

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 9, 2012

Held

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Mayor Lecklider called the Monday, April 9, 2012 Regular Meeting of Dublin City Council to order at 6:40 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).

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened at 7:05 p.m.

## **PLEDGE OF ALLEGIANCE**

Vice Mayor Salay led the Pledge of Allegiance.

## **ROLL CALL**

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

Staff present were Ms. Grigsby, Mr. Smith, Ms. Readler, Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Hammersmith, Ms. Burness, Mr. Langworthy, Ms. Ott, Mr. Earman, Mr. Phillabaum, Mr. Goodwin, Ms. Ray, Ms. Husak and Mr. Foegler.

Mayor Lecklider called for a moment of silence in honor of Captain Nicholas Rozanski of Dublin, who died in action in Afghanistan this past week, together with two other soldiers from Central Ohio – Sergeant First Class Shawn Hannan of Grove City and Sergeant First Class Jeff Rieck of Upper Arlington. Captain Rozanski is the son of former Council Member and Mayor Jan Rozanski, and the brother of Dublin employee, Alex Rozanski.

## **PROCLAMATIONS/SPECIAL RECOGNITION**

### **• National Volunteer Week – April 15-21, 2012**

Mayor Lecklider presented a proclamation in recognition of National Volunteer Week to citizen volunteer, Kitty Munger. Every year during this week, volunteers are recognized throughout the nation for their commitment to service. The City of Dublin's active volunteer force is a great point of pride, making a positive social and economic impact on the community.

### **• President's Lifetime of Volunteer Service Award**

Mayor Lecklider also presented the President's "Lifetime of Volunteer Service Award" to Kitty Munger. This year is the 25<sup>th</sup> anniversary of the Dublin Irish Festival, and Ms. Munger, a founding member of the festival, has been involved with the event from its beginning. She has been an active volunteer and board member every year, as well as an advocate, leader and resource for marketing and sponsorship efforts, which have directly contributed to the festival's success. He presented Ms. Munger with a service award and a certificate signed by the President of the United States. This special award is reserved for those who have dedicated 4,000 hours or more of service to their community.

Ms. Munger stated that the Dublin Irish Festival has evolved from the initial one-night event to the great event it is today. This could not have happened without the

commitment of the City and the dedication of City employees and thousands of volunteers over the past 24 years. She thanked Council for the recognition.

- **Special Recognition of Police Officers Charles Rudy and Paul Burks**

Chief von Eckartsberg stated that Officer Paul Burks has served as police officer with the City of Dublin since August 2000. He is currently assigned as a third shift patrol officer. In addition to his police duties, Officer Burks has also spent several years volunteering in his home community of Westerville as a recreation center coach for the Westerville boys' basketball league. In recognition of his service, Officer Burks was recently named "Volunteer Coach of the Year" for the City of Westerville.

Chief von Eckartsberg stated that Officer Chuck Rudy has served as a police officer with the City of Dublin since June 1998. He is currently assigned as the school resource officer for Grizzell Middle School. In addition to his police duties, he has been an active service member of the U.S. Air Force and, subsequently, a member of the Ohio International Guard since 1984, obtaining the rank of Senior Master Sergeant. He has been deployed on four active duty assignments overseas, and most recently, has been deployed to Afghanistan. In his more than 22 years of service, Officer Rudy has also been deployed across the world to missions in the Philippines, South Korea, Okinawa and Germany. In recognition of his service, Officer Rudy was recently awarded the prestigious "First Sergeant of the Year Award" for 2011 based on his exceptional service to the Ohio Air International Guard. He added that Officer Rudy's wife, Rebecca, is a Major in the Ohio International Guard.

On behalf of Council, Mayor Lecklider thanked Officers Burk and Rudy for their service to their country and their local community.

- **Update from Dublin Convention & Visitors Bureau**

Pete Fingerhut, Dublin Convention & Visitors Bureau Board President provided an update on recent DCVB efforts and distributed the quarterly report. The mission of DCVB is to attract overnight visitors and increase the bed tax to make positive impacts on the City's economy. They have done a good job promoting the Memorial Tournament and the Dublin Irish Festival, in addition to other events. Over 29 countries and over 44 states have been represented in visits to the DCVB Visitor Center. The 2011 annual report reflects that DCVB was re-accredited this year for an additional four years; there are only 139 convention bureaus worldwide that have that distinction. They have had a record number of overnight stays for attractions – a total of 2,100 room nights for the Columbus Zoo, the water park and COSI. This is a 67% increase from the preceding year. The DCVB partnered with the City to secure the United States Australian Rules Football National Championship. They have also booked over 30 tours this year from over 12 states, which generated revenue of \$326,000, a 34-1 return on investment. On Facebook, they have had a 68% increase of readers, due to extensive marketing efforts.

Scott Dring, Dublin Convention & Visitors Bureau Executive Director stated that:

- The hotel industry is slowly improving. Hotel occupancy was up 5%; the daily rate was up 4%; and bed tax revenue is up by 10%. However, percentages can be misleading. The 2007 average daily room rate was \$102, but the 2011 daily rate was \$92 – a \$10.00 difference. The City averages 450,000 room nights annually, so that difference results in \$4.5 million less hotel-motel tax revenue, a substantial loss. Fortunately, more people are coming to the City of Dublin. Therefore, although they are spending less for a hotel room, they are contributing to the City's overall economy – as patrons of restaurants, retail and entertainment venues.

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- At his last report to Council, he shared the initial findings from the Dublin Visitor Segmentation and Profile Study. As an update to that study, visitors continue to have a positive experience in Dublin, rating well above the national average. Visitors perceive the City as extremely safe and family friendly. Visitors to Dublin usually return – 69% of visitors are repeat visitors; the national average is 49%.
- He noted that a memo was provided in Council's last meeting packet regarding the lack of athletic field availability to host tournaments this year. In view of that need, they have tried to be aggressive in attracting events that do not need City fields, such as the College Football Universities' camp. This is a weeklong event, attracting over 5,000 room nights, which is on par with the Memorial Tournament. The site selection committee has narrowed their choice to Dublin or Las Vegas. The Bureau is working with Dublin City Schools on the bid for that event, which would be held at one of the City schools in July 2013.
- Another event that will be hosted in Dublin in 2013 is the SAFECON Conference, a two-week collegiate flying contest at The Ohio State University airport. This event attracts universities from all over the nation. Although the event is not in Dublin, Dublin has secured the designation of host city and host hotel for that event.
- Finally, they continue their efforts to represent Dublin's interests with the Presidents Cup. They are working to leverage exposure of that event in 2013. DCVB is collaborating with Experience Columbus and the State of Ohio at the largest international trade show in two weeks to sell packages for the Presidents Cup and raise exposure of Ohio, Columbus and the City of Dublin to companies that book packages and travel on a worldwide scale.

Ms. Chinnici-Zuercher stated that the memo sent to Council previously indicates Mr. Dring might want to meet with the Finance Committee regarding field availability. If they want to do so, he can work with Ms. Mumma to arrange the meeting.

Mayor Lecklider thanked Mr. Dring and Mr. Fingerhut for the report and wished them success with the upcoming events.

