

May 7, 2012

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

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, Ms. Readler, Mr. McDaniel, Ms. Mumma, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Hammersmith, Mr. Langworthy, Ms. Puskarcik, Mr. Tyler, Ms. Ott, Ms. Kennedy, Ms. LeRoy and Ms. Husak.

SPECIAL PRESENTATION/PROCLAMATIONS

- Update from Leadership Dublin – David Cecutti

Mr. Cecutti, Council representative to the Board of Leadership Dublin reported that Karen Hardin is the new Program Coordinator for Leadership Dublin. She was not able to be present tonight, due to a scheduling conflict. He asked the Board Members in the audience to stand to be recognized. He noted the following:

- The role of Leadership Dublin is to prepare future leaders to serve the community. They now have over 325 either founding members or members who serve in all capacities across the City of Dublin – including City Council, the Community Services Advisory Commission, and many other community organizations.
- Sponsors of Leadership Dublin include the City of Dublin, Dublin Chamber of Commerce, Cardinal Health, Dublin A.M. Rotary, Columbus Financial Concepts, H&R Block, Rea and Associates, IceMiller LLC, and the Smiley Dental Group.
- There are 22 members in the current class and the graduation ceremonies will take place on Thursday evening at OCLC. Support from the City, School District and Washington Township has been very valuable to the program development. A highlight of each year is the evening dinner and Q&A with City Council Members.
- A cornerstone project is the Community Service Day held in May each year; this year, 250 volunteers participated and helped with various tasks at 30 senior citizen homes.
- Class projects this year included "Dublin Works," which supports special needs students in the community in terms of placement for jobs; the Bicycle Ambassador Program, which is an outgrowth of the Bicycle Advisory Task Force; and the Dublin Educational Fund, designed to increase awareness and understanding of the mission and visibility for the Fund. They also have a great youth program for middle school students, and may add another session due to its popularity.

He thanked Council for their continued support and engagement, and noted that Leadership Dublin invites their suggestions going forward.

Mayor Lecklider thanked him for the update, noting that Council appreciates all of their efforts.

- Building Safety Month

Mayor Lecklider presented a proclamation to Chief Building Official Jeff Tyler and Washington Township Fire Marshal Alan Perkins in recognition of May as Building Safety Month.

Mr. Tyler noted that the City Building Department and Township Fire Department work well together to ensure safe structures in the built environment in Dublin. On May 10 at 8:15 a.m., the first annual Dublin Community Construction Industry Forum will be held at the Rec Center in the Tallas. Speakers on various educational topics will be

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offered to both commercial and residential construction companies and the public who attend. Articles will be featured each month on the website, addressing various aspects of building safety. An appreciation event will be held at the Memorial Tournament for construction industry personnel who work with the City.

- Recognition of Senior Planner Carson Combs

Mayor Lecklider presented a proclamation to Carson Combs, AICP, ASLA, Senior Planner with the City, who has resigned after 14 years of service to the City in order to work full-time in their family honey and herb farm operation – Mockingbird Meadows. Mr. Combs thanked Council for this special recognition, noting he has had the opportunity to work on many great projects with the City, especially in working with the community to establish their plan for the future. His career in Planning with Dublin has been a wonderful experience. He and his wife have made the decision to devote full-time to their farm at this time. He appreciates the support he has had from Council, the Planning & Zoning Commission and staff over the past 14 years. It was a privilege to serve the City of Dublin in such a rewarding role.

Ms. Chinnici-Zuercher noted that she will look forward to visiting their booth at the Dublin Farmers’ Market this summer and wishes him much success.

Mayor Lecklider thanked him for his service and wished him luck in his future endeavors.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin stated that at the last meeting, he noted his concerns regarding the “weaponization” of society and that the laws favor citizens carrying weapons. Some people later asked him what point he was trying to make with his comments. To clarify, his intent was to bring forward a legislative proposal. He explained the reasons for his gestures made at the last meeting, which could have been interpreted as threatening. Instead, they related to a family discussion about his family’s belief that he needs to carry a gun. He is still very concerned with the rising omnipresence of weapons being carried by citizens as he had his fill of guns after serving in the army. He has never wanted to own a gun. If possible, he is proposing that Council approve legislation to have a metal detector at the front door to the City building. This may generate some complaints, based on his experience in visiting county buildings, but it may cause some to think about the issue.

