

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 21, 2012

Held

20

Mayor Lecklider called the Monday, May 21, 2012 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session for discussion of land acquisition matters (to consider the purchase of property for public purposes) and legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action).

Ms. Chinnici-Zuercher seconded the motion.

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

(Mr. Reiner and Vice Mayor Salay joined the session in progress.)

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

PLEDGE OF ALLEGIANCE

Mr. Reiner 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, Ms. Gilger, Mr. Langworthy, Mr. Hammersmith, Mr. Harding, Mr. Hahn, Ms. Crandall, Ms. Puskarcik, Mr. Earman, Ms. Ott, Ms. LeRoy, Ms. Husak, Mr. Goodwin, Ms. Burness, Ms. DiSalvo and Ms. Burkholder.

Mayor Lecklider stated that Council Members are wearing red poppy flowers in recognition of Memorial Day. He briefly described the origin of this tradition, which dates back to 1918. In 1922, the VFW became the first veterans organization to sell poppies and adopted the poppy as its official memorial flower. Council Members are proud to wear this symbol in recognition of all who have died serving our country. On behalf of Council, he invited the community to attend Dublin's Memorial Day services, which will begin at 11 a.m. Monday and includes ceremonies at the Dublin Cemetery and the Grounds of Remembrance at Dublin Veterans Park. The community also is invited to gather for a complimentary picnic lunch on the grounds of the Dublin Library at 12:30 p.m., immediately following the ceremony.

SPECIAL PRESENTATION/PROCLAMATIONS

- Recognition of Michael Holland - Senior Men's World Champion

Mayor Lecklider presented a proclamation to Michael Holland, dancer with the Richens/Timm Academy of Irish Dance, Dublin, Ohio who won the Gold Medal at the 2012 Senior Men's World Championship in Irish Dance, held in April in Belfast, Northern Ireland. Michael began his studies with the Richens/Timm Academy when he was five, and his success is a tribute to the continuing legacy of excellence with which the Academy honors its founder, Ann Richens (1940-2011). On behalf of Council, the Mayor proclaimed Saturday, August 4, 2012 during the Dublin Irish Festival as "Michael Holland Day" in recognition of Michael's win of the Gold Medal in the Senior Men's World Irish Dancing.

- Presentation of Gifts from Lord Mayor of Dublin, Ireland - Andrew Montague

John Timm, Director, Richens/Timm Academy of Irish Dance stated that Michael Holland and some other Academy dancers were in Dublin, Ireland for the All Ireland Dance Championships and hand delivered an invitation to the Lord Mayor to attend the Dublin Irish Festival 25th Anniversary celebration. They spent a day at the Lord Mayor's Mansion in Dublin, Ireland and an hour with the Lord Mayor, Andrew Montague touring the Lord Mayor's Mansion and history of the Lord Mayor's role. Michael Holland and Lindsay Faraday performed an Irish dance for the Lord Mayor. Since winning the World Championship, Michael has also received a letter of congratulations from the Lord Mayor of Dublin. They presented the Lord Mayor with gifts from the Dublin Irish Festival and he,

RECORD OF PROCEEDINGS

Held

20

in turn, sent them home with a few gifts and a letter in response to the City's invitation. He thanked the City for the invitation, but regrets he will be unable to attend as his term as Lord Mayor of Dublin, Ireland, ends on June 25. The invitation will be held on file, and the next Lord Mayor of Dublin will consider it when he or she takes office. He sends best wishes to the Mayor and the Festival Committee for their 25th anniversary celebration. He then presented the gifts to Mayor Lecklider who accepted them on behalf of the City.

- 2012 Chief's Award of Excellence/Division Award of Merit Presentation
 - Detective Sergeant Bill Krayner
 - Detectives Robert Davis, Scott Davis, Evan Pridham, Eric Gilleland

Chief von Eckartsberg introduced the members of the Dublin Detective Bureau, who will be receiving awards tonight: Detective Sergeant Bill Krayner, and Detectives Robert Davis, Scott Davis and Eric Gilleland. Detective Evan Pridham was unable to be present. Earlier in 2012, some armed robberies and a homicide occurred in Dublin. Arrests were made on February 23, and the full investigations were recently concluded. Since the completion of that investigation, a number of officers have been recognized for their work in helping to bring this case to a successful conclusion. Give the role of the members of the Dublin Detective Bureau, he believes it is appropriate to provide specific recognition at a Council meeting. He read a Citation of Appreciation, and presented the officers with the Division's Award of Merit and the Chief's Award of Excellence.

Council Members expressed their appreciation and thanks to the officers.

- Update from Dublin Arts Council – David Guion, Exec. Director

David Guion, Executive Director, stated that he is providing a second update for 2012 from the Dublin Arts Council (DAC). There has been much discussion about the agreement between the City and DAC and an agreement is being drafted to clarify expectations between DAC and the City. The process actually began in August 2006, and various discussions have occurred at the Finance Committee of the Whole, Community Development Committee, Study Sessions and staff-to-staff conversations. He noted the following:

The focal point of the agreement is to clarify how DAC is to expend the annual hotel-motel tax endowment funds. The funding endowment is the first of a series of items addressed in the agreement.

The agreement also covers public art -- how it defined, clarification of responsibilities in the process, and how the City and DAC will work together to create the most effective public art program.

Other key components include arts education in the community, community arts grants, City services, and reporting.

The DAC had some ideas and changes, which they presented to staff. These are points of discussion, not of disagreement or contention. They are ready to meet at any time to discuss the agreement.

Draft City/DAC Agreement

The latest version of the agreement is based upon several iterations that the City and DAC have presented over the past five years. DAC received a draft on May 8, and Council Member Reiner, the DAC Board Liaison, has reviewed the draft. It is now under review by a special committee of the DAC Board of Directors. The DAC committee suggestions will be reviewed by their full Board at its next meeting on July 10. They look forward to developing a document that clarifies DAC's role, as they strive to fulfill their mission to engage the community, cultivate creativity and foster life-long learning through the arts.

Town Pump Public Art

Included in Council packets was a memo about the town pump project. Artist Mike Tizzano began discussions in 2009 through a presentation he gave to Dublin Arts Council with Carl Karrer. The DAC is waiting for feedback from City staff to advise them if Mr. Tizzano will be able to manage the process appropriately. They would like to make the development, production and installation part of a larger educational program, which impacts life-long learners. He believes that public art, within context is much more effective and more appreciated.

Held _____

20 _____

Emerald Parkway Bridge over U.S. 33 Public Art

They met with City staff in early April to discuss this project. Their initial site visit on April 10 was postponed. They are also awaiting an opportunity to meet with ODOT and to meet and evaluate the LAND Studio recommendations. They met with a Columbus artist earlier this month to discuss a Columbus bridge project, and they will develop a call for artists after the research is completed. Mr. Guion noted that he will attend the Americans for Public Art Network pre-conference next month. He will garner more information from people who represent some of the best public art programs in the U.S. to learn of their experiences with highway and bridge projects. His staff has been researching online project applications, mainly Café, an online application that streamlines the process. It is a more sustainable approach, as digital uploads require no disc or paper to process. They anticipate that it will cost approximately \$25,000 to administer the call for the next public art commission. This is based on experience with the Bicentennial art commission.

Summers at Scioto Concert

This program is in its 29th year. They thank the City for ensuring safety for the patrons through the Dublin Police Division. Two City employees also assist with parking and trash removal. The event has corporate support from Cardinal Health, IGS, Fifth Third, Porter Wright Morris & Arthur and media support.

Shifting Perspectives

They are in the planning stages for "Shifting Perspectives in the Community," which will take place September 25 - November 2. They are already receiving national attention for the exhibition. They believe this type of program promotes Dublin and shows the arts as a catalyst for change. The Art Scene documentary, which was created at last year's exhibition, is being nominated for an Ohio Valley Emmy Award. Cardinal Health and the Dublin Foundation have committed funding, and grant requests are pending with the Greater Columbus/Franklin County Neighborhood Arts Programs and the Ohio Arts Council.