## **CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road, stated that *Dublin Life* magazine recently published an article about him. He was touched by the article but also shocked, as it revealed that he has been sharing comments before City Council meetings for 18 years. During all of those 18 years, he has been mentioned in the press three times. Therefore, he began to consider the relationship between governance and the press. With all the concerns he has raised over the years, none have been reported by the press. Perhaps the press is reluctant to cover matters that may have sounded counter to the policies or movement of the City. Only Council or the reporters know the answer to that. Or perhaps this depended on the experience of the reporters or what stimulates or motivates them. He has had "Letters to the Editor" published regarding issues addressed with Council. The editors had no reluctance to publish them. His question for Council is whether there is any kind of relationship between governance and the press, which inhibits the press.

Mr. Reiner assured him that there is no such relationship between the governance and the press in Dublin, and there have been various members of the press covering Dublin over the years.

Mr. Maurer responded that it must then be due to the timidity of the press.

Michael Blackwell, 75 N. High Street stated that if Dublin has an economically disadvantaged school, it is certainly Daniel Wright Elementary. It is an extremely diverse school where 21 languages are spoken. Dublin AM Rotary has a special

relationship with this school and, on a weekly basis, they donate a book to their library. In order to help the school, Dublin AM Rotary, Dublin City Schools and the Dublin Branch Library applied for a "Choose to Read" grant from the State of Ohio. The State's Library was extremely impressed with their grant application. They indicated that it appeared to be an excellent way to bring the entire community together to celebrate literacy and promote reading. On April 19, from 6:30-7:30 at the Library, a reading program will be held. Marcia Schoenberg, author of the book, "B is for Buckeye," will be at Daniel Wright that day. Every fourth grader in Daniel Wright Elementary has received a copy of this book signed by the author. At the program that evening, Ms. Schoenberg will read, as will the president of the AM Rotary and School Superintendent Dr. Axner. He sent an invitation to Council Members several weeks ago, requesting their participation. He extends a personal invitation to all Council Members to participate, if possible. He also extended an invitation to Ms. Grigsby and Mr. Smith.

**CONSENT AGENDA**

Mayor Lecklider noted that seven items are proposed for action on the consent agenda. He 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 seven items as proposed on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

Mr. Gerber noted that he will need to abstain from voting on the March 12 meeting minutes, as he was absent from that meeting.

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. Approval of Minutes of February 27, 2012 Council meeting
2. Approval of Minutes of March 12, 2012 Council meeting
3. Approval of Minutes of March 26, 2012 Council meeting

**4. Ordinance 20-12 (Introduction/first reading)**

Establishing Section 130.15 of the Dublin Codified Ordinances, Authorizing the Mayor and/or Mayor's Court Magistrate to Seal Juvenile Records upon the Successful Completion of a Juvenile Diversion Program (Second reading/public hearing April 23 Council meeting)

**5. Ordinance 21-12 (Introduction/first reading)**

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.120 Acres, More or Less, Fee Simple Interest That is Present Road Occupied Property from Beatrice L. Brogan. (Second reading/public hearing April 23 Council meeting)

**6. Resolution 19-12 (Introduction/Vote)**

Authorizing the City Manager to Execute a Lease Agreement with 7001 Post Road, LLC for the Purpose of Continuing the Dublin Entrepreneurial Center Operations.

**7. Resolution 23-12 (Introduction/Vote)**

Authorizing the Regulation of Traffic on Muirfield Drive and Other Roads in Muirfield Village and Waiving Certain Provisions of the Dublin Sign Code and Noise Ordinance in Conjunction with the Annual Memorial Tournament.

(It was the consensus of Council to waive the reading of Ordinance 08-12.)  
(Mr. Reiner left the room, as he has previously indicated he will abstain on this rezoning.)

**SECOND READING/PUBLIC HEARING – ORDINANCES**

**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)**

Mr. Langworthy stated that this is a request for a rezoning of approximately 200 acres within the Bridge Street Corridor. Some of the Code provisions that Council approved at the March 26 meeting for the Bridge Street Corridor address properties as they exist today. He commented as follows:

1. "Existing Uses," Section 153.059(A)(6), are uses that exist as of the effective date of Ordinance 08-12. All those uses that currently exist can continue and will be continued as conforming uses, as long as they have operated 12 months prior to the effective date. It also permits uses to be established that were allowed in a zoned district that exists today prior to the BSC District being in place and to be considered conforming uses. Any of those existing use areas can be expanded with the approval of the ART, subject to certain guidelines. The only time the BSC zoning will apply to existing uses is in a case where the use is abandoned for a continuous period of twelve months. There are definitions/requirements for how a use is considered to be abandoned. These protections apply regardless of ownership changes.
2. "Existing Structures," Section 153.062 (B)(2), allows existing structures to expand up to 50% of their existing area, with some approvals by the ART. There are very few businesses that could take advantage of the 50% expansion, due to the limited area available on their site to meet parking requirements for an expansion. Therefore, the BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. The BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. Their existing building is allowed to stay in its current location. If an "act of God" or some other method outside the control of the property owner should cause a destruction of the building, it can be re-built in the same place it existed prior to the destruction. These protections apply regardless of ownership changes.

With a rezoning of this size and in view of the number of existing properties, uses and structures in place, extraordinary measures were necessary to ensure that they were protected under the new zoning. The zoning map recommended by Planning and Zoning Commission is dated February 2, 2012. It includes all 808 acres. The four areas highlighted in red are the areas of concern for Planning staff. Those areas have been re-evaluated, and staff has determined that there are two areas in particular that they would like Council to consider in tonight's discussion.

- The first area, which was discussed in previous meetings, is the zoning that has been recommended by the Planning and Zoning Commission (PZC) along the south side of SR 161, halfway between Riverside Drive

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and Sawmill Road. PZC has recommended that area be zoned "BSC Commercial." Planning staff continues to recommend that these ten acres be designated "BSC Office."

- The second area of particular concern is across Village Parkway, where PZC has recommended an extension of the "Sawmill Center Neighborhood" district across Village Parkway into the previously planned BSC zoned districts. Planning staff recommends that particular area be returned to the originally proposed "BSC Residential" district.

As noted in the staff report, Planning received a couple of late requests from property owners of land located along Corbin's Mill Drive -- 48 Corbin's Mill Drive and 64 Corbin's Mill Drive (east side of Corbin's Mill) -- requesting a change in designation from "BSC Historic Transition Neighborhood" to "BSC Commercial." Due to the late receipt of these requests, they were not included in the Commission's considerations. Given the location and relative relationship to surrounding uses, Planning staff has no objection to these Corbin's Mill Drive changes should Council wish to consider them. With these changes, Planning staff recommends adoption of the February 2, 2012 zoning map, with the changes to the two areas that he has highlighted tonight where staff's recommendations are different from the Commission recommendations.

Mrs. Boring asked Mr. Langworthy to identify the location of the power substation on the map.

He pointed out the location of the substation and the service center adjacent to it.

Mayor Lecklider invited public testimony.