Mayor Lecklider responded that Council appreciates his suggestion. As Mr. Maurer attends all Council meetings, he has likely noticed that the City has a Police officer in attendance at each meeting. The Police Chief and his staff are constantly evaluating security in this building and if additional measures are necessary, the City will certainly implement them. Council appreciates his suggestion.

CONSENT AGENDA

Mayor Lecklider noted that two 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 actions requested for the two items as proposed on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

Mr. Keenan asked if he must abstain from voting on the minutes because he was not present at the meeting.

Ms. Readler responded that it is not necessary to abstain from voting on the minutes of a meeting where he was absent.

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

1. Approval of Minutes of April 23, 2012 Council meeting
2. Notice to Legislative Authority – D5 and D6 liquor permits – change of stock ownership – Thomas & King Inc., 6669 Dublin Center Drive, Dublin, OH

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SECOND READING/PUBLIC HEARING – ORDINANCES

Mayor Lecklider moved to waive the Council Rules of Order to consider Ordinances 24-12, 25-12 and 26-12 together, as they are all appropriation ordinances related to the Cosgray/Shier Rings Road roundabout project, and to have the Clerk read the names of the property owners into the record.

Mr. Gerber seconded the motion.

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

Ordinance 24-12

Appropriating a Combined 0.360 Acres, More or Less, Fee Simple Interest, a 1.534 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property, and a 0.514 Acres, More or Less, Permanent Easement from Subsidiary Development Corporation, and Declaring an Emergency.

(Cosgray Road/Shier-Rings Road Roundabout)

Ordinance 25-12

Appropriating a 0.093 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property from Jason R. Huffman, and Declaring an Emergency.

(Cosgray Road/Shier-Rings Road Roundabout)

Ordinance 26-12

Appropriating a 0.110 Acres, More Less, Fee Simple Interest that is Present Road Occupied Property from Michael E. Haaf and Kimberly Haaf, and Declaring an Emergency. (Cosgray Road/Shier-Rings Road Roundabout)

Mr. Hammersmith stated that these are appropriation ordinances involving three property owners. He reviewed the location of the properties on slides. Staff is recommending approval of these ordinances by emergency action in order to proceed with advertising the project for bid tomorrow.

There were no property owners present to provide testimony.

Mr. Reiner moved for emergency passage of Ordinances 24-12, 25-12 and 26-12.

Vice Mayor Salay seconded the motion.

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

Vote on Ordinances 24-12, 25-12 and 26-12: Vice Mayor Salay, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Mayor Lecklider moved to waive the Council Rules of Order to consider Ordinances 27-12 and 28-12 together, as both are related to the Corbins Mill Drive sidewalk improvements, and to have the Clerk read the names of the property owners into the record.

Vice Mayor Salay seconded the motion.

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

Ordinance 27-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.023 Acres, More or Less, Permanent Sidewalk Easement, and a 0.054 Acres, More or Less, Temporary Construction and Grading Easement from William G. Robson. (Corbins Mill Drive Sidewalk Improvements - 2011 Street Maintenance Phase 2)

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Ordinance 28-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.025 Acres, More or Less, Permanent Sidewalk Easement, and a 0.035 Acres, More or Less, Temporary Construction and Grading Easement from Kevin O'Connor and Karen O'Connor. (Corbins Mill Drive Sidewalk Improvements - 2011 Street Maintenance Phase 2)

Mr. Hammersmith stated that this project is a carryover from last year's Street Maintenance Program Phase 2. These two acquisitions will allow construction of a sidewalk along the east side of Corbins Mill Drive, south of Bridge Street. He shared a slide depicting the location of the two properties. Staff recommends approval of these ordinances.

Ms. Grigsby added that both of the property owners are dedicating the property to the City at no cost.

Mr. Keenan noted that he spoke to Mr. Robson about this project. Mr. Robson has the understanding that the existing steep driveway will be improved as a result of the dedication and the sidewalk relocation.

