

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

March 12, 2012

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Mayor Lecklider called the Monday, March 12, 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), and 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, dismissal, discipline, promotion, demotion, or compensation of a public employee or official).

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened at 7:15 p.m.

## **PLEDGE OF ALLEGIANCE**

Mr. Reiner led the Pledge of Allegiance.

## **ROLL CALL**

Present were Vice Mayor Salay, Mayor Lecklider, Mr. Reiner, Mr. Keenan, Ms. Chinnici-Zuercher and Mrs. Boring. Mr. Gerber was absent (excused).

Staff present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Chief von Eckartsberg, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Hammersmith, Ms. Puskarcik, Mr. Langworthy, Mr. Gunderman, Ms. Ott, Mr. Earman, Mr. Thurman, Mr. Goodwin, Ms. Ray, Ms. Rauch, Ms. Husak, Ms. Gilger, Mr. Gracia and Ms. Colley.

## **SPECIAL PRESENTATION/PROCLAMATIONS**

- Business Appreciation Day

Jeremiah Gracia, Economic Development Administrator displayed a copy of the ad Dublin placed in the March 12, 2012 Site Selection magazine. The March issue also awarded Ohio the Prestigious Economic Development Governor's Cup for 2012. Each year, the City expresses its gratitude and sincere appreciation to the businesses and employees for their continued investment and interest in Dublin. This year, Friday, March 16, 2012 will be Dublin's Business Appreciation Day. He introduced Mike Wilke, CEO and founder of Wilke Global, who will be receiving the City proclamation. Wilke Global, headquartered in Dublin since 1983, focuses on consumer relationship systems for consumer affairs departments. The company has sales and support offices in London and Melbourne, Australia, maintains over 150 clients, including 15 Fortune 500 companies, and their system is supported in 56 countries and six continents. They support many notable household consumer brands, such as Johnson & Johnson, Quaker Oats and Nestle Nutrition Products. There is no doubt of the impact Wilke Global has had on the consumer affairs industry.

Mayor Lecklider presented a proclamation in honor of Dublin's Business Appreciation Day on Friday, March 16, 2012 to Mike Wilke of Wilke Global.

Mike Wilke, Wilke Global, thanked City Council for the recognition of their company. They have been located in Dublin for 24 years. They are very pleased, as both a resident and a business owner, with the services the City provides.

**POSTPONED ITEM****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)

Mayor Lecklider stated that there is one item of particular interest to many in attendance tonight, postponed Ordinance 07-12. It is also an item of particular significance to the City. However, there are certain voting requirements to pass this particular legislation – a majority of Council, not a majority of those present and available to vote. Council Member Gerber is absent due to illness and Mr. Reiner is required to recuse himself on this matter. Consequently, it is his recommendation that this ordinance be postponed to the next regular Council meeting.

Mayor Lecklider moved to postpone consideration of Ordinance 07-12 to the next regular Council meeting (March 26, 2012).

Ms. Chinnici-Zuercher seconded the motion.

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

Mrs. Boring stated that due to the amount of information to review and the number of questions Council members have, she recommends that a workshop be scheduled in the interim to discuss this matter.

Council consensus was to schedule the workshop on Monday, March 19 beginning at 6:00 p.m.

Vice Mayor Salay inquired if Council members would like staff to prepare any additional information for the meeting.

Mrs. Boring responded that there a couple of specific questions that she will forward to staff. Primarily, she desires an informal dialogue between Council members to determine if there is consensus regarding various items.

Mayor Lecklider asked if this postponement would affect the scheduled public hearing of the companion legislation related to rezoning.

Mr. Smith responded that it would have no impact. The requirement is for a 30-day notice to be provided for the rezoning hearing, and that notice has been sent for the April 9<sup>th</sup> hearing.

Vice Mayor Salay stated that Council members received an email at 5 p.m. today with a proposed minor change relevant to this legislation. She requested that this type of information be provided no later than the Friday prior to a Council meeting, preferably with the meeting packet materials.

Ms. Chinnici-Zuercher stated that the citizens also have a right to review any language change that Council may be considering. Receiving such proposed language one or two hours before the meeting does not give the citizens the opportunity to be aware of it.

Ms. Grigsby responded that staff appreciates and understands that; however, staff continued to work through the issues, which came to a resolution late today.

Mrs. Boring stated that there have been suggestions offered by developers and landowners, which staff has responded to by memo. She requested copies of the memos, or a summary of them, prior to the workshop next Monday.

**CITIZEN COMMENTS**

There were no citizen comments.

**CONSENT AGENDA**

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

Hearing none, Mayor Lecklider moved approval of action on the four 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. Reiner, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

1. Approval of Minutes of February 13, 2012 Council meeting
2. Correspondence – Notice to Legislative Authority of New D5I Liquor Permit for MHRI Inc., dba Morgan House Restaurant, 5300 Glick Road, Dublin
3. **Ordinance 15-12 (Introduction/first reading)**  
**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.302 Acres (all of which is Present Road Occupied), More or Less, Fee Simple Interest, a 0.426 Acres, More or Less, Permanent Utility Grading and Drainage Easement, and a 0.107 Acres, More or Less, Temporary Construction Easement from Bates Property Management, Ltd.**  
 (Second reading/public hearing March 26 Council meeting)
4. **Ordinance 16-12 (Introduction/first reading)**  
**Amending Sections 96.23, 137.04, 137.06 and 137.08 of the Dublin Codified Ordinances Related to the Regulation of Firearms to Comply with Revised Case Law Requirements.**  
 (Second reading/public hearing March 26 Council meeting)

**SECOND READING/PUBLIC HEARING – 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)

Ms. Husak stated that the plans provided for the meeting include the second curb cut that was discussed at the February 27 Council meeting. Staff has also

withdrawn its previous recommendation for a condition related to the mounding. She shared a PowerPoint graphic of the plan as approved by the Planning and Zoning Commission (PZC), for which Council indicated support of – including a 3-1/2 foot mound on the U-shaped, finger-like car display area, and a six-foot mound beginning with the vacant land to the east.

Mrs. Boring stated that she assumes there will be a gradual transition between the 3-1/2 foot and six-foot mounds.

Ms. Husak responded that the mound would gently slope upward.

Ben Hale, Jr. 37 W. Broad Street, Columbus, stated that the applicant has agreed to the conditions appended by PZC. The architect and property owner are present to respond to any additional questions.

There were no additional questions and no requests for public testimony.

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

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 14-12**

**Rezoning Approximately 18.5 Acres, Located on the North Side of Brand Road, Approximately 700 Feet West of Coventry Woods Drive from R and R-1 to Planned Unit Development District (Wellington Reserve PUD) to Establish a 28-Lot Single-Family Detached Residential Development and 3.6 Acres of Open Space.** (Case 08-38Z/PDP/PP) (Wellington rezoning) (Second reading/public hearing March 26 Council meeting)

Vice Mayor Salay introduced the ordinance.

Ms. Husak stated that this item was re-scheduled to this agenda to permit staff to address some access issues with the applicant.

