

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, January 23, 2012

Held

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Mayor Lecklider called the Monday, January 23, 2012 Regular Meeting of Dublin City Council to order at 7:05 p.m. at the Dublin Municipal Building.

PLEDGE OF ALLEGIANCE

Mr. Gerber led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.

Staff present were Ms. Grigsby, Mr. Smith, Ms. Mumma, Chief von Eckartsberg, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Tyler, Mr. Thurman, Ms. Gibson, Mr. Langworthy, Ms Gilger, Ms. Colley and Mr. Gracia.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated that Mr. Fujio Yashi spoke to Council on December 12 regarding the consent agenda and protocol. His question tonight is what are the criteria that determine that an item is placed on the consent agenda?

Ms. Grigsby responded that in developing the consent agenda, staff reviewed the routine items that come before Council on a regular basis. Many resolutions relate to items that have been discussed in the capital or operating budgets, such as bid awards. The first readings of ordinances that will have two readings are scheduled on the consent agenda. The public input opportunity and staff report presentation are at the second reading. Any items that are of routine nature are proposed for the consent agenda. Staff recognizes that Council always has the option of removing an item from the consent agenda and scheduling it on the regular agenda. The consent agenda generally includes items where a staff presentation is not necessary or an update from staff is not needed, as well as an introduction of a routine ordinance.

Mr. Maurer stated that citizens could be curious about some of the items that are described as appropriate for consent agenda. He did meet with Ms. Ott about the consent agenda sometime after it was implemented and was satisfied with her explanation. However, governance is very complex and there may be concerns by citizens about the relatively routine items. The issues raised by Mr. Yashi in December were very serious ones, and he is personally not persuaded about the kind of items that are scheduled for consent agenda.

Ms. Grigsby stated that in Mr. Maurer's case, he generally reviews the packet prior to the meeting. She encouraged him to contact staff to address any issues or concerns with specific items.

Mayor Lecklider commented that the agendas are published well in advance of the Council meeting, and are available to the public. If any citizen contacts staff, the Law Director or Council regarding an item that warrants more discussion beyond the consent agenda, that will certainly be considered. He appreciates the feedback on this process that was initiated in August of 2011. As time goes forward, if Council believes the consent agenda is not functioning as expected or if a more conservative approach is needed, there could be modification.

Jennifer Elliott, 5528 Dumfries Court E., Dublin stated that she is appreciative of the Streets employees who are monitoring the sewer flow near their property. However, she is beyond frustrated and angry.

- In June 2008, a sewer back up occurred in their home and they filed a property damage claim with the City that was denied because, "The City was aware of an issue in 2005 after several back-ups had occurred, but made the necessary repairs." They did not pursue the claim any further at that time. She became aware at the time of the December 5, 2011 back up that there was a January 2007 report from the City that stated that the Deer Run trunk has reached hydraulic capacity under existing conditions. They had taken the City at their word in 2008 that the problem was fixed.

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- On December 5, 2011, another sewer back up occurred at their home, exposing the family to pathogens for a second time. They have had the lateral line examined and it was determined to be in proper working order. As a homeowner, she cannot prevent the back up from occurring and cannot prevent her children from exposure to pathogens again. Her home is not safe, and their largest investment has sustained a significant decrease in value. The City clearly needs to address the sewer line deficiencies.
- At the January 9 Council meeting, Mr. McDaniel committed that he would have a meeting to exchange ideas. Despite two separate requests by her husband, in writing, this meeting never occurred.
- On Friday, January 20, at 5:41 p.m., she received an e-mail from Mr. McDaniel that stated that the residents would receive a certified letter outlining two options for the backflow device installation. Option 1 is to participate in the City of Columbus "Project Dry Basement." However, the residents would have to wait with this option as the letter indicated the two cities are still working through the administrative details. Option 2 is to accept the \$3,060 reimbursement from the City of Dublin.
- Following the Jan. 9 Council meeting, she continued her investigation, and learned who the three designated plumbers are for the City of Columbus program. These are Waterworks, Fox Mechanical and Holdridge Mechanical. She received a quote of \$4,670.83 for an internal backflow valve with an alarm from Waterworks.
- After receiving the certified letter from Mr. McDaniel today, she contacted Michael Kessler, Program Manager of Project Dry Basement, Division of Sewage and Drainage. He indicated that, as of 4:10 p.m. today, the City of Dublin has not even asked the City of Columbus to enter into a contract for this program.
- She is appalled that Mr. McDaniel offered a solution that "requires more time" considering the Street crew was on her street today, and he has not even set into motion Option 1. The direction she heard at the last Council meeting was for him not to let the policy development hinder the resolution for the property owners on Dumfries. She is now asking Council who can approve the direct payment of funds for the backflow installation with alarm as provided by her quote from Waterworks for \$4,670.83. In her discussion today with Mr. Kessler, he stated that an alarm is a standard part of the Columbus Dry Basement Program. Given the fact that there is no timeline established for the intermediate sewer improvements, another back up will occur – it is simply a matter of when it will occur. Considering the economic loss her family has experienced in 2008 and 2011, as well as the loss of value of her home, asking for direct payment by the City to Waterworks directly is not unreasonable.
- Finally, the letter states that in order for the residents to receive the backflow valve, they must sign a release form. This releases the City of all damages and is the second release they have received from two separate people at the City. She will not sign anything that states, "Release and forever discharge the City from any and all claims, demands, damages, losses, and expenses of all kinds." They will sign a release, once the valve is installed, that it is not the City's job to maintain it and that the City is not responsible for future back-ups. However, in all of her contact with the City, she has been told that her property claim is a separate issue and she prefers that it remain a separate issue.
- If she can obtain approval from the City for direct payment for the installation tonight, she will schedule the installation tomorrow and it will be installed by the end of the week.

Ms. Grigsby responded that there have been several internal staff meetings to discuss and address the issue. The letter was sent late on Friday with regard to the two options on the backwater prevention device. Staff received a phone call today from another resident who had a request regarding the dollar amount of the reimbursement. This resident indicated they had one estimate that was in the \$4,000 plus range, and what the City would do to cover the additional costs over the \$3,060 reimbursement proposed in the letter. Staff responded that they would review the estimates received, as the \$3,060

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amount was established based on experience by Columbus. In discussion with Mr. Hammersmith today, they agreed the City would review the estimates the residents are receiving in order to make a determination of whether the reimbursement amount is too low. Staff will do this within the next day or two.

Mr. Keenan stated that he recalls the letter indicates a maximum reimbursement of \$3,060, subject to review, depending upon how the estimates came back.

Ms. Grigsby stated that the letter indicates that Option 2 includes a reimbursement of \$3,060 for this work.

Mr. Keenan responded that it also mentions that preapproval of additional amounts for reimbursement would be required.

Ms. Grigsby responded that in order to receive reimbursement, the steps are outlined for what the resident must provide. The detailed information requested is to support the reimbursement amount being made by the City, and provides protection for the homeowner regarding what is being installed. The detailed estimate will provide a list of the work actually being done.