Mr. Hammersmith responded that is correct. Dublin's standards require that sidewalks have no greater than a two percent cross slope and that will be the case on his driveway, which will greatly improve the driveway access.

Mr. Keenan asked that a letter be sent to the residents to thank them for dedicating the right-of-way at no cost.

Mr. Hammersmith responded that this would be done.

Vote on Ordinances 27-12 and 28-12: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes.

Mayor Lecklider moved to waive the Council Rules of Order to consider Ordinances 29-12, 30-12 and 31-12 together, as they are related to bikepath connections, and to have the Clerk read the names of the property owners into the record.

Mr. Gerber seconded the motion.

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

Ordinance 29-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.010 Acres, More or Less, Multi-Use Path, Drainage and Grading Easement, and a 0.238 Acres, More or Less, Temporary Construction and Grading Easement from Italia Homes, Inc. (Bikepath connection-2011 Street Maintenance Phase 2)

Ordinance 30-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.040 Acres, More or Less, Multi-Use Path, Drainage and Grading Easement, and a 0.134 Acres, More or Less, Temporary Construction and Grading Easement from Stoneridge Medical Office Center LLC. (Bikepath connection-2011 Street Maintenance Phase 2)

Ordinance 31-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.035 Acres, More or Less, Multi-Use Path, Drainage and Grading Easement, and a 0.106 Acres, More or Less, Temporary Construction and Grading Easement from National Church Residences of Dublin II. (Bikepath connection-2011 Street Maintenance Phase 2)

Mr. Hammersmith stated that this project is a carryover from last year's Street Maintenance Program Phase 2. These three ordinances will allow construction of a

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shared use path along the south side of Stoneridge Lane, west of Dublin Center Drive. He shared a slide depicting the location of the properties. The connection will be to the Martin Road Park, located on the north side of Martin Road, extending immediately north and then east around the property to Stoneridge Lane to Stoneridge Medical Center and west to National Church Residences. These are the conveyance documents and agreement has been reached with the property owners. Staff recommends approval.

Mayor Lecklider stated that letters should also be sent to these property owners expressing the City's gratitude for their donations.

Vote on Ordinances 29-12, 30-12 and 31-12: Mr. Reiner, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mr. Keenan, yes; Mayor Lecklider, yes; Ms. Chinnici-Zuercher, yes.

Mayor Lecklider moved to waive the Council Rules of Order to consider Ordinances 32-12 and 33-12 together, as they are both related to the Cosgray/Shier Rings Road roundabout, and to have the Clerk read the names of the property owners into the record.

Vice Mayor Salay seconded the motion.

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

Ordinance 32-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a Combined 0.224 Acres, More or Less, Fee Simple Interest, a 2.067 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property, a 1.199 Acres, More or Less, Permanent Easement, and a 0.410 Acres, More or Less, Temporary Construction Easement from S.R. Associates. (Cosgray Road/Shier-Rings Road Roundabout)

Ordinance 33-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.108 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property from Ima Moore. (Cosgray Road/Shier-Rings Road Roundabout)

Mr. Hammersmith stated that these ordinances relate to two acquisitions for the project, as depicted on the slides. These will enable construction of the improvements to the intersection, and agreement has been reached with the property owners. Staff recommends approval.

Vote on Ordinances 32-12 and 33-12: Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mr. Keenan, yes.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 34-12

Amending Ordinance 54-11 to Revise the Fees in Appendix A of the Schedule of Fees and Service Charges for City of Dublin Services to Include Bridge Street Corridor Application and Review Fees, and Declaring an Emergency. (Request to dispense with public hearing and treat as emergency)

Mr. Gerber introduced the ordinance.

Ms. Grigsby stated that a memo was provided in the last packet regarding fees for the Bridge Street Corridor application and review. This legislation establishes the fees as outlined. Staff is requesting emergency adoption tonight.

Ms. Chinnici-Zuercher asked for confirmation that these fees are similar to those for other portions of the City.

Ms. Grigsby responded affirmatively. They were reviewed and calculated in the same manner as the other fees.

