

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, January 9, 2012

Held

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Council Member Lecklider called the Monday, January 9, 2012 Regular Meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

PLEDGE OF ALLEGIANCE

Mrs. Boring led the Pledge of Allegiance.

OATH OF OFFICE

Re-elected Council Member at Large Marilee Chinnici-Zuercher took the oath of office, administered by State Representative John Patrick Carney.

Re-elected Council Member at Large Richard S. Gerber took the oath of office, administered by State Senator Jim Hughes.

Re-elected Council Member at Large Michael H. Keenan took the oath of office administered by State Senator Jim Hughes.

ROLL CALL

Present were Council Members Lecklider, Boring, Chinnici-Zuercher, Gerber, Keenan, Reiner and Salay.

Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Mr. Harding, Ms. Crandall, Mr. Hammersmith, Mr. Hahn, Ms. Puskarcik, Ms. Ott, Ms. Gilger, Ms. LeRoy, and Mr. Gracia.

ADJOURNMENT TO EXECUTIVE SESSION

Council Member Lecklider moved to adjourn to executive session for personnel matters (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of public employee or official).

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mr. Gerber, yes; Mr. Lecklider, yes; Ms. Salay, yes.

The meeting was reconvened at 7:45 p.m.

ELECTION OF MAYOR

Mrs. Boring moved that Council Member Lecklider be elected as Mayor.

Mr. Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mrs. Boring, yes.

ELECTION OF VICE MAYOR

Ms. Chinnici-Zuercher moved that Council Member Salay be elected as Vice Mayor.

Mr. Gerber seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mr. Gerber, yes; Mr. Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mr. Lecklider, yes; Mrs. Salay, yes.

OATH OF OFFICE

- Mayor

Mayor Lecklider took the oath of office, administered by Council Member Salay.

- Vice Mayor

Vice Mayor Salay took the oath of office, administered by Mayor Lecklider.

(A brief recess took place to allow the official 2012 photo of City Council to be taken.)

CITIZEN COMMENTS

Jennifer Elliott, 5528 Dumfries Court E., and Melissa Mamula, 5521 Dumfries Court E. addressed Council.

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Ms. Elliott noted that she spoke at the last Council meeting regarding the basement flooding issue for her neighborhood, which affected three property owners on December 5, resulting in raw sewage in their basements. They believe that because of Council's involvement, the City has devised an action plan going forward. A copy of this plan is in the packet. They are very grateful for this action plan. They believe the check valve in the yard is the best option versus in the basement. Mr. McDaniel has indicated in discussion with them tonight that the City is modeling the Columbus program, which has the devices in the basement. Their preference is to have the device in the yard. She asked that Council discuss a timeframe for the plan, as the neighborhood is very apprehensive each time there is precipitation in the forecast. Even though the City is operating a pump to prevent flooding in the basements, this remains a grave concern. They feel their lives are in a 'holding pattern' until the issue is resolved.

Ms. Mamula stated that she is very pleased with the proposal from the City. They are concerned with the timeframe. This is the third time her finished basement has had such flooding, and they have not been able to use their basement bathroom since the December event. They, too, are in a 'holding pattern' with this situation and want to make sure it is in the forefront. They appreciate Council's time and effort in this matter.

Mayor Lecklider asked Mr. McDaniel to comment.

Mr. McDaniel stated that a memo was forwarded in the packet. Staff is moving quickly on the action items identified in the plan. In terms of backflow devices, staff is in the process of learning about them from the City of Columbus. He did commit to the residents that staff would meet with them very soon to discuss the pros and cons of both types of devices and determine the best solution. Staff is meeting regularly on the other items in the plan and moving forward on execution.

Ms. Chinnici-Zuercher asked if the memo identifies a timeframe.

Mr. McDaniel responded that the implementation of the backflow device is identified as an immediate action plan item. Data collection and information regarding the Columbus program, including legal issues, is currently taking place. His commitment to the residents is that an execution plan will be devised within the next two weeks or sooner to move forward with the backflow devices.

Ms. Chinnici-Zuercher asked if the dates for a timeline would be provided by the next Council meeting.