Jeff Brown, Smith & Hale, 37 W. Broad Street, Columbus, stated that Mr. Hale is out of town tonight. His client, Byers Realty, owns the one parcel out of the 388 parcels that Planning staff wants to change from what the Planning & Zoning Commission has recommended. The Byers property has been an automobile dealership since 1989. Over those years, the Byers have invested over \$10 million in improvements. They have an existing commercial zoning, and they would like to retain that. They believe changing it to a residential classification is not appropriate and will result in future problems with refinancing -- possibly in conjunction with some improvements they are considering -- and with any future sale. The Planning Commission spent significant time on the BSC text and zoning map. The PZC listened to the presentation of staff's recommendations, and they also listened to the property owners' requests. In this particular instance, the Planning Commission recommended that the Byers' property and the piece to the north be zoned Commercial. They hope that City Council will consider the time and effort the PZC invested in making that determination and approve the map as recommended by the Commission at their February meeting.

Mayor Lecklider asked Mr. Brown if he, too, shares the same concerns as those expressed by the Byers family.

Mr. Brown responded that he does. However, if Council adopts the map recommended by the Planning Commission, his client will not have an issue. With the PZC recommended map, an historically commercial-zoned property that is developed commercially would still retain a commercial zoning classification. That is a reasonable accommodation for a property owner who has had the dealership in place since 1989 and relied upon the existing zoning in the investments made since that time. He believes this should be a workable compromise when the City is creating an entirely new district and zoning map. A residential classification on that property is not appropriate. There were several property owners who requested a change from the proposed rezoning classification. At this time, Planning staff continues to object to the zoning change requested by the Byers property and for the property on the south side of SR 161. Originally, the Penzone's property was also recommended for a Residential zoning. Planning Commission's recommendation was that the Byers

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property, the property to the north, and the Penzone's property to the lower north of the power station be zoned commercial. Penzone's was fortunate, because staff is in agreement with retaining their current commercial zoning.

Mayor Lecklider clarified that the Byers can continue this existing use in perpetuity. Mr. Brown responded that he understands that, however there are numerous uses available under their commercial classification that they will no longer have if the property is zoned residential. There will be difficulty with refinancing or sale of the property as well. He believes it is appropriate to adopt the recommendation of the Planning Commission.

Mayor Lecklider stated that it was his understanding that Mr. Hale had suggested language for the City's BSC Code, which would address this concern with respect to future financing.

Mr. Langworthy responded that concern was raised at an early stage in regard to potential non-conformities that could arise, and extensive effort was made not only to declare them to be conforming -- both buildings and uses -- but to provide some extraordinary potential for expansions and additions to those buildings and uses, as well. Every protection possible has been included, and staff has also indicated to property owners that, should they receive a request from a financing or insurance industry, the City would provide them with a letter verifying their conforming uses and conforming buildings. Typically, the banks and insurance companies the City works with are more sophisticated and do not merely review a zoning map. They do take care to look into the Code text requirements and pay attention to the City's responses to their requests for information regarding conformities.

Mayor Lecklider noted that Mr. Brown's law partner, Mr. Hale, was involved in this BSC process to a great extent. What was Mr. Brown's understanding at the end of this process with respect to this language, which has been extensively revised to address this concern?

Mr. Langworthy responded that the attorneys were representing several clients with varying concerns. Mr. Hale was looking to the overall impact of the Corridor as a whole and suggesting language that would offer sufficient protections for the majority of the existing properties. Some clients will continue to have individual issues with the rezoning and the language because they do not fully grasp the consequences for the future.

Mr. Brown stated that they do not have an objection to the text, and he does not disagree with Mr. Hale's changes. They are comfortable with the text. Their concern is with the actual changes to the zoning. PZC considered this issue and recommended a map, which all their clients, including Byers, is comfortable with. The situation relates to the objection that staff continues to have with the PZC recommended map in regard to two properties, one of which is Byers, an automobile dealership. They do not believe that a residential zoning is an appropriate zoning based on how that property has been used and the expectations of the property owner when the zoning was initially put in place. They have no objection to the text of the Code.

Mayor Lecklider asked if their concern is primarily due to potential refinancing issues. Mr. Brown responded that they have multiple concerns in terms of a client buying a piece of property, having the property rezoned, developing it commercially, and then having value taken away from it because the City has restricted its future use. The existing use can continue, but if a potential future buyer would be interested in developing the property with another commercial use other than a dealership, such as a mixed use, there will be a problem. The overlying zoning would be residential.

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Mayor Lecklider asked again if his concern is primarily related to future refinancing. Mr. Brown responded that his experience with banks has been that, in today's financial climate, if there is something out of the ordinary that warrants a letter from the City to clarify the zoning – that will create a problem with financing. In this climate, if there is the slightest variant, banks are reluctant to lend money.

Mr. Langworthy noted one correction: the property owner does have the right to continue all the uses that are permitted under the existing zoning today – all the existing new uses permitted today can still be established new in the future. Mr. Brown responded that, in their case, the records are not clear in regard to what additional uses are permitted under the current zoning.

### Council Questions

Ms. Chinnici-Zuercher stated that for the Tuller Road corner, staff recommends it be zoned residential. PZC recommended it be zoned commercial, but they also recommended that another section farther west on Tuller Road be zoned residential, not office/residential. They were essentially "swapping" the area east on Tuller Road to farther west on Tuller Road.

Mr. Langworthy responded that it could be looked at in that manner, but staff's concern is with the location of it versus the acreage involved. Expanding the "Sawmill Center Neighborhood" zoning across Village Parkway would be an intrusion into what they are trying to maintain as a primarily residential corridor. This will allow a much wider range of uses to cross Village Parkway into that residential area.

Mayor Lecklider asked if Mr. Byers, or any other property owner in this district, could seek a rezoning in the future.

Mr. Langworthy responded that, as Mr. Brown indicated, there may be some lack of clarity regarding what additional uses are allowed under the existing zoning. It is a very old planned district, and the records are minimal in regard to what is permitted on that site. However, the owner could request a rezoning outside the BSC district.

Mr. Keenan stated that businesses are reticent to trust in that process, which he understands based on his experience. His office property was in a PUD that specified exactly what was permitted, but it required two or three years to resolve an issue. Businesses do not like such a situation, and they do have rights under the current commercial zoning. He understands the business owner's perspective and concern in regard to the impact on his existing development rights.

Ms. Chinnici-Zuercher stated that her concern is that, due to the age of the PUD, the permitted uses are very vague. It was not written with the newer, more specific language.

Mr. Langworthy responded that the assumption is that the car dealership is the permitted use, which would continue.

Ms. Chinnici-Zuercher stated that there were two areas PZC recommended for commercial – the neighborhood center, and along the south side of SR 161, where it is currently zoned commercial, up to Shamrock. Planning staff recommends that area be zoned office. She requested where the line of demarcation would be.

Mr. Langworthy responded that it would be between Tommy's and the Shoppes of River Ridge.

Vice Mayor Salay asked if the Shoppes at River Ridge would be designated as "BSC Commercial," and everything to the east would be "BSC Office."