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Ms. Chinnici-Zuercher moved to dispense with the public hearing and treat this as emergency legislation.

Vice Mayor Salay seconded the motion.

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

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

Ordinance 35-12

Rezoning Approximately 4.91 Acres, on the East Side of Avery-Muirfield Drive Approximately 500 Feet North of the Intersection with Tara Hill Drive, from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run Meadows Commercial Revised) to Revise the Development Text to Permit up to 1,680 Square Feet of Outdoor Patio Area in Front of an Existing Restaurant (Mary Kelley’s) within the Shoppes at Athenry Shopping Center.(Case 12-017Z/PDP/FDP)

Vice Mayor Salay introduced the ordinance.

Ms. Husak stated that this ordinance amends the development text for the Indian Run Meadows PUD, specifically for the commercial standards of that PUD to allow a patio for the Mary Kelley’s Restaurant. The site is on Muirfield Drive, just north of Tara Hill Drive in the Shoppes at Athenry Center.

- The red box indicates where the patio area is proposed in front of Mary Kelley’s tenant space, divided into two portions. The patio is proposed for construction in two phases, and would be 1,680 square feet at build out of Phase 2. There is a patio space that was constructed when the Center was built, but it has never been approved for use as a patio. There were many concerns expressed by adjacent residents regarding noise, odor pollution, and general operational issues for the Center. In an attempt to alleviate those concerns, the property owner has been working on a proposal for a patio area in front of the restaurant. That is the subject of tonight’s application for consideration.
- The original patio area was approximately 1,800 square feet and the Center is parked to accommodate this. As proposed in the new development text, the maximum allowable area of the patio would be 1,680 square feet, which means there would be parking available in the Center for this patio. If the owners would attempt to use the existing patio area in any manner – as either a patio or enclosed area – the applicant would need approval through a development text amendment. It cannot be used in conjunction with this application.
- The Planning and Zoning Commission reviewed the application at their April meeting and some residents, represented by Mr. McCash expressed concerns about limiting the patio area in the Center to only this particular space and application. They requested that the text clarify that any other patio areas that would be proposed by any other tenant in the Center would also require a rezoning. This change was incorporated in the text forwarded to Council.
- In addition, there is a gate proposed to close off the existing patio area so that there would not be anyone loitering or smoking in that area. This is part of the application as well.
- The patio amenities of planters, flower boxes, chairs, tables, umbrellas have all been approved by PZC as part of the final development plan. These are also described in the development text.
- There is also a prohibition against any music in response to the neighbors’ concerns about noise.

Staff recommends approval at the second reading/public hearing on May 21. The applicant has worked with staff to revise their plans in response to the Commission’s concerns that were shared in conjunction with the final development plan review.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mayor Lecklider invited public testimony.

Farid Masri, 7061 Cavalry Court stated that Mr. McCash contacted the Mayor to indicate he could not be present tonight. There are a couple of items that they are still working on with the applicant and they hope to have resolution prior to the next reading. Mr. McCash indicated that he will address those issues either before the next meeting. On a personal note, this is the first time he can recall a zoning case where input from the neighborhood was not sought through a meeting prior to the Council and Commission meetings. This sets a bad precedent.

Ms. Chinnici-Zuercher asked about the outstanding issues he has referenced, as the report provided tonight indicates that the issues have been resolved.

Mr. Masri responded that Mr. McCash will address the issues. He is not privy to share them, as he is represented by Mr. McCash.

Ms. Chinnici-Zuercher asked Ms. Husak if what staff has presented tonight in terms of the resolution of the issues is accurate.

Ms. Husak responded that what Council has been provided fulfills all of the conditions of the Planning and Zoning Commission. Mr. McCash agreed to these conditions at the PZC meeting. There are a couple of issues that cannot be addressed, such as storing the patio furniture inside during the off-season. The applicant has agreed to store the furniture during the off-season, and staff has agreed to check on this each year.

Mrs. Boring commented that waiting to submit written comments until the second reading makes it difficult to address them. Given this is a patio request, the timing is important as well.