Mr. Reiner commented that he is surprised that the City is not obtaining estimates from the three contractors in order to resolve the issue quickly.

Mr. Keenan commented that he assumes the City would not want to be in the position of selecting the contractor.

Ms. Elliott added that the \$3,060 is a negotiated rate that the City can obtain through a contract. This rate is obviously not available to a resident at this time.

Ms. Grigsby stated that staff wants to review the itemized estimate to determine if the \$4,600 price is a better reflection of what the City should reimburse residents. The information staff received from Columbus included a \$3,000 range for the work, based on their experience. Staff wants to ensure that what is in the estimate will result in the resident having the proper work completed. Mr. Hammersmith and Engineering staff did obtain information regarding the contractors used by the City of Columbus.

Mr. Hammersmith stated that in order to obtain an accurate estimate, the contractor must have access to the home. Therefore, the best point of contact is the homeowner.

Discussion continued.

Mayor Lecklider asked who staff is suggesting enter the homes for this estimate to be completed.

Mr. Hammersmith responded that in order for a qualified contractor to do an estimate, they need to enter the home. This is an internal backwater device.

Mr. Keenan asked if the issue is one of cost. If the issue is a \$3,000 versus \$4,000 cost for the repairs, the City should simply take care of it.

Mr. Hammersmith responded that this estimate is the first the City has viewed, other than those done by the City of Columbus in their program. Ms. Mamula contacted the City today and indicated her estimate is \$4,800. These are the first estimates he has seen for this work.

Mr. Gerber stated that at the last meeting, Mr. McDaniel was asked to investigate this problem so that it could be resolved before this meeting. It does not appear that has occurred, based on the testimony tonight.

Mr. Hammersmith responded that a letter was sent out, and the offer was made to the residents for two options. He cannot speak on behalf of Mr. McDaniel.

Mr. Reiner stated that in view of this potential tragedy, he had hoped the City would assign someone to obtain the estimates, access the homes, and bring the recommended program and costs back to Council. He was hopeful that it could have been done in the past two weeks.

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Mr. Hammersmith responded that this is essentially done – estimates from the City of Columbus of the costs and the identification of the preferred devices, in follow-up to discussion at the last meeting of an external versus internal device. The estimate shared by Ms. Elliott tonight is for an internal device. Time was required to research the residents' preferred external device. In his opinion, the internal device is much preferable in terms of functionality and operation.

Mr. Reiner asked if the estimates can be obtained within the next couple of days and coordination be completed with the plumbers to install the devices. It is necessary for the homeowner to be present for access to the home.

Ms. Elliott responded her night work schedule allows her to be home during the day. The estimate she has shared is for an internal device provided by an approved plumber.

Mr. Hammersmith responded that he has received this estimate tonight and will move forward as quickly as possible.

Vice Mayor Salay asked about the number of homes involved.

Mr. Hammersmith responded there are eight in total.

Vice Mayor Salay stated that this is not a large cost difference in total.

Ms. Chinnici-Zuercher stated that after the last meeting, her understanding was that Mr. McDaniel would meet with the residents to review the positives and negative aspects of the internal versus external devices. However, it seems that the meetings did not occur and instead, there were internal meetings held. As a result, the homeowners have taken the initiative to secure bids and the bids are now higher than what the City indicates Columbus pays for the devices. Personally, she would be in support of a motion to approve the payment of the actual cost of the devices. She asked staff to address why the City would handle this as a reimbursement program versus direct payment to the contractor who does the work.

Ms. Grigsby responded that this is recommended so that once the work is completed to the satisfaction of the homeowner, the reimbursement is provided. It is similar to grants the City receives, which are often done on a reimbursement basis. In terms of the dollar amount, today is the first information staff has heard about the estimates received. Staff is not opposed to paying the actual cost for the device. The information in the letter is based upon information staff had at the time it was sent. Staff wants to ensure that the estimates received from the contractor are itemized and can be reviewed by staff – with a goal of protecting the resident who is contracting for the work. There are three contractors identified who have done this work in the area. Staff can obtain information and Mr. Hammersmith can work with the residents in Mr. McDaniel's absence this week. She is not certain of the timeframe required, but Mr. Hammersmith will work directly with the residents.

Ms. Chinnici-Zuercher stated that one of the frustrations is that this situation occurred three years ago and the City did not resolve the problems to the extent they could be permanently resolved at that point. Does this solution resolve the problem, or does it move the problem to other households? What is the relationship of the sewer lining project to what has occurred in these homes?

Ms. Grigsby stated that the sewer linings done since 1999 are intended to eliminate as much inflow and infiltration (I&I) into the system so that capacity in the lines is not used for I&I versus the sewage flow. These lining projects have been ongoing. Prior to the December occurrence, additional funds were programmed in the CIP for manhole repairs, which is another area where I&I enters the system and for work on the wet well at Deer Run. Based on flow information, the Deer Run well has been determined to be an area of concern. The lining the City completed in 2008 was in response to some previous information obtained on the flows within the Muirfield area. The additional work proposed for 2012 to the lines north of Dumfries Court will remove I&I in the system. Some of the work being done on the sewer line running through the Muirfield Village course this year will have a major impact, as the location of the lines near the stream results in a high potential of water entering the system. In summary, the City has done many projects to address the I&I issue citywide, and additional work is programmed in 2012 to address concerns in this specific area.

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Mr. Keenan suggested that the City address the immediate need for these residents with the approved contractors.

Mr. Keenan moved the following: that staff review the estimate provided by Ms. Elliott in order that the work can proceed this week; that the other homeowners submit a proposal from one of the approved contractors for the Engineering department review; that the City pays for the backflow device installation up to an amount of \$5,000, and not to exceed that threshold without further Council approval.

Mr. Gerber seconded the motion.

Mayor Lecklider asked if the City could obtain a more favorable estimate for the eight properties, or will it be up to the individual homeowner to enter into a contract with their preferred contractor.

Mr. Hammersmith responded he had this discussion with Ms. Mamula today. Obtaining the estimates as suggested in Option 2 would allow for this review.

Mr. Reiner stated that for this reason, he would prefer the City obtain the estimates.

Mr. Gerber asked how long this would take for the City to do.

Mr. Keenan pointed out that the reason the Columbus Project Dry Basement has a cost of \$3,060 is likely based on the quantity they do.

Mrs. Boring stated that she is in agreement with the City managing this process and obtaining the estimates. However, given the timing and delays, she doubts the staff can accomplish this within the next two weeks.

Mr. Hammersmith stated that the options were extended to the residents on Friday, after staff's investigation and research. The estimate for one homeowner is now in hand, and staff would like to have an opportunity to review it. He understands others are working to secure estimates as well.

Ms. Elliott clarified that on Friday, January 13, she communicated to Mr. McDaniel who her estimator was from Waterworks and sent Mr. McDaniel all of the information so that he could talk to the estimator.

