

RECORD OF PROCEEDINGS

September 24, 2012

Held _____ 20 _____

Mayor Lecklider called the Monday, September 24, 2012 Regular Meeting of Dublin City Council to order at 6:15 p.m. at the Dublin Municipal Building. Council Members present were Ms. Chinnici-Zuercher, Mr. Gerber, and Mr. Keenan. (Mr. Reiner, Vice Mayor Salay and Mrs. Boring arrived shortly thereafter.)

ADJOURNMENT TO EXECUTIVE SESSION

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

Mr. Gerber seconded the motion.

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

The meeting was reconvened at 7:10 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. Mumma, Mr. McDaniel, Ms. Crandall, Mr. Somerville, Mr. Hammersmith, Mr. Langworthy, Mr. Hahn, Ms. Puskarcik, Ms. Ruwette and Ms. Ott.

SPECIAL PRESENTATIONS/PROCLAMATIONS

- **Dublin City Schools – Update re Nov. 6 ballot issue (operating levy and bond issue) – Dr. David Axner, Superintendent and Steve Osborne, Treasurer**

Dr. Axner introduced Dublin School Board Members who were present -- Scott Melody, Lynn May and Board Vice President Gwen Callender. He noted that the Schools provided an update to Council a year ago, and since then, they have experienced improvement. However, the urgency of passing Issue 48 -- the school levy -- is at the forefront of their efforts. Progress continues within the District. The Schools are approaching a total of 15,000 students. They have increased by 1,400 students since 2007, with less state and federal funding. Dublin City Schools is the 12th largest school district in Ohio, and eight of those districts are urban schools. A total of 60 different languages are spoken by Dublin School students. Some of the District's achievements are as follows:

- Last year, Dublin Schools were the highest achieving school district in all of Central Ohio. They do not have the final report, but their results were better for this past school year. Their present Performance Index Score – a culmination of all their testing, attendance and graduate rates -- is at 107. They have enjoyed nine consecutive years with the highest distinction ranking.
- The District is broken up in subgroups reflecting students on IAPs and with different demographics/cultures. One of their greatest statistics in the last five years is that every subgroup has closed the achievement gap in math and reading. Across the board, the District's achievement with all students is improving, even though 1,200 students come to the Schools without speaking the English language.
- The ACT test scores continue to improve. The composite score for this past year for all three high schools was 25.1. The state average is 21.8.
- There were 1,543 students in advanced placement courses this year – the highest number they have had. Out of those students, over 2,000 tests

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were scored 3.0 or higher – achieving a 3.0, 4.0, or 5.0 result in a college credit. Many of their students begin college as a sophomore rank because of this; many are able to waive a credit, which saves money for the parents. Unfortunately, some of the District's high-end programs will be impacted if the levy does not pass.

Mr. Osborne provided a brief synopsis of their November 6 ballot issue. It is similar to what was on the ballot last year, except for a reduction in millage. After their last levy effort, residents commented that the amount was too high during a difficult economic time. The District has therefore reduced its levy request by over a mill to 6.94 mills this year. The largest portion of that is the operating levy portion. With the increase of nearly 1,400 students during the past five years, the District has at the same time experienced a decrease in state and federal funding and investment revenue. The operating levy portion of the levy request has been reduced from 7.2 mills to 6.4 mills. They have been able to do this by operating reductions amounting to \$7.2 million that will occur over the next two years. These reductions will be permanent, whether or not the levy passes. The bond issue portion of the levy decreased from .77 mills to .54 mills, a drop from \$25 million to \$15.8 million. This was accomplished by removing funds for buildings. Resident surveys indicated a desire for the District to operate within their existing facilities. The funds continue to cover maintenance, equipment, security and technology in the District, but eliminate the building that was previously planned. The 6.94 mills on the ballot will cost taxpayers an additional \$213 for every \$100,000 in assessed home valuation, in comparison to the additional \$244 reflected on last November's levy amount.

Dr. Axner stated that two post levy surveys were conducted. The number one reason people indicated for moving to Dublin was for the schools – 49%. The next highest one was 22% who moved to Dublin for employment. This indicates how critical the school district is to the community.

- If the levy does not pass, reductions totaling \$10 million may occur in classified and certified staff and administrators.
- Because the survey indicated that the school buses were not full, a number of bus stops have been replaced with group stops. However, a further reduction would mean high school busing would be eliminated.
- With athletics, the pay to play will increase from a range of \$40-\$70 to \$400 per activity. That includes game transportation, uniforms, officials, etc. Over \$500,000 will be eliminated for coaching contracts and club advisors. Entry-level sports may be eliminated.
- This is a second chance to avoid those cuts. Surveys indicated the previous levy request was too high, and the District has accomplished over \$15 million in reductions. However, it is essential to pass this levy request to avoid any of the above-named cuts. If this levy fails, some of the cuts will occur even if a future levy in spring 2013 or fall 2013 were to pass. That is because those collections would not occur until January 2014.

He thanked Council for the opportunity to speak regarding this issue.

Ms. Chinnici-Zuercher stated that she read a recent news article on school levies. Many were surprised that last year's school levy issue failed, as she does not recall there being any organized opposition to the levy. She has heard comments that not enough information is known about the current levy request. That is a concern, as early voting begins on October 2. How is the public receiving the information that has been shared tonight with Council?