Mr. Masri responded that Mr. McCash submitted documents for the Commission hearings, including parking issues with the back of the Center, access and service to the patio, and other concerns.

Ms. Chinnici-Zuercher stated that the access and service issue has been resolved, according to the materials.

Ms. Husak added that staff was in contact with Mr. McCash last week. He asked to review the materials submitted to Council and she has not heard anything in response.

Ms. Chinnici-Zuercher commented that, according to the PZC minutes, the requests made by Mr. McCash were accommodated. She does not understand why there would be any new issues that Mr. Masri cannot articulate tonight in Mr. McCash's absence.

Mr. Masri noted that one of the issues that they submitted documents about are the ongoing parking violations in the Center that have never been addressed. He provided a document that dates back to a Public Services Committee of Council meeting of 2000 that indicates parking behind the Center is not allowed and is to be addressed.

The Law Director's office agreed to look into this and make this an enforcement issue. Ms. Chinnici-Zuercher responded that parking in the back is a Code violation and the Code Enforcement staff have addressed this on a regular basis.

Mr. Masri responded that it has never been addressed.

Ms. Readler noted that Code Enforcement is an ongoing matter. Tonight's focus relates to the rezoning application under consideration.

Ms. Husak stated that the document submitted by Mr. Masri is already included in the Council packet.

Mayor Lecklider stated that this matter was then addressed at the Commission hearing.

Ms. Husak reiterated that this issue is not part of this rezoning application, but in order to provide a complete record, staff included the information in the packet.

Mr. Masri stated for the record that in previous years, the prior Commission had recommended this issue be addressed before moving forward.

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Mrs. Boring stated that the tenants at the Center do change over, and there have been issues addressed year to year regarding these complaints. Can Council legally deny a rezoning request based on the existence of these parking issues? These are two separate issues, correct?

Ms. Readler responded that is correct. There are a set of standards for the rezoning that involves the development application before Council. To the extent there are parking or Code Enforcement issues, it is a separate matter that can be addressed separately.

Mr. Masri clarified that the residents are not requesting the rezoning request be denied on this basis; they are requesting the Code violation issues be addressed at the same time as the rezoning. There is correspondence that was sent to some Council Members, but there has been no response despite the requests made since 2000.

Ms. Chinnici-Zuercher asked staff to review the Code Enforcement reports regard to the tenants at the Center and provide an update to Council. This has been an ongoing issue for Code Enforcement, as everyone is aware.

Ms. Grigsby added that there have been complaints in various areas of the Center, and Code Enforcement has followed up on those. Staff will provide an update for the May 21 meeting.

Mr. Masri asked for a copy of those reports as well.

Mayor Lecklider noted that over the past 12-18 months, he has forwarded a number of communications from Mr. Masri to staff for follow-up. It is his understanding that staff has responded to the complaints.

Ms. Grigsby responded that when such correspondence is forwarded to her, she discusses the Code Enforcement matters with Greg Jones. On occasion, he has spoken to the residents directly regarding the concerns – in particular, to Mr. Masri or his wife.

Mr. Masri clarified that the power washing issue was addressed, but the parking issues were never addressed.

Mayor Lecklider indicated that staff's report will provide the information regarding these matters.

Mayor Lecklider asked about the City's practice of contacting the neighbors about a pending rezoning, and whether this did not in fact occur with this rezoning.

Ms. Husak responded that the Code required notification was sent to all residents within 300 feet of the property for the Commission hearing. The applicant did not have a neighborhood meeting with the residents because the application is exactly the same as what was reviewed informally by the Commission in 2010. At that time, there was a three-hour hearing before the Commission. Staff did not suggest that the applicant meet with the neighbors because the application was identical. If no significant changes are made to an application, staff does not request that the applicant meet again with the neighbors.

Vice Mayor Salay recalled that the application in 2010 was viewed favorably by the neighbors. The main issue at that time was related to the outparcel. Using this space as the patio was not an issue at that time.

Ms. Husak responded that Mr. McCash was also involved at that time and has remained in contact with staff regarding this application. He represents many of the neighbors who have had issues with the Center. There was much positive feedback from the neighbors at the 2010 hearing.