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Mr. Langworthy responded that is staff's recommendation. That area consists of approximately ten acres.

Mayor Lecklider stated that on page three of Mr. Dixon's January 12<sup>th</sup> letter, he indicates in the second bullet point: "Conversely, less appropriate uses along Bridge Street that are not allowed under BSC Office, but are allowed under BSC Commercial include: service stations, sexually oriented business establishments, vehicle sales, rental and repair. Less appropriate building types along Bridge Street that are allowed under BSC Commercial, but not BSC Office, are commercial centers and large format commercial buildings." In regard to the Byers property, would the same less desirable uses be allowed as well in the "Sawmill Center Neighborhood" district?

Mr. Langworthy responded that in the "Sawmill Center Neighborhood," vehicle sales are a Conditional Use. The other two uses are not permitted.

Mrs. Boring stated that those uses are allowed under "BSC Commercial."

Mr. Langworthy responded that the two are different. In "Sawmill Center Neighborhood," they are not permitted.

Mrs. Boring asked if the uses would be allowed along SR 161/US 33.

Mr. Langworthy responded that they would, by securing approval of a Conditional Use.

Mrs. Boring stated that those uses would then be allowed at an entryway to the City, by obtaining a Conditional Use.

Mayor Lecklider pointed out that the uses would not be adjacent to residential.

Mr. Langworthy stated that, ultimately, PZC would be the approving authority.

Mayor Lecklider stated that the City has not resolved the discussion with respect to sexually oriented businesses. His understanding from staff is that it is not possible to eliminate them altogether, and therefore, theoretically, such uses will be permitted in some location in the City.

Vice Mayor Salay asked about PZC's rationale for the map they recommended to Council. Were all changes requested by businesses accommodated in the recommended map, or were criteria used in evaluation of the requests?

Mr. Langworthy responded that PZC did not conduct an analysis of them on an individual basis. There was some discussion, but in general, PZC agreed with the rationale that was submitted by the property owners in their letters of request.

Vice Mayor stated that she attended a PZC meeting at which the property owners were testifying, indicating that they essentially did not like the proposed zoning and did not want it. This map reflects the testimony she heard at that meeting. But she is curious whether or not there was further discussion or analysis done regarding the requests by the Planning Commission.

Mr. Langworthy responded that the minutes reflect the discussion. He does not believe there were any requests from property owners that were not satisfied by the Planning Commission.

Ms. Chinnici-Zuercher stated that staff also supported the majority of the requests and, accordingly, made some changes in the text of the Code. She does not see that staff responded any differently than PZC.

Mr. Langworthy responded that staff believed that there were some items that were appropriate to change, but others were not.

Vice Mayor Salay stated that staff has indicated that they feel strongly about the zoning for the two areas described by Mr. Langworthy tonight.

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Mr. Langworthy added that they are the ones of most concern, particularly with respect to the way the Vision Plan has laid out the concepts of what is intended to occur -- both along the Corridor and the core residential area. As Council is aware, Greystone Mews is already in place at a very low density compared with the other densities. Sycamore Ridge is also in place, so there is not much residential property in the area remaining to develop. Therefore, every parcel of land that can be designated for residential will be essential to create the critical residential mass that is desired.

Vice Mayor Salay stated that, for her, it is as much about the Vision Plan. In regard to the parcel under discussion, it does not seem to be the best location for a car dealership long term. Certainly, there are other places within the community where car dealerships are appropriate. When considering this area, auto dealerships do not fit long-term for the vision. She understands that they have the right to be in place as they currently exist into the future. If Council votes to include these parcels within a residential area, she would hope the City would be able to work with them if they want to relocate or otherwise. She has heard this process described as taking away the rights of the businesses, but the City is working with them, and she envisions that will continue.

Mrs. Boring stated that she has concerns and is disappointed she was not more vocal at an earlier stage.

- When this Vision Plan was first presented to Council, in which the zoning for the Shoppes of River Ridge area was changed, along with other areas, she expressed concern to Mr. Dixon. He assured her that they had spoken with the property owners, and they were all supportive. However, that was not the case.
- Instead of treating this like a blank canvas, she wishes modifications had been made around the existing businesses versus treating this as a redevelopment situation. She believes that the City should treat everyone the same. Some property owners have objected, and staff has changed their classification from "BSC Office" to "BSC Commercial." If the City's Code is written to guarantee and hold everyone to a standard, why are some being changed and not others? As recently as last week, at the request of the property owners on Corbin's Mill, changes were made. Either everyone should be treated the same or Council should adhere to the original Vision Plan.
- Staff referred to page 17 of the Vision Plan, which reads, "Planning Foundations. The market analyst anticipates demand for approximately 100,000 square feet of additional large footprint office space over the next ten years, primarily at locations with excellent access to and visibility from I-270." She compared this Plan with the City's Community Plan. They share some of the same views, including a great concept for Historic Dublin. (She read language from the Community Plan and several examples in the Vision Plan.) She is disappointed that there is a mile of frontage along I-270 that has only one office/residential area, no hotel site, and no site for large footprint office. She is not convinced that either of the proposed maps will result in giving the City the original Vision Plan.

Mayor Lecklider asked Mr. Langworthy to respond to those concerns.

Mr. Langworthy asked if she is focusing on the light purple area on the map, the "Indian Run Neighborhood" district.

Mrs. Boring responded affirmatively.

Mr. Langworthy stated that he is not certain why she believes that large office will not be allowed in this district, because that will certainly be a prime location. They have already had discussions with that particular property owner.

Mrs. Boring asked why it is being zoned "Indian Run Neighborhood."

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Mr. Langworthy responded that "Indian Run Neighborhood" permits those types of office buildings.

Mayor Lecklider requested that Mr. Langworthy respond to the concerns about the "BSC Commercial" to the west.

Mr. Langworthy responded that has always been a difficult area. The location along Post Road and some of the redevelopment that occurs there is anticipated to be more favorable than exists today. The gateway that will occur is likely going to be past that point. Staff has always believed that the attention of the drivers at that location -- from I-270 down to Frantz Road -- is concentrated on the roadway itself versus the sides of the roadway. The City has extensive landscaping in place, particularly along the north side, to shield those areas. Therefore, most of that orientation will be more toward Post Road than toward SR 161, because no access is permitted there as it is a limited access area. Past Frantz/SR 161 intersection is an area in which there is a need to transition high-speed traffic down into Historic Dublin in a very short length of roadway. The design of that area will focus on that need. The primary issue with the "BSC Commercial" is the type of buildings permitted. The only district that permits by right the building type of a low, one-story retail building -- shopping center buildings -- is the "BSC Commercial." Those will be locations in which there can be those types of buildings. The multi-story buildings will occur more within the neighborhoods and the "BSC Office/Residential" areas. There will be the potential for higher buildings and greater intensities of development, and that is what the City hopes will occur. There is nothing within the "BSC Indian Run Neighborhood" to preclude high-value, high building office development from occurring.

Mr. Gerber stated that the Community Plan had the vision of high-rise commercial buildings along the I-270 Corridor, which may be what Mrs. Boring is referencing. Mrs. Boring responded that is her reference point, although she understands this is being updated and the Community Plan will need to be updated accordingly. However, some of the Community Plan philosophies were sound and are still applicable.