Mr. McDaniel stated that this would be underway prior to the next Council meeting.

Ms. Grigsby added that staff would continue to provide updates to Council on the items they are working on related to this matter.

Mr. Reiner asked if staff anticipates this backflow portion of the plan will be completed in two weeks.

Mr. McDaniel responded that he is hopeful that the plumbers will be ready to begin the installation, but he is not certain the installation will be completed by the January 23 meeting. The intent is to have this underway by that time.

Mr. Gerber asked if staff is in contact with these residents on a regular basis.

Mr. McDaniel responded affirmatively.

Ms. Elliott stated that at the last meeting, she was directed to Mr. McDaniel, Ms. Lozier and Ms. Burness and now she is working with Mr. McDaniel.

Mr. McDaniel stated that it is preferable to have one contact person in order to react quickly to information requests that come forward.

Mr. Keenan stated that in the interim, if heavy precipitation occurs, staff continues to have a plan in place to handle the potential back-up issues on site.

Mr. McDaniel responded affirmatively. The crews are anticipating rainfall and snowmelt and monitoring it closely. Rain is anticipated on Wednesday, and staff will be in place to address the potential issues.

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Mr. Gerber emphasized that Mr. McDaniel is the contact person for the residents. Mr. McDaniel concurred.

Mrs. Boring asked if this situation would prompt the need for a future policy about this issue.

Mr. McDaniel responded affirmatively, noting that a more formalized program is needed citywide for the future. The Columbus program indicates that in a situation where repeat back-ups have occurred, the City will work with the resident on the installation of a backflow device. Dublin staff recommends a similar policy be enacted for Dublin.

Ms. Grigsby added that at some point, legislation would be brought to Council in order that the policy can be codified, similar to all matters related to the sewer systems.

Mrs. Boring asked about the timing of such legislation.

Ms. Grigsby responded that the immediate issue on Dumfries will not be held up for this, but the legislation will be brought forward at a later date.

Mrs. Boring stated her concern is that problems could occur in other areas of the City, and she does not want a similar situation in six months without a policy in place.

Ms. Grigsby responded that in working through the issues with Dumfries Court, it would help staff in developing this future policy for adoption by Council.

Ms. Elliott stated that she is familiar with the Columbus program, as her sister was one of the early groups of Columbus homeowners who received such a device. Her understanding is that the check valve in the yard is more costly to install, but would be a better fit for the basement due to problems that could occur with the check flow valve. When the valve is 'checked', it is not possible to use the plumbing in the house. If the line is in the yard, there is more line to work with to address the human error aspect of this. For this reason, the residents are advocating the yard check valve.

Mayor Lecklider asked when the valve is engaged, how long is that time period.

Ms. Elliott responded that it remains engaged until the pressure goes down, which could be a long period of time.

Mayor Lecklider asked staff if any direction is needed from Council with respect to the immediate action plan, which includes the devices described tonight.

Ms. Grigsby responded that, assuming Council has no objections, staff will proceed with the plan. The information was provided to obtain feedback. Staff will continue to move forward as described in the memo.

Mayor Lecklider clarified that the recommendation is to provide the devices as the resolution for the eight addresses listed.

Mrs. Boring stated that her understanding is that the residents will be responsible for contracting for the devices, and the City will reimburse them.

Mr. McDaniel responded that at the time the memo was first drafted in late December, staff did not have a full understanding of the Columbus program. Late last week, staff received more details about the Columbus program and staff has focused on adopting the Columbus program, which includes an inside backflow device and not the exterior device. His commitment to the residents is that a discussion would occur with them regarding the merits of the inside versus outside devices. Much focus to date has been on the inside devices, which has been thoroughly researched by staff. The residents have spoken with plumbers regarding the yard devices. He wants to ensure everyone understands the pros and cons of both before moving forward. The devices need to be installed as soon as possible. Columbus has actually extended an offer of their program to the suburbs, and Dublin would like to accept their offer. Staff will gather input from the residents. The estimate of the cost of installation of the basement device is 3,000, and staff would likely set this as the reimbursable expense to either Columbus or the resident, depending upon the approach taken.

