Mayor Lecklider called the Monday, February 27, 2012 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session for discussion of land acquisition matters (to consider the purchase of property for public purposes), 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 personnel matters (to consider the appointment, employment and compensation of a public employee or official).

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mr. Keenan led the Pledge of Allegiance.

ROLL CALL

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

Staff present were Ms. Grigsby, Mr. Smith, Ms. Mumma, Mr. McDaniel, Chief von Eckartsberg, Ms. Readler, Mr. Harding, Mr. Hahn, Mr. Husenitza, Ms. Crandall, Mr. Hammersmith, Mr. Langworthy, Ms. Ott, Mr. Phillabaum, Mr. Goodwin, Ms. Ray, Ms. Martin, Ms. Noble-Flading, Ms. Rauch, Ms. Husak, Ms. Burness, and Mr. Schaber.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

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

Mr. Reiner seconded the motion.

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

1. **Correspondence**
   Notice to Legislative Authority - Transfer of D1, D2, D3 and D6 liquor permits from Hsiang Chi Giun Inc., dba Dublin Express, 6546 Riverside Drive to Square Village Holdings LLC, 6546 Riverside Drive

2. **Resolution 13-12 (Introduction/Vote)**
   Declaring Certain City-Owned Property as Surplus and Authorizing the City Manager to Dispose of Said Property in Accordance with Section 37.08 of the Dublin Codified Ordinances.

3. **Resolution 14-12 (Introduction/Vote)**
   Authorizing the City Manager to Enter into an Agreement with the Delaware City Prosecutor in the Delaware Municipal Court.

SECOND READING/PUBLIC HEARING – ORDINANCES
Ordinance 06-12
Rezoning Approximately 6.4 Acres Located on the Southwest Corner of Tuller Road and Tuller Ridge Drive from CC, Community Commercial District to PUD, Planned Unit Development District to Facilitate the Development of an Approximately 122,000-Square-Foot Skilled Nursing Facility. (Case 08-116Z/PDP)
Ms. Rauch stated that:

- The applicant has provided a revised site plan that incorporates their preferred design layout, which was presented at the last Council meeting. The revised plan is based on the PZC condition to move the building closer to the intersection of the new east-west road and Tuller Ridge Drive, attempting to reduce the amount of pavement located between the building and the street.
- In addition, Council expressed concern regarding the traffic improvements, particularly at the intersection of Tuller Road and Riverside Drive. The approval of this project does not dictate the details and timing of those improvements. Some information on those has been provided in the staff memo, and Engineering is preparing more detailed information to address Council's concerns. This information will be provided at a future meeting. To clarify that, Planning is recommending an additional condition requiring that any notes on the Preliminary Development Plan regarding traffic improvements at that intersection be removed from the Preliminary Development Plan.
- In addition, Council requested that a street network map be provided within the Bridge Street Corridor zoning code update. That has been included in the packet, as well as a more illustrative street network and open space map.

She noted that Planning recommends approval with the additional condition that the notes regarding the traffic improvements at Tuller Road and Riverside Drive be removed from the Preliminary Development Plan.

Mrs. Boring asked if this is the final road network plan.
Ms. Rauch responded that it is not final until Council approves it, together with the Code.

Mrs. Boring moved to approve Ordinance 06-12 as submitted in the packet for February 27, 2012 with the additional condition that any notes on the Preliminary Development Plan regarding traffic improvements at the Tuller Road/Riverside Drive intersection be removed from the Preliminary Development Plan.
Mr. Keenan seconded the motion.
Vote on the motion: Mr. Keenan, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Mr. Reiner, yes.

Mr. Reiner recused himself from discussion of the following two ordinances, as he owns property located within the subject area.

Ordinance 07-12
Adding Sections 153.057 through 153.066 to the City of Dublin Codified Ordinances (Zoning Code) to Establish the New Bridge Street Corridor Zoning Districts, Development Standards and Approval process, and Amending Section 153.002 of the City of Dublin Codified Ordinances (Zoning Code) to Add and Modify Definitions. (Case 11-020ADM)
Mr. Langworthy stated this is the text amendment to the Zoning Code incorporating requirements regarding the Bridge Street Corridor and updating the Zoning Code definitions.

- At the first reading, Council had questions regarding the review and approval procedures for Section 153.066. He was asked to compare this text to the EAZ

Innovation District review and approval process. There is an optional pre-application meeting with the applicants, development plan/site plan review, and, finally, the permitting. The associated time schedule provides 14 days for the pre-app process, if desired, and a 28-day period between the pre-app and final development plan review – for a total of 42 days. That number of days assumes the application is moving straightforward through the process; however, applicants typically wait longer to submit their applications.

- The other option in the EAZ review/approval process is a Planning and Zoning Commission site plan review. The site plan review occurs if the submitted development plan fails to meet one or more of the EAZ Code requirements, or if the Administrative Review Team (ART) determines that the Planning and Zoning Commission (PZC) should review the project due to the complexity, size or potential impact on the community. If PZC receives a request to review, they have 30 days within to make a decision. If PZC denies approval, the decision can be appealed to Council.
- PZC's recommended review process for the Bridge Street Corridor District provides a three-step process: mandatory pre-application meeting; basic plan review; submittal of development plan and site plan, either individually or simultaneously; review/approval of the plans, followed by the permitting process. The request for scheduling of the pre-app must occur within 14 days; the basic plan and site plan reviews must be completed within 28 days each after the pre-app – for a total of 70 days. The ART meets every Thursday; PZC meets every other Thursday. The basic plan review is similar to a concept plan and PUD preliminary development plan. Following the basic plan review, and when ready, the applicant may submit a full development plan application to the ART. Up to three meetings is permitted for the development plan review to be completed by the ART and a recommendation provided to PZC within the 28-day time period. The PZC must make decisions at the basic plan review meeting and at the full development plan or site plan review. At the PZC public hearings, the public can provide input. Either the plan is approved, disapproved, or a time extension is granted, as agreed upon by the City and the applicant.

Mrs. Boring asked why a plan would be disapproved by PZC, if it has met all Code requirements.
Mr. Langworthy responded that if it met all Code requirements, it would not be disapproved.
Mayor Lecklider asked what options exist for the applicant in the event of disapproval.
Mr. Langworthy responded that ART disapproval could be appealed to the Board of Zoning Appeals (BZA) as an Administrative Appeal. This is consistent with the current practice. After that, potential remedies would be pursued in the court system.

Ms. Chinnici-Zuercher noted that Council is therefore not involved in that appeal process.
Mr. Langworthy responded that is correct.
Mrs. Boring stated that this is not different from the current Planning process.
Mr. Langworthy responded that it is similar to the Final Development review process. For ART decisions, that is what occurs now – the application goes as an Administrative Appeal to the Board of Zoning appeals.
Mrs. Boring stated that has been identified by Council as an existing problem.
Mr. Keenan stated that Council could change the process, if desired.
Mrs. Boring stated that if the plan is disapproved, the applicant might then decide to resubmit and meet all the Code requirements.
Mr. Langworthy confirmed this.

Ms. Chinnici-Zuercher stated that she believes a Code amendment was made previously to permit an applicant to appeal a decision to Council before filing an appeal in court. Regardless of which Code section they are working with, it was Council's intent that opportunity be included in the review process.

Mayor Lecklider stated that he recalls that the Council review of administrative appeals was discussed and rejected by Council.
Ms. Grigsby responded that legislation was drafted and discussed by Council, but it was not approved.
Mr. Keenan requested that the minutes of that prior discussion be provided for the next meeting.

Mrs. Boring stated that rezonings are reviewed by Council as part of the normal process. If the applicant does not want to follow the form-based code, could an appeal be made to Council?
Mr. Langworthy responded that it could not.

Mr. Gerber asked if the Code language is sufficient as written to permit an applicant to opt out of the form-based code and submit a PUD application.
Mr. Langworthy responded that there previously was language that precluded that, but the language has been removed. The applicant may follow the normal zoning process, if they so desire.
Ms. Chinnici-Zuercher asked where the provision is located that provides that option.
Mr. Langworthy responded that it is not in this Code; it is in the general Zoning Code. Anyone has the ability to apply for a rezoning to a PUD or any other district under the Zoning Code.
Mrs. Boring stated that, given this, any of these Bridge Street Corridor property owners might request any type of rezoning.
Mr. Langworthy confirmed that is correct, but the Bridge Street area proposed rezoning rezones the properties into the Bridge Street Corridor Districts. In the future, the property owner may choose to apply for rezoning to remove it from the Bridge Street Corridor District to some other district, or to a different BSC district. That has always been allowed in the Code.

Ms. Chinnici-Zuercher stated that this provision is not in the Bridge Street Code, however. It was her understanding the BSC Code applies to this area. Does the Zoning Code supersede this Code, so that if a property owner does not want to follow the BSC process, they can follow the other procedures?
Mr. Langworthy stated that is true if they are in another district. If they are in the BSC district, they must follow the BSC code.
Ms. Chinnici-Zuercher stated that the problem is that the issue is not addressed in the BSC code as drafted.

Ms. Readler stated that there are general rezoning or zoning map procedures in Chapter 153 of the Code. It does not specify the particular land it applies to – one can file an amendment to the zoning map for any property in the City. This is a general provision that allows a rezoning application for any property in the City for any zoning district as provided for in the Code.