Miscellaneous Updates

Nine of their eleven arts camps are operating, and there is a waiting list. In the first quarter of the Cell Phone Tour, they received calls from over 20 states, and over 16,000 interactions with the Riverbox Project in 2011. In terms of the visual arts series, over 91% of their professional gallery exhibitions in the last five years have received critical reviews. They invite everyone to visit their new website, which is interactive and provides dynamic and extensive information. It was created with an in-kind contribution of services by Madison and Fifth, a Columbus-based design firm.

Ms. Chinnici-Zuercher asked where the town pump art piece would be located.

Mr. Guion responded that he believes it is to be placed at the Bridge and High site.

Ms. Chinnici-Zuercher inquired if Mr. Tizzano is creating the town pump piece.

Mr. Guion responded that it would be a sculpture that incorporates the town pump. The initial design, which he viewed in 2009, was of an adult and two children with the pump.

Ms. Chinnici-Zuercher requested that he clarify his statement that \$25,000 is needed to administer the call for artists for the Emerald Parkway Bridge Project.

Mr. Guion responded that approximately \$7,500 is spent on artist honorariums; \$2,000 for artists' travel and lodging; \$2,000 for final presentations; and \$2,250 for juror honorariums and travel.

Ms. Chinnici-Zuercher asked if the \$25,000 is needed to make the decision regarding which artist will be commissioned.

Mr. Guion clarified that the monies will be used for the artist selection for the Emerald Parkway/US 33 art project.

Ms. Chinnici-Zuercher asked what amount is identified for the actual artwork.

Ms. Grigsby responded that is one of the issues to be addressed. The total amount budgeted is \$150,000. The question is whether the \$25,000 for artist selection comes out of that \$150,000, or if it should be an additional allocation from the City.

Ms. Chinnici-Zuercher asked when the final agreement is anticipated to be completed.

Ms. Grigsby responded that, as noted in the memo in the Council packet, staff is anticipating receipt of the comments that Mr. Guion and his Board are working on in

RECORD OF PROCEEDINGS

Held

20

regard to the draft agreement. Staff anticipates having those comments in time to be able to schedule a meeting this summer.

Ms. Chinnici-Zuercher stated that she understood Mr. Guion to indicate his comments had already been provided to staff.

Mr. Guion responded that he did share his comments with Dublin staff last October, but they were not incorporated in the agreement, so they are beginning again.

Ms. Chinnici-Zuercher asked what period of time is needed for Mr. Guion and the DAC Board to provide the comments again to staff.

Mr. Guion responded that he has not shared them with DAC's legal counsel or with his Board, because the comments were first to be reviewed by the City's Law Director.

Ms. Grigsby clarified that there was an initial draft based on early discussions, and then some feedback and specific questions were provided to staff. She does not believe that draft has been reviewed.

Ms. Ott stated that the Law Director's office reviewed it late last summer, and a draft was provided to the DAC in October. Staff received verbal feedback on that draft from DAC, but staff has requested written feedback for the Community Development Committee's consideration. Staff is presently waiting for that information from the DAC.

Ms. Chinnici-Zuercher asked when Mr. Guion was made aware that his verbal comments needed to be provided in writing.

Mr. Guion responded that he and Ms. Ott met last October and discussed ideas and changes. However, those were verbal, not in writing.

Ms. Chinnici-Zuercher noted that nothing can then move forward until the comments are in writing.

Mr. Guion responded that he understands that, and he would be happy to provide all that has been discussed in writing. However, he was told by City staff that the Law Director would review this prior to sharing it with the DAC Board or legal counsel.

Ms. Chinnici-Zuercher summarized that an agreement has been in process for six years. In the meantime, conflict continues over the City's responsibility versus DAC's responsibility. She requests that closure be brought to this matter, enabling everyone to be on the same page, looking at the same document. She asked if the Community Development Committee members had reviewed the proposed agreement.

Mr. Reiner stated that he has reviewed it. He asked when Mr. Guion would be able to meet with the Community Development Committee to conclude this discussion.

Mr. Guion responded that he could meet at any time.

Ms. Chinnici-Zuercher stated that if Mr. Guion has not shared his requests with the DAC Board or legal counsel, what can he actually discuss with the CDC?

Mr. Guion stated that, although none of his requests have been incorporated into the proposed agreement, at any time he can discuss the items that he will present in writing.

Ms. Chinnici-Zuercher asked if it was staff's understanding that the City would present a revised document as a result of that verbal discussion.

Ms. Grigsby responded that, as Ms. Ott mentioned, discussions occurred but it was necessary to have the requests in writing to facilitate understanding and the ability to address them. Staff is waiting for that information from the DAC. The hope is that information will be ready to be presented to the CDC this summer for review.

Ms. Chinnici-Zuercher asked when Mr. Guion would be able to provide his comments in writing to the City.

Mr. Guion responded that he could provide that information tomorrow morning. The issue is that his Board and legal counsel have not seen them.

Mr. Reiner inquired how quickly that review could occur.

Mr. Guion responded that it can occur as soon as he schedules the meeting.

Mr. Reiner inquired if staff believes it is possible for the CDC to meet in early June to conclude the discussion.

Ms. Grigsby responded that as soon as the information is received from DAC, staff would contact the CDC to schedule that meeting sometime this summer. If it could occur in June, that would be staff's preference, as well.

Mr. Reiner noted that a June meeting would allow time to address any items before the August operating budget hearings.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 21, 2012

Page 5

Held

20

Mr. Reiner noted that another issue that came up in discussions with DAC is with the Sundays at Scioto venue. Many people attend that event, and they bring their own food. What type of authorization is needed to invite food truck vendors to participate in conjunction with a revenue-sharing agreement with DAC?

Ms. Readler stated that staff is currently discussing this issue. There are an increasing number of communities utilizing food carts. Legal staff is reviewing the City's Code to determine the degree to which that practice is regulated. They anticipate having recommendations to Council within the next few weeks.

Mr. Reiner stated that the concert season begins soon. He inquired if there are any other requirements to be met – Board of Health regulations and/or inspections.

Ms. Grigsby responded that has yet to be determined.

Mrs. Boring noted that DAC has done this in the past with pizza vendors, and it was not well received.

Mr. Guion responded that, although there was not enthusiastic support when the idea was introduced, in time, people become accustomed to ordering food at an event.

Mr. Reiner stated that was one suggestion to help the DAC financially. One other suggestion was also made of the DAC offering wine sales at this venue. It would be another way for DAC to increase revenue.

Ms. Chinnici-Zuercher responded that she would prefer that the food trucks be added as a first step. The food truck review underway by the City is not exclusive to DAC.

Ms. Readler responded that it initially came up in another context.

Ms. Chinnici-Zuercher that she assumes Legal would make Council aware of whatever changes to the City's Code would be necessary to allow food trucks.

Mayor Lecklider stated that he has some concerns with the suggestion of alcohol sales for the DAC concerts. He has observed consumption at the Sundays at Scioto concerts. That is likely because it is acceptable at other locations, so people believe it is acceptable in this park. It is worthy of discussion, but if alcohol consumption is not to be permitted, it should be enforced.

Mr. Guion responded that DAC does make an announcement before every concert to make people aware that it is a public park and no alcohol is permitted.

Mr. Reiner stated that there will likely be later discussion about the wine sale concept. In regard to the agreement, the goal is for CDC to meet early in June to bring that item to a conclusion quickly.

Mayor Lecklider pointed out that the reference Mr. Guion made to \$25,000 of expenses for the call for artists process is not in the memo in Council packets.