- These 18.5 acres on the north side of Brand Road are immediately adjacent to the Wellington Place subdivision. To the north is the Brandon subdivision, and to the west is unincorporated land within Washington Township.
- The proposed preliminary plat includes 28 lots on the 18.5 acres for a total density of 1.5 units/acre, which meets the Community Plan requirements.
- There is an access point off Brand Road and a generous setback off Brand Road. It is required to be 100 feet; there are approximately 100-120 feet of Brand Road setbacks in the neighboring subdivisions.
- The plan includes a connection to Wellington Place, to the east, through Ballybridge Drive.
- There is a dry detention area proposed along Brand Road with ample landscaping and a form of naturalized wooded landscaping.
- The plan has been revised from what the Planning and Zoning Commission reviewed. The applicant has been working with Planning and Engineering to make some changes to the potential future access to the parcel in the west. That parcel may or may not develop, but if it does, it is important to ensure access for this parcel.
- The proposal now is to create a small cul-de-sac in the northern portion of the site, This is different from what the Planning Commission considered, which was the potential future road connecting in that particular area. As suggested by Engineering, the applicant has provided right-of-way in the new plan for a potential future extension of Ballybridge Drive to the west.

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That area would be seeded only at this time; they will not be required to install pavement.

- The plan is unique in that it proposes tree enhancement areas within the rear yards of all the lots.
- There was significant neighborhood attendance at the Planning and Zoning Commission meeting. Many of the neighbors to the east and north were concerned about having development close to their rear yards. There were also concerns about drainage and access. Planning and Zoning Commission and the applicant have worked with the residents in an attempt to alleviate some of those concerns. The tree enhancement zone was proposed for that reason. It is between 30 and 40 feet, depending on the lot.

Mrs. Boring inquired if there was an updated site plan in the meeting packet.

Ms. Husak responded that the packet includes an updated site plan.

- Lots 1 through 6 have a 30-foot tree enhancement zone along their rear yards. A 40-foot zone is proposed along the lots adjacent to Wellington Place, as well as 40 feet to the north and 30 feet to the west. The intention of that zone is to preserve existing vegetation where possible. However, in one particular area, there will be a lot of grading activity due to utilities being placed in that area and preserving trees is not realistic for that area. The tree enhancement zone allows trees to be placed there. The intent is to make it look as it currently does – fairly wooded, but taking out the underbrush.
- The applicant has also provided in the development text an opacity requirement within that zone. Some residents were concerned that existing vegetation would be removed in order to achieve the opacity requirement. That language has been revised since the PZC meeting to clarify that the intent is for 75 percent opacity, but that existing vegetation can account for that; existing holes will be filled with landscaping. The intention is not to remove vegetation where that is not needed for grading or utilities.
- Another feature unique to this development and only a couple others is that the front of the lot has a build zone that is 20 to 30 feet. The home is required to be located within that build zone, which means that all of the homes along this road will be a little closer to the roadway, opening up more area in the back yard for patios or other amenities.
- In view of the roundabout that has been designed for the northern portion of this site, these lots will have the benefit of a little privacy in that area.
- The potential layout of the entryway is addressed in the text. The intent is that the area will be natural and wooded, so there will not be the typical, formal subdivision entry.

Staff recommends approval at the second reading. There are 10 conditions required by the PZC. Some of those have been met; the others will be monitored during the final development plan stages. Correspondence has been received from an adjacent resident in the northern portion of the site concerning the possibility of making this tree enhancement zone a tree preservation zone. Staff believes that can be done, so there is a potential condition to address that, if Council so desires.

Ben Hale, Jr., Smith & Hale, 37 W. Broad Street, representative for the applicant, Davidson Phillips/Charles Ruma, stated that Mr. Ruma has other developments in Dublin and dealt with several builders. Mr. Ruma believes the housing market is improving, and is purchasing this site for development by those builders. Before beginning construction of the site, Mr. Ruma will have a meeting at which the

builders may select lots. He anticipates all lots will be taken. This subdivision has been designed to meet the builders' requirements.

- All of the lots are a minimum of 90 feet in width. The price point of these homes will be \$450,000 to \$650,000. The 90-foot lots will permit all of the homes to have a side-loaded, three-car garage. All of the neighboring lots are smaller and have front-loaded garages. Deeper lots were placed adjacent to those neighboring lots.
- This property has a large number of trees, but many are Ash trees not in good shape, due to extensive vining. Approximately 500 trees will be replaced, and this site will become very wooded with 75% opacity.
- The City requested that the site plan be replaced with the current plan. Due to this change, drainage is no longer needed on the northern lots – Lots #16, #17 and #18, and instead of a tree replacement zone, there can be a no-disturb zone, leaving the existing trees. This is possible because there is no necessity to install drainage. This site falls heavily from left to right, providing natural drainage. Some of the property owners along that border do have existing drainage problems. There is a larger area that drains from west to east, and some of these neighbors have experienced flooding. However, the street that will be extended through there will cut off some of that overland flow. Along the eastern and southern borders, along Lots #1 - #5, there are a number of drainage inlets. They have agreed to work with each of those neighbors. They have committed to direct the drainage away from those property owners. If this does not completely address their problem, it will greatly improve the existing condition.
- Because of the size of the subdivision, Mr. Ruma has committed to the City and the neighbors to install the subdivision all at once. It will not be a phased development. The street area in front will be cleared. Individual lots will not be cleared, other than what is needed to install utilities. When the individual builders become involved, then selected trees will be removed from the lots. This maximizes the trees that can remain.
- This is an attractive plan – bigger and deeper lots, significant tree preservation, buffer along the edge, three-car, side-loaded garages and custom builders. They will be a good neighbor to the neighbors to the east, and enhance their property values.

William Riat, Casto, 191 W. Nationwide Boulevard, Suite 200, Columbus, stated that during the last 8-10 years, they have attempted three or four times with different approaches to have this land rezoned with other single-family builders. They now have a contract with Mr. Ruma, who intends to do a very high quality, low-density development. They have worked with staff for an extended period of time on this plan. These homes will be set back farther from Brand Road than many of the existing homes on Brand Road, and only the fronts of the homes are viewable from the road. The Planning Commission vote was unanimous to recommend Council approval of this plan.

Greg Chilloq, EDGE Group, 1400 Goodale Boulevard, Columbus, planner and landscape architect, stated that they spent significant time on this plan. One of the biggest hurdles was tree replacement for the site. Their original request to PZC was for the standard waiver of tree replacement guidelines -- trees measuring 6 to 24 inches in caliper would be replaced tree for tree. Trees greater than 24 inches would be replaced inch for inch. Unfortunately, at the PZC hearing, they agreed to a condition to replace trees greater than 12 inches, inch for inch, and trees measuring 6 to 12 inches in caliper would be replaced tree for tree. That

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would have a significant economic impact to them with this site. Under the standard waiver, they would be required to replace 550 trees on the site, and that is what is represented on the plan before Council tonight. If they are held to the condition that they agreed to at the PZC hearing, they would be required to replace 1,125 trees on the site. In addition to the economic impact, it would also have a significant impact on the environmental conditions for tree growth on the site. Although 1,125 trees could be added to the site, in 10 years, they will be competing for space, resulting in the death of some of the trees. Because those trees would be required by this rezoning, however, someone would also be required to replace them – either the lot owner or the City, if in the setbacks. They would like to discuss having the ability to return to their original request for a standard tree replacement waiver.

Mr. Hale stated that they are not objecting to tree replacement, but if it is overdone, it can create problems for the trees. Their intent is that, immediately after the site is cleared and the streets and drainage are installed, all the trees will be replanted. Their commitment can be that all of the tree replacement can be reviewed by the City's arborist to ensure the replacement is in conformance with good landscaping practices. They would like to work with City staff to amend the condition accordingly for consideration at the second hearing of the ordinance. The desired process would be that the applicant be required to plant as many trees as the City arborist determines would not overcrowd the site. In summary, to adhere strictly to the current PZC condition would result in over-planting in some places.