Mayor Lecklider stated that this would also be true of the EAZ District, correct?
Ms. Readler responded that is correct. Any property owner can apply for a rezoning to any district under the provisions of Chapter 153. There are also Community Plan and Area Plan guidelines for rezonings, but there is nothing prohibiting an application for any district.

Mr. Keenan asked if the prior language in the BSC Code prohibited this.
Ms. Readler responded affirmatively; that language has now been removed. It would prohibit someone from applying for a planned district in this Corridor area.

Mayor Lecklider commented that he recalls there was some question of whether that restrictive language would have withstood a legal challenge.
Ms. Readler agreed. The intent was to have properties in the Bridge Street Corridor remain in the Districts specified, but staff understood there was no ability to prohibit someone from submitting a rezoning application to any district.

Mrs. Boring stated that it would not be unreasonable that the BSC qualities or look would be referenced in review of any proposed PUD, correct?
Ms. Readler agreed, noting that the Vision Plan and any other plans or studies would be consulted in review of any rezoning application for the area. The planned district text would control, if an application were approved.

Ms. Chinnici-Zuercher asked what criteria staff anticipates they would use to recommend a rezoning other than to a BSC District.
Ms. Readler responded there is a set of criteria for filing a planned district and those would be consulted in such a rezoning application. It would be a matter of reviewing the specific project to determine whether a recommendation would be made to deviate substantially from the plans and studies done by the City.
Mr. Langworthy added that, practically speaking, staff would have worked with the applicant for some period of time to try to bring them into a Bridge Street Corridor District. If they ultimately decide they could not or do not want to meet that Code, they would apply for a normal PUD and that process would follow.
Mrs. Boring stated that Council would then have the final review in the case of such a rezoning.
Mr. Langworthy responded that is correct. Council approves the preliminary development plan and rezoning. The final development plan would be reviewed by the Planning and Zoning Commission.
Mrs. Boring stated that in a case such as this, if an applicant indicated they do not want to follow the Code exactly, wanted Planning and Zoning Commission to be involved, and if Planning and Zoning Commission then approved their application, would that come to Council?
Mr. Langworthy responded that if the applicant stayed within a Bridge Street Corridor District, it would not come to Council for review.

Mr. Langworthy continued his presentation:

- He shared a graphic that depicts the Administration's recommendation for the review process. It has the same step in the process, same interim time periods apply for all, and the concept is that the ART reviews the pre-application and determines any changes needed before Basic Plan Review. Basic Plan Review is done by PZC, including a public review with a ten-day public notice. After that, it becomes an ART process, except under certain conditions. The ART meets every week, so the 28 days might be less than that, depending upon the scope of the project. Therefore, many projects would likely not require the full 70 days for the complete process. However, if the development plan or site plan review requires waivers, those must be approved by PZC. As with the "kick up" provision in the EAZ Code, the ART can also require that the applicant go through the PZC review process, and if they do so, they must meet the same 28-day deadlines.
- The PZC involvement in the process can occur at three points. First, they are always involved in the public review process for the Basic Plan Review. If specific waivers are requested, those must be approved by PZC. In addition,

the ART can "kick up" any project to PZC, if they believe a project will benefit from a PZC review meeting. Such meeting would occur within the 28-day period.

- He shared a graphic that depicts the Planning Commission's recommended process. If the PZC were unable to make a decision at the Basic Plan Review meeting, discussion of time extensions would be warranted.

Mr. Gerber asked what takes place at the development plan/site plan review stage. What is the focus?
Mr. Langworthy responded that all elements are reviewed – architecture, building setbacks, parking. For the development plan, it sets the framework of lots and blocks, streets. The site plan review includes setbacks, architecture, parking, landscaping details.
Mr. Gerber stated that staff had indicated that the Basic Plan Review is a hybrid of the concept plan/preliminary plan review that currently exists. Typically, at the preliminary plan stage, setbacks and building details are determined.
Mr. Langworthy responded that the Code sets those requirements for the Bridge Street Corridor, and the applications would be reviewed for compliance. At Basic Plan Review, the PZC gives advice on what changes may be needed or what conditions should be appended. They make a decision of whether the next review is done by the ART or if it will come back to PZC.
Mr. Gerber asked what occurs if staff and PZC disagree.
Mr. Langworthy responded that the PZC makes the decision – and the ART makes the recommendation about the process. Currently, the ART does not give a recommendation to PZC about which process to follow – it is the discretion of PZC. The ART provides recommendations on the plan itself, not the process.

Mrs. Boring asked if the two processes outlined could be combined on one screen to compare them tonight.
Mr. Langworthy responded he does not have that option available tonight.
Ms. Chinnici-Zuercher added this information was not in the packet, and it is difficult to compare the two on the separate screens as shown.

Mr. Langworthy stated that both the PZC recommended process and the staff recommended process include the public review process through the Basic Plan Review. In the PZC recommendation, at the public review meeting, based on certain criteria, they would vote whether to send it through the ART review process for approval or return to PZC for its approval.

Mrs. Boring asked if an application meets the requirements of the BSC Code, how could PZC require it to come back to them for review?
Mr. Langworthy responded they would likely make that decision based on the project itself. There are some gray areas in the Code – minor architectural details, material combinations – and the Commission may want to have additional input.
Mrs. Boring stated that it is not, therefore, simply a matter of checking boxes for this review. There are some discretionary or subjective areas.
Mr. Langworthy agreed.
Mrs. Boring stated that if the PZC believes there are many gray or subjective areas for review, they might decide it should come back to them for review versus the ART.
Mr. Langworthy agreed, noting that in the Basic Plan Review step, staff would expect the Commission to give input regarding any subjective areas for the ART to follow.
Ms. Chinnici-Zuercher asked how binding that input would be.
Mr. Langworthy responded that it is not binding, as the approval is given by the ART. However, he cannot foresee them not wanting to follow the advice of the PZC.
Mrs. Boring asked if the ART could disapprove an application.

Mr. Langworthy responded that they could disapprove it. He added that time extensions do apply to every approval step, if agreed to by the City and the applicant.

Mayor Lecklider noted he has questions about the staff recommended review process. How would subjective areas be addressed by the ART?
Mr. Langworthy responded that the PZC would be expected to provide input about such areas. At the Basic Plan Review stage, there should be adequate detail so that the PZC and the public can provide such input on the project.

Ms. Chinnici-Zuercher asked about the expectation, given that the general Basic Plan Review has historically taken place at the concept plan stage, and often, the development plan is substantially different as a result of that early input. What he is now suggesting is that the "margin" should be narrower.
Mr. Langworthy responded that is not necessarily true, as it would depend upon the comments made by PZC. However, the limitations of the development code itself would dictate how different those plans could be. Some basic elements of the plan – building setbacks, parking location, etc. – are in the Code. The relatively minor details are more subjective in comparison to the larger items.
Ms. Chinnici-Zuercher asked for examples of minor details that allow for subjectivity.
Mr. Langworthy responded that the PZC requested a change to the Code regarding architecture – namely, that certain provisions, such as dormers, would have certain spacing requirements. PZC indicated that there might be some building types for which the spacing or requirements for dormers would not be necessary, depending upon the architectural style of the building. The key phrase would be a change that is architecturally appropriate.

Mrs. Boring stated that the slide, as show,, regarding the staff recommended administrative approval process should indicate there is the ability to approve or disapprove the application – as there is with the PZC recommended process.
Mr. Langworthy responded it was not his intent to mislead anyone – there is the same potential outcome of approval or disapproval for either process.
Mrs. Boring asked how far into the process an applicant could be prior to requesting a waiver.
Mr. Langworthy responded that waivers could be requested or identified at any point in the process. Staff would expect many of them to be identified in the pre-app process. The only scenario where a waiver request could be late in the process is if the PZC wanted a change to the plan that did not meet Code, and the applicant would therefore require a waiver.

Ms. Chinnici-Zuercher stated that in the process recommended by staff, when the application goes to site plan review, he is suggesting that the outcome might not result in waivers – or is it too late in the process for the developer to request waivers?
Mr. Langworthy responded that developers could request waivers at any point in the process. There is a stipulation that if they request waivers needing approval by PZC, it is a separate request and has a time limit associated with it. Up until the time the plan is approved, a developer can request waivers. The desire is to have the process as flexible as possible for the applicant.
Ms. Chinnici-Zuercher stated that in the ART review of development plan and site plan, in that timeframe a developer might decide they want to do something that the ART believes is not addressed in the Code. That would therefore result in a request for a waiver. Does that mean the applicant files for a waiver, and the waiver goes to PZC? What is the timeframe for this?
Mr. Langworthy responded that the applicant would have to file for a waiver in this situation, and the timeline for review of the waiver is 28 days.

Ms. Chinnici-Zuercher stated that it is possible during the second 28-day period when the ART review takes place that another 28 days would be required if a waiver is requested.
Mr. Langworthy agreed. If the applicant is at the second ART meeting on the 14th day and they decided to pursue a waiver, the ART process would be "frozen" – they would go to PZC and PZC has 28 days to make a determination regarding the waiver. The ART process would resume after that.

Mr. Gerber stated that, theoretically, if the development plan and site plan review is underway and the developer does not agree on some element, a waiver could be requested, correct?
Mr. Langworthy responded affirmatively.