Ms. Chinnici-Zuercher responded that Mr. Guion referred to that during his presentation regarding the Emerald Parkway Bridge public art and the administrative costs.

Mr. Keenan stated that Mr. Guion is essentially asking if Council wants to spend \$150,000 on public art, which is what Council has allocated over the years, or does the City want to spend \$125,000 on art and \$25,000 for the administrative costs. The issue is whether the City want to add another \$25,000 in funding to cover the administrative costs.

Mr. Guion stated that Council could decide to allocate an additional \$25,000 through the hotel-motel tax revenues, designated for the administration costs for selection of the piece. The \$150,000 would then remain for the artist commission. These are discussion points for the proposed agreement.

Mrs. Boring stated that the draft agreement is a public document, so they should be able to share it with everyone.

CITIZEN COMMENTS

Jeff Noble, 7459 Earlsford Drive, Dublin stated that the American Legion, Post 800 and VFW, Post 691 invite Council to join them in their Memorial Day procession and ceremony

RECORD OF PROCEEDINGS

Held

20

on Monday, May 28. The parade begins at 11 a.m. from the parking lot at Bridge Pointe. From there, they will proceed to the bridge, where they will toss wreaths into the river to commemorate fallen soldiers whose bodies were not returned. They will proceed to the cemetery, where a short ceremony will be held, and then to the Grounds of Remembrance at Dublin Veterans Park. The keynote speaker this year will be Alex Rozanski, who will be speaking about the sacrifice his brother made for his country. The Dublin Scioto Band will accompany them to the cemetery and a bagpiper will lead them to the Grounds of Remembrance. Three Buckeye Boys State and three Buckeye Girls State delegates will make brief speeches. They hope that everyone is able to attend.

Warren Fishman, 8577 Turnberry Court, Dublin thanked Council for the opportunity to attend the American Planning Association conference. Dublin has recently completed the Bridge Street Corridor Plan, and there was much discussion at the conference about that and the form-based Code. He learned that while Dublin is just initiating a form-based code, other cities are using them. There are a couple of pitfalls, one of which is compatibility of use. Council must be cautious when these applications are submitted, because the form-based Code does not consider usage and where it is located. Problems can occur when developers want to put mixed use with retail, with apartments located above the retail. They find that there is much more interest in the apartments than in the retail, because there is a greater potential for profit. Where that retail is placed is sometimes a detriment. There are examples where half the retail space is empty, but the apartments are full. Therefore, it will be necessary to carefully place the retail where it will be used and to ensure it is easily accessible and compatible with the rest of the town. Another idea he learned about at the conference -- and his wife may have forwarded information to Council members -- was about a public piano program. He will leave some information with the Clerk about how a city can become involved in the program. Los Angeles and some other cities, including Cincinnati, have done this. Essentially, old pianos are refurbished and placed around the city where public gatherings are desired. There are 50 pianos placed throughout LA. During their evening tours, every piano they saw was being used, often drawing a crowd. The pianos are typically older uprights donated to the city. Mr. Guion of the Dublin Arts Council might be interested in researching this idea. Because Dublin is such a vibrant city, it would be interesting to have this program in place.

Mr. Reiner stated that he likes this concept. Mr. Fishman also brought up an interesting point about the retail shops, and he shares those concerns. The City has been careful to ensure quality with the apartments, but the key to success is good retail business located underneath all the residential units. He noted that it would be desirable to draw in some of the young entrepreneurs who work in delicatessens, bakeries and other small eating establishments. Council is certainly concerned about ensuring the retail space is filled.

Mr. Fishman stated that at the APA conference, they emphasized the need for quality when building a high level of density. Along with the retail, there must also be high quality for it to be sustainable.

Wallace Maurer, 7451 Dublin Road, Dublin stated that he would like to make a suggestion for the promotion of the City as a world peak city in fostering common understanding and delight. The event he refers to took place a week or two ago -- the Kosciuszko Park dedication. This was the most thrilling public event he has attended since he came to Dublin, full of Polish Americans with spontaneous and contagious enthusiasm for the entire eight hours. This is also possible with the Dublin Irish Festival. If he could marshal some political clout, he would do so in order to approve a couple of legislative mandates. The first would be that Council would issue an invitation to the Polish steering committee to return next year and annually, so long as it is welcome to both parties. His second legislative item would be to send an invitation to every household in the City to indicate any cultural element in the City that likewise could reveal itself in a similar cultural display. This would magnify the breadth, wisdom and vision of the City. Dublin has many cultures residing in the city, and he urges the City to investigate this opportunity.

Mayor Lecklider agreed that it was a very enjoyable event, and Council thanks Mr. Maurer for his suggestions, which will be taken under advisement.

RECORD OF PROCEEDINGS

Held _____

20 _____

Tom McCash, 55 S. High Street, stated that he is present to address Council regarding the non-rezoning matters related to the Shoppes at Athenry. There is also a rezoning ordinance, Ordinance 35-12, related to this center on the agenda this evening. From the residents' standpoint, an attempt is being made to bifurcate the issues. At this time, they want to bring up the concerns the residents continue to experience with the shopping center. These are primarily parking, odor and use issues.

1. In terms of parking, when the original Final Development Plan was approved in 1997, the plan included straight parking behind the center, and the applicant wanted to reduce the total number of required parking spaces. That was discussed by the Planning Commission, and they agreed to allow that reduction in the number of required parking spaces. One of the conditions, Condition 9, required the applicant to submit an amended parking plan to the City staff and it was to be subject to staff approval. They did so, and the approved Final Development Plan reflects "No Parking" spaces behind the center.
2. In 1999, Mary Kelley's requested a Conditional Use approval, and the issues of continued parking behind the center were discussed. During the hearing of that case at the Commission, on which both he and Mr. Lecklider served at that time, Mr. Lecklider indicated that the employee parking at the rear was totally unacceptable. Mr. Kelley, one of the owners of the center, agreed and wanted to address those particular concerns with the residents.
3. On June 8, 2000, City staff member Greg Jones sent a letter to Patrick Kelley and the owners. Item #6 in the letter stated that all parking at the rear of the center must be discontinued. That has been an ongoing and consistent concern. Mr. Jones' letter indicated that the parking was not approved as part of the Final Development Plan. Therefore, staff's memo to Council this evening is inconsistent in regard to the parking behind the center.
4. In 2001, there was a Public Services Committee meeting at which everyone agreed to resolve the parking issues behind the center, which impacted the nearby residents. At that meeting, Mr. Kelley also agreed to do something by way of a deed restriction or another legal action that would be filed to prohibit parking behind the center. Steve Smith, Jr. from the Law Director's office was to draft a deed restriction or other document that everyone agreed would be utilized, but that never occurred.
5. In a March 20, 2003 letter, Mr. Porter from Vorys, Sater, Seymour, and Pease addressed those concerns and acknowledged the agreement that the owner was to eliminate the parking behind the center except for a parking space for a manager and assistant manager of Mary Kelley's. However, more parking currently exists in that location than was ever agreed to. The parking issues have never been addressed by City staff or enforced.
6. A tremendous amount of noise is created from pizza delivery vehicles. There are homes with decks located very close to the rear of this center.
7. There are also issues with continual odor and issues from the restaurant itself. Council may never be able to address these issues completely for this particular center, however, he encourages the City to begin considering regulations addressing odor control options for restaurants. Dublin's Code is not in line with cities such as Charlotte, Raleigh, Las Vegas, Chicago and others. Control measures are not necessary for every restaurant, but they should be a consideration for those located very close to residents.
8. The other major issue for the residents, if addressed, could solve part of the parking issues behind the center. The issue is the land use, particularly with the rezoning. When this land was rezoned, they prohibited fast food restaurants and limited the use to full-line restaurants. In 1997, when the Final Development Plan was submitted, staff did not review the original zoning. For this reason, there was much discussion, as reflected in the minutes, regarding drive throughs, drive-ins and fast food components. There were memos in 2008 indicating that they don't have a definition for "fast food." However, everyone knew at the time of the rezoning what was meant by fast food. Even the definition in the 2008 memo, referencing Marcos Pizza and the Papa John's that currently exists, meets the definition of fast food under Webster's dictionary. If that definition remains vague

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

-May 21, 2012

Page 8

DAYTON LEGAL, BLANK, INC., FORM NO. 10148

Held

20

in Dublin's Code, Council has had the opportunity to update and add that definition to the Code during the time from 2008 to 2011. It may not address the issue with Papa John's, but it would address the issue for potential future fast food, or quick serve restaurants. He sent Ms. Readler a list of several definitions from around the country that are used for quick serve and fast food restaurants. If it needs to be included in the Code in order to enforce it, then he would encourage Council to refer that to the Planning Commission and have them make that adjustment to the Code.