Dr. Axner responded that changes in their efforts have occurred, with Board Member Lynn May organizing those efforts. Facebook, Twitter and other options are being utilized to connect with the public. There are over 600 volunteers compared to approximately 60 volunteers last year. However, any campaigning has to occur

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outside the workday. Their levy committee has scheduled two to three presentations to community groups -- nearly every night and weekend. A number of mailings will occur in the immediate future.

Mr. Osborne added that they have also attended an increased number of neighborhood and civic association meetings to share the information.

Ms. Chinnici-Zuercher stated that many companies locate in Dublin because of the good schools that are a draw to potential employees. She hopes the public understands that and will support the levy at the ballot.

Mr. Gerber added that the people and businesses move to Dublin because of the good schools, and having good schools enhances the property values.

Vice Mayor Salay stated that it is important to focus on the positive points -- the fact that the equivalent of a high school -- 1,400 students -- has been added to the District with no additional funding. Dublin Schools is the highest achieving district, in spite of its huge diversity, which is a significant challenge for each school. It is important to emphasize Dublin Schools' achievements to the public, as the citizens who do not have students in the school system are unaware. The increase in property taxes will be significant for homeowners, but cutting programs and services in the Schools impacts property values. Investing in the schools upfront will help retain property values and the quality of the community.

Mayor Lecklider inquired how much less state funding the District has received in recent years.

Mr. Osborne responded that this year, compared to their funding five years ago, the Schools receive \$8.5 million less. Of that, \$5.9 million is the result of a reduction in the tangible personal property tax reimbursement, and another nearly \$3 million is the result of basic state funding that is typically based on a formula comparing the number of students and the property wealth of the district.

Mayor Lecklider inquired about the state formula that can penalize a school based upon the wealth of the district.

Dr. Axner responded that the state funding is figured per Average Daily Membership (ADM). There are some area schools that receive over \$5,000/per new student. Dublin Schools has received less per student than the surrounding districts.

Mr. Osborne stated that there will be a challenge with next year's budget, as Governor Kasich will be introducing a new state funding formula.

Mayor Lecklider added that in yesterday's *Dispatch* sports section, there was an editorial on the value of extracurricular activities in building character and life-long lessons. Extracurricular activities are reflected in a healthy school district. The impact of cuts in those programs in other districts has been seen. The value of an excellent school district is recognized.

- **Proclamation for "Shifting Perspectives: In the Community" -- to be presented to exhibition Curator/Photographer Richard Bailey and David Guion, Executive Director, Dublin Arts Council**

Mayor Lecklider presented a proclamation to Mr. Bailey and Mr. Guion in recognition of the exhibition, "Shifting Perspectives: In the Community," which will be presented September 27 through November 2, 2012 at the Dublin Arts Center, corresponding with the observance of National Down Syndrome Awareness Month. Through photography, the exhibition will focus on the everyday life experience of individuals living with Down syndrome. The Dublin Arts Council previously hosted the U.S. debut of the original U.K. "Shifting Perspectives" in 2011, which received overwhelming positive response. That led to the creation of this new exhibit. Working in close collaboration with the Down Syndrome Association of Central Ohio and its nationwide

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affiliates, the exhibition will be underwritten by Cardinal Health and grants from the Dublin Foundation and the Ohio Arts Council. On behalf of City Council, he proclaimed October 2012 "Down Syndrome Awareness Month in the City of Dublin," and welcomed curator and photographer, Richard Bailey, back to Dublin. He encouraged citizens to visit the exhibition at the Dublin Arts Center.

Richard Bailey, Exhibition Curator/Photographer, thanked Council for the proclamation. He noted that when his daughter was born 13 years ago, they found that there were very few positive images of individuals with Down syndrome -- none of their family life, in the work place, in education or playing sports. Over the past eight years, "Shifting Perspectives" photographers have covered all aspects of Down syndrome and have built up a vast body of work that draws from many different themes. Society is changing, and people with all kinds of disabilities are more included in mainstream society. However, there is yet a long way to go. His hope is that the public will be able to see that people with Down syndrome have dreams, aspirations, wants, needs, likes and dislikes, just like everyone else -- they will see individuals, rather than persons with Down syndrome. He thanked Mr. Guion and his team at Dublin Arts Council for bringing "Shifting Perspectives" back to Ohio and the local photographers who have been involved. There are fabulous images in the exhibit, and he urged everyone who has an opportunity to visit the exhibition.

David Guion, Executive Director, Dublin Arts Council thanked Mr. Bailey for joining them for the next installment of the exhibition. There are four Dublin residents who are photo subjects for the exhibition, and they were proud to focus on Dublin, Ohio, as well as the U.K. The exhibition will open Thursday, September 27 and continues through November 2.

Mr. Reiner, Council representative to the Dublin Arts Council Board noted that a fundraiser for the exhibition opening is planned tomorrow from 6-9 p.m. at the Arts Center. He encouraged everyone to attend.

- **Proclamation for Community Planning Month**

Mayor Lecklider presented a proclamation in recognition of National Community Planning Month to Mr. Langworthy, Director of Land Use and Long Range Planning. The City has always placed a high value on the importance of community planning to the City's overall quality of life. As the five-year anniversary of the 2007 Community Plan approaches, the City is committed to reinforce community planning principles by amending the Community Plan to address changing trends, recent development projects and a variety of new planning initiatives, including the West Innovation District and the Bridge Street District Plan. On behalf of City Council, he proclaimed October 2012 as Community Planning Month in the City of Dublin.