Mayor Lecklider stated that, theoretically, if there is a delay, the delay results from the applicant's request for such a waiver.
Mr. Langworthy agreed. The applicant has the schedule and can determine the time period required for the process.
Mayor Lecklider stated, to clarify, the Administrative Review Team (ART), according to Code, consists of the Director of Planning, City Engineer, Washington Township Fire Chief, Economic Development Manager, Parks & Open Space Director, Police Chief, and Chief Building Official – or their representatives – and any other members appointed by the City Manager as deemed necessary, either as permanent or temporary members.
Mr. Langworthy confirmed this is correct. In addition, staff also has the ability to add an architectural consultant to the ART – a nonvoting member.

Vice Mayor Salay asked if a member of the public wanted to attend the ART meeting, could they do so?
Mr. Langworthy responded that the ART is not a public meeting per se, under the Public Meetings Act, but the schedule of ART meetings and agendas will be published on the City's web page. A member of the public could attend to listen to the dialogue. This ART process falls after the Basic Plan Review at the PZC, where the public has had the opportunity to view the plan and have input.
Ms. Chinnici-Zuercher added that the public would not have a voice at the ART meeting, however, but they could be present to hear the dialogue.
Mr. Langworthy noted that notices would not be mailed to the property owners regarding the ART meetings – the notices would be listed on the City website.
Vice Mayor Salay pointed out that an interested member of the public would still have the opportunity to attend and listen to the ART dialogue.

Mr. Gerber asked about the Basic Plan Review by the PZC. What flexibility does the PZC have under the code? What subjectivity or discretion is provided to the PZC in that phase?
Mr. Langworthy responded that there are minor, generally architectural details that fall in this area of subjectivity. There are some architectural requirements in terms of window transparency, articulation, fenestration of the buildings, etc. However, there are others that are more subjective in their application, and for this reason, an architectural consultant is available to consult with the ART.
Mr. Gerber stated that, absent waivers requested in the process, PZC would have a fairly good idea of what the project will look like at the Basic Plan Review.
Mr. Langworthy responded affirmatively, and under the process option recommended by PZC, PZC will determine which process will be followed – administrative or by the PZC. If the application meets Code in general, his assumption is the application would be sent to ART. If PZC believes there are still some aspects they were uncertain about, they would likely vote to return the review to PZC. Under the staff's

recommended process, PZC would only do the Basic Plan Review and the application would then go to the ART. However, the ART could elect to send the plan back to PZC.

Ms. Chinnici-Zuercher asked if there is a list of the subjective items in the Code. Mr. Langworthy responded that he could prepare such a list for Council's review. He noted that there are other approvals done by PZC in any case – sign plans, parking deviations, etc. Those are more at the detail level.

Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road stated that he spent the afternoon today at the City's website and reviewed this matter from the beginning of the process. As a result, he has identified three issues.

1. It struck him continually as if the impulse and objective of this process was to achieve a lovely and vibrant city. His first impression at the first meeting attended was the juxtaposition of idyllic pictures of the Bridge Street Corridor and what would be needed to achieve it. Theoretically, the entire area would have to be razed in order to do this. Council has been thoroughly discussing the objections to this code and what is planned for the corridor.
2. The second impression he received from a work session was what might result with development from the attempt to crunch the form-based code and the Dublin Code. Mayor Lecklider had commented that he was hopeful this effort would not lead to any stifling of creative additions to the structures.
3. Because all of this relates to the "flowering" of this city, he noted that the City has many brilliant executions of development, to its credit. The exception, in his opinion, is the square mile devoted to the city golf course. Within 30 minutes of Dublin, there are 79 golf courses, and this likely contributes to the Dublin Golf Club's current situation. There is a possibility, however, that the entire square mile could be taken back by the City for other development – perhaps a theater that parallels the Shakespeare Theater or other possibility.

He wishes the Bridge Street Corridor project much success.

Ben Hale, Jr., 37 W. Broad Street, Columbus noted that he has attended most of the Bridge Street Corridor meetings since it was initiated. He has a number of clients who are property owners in the BSC area, and he has encouraged them to be supportive of the Code, which will bring some exciting developments. His statements relate more to process. Staff did work with the property owners he represents in trying to draft a provision that makes most of the users remain conforming under this code in terms of their use and their structures, and a good result has been obtained.

- At the last PZC meeting, he made some statements and the PZC Chair comments in response were surprising. Ms. Amorose Groomes stated, essentially, that no matter how much time and review is spent on the Code, it will never be perfect. There will always be new and innovative ideas and the City must be able to respond to those in a positive way
- The way the BSC code is structured, exceptions can occur, although they are narrowly drawn. The PZC's right to grant exceptions are limited and narrowly drawn. When dealing with administrative process, the administrative body has administrative discretion and they can grant certain things – only within the confines of the discretion yielded to them by the review body. Ultimately, anytime one is dealing with the Board of Zoning Appeals or the Planning & Zoning Commission, Council is delegating their authority to these bodies to make the decision on Council's behalf.
- He has supported and has spoken regarding two items:

1. The right to propose other districts. Initially, this Code, in Section 153.058(A) (Scope) indicated that a rezoning to any other district could not be approved. He took exception to this, in that any citizens have the right to petition their government. Ultimately, this was agreed to and the provision in the Code actually mentioned PUDs and that they could be filed. The current version, however, does not reflect this provision – it has been removed. This Scope provision – although it does not prevent someone from filing for another District – is very narrowly drawn. He believes a provision should be in the Code that specifically indicates a person can file a PUD – they have an inherent right to do so. His suggested language would be that nothing contained herein shall prevent an applicant from filing an application for a planned development district, pursuant to Sections 153.050 through 153.056. This would make it clear that anyone who wants to invest the time and the money in a PUD process can do so. The way the code is written is not clear regarding this matter.
2. Both in the site plan and development plan review, the PZC should have broader rights than are currently provided in the Code. He has a specific situation where a client has a deed restriction and there are parts of this Code that the client cannot comply with, unless agreed to by the people the deed restriction runs to. He believes those sections should be looser. In many cities, including Westerville, New Albany, and Grove City, everything is reviewed by Council. Some cities have provisions that indicate that for an application with major deviations from the Code, the PZC can declare it is a major deviation and send it to Council. If PZC determines it is a minor deviation, Council has to be given notice that PZC has ruled that way, and any one Council Member can disagree with this determination and Council proceeds to hear the application. He does believe the Planning Commission should have the ability to serve in this role in order that innovation is not stifled. There will be some problems in this Code that are specific to uses and to sites, and he does not believe Council wants to be in the position of amending the Code continuously. He believes that the PUD Code that the City still operates under is essentially the same one written in 1973 for Muirfield. It has served the City well.

- He summarized that he is supportive of having more "relief valves" for Planning Commission for the review process, so that Council can hear an application when it is appropriate to do so.
- He noted that the latest version of the BSC Code came out immediately before he went on vacation. At one time, he thought a provision was included that addressed what would occur if someone's property is destroyed by an act of God and their right to replace it. He was not able to locate this provision in the latest version.

Mr. Langworthy responded that this provision is included on page 24.
Mr. Keenan pointed out that the key issue is an act that occurs outside of the control of the property owners, which covers many potential items.

Ms. Chinnici-Zuercher asked for clarification.
Mr. Keenan responded it could be a gas explosion that destroys a building, a tornado event, etc. Without these provisions, it would not be feasible for an owner to rebuild.

Mayor Lecklider noted that Council has struggled with the issue of the two processes of review – one recommended by staff and the other recommended by Planning Commission. He asked Mr. Hale to comment.

Mr. Hale stated that he is troubled by the provision that the PZC decides whether they keep a case under their review or not. To him, this means they will retain any major

case under their review. He will not support this Code if it will result in a reduction of the standards, and he felt the same regarding the EAZ Code. The controls provided in the Code are sufficient to prevent this from happening. He represents a property owner on the east side of Columbus who owns most of the land, and yet struggles to have the right outcomes that are consistent with the vision. Dublin has a consistent, high quality as a result of their diligence. He believes that for any major case, even if the application meets the Code, the PZC will choose to keep the case under their review. This will result in more time for review. The ART process is modeled after one used for some major projects in Dublin, such as the hospital and Cardinal Health, and it has worked well. It resulted in a better product because of the feedback provided throughout the process. If the goal is to speed up the process, he is troubled by this provision. He urged Council to consider this carefully. He is aware that the Commission feels strongly about their recommendation on this process.

Mrs. Boring noted that there are basic criteria for PZC's decision of whether or not to move the application on to the ART or not.
Mr. Hale responded that if an applicant does not agree with PZC's decision, the only remedy is to file an appeal with the courts, which could take two years to decide.
Mrs. Boring stated that Mr. Hale had indicated that PZC needs broader rights. She asked him to clarify.
Mr. Hale responded that in terms of waivers, Planning Commission grants them. They will likely have many waivers to review. He believes the waiver provisions are more narrowly drawn than he would recommend, as they could stifle innovation and there may be projects that will need waivers that are broader than currently allowed. He believes that the applicant must prove their case and comply unless there is a very compelling reason.