Ms. Chinnici-Zuercher commented that it is nice to have the Columbus program to model Dublin's program, but she does not want Dublin to consider only the solutions Columbus

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devised. As policies develop over time, changes occur in the industry and there may be options available now that were not available when Columbus developed their program.

Mr. McDaniel responded that staff would certainly review all of this information and any new options available.

Mr. Reiner asked if there would be infiltration between the house and the yard check valve, would that complicate matters. If that occurs, would there be more problems with the yard placement of the device due to the ability to utilize a portion of the system while the back-up device is activated. These are important questions for the homeowners. Some infiltration is occurring between the house and the trunk line, so it would be important to understand the potential issues related to the laterals on their properties. It seems that the Columbus plan provides the highest level of security with the device in the basement.

Ms. Elliott responded that she is waiting to receive written estimates from the plumbing company. The issue with having a check valve located inside the basement is that the problems that occur are in the basement versus out in the yard. If the valve fails in the basement, the back up is now in the basement. If the valve fails in the yard, the problems are outside the home.

Mr. McDaniel stated for the record that staff likely does not agree with this statement. He is also concerned about the perception that there is stacking volume in the sewer pipe. These issues will be thoroughly discussed with the property owners.

Ms. Mamula commented that they do not want to 'reinvent the wheel' and want it done correctly, but they believe that Dublin can do this the right way. It is a long-term issue for residents who plan to live in their homes for many years. They want this done right, not just quickly.

Vice Mayor Salay asked if this is considered the permanent solution to these basement sewer back-ups, or are system improvements being done in the future going to make these check valves unnecessary. The City is aware there are issues with its system and is addressing them with projects each year. Is there a point in the future where these devices will not be needed, or is this the best solution given the lay of the land and the sewer line and system in the area.

Mr. McDaniel responded there is no guaranteed solution to the problem. This is a good potential stopgap, using the best technology available. For the long term, as discussed in the intermediate action plans and long-term action plans, sealing the system downstream and in other areas contributing to this same pipe is what is needed. Keeping infiltration and inflow from entering the system is the solution long term.

Vice Mayor Salay asked if the property owners in Muirfield in locations where there are clay service lines should have their lateral lines inspected.

Mr. McDaniel responded this would be helpful, if the property owners would take such initiative. One of the long-term action plans is to consider a lateral program, and staff will bring information to Council later this year about this program. Staff believes the lateral lines are contributing infiltration and inflow to the public system. The laterals are in the private system and are contributing to this problem to some degree. The goal is to have the public system as tight as possible, and then to launch a lateral inspection program, raising the educational understanding and actions required to have the private infiltration and inflow out of the public system.

Vice Mayor Salay thanked staff for their prompt attention to the issues brought forward by the residents to Council.

CONSENT AGENDA

Mayor Lecklider noted that four items are proposed for action on the consent agenda and asked whether any Council Member requests removal of an item for further consideration under the regular agenda.

Hearing none, Mayor Lecklider moved approval of the action for the four items as proposed on the consent agenda.

Mr. Reiner seconded the motion.

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Vote on the motion: Mrs. Boring, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mr. Reiner, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

1. Approval of Minutes of December 12, 2011 Council meeting
2. Notice to Legislative Authority re. new D1 and D2 liquor permits for MK Asian Group LLC, dba Sesame Sea Asian Bistro, 7106 Muirfield Drive.
3. Notice to Legislative Authority re. transfer of D5 and D6 permits from SH & MS LLC, dba Sushi Bistro MASA, 6395 Perimeter Drive to Myong Ju Kim, dba Sushi Bistro, 6395 Perimeter Drive.

4. Resolution 01-12 (Introduction/Vote)

Authorizing the City Manager to Enter into Memorandums of Understanding with the Franklin County Board of Elections for Use of Municipal Property in the Administration of Public Elections.