Ms. Husak stated that staff is not aware of any previous tree replacement waiver granted by Council that is as restrictive as what PZC required (and the applicant agreed to) with this case. The tree replacement waiver granted by Council in the past has been for trees 6 to 24 inches and trees exceeding 24 inches. Therefore, staff is supportive of the applicant's request.

Mayor Lecklider invited public testimony.

Roger Reeves, 5149 Reddington Court, Dublin provided copies of two proposed options to Council members. His residence is located adjacent to Lot 17 on the proposed plat. Neighbors also in attendance tonight have lots adjoining Lots 16 and 18. He has sent emails to Council during the past five days. He represents the adjacent Brandon subdivision homeowners. He would like to propose a couple of alternatives to what is proposed by the developer.

- City staff has indicated that the tree enhancement zone would be replaced by a tree preservation zone along the 40-foot boundary on the northern edge of the property, where Lots 16, 17 and 18 are located. He and his neighbors prepared their own tree survey in a 40 x 80 foot area. They did use a different standard. The City measures diameter; they measured circumference at chest height. They identified 60+ trees that exceeded 12 inches in circumference. The largest tree was a beech tree, 91 inches in circumference, or 40 inches in diameter per the City's survey. That tree is located 50 feet inside the rear property line and is in good condition. The standard requirement for removing a tree is a minimum distance of 40 feet from the center of that tree before any excavation can begin. Any closer would kill the tree. This tree is a marked and tagged Historic Tree. There are several other trees, although not marked and tagged, that are very close in size across these three lots. They would like to propose that the

40-foot tree enhancement/tree preservation zone across the northern boundary be extended to 80 feet. Option #1 that he has provided to Council tonight is that the entire Lot 17 be a "no build" lot. That would allow for the 80-foot tree preservation zone off the rear of Lots 16 and 18, and still allow for 30 feet from the back of the footprint of the house on Lot 18 to the edge of the new 80-foot tree preservation zone. It would allow 40 feet off the rear corner of the house on Lot 16 to the tree preservation zone. Accordingly, there would be room just to the south of Lot 28, toward the southern edge of the property, for a potential Lot 29, which would have over 90 feet frontage from the road. It would be wider than the other lots along the street, but narrower at the rear – 60 feet, but a house would fit within the 10-20 foot setback off the street. This option would permit the developer to have the same number of lots that they have proposed. It would enhance the woods at the northern edge of the property and would meet the intent of the City's Zoning Code Section 153.140, which states that it is the City's goal to try to preserve trees wherever possible. Allowing only a 40-foot tree preservation zone along the Lots 16 – 18 would necessitate many trees being removed. The applicant has requested a waiver, which staff is willing to recommend. If granted, 1,125 trees that would need to be replaced would be reduced to approximately 500 trees. Option #1 would mean that a large number of trees on Lots 16 -18 would not need to be replaced. In that case, the waiver would not need to be granted, as Option #1 would preserve a large number of trees.

- He also provided Option #2, which would be to bring the end of the cul de sac in front of Lots 16, 17 and 18 30 feet to the south of where it is currently proposed. The property lines between Lots 16 and 17 and between Lots 17 and 18 allow for a 90-foot frontage in front of the home on Lot 17. By doing that, the 80-foot rear yard tree preservation zone could still be created, and still have 30 feet off the edge of the 80-foot tree preservation zone to the rear of the house on Lot 17. Either of these options would provide for the 80-foot tree preservation zone and still provide the developer with the same number of lots they have requested.

He requests that Council consider these proposals, and try to the greatest extent possible to enforce the City's Zoning Code Section 153.140 – to preserve as many trees as is possible.

Mayor Lecklider inquired if Mr. Reeves had presented the two options to either City staff or the applicant before this evening.

Mr. Reeves responded that he had not.

Ms. Husak clarified that staff has responded via email to Mr. Reeves regarding the theory of these options, which he did describe. Staff had not seen drawings of the options.

Mr. Reiner asked if Mr. Reeves had been able to ascertain the quality/condition of the beech trees he has mentioned.

Mr. Reeves responded that on the City's survey, the 40-inch beech tree was considered to be in good condition. He mapped the location of all these trees, included the circumference of each tree, and forwarded that information to Council in his first email. Every one of those trees is in good condition. He did not include any trees that were hollow or in poor condition.

Ms. Chinnici-Zuercher requested that staff address two issues: (1) a statement with the tree survey that indicated some of the trees in the area were not in good

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condition, and (2) the issue regarding the setback between Mr. Reeves' home and Lots 16, 17 and 18.

Ms. Husak responded that the tree survey in the meeting packet included all trees six inches or greater. The master plan does include some sizable trees within that area, including the 40-foot beech tree, in good condition, that Mr. Reeves mentioned. The aerial photo of that site looks heavily treed. When staff walked the site, they noted a large amount of underbrush, trees entangled with weeds, and many small trees with multiple branches. She agrees with Mr. Reeves that there is a significant stand of trees within the northern portion of this site. In regard to the setback from Mr. Reeves' home, the drawing he provided depicted footprints of homes on the adjoining lots, but the actual homes could have different footprints. What is unique about this subdivision is that the requirement for all these homes is to be close to the street to create a larger rear yard area. The proposed 40-foot setback is actually much larger than what is required in the surrounding neighborhoods. With many homes constructed in the City, the homeowners often have difficulties if they want to add a patio, deck or pool. Staff believes the 40-foot setback is appropriate for this site. The people who will buy these houses will likely want to have the trees remain, as they provide both value and privacy.

Vice Mayor Salay requested, prior to the next Council meeting, a note from the City forester about the landmark beech tree, and the other large trees that Mr. Reeves mentioned; their condition; and what is likely to happen to them if those lots are built. Has the developer had an opportunity to respond to Mr. Reeves' suggestions – pulling in the cul de sac slightly? There is the financial component for the developer, but if that lot is regained somewhere else, is that satisfactory? If the developer is not required to replace 1,100 trees, but permitted to replace 550 trees, that would also be a savings to them. She requested a response in regard to Mr. Reeves' proposal, and a note from the City forester regarding the large trees.

Mayor Lecklider invited Mr. Hale to respond.

Mr. Hale stated that the concept of moving a lot to the front was discussed at a Planning Commission meeting. Because they are attempting to create a woods in that area, they believe the lot is better where it is. Changes within that area have been made. Previously, Mr. Reeves did not want the street to go to the west; that issue has now been resolved. One of the assumptions that Mr. Reeves is making is all the trees will be removed on that lot. However, it is in Mr. Reeves' best interest to keep as many trees as possible. As mentioned earlier, they will not be clearing the whole site, but will consider it lot by lot. Those lots are more valuable with trees on them than without. They believe a reasonable setback is being provided.

Mr. Riat added that the houses generally are much smaller than these footprints. Most of the trees in that area can and will be saved. They have now switched to a total preservation zone, where no utilities will be provided. They are doing as much as they can to address the concern. The applicant could agree to fence off the landmark beech tree at the drip line and not encroach into the root area. They welcome the idea of working with the City forester. The densities are low; the setback is large – it is a good plan. The applicant has addressed many issues, but is willing to do more.

Vice Mayor Salay requested that the City Forester's memo address what the developer is proposing will be saved.

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Mrs. Boring stated that she would like to see a definite plan regarding the trees. The developer can say they will try to save these trees, but then a builder or contractor comes in and does otherwise. She disagrees with Mr. Hale. With Wedgewood Hills, there was little tree preservation effort made, and the area was essentially mowed. The City needs to protect those trees specifically defined, because beech trees are often impacted by construction activities.