Mayor Lecklider noted that at the last Council meeting, Ms. Elliott indicated that she was not supportive of the proposal the City was making with respect to the internal valve; it was Ms. Elliott's position that the valve should be an external type. Mr. Hammersmith has indicated that staff has been investigating these options since that time.

Ms. Chinnici-Zuercher noted that there is a motion on the floor, which has been seconded. She understands that the motion is for payment of up to \$5,000 for the backflow valve, and if the amount needs to be more, based on individual circumstances, staff will bring that information back to Council.

Mr. Keenan agreed, adding that each individual estimate will be reviewed and approved by the Engineering department.

Mr. Hammersmith stated that staff would review the itemized estimate from the contractor.

Mr. Keenan noted that if staff can review her estimate before tomorrow, Ms. Elliott could proceed with having the valve installed.

Mr. Hammersmith stated that he would contact the contractor to secure an itemized estimate with detailed information about which type of valve it will include.

Mayor Lecklider asked if the motion provides for reimbursement to the homeowner, or direct billing by the contractor to the City.

Mr. Keenan responded that he did not specify this.

Mrs. Boring noted that if reimbursement is provided to the homeowner, and there is a problem with the installation or the device, the homeowner would have to address the problem. If the City pays for the work directly to the contractor, will the homeowner have to work through the City to resolve any issues?

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Mr. Smith responded that there is legally no difference between these two options. The City does not accept any responsibility by paying the contractor directly for a contract between the homeowner and the property owner.

Vice Mayor Salay and Mr. Keenan suggested that the City proceed in this manner – paying the contractor directly for the work. The work is to be contracted by the homeowner and the estimate will be reviewed and approved by Engineering.

It was the consensus of Council to handle the payment in this manner.

Melissa Mamula, 5521 Dumfries Court East stated she spoke to Mr. Hammersmith prior to the meeting. Some of the residents have unfinished basements and others have finished basements. She asked that Council not include a cap on this program to avoid having to return to Council for additional approval, as staff will already be reviewing and approving the estimates. They do not want to be unreasonable, and will use the contractors on the list. Each household has a different situation and the contractor will provide an estimate to Engineering. They are requesting that the City pay the contractor directly and not have the homeowner have to wait for reimbursement. If the estimate is not unreasonable as determined by Engineering, she requests a motion that will not include a cap.

Ms. Grigsby stated that the only concern is that without a cap, the City is subject to not knowing what those limits are. While each homeowner's situation is different, the cap is based upon the type of work to be performed and the information staff has gathered.

Mr. Hammersmith added that it is a process of understanding the differences in the costs as reflected in the estimate provided by Ms. Elliott versus the costs of the same work in the City of Columbus program. With an itemization of the estimate, staff can determine why there are substantial differences in the cost estimates. There are commonalities in the work among the homes, so there really should not be a huge variation in the estimates.

Ms. Mamula indicated that one finished basement might require more drywall work for repair than another might.

Mr. Hammersmith responded this would be in the itemized estimate.

Ms. Chinnici-Zuercher stated that because she does not have a sense of the differences in cost based on the individual properties, she suggests that the motion be amended to include a cap with staff's authorization to approve reasonable amounts above that cap. She does not want to delay a back valve installation because of Council approval needed for an additional \$250 in costs.

Mr. Keenan agreed, but noted that he is not endorsing a blanket approval for a much higher cost.

Ms. Chinnici-Zuercher stated that she is also concerned with timeframes, and what is reasonable. If the City has a process, it must be a short-term one due to the emergency nature of this repair. If a staff member is on vacation, another must be tasked with this role in order not to delay the installation.

Ms. Grigsby stated that staff's understanding is that Council has authorized this work up to a \$5,000 cap, with staff having the ability to make adjustments, based upon the circumstance.

Mr. Keenan agreed with this amendment to his motion.

Mr. Gerber seconded the amended motion.

Ms. Elliott noted that there are three things she wanted to secure from Council: approval for the back valve; that the City pays Waterworks directly for this work versus reimbursing the homeowner; and that she does not want to sign a liability release regarding a separate claim with the City for property. In the letter she received today, it indicates she must sign a liability release, but her property claim up to this point has been a separate issue.

Mr. Smith responded that staff would prepare a modified release to accommodate the separate issues.

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Ms. Chinnici-Zuercher added that Council has agreed to pay the contractor directly for this work.

Mrs. Boring asked that Ms. Grigsby provide a staff contact for the residents at this point. Ms. Grigsby responded that Mr. Hammersmith is the contact for them, as Mr. McDaniel is out of town this week. The contact information is in the letter sent to the residents.

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

CONSENT AGENDA

Mayor Lecklider noted that six 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 six items as proposed on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

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

1. Approval of Minutes of January 9, 2012 Council meeting

2. Ordinance 03-12 (Introduction/First Reading)

Amending Chapter 31 of the Codified Ordinances (Campaign Finance Disclosure) Regarding the Post-Election Filing Deadline and Publication of Campaign Finance Disclosure Statements. (Second reading/public hearing February 13 Council meeting)

3. Resolution 03-12 (Introduction/Vote)

Authorizing the City Manager to Execute a Contract with the Franklin County Public Defender Commission for the Defense of Indigent Defendants.

4. Resolution 04-12 (Introduction/Vote)

Authorizing the City Manager to Execute a Contract with the Union County Public Defender Commission for the Defense of Indigent Defendants.

5. Resolution 05-12 (Introduction/Vote)

Authorizing the City Manager to Execute an Agreement Regarding Regional Shared Fleet Maintenance Services.

6. Resolution 06-12 (Introduction/Vote)

Accepting the Lowest and Best Bid for the Service Center Parking Lot Project.

SECOND READING/PUBLIC HEARING – 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. Gilger summarized that this global company operates in 24 countries and is seeking a new location in Dublin. The agreement requires the retention of 69 jobs and add four jobs. Staff's proposal is for a five-year, performance incentive at 12 percent on withholdings collected, and which is capped at \$67,500. The company has decided to locate at 495 Metro Place South. Present tonight is Bill Brenner, the Senior Manager of the North American supply chain. He can provide details about the company and respond to any questions.

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Will Brenner, ASK Chemical LP stated that the name of their company is new, but the company was founded in 1917 in Cleveland as a foundry supply company to the Great Lakes area. Four years later, Archer Daniels Midland sold the business to Ashland Oil. Ashland then built an office building in Dublin, and Ashland and a German company formed their first joint venture in Europe to make and sell foundry chemicals in France and Germany. Forty years later, Ashland's strategic direction changed, and they are pursuing other businesses and divesting some that no longer fit their strategic direction – including the foundry chemical business. On December 1, 2010, the foundry division was spun off into a joint venture company, 50 percent owned by Ashland and 50 percent owned by the former partners in Germany. All of the additional foundry businesses from both companies were put into this merged company. Today, they still operate on W. 110th Street in Cleveland and have 1,600 employees worldwide, 16 manufacturing plants, with employees in 24 countries. They have a net positive balance of trade and export nearly 30 percent of the chemicals made in Cleveland. They have added a plant in Cuyahoga Heights and a contract manufacturer in Larue, Ohio. Now that they are separate from Ashland, within two years Ashland is eligible to sell its stake in the company to the other joint venture partner or outside; within four years from now, Ashland will have completely sold its venture. As they are a growing company, they have need to create an IT department. At this point, Ashland provides that service and others. In order to make the infrastructure improvements necessary for an IT department and to support the growth in the next three to five years, they needed to move out of the Ashland campus to their own location, giving them more of their own identity.