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 67-11

Authorizing the Provisions of Certain Incentives for the Purposes of Encouraging the Expansion of Nestle USA, Inc., dba Nestle Quality Assurance Center within the City of Dublin, Which Include Declaring Improvements to Certain Real Property, Including Real Property to be Developed as a Nestle USA, Inc., dba Nestle Quality Assurance Center Facility, to be a Public Purpose, Describing the Public Infrastructure Improvements to be Made to Benefit Such Real Property, Requiring the Owners Thereof to Make Service Payments in Lieu of Taxes, Providing for the Franklin County Treasurer to Distribute Service Payments to the Dublin City School District and the Tolles Career & Technical Center in the Amount Each Would Otherwise Receive Absent the Exemption, Creating a Municipal Public Improvement Tax Increment Equivalent Fund for the Deposit of the Balance of Such Service Payments, and Authorizing the Execution of Certain Real Estate Purchase and Conveyance Agreements and an Economic Development and Tax Increment Financing Agreement, All in Connection Therewith, and Declaring an Emergency.

Mr. McDaniel stated that a redlined version was provided, indicating the changes made since the previous presentation to Council. Staff has worked with Nestle to resolve any substantive issues or minor language changes. Staff is recommending passage of the ordinance as an emergency. He added that Kevin Michael, Chief Financial Officer of the local Nestle office is present tonight. He thanked him for his work at the local level on this agreement. He acknowledged the efforts of Economic Development Administrator Jeremiah Gracia who worked closely with Nestle on this project.

Mayor Lecklider thanked Mr. Michael for his patience tonight, and thanked staff for their hard work on this as well.

Vice Mayor Salay moved for emergency passage.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mayor Lecklider, yes; Ms. Chinnici-Zuercher, yes.

Vote on the Ordinance: Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.

Ordinance 71-11

Adopting the Franklin County Board of Health Regulations for the Provision of Health Services.

Mr. Smith stated that the Board of Health requested at the time the contract was renewed this year that the City adopt the FCBH regulations. This is being requested of all jurisdictions for which the Board of Health provides services. This legislation formally

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adopts their regulations. They do not foresee any duplication of regulations by adopting these.

Vote on the Ordinance: Mayor Lecklider, yes; Mr. Keenan, yes; Mr. Reiner, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes.

Ordinance 72-11

Accepting the Dedication of Reserve A, Waterford Village, Phase 4, from the Sheriff's Deed on Order of Sale, Said Property Located in the City of Dublin, County of Franklin, State of Ohio.

Ms. Mumma stated that the City received this property through a Sheriff's Deed on Order of Sale into the City's land bank in November 2011. This is a formal acceptance of that dedication.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mr. Gerber, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 01-12

Authorizing the Provision of Certain Incentives to ASK Chemical LP to Induce it to Retain a Main Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Chinnici-Zuercher introduced the ordinance.

Ms. Gilger stated that ASK Chemical LP is a spinoff division of Ashland Chemical consisting of their foundry chemical products division. They currently have 69 employees and anticipate adding four employees. They are required to relocate from the Ashland Chemical campus and have been seeking office space for approximately six months in several suburbs, including Dublin. A building within the city has now been identified for this company. This legislation is an incentive proposal for their location at this site. It is a five year, twelve percent performance incentive tied to job growth, and is capped at \$67,500. A representative from the company will be present at the second reading on January 23 to respond to questions.

Ms. Chinnici-Zuercher stated that recently there have been news articles regarding incentives offered by the State, including questions about whether companies actually met their incentive goals. How does Dublin track this, and what is the process if the companies do not meet their targets?

Ms. Gilger responded that the majority of Dublin's incentive agreements are performance based, so they must meet their growth target before they are awarded the incentive payment. Dublin does not incur the risk associated with fronting the funds.

There will be a second reading/public hearing of the ordinance at the January 23 meeting.

Ordinance 02-12

Authorizing the Provision of Certain Incentives to Pacer International, Inc. to Induce it to Retain a Main Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Chinnici-Zuercher introduced the ordinance.

Ms. Gilger introduced Jeremiah Gracia, the City's Economic Development Administrator, who has been employed with the City since May.