Mayor Lecklider stated that he believes Council might want to address the odor issue. This should be explored and discussed for incorporation into the City's Code. With the Bridge Street Corridor, there will be meshing of the various uses in close proximity.

Mrs. Boring stated that Legal staff conducted a previous study regarding this issue. Mrs. Readler responded that is correct. They worked with an engineer from Wendy's in coordination of that effort. She recalls there were some cleaning mechanisms that could be placed into the exhaust systems. They worked with an interested outside party and conducted preliminary investigations as to what type of controls could be used and the associated preliminary costs. Mr. Masri was involved in that discussion.

Mr. McCash stated that the technology was not available at the time, but it is now and is being used throughout the country, particularly with places such as Easton, where there is a high mix of commercial and residential. With the Bridge Street Corridor, that is an issue the City will need to address.

Mr. Gerber stated that in 2005-2006, during his service on the Planning and Zoning Commission (PZC), they evaluated the impact of certain restaurants located at Perimeter on the residences on Post Road. At that time, the Commission recommended that the City consider this matter. This is an appropriate time to do so, and he would support this.

Mayor Lecklider asked Mrs. Boring if her question has been addressed.

Mrs. Boring stated that she wanted to point out that when this area was being rezoned, the City did investigate that issue. At this time, there is likely new technology that can be utilized to address the issues. This is important for the Bridge Street Corridor development as well.

Mayor Lecklider responded that he also recalls that previous discussion. He suggests that the issue be revisited and a recommendation be provided to Council. Is there Council consensus to do so?

Council Members indicated consensus.

Mayor Lecklider stated that in regard to the parking issue, he has observed cars parked in front of the center in the fire lane from 5 p.m. on. Is there also an issue with delivery vehicles behind the building?

Mr. McCash responded affirmatively. Delivery vehicles for Sushi.com have been observed, and occasionally from Papa John's and Mary Kelley's.

Mr. Reiner recalled that one July 4th, he received a call from upset neighbors who live behind the center. Every time a delivery vehicle drove over a storm sewer, a loud noise occurred, and the neighbors were unable to sleep. Due to the holiday, City staff were not available to address the issue, so he addressed the situation with a temporary remedy. However, he recalls a previous issue with vehicles driving through the location at night.

Mayor Lecklider stated that, after reading the records provided to Council, there is really no dispute that parking is not permitted behind the center.

Ms. Chinnici-Zuercher stated that, as Mr. McCash has pointed out, the staff report indicates something otherwise, but it was always her understanding that the City did prohibit any form of parking in the back of the center. When she was at the center last Monday night, no one was moving the cars, so they evidently belonged to staff from one of the businesses. She is confused that staff has indicated there is no evidence in City records that parking in that location is prohibited.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

May 21, 2012

Page 9

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

Mr. Readler stated that she would defer to Planning staff on the specifics of the report. There was no provision for striped parking on the Final Development Plan (FDP), so the question is what the enforcement should be. They worked with the property manager on some ways in which to monitor it. In 2008, the property manager sent letters to all the tenants requesting that they not park at the rear of the center. As part of the ongoing negotiations with Mr. Porter, there may have been some concession to stripe off a couple of spaces for owners behind the building, but it is not entirely clear what, if any, parking is permitted as a result of those discussions and negotiations.

Ms. Chinnici-Zuercher asked if the negotiations resulted in any written record.

Ms. Readler responded that they did not.

Ms. Chinnici-Zuercher responded that parking is then prohibited, because no formal changes were made.

Ms. Readler stated that she believes the Final Development Plan did not provide for parking space in the back area.

Mr. Langworthy commented that no striped parking spaces were included. There was a parking setback, which was part of the rezoning text, but this is outside that area.

Ms. Chinnici-Zuercher requested clarification of the comment in the staff report that there is no evidence that parking is prohibited.

Mr. Langworthy stated that there is no prohibition stated. There is simply the Final Development Plan, which doesn't reflect a parking space. However, that doesn't necessarily mean a prohibition exists.

Ms. Chinnici-Zuercher asked which documents Mr. McCash refers to that he believes indicate clearly that no parking was permitted in the back of the center.

Mr. McCash responded that a 2001 Public Services Committee discussion and a June 8, 2000 letter from Mr. Jones to the applicants stated that parking was not permitted because it was not designated or approved as a parking area on the Final Development Plan.

Mr. Langworthy stated that staff was working to secure enforcement with them.

Ms. Chinnici-Zuercher stated that she is confused. A City official sent a letter indicating to the different parties that no parking was permitted in that location. Why is the City now indicating that it cannot enforce this?

Mr. Langworthy responded that the issue is there is lack of clarity. The Final Development Plan did not provide for or prohibit striped parking in that location, so it is not clear if it is enforceable.

Chief von Eckartsberg noted that, based on his knowledge of the area, there is no posted fire lane behind the shops at the center and no posted no parking areas. The only signs he is familiar with indicate, "Don't block the dumpster." Legally, there is no parking enforcement that Police can do on private property, given these conditions.

Mr. Keenan inquired if the Fire Department would have an interest in ensuring they can access the back of the building.

Chief von Eckartsberg responded that the area would have to be posted as a fire lane.

Mr. Keenan asked if that could be done.

Mr. Mc Cash responded that this was part of the discussion at the Public Services Committee, but no action occurred in follow up to the meeting.

Mr. Keenan stated that there are issues in regard to access to the front and back of commercial buildings for fire service. Perhaps staff could review this.

Mr. Langworthy responded that he would check on this with Chief Woo.

Mayor Lecklider summarized that there are two questions under discussion. The first is if "No Parking" signs can legally be posted, so that the City could enforce it on that basis. The second question is whether or not it is a Code violation, because the parking is inconsistent with the PUD. If so, that would be another means of enforcing it.

Mr. Keenan stated that the Fire Marshall could post it, if indeed it presents an issue with their ability to provide fire service to that commercial building.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL, BLANK, INC., FORM NO. 10148

May 21, 2012

Page 10

Held

20

Mr. McCash responded the Fire Department could post it, but the Police would handle the enforcement. If it is not a fire lane, then, because of the zoning component, orders could be issued for a zoning violation and have compliance done through the zoning provision. Ms. Chinnici-Zuercher noted that is what the 2000 letter from Mr. Jones indicated.

Mayor Lecklider stated this is really a concern because a June 8, 2000 letter was sent from the City that notified the owners of the center that they were in violation, copies of which were forwarded to City officials.

Ms. Readler stated that, at that time, an effort was being made to find the most objective and easiest means of administering that "No Parking" restriction. Staff also discussed posting signs. However, it is necessary to have the cooperation of the property owner in order to post such signs. They were agreeable at that point. When staff was working with the property manager, they disseminated some notices, and the Law Director's office was under the impression that some of the issues had been addressed through the property manager. If that is not the case, Legal staff could revisit working with the property owner, if they are agreeable to posting the signs. Enforcement could then occur through the Police Department.