Mr. Reiner noted that the other partner is a German firm. Is there a chance in five years that this firm will move out of the Dublin area?

Mr. Brenner stated that is highly unlikely. They chose Dublin as an employee-based model. Any move outside of Dublin would have been a hardship for some, and the chief executive and corporate staff are in Dublin. The headquarters operation is not suitable for being housed in the Cleveland plant.

Mayor Lecklider stated that Council is pleased that they are expanding and staying in Dublin.

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.

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.

Mr. Gracia stated that Pacer is considering a potential expansion in Dublin, as reported at the first reading, adding 50 employees and retaining 397 employees. As a follow-up to the discussion on January 9, the building is currently owned by a group of 19 investors in Illinois and is leased to Pacer. Present tonight is Mike Gordon, Vice President/Corporate Controller who can respond to any questions.

Mike Gordon, VP/Corporate Controller, Pacer International indicated that Dublin is the corporate headquarters for their company. The company was headquartered in Concord, California up until a year ago, and in 2010, the headquarters were established in Dublin. They continue to move more functions into the Dublin facility, including centralizing of accounting functions, and they are looking to expand their highway business. They appreciate the City's investment in Pacer and the support of Dublin and the State of Ohio in the creation of 50 new jobs. They look forward to creating further growth and opportunity in the community as they look to expand the business.

Mayor Lecklider asked Mr. Gordon about his tenure with Pacer.

Mr. Gordon responded he has worked for Pacer for 2-1/2 years in Dublin, and previously worked in Columbus at Ernst & Young.

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Mayor Lecklider stated that Pacer is a great business and anchor to the Perimeter West development, and a great corporate citizen. Council is pleased that they are expanding in Dublin.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 04-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.077 Acre, More or Less, Permanent Easement, a 0.154 Acre, More or Less, Permanent Easement, and a 0.329 Acre, More or Less, Temporary Construction Easement from the United States Postal Service, And Declaring an Emergency. (Request to dispense with public hearing)

Vice Mayor Salay introduced the ordinance.

Mr. Hammersmith stated that this acquisition relates to the Emerald Parkway widening project between Rings Road and Tuttle Crossing Boulevard. He shared a diagram depicting the parcels and easements needed. This improvement will make Emerald Parkway a four-lane roadway with two through lanes in each direction, a roundabout at Lakehurst Drive, then proceeding with a full median with a break at the apartment complex to permit left turns into the complex, continuing with the full median, a second roundabout at Glendon Court, and then the full median north of that roundabout to the intersection with Rings Road. The City has been working with the U.S. Post Office (USPS) for right-of-way acquisition on the southeast corner of their property. This will require some parking lot modifications. The appraised value of the land is \$85,680 and that has been communicated to the USPS. Consistent with the U.S. Post Office practice, they evaluated it and have responded with a counter offer of \$104,580. Negotiations with the Post Office resulted in reducing the amount to \$95,130. This will not be fee simple right-of-way, but instead a highway easement. The USPS will continue to own the property; the City will have rights for purposes of roadway and utilities.

Mayor Lecklider asked if the roadway will be four lanes the entire portion from Rings Road to Tuttle Crossing.

Mr. Hammersmith responded affirmatively, noting there will be a median with only one break in that alignment for the left turn.

Mayor Lecklider asked if the project is scheduled for construction this year.

Mr. Hammersmith responded that the project will be awarded and construction will begin at the end of April, and so the acquisitions must be completed by the end of February.

Mr. Reiner moved to dispense with the public hearing and treat this as an emergency.

Vice Mayor Salay seconded the motion.

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

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

Ordinance 05-12

Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2012. (Request to dispense with public hearing)

Mr. Gerber introduced the ordinance.

Ms. Mumma stated that this is the first amendment to the 2012 appropriations. There are three components. The first is an appropriation of \$250,587 for tree replacement in public places. The second is an appropriation of \$80,000 for maintenance and restoration of public art. This was programmed in the 2012 – 2016 CIP and should have been incorporated in the 2012 appropriations. The third is an appropriation of \$2,501,490 into the various TIF funds to retire debt service associated with TIF projects and capital

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improvements in those areas. Staff is requesting that Council dispense with the public hearing of the ordinance.

Mrs. Boring asked if the \$80,000 appropriation for public art maintenance is from the Hotel-Motel Tax fund.

Ms. Mumma confirmed that is correct.

Vice Mayor Salay moved to dispense with the public hearing.

Mr. Gerber seconded the motion.

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

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

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 07-12

Intent to Appropriate Fee Simple Interests, Permanent Easements and Temporary Construction Easements from BRE/COH OH LLC. (Blackstone Group, LP)

Vice Mayor Salay introduced the resolution.

Mr. Hammersmith stated that in December of 2011, the Blackstone Group acquired several properties along the Emerald Parkway project that were formerly owned by Duke Realty of Ohio. The City had hoped to continue to work with Duke to obtain donation of the right-of-way and easements. Unfortunately, due to their purchase agreement with Blackstone, Duke was unable to do so. The City is now in discussions with Blackstone. There are two separate parcels. Parcel 9 is at 6500 Glendon Court and the acquisition would occur on the northeast corner of the property and involves .049 acres of permanent right-of-way. Parcel 11 is on the west side at 6377 Emerald Parkway, immediately across from the Parcel 9. This involves a permanent easement, and comprises nearly one-quarter of an acre. Last May, prior to Duke's property sale of 6390 Emerald Parkway to a physician group, the City was able to work with Duke to secure donation of this right-of-way. The City is pursuing the same with Blackstone, but given the timeframe on the project, it was necessary to begin the appropriation process in the event the negotiations are unsuccessful. If necessary, this resolution will be followed by an appropriation ordinance on an upcoming Council agenda.

Mr. Keenan asked whether the property owners are currently paying for the Police officers who provide traffic control in and out of the businesses.

Mr. Hammersmith responded that he believes that the City is paying for the Dublin Police officers who are doing traffic control in the Dublin section.

Ms. Grigsby stated that as part of an economic development agreement, Dublin agreed to reimburse the Dublin company for this expense. In the City of Columbus, further down Emerald Parkway, she is not aware of what arrangement has been made for payment of the Columbus officers.