Mr. Gerber asked about minor versus major deviations. He is aware that a waiver is built into the process so that in a case where ART does not agree with the applicant on an issue, the need for a waiver is created and it is reviewed by PZC. Is Mr. Hale stating that the criteria by which PZC is to review and opine on that waiver is too restrictive?
Mr. Hale responded affirmatively.
Mr. Gerber asked for his suggestions for change.
Mr. Hale responded he would broaden what they could consider. Currently, there are provisions included that restrict what they can do and the criteria they can consider.
Mr. Gerber asked him for an example.
Mr. Hale then distributed his proposed changes to various sections. He highlighted the following:

1. Section 153.058 (BSC District Scope and Intent). Under 153.058(A) – Scope – he added the language that allows an applicant to file a planned development district application.
2. Under 153.066(E)(3)(e)(1) and/or (2) – Development Plan – he removed the sentence "and is not being requested simply to reduce cost or as a matter of general convenience." He added, "The Development Plan Waiver is required in order to meet unique market demand or create economic development and is of equal or greater development quality (e.g. landscaping, materials, etc."
3. Under 153.066(F)(3)(e)(1)-(4) – Site Plan – he added the language to the need for the Site Plan Review Waiver is caused "by real property restriction such as a deed restriction ..."

Mr. Hale noted that gives the PZC some additional right to review these items and consider them, based on broader or unique conditions than what exists today. There may be other areas in the Code that would also need to be changed. For process, perhaps major waivers would be reviewed by Council. He noted that architects are creative and have great ideas, and their creativity should not be stifled. Giving some

rights to the reviewing bodies for a broader review could eliminate the need to amend the Code on a regular basis.

Mr. Gerber stated that the amendment proposed for the development plan process is not something that has been part of the PZC review process in the past – unique market demand or creation of economic development. That has not been within the purview of the Commission.
Mr. Hale responded that he is not tied to the language he is proposing. He is seeking simply to broaden the discretion than the Code currently provides to them to take advantage of when circumstances warrant.
Mr. Gerber responded that he appreciates the spirit of intent for his proposed language.

Vice Mayor Salay asked if Mr. Hale is suggesting that the ART is not sufficient to review such creative proposals.
Mr. Hale responded that the ART has administrative discretion, and it is not possible to address every situation in the language.
Mr. Langworthy pointed out that the PZC always reviews waivers as proposed in the Code.
Mr. Hale agreed, but he still believes the language is too narrowly drawn and will potentially stifle creativity.

Mrs. Boring noted that Mr. Hale's proposed language eliminates "each of" and includes "one of" – which immediately provides broader discretion.
Mr. Hale responded that if Council wants to pursue his recommendations, staff can provide some suggested amendments.

Pete Edwards, Edwards Land Company, 495 S. High Street, Columbus stated that in today's market, it is more important to be able to receive approval from Dublin on any type of development proposal than it has been for a long time. Interest rates are currently very low, and it is uncertain how long the low interest rates may last. In terms of development, these factors cause developers to either go ahead with development and or not to proceed. It is important today to have something accomplished if there is a desire to have things accomplished in Dublin. There is competition now for Dublin, and others offer a more streamlined process for approval. The more people involved in approval, the longer it will take and there is more uncertainty. With more uncertainty, a developer will not go ahead and invest money to speed up a development. It can potentially result in not developing in Dublin or going somewhere other than Dublin. A set of working drawings requires 4-6 months to produce. If a developer is confident about the input being received, he will invest the monies to move ahead. He would like to initiate development in Dublin this year – in 2012. To avoid starting a project late in the year and having winter weather impact it, any development needs to be initiated fairly soon. If he can work with an administrative process or with fewer people on the review, that will make it easier. He does not believe that 70 days will accommodate the process being proposed by the PZC. He has done a lot of development in Dublin, and believes such a process would require much longer than 70 days to complete. If that process is adopted, he is doubtful that he can begin a project in Dublin yet in 2012. If interest rates change, it may impact his plans as well. His comments do not reflect opposition to staff or to the Planning Commission or Council. He is simply providing honest feedback regarding what is being proposed. He offered to respond to any questions.

There was no additional public testimony offered.

Mayor Lecklider asked Council to comment regarding how they desire to proceed at this point.

Mrs. Boring stated she wants Council to delay consideration until the next meeting in order to consider the information requested by Ms. Chinnici-Zuercher, to have staff respond to Mr. Hale's proposed language, and to have the information presented by Mr. Langworthy tonight in the packet for further review.
She moved that Council postpone Ordinance 07-12 to the March 12 Council meeting in order to allow for review of the items requested from staff.

Ms. Readler commented that if Ordinance 07-12 (the Bridge Street Code) is not adopted tonight, the area rezoning (Ordinance 08-12) cannot be adopted. For the area rezoning, the Code requires Council to provide 30 days' notice of any public hearing. The rezoning ordinance would have to be postponed until those notices can be sent out for the new hearing date.
Mr. Langworthy noted that the Districts must be in place before the area rezoning can rezone properties into the Districts.

Ms. Chinnici-Zuercher stated that earlier tonight, Council discussed the subjective areas of the Code, and she has requested a list of the locations of such language in the Code. She also requested staff's opinion regarding the changes recommended by Mr. Hale tonight and whether staff would recommend any of them and why.

Mayor Lecklider stated he does agree with what Mrs. Boring has suggested, but in view of those who came to tonight's meeting and who anticipated Council making a decision, it may be of value for Council members to provide feedback with respect, generally, to what process they favor and any other concerns. He does not believe that Mr. Hale's proposed changes would impact the decision on the process Council adopts for the review of applications. Perhaps it is possible to vote on the ordinance tonight, and address Mr. Hale's issues after the fact.

Mrs. Boring noted that she has a motion on the floor.
Ms. Chinnici-Zuercher seconded the motion.

Mr. Gerber stated he has a question prior to Ms. Readler's comments about the timing of the rezoning matter. To assist staff, if Council plans to postpone this ordinance, perhaps Council should give staff some idea of how each feels with respect to this timeline. At this point, the recommendation from staff is for PZC to do the Basic Plan Review and PZC's recommendation is that they want to be involved in the next step. Perhaps there is a hybrid solution. It seems only fair to staff to provide some guidance at this point.

Mrs. Boring stated that, personally, she needs to review what staff has presented tonight and the memos in the packet. She is undecided about the recommendations at this time.

Mr. Smith commented that both he and Ms. Readler will be out of town for the March 12 meeting. Stephen Smith, Jr. will be present at the meeting.

Mr. Gerber stated that Ms. Readler has stated that Council cannot hear the case until the 30 days' notice is provided.
Mr. Smith clarified that the notice is required for the area rezoning; Council could review the Code at the March 12 meeting, if desired. The plan was to approve the Code and the area rezoning at the same time. It is Council's discretion.

Mr. Gerber stated that his understanding is that Council can vote on the Code on March 12, but the area rezoning cannot be voted upon at the same time, due to the notice requirement.

Mayor Lecklider commented that Council had hoped to approve the Bridge Street Code last year. If Council does not act tonight, the vote may not occur until late March at the earliest, with respect to the rezoning. Mr. Edwards has commented how this may impact developers who have interest in initiating a project and their need to know what process will be in place. He, too, is concerned that these delays in the approval of the Code and rezoning would result in impacts for developers who are anticipating a 70-day approval process for an application and who want to begin construction before the onset of winter weather.
Mr. Langworthy added that these requirements are for the formal review process; the informal review work with a developer who has interest could begin prior to the pre-app stage.

Mr. Langworthy noted that it would be helpful for the public to hear Council's input about the preferred process for review in the Code.

Ms. Chinnici-Zuercher stated that she wished she had understood all of these time limitations, because Council had a discussion that the retreat schedule impacted review time of the Council packet for this meeting. She agrees with Mr. Langworthy that any developer can come in at any time to discuss an application – they don't have to wait until Council approves this Code. In looking at the Cardinal Health and Dublin Methodist Hospital review process experiences, the City can have an internal process as desired. This does not prohibit that from occurring – it is an internal operations issue of working as a team to fast track a project. She recalled that for all practical purposes, Council had indicated at the last meeting that they were in agreement with the majority of the Code, which has been thoroughly reviewed by PZC and staff.
Ms. Grigsby clarified that staff is not indicating Council cannot vote until the second meeting in March. The Mayor suggested obtaining feedback from Council tonight so that staff can focus on responding to any concerns for the March 12 meeting. Legal staff can prepare the information regarding the legal questions and process concerns and provide that to Council. Council can certainly vote on March 12, if desired.
Mrs. Boring responded that she requests the information from staff be provided prior to the next packet to allow time for Council to contact staff with any questions. If she must vote tonight, she cannot support this Code. She has had phone calls from people asking at what point the public input is provided in the process, and now she can reconsider some facts and information provided tonight. She wants to have a list of the gray or subjective areas, and feedback on what Mr. Hale has recommended tonight.

Mr. Gerber stated he does not disagree with her comments, but wants to give more direction to staff in order to have a more complete packet to review.
Mrs. Boring responded that she has already given direction on what she needs for the next meeting. She encouraged others to provide their input.

Mayor Lecklider summarized that each Council Member may have a different level of comfort with respect to the direction or feedback they want to provide to staff tonight. Mrs. Boring has provided her input, based on the information she has, and she requests more time to reflect.
Ms. Chinnici-Zuercher noted she has already indicated her feedback to staff as well.

Mr. Keenan stated that:

1. He wants to know more about the "safety valves" Mr. Hale has suggested in order not to discourage creativity and how they can be incorporated. In terms of the appeals to Council, he wants to review the history of this matter. He believes there was a split vote on previous legislation related to this matter.

