances. Mr. Mazzola is lending his support to the City as Council moves forward with consideration. Mr. Mazzola stated that the Franklin County Public Health is ready to partner with the City on implementation in terms of signage and communication to the residents. Mr. Mazzola stated that creating healthy environments for families and youth is very important.

Jack Bope, Jr., 191 Storington Road, stated that he supports Ordinance No. 2018-19 Prohibit Smoking in the Parks. Mr. Bope stated that he was on the board for Franklin County Public Health when the smoking regulations started. Mr. Bope stated that he was in City of Columbus's Council Chambers when City of Columbus made it a law, then was told they could not do that. Mr. Bope stated that he supports keeping the City clean.

Melissa Ryan, Steubenville, Ohio, stated that she is representing the American Massage Association. Ms. Ryan thanked City Council and staff for their due diligence on the Ordinance regarding regulation for massage therapy. Ms. Ryan stated that the officials have done their research checking all angles. Ms. Ryan stated that the City has been in contact with the State Medical Board and the American Massage Therapy Association regarding this issue. Ms. Ryan stated the American Massage Therapy Association Ohio is working on regulations throughout the entire state, so the bad guys cannot move from community to community. Ms. Ryan stated that the City is protecting the public and licensed massage therapists with the passage of this Ordinance.

10. LEGISLATION

10a. RESOLUTION NO. 2018-11, "To Authorize the City Manager to File an Application, Accept Grant Funds and Enter into an Agreement with Petsafe to Support the City of Westerville Brooksedge Bark Park" was read.

Parks and Recreation Director Randy Auler reported that the Brooksedge Bark Park was developed in 2005 through the city's capital improvement plan and public donations. The Bark Park features over two acres of fenced off-leash areas for pets and their owners. The Bark Park is enjoyed by citizens making it one of the most popular amenities in the city. Over time, staff has been approached about enhancements to the Bark Park for continued community enjoyment. The PetSafe Corporation awards grants up to \$5,000 through their Bark for Your Park program for upgrades to existing dog parks across the country. If awarded grant funds, staff would purchase dog specific features that would test agility while emphasizing play. The 2018 grant application is due June 30, 2018 with funds being awarded during the month of August 2018. The grant does not require matching funds, eliminating the need for additional city funds to complete the desired enhancements. The grant requires a minimal time commitment to fill out the required online application and submit images of the existing park. The Bark for Your Park grant from the PetSafe Corporation would significantly enhance one of Westerville's prized assets. Staff recommends and requests City Council authorize the City Manager to file an application, accept grant funds, and enter into an agreement with PetSafe to support the Westerville Parks & Recreation Brooksedge Bark Park.

Mrs. Fosselman moved, Mrs. Cocuzzi seconded for the adoption of Resolution No. 2018-11.

Mrs. Cocuzzi congratulated the Parks Department for trying to find grants available for the City to be able to increase the amenities for the public.

Yeas: Mayor Treneff, Mrs. Fosselman, Mr. Davey, Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Chairman Heyeck

Nays: None

The motion carried unanimously.

10b. ORDINANCE NO. 2018-12, "An Ordinance Levying Special Assessments for the Purpose of Constructing or Repairing Certain Sidewalks in the City of Westerville, Ohio" was read for the third time. Planning and Development Director Karl Craven reported the Engineering Division has determined the approximate number of parcels per zone for the next five Sidewalk Repair Program years (2019-2023). The

2020 program year zone is slightly larger than the other four, but it includes many condos and the Brookside area which do not have public walk ways. The 2020 zone also includes the recently completed State/Schrock area. Based on the analysis, staff is comfortable in recommending that the remaining 5 zones can be completed in two construction seasons as follows: combining 2019/2020 for 2019 construction and 2021/2022/2023 for 2020 construction.

Mr. Davey pointed out that the City has provided new sidewalks to some residents. Mr. Davey stated that this program is asking residents to repair or replace existing sidewalks. Mr. Davey stated that part of the rationale for tax incentives is to provide a benefit to the residents. Mr. Davey stated that paying for the sidewalks should be a dividend to the residents. Mr. Davey stated that this **since it** is not the residents' option to take out the sidewalks, it is City property. Mr. Davey stated that since the residents do not have authority to remove the sidewalks, then the City should pay for the sidewalks.

Mr. Heckman stated that for this 2018 program year there are 165 repairs that owners will be making for sidewalks and only 28 residents have pulled permits to make the repairs on the sidewalks. Mr. Heckman stated he would like to see the program end after 2018 and have the City pay for the sidewalks.