Mr. Langworthy stated that he appreciates the opportunity to work for a community and City Council that values community planning and is progressive in its views. It is a privilege to work with such a talented group of planners, engineers and other staff members.

- **2012 International Festivals & Events Association World Festival & Event City Award**

Mayor Lecklider stated that Dublin was honored to be named a World Festival and Event City by the International Festivals & Events Association (IFEA). The City was presented with the award at the Association's annual conference in Denver this past Friday, which he and three staff members attended. Dublin was recognized as the "Most Outstanding Global Entry for Cities with Populations One Million and Below." Dubai was recognized for cities with populations one million and above. This award was received primarily in recognition of the Dublin Irish Festival, which celebrated its 25th Anniversary in 2012. The award is a tribute to City staff, Council, event sponsors and volunteers. In addition, the City received three Gold awards -- for the Irish

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Festival website, best TV promotion, and best social media site. At the conference, the City also received seven Pinnacle awards.

He invited Ms. Puskarcik to share the video submitted for the World Festival and Event City award.

Ms. Puskarcik stated that one of the winning aspects of the video was that it did not have words – the images, viewed around the world, were quite effective. She acknowledged Joe Fox and John Nichols of Shared Vision, who produced the video. [Video was shown.]

Mayor Lecklider noted that the City staff also brought the Presidents Cup with them to the conference, which drew substantial interest, including photo opportunities for many attendees.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road noted that he is recovering from a recent illness, but would like to share some words of praise for Council members and City management. In the first decades of this country, Presidents Washington, Madison, Jefferson and a fourth figure he cannot recall warned the country strongly to avoid a party system because it would “water down” a focus on the issues of the country and deteriorate into nothing more than name calling. These forefathers were right. The country is thinking about nothing important, and it is on the brink of sinking. Reflecting back over the many years he has been before Council, he could not recall a single time that any Council or administration wasted a single minute. Every minute has been used to consider and pass legislation to govern the City. He congratulated Council and the administration. He hopes his comments are added to the accolades the City is receiving this evening. Council has insisted that politics remain local. He recalls previous efforts of politicians outside the City to become involved in City elections. However, Council has firmly refused to permit that to happen. Therefore, the candidates’ goals and discussions are substantive. He noted that “Project Vote Smart” is conducted by many volunteers who review the background of every politician in the country. They ask each candidate if they consider themselves to be a reliable politician. Every candidate that he has looked up so far indicates they are not, because they are aware that the organization has documented all the votes they have made on every issue.

CONSENT AGENDA

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

Vice Mayor Salay seconded the motion.

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

1. Minutes of September 10, 2012 Council meeting
2. Notice to Legislative Authority re New D3 liquor permit for Emerald Liquor Two LLC, 5689 Woerner Temple Road, Dublin, OH 43016
3. Notice to Legislative Authority re New D5 and D6 liquor permits for Emerald Liquor One LLC, 5637 Woerner Temple Road, Dublin, OH 43016
4. **Ordinance 60-12 (Introduction/first reading)**
Authorizing the City Manager to Execute Any Documentation Necessary to Vacate a Portion of the Four Fives LLC Bikepath Easement Granted to the City in 2007.
(Second reading/public hearing October 8 Council meeting)

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5. Ordinance 61-12 (Introduction/first reading)

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.135 Acres, More or Less, Fee Simple Interest (With 0.082 Acres as Present Road Occupied), a 0.086 Acres, More or Less, Fee Simple Interest, and a 0.046 Acres, More or Less, Temporary Construction Easement from Jubilee LP. (Second reading/public hearing October 8 Council meeting)

6. Acceptance of Final Plat – Wellington Reserve (Case 12-034FDP/FP)

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 53-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 2.085 Acres, More or Less, Fee Simple Interest from Northern Dreambuilders Corp.

Mr. Hammersmith stated that the request is for acquisition of property owned by Northern Dreambuilders Corp., which consists of two parcels -- one at 4052 Bright Road and the other at 4030 Bright Road. Initially, this was acquisition of only right-of-way, but due to the effect on the property after the road construction, it was determined to be more equitable to the property owners to acquire the entire parcels for the amount of \$390,000. Both parcels combined comprise over two acres.

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

Ordinance 54-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a 0.784 Acres (with 0.355 Acres as Present Road Occupied), More or Less, Fee Simple Interest, a 0.195 Acres, More or Less, Permanent Utility and Drainage Easement, and a 0.125 Acres, More or Less, Temporary Construction Easement from Orella Lyon.

Mr. Hammersmith stated that this is an acquisition request related to the Hyland-Croy and Brand Road roundabout. The property, owned by Ms. Orella Lyon, is located at 7500 Mitchell-DeWitt Road. The City will acquire permanent right-of-way, permanent easement, and temporary construction easements. A total compensation of \$43,363 has been negotiated with the property owner. The permanent right-of-way is just over 0.40 acre. It is the last acquisition associated with this project, and construction is anticipated for next year.

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

Ordinance 58-12

Designating Eligible Financial Institutions as Public Depositories.