Vice Mayor Salay agreed. While the applicant may be suggesting something very reasonable, a contractor may not be as passionate about saving the trees.

Mr. Riat stated that Council can require that, until construction is complete, a temporary construction fence remain in place. The only means to keep a builder away from the trees is to fence them.

Vice Mayor Salay stated that it would need to be more than just an orange snow fence type.

Mr. Riat responded that something can be staked at that beech tree's drip line, and the entire tree preservation zone fenced off.

Mr. Keenan asked if this could be an added condition that the developer would agree to.

Vice Mayor Salay reiterated that it must be more than an orange snow fence.

Mr. Riat responded that they could erect something more substantial. Mr. Ruma will be addressing the construction on this.

Mr. Reiner asked if there is an architectural style established for this community.

Ms. Husak responded that there is no theme for the community. There are requirements, which must be met and approved by an architectural review board. The community will be composed of different builders' homes.

Mr. Reiner stated that 28 lots are proposed with trees 10 feet off center, which calculates to 280 trees. Is the 75% opacity requirement for both summer and winter? Will only 25% of a house be visible?

Ms. Husak responded that there was much discussion on this at the PZC meeting. What staff recommended, and the Commission also supported, was to provide language that would indicate the intent is 75%. The intent was to leave that to the final development plan stage, when they will have a much better idea of what is actually in place, such as the utilities. At that point, staff will work with them on a lot-by-lot basis to determine the most appropriate plant materials and location for the materials for each lot. The intent is for the opacity to be present year-round.

Mr. Reiner stated that he walked the site and did view a large amount of scrub vegetation. He is concerned about the drainage being correct. They will save the trees, excavate the basements, but there will be a need to remove the basement soil.

Mr. Riat responded that they were very concerned about the north property line and the agreement to save all these trees. Fortunately that land slopes and has a nice, natural drainage. Along the eastern side, however, there are some severe drainage issues. At the PZC meeting, some of the neighbors had photos of flooding in their yards. They can certainly ensure the builders do not put the basement soil where the trees are. It is necessary to put it close to the homes or the streets.

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Steve Shell, EMH&T, 5500 New Albany Road, Columbus, stated that in regard to drainage along the north property line, there is 10 feet of fall, west to east – great drainage. In regard to the basement excavation soil, all of that will be hauled off site.

Mr. Reiner inquired if he is making a commitment that the dirt will all be hauled away and the grades will be maintained correctly.

Mr. Shell responded that they will establish the grades and the side yards first with whatever dirt is needed, and then the excess dirt will be removed.

Mr. Reiner stated that the adjacent neighbors often experience problems later with water retention on their properties caused by the new construction/development. The site plan indicates a series of catch basins. Are they expected to provide adequate drainage?

Mr. Shell responded that they would drain the property correctly. The drainage pattern on this property is from west to east. Currently, in the existing neighborhood, the stormwater runs to the west, and they have a significant amount of standing water. There will be multiple catch basins along that property line. In regard to the north property line, the water will fall along the grade.

Mr. Reiner asked if they would cut a swale and install the catch basins.

Mr. Shell responded that along the north property line, there will be a swale that is cut outside the preservation zone. The swales will be established during the construction of the homes. The intent is to remove only the trees necessary to build the infrastructure, leaving as many trees as possible. The same effort will be made during construction of the homes.

Mr. Reiner asked in regard to opacity if there is any interest in having evergreens, which would give more privacy, or will there be primarily deciduous trees.

Mr. Hale responded that to accomplish the desired opacity, it will be necessary to have some evergreens.

Mr. Chillog stated that they will fill in the gaps with a combination of deciduous trees, evergreens, understory trees and shrubs. These decisions will be made during the final development stage, after the location of the utilities is known, and which trees will be saved. The saplings and undergrowth along the edges that will be removed to construct the grading and drainage will be replaced and augmented with a complete, naturalized buffer.

Mr. Reiner inquired if his commitment is to work with the residents on this effort.

Mr. Riat stated after the last meeting, they met with some of the residents along that property line, including a resident on the south side of Brand Road for whom they agreed to plant some trees to block the glare of headlights from cars exiting from this street. They do not have a specific plan for trees yet because they prefer to wait and plant the type of tree desired where they are needed. What they do along that side will address some drainage problems, as well.

Mrs. Boring stated that swales will be installed along the property lines, but how will the swales be maintained? Is that information included in the homeowner deed documents? Ten years later, the property owner may have changed, and if they decide they do not want the swale and fill it in, it could cause a problem.

Ms. Husak responded that she would check into that, and provide the information at a later date.

Vice Mayor said that she does not believe that would be in the plans. It appears catch basins will be installed on the east property line. How will that be compatible with all of the trees in that area?

Mr. Hale responded that along the east property line, most of the trees are on the neighboring properties, not on this site. The catch basins and storm drainage line are not along the property line; they are along the edge of that 40-foot strip. Inside the 40-foot strip is where they will plant the trees to create the 75 percent opacity. There will not be any conflict between the trees and the drainage pipe.

Vice Mayor Salay asked if a French drain would run along the back of the lots. Mr. Shell responded that the storm sewers would be designed per Dublin code, which requires a minimum size of 12 inches for a public storm sewer. Along the east side, there will be removal of trees and grading to allow for the installation of that storm sewer. After the proper grade for drainage is established, trees will be planted. The subdivision to the east was set up for a similar design, but unfortunately, it only has two inlets for the entire area. There will be five inlets installed along this property line, which is the area in which there has been a serious drainage problem.

Mr. Hammersmith stated that in recent years, the City has been very generous with rear yard inlets. In the past, that was not the case, and situations such as this, where only two inlets were constructed, were the consequence. It is much easier to install them in conjunction with the development. Also, only the rear half of the lots drain toward the rear property line; the front half of the lots drain toward the street and are captured in the street curb and gutter system.

Vice Mayor Salay asked if it is his belief that all the ponding will be rectified. Mr. Hammersmith responded that it will absolutely be much improved from what exists today.

Ms. Chinnici-Zuercher stated that she attended the PZC meeting in which this development was initially discussed, and she believes Option 1 was discussed at that time. She does not support that option. The proposed Lot 29 would not be a property of value and would detract from the overall appearance desired. She believes that staff will need to manage this project thoroughly to make sure what results actually adheres to the approvals and the intent of this conversation. In reality, the City should have required the neighboring developer to correct this problem long ago. Fortunately, there is another developer who is able and interested in resolving this problem. Much of what was discussed at the PZC meeting has been addressed in the iterations before Council. She requested clarification – did PZC require double the number of trees replaced than staff requested?

Ms. Husak confirmed that is correct.

Mrs. Boring asked if space would be set aside for the extension of Ballybridge Drive.

Ms. Husak confirmed it would.

Mrs. Boring inquired if it would be paved.

Ms. Husak responded it would not.

Mrs. Boring asked who would be responsible for the maintenance of it in the interim.

Ms. Husak responded that it would be the City's responsibility.

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Mr. Hale stated that the homeowners association will maintain the area in front. In the interim, the developer will maintain it.

Mrs. Boring requested that be included in the text.

Mrs. Boring stated that many times what can occur is that the homeowners of the adjacent lots -- lots 26 and 27 -- do not realize that land is not theirs.

Ms. Husak responded that there is a condition that requires notification of that be provided to those homeowners -- perhaps a sign in the area, or a statement in their closing documents.

Mrs. Boring stated that she believes a small sign is a good idea. The text should clarify that it is the homeowner association's responsibility.

Mr. Reiner stated that there are a limited number of lots in this development -- only 28 homes. Will this be a fully funded homeowners association?