Mayor Treneff stated that the vote tonight is not a vote on whether to continue the program. Mayor Treneff stated that the vote is based on the 2017 program, allowing residents to finance the construction of the sidewalks on their tax assessments.

Mayor Treneff moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 2018-12.

Yeas: Mrs. Fosselman, Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

10c. ORDINANCE NO. 2018-13, "To Enact Chapter 759 of the Codified Ordinances to Regulate Massage Establishments, To Amend the Planning and Zoning Code to be Consistent Therewith, and to Amend the Massage Services Moratorium" was read for the third time.

Economic Development Coordinator Rob Rishel reported staff did not change the Ordinance after the Second Reading. Mr. Rishel addressed some questions about penalties, incidents of injury for licensed massage therapists versus unlicensed massage technicians, educational requirements, and additional information on In The Bag Massage business and the effect this Ordinance on that business.

Mrs. Fosselman asked who all was involved in creating the legislation. Mr. Rishel stated that Code Enforcement Supervisor Bryan Wagner, Community Affairs Director Christa Dickey, Police Lieutenant Charles Chandler, Planner Tom Lodge, Assistant Law Director Tom Schmitt and himself. Mr. Rishel stated that the business community helped as well.

Mrs. Cocuzzi asked what the penalty would be for businesses not following the Ordinance. Lt. Chandler stated that the Ordinance will help with illegal businesses coming into the City. Lt. Chandler stated that the penalty would have to be at least the minimum penalty, which is what the M4 would be.

Chairman Heyeck asked why a law similar to Gahanna's law was not considered. Mr. Rishel stated that the law was considered and staff took a look at all similar law in Central Ohio. Mr. Rishel stated that the City would still have unlicensed individuals being able to operate. Mr. Rishel stated that these individuals would not be subject to test requirements and ethical considerations. Mr. Rishel stated that there would be loopholes for businesses to still act as a front for illegal activity. Chairman Heyeck commends staff for not categorizing

the businesses as sexually oriented businesses. Chairman Heyeck asked if staff moved the period to eighteen months, rather than twelve months. Mr. Rishel stated that staff moved the timeline to January 1, 2020.

Mayor Treneff moved, Ms. Cumming seconded for the adoption of Ordinance No. 2018-13.

Mr. Davey stated that there is nothing in the state law that requires a business to have a state license to provide a massage. Mr. Davey stated that normally a profession would have a regulatory organization that would provide the licensing. Mr. Davey stated that the state provides the licensing since the profession is medically related, but it is not a requirement for the State of Ohio. Mr. Davey stated that this is abuse for medical licensing to require a medical license for something that is not necessarily a medical procedure. Mr. Davey stated that there are only two approved schools in Central Ohio that provides the massage therapy licensing. Mr. Davey stated that the American Institute for Alternative Medicine has an estimated cost of \$16,000 and Columbus State Community College has an estimated cost of over \$6,700. Mr. Davey stated that even if the City requires massage therapists to be licensed, the criminals will find a way around the licensing. Mr. Davey stated that this Ordinance will push the initial problem of human trafficking and prostitution on to other communities. Mr. Davey stated that the City of Westerville has the resources to address human trafficking and prostitution.

Mayor Treneff stated that he supports Ordinance No. 2018-13 and thinks it is a reasonable use of Police power. Mayor Treneff stated that the City had a threat of human trafficking and the City needs an effective means of addressing the issue. Mayor Treneff stated that Westerville can only adopt Ordinances affecting the City, but does need to be adopted statewide to truly take a swing at human trafficking that is associating itself with the massage industry. Mayor Treneff stated that there are a number of people that need to be protected by this Ordinance, including the public, legitimate massage therapist and the people being trafficked.

Mr. Heckman stated that he supports Ordinance No. 2018-13. Mr. Heckman stated that he commends the Police Department and City leadership for their efforts with this Ordinance. Mr. Heckman stated that this Ordinance provides the additional tools to help insure that the illegal businesses do not come into the City of Westerville and hopefully other communities will follow. Mr. Heckman stated that he hopes the City continues to take steps in educating the public on human trafficking and other issues the community is facing.

Yeas: Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

10d. ORDINANCE NO. 2018-16, "To Amend Chapter 901 of the Codified Ordinances Regarding Telecommunications, Utility, and Small Cell Wireless Facility Access to the Right of Way" was read for the third time.

City Engineer Scott Tourville reported staff will continue to develop the administrative design guidelines that will be used to regulate the location and appearance of small cell facilities. These guidelines will be completed before the new state law takes effect in early August. This Ordinance amends Chapter 901 that controls quasi-public utilities access to the City right of way. This includes regulations regarding the submission and approval for permits to install and maintain these facilities in the City right of way.