Ms. Mumma stated that this routine legislation comes before Council every five years. The Ohio Revised Code requires the City to designate formally the financial institutions that will act as depositories for public funds. There are nine institutions listed in the legislation. The staff report also notes that the City will be undertaking an analysis of its current banking relationship with J.P. Morgan Chase, where the City has its active deposits, the funds needed for daily operations, to ensure the City is receiving the best rates available.

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

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Ordinance 59-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 23.469 Acres, More or Less, Fee Simple Interest from Charles W. Matthews, Jr., Kimberly K. Matthews Ross, Diana C. Lowery, Trustee, Dan E. Lowery, Trustee, Kimberly K. Ross, and Diana C. Lowery, and Appropriating Necessary Funds Therefor.

Ms. Ott stated that the City has been in negotiation for approximately 24 acres of additional parkland located on the east side of Riverside Drive, just north of Hard Road and south of Wyandotte Woods Boulevard. The negotiated amount is \$910,000, which is just under \$39,000/acre. There are some contingencies in the real estate agreement that must be satisfied by the current owner. Staff believes this is a complement to the existing land mass publicly owned by either the City or the school district in this portion of the City. This particular parcel of land has desirable topographical features for preservation. Parkland acquisition funds will be used for the purchase.

Ms. Chinnici-Zuercher inquired if the contingencies referenced are the conditions requested by the City as outlined on page 1 of the proposed agreement.

Ms. Ott responded affirmatively. The seller did not have additional conditions.

Mr. Keenan inquired if there were any storage tanks on this site in the past that would impact the environment.

Ms. Ott responded that a phase one analysis is currently being conducted. The owners have owned this property for 50 years and indicated there has been none. The City is not aware of any structures on this property over the past 50-100 years.

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

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 55-12

Appointing a Member to the Personnel Board of Review.

Vice Mayor Salay introduced the resolution. She noted that she spoke with a candidate interviewed in the spring, Shaun Campbell, who has indicated his willingness to serve on the Personnel Board of Review.

Vice Mayor Salay moved approval of the appointment of Shaun Campbell to the unexpired term on the Personnel Board of Review.

Mr. Gerber seconded the motion.

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

Resolution 56-12

Accepting the Amounts and Rates and Authorizing Tax Levies.

Mr. Keenan introduced the resolution.

Ms. Mumma stated that this is routine legislation that comes before Council annually. The City is required by the Franklin County Budget Commission to accept the amounts and rates in authorizing tax levies. Specifically, this legislation authorizes the inside millage to be distributed with .35 mills going to the Parkland Acquisition Fund, as discussed during the 2013-2017 CIP budget process. Additionally, 1.4 mills will be distributed into the Capital Improvements Tax Fund. The voted millage, the 1.2 mills, will continue to be allocated toward the Police Safety Fund.

Mr. Keenan inquired what the actual collection rate is on the Police levy.

Ms. Mumma responded that for residential property owners, it is .204 mills; for commercial property owners, it is .311 mills.

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

Resolution 57-12

Authorizing the City Manager to Enter into an Agreement with the Dublin Arts Council for the Provision of Cultural Arts Services and Amending Exhibit "B" of the Lease Agreement Previously Executed by the Parties.

Mr. Reiner introduced the resolution and moved to postpone the vote to the October 8 Council meeting. The Dublin Arts Council (DAC) desires to schedule a special Board meeting for this review, as they were unable to discuss this item during their September 11 regular Board meeting.

Mrs. Boring stated that it was her understanding that Council would vote on this item tonight, regardless of whether DAC did so at their meeting. She believes Council should do so, as this would indicate Council's support of the agreement as drafted. If DAC does not support the agreement in its present form, they may request additional changes from the City. If the DAC concurs, the agreement would be final.

Mr. Reiner stated that his conversations with the DAC indicate this would be considered a courtesy, as they have not had the opportunity to present the final draft of the agreement to the DAC board. This request does not reflect any concerns regarding the agreement itself.

Ms. Chinnici-Zuercher inquired if this item is scheduled on DAC's next meeting agenda. Mr. Reiner responded that a special meeting will be called for this purpose.

Mr. Keenan indicated agreement with Mrs. Boring in regard to voting on the agreement tonight. This issue has been unresolved for several years.

Mr. Gerber inquired if the DAC Board should request a change, could the Community Development Committee consider that request and have a recommendation prepared for the October 8 Council meeting?

Mr. Reiner stated that, according to Mr. Guion, the DAC is satisfied with the agreement. This is simply a courtesy to their Board, who has not yet reviewed this final version of the agreement.

Mayor Lecklider inquired when this is expected to be back on Council's agenda. Mr. Reiner responded that it will be scheduled on the October 8 Council agenda.

Ms. Chinnici-Zuercher noted that there were several DAC representatives at the Community Development Committee of the Whole meeting regarding the agreement. They could have addressed any major concerns quickly following that meeting. It was her understanding that a formal vote of the DAC Board was not anticipated until November. Does that prevent Council from approving the agreement either tonight or at the October 8 meeting?

Ms. Grigsby responded that it does not. Based upon the discussions the City has had with the representatives from DAC, no changes are anticipated. The DAC request today was that Council defer passing the legislation until the next meeting. DAC plans to hold their discussion prior to that adoption. She does not seem any harm in postponing this item until the October 8 meeting. At that point, Council should move forward and vote on the legislation.