Mr. Gracia stated this is a three-year, 10 percent performance incentive for Pacer International. Staff has been in discussion with them regarding the retention and expansion of some of their domestic and international support services that they house in Dublin. As of June/July 2011, Dublin is now their corporate headquarters. The company's expansion plans include the addition of 50 new employees to the current 397 employees to service the company's international accounting and highway brokerage functions. The company's total investment is \$1.4 million. The ten percent incentive is maxed out at \$174,000. The City has partnered with the Ohio Department of Development as well on

this project, and the state has also provided financial incentives for this expansion/retention.

Ms. Chinnici-Zuercher asked if Pacer is leasing their current building. She thought they owned the building.

Mr. Gracia responded that they lease the building, and the lease will expire March 2016. The third year of the performance incentive is contingent upon their renewing that lease prior to 2014, for which the City has also offered assistance.

Ms. Chinnici-Zuercher asked who owns the property.

Mr. Gracia responded that he is not certain, as the property has changed ownership a few times since their initial lease. The City would assist in brokering the lease renewal discussion with the owners and management company.

Ms. Chinnici-Zuercher stated that she recalls that the building was originally built for Pacer, but under a different name.

Ms. Grigsby responded that when the City entered into the first economic development agreement with this company, they were named "Rail Van." Many companies sell off buildings to a subsidiary or another company and lease back the space for accounting purposes. Additional information will be provided for the second reading of this legislation.

Mayor Lecklider stated that Mr. Gracia mentioned their headquarters was previously located elsewhere.

Mr. Gracia responded that Pacer headquarters was previously located on the west coast, but in the summer of 2011, the company located their international headquarters in Dublin. Part of this discussion included where they would realign some of the additional employees. They were also looking at the states of New York and Illinois as potential locations, as they have operations in these states.

Ms. Chinnici-Zuercher stated that Dublin is fortunate to have been able to address their needs to retain them in Dublin and add jobs. In view of the advancement of rail and the location of Columbus in the country's distribution system, it is fortunate that they could be retained in Dublin.

Mr. Gracia responded that Pacer is the fourth largest exporter in the world.

There will be a second reading/public hearing of the ordinance at the January 23 meeting.

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 02-12

Approving the City of Dublin as the Selected Municipal Appointment to the Franklin County 9-1-1 Planning Committee.

Vice Mayor Salay introduced the resolution.

Chief Von Eckartsberg stated that in order to seat Dublin as the official representative, a majority of the legislative bodies of the municipalities within Franklin County (nine of sixteen) must pass a resolution in support of the appointment. Upon receipt of that evidence of support, Commissioner Brooks will appoint Dublin's City Manager to the at-large seat on the Committee.

Ms. Grigsby stated that it is anticipated that this Committee will establish additional processes by which the advisory committee will be formally recognized.

Vote on the Resolution: Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mr. Keenan, yes; Vice Mayor Salay, yes.

OTHER

- **Request for Waiver of DCRC Alcohol Policy for North American Irish and Celtic Festival Organizer (NAICFO) Conference – March 30 and 31, 2012**

Ms. LeRoy stated that in Fall 2010, Dublin was chosen to host the 2012 North American Irish and Celtic Festival Organizer (NAICFO) Conference. The conference has been held in various cities throughout North America, was held in Ireland in 2011, and will be held in Scotland in 2013. A key element of the conference is the showcase of various musical

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acts; therefore, a site with quality acoustics is required. Staff's first recommendation for this showcase would be the Abbey Theater. Typically, the conference has been held in performing arts centers or clubs, where alcohol is also sold. Currently, the sale of alcohol at the Rec Center is permitted only in the community hall. Staff requests that for this event, alcohol also be permitted within the theater and lobby, using the same criteria in place as for the community hall.

Mr. Reiner moved to authorize the waiver of the DCRC alcohol policy to permit alcohol within the Abbey Theater and theater lobby for the 2012 NAICFO Conference. Mr. Keenan seconded the motion.

Vote on the motion: Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mr. Keenan, yes; Mr. Reiner, yes.

Mayor Lecklider commented on the memo Ms. LeRoy provided in Council packets regarding parade policy, specifically for St. Patrick's Day. Two different types of trolley cars were used the past two years for Council participation in the parade, one of which was more open. Which trolley will be used this year?