Mr. Davey asked that going forward the City explicitly states in the request letter to facility owners that they are free to decline the use of their property.

Mrs. Fosselman moved, Mrs. Cocuzzi seconded for the adoption of Ordinance No. 2018-16.

Yeas: Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Mr. Davey, Chairman Heyeck

Nays: None

The motion carried unanimously.

10e. ORDINANCE NO. 2018-17, "To Provide for a New Police Justice Center the City Manager is Authorized and Directed to Perform Necessary Due Diligence, and, Upon the Satisfaction of Such, to Perform Real Estate Purchase Contracts Providing for the Purchase of the Building Known as 229-249 Huber Village Boulevard, and the Adjacent 2.30-Acre Vacant Tract; and to Provide for the Supplemental Appropriation of Funds for Such Purposes." was read for the third time.

Mr. Collinsworth reported this Ordinance appropriates \$2,252,500 and authorizes the purchase of +/- 4.5 acres of land and associated building at 229-249 Huber Village Boulevard for the anticipated development of a new Police-Court facility (a.k.a. Justice Center). These funds would come from the \$6.3 million balance of funds available from the City's Capital Opportunities Reserve (CORe) within the General Capital Improvement Fund. The movement of the Police and Mayor's Court from 21, 28 and 29 S. State Street offers additional advantages above and beyond the obvious operational benefits attributable to these departments alone. As discussed in various strategic planning sessions in recent years, this property acquisition and subsequent facility development provides the City with these advantages: property consolidation; reduced Uptown footprint; parking impact; project acceleration; and South Westerville commitment. The timetable for this transition is still be evaluated but there are two tenants in the building on Huber Village with whom the City will need to negotiate lease termination terms. There are advantages and disadvantages to doing so early – on one hand, early termination enables quicker access to the building and tax exempt status, while on the other hand, early termination of the tenants would cause the loss of that lease income at least until a renovation and construction project is imminent. The intended plan of financing of the Police/Court facility improvements calls for submitting to the voters of Westerville a bond issue question authorizing the issuance of 20-25 year debt. It is projected that such a bond issue would not be put before the voters any earlier than spring of 2019, with the architectural design immediately following approval, the sale of debt occurring in 2020, and construction following immediately thereafter. The target for this bond issue would be a mill or less, noting that in 2023, the 0.16 mill bond issue for Station 112 will expire, further reducing the financial impact to property owners in the early life of the issue. Due diligence must be completed within 75 days of the contract date (mid-July) with closing to follow within 15 days of completion of the due diligence. Staff has already lined up contractors and firms to analyze the building structure, HVAC and mechanicals, environmental, and associated property elements and will expect those reports back starting in late June. Staff will provide a summary analysis including recommendations concerning satisfaction of any deficiencies prior to closing.

Mrs. Cocuzzi moved, Mayor Treneff seconded for the adoption of Ordinance No. 2018-17.

Mr. Davey stated that he likes the south side location, but **and** would be in favor of the Ordinance if the City was just buying land and not a forty year old building. Mr. Davey stated that the building is a forty year old building that will not be used for what it is designed for. Mr. Davey stated that he sees the property as a potential money pit that will need a lot of new construction. Mr. Davey stated that the City will be better off starting out with a green field and build up.

Mayor Treneff stated that he supports Ordinance No. 2018-17. Mayor Treneff stated that there really are not any other alternatives and the opportunity may not come up again. Mayor Treneff stated that there will need to be work completed to make the building match the needs of the Police Department and Mayor's Court. Mayor Treneff stated that if it works out where the building does not work then the City would be able to sell

it at market rate, since it is purchased at a market rate. Mayor Treneff stated that he thinks this will be a great opportunity.

Mrs. Cocuzzi stated that the building is not a rundown building and that the building is currently being used as an office building. Mrs. Cocuzzi stated that the Police Department and Mayor's Court also needs offices, not just a shooting range. Mrs. Cocuzzi stated that the other property is almost two and a half acres of land to use how the City needs it.

Mr. Heckman stated that he supports the Ordinance and feels that the location is good. Mr. Heckman stated that the Police Chief has been involved, so he would be able to tell if the property is lacking Police Department needs. Mr. Heckman stated that the sale of the other properties could provide some economic development opportunities.

Chairman Heyeck stated that vacancy rates in Brookside and Eastwind are pretty low and the City would be taking the opportunity for another business to occupy this area. Chairman Heyeck stated that he appreciated the due diligence staff has put together to site this justice center.