Mr. Hale responded that the entire front will be woods and heavily planted, so there should not be extensive maintenance. They have also offered to become a part of the Wellington Association, if they would be interested in doing that. However, they do intend to have a fully funded homeowners association.

Vice Mayor Salay stated that when that street extension is eventually installed, the owners of lots 26 and 27 will invariably indicate that they were not told by the salesperson, or that the road extension was not noted on their plat. It is essential that it be noted on the plat, even if there is a sign in the neighborhood, which could disappear.

Mr. Keenan asked if the homeowner can be required to sign a document indicating their understanding and agreement.

Mr. Riat responded that it can be included on the title. Perhaps there could be a deed restriction that runs with the title that would require every buyer of the property to acknowledge it.

Mr. Smith stated that they would identify the correct method to address that issue prior to the second reading of this ordinance.

Vice Mayor Salay that in the past, there was a homeowners association that had a significant burden with mowing and upkeep of the evergreens in their neighborhood. The conclusion was that it was unfair to the homeowners that the City had obligated the HOA with maintaining that amount of landscaping. The City developed a calculation for how many homes would be necessary to support, with reasonable HOA dues, the land in their neighborhood. It will be important to apply that formula in this case to ensure fairness. There are not many homes in this reserve, and they may choose not to be part of the Wellington HOA, or Wellington may choose not to accept them.

Mike Ensminger, 7502 Kilbriain Lane, stated that his home is located in the eastern portion of Wellington Reserve. They have had some dialogue with Mr. Hale, and the developer has met some of their requests. Planning staff acknowledges, as does Mr. Ruma, that this is a difficult piece of property to develop. That is evidenced by the necessary tree replacement and the size of the houses with the lot coverage. There are several issues he would like to communicate to Council.

- The first issue relates to the 40-foot rear yard setbacks. The setbacks were originally set for 20 or 25 feet. The residents requested 75 feet, which was negotiated down to 40 feet, with the understanding that the lots on the right side, Lots #08 - #16 would be approximately 190 - 200

feet deep. Mr. Hale stated that those lots were deeper than those on the left. Since the PZC hearing and the revised preliminary plat, those lot depths have been reduced, bringing those houses 10-15 feet closer to them than what they were originally told at the Planning Commission.

- Secondly, in regard to the landscape buffer, they appreciate the hedges for their driveways to block the light from headlights.
- In addition, the development text originally prohibited rear-load garages in this development. The staff report with this ordinance mentions rear-load garages as being permitted. They have been opposed to those from the outset, and request the prohibition be expressly stated in the development plan.
- Along the northern property line, at Kilbrittain and Katesbridge, there is mostly brush and not many good trees. The 30-40 foot tree enhancement zone was included in this plan as a result of a specific request. They requested a tree enhancement zone rather than a tree conservation easement because if everything is cleared except 30-40 feet of the existing brush, it would be unsightly. They have asked to have utility easements and to be able to clear out some of the underbrush, keep the existing good trees, and replant the others with 75% opacity requirement. Mr. Reeves wants a tree conservation zone along the northern property boundary; however, they want the tree preservation zone and 75% opacity. Not only would it create a nice buffer, it will also help address the drainage issues. Their yard is muddy and unusable and frequently, there are ducks swimming in it. Mr. McDonald, who lives adjacent to Lot #16 has a worse situation than he does. For the developer to state that they will not be installing any utility easements or drainage there is very concerning. Their neighborhood also strongly desires the 75% opacity requirement. There was discussion at the PZC meeting. The drainage issues are so severe that he would not have purchased this home, if he had been aware of them. They ask Council's support for a reasonable escrow for drainage issues. They have no enforcement mechanism once the developer sells these properties to the different builders. For the year or so during which this subdivision is being developed, the drainage is still not being fixed. When the land is cleared and graded, there will be significant flooding, blocking the entire drain with mud. Engineering staff have visited his property and can attest to the serious drainage issue. The Ballybridge residents to the south cannot cut their back yards in the summer due to the flooding. An escrow account would be greatly appreciated by the residents.
- The final issue is the "back-pedaling" regarding lot length, opacity, and the tree replacement plan – reduced from 1,022 to 522 trees.

He summarized that they are concerned that the communication they were promised and expect as neighbors is currently lacking. They have no ability to hold the developer or builders to anything, so they are asking Council for their support.

Mayor Lecklider asked if the residents are experiencing communication issues with City staff.

Mr. Ensminger responded that it is not with City staff; it is with the developer. Ms. Husak and Mr. Stanford have been very helpful and responsive. He wants to ensure the communication with the developer continues and improves during this process so that if the project is approved, they can ultimately be good neighbors.

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Mr. Reiner thanked him for his honesty regarding the visual aspects of the terrain. He commented to the consulting engineer that there is an entire group of people with flooding on their private property. Does the consulting engineer believe that the existing drainage problems will be resolved by the work being done on this adjoining property?

Mr. Shell stated that they are not installing the storm sewer on the adjacent property, but on this project. The storm drainage coming from the west to the east will be captured. Any water that falls directly on the homeowners' lots on the adjacent property cannot be controlled. There are four acres of offsite land drainage that comes from the west, including the subject property itself and what results from this drainage will be handled onsite.

Mr. Keenan asked his opinion about what portion of the existing drainage issue for these homeowners originates from the property west of this.

Mr. Shell responded that the majority of it. There are four acres to the west of the site and this site itself that will be handled in their system.

Mr. Reiner noted that one of the most expensive options available is buffering and screening along the property line, and this, together with the drainage system, could result in a major improvement for everyone's properties. He asked if Ms. Husak could review the opacity numbers and the lineal feet of the lots and property lines and provide Council with information about the number of trees needed to obtain the desired opacity.

Mrs. Boring commented that she understood the developer is working with each resident.

Mr. Riat stated that there is a possibility there are drainage issues on the homeowners' lots because their catch basins are inbound on their lot and their swale. The best way to resolve this is for everyone to work together as the system is being constructed for the new development. Perhaps some minor grading could be done on the individual properties – and this would need to be a cooperative effort between the City, the property owner and the developer. Secondly, when Dublin requested a cul de sac, the street was offset somewhat to the west, making the lots a bit larger. They could work with the Engineer to slightly offset that cul de sac and make the lots somewhat larger on the east side once again. That was an oversight on their part that they were not aware of. If acceptable to Dublin, they could make this adjustment.

Ms. Chinnici-Zuercher noted that, given the property under discussion tonight has existed for many years with this flooding problem, what is the history in regard to the previous developer, the City and the homeowners in trying to correct the problem?

Mr. Hammersmith responded that he does not know the details of this specific situation. Typically, in the past, this type of situation resulted from lack of rear yard catch basins and the fact that there were not many installed in years past. Over the past ten years, more of these systems have been installed at the outset – avoiding the need for later installation of systems to correct it. In terms of the new subdivision under review, new outlets will be created so that property owners to the north could tap in with extensions from their property. If they have an existing drainage problem on their property, they can undertake their own correction. The City is aware of the existing situation, and when the detailed construction drawings are submitted, the City will make sure that the existing

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problems can be corrected as much as possible. This is a good opportunity to do so.

Mr. Keenan asked what kind of permission would be needed to do this.

Mr. Hammersmith responded it is based upon the nature of the problem. It may require an easement from the property owner so that the City can maintain the system. For a minor issue, the property owner could install a 4 or 6-inch drain that is connected to the City system and maintained by the property owner. That has been done in many locations.