Mayor Lecklider added that he does recall there was a difference of opinion among those who lived close to the site and those who lived some distance away.

Ms. Husak agreed, adding that many of the complaints from the close neighbors have centered on the issues raised by Mr. Masri – parking, noise from trash removal at night, etc. It is somewhat difficult to separate them from a potential patio operation.

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Mayor Lecklider stated that in the presentation, she noted that there was concern that this patio use be for only Mary Kelley's and that the rezoning would not give blanket permission to other tenants in the Center for patio use. He understands that this concern has been addressed in the text.

Ms. Husak responded that the text specifically identifies the tenant space – not the Mary Kelley's Restaurant per se for this patio use. However, by virtue of this rezoning, no other tenant space is entitled to a patio use.

Ms. Readler added that, in fact, this rezoning makes it more difficult to do so. The main patio to the south of Mary Kelley's restaurant was addressed in a settlement entry that indicated the applicant would need a rezoning approval or a conditional use approval to use it. Mr. McCash had requested that the text specify it require a rezoning approval, and this was changed in the text. Therefore, if anyone requests any other patio use in the Center, it would require a full rezoning – with hearings at the Commission and with Council.

Mayor Lecklider noted that meeting the parking requirements may also prevent future patio use, as well.

Mayor Lecklider summarized that the issues reported by Mr. Masri tonight are related, but are not legally and technically related to the rezoning matter. Nevertheless, there is opportunity for further public testimony at the second reading.

Ms. Chinnici-Zuercher stated that in order to avoid a lengthy discussion at the next reading about items unrelated to this case, staff should communicate with Mr. McCash about the issues that are pertinent. Her understanding is that the issues have been resolved by the City agreeing to change the text to accommodate the requests. Other items not related to the case could be put in writing to the City Manager for Code Enforcement staff to address.

Ms. Readler responded that staff will follow up with Mr. McCash. She has had discussions with Mr. McCash, and Jill Tangeman, attorney for the applicant, has had discussions with him as well.

Mayor Lecklider asked why the project will be phased.

Ms. Husak responded that it relates to the desire to determine if it is financially viable before building it out at a later date.

Mayor Lecklider stated, assuming this is approved, is it likely that Phase One would be open for the upcoming season?

Ms. Husak responded that the applicant's representative can address this question.

Jill Tangeman, Vorys, Sater, Seymour and Pease, 52 E. Gay Street, attorney for the applicant noted that she is new to the Mary Kelley's situation, given that there has been communication and issues raised in the past. She was retained for the patio issue and that is all that has been addressed. She has spoken to Mr. McCash on several occasions and, as of last Wednesday, he had indicated that his clients would support passage as an emergency, if the applicant so requested. They have not requested passage by emergency, but this does seem to indicate Mr. McCash's clients' comfort with the application. If there are outstanding issues relative to this patio application, it seems Mr. McCash would have indicated that prior to tonight's hearing. In terms of phasing, it is a monetary issue. Mary Kelley's wants to ensure this is financially feasible before purchasing tables and impacting the landscaping. For this season, they plan to do only the first phase. By the time this rezoning would be in place, the Memorial Tournament would have taken place, which is a busy time for a patio use. They want to have the experience of having the patio over the summer to determine whether they should pursue the second phase.

Mr. Gerber asked about Condition #6 that indicates all service to the patio shall occur from the front of the restaurant tenant space. In reading the PZC minutes, it seems

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the applicant was working to strike a balance with the neighbors to keep the noise level down, and therefore indicated they would serve the patio from the front. He is concerned with servers bringing food through the main doors as patrons are existing and entering.

Ms. Husak responded that, operationally, this is the understanding of how this will work. One option, perhaps not completely explored by the applicant, is whether they could modify the front windows and add a door to the patio. This application would not preclude that from occurring at the front of the building.

Mr. Gerber stated that there is a side door in place that would allow such patio service. Ms. Tangeman added that the applicant has indicated the front has double doors and it will not be problematic during the first phase. With the second phase, they may consider installing a separate doorway through the glass front. The neighborhood did not want servers using the side door.