Yeas: Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Ms. Cumming, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

10f. ORDINANCE NO. 2018-15, "An Ordinance to Provide for the Advance of Funds, Appropriation, Transfer of Funds and Dis-Appropriation for the Fiscal Year Ending December 31, 2018" was read for the second time.

Mr. Davey asked, given the much higher demolition costs, if staff has considered going back to the County Land Bank and seeing if the City can piggyback off their contract. Mr. Collinsworth stated that the City can do this, but whatever demolition cost the City incurs will be through a sealed competitive bidding process. Mr. Collinsworth stated that the City could reach out to the County Land Bank to see if there are any opportunities to collaborate with them. Mr. Davey stated that the City should explore all opportunities to reduce the high cost.

10g. ORDINANCE NO. 2018-18, "To Amend Part Eleven of the Codified Ordinances and the Zoning Map of the City of Westerville, Rezoning a .8659 Acre Vacant Tract of Land Located at the Northeast Corner of South State Street and Huber Village Boulevard from O/I, Office/Institutional District, to CC, Community Commercial, Within the South State Street Corridor Special Overlay District" was read for the second time. Chairman Heyeck declared the Public Hearing open. Clerk of Council Mary Johnston administered the oath to those who wished to testify.

Planner Jeff Buehler reported this Ordinance is a request for rezoning of the property at the northeast corner of South State Street and Huber Village Boulevard. The site is currently zoned O/I (Office Institutional) with the South State Street Corridor Special Overlay District. With Ordinance approval, the property would be zoned CC (Community Commercial) and remain with the Overlay. Rezoning would allow for the development of the site with commercial uses, which are not allowed under the current zoning. The proponent of the rezoning also submitted a request for site plan review to allow for the construction of a new 3,553 square foot building for restaurant use. Both were first heard by Planning Commission at the April meeting, where the applicant was tabled to give the applicant time to address issues and questions that had been raised. At the May meeting, Planning Commission approved the site plan and recommended approval of the rezoning by a unanimous vote of 7-0 with two conditions.

David Hodge, Zoning and Land Use Attorney for Hill and Hodge located at 8000 Walton Parkway, Suite 260,

stated that the rezoning request is for a narrow rectangular property at the northeast corner of State Street and Huber Village Boulevard. Mr. Hodge stated that he is requesting rezoning from Office/Institution District to the Community Commercial District. Mr. Hodge stated that the rezoning request is to accommodate a new First Watch restaurant in the City of Westerville. Mr. Hodge stated that the request earned ~~anonymous~~ unanimous support from the Planning Commission. Mr. Hodge stated that the site plan details the architecture, landscape and signage for how the site would develop.

Speaking in Favor: None

Speaking in Opposition: None

There being no further testimony, Chairman Heyeck declared the Public Hearing closed.

Mayor Treneff asked what distinguishes this rezoning from spot zoning. Mr. Hodge stated that the Community Commercial District request is being consistent with other surrounding properties.

Ms. Cumming stated that this is an exciting use for the property, especially since it has been vacant for over a year. Ms. Cumming stated that if the City is going to focus on revitalizing the South State Street Corridor she thinks it would be an exciting business to have there. Ms. Cumming stated that it meets all four zoning requirements. Ms. Cumming stated that there will be no public road impacts, no street widening and minimal impact to the community.

Mrs. Cocuzzi stated that she is in favor of the Ordinance No. 2018-18.

10h. ORDINANCE NO. 2018-19, "To Amend Chapter 525 of the Codified Ordinances to Prohibit Smoking in City-Owned Parks and Recreational Lands" was read for a second time.

Mr. Heckman asked Mr. Bailey to give an update on the concerns regarding the Tobacco 21 Ordinance. Mr. Bailey stated that the State has spoken that the age of 18 is the smoking age. Mr. Bailey stated that since the State has spoken there is an issue of whether or not it is a matter of local concern or state concern. Mr. Bailey stated that when some cities acted, they acted expecting there would be repercussions and a lawsuit filed on the basis that the state law is clear it's 18. Mr. Bailey stated that since there is state license it is harder to implement an Ordinance that requires licensure. Mr. Bailey stated that Ordinance No. 2018-19 is dealing with the City's parks and land. Mr. Bailey stated that the City has a right to control smoking in the City parks.

Chairman Heyeck stated that the State Legislature needs to make a move on Tobacco 21 if this is the direction to go.

Mrs. Cocuzzi stated that Council is sending letters to Representatives Rick Carfagna, Anne Gonzales, Senator Bacon and the Speaker of the House regarding the City's intention to support Tobacco 21.