Mr. Keenan asked about the future roadway planned – the extension of Ballybridge. When would that be extended, or is it simply an emergency vehicle access?

Ms. Husak responded that this is a provision for the future, and it is unknown. The land immediately adjacent is not within the City of Dublin.

Mr. Keenan noted he is referring to the east side.

Ms. Husak responded that extension will be installed as part of the development.

Mr. Keenan noted his concern with all of the traffic exiting in one location, adding to the existing congestion.

Mr. Reiner asked if the existing residents want to tap into the drainage system to be constructed with the new development, what would be needed in terms of legal steps to do so.

Mr. Smith responded that if the property owner has a minor issue, it can simply be addressed without providing an easement. However, for a major flooding issue where they want to tie into the City's system, an easement will be needed.

Mr. Shell, EMH&T stated that the storm sewer shown in the plan is basically public infrastructure in a public easement, and the City has the right to maintain and control it. The easement goes to the property line, and any conduit that comes into a catch basin that crosses that property line is in the public easement.

Mr. Riat added that when they install the system, if each property owner wanted to discuss this with them, it would not cost much to run the small yard drains. There could be some grading issues and perhaps some small French drains could be installed for the homeowners and tied into the system.

Mayor Lecklider asked if Mr. Hammersmith and Ms. Husak could facilitate this discussion. It sounds as if the system being installed will address the problem to a large extent.

Mrs. Boring asked about the 40-foot setback. What is the rear yard setback for the existing homes in Wellington?

Ms. Husak responded that Wellington Place has a requirement of 20 percent of the lot depth, so it varies. They also have a 25-foot no build zone. For the most part, the rear yard setback is approximately 25 feet.

Mrs. Boring asked for confirmation that the rear yard setback for the new subdivision is 40 feet.

Ms. Husak responded affirmatively, and for the north, it is a 30-foot requirement and they are proposing 40 feet.

Mrs. Boring stated that it seems equitable in that regard.

Mayor Lecklider invited any other citizens who wanted to provide testimony to do so.

Edward Thomas, 5165 Reddington Court, Dublin, stated that neither he nor his neighbors have been contacted by the developer in terms of the tree preservation

effort. They have expectations that they will do so, but it has not yet occurred. He is simply clarifying the record.

Mr. Riat responded that they expect their land planners and architects to meet with these homeowners. They have been making the changes to the plans over the past few weeks. It is not their intention not to meet with the residents. Mr. Hale stated that the contact with the neighborhood has been primarily through the homeowners association, but they will contact the individual homeowners as well going forward.  
Mr. Riat agreed.

Mayor Lecklider thanked everyone for their comments. The second reading/public hearing will be on March 26.

**INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS**

**Resolution 15-12**

**Adopting a Statement of Services for a Proposed Annexation of 2.5 Acres, More or Less, from Washington Township, Franklin County, to the City of Dublin.**

Mr. Reiner introduced the resolution.

Mr. Gunderman stated that this is a petition for annexation from TALG Limited. The property is located at 7672 Fishel Drive, as indicated on the map. The next two items on the agenda are also related to this annexation petition. The petition is for an Expedited 2 annexation, which requires a statement of services resolution from the City indicating what services the City will provide to the property. It also requires a statement of possible incompatible land uses, which indicates the City may require a buffer to the property in certain circumstances. The City must file these resolutions within 20 days after the petition was filed so that they are available for the Franklin County Commissioners' hearing on April 3. In addition, the applicant has requested a waiver of the \$3,700 City annexation petition processing fee. The Administration has indicated their support of this waiver, as the property owner was cooperative in providing an easement previously for the sanitary sewer connection to the Job Ready site on the adjacent property. Staff is recommending approval of the two resolutions, as well as the fee waiver request. After Franklin County Commissioners act upon the annexation petition, it will be brought back to City Council for acceptance in the timeframe specified by statute.

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

- Request for Waiver of City of Dublin Fees for an Annexation of 2.5 Acres Located at 7672 Fishel Road

Mayor Lecklider moved to approve the fee waiver.

Vice Mayor Salay seconded the motion.

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

**Resolution 16-12**

**Adopting a Statement Regarding Possible Incompatible Land Uses and Zoning Buffer for a Proposed Annexation of 2.5 Acres, More or Less, from Washington Township, Franklin County to the City of Dublin, Ohio as Required by Section 709.023(C) of the Ohio Revised Code.**

Vice Mayor Salay introduced the resolution.

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

## OTHER

- Request for Waiver of Temporary Sign Fee - Elmar Five Partnership

Ms. Grigsby noted that a request for this waiver of fee was included in the packet. During a standard review of signs in the City, staff determined that this location had an existing sign without a permit. Staff requested the property owner to pay the fee. The owner has requested a fee waiver for the temporary sign fee, and staff is recommending denial of this fee waiver based on past history regarding such fee waivers.

Mayor Lecklider asked if the individual requesting the waiver is present to address this matter.

Ms. Grigsby responded that she does not believe he planned to attend the meeting tonight.

Mr. Keenan commented that many small business owners have encountered difficult economic challenges. This request was not related to the amount of the fee, but the fact that it is an annual fee that property owners must pay to market their properties. Small businesses comprise the vast majority of Dublin's corporate residents. The issue relates to the process, not the amount of the fee. He suggested this issue be reviewed by the Finance Committee at the next cost of services update.

Ms. Grigsby responded that such fees are regularly evaluated in conjunction with the cost study. The applicant noted his understanding of the importance of the City's sign regulations. Part of the City fee is to recoup the costs involved in the review of sign permits in the City.

Mayor Lecklider moved to deny the requested waiver.

Vice Mayor Salay seconded the motion.

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

Mr. Keenan noted he has voted to deny the waiver request with the proviso this general topic be reviewed in the cost of services update.

- Review of Potential Sites for Next Art in Public Places Project

Ms. Ott stated that staff and the Dublin Arts Council are requesting direction from Council regarding the development of a national call for artists for the next Art in Public Places installation. The description of three potential sites as identified by staff was included in the packet.

Ms. Chinnici-Zuercher stated that she is pleased that the locations are in more public versus residential areas. Two of the areas – BriHi Square and the Justice Center entrance – are more protected kind of areas and would likely not be viewed by as many people. For the Justice Center site, she would suggest the location be more in the yard area versus the entryway. In terms of BriHi Square, the addition at this time of an art piece is not as essential, due to the waterfall enhancement in place. Perhaps the model of having a loaned sculpture in place, as Mr. Dioun secured, could be continued in this location. Therefore, she is more inclined to favor the Emerald Fields location, which would be more similar to the Darree Fields and Avery Park locations. She asked for clarification about the Dublin Arts Council's role historically in funding the projects.

Ms. Ott responded that in the 2011 Hatcher art commission, the DAC absorbed the costs of jurying fees, honorariums, and administrative expenses – over and above

the \$150,000 set aside for the project. This required the DAC to reduce some of their other programming. In discussion with them, staff has asked the DAC to quantify these administrative overhead costs related to an arts commission. Council can then review that information and determine how these costs should be handled. This information will be provided in an upcoming packet.

Ms. Chinnici-Zuercher stated she would prefer to review the costs of the last three public art projects, as the Hatcher project may have had a higher level of these types of costs – due to the many public meetings and discussions with neighbors.

Ms. Ott responded that the City absorbed those extraordinary costs of approximately \$2,000 for the Hatcher project. There are costs built into the call for artists process, such as honorariums paid for development of concepts by the artists, and honorariums for professional artists who serve on the selection panel.