Ms. Grigsby responded that she recalls there was discussion of the appeals process at several meetings, committee discussion, and draft legislation proposed. Staff can provide this history.

2. If PZC has the authority to decide what cases they will keep under their review versus sending to the ART, it seems that they will likely retain as many cases as possible. While he understands their desire to remain involved in the process, the perspective of a Council versus a PZC member may be quite different. He wonders if their perspective would change as a Council Member, given that many PZC members eventually serve as Council Members.
3. The zoning map proposed by PZC is superior to the one proposed by staff. He has strong feelings about protecting existing businesses, and many strongly favor retaining the commercial designation versus the proposed office designation. While the City may believe the office zoning is better for the property owners long term, they desire to retain the commercial zoning. They have the right to return in the future to seek a different zoning category.
4. He noted that he is not ready to vote on the Code tonight.

Mr. Gerber stated that:

1. Clarification on the PUD option in the Code is needed, as noted by Mr. Hale.
2. In terms of broader waiver criteria, markets will change and different products come about. He recalls the original Community Plan land use designations for the southwest of Dublin, but eventually, the Ballantrae PUD was proposed. It is always wise to have some flexibility with respect to waivers, and regardless of the approval process ultimately agreed to, those should be heard by the PZC.
3. With respect to PZC, he is leaning toward the Basic Plan Review process, but he wants to know more about what, specifically, is Planning and Zoning Commission's role. Is it, as Mr. Hale has suggested, a situation where they can always keep the review in their purview? He is not certain if that is their intent, and he did not read that in any of their recommendations. He would like to hear more about what those parameters are. It would make the process more predictable going forward.
4. With respect to the zoning map, while he has not made a determination of his preference, it strikes him that Council has one recommendation from staff and another from PZC. Perhaps Council can consider yet a third option.

Mr. Langworthy noted that, as outlined in the staff memo, their recommendation has been modified and is closer to that of PZC – aside from the area mentioned by Mr. Keenan.

5. He would like additional time to review this – perhaps by receiving the packet earlier in the week ahead of the next Council meeting to allow for careful reading and analysis.

Vice Mayor Salay stated that:

1. She agrees with the requests for all information from Council as discussed tonight.
2. She appreciates Mr. Langworthy's presentation and the chart provided in follow-up to the retreat that lays out the process for the review.
3. In terms of protecting businesses that exist in the corridor, it is her understanding that they are protected, but she is now hearing that the business community is not comfortable with that. She would like to hear staff's perspective regarding what the provisions in the Code do and do not do in regard to existing businesses. From her reading, it seems they are in good shape – for as long as they want to

exist and for up to a year after they close their business, they can open back up with what they currently have in place. She wants more information on both sides of this issue.

4. The waiver criteria presented by Mr. Hale is interesting.
5. In response to Mr. Keenan's point about the perspective of Council versus that of P&Z, she has served in both roles and the perspectives are quite different. She has a great appreciation for all of the work the Commission has done over these many review meetings. She believes there is a natural tension between the Council and P&Z bodies, and this is to be expected.
6. She called Council's attention to the Goody Clancy memo in the packet. The intent is to point out the types of businesses and uses desired in the Corridor, based on the Vision Plan. They also call out some specific uses that are allowed in the Bridge Street Commercial and not allowed in the Bridge Street Office. Those comments gave her some pause, as some are not in her vision for the Bridge Street Corridor. She suggested that Council review this closely with respect to the uses. She asked Mr. Smith if uses can be pulled out of the Code, if Council desires. She does not want to hear at the March 12 meeting that this is not possible, and that additional delays will result.

Mr. Smith responded that Council can remove uses or add uses, as they so desire. Staff will provide the follow-up memos on these matters.

7. She commented that additional review time for something this significant is not a problem, in her opinion.

Mr. Keenan commented that his family has planned a spring break trip over the March 26 meeting date. Therefore, there could potentially be only five members to decide the case at that meeting, if the case is ready to be voted upon at that time.
Mr. Gerber stated that the Code can be voted upon on March 12, but the rezoning cannot be voted upon until April 9, due to the notices required.

Mrs. Boring stated that her motion is to postpone the Code until March 12. The rezoning can be postponed until the April 9 meeting after Ordinance 07-12 is addressed.

Mayor Lecklider commented:

1. The effort that staff and Planning & Zoning Commission have dedicated to this is extraordinary. The dedication with which the Commission approached this project is exemplary. He is aware that there is a natural tension that exists between the bodies. His observation is that there is an issue of perception, right or wrong, and as a former Commission member, he is somewhat responsible for that perception.
2. He believes that in terms of the vision, what is presented in the Code is closely aligned with what Council expected. The City is trying to accomplish something different with this Code. While he is not completely comfortable with all of this, he is likewise not completely comfortable with the EAZ Code recently approved. He experiences some discomfort with PUDs as well, as both a Planning & Zoning Commissioner and as a Council Member. There are many examples of PUD processes that were less than ideal, and that were reviewed by many people on many occasions with the best of intention. However, the outcomes are not always perfect. Yet, the outcomes in Dublin are generally very good.
3. With that said, he is inclined at this point to favor the staff-recommended review process. He reserves the right to change his mind, however, if additional information would warrant that.
4. With respect to the rezoning, likewise, he reviewed Mr. Dixon's memo of January 12, 2012. He reviewed some of the uses allowed in the BSC Commercial as opposed to the BSC Office, and some cause great concern. In

particular, the examples in the memo include gas stations, sexually- oriented business establishments, vehicles sales, rental repair, etc. He asked Mr. Smith if Council can legally write out the sexually oriented businesses use in this Code.

Mr. Smith stated that as long as the City provides, as it has done, areas in the City where such uses can be established, they can be taken out of this Corridor.

Ms. Readler added that her only caution is that there needs to be a certain critical mass of area available for this use, and she recalls that a portion of this area was used to meet the minimum requirement per case law for where such a business can potentially locate.

Mr. Langworthy added another caution in taking this use out of the Bridge Street Corridor. He is not certain there are other locations in the City that would meet the criteria for approval.

Vice Mayor Salay stated that, potentially, Council could review the zoning map and identify other areas for such uses. She does not believe the Bridge Street Corridor will be the optimal location for such uses, based on the Vision Plan.

Mayor Lecklider recalled a previous discussion about other such locations, including the Avery Muirfield corridor.

Mr. Smith noted that Legal staff has previously provided memos on this topic, and there has been additional case law. In terms of timing, however, if Council decides to pull out these uses and bring back other areas for consideration, it is possible to do so.

Mayor Lecklider stated that in terms of the parcels in controversy on the maps provided and the designated districts of BSC Office versus BSC Commercial, the Office designation would nearly ensure that at least those uses are not appropriate. His understanding of the design is that the Office use is to be complementary to adjacent residential. Therefore, there are naturally some conflicts if BSC Commercial is designated, allowing for gas stations, sexually- oriented business establishments, vehicle sales, rental, etc.

Vice Mayor Salay agreed.

Mayor Lecklider added that his understanding is also that any one of these particular property owners could seek a rezoning.

Mayor Lecklider called for the vote on the motion to postpone consideration of Ordinance 07-12 until the meeting of March 12.

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

Ordinance 08-12

Rezoning Approximately 388 Parcels Totaling Approximately 808.7 Acres from: R, Rural District; R-1, Restricted Suburban Residential District; R-2, Limited Suburban Residential District; R-4, Suburban Residential District; R-12, Urban Residential District; HB, Historic Business District; HR, Historic Residential District; LI, Limited Industrial District; SO, Suburban Office & Institutional District; OLR, Office, Laboratory, & Research District; CC, Community Commercial District; CBD, Central Business District; CCC, Central Community Commercial District; PUD, Planned Unit Development District; and PCD, Planned Commerce District to: BSC Residential District; BSC Office Residential District; BSC Office District; BSC Commercial District; BSC Historic Core District; BSC Historic Residential District; BSC Historic Transition Neighborhood District; BSC Indian Run Neighborhood District; BSC Sawmill Center Neighborhood District; and Public District. (Case 11-021ADM)

Mayor Lecklider moved to postpone the public hearing of this ordinance until the earliest date possible after the required public notices are provided.

Mr. Gerber seconded the motion.

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

(At this point, Mr. Reiner returned to the Council Chambers.)

Ordinance 10-12
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 1.035 Acres (with 0.574 Acres as Present Road Occupied), More or Less, Permanent Utility, Grading and Drainage Easement, and a 0.076 Acres, More or Less, Temporary Construction and Grading Easement from Stephen M. Kelly, Grantor and Trustee, or Any Successor Trustee, of the Stephen M. Kelly Trust, Dated March 19, 2011, Robert E. Lembach, and Dennis Thiergartner.
Mr. Hammersmith stated that this a land acquisition for right-of-way, utility easement and temporary grading easement associated with the Cosgray-Shier Rings roundabout. Total appraised value of the land acquisition, as negotiated with the property owner, is $36,697.