11. MOTIONS

11a. TO AWARD THE BID FOR THE HEMPSTEAD ROAD STREET LIGHTING PROJECT TO DANBERT ELECTRICAL CORPORATION AS LOWEST AND BEST BIDDER

Electric Engineering Manager Mike Pope reported six bids were ultimately received at the official bid opening held on June 6, 2018. The bids with Alternate No. 01 ranged from \$387,513 to \$691,555; averaging \$484,778. Bids were reviewed with regard to compliance with specifications, experience, current workload and price. The work associated with the Base Bid for this project includes the installation of conduit, conductor, and appurtenances needed to support 36 new street lights along Hempstead Road between Walnut Street and Schrock Road. Bid Alternate No. 01 includes the installation of conduit, conductor, and appurtenances needed to support an additional 12 new street lights along Hempstead Road between Schrock

Road and Spring Road. Construction of the street lighting improvements is expected to commence in July with a contract completion date of November 16, 2018. Contract Award Amount: \$415,000.00.

Mrs. Cocuzzi moved, Mrs. Fosselman seconded to award the bid for the Hempstead Road Street Lighting Project to Danbert Electrical Corporation as lowest and best bidder.

Mrs. Cocuzzi stated that the 30 foot light pole decreases the residential feel for that section. Mrs. Cocuzzi stated that she is concerned that it makes it seem like a person is driving on a major road rather than a neighborhood road.

Mayor Treneff asked Mr. Pope if he quantified how much of an increase this will cause the project. Mr. Pope stated that the poles are made out of aluminum and the foundation is made of steel. Mr. Pope stated that due to the tariffs the American steel companies are raising their prices. Mr. Pope stated that there is a 10% increase on the foundation. Mr. Pope stated that the poles are made out of aluminum, which is sourced from Canada or Russia. Mayor Treneff asked if the material increase is about 10% and Mr. Pope agreed.

Mr. Davey stated as the City replaces poles he would rather see galvanized steel. Mr. Davey stated that the galvanized pole will blend in rather than stand out like the taller poles. Mr. Davey asked when the City anticipates installing the conduit and additional twelve poles. Mr. Pope stated that if approved it will all be installed by the same contractor at the same time.

Chairman Heyeck stated that he is not sure the Electric Division should determine light poles. Chairman Heyeck stated that the streetscape should be something a little less utilitarian. Chairman Heyeck stated that staff should figure out if the City is going to do a major thoroughfare lighting system versus a neighborhood street type lighting system. Mrs. Colley stated that staff's goal was to provide enough lighting that would bleed over to the pedestrian bike paths. Mrs. Colley stated that staff made sure the fixture would fit on Hempstead Road, as well as providing the correct lighting for both drivers and pedestrians. Mrs. Colley stated that staff is comfortable with the lighting that was picked. Mr. Pope stated that the brightness is a little brighter than usual in a residential area, but the brightness can be adjusted.

Ms. Cumming stated that she would rather have the utilitarian lights rather than the ones that shine right into windows.

Mrs. Fosselman stated that she has been waiting for these types of lights for a long time and she really appreciated the time staff has put into this project.

Mr. Davey stated that this project is being billed from the Electric Fund, so it is built into everyone's electric bill. Mr. Davey stated by doing this it is an unvoted tax. Mr. Davey would rather see the funds come out of the Capital Improvements Fund.

Yeas: Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Ms. Cumming, Mr. Heckman, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

11b. TO AUTHORIZE AND DIRECT THE CITY MANAGER TO APPROVE A CONTRACT MODIFICATION FOR THE 2018 STREET LIGHTING POLE AND TRAFFIC SIGNAL POLE PAINTING PROJECT WITH BRIAN BROTHERS PAINTING AND RESTORATION, LCC.

Mr. Pope reported that at the regular City Council meeting held on May 15, 2018, Council awarded the bid for the 2018 Street Lighting Pole and Traffic Signal Pole Painting Project to Brian Brothers Painting and

Restoration LLC as lowest and best bidder. The contract award amount was \$83,350 with a construction contingency of \$5,650 for a total authorized contract amount of \$89,000.00. The authorized work associated with this project includes the painting of 175 street lighting poles, traffic signal poles and controllers located in and around County Line Road West and North State Street. Given that the Electric Enterprise Fund and General Capital Improvement Fund have a sufficient balance to accommodate additional quantities of work and that Brian Brothers has indicated a willingness to perform additional work for the favorable unit prices (34% below the average of all bids received) that they bid in April, staff recommends modifying the City's agreement with Brian Brothers to include the painting of approximately 53 additional street lighting poles and traffic signal poles, located along Maxtown Road between North State Street and just west of Spring Road. Should Council authorize the additional painting, the work will be incorporated into Brian Brothers' overall project and will be completed by the end of September. Contract Modification Amount: \$31,000.00.