Ms. Chinnici-Zuercher clarified that the expectation is that DAC will hold a special meeting prior to October 8, and communicate the results of that meeting to City

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administration. Council will then receive a memo indicating that either nothing has been changed or with DAC's requested changes and staff's recommendation. Council will take a definitive vote on October 8.

Ms. Grigsby stated that is the message that has been communicated to DAC. It is not necessary for Council to wait until the DAC board has voted, but this would allow them the time to have a final review and forward the results to the City. This is a request only to postpone Council's vote to the next meeting.

Mr. Gerber stated that he does not mind extending that courtesy, but he is not interested in further negotiations. Council had a Committee of the Whole meeting to discuss this agreement with the DAC representatives four weeks ago.

Ms. Chinnici-Zuercher stated that it will be essential to have an annual formal review between City staff and DAC staff to review the agreement and documentation that has occurred. If any major changes in the agreement are requested, that would be forwarded to the leadership of both groups.

Mr. Reiner stated that quarterly meetings between City and DAC staff are anticipated. Ms. Grigsby confirmed that, in addition to quarterly discussions, Mr. Guion will provide regular updates to Council, as does the Dublin Convention and Visitors Bureau.

Mayor Lecklider inquired if Exhibit A, the redlined version is the City's proposal or the Dublin Arts Council's proposal.

Ms. Grigsby responded that it is the City proposal.

Mayor Lecklider requested that on the last page, the reference to Title VI of the Civil Rights Act of 1964 be corrected to Title VII. In addition, he is not certain whether or not the Americans with Disabilities Act of 1990 has been amended, but it might be advisable to add the language, "as amended."

Staff indicated the revisions would be made accordingly.

Mayor Lecklider seconded the motion to postpone Resolution 57-12 to the October 8 meeting.

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

OTHER

- Request for Fee Waiver – Sastry Durvasula, 5734 Dalymount Drive

Ms. Mumma provided background information regarding this request for fee waiver.

- The property located at 5734 Dalymount Drive was initially inspected by Code Enforcement on May 3. At that time, it was found to be in noncompliance with the City's Code regarding weeds and grass, and notification was provided to the property owner that they need to rectify the situation and bring their property into compliance by May 10.
- A subsequent inspection by Code Enforcement indicated that the property was brought into compliance. Consistent with City policy, it was re-inspected periodically throughout the summer and each time found to be in compliance.
- On August 1, the property inspection found the property no longer to be in compliance. At that point, the City hired a contractor to mow the property, for which the City incurred a \$70 charge. No notification was sent to the property owner at that time because, pursuant to Dublin Code Section 95.22, "a Code Enforcement officer shall cause written notice to be served once each growing season to the property owner." The Finance Department handles the collection. The \$70 charge plus a \$350 service charge was assessed on the property owner. On August 31, the Finance Department issued an invoice to the property owner for a total of \$420. At that time, no contact was made by the property owner to the City.

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- A second notice was sent on September 7. On September 10, the City received a request from the property owner for a waiver of the \$350 service charge based on the fact that the owners were out of the country due to a family emergency.
- After reviewing the case file, she made a recommendation to the City Manager that the fee waiver request be denied, and the City Manager upheld that decision. The property owner was notified of that decision by regular and certified mail and advised that he had the option of requesting the fee waiver from City Council.

Sastry Durvasula, 5734 Dalymount Drive stated that, as already indicated, he was out of the country during the July/August timeframe for a family emergency. They engaged a person to take care of the lawn, but that lawn care did not occur in a consistent manner. Upon his return, he found the notice from the City. Because this is his first offense, he requests that he be permitted to pay the \$70 mowing charge and that Council waive the \$350 service fee.

Mayor Lecklider inquired if he had provided staff evidence of whom he engaged to do the work.

Mr. Durvasula responded that he engaged a boy in the neighborhood for this work.

Mayor Lecklider asked if the individual neglected to perform the work.

Mr. Durvasula responded that he did the lawn care for some period of time, but then, for some reason, did not continue. Upon the family's return to the City, they found the City's notice.

Ms. Grigsby stated that the City strives to be consistent in application of the law. There was a similar instance recently where a business was engaged to take care of the mowing but did not follow through. Staff recognizes the difficulty someone has in relying upon another to perform the services in the absence of the property owner, but that is not the City's responsibility. The pictures provided with the staff report indicate the conditions of high weeds and tall grass on the property; therefore, staff believes it is appropriate to deny the request.

Mr. Gerber inquired if the fee is the actual cost of the mowing.

Ms. Grigsby responded that the \$70 is the actual cost of the mowing service engaged by the City. The additional administrative fee of \$350 is based upon the cost study conducted each year, which takes into account the cost of code enforcement in this area and the number of times re-inspection of properties is necessary.

Mrs. Boring asked how long it typically would require for weeds to grow to this height.

Ms. Grigsby responded that weeds do grow quickly, even when the weather is dry.

The City conducted inspections on a regular basis throughout the summer. The time span involved for this was from July 18 to August 1.

Mayor Lecklider inquired if the City became aware of the situation through neighbor complaint or a City drive-by inspection.

Ms. Mumma responded that the records Finance received do not indicate what prompted the initial inspection, but staff could check and provide that information to Council.