Mr. McCash stated that, in fact, "No Parking" signs are already posted on the back of the building, but they are ignored, similar to the 7 p.m. to 7 a.m. prohibition of deliveries and trash pickup. Yet, no citations have been issued to a trash hauler or delivery person for working outside of that timeframe.

Mr. Gerber stated that, similar to the DAC contract discussed earlier this evening, this issue has also been volleyed back forth over a period of a few years. It is not likely this can be fully resolved tonight, but he is in favor of directing staff to recommend, for the next Council meeting, some remedies that can be enforced. This must be resolved.

Ms. Chinnici-Zuercher stated that she appreciates his comments, but she personally believes this issue can be addressed tonight. It has been ongoing for a period of 12-13 years or longer. There is documentation indicating that the City has already taken the position that there is no parking permitted in that location, and the property owner has been cited in Code violations by Greg Jones, who still works for the City. It seems unreasonable to indicate now that the City is not sure if it can enforce this, because it was not clear in the final development plan. Mr. McCash indicates "No Parking" signs are posted, but there is conflicting information on that, as well. Someone needs to verify the situation physically.

Ms. Chinnici-Zuercher moved to direct staff to verify whether or not signs are posted. If there are no signs posted, staff should formally communicate to the property manager or owner of the center that the agreed upon signage was never posted and that the owner has 30 days to install them. After that time, City staff must provide enforcement on a continual basis – not driven by complaint. Given the types of businesses in this center, the tenants and employees change regularly. Unless the owner of a business continues to address this as part of their orientation and holds their own staff accountable, the City will continue to deal with this problem.

Mr. Gerber seconded the motion. He added that when he served on PZC, there were minutes from the time the shopping center development began up to the current date tracking the many discussions about parking restrictions, etc. Those minutes that evidence the City's position should be available.

Vice Mayor Salay stated that the issues that Mr. McCash has brought up tonight have a lengthy history and are ongoing. There have been meetings, agreements and proposals, and the residents continue to have these problems 15 years later. It is unbelievable that this issue has existed as long as it has and shameful that the City and Council have failed to address it.

Mayor Lecklider stated that he does not believe there is any dispute between the property owner and the City; it seems to be a matter of enforcement.

RECORD OF PROCEEDINGS

Held _____

20 _____

Mr. Smith stated that Ms. Tangeman is present, representing the property owner. She indicated that she spoke with the property owner today, and he has agreed to immediately erect some signage.

Jill Tangeman, Vorys, Sater, Seymour and Pease, 52 E. Gay Street, attorney for the property owner noted that she spoke with Mr. Kelley today. He does not manage the center on a day-to-day basis, but he did agree that there was an understanding that there was not to be any parking to the rear of the building. His understanding is that there was agreement about having one or two spots for restaurant managers, etc. He believed the signs had been posted, but to the extent that they are not or are not the correct signs, he will immediately work with the City to address it.

Mr. Gerber stated that is positive to hear. He asked about the issue related to the hours of the trash pickup, and people driving through the area. There are other issues to be addressed other than just the parking issue.

Vice Mayor Salay stated that it is not simply about parking. It is also about cars parking for short periods of time in the fire lanes. The people are in and out of the store before they can be cited.

Ms. Tangeman stated that Mr. Kelley indicated he has not heard these issues in detail from the City. However, he has indicated that, to the extent that there are ongoing problems, he will be willing to work with the City to address them.

Mr. Gerber stated that he is concerned because the residents have been affected for far too long. In addition, this affects the businesses located in the center. There is a division between the residents and these businesses, and a community cannot be created in this situation. A good businessperson would address these issues and work to build a relationship with the neighborhood.

Mr. Keenan stated that it seems a gate is needed so that the area cannot be accessed during the restricted hours. He does not believe such gates would be cost prohibitive. Vice Mayor Salay stated that was suggested during earlier negotiations, but the question of who would be permitted access was problematic.

Mr. Keenan stated that would prohibit the back and forth traffic on a regular basis.

Mr. Gerber stated that that was recommended during the earlier patio issue, and agreed to by the applicant.

Mrs. Boring stated that posting the "No Parking" signs will not be effective unless the City carries through with enforcement. The Police will need to monitor on a regular basis and begin to issue citations.

Mayor Lecklider stated that if "No Parking" signs will be posted, there are two questions that need to be addressed. First, there has been some reference to a possible agreement for two parking spaces for the Mary Kelley's manager and assistant manager. Second, what is the practical effect of the signs? What can occur if cars are parked in that location? Ms. Readler stated that Legal staff believes the signs can cite the appropriate Dublin Code section, and then Police officers would be able to issue parking tickets when cars are parked wherever it is designated "No Parking," unless a couple of spaces are set aside for some of the Center staff.

Ms. Chinnici-Zuercher stated that if the City has entered into such an agreement with the owner, then it needs to be honored. She added that in the parking lot at her office, she was told that it was necessary to have the Code citation on the sign in order to have the ability to tow the violator's vehicle.

Mayor Lecklider stated that no one desires to be unfriendly to the business community. If an atmosphere could be created in this location without the existing, ongoing tension, everyone would benefit. With that as the preface, he would also want to have the ability to tow vehicles that violate the prohibition. Can those terms be worked out?

Ms. Tangeman responded affirmatively.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

May 21, 2012

Page 12

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

Mr. Gerber stated that another issue is the definition of a fast-food restaurant versus a sit-down restaurant. It makes sense to have staff provide a follow-up report, including some proposed language options for PZC to review and then Council.

Mr. Smith stated that there are also quick-serve restaurants, such as Piada. In any case, this needs to be addressed for the Bridge Street Corridor.

Mrs. Boring stated that in this situation, however, the PUD language states "shall include full-line restaurants." Does Papa John's have a dining area?

Ms. Chinnici-Zuercher responded that it does not, but staff's memo, which was written when Marco's Pizza was located in the Center, stated that Marco's was not in violation.

Mayor Lecklider stated that is where opinions will differ. Mr. McCash made a good suggestion -- that Council re-evaluate the City Code to prevent future, similar occurrences. However, he does not believe this definition is that ambiguous -- "eating and drinking places shall include full line restaurants." The sensibilities of this community have not changed much in this time period. He believes everyone, including the applicant, understood what was envisioned at that time -- a restaurant such as Mary Kelley's -- a sit-down, full-service restaurant -- certainly not drive-throughs or pizza deliveries.

Mr. Langworthy stated that definitions have been written for other communities for businesses, such as Panera, a dine-in, quick-serve restaurant with parking spaces for carryout, no delivery, and businesses such as Piada. These are not full-service restaurants. There are several, new variations since the time the Code was written.

Mayor Lecklider agreed, but with this particular center, there was a specific intent with the language used.

Vice Mayor Salay stated that it is not feasible that PZC, Council or Planning staff would have intentionally located a pizza delivery adjacent to a neighborhood, thereby creating 15 years of associated problems.

Ms. Chinnici-Zuercher stated that there has been a pizza delivery in the center since it opened. She does not know who should have been responsible for informing the center owner that they were not allowed to locate that type of business in the center. This has been permissible by omission, if nothing else, since the day the center opened.

Mayor Lecklider stated that he is confident Ms. Tangeman will carry the message back to the owner. Have the issues been addressed sufficiently tonight?

Mr. McCash responded that if this moves forward and the issues are addressed by staff and then through either PZC and/or Council, that would be satisfactory. The residents would like closure to all of these matters.

Mrs. Boring inquired asked if the restricted hours for trash pick-up could be enforced in some manner.

Ms. Grigsby responded the City generally responds on a complaint basis. The Police then would verify the occurrence or observe the individual during the violation. After that, staff can follow up with the property owner or the trash collection business.