Mr. Gerber stated that it was his understanding that those high-rise buildings were included in the BSC Vision Plan, although this map may not reflect that. The map would more accurately depict the Vision Plan if some of those commercial buildings were noted on the map, in keeping with the long-time policy for the I-270 Corridor.

Mr. Langworthy responded that it is necessary to coordinate the map with the text. It is difficult to make the necessary interpretations between the text and the map. This is a more complex zoning scheme, and requires a significant amount of coordination to determine the permitted building types and the uses permitted in those building types.

Vice Mayor Salay stated that there is also undeveloped land north of I-270 between Sawmill Road and the river, which will hopefully develop as office in the future.

Mr. Gerber stated Council has discussed the BSC Code and Area Rezoning for the past two months. He supports the PZC recommended zoning map, and has no objections to the zoning changes requested to accommodate the two properties on Corbin's Mill Drive. He is not certain what further discussion is needed before voting.

Mrs. Boring stated that although Mr. Langworthy's explanation is helpful, she does not understand how land will remain available for that type of freeway office development, given what else is permitted. If a development proposal is consistent with what the Code permits, she does not see how it could be disapproved.

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Mr. Langworthy responded that there is a large amount of available land in that location. What exists there today will not exist in the future; there will be a completely different arrangement.

Mrs. Boring stated that she remains concerned that the City will not achieve a "gateway appearance" with such one-story buildings. She is not convinced it will be possible to preserve land for hotels or office buildings along I-270 where these users can have the visibility and access they desire. It may be a permitted use, but what will happen if the land is already zoned? How is a balance of office/commercial use from the perspective of income tax revenue to be achieved in that area?

Mr. Langworthy responded that those will ultimately be future market-driven decisions, made by the property owners. The City can only allow for the possibilities to occur -- it cannot force something to be built for which there is no market.

Mrs. Boring stated that the City typically "holds out" to obtain the highest/best use, because that is the City's vision. Now, the indication is that it will be entirely market-driven. She does not see how the City can assure that type of mix.

Mr. Gerber said that it will depend upon how the BSC is marketed. If someone else owns the land, the market will drive their decisions. The best chance to achieve what is desired to occur is with the map proposed by PZC. The area in which buildings are visible from I-270 is the "Indian Run Neighborhood" -- OCLC up to the northeast corner -- the "Sawmill Center Neighborhood." The area from Riverside/Tuller allows for that as well, but it is much less visible. He believes her concerns are addressed.

Ms. Grigsby stated that she does not believe the market will support or allow for all of that area to be residential or multi-family -- this area is currently being closely reviewed. In the past, development in the City was of low density. Now that the City will allow higher densities in this corridor, more development will be possible. There is the potential for different types of development in that area. The property owners have had discussions with commercial office developers and others who are interested. There is a big demand for that type of development in that specific area. There will be a mix of development in order to support the vision.

Mrs. Boring asked why that cannot be depicted on the zoning map.

Ms. Grigsby asked if her desire is to make the "Indian Run Neighborhood" zoning district more restrictive.

Mrs. Boring responded that she would like to do that for the area along the freeway. A request for rezoning is always possible, so such a strip could be added along that area of the freeway.

Mr. Langworthy stated that staff could add a special notation in the Community Plan emphasizing what is desired along I-270.

Mayor Lecklider asked about the "BSC Commercial" to the west, along SR 161/33, west of Frantz Road, and the area just to the east of it. Does she believe that such zoning is not appropriate as the gateway?

Mrs. Boring responded affirmatively. The presentations and photos that have been provided to Council depicting this area depict something large scale. The Code indicates that it could be one-story, horizontal buildings -- and that should be updated. She also objects to making changes to the zoning categories for some who have requested changes and not for others. She acknowledged that the Code does allow every business to continue as it exists.

Mayor Lecklider asked if she would support changing the "BSC Commercial" over staff's objections.

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Mrs. Boring stated that it is not her intent to change something over staff's objections. However, she understood that the City had adopted a Vision, but is now approving something quite different for the freeway exit onto US 33/161.

Mayor Lecklider asked if her assumption is that the existing Kroger store and Roush Hardware would not object to a change in zoning designation on their parcels, as have the businesses east of the river, including Oakland Nursery, Tommy's Pizza, etc. Mrs. Boring stated that she is considering the property along I-270 and US33 -- not any properties on the east side of Frantz Road.

Mrs. Chinnici-Zuercher stated that perhaps the issue is more about broadening the definition than it is changing the Code. There are buildings now within that area that are not one story, so they are not currently meeting that definition.

Mr. Langworthy responded that the definition would not preclude them; it would include them as well.

Ms. Chinnici-Zuercher stated it was her impression that along the Corridor, or even along I-270 north of Tuller Road, the City's desire was ultimately to have something bold and different over time. The intent was that this area would have a "wow factor" -- a sense of difference -- and that living, working and entertainment in this area would have a different energy than exists in other parts of the community. As a result, it might attract different kinds of businesses and a broader segment of residential population. She does not know how that vision can be translated into this map. That does not mean Council should not vote on this map until that is accomplished. There have been many writers involved in this, and they have not been able to capture the comfort level that everyone desires. For that reason, there was some discussion about having a picture book, a visual available to everyone, which could help articulate what Council wanted to share with the community. People are looking for that in a community such as Dublin. Mrs. Boring seems to be concerned that the words and color designations on the map do not accurately depict the City's intent, but that is not easy to achieve. This is a "work in progress," and Council needs to move forward and approve this so the City can work with the development community as this unfolds.

Vice Mayor Salay stated that she is surprised with where Council now is with this initiative, given the importance of this matter and the time, money and energy that has been invested as a community with speaker series, the workshops, charettes, public comment sessions, consultant team and staff time. It has been a huge undertaking for the community, one that is receiving national attention. Dublin has an opportunity to lead the region and to be a national leader in how to develop and redevelop an outer-ring suburb. Dublin is poised on the edge of a great undertaking, but is not willing to take a risk. That willingness to take a risk, along with the partnerships in the community and Dublin's affinity for calculated risk -- is what set Dublin apart as a community. In her opinion, no opportunity has existed since any of the present Council members have been serving that could more positively impact the community than the Bridge Street Corridor. Council has approved the BSC Code, which is very different, very dynamic, with a different approach to development and re-development. This area is not a blank slate, which is challenging. The City has considered everything and listened to the property owners, which is a hallmark of this community. The City has considered their needs and concerns, and attempted to respond to their issues concerning financing and insurance. She believes that Council should support the staff recommended map as it will ensure the Vision that Council has adopted will be achieved. The BSC zoning text will accommodate existing businesses who want to continue as they presently exist. Goody-Clancy wrote a very thoughtful letter about why it is important that Council support what the staff and consultant have recommended. That is what is guiding her decision to support the

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zoning map recommended by staff. She believes she is in the minority on this issue, however, based on the comments. She will be disappointed if Council chooses to do otherwise.