Ms. Chinnici-Zuercher stated that the issue existed, regardless of how the City became aware of it.

Vice Mayor Salay responded that she is not unsympathetic, but is concerned about setting a precedent. The City devotes much time to ensuring the community is presentable, and grass and weed mowing is each property owner's responsibility. Personally, she would recommend the owner pay the bill, and then seek some reimbursement from the person who was to care for the lawn.

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Mr. Durvasula responded that he understands that he is the responsible party. What he has requested is that, based on the fact that this is his first offense in eight years, Council waive the administrative portion of the charges.

Mr. Gerber inquired if this occurred from May 3 throughout the spring and summer. Ms. Chinnici-Zuercher responded that the property was actually in compliance from that point and through the summer until the August inspection. Ms. Grigsby stated that once the City receives a complaint on a property, follow-up inspections are conducted on a regular basis to ensure the property remains in compliance.

Mayor Lecklider stated that he understands that Mr. Durvasula encountered unforeseen circumstances. However, in viewing the photographs, he understands the neighborhood's concerns with the situation. Regardless of the circumstances that led to the lawn appearance, he cannot imagine having this condition next door to his home or anyone's home.

Mr. Reiner stated that he empathizes with the property owner, but before leaving the country, it is his responsibility to ensure someone is maintaining his property. It may require a phone call to check on that as well.

Mr. Reiner moved to deny the fee waiver request.
Ms. Chinnici-Zuercher seconded the motion.
Vote on the motion: Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mrs. Boring, yes; Vice Mayor Salay, yes.

- Adoption of 2013 Council Regular Meeting Schedule

Mayor Lecklider asked about the rationale for a potential Wednesday, January 9 Council meeting versus Monday, January 14.

Ms. Grigsby responded that was based on the fact that Monday, January 7 is the national championship game, and that has been identified as an issue with Council meeting schedules in the past.

Vice Mayor Salay stated that to avoid that issue, Council meetings are now scheduled on the second and fourth Mondays of the month.

Ms. Clarke stated that there was discussion about the long gap between the December 10, 2012 meeting and the January 2013 meeting. To minimize the gap, a meeting could be held on Wednesday, January 9 versus Monday, January 14.

Mayor Lecklider inquired if the long gap between the December and January meetings is a problem for staff.

Ms. Grigsby responded that, typically, it is not a problem.

Mayor Lecklider stated that in April, there is a notation that the Final Four semi-finals are on the 6th and the championship game is on the 8th. Does the meeting schedule present an issue for anyone?

Council Members did not express concerns with an April 8 Council meeting.

Vice Mayor Salay indicated there is a short gap between the June 24 and July 1 meetings. She assumes there would be a very light agenda for the July 1 meeting, but is aware that Council is required to meet once per month.

Mrs. Boring stated that last year, to better balance that time, the June meetings were switched to the first and third Mondays. That provides two weeks between the second June meeting and the July meeting.

Ms. Chinnici-Zuercher stated that she would prefer to stay with the second and fourth Mondays, as a meeting on the first Monday in June would immediately follow the Memorial Tournament.

Council consensus was to stay with the second and fourth Monday schedule in June.

Vice Mayor Salay requested that the potential goal-setting dates be reserved until a decision is made regarding the specific date.

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Ms. Chinnici-Zuercher inquired why the August meetings are not on the 12th and 26th so that Council meetings remain consistently on the second and fourth Mondays? Council consensus was to schedule August Council meetings on the 12th and 26th, the CIP meeting on August 19, and the Finance Committee quarterly review on the 12th.

Mayor Lecklider moved to approve the 2013 Council meeting schedule as proposed with the change in Council's regular meetings in August to the 12th and 26th and the CIP meeting on August 19th. The Finance Committee quarterly update will be held on August 12th.

Mr. Gerber seconded the motion.

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

STAFF COMMENTS

Ms. Grigsby reported that last Wednesday, the MORPC policy committee adopted a resolution establishing the priorities for Central Ohio regarding the projects that are submitted to the Transportation Review Advisory Council (TRAC). This is the venue in which the funding for ODOT projects are reviewed and awarded. The City's I-270/US33 interchange project was identified as priority project #3 for Central Ohio. This project received tremendous and unprecedented support from the Dublin residents and businesses, with over 180 emails sent. Letters of support for the Dublin project were also submitted by the Columbus Chamber, the Columbus Partnership and Ohio Health. On Thursday morning, she and Ms. Willis will attend the TRAC meeting, where they will have the opportunity to provide 10 minutes of testimony on behalf of the project. Due to the continued support for the project and ongoing meetings with ODOT, they are hopeful that the City's TRAC request will receive approval and additional funding for the project will be available.

Ms. Chinnici-Zuercher inquired the two projects of higher priority.

Ms. Grigsby responded that the priority #1 project is the Rickenbacker Intermodal. It was not a request for additional funding, but a request to move from Tier 2 to Tier 1. The priority #2 project was the I-71/I-70/SR 315 interchange improvements.

COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Reiner:

1. Reported that he has received inquiries from citizens interested in purchasing City bonds. He asked for additional information about the interest rates.

Ms. Mumma responded that the City held an open house at the Rec Center on this topic on September 11, and 12 residents attended. They were able to speak to representatives of Baird and Company about the bond sale. The bonds were priced last Tuesday, and three individuals from the community purchased bonds. The rate structure varies depending on the year. Before the bonds were priced, there was an estimated range. From an investor's standpoint, the rate ranged from 2.0 – 2.52 percent.