Mrs. Cocuzzi moved, Mrs. Fosselman seconded to authorize and direct the City Manager to approve a contract modification for the 2018 Street Lighting Pole and Traffic Signal Pole Painting Project with Brian Brothers Painting and Restoration, LLC.

Mr. Davey stated that this project is being billed from the Electric Fund, so it is built into everyone's electric bill. Mr. Davey stated by doing this it is an unvoted tax. Mr. Davey would rather see the funds come out of the Capital Improvements Fund.

Yeas: Mayor Treneff, Mrs. Fosselman, Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

11c. ADDENDUM #1: WECONNECT MANAGEMENT AGREEMENT TO ALLOW THE CITY TO PERFORM TASKS AND DUTIES ORIGINALLY ENVISIONED BY THE PARTIES AS BEING PERFORMED AT THE CITY'S EXPENSE BY THIRD PARTY CONTRACTORS OR VENDORS

Information Systems Director Todd Jackson reported staff is requesting an amendment to the Management Services Agreement with Metro Data Center to allow the City to perform tasks and duties originally envisioned by the Parties as being performed at the City's expense by third party contractors or vendors. During the transition period staff has determined that some of the tasks could be performed more efficiently by the City rather than contracted through a third party. This change does not cost the City more money since these services are being contractually provided by a third party as arranged by Metro Data Center and paid for utilizing contractual services funds in the Data Center budget. The amendment modifies the agreement as follows: 1) modify certain sections of the Agreement to allow the occasional addition of certain Schedules, which shall be describe in each case those contractor or vendor tasks and duties being assumed by the City; and 2) Add Section 15.24 Schedules. This section outlines the process for transitioning tasks from third party vendors, as well as the responsibility to manage the provision of such tasks and duties.

Mrs. Fosselman moved, Mrs. Cocuzzi seconded to approve Addendum #1: WeConnect Management Agreement to allow the City to perform tasks and duties originally envisioned by the parties as being performed at the City's expenses by third party contractors or vendors.

Yeas: Mrs. Fosselman, Mr. Davey, Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Chairman Heyeck

Nays: None

The motion carried unanimously.

11d. TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE FRATERNAL ORDER OF POLICE CAPITAL CITY LODGE #9 EFFECTIVE JANUARY 1, 2018 THROUGH DECEMBER 31, 2020.

Administrative Services Director Adam Maxwell reported staff is pleased to announce that a Tentative Agreement has been reached with the Fraternal Order of Police. The collective bargaining agreement term is from January 1, 2018 to December 31, 2020. The two most substantive economic items are: 1) the wage package is comparable to that of other recently settled FOP contracts in Franklin County. Specifically, the wage schedule calls for a 3.25% increase beginning on July 1, 2018, a 3.25% increase in 2019, and a 3.0% increase for 2020. Thus, the 3 year aggregate increase is 9.5%. Instead of retroactivity, a one-time \$1,800 lump sum payment shall be made to each member; and 2) staff is pleased to communicate that the two parties agreed to significant changes on health care. Beginning in 2019, management has the right to make health care changes consistent with other employee groups and without the need for formal collective bargaining.

Mrs. Cocuzzi moved, Mrs. Fosselman seconded to approve the collective bargaining agreement between the City and the Fraternal Order of Police Capital City Lodge #9 effective January 1, 2018 through December 31, 2020.

Mr. Davey asked who represented the tax payers in the negotiation and are their benefits related to what the City negotiates with the different unions. Mr. Maxwell stated that staff represents the tax payers. Mr. Davey asked if there was a conflict of interest during negotiations. Mr. Davey stated that if their benefits were reduced then would the non-union staff benefits be reduced as well. Mr. Collinsworth stated that the City has reduced healthcare benefits or modified the healthcare benefit program to incur more cost share on the employee. Mr. Collinsworth stated that this has been negotiated for both collective bargaining agreements and for non-union employees.

Chairman Heyeck stated by our vote tonight, we represent the taxpayers. Chairman Heyeck stated that he is really pleased with City staff and the FOP coming together and he feels it is a good outcome.