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 11-12
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 14.118 Acres, More or Less, Fee Simple Interest from Wallace Bradley & Wallace), and Declaring an Emergency.
Ms. Ott stated that this is a request for authorization to purchase 14.118 acres of land at the intersection of Brand and Coffman roads. The City has been in negotiations with the property owner for several years and has reached a satisfactory purchase agreement for a price of $741,300.00 or approximately $52,507/acre. The City will file a declaration with the purchase indicating that the primary intent of the land use is open space preservation, with a secondary use of a portion of the southern part of the parcel for future intersection improvements at Brand and Coffman Roads.
Mr. Keenan stated that as a Washington Township Trustee, he worked on this effort. It is a great piece of property that will help preserve the integrity of the Brand Road corridor.
Mayor Lecklider asked if there is any possibility of the Township making a financial contribution.
Ms. Grigsby responded that discussions have occurred, and the Township has indicated an interest. However, at this time, the amount has not been identified.
Mayor Lecklider reiterated that it is the City's intent to maintain this land primarily as open space.
Ms. Grigsby affirmed that is correct.

Mr. Gerber moved for emergency passage.
Vice Mayor Salay seconded the motion.
Vote on the motion: Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes.
Vote on the Ordinance: Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Keenan, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Gerber, yes.

Ordinance 12-12
Appropriating a 0.049 Acres, More or Less, Fee Simple Interest; a 0.249 Acres, More or Less, Fee Simple Interest; a 0.156 Acres, More or Less, Permanent Easement; a 0.187 Acres, More or Less, Permanent Easement; a 0.304 Acres, More or Less, Temporary Construction Easement; and a 0.211

Acres, More or Less, Temporary Construction Easement from BRE/COH OH LLC (Blackstone), and Declaring an Emergency.
Mr. Hammersmith stated this is the second reading of an ordinance to acquire from Blackstone the necessary right-of-way along Emerald Parkway to accommodate the Emerald Parkway improvement project between Rings Road and Tuttle Crossing Boulevard.
Ms. Chinnici-Zuercher moved for emergency passage.
Vice Mayor Salay seconded the motion.
Vote on the motion: Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Gerber, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.
Vote on the Ordinance: Mr. Keenan, yes; Mrs. Boring, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mayor Lecklider, yes.

INTRODUCTION/FIRST READING – ORDINANCES
Ordinance 13-12
Rezoning of Approximately 24.33 Acres, Located on the East Side of Perimeter Loop Drive, North of US 33/SR 161, South of Perimeter Drive and Southwest of Venture Drive from PUD, Planned Unit Development District (existing MAG plan and Perimeter Center, Subarea J-1) and PCD, Planned Commerce District (Perimeter Center, Subarea D) to PUD (Midwestern Auto Group PUD) to Incorporate 8.73 acres into the MAG PUD to Expand the Automobile Dealership Campus with a 45,000-Square-Foot Building Addition for the BMW and Mini Franchises. (Case 11-049Z/PDP/FDP)
Mr. Gerber introduced the ordinance.
Ms. Husak stated that this is a request to rezone this property to a planned unit development district (PUD) to allow the MAG, BMW and Mini facilities to relocate from Post Road to the existing MAG campus. This action will incorporate an additional 8.73 acres into the existing PUD.

- The proposal is for a 24-acre PUD, which includes as Subarea A, the existing dealership. There are no changes in that development text. Subarea B includes the proposed BMW and Mini facility, and this development text has been modeled after the existing text, and therefore much of the language and development standards are the same. There is an additional section of land left in the Perimeter Center planned district that also includes storm water management.
- The proposal is for a 45,000-square-foot building in the center of the site with an access point off Venture Drive and a loop road that accesses the entire campus. The applicant reviewed the distance needed for truck maneuvering on the site, per the Commission's request. As a result of that review, staff is requesting a second Venture Drive curbcut, which the traffic study originally included.
- There are two ponds on the site. To the south along the U.S. 33 frontage is an ornamental pond, and a large regional stormwater management basin is located partly on the proposed PUD and partly on the remaining parcel.
- The BMW franchise will be located in the western portion of the site; the Mini franchise will be located in the eastern portion. In front of each showroom is a plaza area for vehicle display. The service function is located toward the rear of the building toward the Venture Drive frontage with an attached carwash.
- The elevations will continue the modern look of the existing campus with the use of metal and glass materials and large elements of stucco.
- The applicant is proposing two wall signs, one for BMW and one for Mini on the building.
- A landscaping plan was included in Council's materials. Approximately 330 inches of trees were removed along the U.S. 33 frontage.

Vice Mayor Salay asked if this occurred without a permit.

Ms. Husak confirmed that it occurred without a permit.
Mr. Keenan noted that it consisted primarily of scrub materials along the fence line.
Ms. Husak confirmed that it was along the highway fence. The City's landscaper reviewed the tree sizes and determined that 331 inches were removed. With the proposal, there will be an additional 30 inches of required removal. The applicant proposes 376 inches of replacement trees. There is also shrub buffering along the display fingers and the drive to the south of the building.
Vice Mayor Salay requested clarification of the location of trees versus shrubs on the site plan.
Ms. Husak responded that a shrub row will run along the drive, which is the typical screening for vehicle use areas. The dark green circles represent deciduous trees.

- The Code requires a six-foot wall, planting, mound, hedge or combination thereof, plus one tree for every 30 feet to fulfill the property perimeter screening requirement along US 33/SR 161. However, the original MAG site was not required at that time to provide that screening. With this new development, staff requested that they meet the existing Code requirements for mounding. This request was also based upon frequent feedback from Council concerning the visibility of cars from the freeway.
- The applicant's case received two reviews -- an informal and a formal review. At the informal review, some members of the Commission disagreed with Planning staff's requirement for a six-foot mound along the Subarea B frontage on US 33/SR 161, believing that the applicant should be permitted to continue their existing treatment along the freeway, which is no buffer. At the formal review, an alternative was proposed – a three-foot mound beginning where the pond ends, running along the southern frontage to the point at which the last display finger ends. They would also meet the tree requirement along that line. At the point the display finger ends, a six-foot mound was proposed, which would run along the entire off-site parcel. The Commission approved the proposed three-foot mound along the vehicle display areas.

Mrs. Boring asked if the three-foot mound would have trees, as is normally required.
Ms. Husak responded that there would be trees.
Mrs. Boring asked if the trees would provide any screening, due to the terrain.
Ms. Husak responded that they would not provide screening.
Mrs. Boring asked if they would be deciduous.
Ms. Husak responded affirmatively.

Mayor Lecklider asked if the mounding would transition from three feet to six feet.
Ms. Husak confirmed that it would do so.
Mayor Lecklider asked if the Code, as it is applied to other dealerships in the area, requires a six-foot mound.
Ms. Husak responded that the Code requires a complete six-foot mound. On the entire MAG site, there would be a transition from no mound, to pond, to a three-foot mound, and then to a six-foot mound.
Mayor Lecklider inquired the height of the fingers.
Ms. Husak responded that the applicant has provided two section drawings that depict the three-foot mound, the variations in the terrain and the display fingers.

Mrs. Boring asked what would occur if the property owner should decide to elevate the fingers.
Ms. Husak responded that it is her understanding that is likely, as it occurred with the original plan approved. At this point, the grading plan shows the fingers at three feet lower than the top of the mound.

- The Commission reviewed the plan twice, and voted to recommend approval with three conditions. The applicant has satisfied those conditions prior to Council's review.

- Staff's recommendation is that Council approve the rezoning with the condition that staff originally proposed -- the six-foot mound. The Planning and Zoning Commission simultaneously approved the final development plan, which would not be in effect until Council approval of the preliminary plan is received. The condition that staff recommends be included would require that the applicant revise not only the development text, but also the plans.

Mayor Lecklider asked if Council will also be acting upon the final development plan conditions.
Ms. Husak responded those have been approved by PZC, and the applicant has satisfied the majority of those at this time. The final development plan approved by PZC required only the three-foot mound.

Mayor Lecklider invited the applicant's representative to speak.

Ben Hale, Jr., 37 W. Broad Street, Columbus, representing the applicant, stated that this dealership is currently located on Post Road. Their space is insufficient, and they must relocate. This move will also accommodate the new Bridge Street Road alignment, which depicts a road going through the BMW dealership property. Their desire is to consolidate all these dealerships on the MAG property. A strong feature in this plan is the pond along the road. There is a considerable setback, and there is no display area near the pond. The display area is all on the other side of the road. There will be no display or parking facing US 33, which is a very positive element in this plan. If a six-foot mound were required, the pond would be substantially smaller. Heavy landscaping is included, including a pond to the east. The display area will be placed at the correct grade with a three-foot mound with deciduous trees in front. Only the tops of the cars may be slightly visible. The three-foot mound will be gradual and natural in appearance, which they believe is the best aesthetic choice. He invited the architect to speak.

John Oney, Architectural Alliance, 165 N. 5th Street, Columbus stated that Brad Parrish would provide an overview and answer Council's questions. In 1988, Mr. Brentlinger opened the dealership in Dublin. It has become very successful and now carries 15 luxury brand automobiles. The proposed plan will allow BMW and Mini to move back to the main campus, grow and expand. Council's original charge to them was to provide striking, innovative and noteworthy architecture. They accomplished that with the original buildings and are trying to continue the common threads and make this building as successful as the original.