2. Referred to the memo in the last Council packet, which indicated that a resident could charge their electric car for free at the Rec Center. In addition, it is possible to buy compressed natural gas (CNG) in Dublin for \$1.99/gallon. He is proud that the City of Dublin is forward thinking on many significant issues. Not only does this mean reduced fuel costs, but these are environmentally friendly fuels.

Ms. Chinnici-Zuercher stated that she has comments/questions on the following packet items:

1. The PRAC minutes are very thorough. However, the chair requested an update under "Community Gardens," but none was given by staff. She asked that staff provide some basic information to Council, including the garden locations, how to participate, and whether they are being expanded.

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Ms. Grigsby responded that she would defer to Mr. Hahn for the update. She is not aware that the City currently sponsors any community gardens. The township has had community gardens for the past two years. City staff is beginning to consider the option, including neighborhood parks where gardens could be located.

Ms. Chinnici-Zuercher noted that the minutes refer to having a larger community garden, which implies that the City has one.

Mr. Hahn stated that Ms. Crandall is working on this matter and has met with the PRAC chair. The intent is to determine whether there should be one large community garden or multiple small community gardens throughout the City. A proposal will be included in the 2013 Operating Budget. More specific information will be prepared for the next meeting packet.

2. The Historic Dublin town water pump sculpture design as shown includes children, yet none of the historical pictures provided for this project included children. The narrative stated, "... encouraging viewers to interact with Dublin's past in a personal way by engaging in the daily ritual of collecting water with village children." Where did the City learn about that and why is that now the emphasis of the water pump? The picture that Carl Karrer frequently showed during his efforts to bring this project forward had a more adult focus.

Ms. Ott responded that she has spoken with Mr. Karrer many times over the past months, and he is excited about the sculpture. He engaged in discussions with the artist and assisted in commissioning the maquette, which features two children. The Historical Society has been supportive, as well, of the effort to make the sculpture touchable and real. The third-grade school curriculum includes a tour of Historic Dublin. This would permit them to have a more personal connection to the artwork than if the artwork featured adults.

Ms. Chinnici-Zuercher inquired if the installation timeframe is October 2013.

Ms. Ott confirmed that is correct.

Ms. Chinnici-Zuercher stated that an interesting aspect of this project is that the public will have the opportunity to view the sculpture as it is being developed.

3. What is the status of the Columbus zoning decision for the Avery Road site just outside of the southwest area of Dublin?

Mr. Langworthy responded that a Planning Department staff member attended the Columbus meeting on this proposed project. A letter of opposition to the rezoning was submitted on behalf of the City of Dublin. In response to the questions Dublin raised, the Columbus Development Commission tabled the rezoning. At this time, it is not known when the application will be re-scheduled.

Ms. Chinnici-Zuercher stated that it is essential to stay informed about its status. She is concerned that the rezoning may be removed from the table and approved without further opportunity for Dublin to provide input. Was the Columbus staff instructed to provide additional information for further consideration by the Commission?

Mr. Langworthy responded that the direction given at the meeting was to table the item. He assumes additional information from Columbus staff has been requested. It was stated that there is a need to review the rezoning to ensure that there is a transportation network that will function before development takes place. It was encouraging that the Commission understood the challenges with this rezoning. Vice Mayor Salay stated that she is interested in Dublin staff's analysis. It is important to make good decisions for Dublin in terms of the area infrastructure that will ultimately be needed. She is interested in understanding the impacts should Dublin choose not to invest in a Tuttle Crossing Boulevard extension at this time, or if no improvements are made to Avery Road in the near future. She would like a substantive analysis on how this development would impact the Dublin community and road network. This would help Council to make decisions in the best interests of Dublin. Placing a very large development in this location may not fit into the existing Columbus road network, or with Dublin's future road network plans.

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Mr. Langworthy responded that Ms. Willis prepared a thorough analysis for Planning staff to assist them with their internal reviews and preparation for the Columbus zoning meeting. That analysis can be shared with Council.

Vice Mayor Salay stated that she is hopeful that Council can have a discussion on what Dublin's interests are for this area. Perhaps the City can send a letter regarding its intentions to the City of Columbus. This development is not in keeping with all that the Hayden Run Corridor Plan attempted to ensure, which considered the interests of both Columbus and Dublin. A communication directly from Dublin City Council to Columbus City Council may be beneficial – letting them know that Dublin City Council believes this rezoning is not consistent with the previous understanding.

Mayor Lecklider expressed support for the suggestion.

Ms. Chinnici-Zuercher concurred.

4. She has concerns with the information provided on private streets, in response to her earlier request. Her information indicates that where she lives is a private street. Yet staff's memo indicates there are only four private streets in the City, under a narrow interpretation of the definition. She is assessed thousands of dollars for her street maintenance, yet the memo indicates her street is actually a driveway. It is not a driveway, as it is not possible to access the development without using this street. Secondly, she is very concerned with the recommendations on page four – to provide more aggressive enforcement so that owners maintain their property. This indicates that, potentially, she could be assessed thousands of dollars more. As everyone is aware, the private road behind Craughwell Village and the car dealership that is used by the public continuously has potholes. Even when it is repaired, holes reappear within a very short time. She understood that road to be a private road between commercial properties. However, developments such as the one in which she resides were built years ago. Developers were allowed to build private streets because they did not want to meet City Code requirements for public streets. The homeowner is charged substantially to cover the costs of the maintenance. And now the City is indicating they are not private roads, but are instead driveways.