Ms. Chinnici-Zuercher stated that the memo suggests that the DAC does not expect their normal budget to cover these costs and are seeking to reduce the allocation of \$150,000 for the artwork itself in order to cover these costs out of that budgeted \$150,000. She does not support this, as it defeats the purpose of working to build the art collection. She wants to understand what the role of the DAC is in the project in terms of financial support.

Ms. Ott responded that Mr. Guion is present and will provide that information in his memo.

Mr. Keenan asked if these three locations are the only potential ones identified.

Ms. Ott responded that the map in the packet identifies all of the potential locations, based upon various factors. Staff is recommending these three as appropriate for the next public art installation.

Mr. Keenan stated that he wants to ensure the next public art project is very visible to the public, similar to what he has viewed in cities like Scottsdale and Columbus, Indiana. He would advocate areas that are highly visible to all.

Ms. Ott responded that staff did review the series of future roundabouts along Avery-Muirfield corridor, and believes they would be appropriate for a future installation.

Mrs. Boring agreed, but added that this is a good time to begin thinking about public art for the Bridge Street corridor. Bike racks are being added, but she believes public art could be incorporated into the Bridge Street corridor and would like further discussion at the March 19 work session.

Mr. Reiner agreed with Mr. Keenan regarding the placement of the public art where the most people can view it. Of the proposed sites, he favors the BriHi Square location as a priority. With all of the divided highways that exist in Dublin, perhaps these areas should be considered. Instead of selecting the site, perhaps the art should first be selected, and then its location.

Vice Mayor Salay stated that all three sites identified are good sites for public art projects. The shade structure concept is very interesting for the Emerald Fields, and it is desirable to include public art on the east side of Dublin. She reminded Council about the proposed town pump art for the BriHi Square/Bridge Street area. Council had previously expressed interest in pursuing this concept, which was advocated by Carl Karrer. She is not certain of the appropriate timing of this, but it would be a great historical piece for the location.

Mr. Keenan stated that perhaps a town pump artwork could replace the on-loan sculpture, when that loan program expires. Council could fund the town pump art project with hotel-motel tax dollars.

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Mrs. Boring stated that in the discussion regarding the BriHi Square on-loan public art, Ms. Ott had previously noted that Mr. Dioun had made a commitment toward public art for the site.

Ms. Otto responded that the development agreement with Bridge & High Ltd. requires them to pay \$6,000 to the City per year for public art – specifically at the upper or lower plaza or Darby Street parking lot. Stonehenge brought the proposal for “Statesman of the Plains” to the City, and the City is reimbursing the transportation and insurance costs up to \$6,000 per year to provide the artwork this year and next.

Mrs. Boring agrees with Vice Mayor Salay and Ms. Chinnici-Zuercher in terms of the amount of existing enhancements at BriHi – the waterfall, stone benches, bike racks, etc. She believes the BriHi location should be reviewed again for public art.

Mr. Keenan stated that the concept of the City funding the town pump project separately through hotel-motel taxes should be considered, as he has suggested. It would be a nice addition when the current on loan piece is removed.

Mrs. Boring responded that her question relates to the \$6,000 commitment for public art per year in the development agreement.

Mr. Keenan asked if this \$6,000 commitment per year continues far into the future.

Ms. Ott responded it extends for a long period of time under the agreement. To fund the town pump project, however, would require many years at \$6,000 per year.

Vice Mayor Salay stated that the City could combine a hotel-motel tax grant with the monies committed under the Bridge & High development agreement to fund the town pump project. There are some other locations in downtown Dublin that would be appropriate for public art – Darby Street, the upper plaza, etc.

Mr. Keenan stated that the pump would be particularly appropriate in this lower plaza location, given the history.

Ms. Chinnici-Zuercher agreed, and the pump could replace the on-loan sculpture when the loan period ends.

Mrs. Boring stated that at National League of Cities, there were some interesting public art pieces that were fairly inexpensive and might be available for purchase.

Mr. Keenan stated that the City has also commissioned public art in the past, such as the Jack Nicklaus sculpture. The City could certainly commission a pump for this location.

Vice Mayor Salay agreed with this concept for the BriHi location. She does like the idea of the shade structure at Emerald Fields, and also likes the idea of public art at or near the Justice Center, given its location near the southern side of Coffman Park.

Mayor Lecklider noted that there is considerable traffic at the Justice Center location, and perhaps public art somewhere on the site would be desirable.

Ms. Ott commented that only half of the civic buildings have any public artwork associated with them. When the Parks & Recreation Master Plan is updated, that aspect will be part of the discussion.

Ms. Ott noted that she does not need a decision tonight on the site, and can provide any additional information as desired. However, a motion regarding the specific site will be needed when Council is ready to make that decision.

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Vice Mayor Salay commented on a positive note that the proposed sites are more neutral and are not adjacent to neighborhoods.

Mayor Lecklider stated that, based on this discussion, he believes Council is interested in a town pump art project at BriHi and exploring ways to fund it.

Ms. Chinnici-Zuercher moved that the City commit to having a town pump art project at BriHi, and that funding will be done through hotel-motel tax or other available sources, separate from the 2013 Art in Public Places project.

Mr. Keenan seconded the motion.

Discussion followed about the exact location of the original water pump in Historic Dublin. Staff provided clarification about the history, noting the original town pump was in the intersection of Bridge and High and another diesel pump base was located at the Dublin spring by the river.

Mayor Lecklider asked if there is a specific year for installation of the town pump at BriHi.

Ms. Chinnici-Zuercher responded that the concept would be to have this ready for installation when the time period for the on-loan sculpture ends.

Ms. Ott noted that, if the motion is approved, staff will bring a proposal to Council for review so that this can be accomplished in a timely manner.

Mrs. Boring added that staff should contact Mr. Karrer, as he has information from his research of this item.

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

Discussion continued about the two remaining sites identified.

Mayor Lecklider summarized that Council would prefer that staff bring back some additional options – high visibility areas.

Ms. Chinnici-Zuercher stated that she has concerns with placing art in a roundabout due to the visibility issues that could occur.

Mrs. Boring stated that she supports the concept of the shade structure at Emerald Fields. Any other locations proposed should be selected with consideration to safety factors.

Vice Mayor Salay stated in regard to the shade structure at Emerald Fields that the staff report indicated there is funding in the CIP for this item.

Ms. Ott responded that the funding is programmed in the CIP for 2016. The Parks & Recreation Master Plan recommends that the capital project designers work with the artists versus adding art at a later date. This location was identified as one where artists could be integrated with the design teams.

Staff will bring some other options for site locations to Council for the March 26 meeting.

Ms. Grigsby stated that if the Emerald Fields site is selected, as part of the 2012 update to the CIP, funding could be accelerated to match the art installation.

## **STAFF COMMENTS**

Ms. Grigsby stated:

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1. Information was included in the packet regarding the Holder-Wright Earthworks Master Plan. Staff would schedule a presentation at a later date, if that is Council's desire.

Mrs. Boring asked if this plan has been presented to the Parks & Recreation Advisory Commission.

Mr. Hahn responded that it has not. The City's traditional process has been that Planning & Zoning Commission and Council review park master plans.

Mrs. Boring asked if Council would like to have PRAC review this plan, given the discussion recently about the lack of assignments to various boards and commissions.

Vice Mayor Salay stated that it would be fine to provide the plan to PRAC for informational purposes, but she believes three levels of review is more than necessary.

Mr. Keenan agreed, noting the Veterans Park project required nearly three years to complete due to the process. The park master plans are thoroughly reviewed by two citizen groups – Planning & Zoning Commission and City Council.