Ms. Chinnici-Zuercher recalled that the agreement included a provision that until the road was widened, Dublin would provide a Police officer to direct traffic.

Ms. Salay asked if this road improvement will make it unnecessary to have police for traffic control.

Mr. Hammersmith responded that is the intent.

Mr. Keenan requested that staff provide a follow-up in the next packet regarding the amount Dublin pays for Police traffic control in this portion of Emerald Parkway.

Mayor Lecklider asked if the EDA called for Dublin's provision of such service to end when the improvements are completed.

Ms. Grigsby responded that the agreement states that the City will provide reimbursement for this expense until such time that a traffic signal, roundabout or improvements to that intersection are completed.

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

Resolution 08-12

Authorizing the City Manager to Enter into an Agreement with the City of Columbus for Water Line Locating Services.

Vice Mayor Salay introduced the resolution.

Mr. Hammersmith stated that this legislation relates to service by the City of Columbus to locate waterlines within the City's right-of-way and within the corporate limits of the City of Dublin. Discussions with Columbus regarding this service began in 2007, as it is not a service that is clearly defined within the existing water service agreement. In 2008, Dublin began compensating Columbus for this service on an hourly basis. Since then, the cost has been tracked and evaluated. Columbus also provides utility location services for entities other than Dublin, and Columbus believes it is necessary to charge on a per ticket basis to recover their direct costs for providing those services. The comparison table attached to staff's memo indicates that the change will result in an increase in this cost. Staff has compared the cost of having a private company provide those location services, and the cost for Columbus to provide the service remains competitive. Therefore, staff recommends approval of this resolution.

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

Resolution 09-12

Appointing a Member to Serve in an Unexpired Term on the Architectural Review Board.

Vice Mayor Salay, Administrative Committee Chair introduced the resolution and stated that Council has reviewed the qualifications of the candidate proposed by the Dublin Historical Society and recommends that Council appoint Robert Dyas to the unexpired term of Carl Karrer on the Architectural Review Board.

Vice Mayor Salay moved to appoint Robert Dyas to the unexpired term of Carl Karrer as the Dublin Historical Society representative on the Architectural Review Board.

Mr. Keenan seconded the motion.

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

OTHER

• **Update re. Zoning Provisions – Sign Colors and Secondary Images**

Mr. Langworthy noted that Council had requested examples, and staff has provided renderings of the Nationwide Children's Hospital logo proposed to be used on their signage in Dublin. The logo percentage of 20% is calculated on the basis of the maximum permitted area of the sign -- not necessarily the sign area provided. The proportion of the former can be larger.

Vice Mayor Salay noted that she had hoped to have several examples of other logos to enable Council to make a comparison.

Mr. Langworthy responded that there are no substantial differences – simply different logos of different sizes. The proportions generally remain the same.

Mr. Keenan asked about the two examples provided in the packet. Is the bottom graphic what is currently allowed and the top graphic what would be allowed with the code amendment?

Mr. Langworthy stated that the bottom graphic was included because the Planning Commission requested that Nationwide Children's submit a more gray gradation of their logo than originally provided. However, that example would fail the three-color limitation

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as well, because all of the gradations count as separate colors under Dublin's current sign code.

Ms. Chinnici-Zuercher asked if the logo shown on top of the page in the materials is the current logo Nationwide Children's is using within the region.

Mr. Langworthy responded affirmatively. However, it is not allowable under the Dublin sign code, so they are requesting City approval. It is part of the Nationwide Children's branding.

Ms. Chinnici-Zuercher asked if the logo on the sign would be permissible if the Code were amended.

Mr. Langworthy responded that if the Code is amended or an amended PUD approved, it would then be legal. Currently, Nationwide Children's has submitted a request that their PUD language be amended to allow for this signage.

Ms. Chinnici-Zuercher stated that it is her understanding that because Dublin's Code did not permit the signage, the Commission could not approve the change to the PUD language. Would the proposed sign code amendment allow that change in the PUD to occur?

Ms. Grigsby responded affirmatively.

Ms. Chinnici-Zuercher stated that at the previous meeting, a question was asked about other logos on signs that could now be approved with this proposed code change. She recalls the previous case related to the BMW Financial logo.

Ms. Grigsby responded that the list would include the BMW Financial sign. In addition, OCLC's sign would not meet Dublin's current Code. Currently, Wendy's uses only the text portion of their logo due to Dublin's sign limitations. With this revision, Wendy's logo would be approved, because the logo itself would be considered one color, and the remainder of the sign colors would comprise the other two permitted colors.

Mr. Keenan stated that logos are typically trademarked. Is there a proviso in the code language that requires the logo to be trademarked and registered?

Mr. Langworthy responded that is included in the proposed amendment.

Mrs. Boring stated that on page two of the staff memo regarding Sign Colors, Section d-2, the language states, "Where a registered corporate trademark or symbol exceeds 20 percent of the sign area, ..." However, if the City has already stated that it is limited to 20 percent, why would it ever exceed 20 percent?

Mr. Langworthy stated that during the Planning Commission's discussion of the proposed Bridge Street Code amendments, this change was suggested by the Commission. They had no objection to the 20 percent limitation and the three colors, but they also suggested that there might be circumstances in the Bridge Street Corridor where the logo may exceed 20 percent. An example used was a logo that comprised the entire sign would exceed the 20 percent because there would be no additional copy on the sign. For example, a fish market could have a fish as their sign. The overall limitation would continue to be that it could not exceed five colors.

Mrs. Boring noted that the Kroger sign does not have a colored trademark, but has a script – which would compare to such a fish sign. How many colors is Kroger then allowed to have on the sign?

Mr. Langworthy responded that for Kroger, that is the business name and the primary image is then the name of the business. That would count within the primary image, not the secondary.

Mrs. Boring asked how such a fish sign would then not count as a primary image.

Mr. Langworthy responded because there is no text – it is merely symbology.

Vice Mayor Salay stated that such a sign could include five colors, according to what staff has indicated. She is definitely seeking some graphic examples in order to be comfortable with this change.

Mr. Langworthy clarified that staff's proposal is not to do the Bridge Street Corridor version citywide, but the 20 percent, with the logo counting as one color and the three color total

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limitation. He does not believe that the Bridge Street element is inappropriate, particularly given its location and what will be created in the corridor. However, staff is not proposing that be done citywide.

Vice Mayor Salay stated that she noticed a reference to Perimeter Center, and asked if the color palette in the center is still being enforced.

Mr. Langworthy responded affirmatively, noting that the PUD remains in place for the Center.

Vice Mayor Salay added that some of the colors being used are brighter and she wants to ensure that the City is continuing to enforce the PUD text.

Mrs. Boring asked if this code is changed, could Perimeter Center request an amendment to their development text to include this revised sign code.

Mr. Langworthy requested that they could do so, but the existing PUDs already have distinct provisions in their PUD text regarding signs and those would remain in place. The PUDs that default to the zoning code or developments not in a PUD would be impacted by this change.