Discussion continued about other restaurants with patio service and how their operations work as well as the neighborhood desire for the side door not to be used.

Ms. Tangeman indicated that according to Mr. Kelley, the location of the kitchen makes it preferable for the patio servers to use the front door. Again, the second phase may prompt the need for other options to be explored.

Mr. Reiner asked how quickly this patio could be implemented, i.e. obtaining a building permit, patio permit, etc. should this rezoning be approved.

Ms. Husak responded that they do not need a patio permit, and they may not need a building permit. They would need a Certificate of Zoning Plan Approval, which could be accommodated within a week or two.

Mr. Reiner stated that this will be an enhancement to the restaurant and the overall quality of Dublin, so he wants to ensure this can be implemented quickly.

There will be a second reading/public hearing at the May 21 Council meeting.

INTRODUCTION/PUBLIC HEARING - RESOLUTIONS

Resolution 27-12

Waiving Competitive Bidding Requirements Pursuant to Section 7.04, Paragraph C of the Revised Charter for the Purchase of Alcoholic Beverages for the 2012 Dublin Irish Festival.

Mr. Gerber introduced the resolution.

Ms. LeRoy stated this is an annual request. Coors has again agreed to sponsor the Irish Festival with their Killian's brand. In accordance with this, the beverages are purchased from Superior Beverage, the sole supplier of Killian's in Central Ohio. She offered to respond to questions.

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

OTHER

- Request for waiver to allow alcohol to be served at 2012 Dublin Irish Festival

Ms. LeRoy stated that this is a request for a waiver to allow alcohol to be served in Coffman Park for the 25th annual Dublin Irish Festival. Events staff works closely with the Police division to ensure proper controls are in place for safety. She offered to respond to questions.

Mayor Lecklider moved approval of the waiver.

Mr. Reiner seconded the motion.

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

Held _____

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STAFF COMMENTSMs. Grigsby:

1. Provided clarification regarding discussion at the last Council meeting about Washington Township's contribution to the Holder-Wright Earthworks on Bright Road. The Township contributed \$460,000 to the purchase of this land.
2. Noted she was asked to provide an update to Council on discussions regarding the Regional Economic Development Agreement. Following the Council discussion on April 23, she contacted the liaison who has been working with the group to notify him of Council's action. She indicated to him that the City would continue to be involved in discussions with regard to regional issues – both shared services and economic development – and looking specifically at some of the issues about how to bring new jobs to the region or the state, and potential issues related to redevelopment. Updates will be provided to Council as those discussions continue.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mrs. Boring addressed Ms. Grigsby, noting that she has observed the scale of the Kosciuszko Park dedication becoming larger. She has concerns with the budget implications. In this case, she believed the park was a great partnership in view of meeting the needs of the cross-country team, etc. At this point, the park dedication has grown into a large event. Is there a local committee planning this, or is PRAC working on the plans? She is concerned with the magnitude of the plans.

Ms. Grigsby responded that the agenda distributed to Council reflects what is anticipated to occur at the dedication. This is somewhat different from recent park dedications, based upon the interest expressed in the park from the historical perspective related to Thaddeus Kosciuszko's service to the country. In addition, there has been contact from the Polish Consul General who has an interest in attending. It also provides opportunities for discussions with many other communities, and may have some economic development potential, similar to other events. This is similar to the relationship that has been developed with the Japanese community and the Consul General of Japan based in Detroit. This is an opportunity to lay the groundwork for future relationships with these international groups.

Mrs. Boring responded that she is aware there is a large Japanese presence in the community, but is there a similar level of Polish population in the community?

Ms. Grigsby responded that the focus is on the historical significance of Thaddeus Kosciuszko. This is a good opportunity to display the park, but also the historical perspective of his background and service to the country.

Mrs. Boring stated that the Mass, which is being held does not seem appropriate for a City park dedication.

Ms. Grigsby responded that the request for the Mass was from the Polish-American group.