Mr. Davey stated that aspects of this contract are unfair to the tax payers and other aspects are unfair to the employees like not covering spouses if they have employment elsewhere. Mr. Davey stated that if an employee makes enough money and their spouse can stay home then the City will cover their spouse, but if the employee does not make enough money and the spouse has to work then the City will not cover the spouse. Mr. Davey stated that he does not believe this agreement is in the best interest of the taxpayers. Mr. Davey stated that there are people that have lost their homes or have to take on second jobs to pay for the City's high taxes. Mr. Davey stated that based on the benefits and salary police officers receive the compensation amount will increase to **by** \$2 million by 2020.

Mr. Heckman asked Mr. Maxwell to talk about how the City's benefits compare to surrounding communities. Mr. Maxwell stated that the City of Westerville was the leader in moving to 85/15 percent split, with many cities still paying 90%. Mr. Maxwell stated that the City also did the spouse eligibility change. Mr. Maxwell stated that the City is ranked fourth in the Franklin County for police salaries. Mr. Maxwell stated that the City can make any changes necessary if it was desired by Council.

Ms. Cumming asked if the spouse always has to take the healthcare plan offered by their employer. Mr. Maxwell stated that the City has found a few exceptions to this, but has a third party broker review the situation.

Mayor Treneff stated that this is a good collective bargaining agreement that was negotiated. Mayor Treneff stated that each side is looking out for their own interest and that the agreement fits with the City's five year

plan. Mayor Treneff stated that the agreement is a fair agreement for the first responder employees. Mayor Treneff stated that there are no new taxes being collected for this agreement.

~~Chairman Heyeck stated that there will be many Police Divisions retirements coming up. Chairman Heyeck stated that there will be many entry level officers available so from a math perspective, the City needs to attract the officers. Chairman Heyeck appreciates staffs' efforts on this agreement.~~ Chairman Heyeck stated that there will be many Police Division retirements which would reduce the growth rate for salaries due to the newer officers. Chairman Heyeck stated that there will be many entry level officers needed and the City needs to attract officers. Chairman Heyeck appreciates staff's efforts on this agreement.

Yeas: Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Chairman Heyeck

Nays: Mr. Davey

The motion carried.

12. ADDITIONAL BUSINESS

12a. Sidewalk Program

Mayor Treneff moved, Mrs. Fosselman seconded to direct the City Manager to accelerate the completion of the current inspection and construction cycle for the City's annual sidewalk repair program by the end of 2020 and thereafter eliminate financial participation by property owners for all subsequent sidewalk program repairs.

Mr. Heckman stated that some Council members feel that the program should be terminated in a quick and responsible way. Mr. Heckman stated that others want to accelerate for the program to be completed sooner. Mr. Heckman would oppose the motion.

Ms. Cumming stated that she agrees with Mr. Heckman. Ms. Cumming stated that if Council accelerates the program it will cause the residents to pay for the work sooner. Ms. Cumming stated that there are residents that cannot afford for the work to be completed. Ms. Cumming stated that she does not want to continue something that a previous Council has passed and do it more quickly. Ms. Cumming stated that she thinks it needs to end because it was not fair to begin with.

Mayor Treneff stated that the fact that the program is unfair has only come up in the last few sessions. Mayor Treneff stated that the program has been around for a long time and is not a new program to the residents. Mayor Treneff stated that the City has been following the same process and following state laws all along. Mayor Treneff stated that the average cost is a few hundred dollars per panel. Mayor Treneff stated that he is fine with sunsetting the program after this cycle is completed. Mayor Treneff stated if the program is sunsetted then the public takes on the cost for everyone. Mayor Treneff stated that it is an equity concern that half of the people paid and the other half would not have to pay due to the City deciding suddenly that this program is not fair anymore.

Mrs. Cocuzzi stated that if the City stops the program eight years in to a ten year program then the City is doing a disservice to the residents that have participated in the program. Mrs. Cocuzzi stated that by accelerating it and completing the rest of the work throughout the City is fair, rather than stopping the program now. Mrs. Cocuzzi stated that the work completed on the sidewalks is routine maintenance.

Mrs. Fosselman stated that she would prefer finishing out the cycle and it is a more equitable way to handle the program. Mrs. Fosselman stated that she does support having the City take care of sidewalks after the

program is complete.

Chairman Heyeck stated that he would really like to finish the ten year program and then sunset the program. Chairman Heyeck stated that by passing the motion the program will be accelerated for two more years and by 2021 the City would have a new process and policy where the homeowner would not be paying for the repairs except for the work that was caused by the homeowner.

Yeas: Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Chairman Heyeck

Nays: Ms. Cumming, Mr. Heckman, Mr. Davey

The motion carried.