Ms. LeRoy responded that the same trolley that was used in 2011 has been secured for this year -- the open trolley, which Council has indicated they prefer.

Ms. Chinnici-Zuercher noted that the date of the parade is earlier than previous years. Ms. LeRoy responded that the City is attempting to communicate frequently to the public the date change to Saturday, March 10. The earlier date works better with Dublin School's spring break and will not conflict with the City of Columbus' St. Patrick's Day festivities on Saturday, March 17, enabling the various Irish groups to participate in both.

COUNCIL COMMITTEE REPORTS

Council Committee Appointments

Mayor Lecklider stated that there will be no changes to the membership of Council's Standing Committees (Administrative, Community Development, Finance, Public Services), but noted a change to the Finance Committee chair and Arts Council representative:

- Administrative Committee: Vice Mayor Salay, Chair; Mr. Keenan; Mr. Gerber
- Community Development Committee: Mr. Reiner, Chair; Mrs. Boring; Vice Mayor Salay
- Finance Committee: Ms. Chinnici-Zuercher, Chair; Mr. Keenan; Mr. Gerber
- Public Services Committee: Mrs. Boring, Chair; Ms. Chinnici-Zuercher; Mr. Reiner
- MORPC Representative: Ms. Chinnici-Zuercher
- Dublin Arts Council Representative: Mr. Reiner
- Council liaison to the Dublin Board of Education: Mr. Gerber
- Logan/Union/Champaign Regional Planning Commission representative: Mr. Keenan
- COTA Advisory Panel representative – undetermined at this time

Vice Mayor Salay, Administrative Committee Chair stated:

1. Council needs to formalize a date for their goal-setting retreat. Following brief discussion, Council concurred with Thursday evening, February 23 and Friday, February 24 for the goal-setting retreat.
2. Noted that Carl Karrer has resigned, effective December 31, 2011 from the Architectural Review Board (ARB) as the Dublin Historical Society representative. A replacement to that position must be appointed within 60 days of his resignation. The Historical Society has provided a recommendation for Council's consideration. The consensus of Council was to interview the candidate on January 23 at 6:30 p.m., immediately preceding the Council meeting, contingent upon the candidate's availability.

STAFF COMMENTS

Ms. Grigsby stated that Planning & Zoning Commission will consider a proposal for Nationwide Children's Hospital signage changes at an upcoming meeting later this month.

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The business community has expressed the need for these changes in regard to number of colors permitted and the designation of the company's logo as one of those colors. The proposed language is consistent with the requirements for signage in the Economic Advancement Zone as adopted by Council last year and with the proposed Bridge Street Corridor sign requirements. Staff would further like to recommend for Council's consideration a citywide change in the Code to address the current issues expressed by the business community. She requested Council feedback.

Vice Mayor requested that Planning staff provide a report, including examples of existing signs at businesses and the proposed changes.

Ms. Chinnici-Zuercher stated that in today's social media environment, a company's brand is advanced through its logo. The City has already approved changes to its sign code for one portion of the community with the EAZ. It would seem appropriate to make the changes consistent for the entire city.

Ms. Grigsby stated the City would continue to have such cases into the future, so staff believes there is a need to address the issue citywide.

Ms. Chinnici-Zuercher stated that the Planning Commission will be reviewing the Nationwide Children's Hospital signage case prior to the time Council could consider any proposed changes to the sign code. What is the recommendation for this case?

Ms. Grigsby responded that Council's feedback tonight will be relayed to the Commission for their consideration with this case.

Ms. Chinnici-Zuercher stated that a process issue will result for PZC. She would prefer to provide them more definitive language from Council, such as recommending that they take the EAZ sign provisions into consideration when reviewing the Nationwide Children's Hospital case. Currently, City Code does not permit them to approve the applicant's request.

Ms. Grigsby responded that Council's feedback tonight will be helpful to the Commission in review of this case.

Mrs. Boring stated that a citywide change in the sign code would be significant. She would like to have more information, including examples. It is important to proceed with caution. At this time, she is not prepared to offer a definitive statement.

Mayor Lecklider asked if it would be possible to delay the case for two weeks at PZC, until Council has had an opportunity for further discussion.