Ms. Puskarcik added that in working with the Polish-American Club of Columbus, the Consul General's office, and the Executive Director of the Kosciuszko Foundation in New York City, there was a desire to have some cultural elements included. Most of these will be handled by the Polish-American Club. The concept of having a Mass said in the Polish language was presented by them, and the group has arranged for a priest from Cleveland to preside.

Mrs. Boring stated that this is a religious ceremony, however, and it is a public park. The City is cautious in other areas, and perhaps should have been cognizant of the religious connotation of this as well. At the Dublin Irish Festival, there are Sunday services offered, but for various denominations.

Mr. Reiner noted that this is a cultural tradition for the Polish-American group. In many of their events, they incorporate a Mass. He does not have concerns with this.

Discussion continued.

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Held

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Mr. Reiner stated that the Polish people are very pleased with the park being named for one of their heroes. There is a huge amount of pride among the Polish people throughout the country with this park dedication.

Mr. Keenan stated that he believes any national or international exposure for the City is positive, especially from an economic development perspective.

Mrs. Boring emphasized that her concerns relate to having a religious ceremony in conjunction with the park dedication.

Ms. Chinnici-Zuercher:

1. Asked when Council will receive the follow-up memo regarding the questions about private streets and the update on research regarding water and sewer extensions.

Ms. Grigsby responded that staff is working on these two reports, but she does not have a firm date when they will be completed. With respect to water and sewer, staff is working on background data and reviewing policies that other communities have in place. She hopes to provide a timeframe for these reports at the next Council meeting.

2. Asked what portions of the park dedication Council is expected to attend on Saturday. She cannot spend the entire day, due to other obligations.

Ms. Puskarcik stated that in the e-mail sent out, she highlighted in yellow the specific opportunities for Council. The key areas are the dedication ceremony at 11 a.m. at Kosciuszko Park and the ceremonial sharing of the bread and salt at Scioto Park at 12:15 p.m. Parking will be at Scioto Park, with shuttles to take guests to Kosciuszko Park.

3. Commented that she is aware that she and other Council Members have received calls and e-mails from Dublin residents and non-Dublin residents expressing support for Council's position regarding the Regional Economic Development Agreement. This speaks to the importance of Dublin's leadership and its reputation in the region. She is very proud of the dialogue that Council engaged in at the last meeting on this topic, as it generated the opportunity for other communities to reopen their conversation or to have a different conversation about the topic.

Mayor Lecklider added that a Council Member from another community expressed to him that he appreciated Dublin City Council's leadership with respect to the position taken and that it might give other communities the confidence to express their concerns. He believes there is much value in the dialogue and in the continuation of the dialogue.

4. Regarding the St. Patrick's Day event report, she did not understand the last paragraph on page 5 that references table 1.3 – the event day cost of \$19,462 that would be eliminated if the event were not held in subsequent years.

Ms. Grigsby responded these are the costs tied to the day of the parade for staffing.

Ms. LeRoy added that this information is provided in all event follow-up reports so that Council would have the information about the actual costs for the event, should Council consider eliminating that event in the future.

Vice Mayor Salay recalled a discussion with Mr. Foegler about Council's need to understand the actual costs of the event versus the budgeted amount.

Mr. Reiner noted that he would be attending the Dublin Arts Council Board meeting tomorrow evening, representing Council. He is looking forward to seeing everyone at the Thaddeus Kosciuszko Park dedication on Saturday.

Mr. Keenan stated that he, too, heard from several Dublin community members as well as another community leader with respect to the Regional Economic Development Agreement. He believes Council made a good decision and that Council was all of the same mindset concerning the agreement.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

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Mayor Lecklider reported that Ms. Chinnici-Zuercher, Mrs. Boring and he attended the Dublin Chamber of Commerce annual Community Champions Awards on April 28. This event recognizes students' volunteer service in a variety of areas. The Chamber and its members award scholarships and savings bonds. The students are pleased with the recognition and the parents are very proud. Hats off to all involved in organizing this wonderful recognition event for young people.

Mayor Lecklider moved to adjourn to executive session to discuss a personnel matter related to an appointment to the Personnel Board of Review.

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened and formally adjourned at 8:50 p.m.

Mayor – Presiding Officer

Clerk of Council