Mr. Langworthy added that -- even if it isn't possible to observe the individual violation, staff does follow up with the management, and they track it. However, these occurrences are occasional, not regular, and there have been no complaints within the last two years. The one occurrence of an hours-related issue involved another business, not the center.

Mr. McCash stated there have been some issues with activity outside the designated hours. The issue with the roof cleaning company occurred because that business secured approval from the center's management. There are some culpability issues with the center management; there are consistencies involved.

Held _____

20 _____

Mr. Gerber noted that the City dealt with the trash pickup issue effectively with another area – Craughwell Village. He recalls it was related to the service contract. Perhaps something similar should occur in this center.

Mr. McCash stated that the residents encourage the City to ensure the property management company is working to diligently enforce these provisions with whomever is performing their trash collection, snow plowing, roof maintenance, grease hood/ducts clean-up, etc. Everyone was aware of the restricted hours agreement, but it has not been conveyed or enforced by the property management company. Therefore, the residents have no option but to contact Council or City staff.

Mayor Lecklider stated that this requirement of the provider of the service should be included in every service contract. If the property management receives a complaint, the contract should be terminated.

Ms. Chinnici-Zuercher stated that, in addition to Ms. Tangeman sharing this direction with the property owner, the City could also send a letter reiterating each of these points and the information that it will be enforced.

Council requested the Clerk to read the motion on the floor.

The clerk read the motion: "To direct staff to notify the property owner to ensure 'No Parking/Vehicles Will Be Towed' signage is posted within 30 days, enforcement to begin immediately thereafter."

Mr. Keenan noted that the signs were also to cite the Code reference.

Council concurred with the addition.

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

Mr. Langworthy clarified that Code enforcement by staff is not solely complaint driven; staff regularly conducts patrols and always has done so.

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 actions requested for the seven items as proposed on the consent agenda.

Mr. Gerber seconded the motion.

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

1. Minutes of May 7, 2012 Council Meeting

2. Ordinance 36-12 (Introduction/first reading)

Adopting the Proposed Tax Budget for Fiscal Year 2013. (Second reading/public hearing June 4 Council meeting)

3. Ordinance 37-12 (Introduction/first reading)

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.172 Acres, More or Less, Fee Simple Interest (with 0.084 Acres as Present Road Occupied), and a Combined a 0.031 Acres, More or Less, Temporary Construction Easement from Iacovetta Properties, Ltd. (Emerald Parkway – Phase 8) (Second reading/public hearing June 4 Council meeting)

4. Ordinance 38-12 (Introduction/first reading)

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 2.0 Acres, More or Less, Fee Simple Interest from Mary M. Seay and Charles J. Pethel. (Emerald Parkway - Phase 8) (Second reading/public hearing June 4 Council meeting)

Held _____

20 _____

5. Tartan Ridge - Section 2, Part 2 - Final Plat
6. Tartan Ridge - Section 2, Part 3 – Final Plat
7. Tartan Ridge - Section 4 - Final Plat

SECOND READING/PUBLIC HEARING – ORDINANCES

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)

Ms. Husak stated that, in addition to the discussion that has occurred this evening, the applicant also has plans to address the concerns raised at the last Council meeting regarding the existing patio at the shopping center. The applicant has committed to including a section of fence at the northern end of the existing patio to discourage any serving for patio patrons to occur through that space. The Code requires a gate at one of the two exits, and that gate is to be located on the south side. Staff recommends approval of the amendment to the development text to allow this patio with those changes.

Jill Tangeman, Vorys, Sater, Seymour and Pease, 52 E. Gay Street, attorney for the applicant stated that, following the last Council meeting, she and Mr. McCash met and further discussed closing off the existing patio, the installation of the gate at the south end and the fence at the northern end. No further revisions occurred. It is her understanding that Mr. McCash is in agreement with those revisions.

Tom McCash, 55 S. High Street, representative for the residents, stated that the residents are in support of this provision. Obviously, there has been a long history related to the Conditional Uses. The residents have consistently argued that this was not a Permitted Use and that a rezoning was required. The applicant has now done so and addressed some of the residents’ concerns through that rezoning process, including switching the gate to a fence at that location to avoid a potential, additional negative impact on the residents. In the spirit of balancing the interests, the residents have agreed to support this rezoning. It is hoped that in the future, the other issues discussed tonight are also addressed, and that this commercial development and the neighbors can co-exist in harmony.

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

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 28-12

Appointing a Member to an Unexpired Term on the Personnel Board of Review.

Vice Mayor Salay requested that this legislation be postponed to the June 4 Council meeting.

There was no objection to this postponement.

OTHER

- Branding Update

Ms. Grigsby stated that the information on branding, which was provided in Council packets, describes in general what is being done citywide. This is a coordinated effort with Economic Development, influencing the information and material that is provided, and the language and words used to describe the City’s districts and projects. Staff has also been working with a firm to help identify some of the issues that need to be considered from a local, state and international perspective. An update on these efforts

RECORD OF PROCEEDINGS

Held _____

20 _____

will be provided tonight. This is consistent with the goal-setting discussions with regard to telling the Dublin story from an economic development standpoint.

Ms. Gilger presented a PowerPoint presentation on the City's pre-branding initiative and the branding initiative today.

- She noted that, prior to this initiative, there was a lot of "logo soup" and departments working in silos. The branding was disjointed, using different colors and different fonts and it was often difficult to identify a City function. The initiative has resulted in progress in this alignment, moving toward a similar brand architecture for City buildings, departments, initiatives, programs and some special events. It will soon be incorporated into City signage.
- Community Relations and Economic Development worked with an outside marketing group to expand the branding from a logo and typeface to a family of pieces to be used when marketing the City locally, nationally and internationally, particular in the business community with the City's key stakeholders and industry clusters. The desire is to take the City's marketing brand and roll into it a third-party validation from the key stakeholders. "Telling the story" about the City is more effective when other people do so on the City's behalf.
- The Battelle study identified the City's key business clusters. From there, they have separated the business community into different districts. That is evident in the various map designations and the sales sheets that will be involved in the next phase. Specific pieces will be created for each of the different business neighborhoods to validate why the neighborhood is unique. Each of the district names ends with the word "District," which will be new, in particular, for Bridge Street. It has previously been referred to as the Bridge Street Corridor.
- In addition to the term "District," each one has a name that defines them by place or by type of businesses/uses, zoning classifications within those particular areas. All acronyms have been removed. They are fine to use internally, but not in marketing and communication pieces. This will provide a clearer message. The districts include: West Innovation District; Perimeter Commerce District; Shier Rings TechFlex District; Bridge Street District; Metro Office District; and Blazer Research District.

Ms. Chinnici-Zuercher stated that this information was not provided in Council packets so Council was not able to review it closely ahead of the meeting. However, her immediate reaction is that she likes what they have done so far, but would really like to see a medical district included. Looking at that corridor with Children's Hospital, Dublin Methodist, all the physician offices, and Ohio University's Osteopathic Medical College – the City needs to make a formal statement of its interest in medical research and medical services being offered. She would prefer that the City not lump that into the Perimeter Commerce District, but provide a separate district with a medical name.

Ms. Gilger stated that the Battelle Study did identify that as one of the top four cluster strengths of the City – the medical, bioscience and healthcare industry. Therefore, staff does plan to market very heavily to that industry.

Ms. Chinnici-Zuercher responded that does not indicate the City has given that industry the formal recognition that it deserves.

Mr. Reiner asked if that is possible, geographically – given the gap between the Ohio University site and the existing hospital.

Ms. Gilger responded that they are in two different areas, but again, it is one of the four top strengths citywide within all of these districts. Smiths Medical is in the TechFlex District, and their corporate shared services office is located at Metro Center – the Metro Office District. It is a very strong cluster located throughout the City. However, staff can take another look at this.