Brad Parrish, Architectural Alliance, 165 N. 5th Street, Columbus, stated that he has been working with Mark Brentlinger the past three years in developing the Volvo Porsche expansion. A critical goal of that project was to complement and complete the existing facility and bring the energy of the campus toward the US 33 corridor. With this proposed plan, the same goal would be continued with the overall site plan and architecture; with the inner, group display where customers can view all the brands as they come on site; and with continuing the display fingers. It was important to his client not to create a "back of the building" look with service and employee cars, and the existing plan provides a pond and heavy evergreen screening to hide that area. That concept will be continued in the new phase. A dense, evergreen screen will be provided on the backside of the new building to hide the loading dock and employee parking. The current architectural elements, materials and colors will also be continued with the new building. To address PZC's concerns about the truck-turning radius, a second curbcut is proposed. They developed the elevations with the intent of assuring that the signage works with the architecture of the buildings.

Mr. Reiner referred to section 2, which is a cut showing a three-foot earth mound. It appears that the base elevation used for US 33 was 915. The screening for the cars will be juniper and burning bush. Is that intended to hide all but the tops of the cars within the display area?
Mr. Parrish responded that the current fingers on the site have broadmoor junipers at the tip, which are one foot in height. On the proposed plan, there is a burning bush that outlines all the fingers, and in the webs of the fingers, there will be dense yews. Layering will be employed. In regard to the slope of the fingers, a grading plan is depicted in Diagram C-6.1. There is a continuous slope down to U.S. 33. The cars will be screened by the three-foot mound as well as a two-foot hedge.
Mr. Reiner noted that at the display fingers, there will be a plant that grows five or six feet tall.
Mr. Parrish stated that is the dwarf burning bush. The trimming would be at the discretion of the owner, as the Code requires only a 24-inch high display screen.
Ms. Husak noted that the Code does not allow for that lower display along freeways. The applicant is assuring only the lower screening that is allowed for vehicle display, which is an internal-oriented display.
Mayor Lecklider inquired if Mr. Reiner is suggesting that this screening is not desirable.
Mr. Reiner responded that, typically, car dealerships prefer a plan that places the cars in a prominent position that is viewable from the road. He was curious because the proposed plant grows 5-6 feet, which will require a rigorous maintenance program, and probably could not be kept at the low height.
Mr. Parrish responded that the dwarf burning bush already exists in the current fingers, and they were trying to continue an existing material.

Mr. Reiner inquired if all the fingers will be wrapped with this shrub.
Mr. Parrish confirmed that they would.

Mrs. Boring stated that Council made a conscious effort years ago to assure that the view from U.S. 33 would not be of auto dealerships, and staff has tried to perpetuate that. What percent of frontage does the Code permit for this use?
Ms. Husak responded that the Code permits 25 percent of the street frontage, excluding freeways. All of the City's vehicular use areas – driveways, parking lots, are required to have a 3-1/2 foot screen. However, the Code permits car dealerships to have a one foot in place of the 3-1/2 foot shrub along their street frontage.

Vice Mayor Salay stated that the applicant has indicated that he wants his display to be more internally oriented, so the visibility from 161/33 is not as important to them.
Ms. Husak that the only area in which they are showing a one-foot screen is in the upper box-like area off Venture Drive. All other areas have, at a minimum, a 3-1/2 foot planting, per Code requirements for all vehicular use areas.

Mayor Lecklider stated that, although he has not been enthusiastic about the finger display, he appreciates the symmetry that they are trying to accomplish and likes the landscaping.

Mr. Keenan stated that in his review of the plan, he did not see anything relevant to pond safety issues. He assumes the pond was designed accordingly, in view of recent experiences.
Ms. Husak responded that a barrier is proposed, which will match the materials of the building.

Mr. Keenan stated that this development will be located very close to the U.S. 33 right-of-way. He assumes this will not impede the City's ability to obtain right-of-way to expand the roadway. Is there sufficient room there to add another lane or two?
Mr. Hammersmith responded that there is sufficient room within the existing limited access right-of-way.
Mr. Keenan asked if such an expansion could damage the pond, causing the City an additional expense.
Mr. Hammersmith responded that it would not, but staff does not anticipate the need for additional right-of-way acquisition.

Mr. Reiner stated that in the actual screened area (not display area), which borders the lake, the landscape element has been switched to an evergreen element.
Mr. Parrish responded that is correct, but it will also be a two-foot screen that will buffer the customer parking area.
Mr. Reiner noted that element will grow to four feet, providing a very good screening element.
Mr. Parrish responded that the intent is to showcase the buildings and the car display plaza with the goal of attracting people to the campus. MAG is a destination.

Vice Mayor Salay inquired the approximate location of the sign in the water.
Mr. Parrish pointed it out.
Vice Mayor Salay inquired if it would be a straight MAG sign with no branding.
Mr. Parrish responded that there would be no branding.
Vice Mayor Salay inquired the height.
Mr. Parrish responded that it will be ten feet from the water level. The existing MAG sign, which is low, will be removed. There will be one MAG dealership sign for the unified campus.

Vice Mayor Salay stated that in one of the buildings in the Post Road campus, there is a lit sign located some distance back from the glass. Because of the size of the sign, and the fact that it is lit, it is prominent. Was that part of the sign package? It was briefly discussed, as reflected in the PZC minutes. Are there plans to relocate that more internal to the building?
Ms. Husak responded that nothing in their plan addresses that. The discussion at PZC concerned the Volvo sign. It is three feet behind the window area, and typically, the City does not regulate a sign at that internal distance. It was not in their final development plan; it is not part of their sign package.
Vice Mayor Salay responded that if it is not required to be part of the sign package, the City does not regulate it.
Ms. Husak confirmed that is correct.

Vice Mayor Salay stated that staff recommends requiring a six-foot mound, yet there is a pond and a 10-foot sign. She appreciates what staff is trying to achieve, but she is unsure how that will work with the remainder of the site. Would a six-foot mound hide the pond? The pond is an attractive element.
Ms. Husak clarified that the six-foot mound would begin where the pond ends and where the car display starts.
Vice Mayor Salay stated that there might be benefit in an undulating, rather than straight, mound. The City has recently moved from very consistent mound restrictions to variations in mound height, and a mound varying from three feet to six feet might be more attractive in this location.
Ms. Husak responded that staff has discussed this with the applicant. She requested Mr. Parrish to respond.
Mr. Parrish responded that there are 60 feet from the right-of-way to the display fingers. They have spread the mound over the area, 30 feet up and 30 feet down,

due to the existing orchard of trees. This will achieve a more consistent blend across the frontage.

Ms. Chinnici-Zuercher stated that her understanding from staff's presentation was that the development text had been cleaned up a few years ago to continue with a three-foot mound.
Ms. Husak responded that the original development text for the MAG site required no screening. Because the original text was not detailed or restrictive, when the Volvo addition with two acres was later added to the site, staff wrote more detailed text to reflect the existing conditions and requirements for the site, but the existing no screening requirement was continued.
Ms. Chinnici-Zuercher inquired the reason that a six-foot mound is requested at this time.
Ms. Husak responded that at the time of the expansion for Volvo, Council indicated that they were not supportive of requiring no screening, but because there was an existing condition that would not be impacted by the Volvo addition, approval was given.

Ms. Chinnici-Zuercher stated that she cannot support staff's recommendation for two reasons. First, the City typically attempts to have consistent landscaping in front of the same business. In addition, based on Mr. Reiner's comments, what the applicant is already recommending will hide the cars. Therefore, what would normally be accomplished with a six-foot mound will be accomplished by the landscaping.

Mayor Lecklider inquired if what she is suggesting is something less than what staff has proposed and the applicant has indicated he is willing to do.
Ms. Chinnici-Zuercher responded that she does not see the benefit of a six-foot mound; it may actually look very odd.
Mr. Keenan stated that he agrees that the lower elevation would be more attractive.
Ms. Chinnici-Zuercher stated that she would support the plan as recommended by the Planning Commission.

Mr. Gerber stated that he would also not support the additional condition for a six-foot mound.
Mayor Lecklider inquired if he would not support greater mounding, but would prefer the cars to be more visible.
Mr. Keenan stated that more pond will be visible, but not more cars
Mr. Gerber responded that he does not believe more cars would be visible, and it is important to have consistent landscaping through that whole area.

Mrs. Boring inquired if the Planning Commission agreed that the mound would be three feet in front of the building, then six feet further down.
Ms. Husak responded that the Commission originally said no mounding would be required, but because the applicant was aware that staff had serious concerns, he suggested a compromise of a three-foot mound beginning at the end of the pond to the approximate point of the yellow line on the diagram, and then a six-foot mound on the undeveloped parcel.

Ms. Chinnici-Zuercher stated that she does not have an objection to a six-foot mound in the area of the undeveloped land.

Mr. Reiner inquired if there is a proposed use for the undeveloped parcel.
Mr. Parrish responded that none is proposed at this time.

Mr. Reiner stated that this plan appears to wrap around in a very conclusive way, which signals to him that the last parcel will be sold and utilized in some other manner.

Mayor Lecklider inquired if Council is in agreement concerning the fourth condition recommended by staff.
Mrs. Boring stated that she believes Council does not support staff's recommendation, which was proposed because of their past experience. Council members support PZC's recommendation, to which the applicant has agreed, for a three-foot mound in front of this building and a six-foot mound in front of the undeveloped parcel.
Vice Mayor clarified that Council members do not support the fourth condition.

Mrs. Asked why the trees are to be placed in a 3/1 pattern versus being scattered?
Ms. Husak responded that the intent was to achieve a more formalized grove design.
Mayor Lecklider inquired when the landscaping would be installed.
Mr. Parrish responded that the project schedule indicates a March 2013 completion, which means the landscaping would be installed in the less desirable planting season of January-February.