Mrs. Boring summarized that staff is requesting that Council direct staff to formulate a text amendment to the code, which would be sent to Planning Commission for review and recommendation to Council.

Mr. Langworthy concurred.

Mrs. Boring moved to direct staff to formulate a text amendment to the zoning code regarding sign colors and application of logos/brands/secondary images citywide, and that such amendment be sent to Planning Commission for review and recommendation to Council.

Mayor Lecklider added that the primary purpose of this amendment would be to address the logo issue.

Mr. Langworthy clarified that staff's proposal is to retain the 20 percent limitation, but to allow the registered logo to be counted as one of the colors with a three-color maximum.

Mr. Gerber seconded the motion.

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

STAFF COMMENTS

There were no staff comments.

COUNCIL COMMITTEE REPORTS

• Finance Committee recommendations regarding hotel/motel tax grants
Ms. Chinnici-Zuercher, Finance Committee Chair noted that the Committee met on Tuesday, January 17 to review the hotel-motel tax grant applications. The majority of the recommendations are related to City services during various events held in the City. She reported the following:

1. For items such as the Dublin Soccer League and Miracle League, larger recommendations have been made for permanent equipment used by other groups as well. The misting equipment is specialized for use of those in the Miracle League, and it will be stored in the building constructed on site.
2. One of the new applications is the Dublin City Schools Emerald City Music Games, which is the drum corps event held annually and sponsored by the District. Their application offered opportunities for various levels of sponsorships, and the Committee recommends the lowest level of sponsorship. The group is working to raise funds of approximately \$45,000 over the next two years to demonstrate to a national-based organization that they have the capacity to host a larger event, and the City would help to demonstrate the local support to the national group.
3. She noted that an arts grant was approved in 2011 – Dublin Arts Council cell phone application for the Art in Public Places Tour. The DAC is now requesting modification of their original proposal for a mobile app to be created.

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4. The Dublin Area Art League was awarded a two-year grant in 2011 to create a business plan to become self sustaining, and this is the last year of that grant support. The grant was for \$10,000 in 2011 and \$5,000 in 2012 for this purpose.
5. Dublin Community Bands. The Committee requested research be done regarding how other community bands are financed and that the group develop a strategic and business plan in order to become self sufficient. The Committee endorsed a grant of up to \$2,500 to hire a facilitator for the development of this strategic and business plan. After the group has such a plan developed, the Committee expressed a willingness to meet with them again and bring any additional recommendation back to Council.

Mr. Keenan noted that he spoke with a Board Member who mentioned there had been discussion of assembling such a strategic plan and the need for a facilitator for this purpose. He would support funding a grant to support this effort.

Ms. Chinnici-Zuercher moved to approve the grant recommendations as outlined in Committee report provided to Council and a grant of up to \$2,500 for a facilitator for the Dublin Community Bands to develop a strategic and business plan.

Mr. Gerber seconded the motion.

Mayor Lecklider asked about the total funds available for such grants in 2012.

Ms. Gibson stated that there is \$200,000 in total. After deductions for the \$20,000 grant to HDBA and the \$5,000 to the Dublin Area Art League committed to in 2011 to be paid in 2012, there remains approximately \$175,000 for grants.

Mr. Keenan stated that, assuming the recommendations of the Committee are approved, there would be approximately \$54,500 remaining that has not been earmarked for any grants.

Ms. Gibson reported that she spoke to Mr. Jameson today of the Dublin Community Bands who is traveling out of the country. They are very interested in developing a strategic and business plan as Council has suggested.

Mayor Lecklider asked for information regarding the grant application for the American Cancer Society, which is not recommended for funding.

Ms. Chinnici-Zuercher responded that there has been national consolidation of the ACS regions, and the corporate office for the Dublin region is now in Pennsylvania. ACS has two primary ways to raise money in this area: the Relay for Life, and more recently, they have become involved with organizing and managing the Blarney Hop at the Shoppes at River Ridge. They were requesting funding from the City for that activity. However, the City discontinued hosting a Blarney Hop several years ago and City Council approved that policy decision. Therefore, Council felt that the recommendation not to fund this event was consistent with the already approved policy.

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

Mayor Lecklider thanked the Committee and Ms. Gibson for their hard work on this review process.

Ms. Chinnici-Zuercher added that the Committee discussed some other items, including an historical look at what groups are being funded for what types of items. The Committee believes there may be some opportunity to develop policies to have certain items handled administratively, such as Police services for a race, etc. The Committee may bring such a policy to Council later this year.

In addition, the Committee noted that a fair number of music-related hotel-motel tax grant applications are being received, including from the School District and the community. The Committee believes this should be more closely studied to determine if a policy is appropriate to address these. Further, the Committee wants to understand more about the community arts grants provided by the Dublin Arts Council and how that process works,

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the organizations that are currently being funded by the DAC, and the relationship between the DAC's decision/distribution and Council's decision/distribution of grants related to arts and cultural activities.

Mrs. Boring commented that she spoke to Ms. Ott this week regarding some of these topics. Ms. Ott indicated that in the new agreement with the DAC, there will be a specific percentage of funds to be used for community grants.

Ms. Grigsby stated that she does not recall the specific percentages, but this is a discussion item related to the proposed contract.

Mr. Keenan noted that he recalls the Dublin Arts Council has provided grants to music groups and perhaps that is a better venue for these organizations seeking grants versus the City.

Ms. Chinnici-Zuercher asked when the agreement will be brought to Council.

Ms. Grigsby responded it is scheduled for discussion at Parks & Recreation Advisory Commission in the next month or two, and shortly after that will be brought to Council.

Mr. Keenan asked if there was ever a specific amount established for the DAC in terms of community grants they would offer.

Ms. Grigsby responded that at the time of the modification of the hotel-motel tax allocation provided to the DAC, it was with the recognition that the arts grant applications typically reviewed in the City's bed tax grant process would be handled through the DAC.

Mr. Keenan stated that perhaps the criteria for the bed tax grants should be revised to direct those types of applications to the DAC.

Mrs. Boring added that an e-mail was sent to Council today by the DAC regarding their grant process for community arts grants and grants in recent years.

Mr. Keenan invited Mr. Guion to address Council.

David Guion, Exec. Director, DAC offered to respond to any specific questions.

He noted that he met with Mr. Reiner last Friday and discussed some funding opportunities. The Dublin Community Bands did not apply for funding through the DAC. The DAC will focus on better publicizing the grant opportunities they offer to these types of groups, as only two submitted in 2012 and three in 2011. He believes the DAC can handle some of the arts organizations that apply to the City for funding, taking the City out of the business of judging the merits of the applications. They are willing to take on this responsibility and will meet with any arts organizations who want to learn more about the process.

Mrs. Boring noticed that one requirement of the DAC grant application form is that the entity seek funding from other sources as well.

Mr. Guion responded that is correct. They are required to garner other earned or unearned income from other sources. This demonstrates their ability to sustaining their own organization.