Ms. Grigsby stated that all of the marketing will focus on what is allowed in the different areas. The district names were a means to help people quickly identify areas of the City. Once an area is identified, all the additional detail on the area would be available.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

May 21, 2012

Page 16

DAYTON LEGAL, BLANK, INC., FORM NO. 1014B

Held

20

Ms. Chinnici-Zuercher stated that in regard to the "Where's the Beef" t-shirt, this is a marketing slogan used years ago by Wendy's. On the other hand, the Field of Corn is the City's public art piece. She sees no reason Dublin would choose to promote a specific company over another company located in the City, by using t-shirts with their slogan. It is not the City of Dublin known for this slogan, but rather Wendy's.

Ms. Gilger responded that Wendy's is bringing the slogan back in a new marketing campaign.

Ms. Chinnici-Zuercher stated that this is marketing of a specific company, not the City of Dublin.

Ms. Gilger stated that staff is trying to identify unique things about Dublin to promote its businesses.

Ms. Puskarcik added that in this initiative, Community Relations and Economic Development are looking to identify the various amenities within the community. For this, it was Wendy's and the Field of Corn. The next time, there may be another business that the City will partner with to create shirts that promote a specific amenity as located in Dublin. The City ordered only 120 of these t-shirts. After Wendy's, they will focus on other companies and amenities in Dublin.

Ms. Chinnici-Zuercher asked if this information is being provided to Council for information only and not for input.

Ms. Grigsby responded that the shirts have already been produced. The information is provided to Council to make them aware of the branding efforts staff has been working on as it is related to economic development, and to obtain Council feedback.

Mayor Lecklider asked what are the circumstances under which a Dublin-based company might approach the City about promoting their business through a t-shirt. How is that controlled/managed?

Ms. Puskarcik responded that it would be determined on a case-by-case basis. She met with another company today on another matter, but after seeing the ad, they expressed interest in this program as well. The shirts are promoting amenities, promoting Dublin, and this is intended to be a fun approach. They evaluated the brand from the aspect of being a leader, being professional, being fun, vibrant and friendly.

Mayor Lecklider stated that he understands the effort, but he is thinking of a company that is not in Dublin's top 20 or top 25, yet wants the same promotion, even if it is only 120 shirts.

Ms. Puskarcik responded that staff would have a defined statement of the purpose of this marketing, which is not to promote a company, but to promote amenities within Dublin. Those decisions are made jointly with Community Relations staff, Economic Development staff, and the company itself.

Ms. Grigsby stated that, based on this feedback and other issues that may arise, staff will evaluate this component of the marketing.

Mrs. Boring asked about the yellow and red T-shirt depicted in the materials.

Mrs. Grigsby responded that is an example of what Wendy's is currently marketing.

Mr. Gerber noted that Dublin has the green version of that.

Mrs. Boring referred to page 59 of the document. She understood there was a focus group that evaluated the City's marketing tools and the cloud concept.

Ms. Gilger responded that was the original branding initiative with Integrate. Integrate evaluated all the City division marketing efforts and tools. What is shown to Council tonight depicts the effort to have everything under the same umbrella with the same, citywide look.

Ms. Grigsby stated that the objective is consistency throughout the City, so that the public recognizes information as coming from the City of Dublin.

Mrs. Boring stated that she appreciates that. She was confused by the report itself.

Held _____

_____20_____

Ms. Gilger stated that, in the past, information was identified as coming from a particular division in the City. Going forward, information will be identified as coming from the City of Dublin, USA.

Ms. Salay stated that she has noticed that in publications where City Council is mentioned, the listing is often divided into groups of At Large members and Ward members. Why are Council Members listed in that manner?

Ms. Puskarcik responded that it has occurred as a result of discussions years ago; perhaps the practice needs to be revisited. Typically, there has been an attempt to identify the Mayor and Vice Mayor first, or to identify ward representatives, for community awareness. Vice Mayor Salay stated that, in this case, the ward is not defined – it simply indicates “Ward Representative.” She would prefer it state “Dublin City Council,” particularly since the specific ward is not identified.

Ms. Puskarcik responded that this example is an older version. The general rule is that if Ward Representative is used, it should state the specific ward.

Ms. Grigsby stated that staff will review this. There may be times when it does not make sense to list the wards, but other times there may be a purpose in identifying the ward representatives.

Mayor Lecklider added that he prefers to be identified as “Tim Lecklider,” not “Timothy A. Lecklider,” except on those occasions where the document is more formal.

Ms. Puskarcik stated that information was also provided in packets regarding some upcoming Council video interviews. Council’s information and preferences can also be updated during that process, as well.

Mayor Lecklider stated that Council requests that staff continue to provide updates on the branding effort. He noted that he likes the District themes presented this evening.

Ms. Gilger stated that with the brand ads, the intent is to have significant interaction with the Dublin companies that have a visual element. If there are others that Council is aware of, she asked that they share those with staff. It does require some period of time for trademark approval to use a company name and image, or to secure a testimonial quote from a CEO. They would like to gather many of those upfront, approved by the companies, so that they are available for various types of ads the City plans to do.

STAFF COMMENTS

Ms. Grigsby asked that if Council has any feedback on the Council goal setting report to forward it to her to be incorporated into the update. An official resolution will be provided for Council action at an upcoming meeting.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Keenan:

1. Requested a follow-up on the proposed tax budget for fiscal year 2013. Under Revenues - Advances, it indicates \$2.1 million for 2010 and \$3.7 million for 2011. He requests information on these and the reason for the classification in this manner.

Ms. Grigsby responded that they are required to be classified in that manner. When the General Fund has made advances to other project funds, the advanced amount is depicted as revenue when that repayment is made. During the CIP update, the document indicates where the advances are repaid.

Mr. Keenan asked if this is actually a repayment amount.

Ms. Grigsby confirmed that is correct.

Mr. Keenan inquired if a repayment amount is anticipated in 2012.

Ms. Grigsby responded that if those are revenues, staff has information on what is anticipated to be received in 2012 and projections for future years. Staff will provide a follow-up memo with more detail.

2. Stated that he and Ms. Chinnici-Zuercher had the opportunity to meet recently with the Chinese delegation. It was very interesting to speak with the delegation through interpreters. Kudos to Mr. McDaniel and his staff for coordinating that effort. He

RECORD OF PROCEEDINGS

Held _____

20 _____

learned much about their culture. They are more similarities in the two cultures than he realized, even with their form of government and mayor selection process.

3. Another honeysuckle removal day was held recently in Coventry Woods, and they removed a great amount of honeysuckle with the assistance of City volunteers and Service Department employees. He would encourage other neighborhoods or interested groups to contact City staff to about this program. It has made a tremendous difference in the views of the park in their neighborhood. During the clean up, they realized there is an issue with neighbors dumping yard waste in the wooded area. This is likely common in other neighborhoods, as well.

Mr. Gerber:

1. Stated that he has recently corresponded with Mack Parkhill about some discussion among veterans that it might be appropriate for Dublin to commemorate soldiers Killed in Action (KIAs). This could be done within Dublin Veterans Park with a burial area or a memorial of some type. Perhaps a Council committee or another City group could review this suggestion.

Mr. Reiner stated that he and Mr. Gerber have spoken about this idea, which does make sense. There is an existing cemetery located very close to the Grounds of Remembrance; it is already zoned for Cemetery use. A KIA could have the honor of being buried there and be part of a memorial. It is appropriate that the City identify some means in which to honor its fallen soldiers.

Mayor Lecklider asked if Mr. Gerber desires to recommend forwarding this consideration to a Council committee or to recommend the formation of a specific ad hoc committee to review the recommendation.

Mr. Gerber stated that if Council is interested in pursuing this idea, he would envision that a subcommittee or ad hoc committee, including some Council Members, could consider the idea and report to Council.

Ms. Grigsby stated that Council could also consider referring this to an existing advisory committee, such as CSAC.