Ms. Grigsby stated that the case is scheduled for review on January 19. She is not sure of Nationwide Children's timeframe, and therefore, whether it would be possible to delay a decision.

Mayor Lecklider noted that there appears to be cautious support of a code change, but for Council to do its due diligence, more information is necessary.

Vice Mayor Salay agreed. The City has always utilized a very public PZC process. It is important to proceed as Council has done historically. She is hopeful that Nationwide Children's would allow the City a couple of weeks for that process, given the import of this issue to the community and to them.

Ms. Chinnici-Zuercher stated that she would be more comfortable if Council established a timeline for its consideration of the issue.

Ms. Grigsby stated that, based upon the material already present in the EAZ code, and staff's completed work on the Nationwide Children's case, most of the information necessary for Council to review the issue at the next Council meeting is already available. The proposed change would be limited to sign colors, not to size or amount of signage.

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Council concurred with scheduling the issue for consideration at the January 23 Council meeting.

COUNCIL ROUNDTABLE

Mr. Reiner congratulated Mayor Lecklider and Vice Mayor Salay on their re-election to those positions.

Ms. Chinnici-Zuercher stated that last March, in conjunction with the Wasatch Estates case, Council informally took the position that private streets would no longer be approved. She would like for Council to address that issue formally. Generally, private streets were requested by developers in the past because they did not want to meet the code requirements, for various reasons. When Council approved those requests for private streets, they did not require developers to have a sinking fund in place that ultimately would help defray the cost of maintenance of those private roads. The future maintenance then becomes the responsibility of the homeowners on those specific streets. In most cases, a small number of people then have a large assessment to pay for this maintenance. The City's policy is that if, later, there is a desire for the private street to become a public street, it must meet the current public street standards. However, it is impossible for the homeowners to meet that requirement, due to the cost. She would like Council to direct staff to explore the issue and provide a recommendation to Council regarding how to address the issue of the existing private streets and how to handle future requests for private streets.

Ms. Grigsby responded that staff would review the issue and provide a recommendation to Council, including information on the City's policy change in the 1990s that private streets be required to meet public street standards and information on private streets versus private driveways. In condominium associations, the streets are considered private drives rather than private streets.

Mr. Keenan requested that staff also provide information regarding the deteriorating private roadways in shopping centers. His question is whether the City has the authority to require that these private roadways be repaired when they are in poor condition.

Mrs. Boring:

1. Referred to the report in Council packets regarding the public art installation, "The Field of Corn," the condition of which is deteriorating. She is pleased that the funding for repairs is in place and that the repairs will begin soon.

Ms. Grigsby noted that it was important that Council be aware of the condition of the artwork, as when necessary repairs begin in the spring, the public will likely take note of it. An update will be provided to Council.

Mrs. Boring stated that issues related to inferior concrete have arisen previously, including with streets and sidewalks. Is it possible to address this proactively for future public art installations?

Ms. Grigsby responded that she is unaware of what level of scrutiny the issue had in the past with this particular public artwork. However, with future public art installations, additional testing and monitoring will be conducted.

Ms. Ott noted that this issue is now addressed within the current art commissioning process. The City's conservator, as well as the conservator for the artist, reviews all the material selections ahead of time, based upon the local weather conditions. In the 1990s, the City's public art program was new, and staff was unaware of the need to address this issue.

Mrs. Boring inquired whether, beyond stating the material would be concrete, it would be possible to address the quality of the concrete.

Ms. Ott responded that the fabrication process could be managed differently.

2. Congratulated Mayor Lecklider and Vice Mayor Salay on their re-election.

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Vice Mayor Salay congratulated the Division of Police for meeting its goals in 2011. Council appreciates their efforts. Safety is paramount to Council, as a safe community brings a higher quality of life.

Mayor Lecklider noted that there will be a Finance Committee meeting on Tuesday, January 17 at 6:00 p.m. to review the hotel/motel tax grant applications.

ADJOURNMENT

The meeting was adjourned at 8:55 p.m.



Mayor – Presiding Officer



Clerk of Council