Mr. Keenan asked if there are plans in place for the Arts in Public Places Program for 2012. Mr. Guion responded that there are no plans yet.

Mr. Keenan asked if there will be any such developments in the next three to six months.

Mr. Guion responded that he and Mr. Reiner discussed this matter. The DAC has just made final payments for the Bicentennial art. The year 2012 would be the first year of the next \$75,000 allocation for a public art project.

Mr. Keenan asked if the DAC expectation is to do one project every two years, or a project every year.

Mr. Guion responded he does not know and needs to meet with City staff regarding the expectations.

Ms. Grigsby added that in the past, the projects were done every other year. The juried process would take place one year, and the art project would be done in the following year. Therefore, every two years there would be an art in public places piece added.

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Mr. Keenan stated that the issue related to the funding allocation by the DAC – having a critical mass of \$75,000 versus \$37,500 for a project.

Mr. Guion responded that the issues in the past related to siting for the art. A method to site the piece is needed, moving forward.

Mr. Keenan stated that he is interested in seeing the next plans, and hopes this can occur within a few months.

Mr. Guion responded that he will discuss this matter with Ms. Grigsby.

Mayor Lecklider thanked Mr. Guion for attending tonight's meeting.

He noted that there will be further discussion regarding hotel-motel tax grant policy at the April Finance Committee.

Ms. Chinnici-Zuercher stated that the Committee is working toward that goal, but cannot commit as the staff needs to develop policies for the Committee to review and then recommend to Council. Any new policies would be established prior to the 2013 hotel-motel tax grant process.

STAFF COMMENTS

There were no staff comments.

COUNCIL ROUNDTABLE

Mr. Reiner:

1. Stated that as the new Dublin Arts Council (DAC) representative, he can report that the DAC Board is awaiting the PRAC report regarding the Arts Chapter of the Parks & Recreation Master Plan and a report from Ms. Ott. There was also discussion that if there was not resolution to the DAC agreement, it would be referred to the Community Development Committee for a recommendation.
2. Congratulated Ms. Mumma and the Finance staff for receiving the Certificate of Achievement for Excellence in Financial Reporting for the City of Dublin.
3. Stated that the Community Development Committee needs to schedule a meeting to review the pending "Beautify your Neighborhood" grant applications.

Committee consensus was to meet on Monday, February 27 at 5:30 p.m., prior to the 6:30 p.m. Council executive session.

Ms. Chinnici-Zuercher:

1. Reported that she and Ms. Grigsby attended the MORPC Board meeting on January 12, at which they learned the news concerning the State's transportation delays due to budget issues. She asked Ms. Grigsby to provide an overview of the I-270/US 33 project and funding status.

Ms. Grigsby stated that the City received funding for the preliminary engineering and design of the project. This work was initiated last year and should be completed by the end of 2012. No funding was requested for the next cycle, but the City remains rated as a very high Tier 2. Therefore, when the City submits a request for funding in the next cycle, staff is hopeful that the City will be awarded the funding for the next phase of detailed design. The City continues to work with all its partners to ensure that everyone remains aware of the critical importance of the I-270/US 33 project.

2. Reported that last Thursday, she attended a meeting of the Ohio Municipal League, on which she serves as a board member. It was a special meeting with the Governor and the Director of the Ohio Department of Transportation. The Governor engaged in a dialogue with Board members concerning their questions and concerns. He also commented on the income tax central collection issue. He shared that he met recently with the municipal tax group and now has a better understanding of the reasons they are not supportive of State collection. The Governor is seeking suggestions on how to do business differently. In the absence of suggestions from others, he and his staff will try to identify ways to do that. Therefore, it is good to look at issues that are important to the Dublin community. Processes that are policy or administratively driven that impact the City's ability to be efficient or regulations that hinder the City's ability to do collective services with other jurisdictions should be addressed via mail to the Governor and his staff,

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together with recommended changes to be discussed. The Governor is open to suggestions and looking for the best ways for government to work.

3. Noted that there was an e-mail notification of the next meeting of the Collaborative Resource Shared Services groups.

Ms. Grigsby stated that there are a couple of groups established. One meets to discuss opportunities to provide or exchange services. There is also a group that meets to discuss economic development. There has been a follow-up meeting with staff, and in February there will be a meeting with mayors and managers to discuss some of the specifics that relate to the letter of intent that was signed last December.

Ms. Chinnici-Zuercher stated that the issue of economic development discussions may be on Council's retreat agenda. She has spoken with some other City Councils, some who have indicated that they won't sign the agreement; others are undecided. There are some concerns about what the group is doing. Has a copy of the proposed agreement been provided?

Ms. Grigsby responded that there are signed letters of intent for both shared services and for economic development and these were sent to Council previously. Copies can be provided to Council again. In terms of the economic development group, there were initially six participants, and ten jurisdictions have now signed on. The concept was to start small to begin to identify issues, and then reach out to other jurisdictions after there was more clarity regarding what was included in the Letter of Intent. Six additional jurisdictions have been identified and will be contacted. It will be important that everyone within the region, including Marysville and Delaware, is following the same guidelines and agreements with regard to the policies that will be outlined in the documents being drafted.

Ms. Chinnici-Zuercher stated that without having seen the proposed agreement, it is difficult to address. However, the underlying issue for her is that the State allows for certain parameters in regard to economic development, and Council as a body formulates its own regulations or policies regarding economic development. Unless changes in the economic development field occur in the state, how can Dublin engage in these agreements, given the City has the responsibility to ensure an ongoing revenue stream for the community in order to deliver the services at the level desired for its residents and corporate residents?

Ms. Grigsby responded that it is a challenging issue that has been difficult to address. In recent years, perhaps due to the economy, the use of economic development agreements has been accelerating. They are becoming the norm, even when a company is not looking to relocate. The discussions occur because they provide other communities the ability to compete for the company. The intent of this effort is to define ways cities can work together in regard to incentivizing companies to move around within the region when their current incentives expire. Many issues have been discussed, but no exact parameters have been identified at this time.

Ms. Chinnici-Zuercher stated that she understands the concept. However, Council needs to have a discussion and determine what Council wants the City Manager to be representing to that group.

Ms. Grigsby responded that at this time, there are not many details. The primary goal is to bring new jobs to the region, rather than move jobs around within the region. There has also been discussion regarding the potential benefits of and parameters for revenue sharing. Those issues would be brought back to the various city councils for consideration.

Mr. Reiner stated that it would seem then that Council should wait to have a discussion until after those points have been developed.

Vice Mayor Salay asked if this issue will be ready for discussion at the treat. It seems to be very preliminary at this point.

Ms. Chinnici-Zuercher stated that she does not believe it is too early to discuss it, although it may be too early to establish policy. The City Manager and Mayor are participating in these meetings and representing Dublin to the group. However, Council has not had such discussion.