Mrs. Boring stated she would still recommend that staff present the Holder-Wright plan to PRAC.

Mayor Lecklider asked if Council desires a presentation of the Holder-Wright Earthworks Master Plan at an upcoming meeting.

Mr. Keenan stated he would prefer an executive summary – not a lengthy presentation.

Mr. Hahn agreed to provide a brief, five-minute presentation of the plan at an upcoming Council meeting.

2. Noted that as Council is well aware, staff has been reviewing and evaluating the strategic importance of the Bridge Street Corridor and its future impact on the City. This project represents an opportunity for the City to remain on the leading edge of emerging trends. Given the strategic importance of this project in this area, she believes it is appropriate and is in the City's best interests to establish a new position titled, "Director of Strategic Initiatives and Special Projects." This position will report directly to the City Manager. She desires to appoint Mr. Terry Foegler to this position in a part-time capacity. The Bridge Street Corridor project was initiated at the time Mr. Foegler served as City Manager, and he championed the pursuit of the study and the plan. Mr. Foegler would continue to work at The Ohio State University, but in a reduced capacity in order to have time available to work part-time for the City of Dublin. Council is also aware that the Dublin Charter requires that all appointments and promotions are done through a competitive selection process, unless waived by Council. In order to do what she believes is in the best interests of the City, she is recommending and requesting that Council agree to establish this new position. Staff would follow up with legislation at a future Council meeting to establish the position in the compensation plan. She is also recommending and requesting that Council waive the competitive selection process in order to appoint Mr. Foegler to this position. The City has rarely requested that Council waive the competitive selection process and has only done so in cases where the City believes an individual is uniquely qualified for a position. This is true in this case, and she believes Mr. Foegler would be very helpful in the implementation efforts for the Bridge Street Corridor.

Ms. Chinnici-Zuercher moved to establish the new position as described and to waive the competitive selection process to hire Mr. Foegler for this position. Vice Mayor Salay seconded the motion.

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

3. Noted that the State of the City is scheduled on Thursday, March 15 at the Dublin Community Recreation Center. The various demonstrations related to healthy lifestyles begin at 4:30 p.m., and the formal presentation begins in the Abbey Theater at 7 p.m. Staff and Council will be available after the presentation for questions.

**COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE**

- Community Development Committee – Recommendations for “Beautify Your Neighborhood” Grants – 2012

Mr. Reiner, Chair, Community Development Committee noted that the Committee, which includes Vice Mayor Salay and Mrs. Boring met to review the grant applications. As outlined in the packet, the Committee recommends the following:

1. That the remaining funds of \$1,986.55 from the 2011 budget for BYN grants be added to the funding available for the 2012 grants.
2. That the proposed artwork for Campden Lakes be funded from the hotel-motel tax funds in the amount of \$5,000.
3. That an additional allocation of \$8,939.47 be provided to cover the remaining grant funding requests.
4. That the 2012 grant recommendations of the Committee, as outlined in the documents in the packet, be approved.

He noted that the grant program has been very successful, and the beautification of the entryways to neighborhoods will enhance the aesthetics and ambience of the City.

He moved approval of the Committee recommendations.

Vice Mayor Salay seconded the motion.

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

Mr. Reiner:

1. Thanked Mr. Hahn and the Parks staff for the bicycle racks that have recently been installed. As recommended by the Bicycle Advisory Task Force, many of the new racks are sculptural and interesting. He is very pleased with the variety.
2. Noted a potential improvement to the Grounds of Remembrance. A backdrop of evergreen trees could be installed to reduce noise and visual pollution from Dublin Road that impacts various ceremonies held on site. This would add to the dignity of the space as well.

Mr. Hahn responded that staff will investigate some options for landscape buffering with this goal in mind.

Ms. Chinnici-Zuercher:

1. Congratulated Mayor Lecklider for his second place finish in the kilt contest on Friday evening in Historic Dublin! Vice Mayor Salay served as a judge for this fun event. She thanked Tim Picciano, Al and Anne Gleine for organizing this event, which has become very popular and is always enjoyable. The St. Patrick’s Day parade was very well done and very long. In addition, she was very impressed with Grand Leprechaun Rich Weber’s speech, which

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demonstrated the love people have for the Dublin community – especially Rich, who was born and has always lived in Dublin. Hats off to all of the staff for their hard work on this event!

2. Reported that she attended the MORPC meeting on Thursday and the Board learned that Chester Jourdan is no longer serving as the Executive Director of the organization. Bob Lawler is serving as the Interim Director, and a search committee will be established for a new Executive Director.
3. Commented on the Police report in the packet, which generally reflects excellent outcomes. She noted that the percentages may be somewhat misleading if one does not actually review the actual numbers of crimes that have occurred.

Mrs. Boring noted that the Community Development Committee had previously discussed providing additional funding for Beautify Your Neighborhood grants in future years. She proposes that Council consider increasing the annual funding for such grants in the operating budget process.

Ms. Grigsby responded that staff can fund the grant program for 2013 at the level of grants awarded tonight, with the understanding that if additional grant funding is warranted or desired, those funds can be appropriated.

It was the consensus of Council to proceed in this manner and provide this funding in the operating budget for 2013.

#### Vice Mayor Salay:

1. As outlined in the informational items in the packet, Planning and Zoning Commission has requested that Council designate a Council member to serve as a liaison. Council has determined that the Chair of the Administrative Committee will serve in this role for the next year. Her initial plan is to attend the meetings as staff has suggested in the memo. Any Council Member who would like to attend is also welcome to join them.
2. Reported regarding the board and commission interview and appointment process, noting that Council enjoyed meeting all of the outstanding and talented candidates and hearing their perspectives regarding the City. She read into the record the appointees for the various positions:
  - Richard Taylor, reappointed to a four-year term on Planning & Zoning Commission; Victoria Newell, appointed to a four-year term on Planning & Zoning Commission. These terms expired on March 31, 2016.
  - Robert Dyas, reappointed to a three-year term as Dublin Historical Society representative to the Architectural Review Board; Robert Schisler reappointed to a three-year term as Historic Dublin Merchant representative to the Architectural Review Board
  - Brett Page, reappointed to a three-year term on the Board of Zoning Appeals; Jamie Zitesman, appointed to a three-year term on the Board of Zoning Appeals
  - Mindy Carr, reappointed to a three-year term on the Community Services Advisory Commission; Alvin Borrromeo and Laurie Kruppa, appointed to three-year terms on the Community Services Advisory Commission
  - Megan Stevens and Todd Keiner, appointed to three-year terms on the Parks & Recreation Advisory Commission
  - Troy Allen, appointed to a three-year term as City representative to the Board of the Dublin Convention & Visitors Bureau
  - DeWayne Howard, reappointed to a three-year term on the Personnel Board of Review

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- Dave Cecutti, reappointed to a three-year term as City representative to the Board of Leadership Dublin
- Deborah Graham-Gibson, appointed to a two-year term as City representative to the Board of the Dublin Arts Council

She moved approval of the appointments as she has read into the record.

Mrs. Boring seconded the motion.

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

Ms. Grigsby confirmed that Council will formally ratify these appointments with legislation on March 26, 2012.

3. Thanked staff for their hard work on the St. Patrick's Day celebration, which was very enjoyable and experienced good weather!

Mayor Lecklider:

1. Reminded everyone that Council will host the annual Celebration of Service for board and commission members, scheduled for the evening of Wednesday, April 4 at the Golf Club of Dublin.
2. Echoed the positive comments regarding the St. Patrick's Day parade.

## ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

  
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Mayor – Presiding Officer

  
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Clerk of Council