Ms. Chinnici-Zuercher responded that because this matter was brought directly to Council, it should remain with Council and staff. Council would need to be educated on the legal requirements of cemeteries and any other associated matters to determine if it is feasible for the City to do this.

Mr. Keenan stated that perhaps a small subcommittee, consisting of a couple of Council Members and a couple of community members could discuss this matter and provide a recommendation to Council.

Ms. Chinnici-Zuercher recalled that the last time Council engaged in such an effort, there were some issues with the process. She believes that because this was brought to Council by community members, the first review should be done by a committee of Council Members and staff.

Mr. Gerber agreed, noting that Council Members could reach out to community members and request any information needed, and staff could be very helpful in this endeavor.

Mr. Keenan stated he concurs with having Council Members work with staff on this matter.

Mrs. Boring asked if there is an existing monument in front of the 1919 Middle School Building.

Vice Mayor Salay confirmed there is.

Mrs. Boring stated that there was previous discussion about how to continue that concept, although that monument may need to be relocated. Considering his recent promotion to Brigadier General, perhaps Mr. McDaniel should also serve on this subcommittee.

Mr. McDaniel responded that the monument was a tribute to the Dublin School graduates who served in World War II. There was a desire to capture the names of those individuals so that they would not be forgotten.

Mayor Lecklider recommended that Mr. Gerber serve as Chair of this subcommittee and asked if there are two other Council Members who would like to serve on the committee. These Council Members can take the responsibility of leading the initial discussions with staff.

Mr. Reiner and Mr. Keenan indicated they would be willing to serve on the committee.

Held _____

20 _____

Mr. Reiner:

1. Congratulated Mr. McDaniel on his recent promotion to Brigadier General. This is quite an honor, and Council is very proud to have one of Dublin's own achieve this rank.
2. Noted that a recent Letter to the Editor in the *Columbus Dispatch* written by John Damschroder was very well done. His comments about political cronyism were very interesting, and his letter provided a very concise and eloquent explanation of Dublin's position on the regional economic development agreement. If other Council Members have not yet had the opportunity to read this Letter to the Editor, he encourages them to do so.

Ms. Chinnici-Zuercher:

1. Asked if the *Columbus Dispatch* had contacted any Council members or staff, and if so, who discussed with them the City's position (regarding the regional economic development agreement) before the editorial was published in opposition to Dublin's position.

Ms. Grigsby responded that she is not aware of anyone on staff who was contacted by the *Dispatch*. The City actually contacted the *Dispatch* after the editorial ran to notify them of Dublin's concerns with their information. A meeting has been scheduled with some members of the *Dispatch* editorial board later this week to discuss those issues.

Ms. Chinnici-Zuercher stated that she believes it would be appropriate for the Mayor to be present in that meeting, if he is available, as it was the elected body who publicly took the formal position, which the *Dispatch* is now opposing.

Ms. Puskarcik stated that when she called the *Dispatch*, they responded that the editorial is the view of the newspaper and Mr. Wolfe. She shared that the City had concerns about some of the information expressed. They responded that they would welcome the City staff to an upcoming editorial board meeting. Glen Schiller and others will be present at that meeting.

Ms. Chinnici-Zuercher stated that one of the messages she would like to have shared is that Council never indicated they would not cooperate with all of their colleagues in the region to attract new business. In fact, Council stated that is something they would encourage the staff and elected bodies to continue to participate in, and even suggested that there be meetings with the elected bodies. The primary emphasis of the editorial was that Dublin City Council was not interested in collaborating and cooperating to bring in new businesses. This was never Dublin's position. It may be the editor's opinion, but she is not certain of the basis for that opinion.

Ms. Grigsby responded that anytime staff has had discussions or follow-up on this, that has been made very clear to them. She has personally emphasized that Council's position was to continue to have discussions, as the City's main focus is bringing new jobs to the City of Dublin and to the region. She noted that is the City's primary interest -- not moving jobs around the region.

Ms. Puskarcik stated that in the interest of accuracy and regionalism, Ms. Grigsby and she have discussed whether there is a need to identify some other communication channels to clarify Council's position. However, they will wait until the meeting with the *Dispatch* has occurred and then make that decision.

Mr. Keenan stated that there is a significant difference in the ways in which Dublin incentivizes economic development, which he believes the general public is not aware of, and that was entirely lost in what the *Dispatch* communicated. Other entities are giving away a completely different package of incentives.

Ms. Puskarcik stated that she believes there is a need for Dublin to self-publish some information.

Mr. Gerber stated that there was an inference by the *Dispatch* and Mr. Wolfe that either "you are on the bus or off the bus of the central City," yet that is not the position Council was advocating. Dublin is supportive of economic development in the central Ohio region, and that was not understood. It is important to have Dublin's own message sent out.

RECORD OF PROCEEDINGS

Held _____

20 _____

Mr. Reiner stated that was the positive aspect of the rebuttal submitted by Mr. Damschroder. He pointed out that Dublin is the leader in drawing jobs into this region. It was very well articulated within a couple of paragraphs.

Mayor Lecklider stated that during Council's previous discussion on this issue, every Council Member expressed the desire to encourage cooperation and collaboration with the City's peer communities, including the City of Columbus, with respect to attracting new jobs to Central Ohio. The media and some of the others involved in this effort seem to want to portray something different to the public, likely because some other communities have followed Dublin's lead in this matter.

Ms. Chinnici-Zuercher continued:

2. Regarding the Police report, Ms. Chinnici-Zuercher requests a brief presentation at a future meeting on staff's opinion about why the increases in incidents have occurred. There are likely some very good strategies in place to educate the public, and a presentation of that information to Council would be helpful. Chief von Eckartsberg indicated he could provide this update at an upcoming meeting.

3. Stated that the dinner with the Chinese delegation last Monday was excellent. Two things she would encourage staff to do are:
- To provide Council with the business plan for the global expansion the City is pursuing, so that Council understands the goals and to identify the opportunities for Council's participation. She is unclear about why the delegation was in Dublin, and what the next step is for the City.
 - To display the lovely gifts the Chinese delegation presented to Council, so everyone can view them. This should be done at the next Council meeting. She noted that in the international arena, the protocol is to present such gifts. Dublin needs to create something that is representative of the community to present as gifts, not something that is purchased from Dublin, Ireland.

Mr. Keenan suggested that the scrolls be displayed in the Council Chambers at the next Council meeting.

4. Reported that she is serving on the Mid Ohio Regional Planning Commission search committee for their next Executive Director.
5. Stressed the importance of achieving closure on the agreement with the Dublin Arts Council. In her observation, there is significant tension with this not-for-profit entity that the City established. It is important to set aside whatever differences there are in order to build the wonderful program desired for this community, which the professionals at the Arts Council can do for the City.

Vice Mayor Salay reported that, during the holidays, Council received miniature evergreens in their Planning baskets. Most of those trees have been relocated to the park on Woerner Temple across from the frisbee disc golf course. She commended staff on the excellent re-use of those plants.

Mayor Lecklider:

1. Reported that he received an invitation from Mid Ohio Regional Planning Commission via mail inviting the City to comment on the transportation plan.
- Ms. Grigsby responded that staff has submitted comments on behalf of the City to MORPC.
2. Stated that he and Mrs. Boring had the opportunity to attend Dublin's Police Memorial Service this past Thursday. Over the years, other Council Members have attended these annual services as well. It was a solemn occasion, but he was very proud that Dublin, as a community, recognizes those officers who have made the ultimate sacrifice in service to their communities. The ceremonies were very well done.
3. Stated that he looks forward to seeing everyone on Monday at the Memorial Day observance and events in Dublin.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 21, 2012

Page 21

Held _____ 20_____

The meeting was adjourned at 9:25 p.m.

Mayor – Presiding Officer

Acting Clerk of Council