Ms. Grigsby responded that when this issue was brought up previously, perhaps 15-20 years ago, changes were made to the Code to require that private roads be constructed to the same standards as public streets. The City does not do the inspection for these roads in the same manner as it does for public streets. The issue with a private street versus a private drive is more in how it is categorized versus how it functions. Staff considered that if it relates to a condo or a condominium development, in all instances, they are funded through assessments to the homeowners of that development. In the case of an issue of quality or the standards to which the roads are built, the City can ensure there are not problems at the outset by means of inspections.

Ms. Chinnici-Zuercher stated that her original intent in raising this issue was to inquire if there is some way in which condominium associations could do this maintenance at a lesser cost – perhaps by partnering with the City or having the maintenance done at the same time the City has bids out for similar work. When the association has street maintenance done, the cost is very high due to the small size of the project. The City could be of assistance and they have done so with private subdivision entryways in the past. There have been other instances in which the City has assisted homeowner associations that have very small numbers of residents.

Ms. Grigsby responded that staff could review this. There may be some issues in terms of the legal aspects. There was an earlier situation that may be similar in regard to the lawn maintenance that HOAs provide. The City explored a program of the HOAs working together to obtain a more favorable price for contracted services. That effort was not successful, but options can be considered.

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Mr. Reiner stated that he understand the concept of economy of scale, but it would involve private ownership issues with these developments and would establish an entirely new precedent.

Ms. Chinnici-Zuercher responded that is not the case if they are offered only as options for the HOAs to reduce their costs. The City has already offered similar assistance to other HOAs.

Mr. Reiner stated that it may be true if offered as a group purchase, but assistance outside those parameters may impact condominium laws and set a precedent.

Ms. Grigsby responded that staff would review options that would provide the benefit, but that would not involve issues or liabilities for the City.

Mrs. Boring:

1. Commented on the staff memo regarding an update to the Community Plan. Reflected in the minutes for Wellington Reserve is a concern about the extra length of the cul de sac – which is something to avoid in future development. Is there anything in the updated Community Plan that addresses this issue?

Mr. Langworthy responded that nothing that specific regarding roadway design is addressed in the Community Plan.

Mrs. Boring suggested that Council should consider legislation to require that cul de sacs not exceed a specified length.

Mr. Langworthy responded that issue is currently being addressed. Roadway lengths are also evaluated by the Fire Department to ensure their ability to provide service. Fire Marshal Perkins reviewed this particular case, and did not have concerns.

2. Noted that she spoke with Vice Mayor Salay briefly today concerning goal setting in early 2013. She would like Council to consider re-vamping the workshop schedule in some way in order to complete the agenda in one day. As the process has matured, perhaps a pre-meeting would be beneficial in terms of discussing what Council wants to accomplish at the goal setting.

Vice Mayor Salay:

1. Stated that three potential dates have been identified for another joint meeting with the Planning & Zoning Commission (PZC): Wednesday, October 17; Tuesday, October 23; or Monday, October 29. She requested that the Clerk poll PZC members regarding the dates, and then Council can select the date on which the most members from both bodies are available. She does not object to having the meeting in Council Chambers, as there is the benefit of having a recording system and improved acoustics. She suggested that a casual dinner be provided.
2. Noted that in the last pre-P&Z meeting, there was a discussion about potential topics for the next joint meeting. The conclusion was that signage would be a good topic, based on the lively discussion toward the end of the last joint meeting. There is a large amount of signage information related to the new Bridge Street Corridor regulations, and each neighborhood within the BSC. The new regulations are a significant departure from typical City sign regulations, as is the recent Code change permitting multicolor logos. Therefore, it was suggested that signage be considered as a topic for the next joint meeting. She encouraged everyone to attend.

Mrs. Boring inquired if the goal for a discussion of signage has been identified – in other words, beginning with the end in mind.

Vice Mayor Salay stated that, based on her discussion with PZC and the discussion at the last joint meeting, she believes the desire is to make sure everyone – staff, Council, PZC -- is "on the same page," achieving a greater understanding of what is permitted by Code, and what these changes will mean for the community. The issue of what constitutes a quality sign is a key question. It is important that all have a shared understanding, because in the future, some of this will be reviewed in the ART

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Minutes of

Dublin City Council

Meeting

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process. She has a meeting tomorrow morning with PZC Chair Groomes, the legal staff who attend PZC meetings, and the planners. If Council Members have any ideas they would like her to share at that meeting regarding this agenda topic, please let her know.

3. Noted that the Civic Association leadership meeting will be on Thursday, September 27 from 7-9 p.m. at the Rec Center. All are welcome to attend.

Mayor Lecklider complimented staff and City Council with respect to maintaining the highest possible bond ratings from both Moody's and Fitch in connection with the bond issuance that is coming up. In the challenging times experienced in recent years, that is no small feat!

The meeting was adjourned at 9:06 p.m.

Mayor – Presiding Officer

Clerk of Council