Mayor Lecklider stated that there are many tree rows within Dublin, which are required to be preserved. In this instance, he was not pleased to see that tree row removed. He appreciates the business that MAG brings to the community. Unfortunately, this is not the first example of that type of behavior – engaging in a practice prohibited by Code and asking for forgiveness later. Thankfully, he does not see an example of where this could occur again. However, now the City must look at this site without the screening that could have been provided by a tree row. The indication is that will be the condition for approximately two years and he is not pleased with this situation.

Mr. Reiner stated that he also does not support the fourth condition, because there is a landscape redundancy. However, he does appreciate mounding, which is a permanent amenity, regardless of the shrubbery that may be added. He appreciates staff's efforts, and Council is not dissuading staff from those efforts.

Vice Mayor Salay also thanked staff for their efforts concerning the mound and encouraged them to continue to do the same in the future.

There will be a second reading/public hearing on March 12.

[Council recessed briefly at 9:58 p.m., and the meeting resumed at 10:01 pm.]

STAFF COMMENTS
Ms. Grigsby stated that at Council's goal-setting retreat on Friday, there was some discussion regarding the proposed regional economic development agreement. This agreement discussion involves the economic development staff and Mayors/City Managers of neighboring jurisdictions. Considerable progress has been achieved and a level of satisfaction with what has been proposed. She anticipates sharing draft information to Council for consideration at their March 26 regular meeting. If Council is satisfied with the information, legislation will be prepared for introduction at the April 23 Council meeting.

Mayor Lecklider asked for additional information.
Ms. Grigsby responded that this matter relates to the use of economic development agreements. The economic development staff from neighboring jurisdictions have been meeting to discuss this issue, and Mayor/City Manager discussions have occurred

via teleconferencing or meetings. An effort has been made to reach a comfort level on methods to incentivize new jobs in the region versus moving jobs around the region. Dublin is interested in retaining the ability to provide incentives through its current practice versus the community reinvestment or abated areas, which other jurisdictions utilize.

Ms. Chinnici-Zuercher stated that it is important for Council members to understand fully what is proposed. As elected officials, Council's primary responsibility is to ensure the financial stability of this community. The way in which Ohio has traditionally operated has been competitive. She would have to understand how a trust level could be achieved to the degree that Council would not be compromising its primary responsibility.

Mr. Keenan noted that, in fact, there has been a recent example of such a "compromise" --the Tuttle Crossing/Emerald Parkway improvement agreement, which will cost the City $1 million.
Ms. Grigsby noted that the Sawmill interchange improvement was a City of Columbus project, and the City of Dublin made a financial contribution in recognition of the impact it would have on Dublin businesses. The Tuttle Crossing/Emerald Parkway improvements are similar in that they impact both jurisdictions.
Mr. Keenan stated that was not the issue for him. The issue was the difference between the original financial commitment and what actually resulted.

Mr. Gerber stated that he also considers his primary responsibility to be accountable to the taxpayers of this community, and he looks forward to reviewing the information as well as a robust discussion.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mrs. Boring stated that she recently read that Sequent is reaching out globally and establishing an office overseas. They are offering a "two for one" program – one stop with two offices to facilitate global communication. She had hoped for a partnership with them. Perhaps a discussion would yet be possible to see if there is an opportunity for partnership.

Ms. Chinnici-Zuercher stated that:

1. On Sunday, she attended the "Legion of Honor" ceremony at La Chatelaine in Upper Arlington for Mr. Marion Gray. Mr. Gray, 92, served in World War II participating in the Normandy landing, and France awarded him the highest honor that it bestows upon those who have made a significant contribution to their country. It was a magnificent ceremony.
   A special thanks is due to the owners of La Chatelaine who are very philanthropic. Annually, on the anniversary of D-Day, they host a special recognition breakfast for veterans at all of their restaurant locations.
2. At a future time, she would like Council to have a discussion on the annexation law that has been introduced, specifically how that might change the way in which Dublin conducts business.
3. She read with interest the recent Dublin Convention and Visitors Bureau (DCVB) minutes. She would be interested in an additional discussion about the athletic field issue. It has been a primary strategy of DCVB for several years to bring in sports and athletic activities to the community, and this issue dramatically affects their ability to utilize that strategy. She is interested in discussing any further steps the City can take to address this issue.

Mr. Reiner reported that the Community Development Committee (CDC) met preceding tonight's Council meeting for the purpose of reviewing the 2012 Beautify

Your Neighborhood (BYN) grants. This program, which Council adopted to incentivize neighborhoods to enhance their neighborhoods, is working. All of the 2012 applications received were very worthwhile. The Committee's recommendations for grant awards will be considered at Council's March 12 meeting. There was also discussion about the possibility of some funding through the City's Hotel-Motel Tax Funds.

Mayor Lecklider inquired the total amount of the funds available for BYN grant awards. Mr. Reiner responded that only $15,000 was allocated. Last year, $2,000 of those funds remained, but this year, the requests total $30,000. Homeowner associations (HOAs) are required to contribute fifty percent in matching funds, in addition to labor hours.
Mr. Keenan stated that some Hotel-Motel Tax Funds earmarked for grants this year remain, which Council could consider allocating.

Vice Mayor Salay agreed that this could be discussed at the March 12 meeting.
Mrs. Boring stated that most of the HOAs are funding more than fifty percent of their respective projects.
Ms. Chinnici-Zuercher suggested that more funds be allocated for this program in next year's operating budget.

Vice Mayor Salay noted that:

1. Board and commission candidate interviews will be held on Monday, March 5 and Wednesday, March 7 from 6 to 9 p.m.
2. During the Clerk's recent performance review, the Clerk offered a suggestion that perhaps Council could use an off Monday for a training session for technology, such as using the iPads to access meeting packets. If Council members are interested, that session could scheduled, at which I.T. staff would be present to respond to Council's technology-related questions.
3. Prior to the goal-setting retreat, Council discussed economic development, and there was a desire to have some insight into the strategy for Dublin's economic development efforts. Given the recent report regarding the Battelle study and with the Bridge Street Corridor project going forward, a discussion with the economic development team and City Manager regarding those strategies could be timely.

Ms. Chinnici-Zuercher noted that she would be interested in having a dialogue about the economic development strategy, including an opportunity for Council to share their thoughts. The intent was to discuss this topic at the goal setting retreat, but it was not included on the agenda.

Vice Mayor Salay responded that an informal study session would be a good format for that type of discussion. She will proceed with scheduling that discussion. Would Council members also be interested in a technology session?
Mrs. Boring responded that she would not. She believes that when Council previously held study sessions on off-Mondays, it resulted in staff working to identify topics to fill the study session schedule.
Vice Mayor Salay stated that there are occasionally topics that do not lend themselves to regular meeting discussion. When Council has expressed a desire to learn more about a topic, an in depth discussion could be held at a study session She will follow up with an email requesting Council member input.

4. Hats off to the City's law enforcement division for excellent work! The recent tragedy was very unfortunate, but the law enforcement response was tremendous.

5. The Clerk has suggested that Judy Beal, Deputy Clerk be formally designated as Acting Clerk of Council for scheduled absences by the Clerk of Council.

Vice Mayor Salay moved to appoint the Deputy Clerk as Acting Clerk of Council during scheduled absences of the Clerk of Council.
Mr. Gerber 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:

1. Referred to Mr. Husenitza's memo regarding the relocation of the City's servers. He would like to know whether the total annual estimate of cost includes the monthly costs listed -- rack lease space, power/utilities and office lease.

Mr. Keenan stated that the costs are typical, and necessary, from a security perspective, to protect the City's system and data, and provide power and interconnectivity redundancy. There are two or three other main hubs in the area, however, so this cost could be compared.
Mayor Lecklider stated that he is not suggesting the relocation should not occur; however, this has not been done previously, and the costs will be significant.
Ms. Grigsby responded that the costs listed would be ongoing. The capital costs are based upon estimates of what would need to be invested in the existing facilities to obtain the same benefit as relocating the servers. Mr. Schaber is present and can address specific questions related to the costs.
Mayor Lecklider inquired what the annual cost would be.
Mr. Schaber responded that the rack lease, power and utilities would cost approximately $4,700/month. Staff will move and install the equipment, and there is already fiber in the facility. There is also a cost of $1,000 for splicing that fiber, which will be covered within the City's cabling budget. The City will save most of the money that is initially invested. The return on the investment should be in seven years.
Ms. Grigsby stated that the cost of investing in the capital improvements to City facilities would be equal to the cost of the lease over seven years.
Ms. Chinnici-Zuercher inquired if the City's estimated annual costs would be $75,000.
Mr. Schaber confirmed that is correct.
Ms. Chinnici-Zuercher inquired, if the estimated return on investment in seven years would be if the necessary improvements were made in the City's facilities instead of relocating the servers.
Mr. Schaber responded that is correct. The costs during those seven years are estimated. There would be additional costs during that time, as well as maintenance and replacement costs.
Mr. Keenan stated that data centers provide a very high level of security. The City does not have the needed security on site for all of its sensitive data.

2. Stated that he looks forward to seeing everyone at the St. Patrick's Day parade on Saturday, March 10!

ADJOURNMENT

The meeting was adjourned at 10:21 p.m.

Timothy A. Lecklider
Mayor – Presiding Officer

Anne C. Clarke
Clerk of Council