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Ms. Grigsby clarified that Mayor Lecklider has not participated in the meetings. The mayors in these meetings have been from those jurisdictions with strong mayor governments. No specifics have been discussed aside from those included in the letter of intent – the four areas to be worked on. At this time, staff from the various entities are reviewing all the incentive agreements those entities have entered into over the past several years.

Mr. Keenan stated that, to some extent, the economic incentives constitute a level of “corporate welfare” for companies not in need of it. He is a strong supporter of economic development, but the competition between jurisdictions does not seem appropriate at times.

Discussion followed.

Mayor Lecklider stated that the concept of revenue sharing concerns him in terms of determining the proportions allocated to each entity. He is concerned that the discussion among the working group will advance to a point that when it comes back to this body, Council will be placed in an uncomfortable position if they are not completely supportive.

Mr. Keenan stated that he would rather set policy than agree or object to it.

Vice Mayor Salay agreed. Perhaps Dublin should take the lead in the discussion.

Mayor Lecklider suggested that this could be included in Council’s goal-setting agenda or handled with a separate meeting to provide clarity regarding Council’s position.

Ms. Grigsby responded that the information being collected by the staff of the various cities is expected near the end of January. After that information is received, the group will begin to evaluate and identify some parameters, or determine if the issue is not as significant as has been expressed. Within the next week, there will likely be some additional information that can be provided to Council in an upcoming meeting packet.

Mr. Keenan:

1. Commented in follow-up to Ms. Chinnici-Zuercher’s comment about the need to recommend policy changes to the Governor. Some of the annexation laws that were adopted by the legislature a few years ago hinder municipalities’ economic development efforts. There are many unintended consequences of that legislation, which was driven by the Ohio Township Association.

Mr. Smith responded that Legal staff will be attending a committee meeting tomorrow at the Statehouse. A new bill has been introduced, which, if adopted would essentially provide townships and other public entities a veto over expedited annexations.

Mr. Keenan stated that a good way to address that is by looking at the potential impact on the entire economic development environment. He believes the Governor and State legislature would be supportive of any efforts to avoid such a negative impact.

2. Asked about the status of a follow-up report on the wind turbine discussion.

Ms. Grigsby responded that Ms. Ott provided a response to that request, but she will check for any updates.

Mr. Keenan stated that the concern is with what will occur if a company wants to erect a 100-150 ft. wind turbine structure to provide power for their facility. He is not certain that is something Dublin wants to support, but that type of activity is growing. There are some wind turbines existing in the area. It is advisable to obtain additional information on the topic.

3. Inquired if an update on the honeysuckle removal program is available, or if a program could be developed, with the stream corridors as a priority for such efforts.

Ms. Grigsby stated that the City Parks Department has a program in place, which includes community volunteers.

Mr. Keenan inquired how that program could be better communicated to the homeowner associations (HOAs).

Ms. Grigsby responded that information has been shared, but additional information can be provided to the HOAs. Grant opportunities are also being pursued.

Mr. Keenan stated that there are stream corridors that may not be part of a neighborhood.

Ms. Grigsby responded that staff is reviewing a couple of stream corridor areas – one is along the Indian Run. Information will be provided soon regarding a clean-up of the stream along Brand Road.

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Mayor Lecklider suggested that a presentation regarding the experience with this program in Coventry Woods be provided at the Spring Civic Association meeting. This could provide inspiration to the other HOAs. Perhaps the Parks department could offer that suggestion to organizations looking for service projects, as well.

Mr. Gerber stated that he had the honor of introducing Ms. Grigsby to speak before the Dublin AM Rotary last Friday. Ms. Grigsby provided an update on the City's status in regard to finances, parks and recreations, roadways, etc. Ms. Grigsby did an excellent job, and the audience was very appreciative.

Vice Mayor Salay:

1. Reported that Council plans to schedule its annual goal-setting retreat at the Sparkspace Conference Center in Columbus. She asked what action is needed to allow Council to meet outside of the City.

The Clerk stated that a motion to waive the Council Rules of Order would suffice.

Vice Mayor Salay moved to waive Council's Rules of Order and permit Council's 2012 goal-setting retreat to be held at the Sparkspace Conference Center in Columbus on February 23-24, 2012.

Mr. Reiner seconded the motion.

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

2. Referred to the recent article in *Business First*, which included comments about the City working with the Shoppes at River Ridge to make some types of sign changes of which she was not aware. She knew the City was working with them in regard to graphics, but specific examples were identified. Some of the information did not seem accurate.

Mr. Langworthy responded that the City has received an application from the Shoppes at River Ridge for two changes. First, to replace their sign at the entry to Dale Drive, which is currently parallel to the road, with a sign that is more perpendicular to the road; and second, to replace the signage on the wall along Riverside Drive with a sign located in the greenspace.

Vice Mayor Salay inquired if the other statements in the article were inaccurate.

Ms. Grigsby responded that the article indicates that the City is working with the applicant, and they have submitted an application, which will undergo the standard City review process.

Vice Mayor Salay stated that the article was not referring to the signage for the Center alone, but also to individual wall signs – making them larger and brighter. She is not comfortable with these changes without reviewing them. There are other centers within the City that have become successful and have adhered to the City's strict sign code.

3. Stated that the Information Technology department has indicated that Council's iPads are being updated. There will be an icon on the desktop where the packet can be easily downloaded. She reminded Council that they had agreed to attempt to implement the electronic packet. Other cities are doing the same. If Council Members are in need of more training, staff can provide that. She encouraged Council Members to make every effort to use the iPad and electronic packets.

Mayor Lecklider:

1. Reported that he attended the Martin Luther King, Jr. Day ceremonies at Dublin Scioto High School on January 16. It was a very nice event, emceed by local resident and NBC4 reporter, Mike Bowersock. The keynote speaker was Reverend Timothy Ahrens. The Dublin Singers and other choirs performed, and students from each of the three Dublin high schools read essays in honor of the observance.
2. Stated that last week, he and Ms. Grigsby attended a meeting of the former Grand Leprechauns where the group selected Rich Weber to serve as the 2012 Grand Leprechaun. He reminded Council that the St. Patrick's Day parade is on Saturday, March 10.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

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3. Stated that some Dublin residents have inquired about the possibility of the City providing some platform tennis courts. Scioto and Worthington Hills Country Clubs each have platform tennis courts at their facilities. He asked if staff could explore the feasibility of platform tennis courts for Dublin.

Mr. Hahn responded that he is unfamiliar with the sport, but he will look into the feasibility of providing these.

Mayor Lecklider noted that the courts appear to be simple to construct and are designed to facilitate play during winter weather.

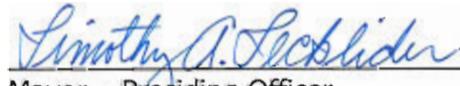
ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session at 9:25 p.m. for discussion of personnel matters (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of public employee or official), legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action), and land acquisition matters (to consider the purchase of property for public purposes).

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened at 10:45 p.m. and formally adjourned.



Mayor – Presiding Officer



Clerk of Council