Mr. Keenan stated that is it not fair to characterize this as anything other than a work in progress. There will be changes as it moves forward. The PZC invested their time in reviewing the recommended map. He believes Council needs to act on this and move it forward, with changes made at a later date if needed.

Mr. Gerber stated that the Planning and Zoning Commission spent time and gave the residents an opportunity to be heard. That is a core value embraced in Dublin.

Mrs. Boring stated that there has been more than one vision circulated. But in the end, the vision must be Council's -- not the consultants' or the staff's vision. The BSC Code, which was recently approved, is something different for the City, and this will be something different as well. She is ready to vote on this matter.

Mr. Keenan moved to approve Ordinance 08-12 with the February 2, 2012 proposed zoning map recommended by the Planning and Zoning Commission, and including the additional zoning changes requested by the owners of the properties located at 48 and 64 Corbin's Mill Drive (from BSC Historic Transition Neighborhood to BSC Commercial).

Mr. Gerber seconded the motion.

Vote on the Ordinance: Vice Mayor Salay, yes; Mayor Lecklider, no; Mr. Gerber, yes; Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Mr. Langworthy thanked Council for their time, patience and thoughtful consideration.

(Vice Mayor Salay left the Council Chambers at this point.)

(Mr. Reiner returned to Council Chambers at this point.)

## **Ordinance 17-12**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.144 Acres, More or Less, Fee Simple Interest that is Present Road Occupied, and a 0.080 Acres, More or Less, Permanent Utility, Grading and Drainage Easement from Walter L. Shier and Carol Shier, William Sorden and Mary Ann Sorden, Robert E. Shier and Linda L. Shier, and Mark A. Shier and Rene E. Shier.**

Mr. Hammersmith stated that this is a proposed acquisition for the Cosgray Road/Shier Rings Road roundabout from property owned by the Shier family on the north side of Shier Rings Road, west of Holiday Lane for the appraised amount listed in the staff report.

There were no questions.

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

## **Ordinance 18-12**

**Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance No. 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Incorporating Certain Job Classifications and Corresponding Pay Grades.**

Mr. Harding provided a memo to Council for the first reading. There are no changes to report. He offered to respond to questions.

There were no questions or comments.

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Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Reiner, abstain; Mayor Lecklider, yes; Mr. Gerber, no; Mr. Keenan, no.

Mr. Keenan commented as follows:

*"My vote this evening does not reflect on the professionalism or ability that the person proposed for this position brings to the table. His main objections are as follows:*

- 1. I am still uncertain about how this position fits into our organizational chart. What are the reporting lines? How does that impact our Planning staff?*
- 2. It seems unfair to me that the Planning staff that has worked so diligently to bring the Bridge Street Corridor process to finalization with respect to the Code now may potentially take a back seat. There was an incredible amount of work involved in bringing this process to the final stage. Now that it is done, I am not clear about Planning staff's role in what will be an exciting chapter for all those involved in land use planning. It seems to me that "Lucy has pulled the football away" right when we are ready to kick the field goal.*
- 3. The compensation seems very out of balance to me for a part-time position, especially in light of the payroll moratorium we imposed over a year ago and the modest payroll increase we asked everyone to accept last year. I also do not understand how we determine accountability for hours worked in this part-time structure.*
- 4. My business experience tells me an employee serving two employers rarely works well or works out at all. It is very difficult to serve two masters, especially two who have been at odds with each other in the past.*
- 5. The Administration argues that this is an extremely important position, and that is probably so. If that is the case, then perhaps we should research the qualifications and job duties of the position; assess what other public entities have done; find some comparable compensation numbers; and proceed with a full-time person who can devote all of their time and energy to this vision. From a business and organizational chart perspective, I would then recommend that person report to either the Director of Land Use and Long Range Planning or Economic Development. If this passes tonight, it is my sincere hope that I am wrong about my assumptions and concerns."*

Mayor Lecklider asked Mr. Reiner to clarify his abstention on this matter.

Mr. Reiner responded that he is not abstaining on this matter, but is voting "yes" on Ordinance 18-12.

(Vice Mayor Salay returned to Council Chambers at this point.)

Vote on Ordinance 18-12(continued): Mr. Reiner, yes; Vice Mayor Salay, yes.

(Ordinance 18-12 was approved by a vote of 5-2.)

(It was the consensus of Council to waive the reading of Ordinance 19-12.)

## **INTRODUCTION/FIRST READING – ORDINANCES**

### **Ordinance 19-12**

**Modifications to Chapter 153 (Zoning Code) of the Dublin Code of Ordinances to Add Section 153.237 Administrative Review Team, Modify Sections 153.016 Designation of Zoning Districts, 153.038 District Uses, 153.042 Development Approval Process, 153.044(B) District Uses, 153.173 Board Order Procedure, 153.158 General Requirements for Temporary and Permanent Signs, 153.232 Planning and Zoning Commission and 153.234 Amendments and to Delete Sections 153.035 Historic Residential District, 153.036 Historic Business District, 153.043 Definitions, 153.044(I) Use Definitions (Innovation Districts) and 153.115 Corridor Development**

**District, While Retaining the Section Numbers for Future Use.** (Cases 12-009ADM and 12-014ADM)

Ms. Chinnici-Zuercher introduced the ordinance.

Ms. Husak stated that this ordinance amends many of the chapters within the Zoning Code to reconcile them with the recently adopted Bridge Street Corridor Code. The other amendments relate to the Sign Code. In January, Council requested that staff review these sign code provisions.

1. They have been working with the Planning and Zoning Commission at their February and March meetings to identify a way to amend Dublin's sign code to allow companies to display their logos using the official colors of their logo. Accordingly, they have created a definition in Dublin's sign code for a logo. The Planning Commission wanted to ensure that the logo is a trademark or a registered corporate identifier. The Code currently includes a definition for a secondary image and a primary image. Thus far, secondary images have been the logo or any other extraneous information on the sign. They wanted to differentiate between the logo and the secondary image, so any kind of additional language, symbols or graphics would be differentiated from the logo. Therefore, in addition to the definition of a logo, the secondary image definition was updated, as well. At the Commission's request, a design intent paragraph was also included, which encourages more creativity and quality in the sign design than the Code currently requires. The amendment also permits any corporate trademark or symbol that is used as a logo or a secondary image on the sign to have as many colors as necessary to display their logo as it is registered. The colors of the logo would count as one color; any other colors would be limited to two.
2. Included in staff's memo is a summary of the other amendments to the Code to reconcile it with the Bridge Street Corridor Code. This includes updating the table of Zoning District Names, deleting the Historic District, which is now called the "Bridge Street Corridor Historic District." The CDD language has also been deleted, because the BSC Code addresses that as well.

Ms. Chinnici-Zuercher asked if the term "prices" as used at a gas station is considered part of the sign.

Ms. Husak responded that it would be part of any secondary image. Gas stations are required by State law to display their prices.

Mrs. Boring requested clarification.

Ms. Husak responded that any business can use the secondary image to display their prices.

Mrs. Boring asked if that could be restricted to gas stations only.

Ms. Husak responded that staff is very cautious about restricting any sign content.