12b. Age Friendly Westerville Initiative Discussion

Assistant City Manager Julie Colley explained age-friendly communities promote healthy aging and improve the health, well-being, satisfaction and quality of life for older adults. Age-Friendly communities are officially designated through the American Association of Retired Persons and World Health Organization's Global Network of Age-Friendly Cities and Communities. These organizations have identified eight livability domains that assess the age-friendliness of a community: outdoor spaces and buildings; transportation; housing; social participation; respect and social inclusion; work and civic participation; communication and information; and community support and health services. Findings within the 2016-2017 Westerville Community Plan and the 2014 Westerville Parks, Recreation and Open Space Master Plan indicate Westerville population is aging. It is projected that Westerville's 55+ population will grow to 32.4% by 2025 (currently at 31.9% as of 2016). In addition, Westerville's rate of growth for the 55+ age group is higher than nationwide trends as a result of increased life expectancies and the baby boomer population entering that age group. To begin the process, a written pledge by City Council to commit to a continuous cycle of improvement. The pledge will be submitted along with the AARP Membership Application for review and endorsement. Staff recommends this written pledge be placed on the July 2, 2018 Agenda for Council consideration.

Fire Chief Brian Miller stated that he has been involved in this process from the beginning. Chief Miller stated that there are many services available for older adults, but the problem is connecting the older adults to the services. Chief Miller stated that the City now has a Community Service Coordinator at no additional charge to the City. Chief Miller stated that the Community Service Coordinator Francie Hughlock spends time with the patients and residents to connect them with the different social services they may need. Ms. Hughlock bridges the connection for the Fire Department to all of the community resources.

Mrs. Cocuzzi asked if Chief Miller could give Council the advantages and obligations if the City accepts the Age Friendly Westerville Initiative. Mrs. Cocuzzi stated that she likes the idea and the concept, but would like a little more information.

13. COUNCIL COMMENTS

Ms. Cumming stated that she has been receiving many emails from residents asking what the City is doing to protect refugees and immigrants. Ms. Cumming stated that she does not have an answer and is still researching. Ms. Cumming advised residents that are interested in the issue on the following three actions: contact your state representatives, checkout "Families Belong Together", a group that coordinates protests and rallies, and residents could also donate to RAICES, which is the Refugee and Immigrant Center for Education and Legal Services. Ms. Cumming stated that she brings this information up because she has been fielding a number of questions from residents.

Mr. Heckman thanked the Mayor and Council for passing the Pride Month Proclamation at the last meeting.

Mr. Heckman stated that he believes Council has directed staff to move ahead on the internal hiring policies and contract policies to improve them by making the community more safe and welcoming for everyone. Mr. Heckman stated that he had asked staff to create a report that measures how the City is doing in regards to diversity and reporting out to Council and to the community. Mr. Heckman wanted to see if Council was willing to bring this type of report forward. Chairman Heyeck stated that staff is working on bringing this information to Council.

Mr. Davey asked that going forward that warranties be an option in contracts as opposed to being built into a bid. Mr. Davey stated that staff has to rebid a contract if the City does not want to pay for the warranties. Mr. Davey stated that in the case of the PCs purchase, the warranty is almost half the cost of a normal PC. Mr. Davey stated that he would recommend the City not buy the warranties because they are more profitable to the company selling the warranties and the consumers do not typically get the full value of the warranty. Mrs. Fosselman stated that staff would need to include the additional costs if something goes wrong with the product and the City does not purchase a warranty. Chairman Heyeck asked Mr. Collinsworth to follow up with Council members with his recommendation.

Mrs. Cocuzzi stated that every Tuesday from 11:30 a.m. to 1:30 p.m. there is music on the community green in front of City Hall.

Mrs. Fosselman stated that the 10th Annual Honor Flight Breakfast is Saturday, June 23 at the American Legion Hall. Mrs. Fosselman stated that the money donated will help support the 10th Westerville community sponsored flight on Saturday, September 8th.

Mayor Treneff had no comments.

Chairman Heyeck stated that the next regular meeting will be Monday, July 2 at 7:00 p.m. Chairman Heyeck stated that there will be an Executive Session prior to the meeting at 6:30 p.m. and Council will have an opportunity to review plans for First Responders Park at 6:00 p.m. in Council Chambers.

14. ADJOURN

Mrs. Cocuzzi moved, Mayor Treneff seconded to adjourn the meeting.

Yeas: Ms. Cumming, Mr. Heckman, Mrs. Cocuzzi, Mayor Treneff, Mrs. Fosselman, Mr. Davey, Chairman Heyeck

Nays: None

The motion carried unanimously. The meeting adjourned at 9:53 p.m.

Mary J. Johnston, MMC
Clerk of Council

Michael Heyeck
Chair of Council