Ms. Chinnici-Zuercher stated that she attended the PZC meeting at which this subject was discussed. Staff provided many examples, and through the visuals, staff and the Commission worked to find the language that would achieve the City's intent for the changes.

Mrs. Boring requested some examples.

Ms. Husak reviewed several examples and described what the revisions to the sign code would permit.

Mrs. Boring summarized for clarification purposes that if a sign of 100 square feet is permitted, 20% of that total size, or 20 square feet, is permitted for a sign limited only to a logo.

There will be a second reading/public hearing at the April 23 Council meeting.

**Ordinance 22-12**

**Authorizing the Provision of Certain Incentives to Ohio University to Induce it to Establish an Extension Medical School Campus, an Education and Research Campus, as Well as Other Economic, Education and Research Development Related Initiatives; and Authorizing the Execution of an Economic Development Agreement.**

Mr. Gerber introduced the ordinance.

Mr. McDaniel stated that staff has been in discussion with Ohio University regarding a potential establishment of an extension of their College of Osteopathic Medicine and an education/research campus in Dublin. He introduced members of the Ohio University team present: Dr. Pam Benoit, Executive Vice President and Provost; Donna Goss, Development Director; John Biancamano, General Counsel. Also present is Daniel Kayne, Kayne Law Group, who has been working with the OU team. Not present tonight is Steve Golding, Chief Financial Officer.

Pam Benoit, Ohio University, Executive Vice President/Provost, noted that she appreciates the opportunity to speak to Council tonight about Ohio University's vision for an extension campus. This is a vision of the College of Osteopathic Medicine; a vision for the Osteopathic Heritage Foundation with their gift of \$105 million; and also a vision for Ohio University and an extension campus that involves even more than the medical campus. She thanked Ms. Grigsby and Mr. McDaniel, who worked closely with them to draft the proposed agreement. She reviewed some of their goals for 2012-2017 and their timeline:

- Complete the Post Road purchase and Dublin conveyance. Today, at the Controlling Board, there was approval for the purchase by a unanimous vote.
- The next goal is for the OU-HCOM (Ohio University Heritage Osteopathic College of Medicine) extension campus renovations and accreditation, assuming the process continues as expected with Dublin.
- They are interested in discussion of Allied Health programs as part of the site development – not only with the medical campus, but also Allied Health programs that would be integrated with the medical school campus.
- Completion of Subarea 2 Master Planning, defining and implementing future program growth opportunities for this extension campus.
- Individual subarea programming and development plans.
- Completion of major site development/improvements by 2017.

They are doing various kinds of visioning for this site.

- In 2012, they are working on the Post Road development and purchase and the Dublin conveyance; refining the vision; identifying resources to accommodate future programs, beginning to identify renovations needed on the Post Road property in order to have the medical school in operation by the fall of 2014.
- In 2013, begin master planning study for Subareas 1 and 2, and perhaps Subarea 3. As outlined in the materials, they would like to work closely with the City for the kinds of properties, etc. that could go into that subarea that would benefit both the City and Ohio University. One example would be a hotel conference center, which would benefit both the City and OU.
- Developing administration buildings in the site selection and design area as part of the 2013 plans.
- In 2014, anticipate beginning construction on the hotel conference center, in conjunction with public/private partnerships. At the same time, for Subarea 2 and 3, begin to develop plans for daycare facility or residential housing to support the kinds of activities planned for the campus.
- Completion of the OU-HCOM renovations.
- In 2015, identify collaboration activities for arts and culture facilities for Subarea 3. In Subareas 1 and 2, complete master plan, looking at lab facilities and

incubator space, and site selection for simulation facilities. Simulation facilities would be a natural for the Allied Health area.

- In 2016, construction of the daycare facility, completion of the Allied Health facility and Administration facility supports and programmatic areas; site selection and design development for research and corporate co-location space. They would anticipate that the hotel and conference center that would support executive programs they believe they can develop in that space would begin by fall 2016. The PMBA program has already been offered in Dublin, and an executive space would be an ideal location for offering that kind of program again.
- In 2017, a design/build/relocation project. They already have a check cashing facility that is in part of the building that is on the Post Road property. They could relocate that into Subarea 3 and expand the new HCOM facility to accommodate some potential increases in that facility.
- Complete the master planning in 2017.

She emphasized this is a loose sketch of their plans, but should provide a flavor of the kinds of things they are planning. They went through a very systematic process in considering various sites for this kind of a facility, and they chose Dublin. They believe this project will also bring great economic development opportunities to the City by locating this type of an expansion campus in Dublin. They are very excited about the kinds of collaboration that will be possible with the City of Dublin in the future. She offered to respond to questions.

Mr. Keenan stated that the City would be interested in a hotel conference center as well. He noted that she mentioned private/public partnerships.

Ms. Benoit responded that is one possibility. Higher education has become very creative about different ways in which projects can be financed.

Mr. Keenan asked if they anticipate a brand name hotel having interest in this project.

Ms. Benoit responded affirmatively. Dublin Methodist is also very interested in a hotel conference center facility, so there are opportunities for different kinds of partnerships.

Mayor Lecklider stated that Council is excited that Ohio University has selected Dublin as the location of this extension campus. In conversations with staff, he assumes she has heard some of the history of this particular land. Council feels fortunate to have it available for this particular opportunity. The City is also proud to be home to Dublin Methodist Hospital, which is in the early stages of their long-term plans for this facility. There are clearly some synergies for both Ohio University and Ohio Health going forward. Council looks forward to a strong partnership with Ohio University.

There will be a second reading/public hearing at the April 23 Council meeting.

**INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS**

**Resolution 18-12**

**Accepting the Lowest/Best Bid for the City of Dublin 2012 Sewer Lining Project Phase 2.**

Mr. Gerber introduced the resolution.

Mr. Hammersmith state that is the bid acceptance for the second phase of the 2012 sanitary sewer lining project. This phase includes over nine miles of sanitary sewer, the smallest of which is an 8-inch diameter and the largest of which is an 18-inch diameter. A component of this project consists of lining the sewers north of Glick Road in the vicinity of Dumfries Court East, the location where there were sanitary sewer back-ups and water in basements in December of 2011. Staff is confident that this will remedy that situation and reduce the inflow and infiltration that is being experienced in that system, particularly in the entire Deer Run sanitary sewer tributary area. Several bids were received and Reynolds Inliner was the apparent low bidder at

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\$1,573,327. Reynolds recently completed the first phase of the 2012 program, across the Muirfield championship golf course. Staff recommends award of the bid to Reynolds Inliner. The work will begin after the Memorial Tournament and be completed around the beginning of December 2012.

There were no questions.

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

## **Resolution 20-12**

**Intent to Appropriate a Combined 0.360 Acres, More or Less, Fee Simple Interest, a 1.418 Acres, More or Less, Fee Simple Interest that is Present Road Occupied, and 0.514 Acres, More or Less, Permanent Easement from Subsidiary Development Corporation.**

## **Resolution 21-12**

**Intent to Appropriate a 0.093 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property from Jason R. Huffman.**

## **Resolution 22-12**

**Intent to Appropriate a 0.110 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property from Mitchell E. Haaf and Kimberly S. Haaf.**

Mayor Lecklider moved to waive the Council Rules of Order to consider Resolutions 20-12, 21-12 and 22-12 together, to introduce the three resolutions, and to have the Clerk read the titles of the property owners into the record.

Ms. Chinnici-Zuercher seconded the motion.

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

Mr. Hammersmith stated that these resolutions relate to right-of-way, easements, and temporary easement acquisitions associated with the Cosgray/Shier Rings Road roundabout project. The staff report provides details, and he can respond to any questions. Staff recommends approval of these three resolutions.

Vote on Resolutions 20-12, 21-12 and 22-12: Mr. Reiner, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes.

## **STAFF COMMENTS**

Ms. Grigsby reported:

1. On the dais tonight is information regarding some of the work being completed in the Muirfield area by AEP. This information was received after the packet distribution, and provides details about outages scheduled to occur this year as a result of some of the work. It defines the area and indicates that the outages anticipated will range from a few minutes to a few hours. AEP and the City of Dublin are notifying and providing information to the impacted residents.
2. As Council members who attended the Hidaka luncheon on Friday are aware, Myra Caplinger fell and broke her ankle when leaving the event. She had surgery on Saturday morning and came home today. She will begin physical therapy in a couple of weeks, but the injury will require her to be off her feet for two to three months. Myra thanked Council for their thoughtfulness in sending flowers and thanked the Washington Township medics who responded to the scene for their excellent care while transporting her to the hospital.

## **COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE**

Mr. Keenan reported:

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1. Ms. Setterlin and the City horticulture crew were in their neighborhood recently and worked with the Association to identify additional areas for honeysuckle removal. The neighborhood is very engaged in this effort. He is aware that the City's Volunteer Administrator is sharing this information with other neighborhoods.
2. The Brand/Dublin Road roundabout plantings are very striking, and he thanked Parks for their efforts in beautifying these areas.
3. In regard to power outages, he asked that the City and AEP make certain that the businesses are notified as well as the homeowners. He has experienced some outages at his office at Post and Avery-Muirfield, and having notice in advance would be very helpful to businesses.

Ms. Grigsby stated that staff and AEP have been in close communication with both residents and businesses affected by the outages.

Mrs. Boring commented that the area where Ohio University plans to develop is a very special location, and there have been some previous development proposals that did not move forward. Tonight was an exciting development for this area, and she is very pleased that Ohio University will help the City to achieve their vision for this area.

Ms. Chinnici-Zuercher commented:

1. A memo was provided in the packet from Mr. Hahn regarding the Dublin Arts Center improvements, with the request that this funding be from hotel-motel tax revenue. She asked why this type of upgrading is not included in the City's CIP budget.

Ms. Grigsby responded that this funding source is an option as well. The discussion previously was that some of the improvements to the facility could be funded through the hotel-motel tax funds, but the CIP budget can accommodate this as well, if Council desires. Staff recommends this be funded through hotel-motel tax revenues, as this is one of the allowable uses for those funds. Staff will follow Council's direction about their preferred option.

Ms. Chinnici-Zuercher moved to fund the Dublin Arts Center improvements, as outlined in the staff memo, at a cost of \$80,000 from the hotel-motel tax funds.

Mr. Gerber seconded the motion.

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

2. Regarding the memo about the 2012 Community Plan update, she asked for clarification that the work is being done by staff and not by consultants, and that Council will not be requested to approve additional funds for this project.

Ms. Grigsby confirmed this is correct.

3. The National League of Cities has published information regarding a toolkit, focusing on supporting entrepreneurs and small businesses. A number of large cities are listed in this report, but Dublin is not. She encouraged the City to participate and submit information about the efforts underway in Dublin. It is important for small cities to receive credit for the work they do in this area as well.
4. In a recent edition of *This Week* newspaper, it indicated that New Albany has a policy where they will bring proposals forward for economic development agreements with unnamed companies. She does not recall this occurring in Dublin and asked if this is permissible under Dublin's Charter. The article indicated that New Albany amended their charter in 2009 to permit this.

Ms. Grigsby stated that Dublin has not engaged in this practice. At the point that a proposal is brought to City Council, the company is identified in a draft agreement for Council's consideration. The City has not had requests from prospective businesses to handle this in a different manner. Discussions do occur at staff level prior to an EDA

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being brought to Council, and if land acquisition is involved in an EDA, that can be brought to Council in executive session for discussion of that component. Staff does not have intentions of bringing agreements forward with unnamed companies.

Ms. Chinnici-Zuercher responded that she is not encouraging this, but wanted clarification.

Mr. Gerber commented that New Albany typically offers different incentives than those offered by Dublin.

Ms. Grigsby responded that the majority of New Albany's EDAs relate to property tax abatement. They have a considerable area identified as tax abatement property. New Albany has provided other incentives in the past, but the majority involve property tax abatement. She is not certain why they choose to bring forward an agreement to Council prior to identifying the company.

Mr. Keenan stated that perhaps it is related to permissible items for executive session. Hilliard recently amended their charter to allow executive sessions.

5. Was very impressed with Mayor Coleman's recently announced plans to remove the river dam downtown and how it will change the face of the Scioto River. In reading this, she recalled Council's discussions about changes in Riverside Drive and what that could open up for the City in terms of parks and pedestrian use of the river. She continues to encourage the City to be as bold as Columbus in regard to the riverfront areas, as it does dramatically change the face of the community and what can be offered.
6. The Finance Committee of the Whole met at 6 p.m. tonight and the reports from staff indicate that the City is in excellent financial health. This is due to efforts by Finance, Economic Development, and the City Manager and Council in being deliberate about setting goals in regard to retention and expansion of existing businesses, as well as strategies to attract new businesses. Hats off to everyone!

Vice Mayor Salay reported that she attended her first meeting with staff and the Planning & Zoning Commission Chair in her role as Council liaison to the PZC. If any Council Member has feedback they would like her to provide to the Commission, she welcomes that input.

Mayor Lecklider reported:

1. On April 4, he was joined by Ms. Chinnici-Zuercher and Mrs. Boring at the annual Board and Commission Celebration of Service at the Golf Club of Dublin. It was a very nice event, and the Dublin Coffman High School Jazz Ensemble provided an enjoyable performance following the award presentations. This event was a reminder of the value of the City's board and commission members and the staff who support them. There were members honored who had served the City for many years, and this was an opportunity to express Council's gratitude for their dedication and service. It was also an opportunity to thank those current members who are continuing in their service as board and commission members.
2. On April 19, he will join several others at the Dublin Branch library to read to students, as discussed earlier this evening.
3. Last week, the City hosted a meeting for the leadership of the homeowners associations in Dublin. It was held in the Abbey Theater, and staff did an excellent job with the presentations. The homeowners group was very appreciative of the City's efforts with these biannual meetings. A new business in BriHi Square, Bad Frog Frozen Yogurt provided desserts for the group.

The meeting was adjourned at 9:27 p.m.

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Mayor – Presiding Officer

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Clerk of Council