

November 19, 2012

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Mayor Lecklider called the Monday, November 19, 2012 Regular Meeting of Dublin City Council to order at 6:45 p.m. at the Dublin Municipal Building.

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

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).

Vice Mayor Salay seconded the motion.

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

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

PLEDGE OF ALLEGIANCE

Vice Mayor Salay led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Keenan and Mr. Reiner. Mr. Gerber was absent (excused) due to business travel out of the city.

Staff present were Ms. Grigsby, Mr. Smith, Ms. Mumma, Lt. Farmer, Ms. Crandall, Ms. Puskarcik, Ms. Ott, Mr. Hammersmith, Mr. Langworthy, Mr. Hahn, Mr. Harding, Mr. Thurman, Ms. LeRoy, Mr. Clarey, Mr. Garcia, and Mr. Dunn of the Law Department.

SPECIAL PRESENTATIONS

Julie Rinaldi, Executive Director, Dublin Counseling Center thanked Council for their continuing support. She gave a presentation to Council regarding recent highlights of their service:

- In 2011, they have served over 3,200 individuals and families. Statistics for 2012 will be available in late January/early February of 2013.
- They continue their contract with Dublin Methodist Hospital and provide 24/7 emergency care for those needing psychiatric evaluations in the emergency room and served 279 individuals in crisis in 2011. In addition, they continue with the Driver Intervention Program 16-17 weekends per year and served 411 persons in 2011.
- They have been in the Dublin community for 35 years and continue to reach out to the Rec Center, the Police, and the Schools. They started the Military Outreach program in the last two years and are initiating a Suicide Survivors Support Group in January of 2013.
- The Counseling Center has communicated with the City Manager and Council Members about their merger with Northwest Counseling Services, located in Upper Arlington. They have existed for 35 years in Upper Arlington and have a strong reputation. They will be strong fiscal partners as well. The Dublin Counseling Center will engage in an actual formal merger with Northwest Counseling Services and will use the Dublin Counseling Center federal tax ID going forward. This will provide for efficiencies in service delivery. The locations of the two groups will be maintained, and the funding will be segregated.
- The two groups have distinct programming, and the Northwest Counseling Services has a very large and successful older adult program. As the Dublin community ages and demographics change, the Dublin Counseling Center will be able to grow that programming. This type of programming has not been in

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place in the Dublin community to the extent that it has in the Upper Arlington community.

- They are very excited about this opportunity and believe the merger will be good for both communities.

She offered to respond to any questions, and noted that the merger will be in effect January 1, 2013.

Mr. Keenan asked if the Dublin Counseling Center will be able to accommodate everyone in the existing space, or will expansion be needed.

Ms. Rinaldi responded that each entity would maintain their separate locations. The Dublin Counseling Center has actually outgrown their current space and is reviewing options for additional space. There will be separate and distinct locations for the Dublin and the Upper Arlington offices.

Mrs. Boring asked if they are working with Dublin Springs.

Ms. Rinaldi responded that they work closely with Dublin Springs – referring individuals back and forth when a higher level of care or step-down care is needed.

Mayor Lecklider thanked Ms. Rinaldi for the update.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated that, due to his absences for illness and piano concert commitments, it has become obvious to him that he is lacking in information about the Bridge Street District – from its inception to its current status. He has visited the City's website to learn about the Bridge Street District. He has some questions to raise. He would like everyone to visualize the following images:

- The Victorian mansions on East Broad Street and on Bryden Road in Columbus.
- The Bridge Street District information refers to dense residential areas. The most remarkable dense residential area in the Central Ohio area is the Minerva Park district where there is a gorgeous variety of structures and buildings.
- In the Bellaire-Limerick area of Dublin, there is a structure that appears futuristic, and consists of three cylinders joined by hallways.
- Finally, the great architect Frank Lloyd Wright's keynote was absolute freedom in architectural structure.

His question relates to the Bridge Street District and someone who was passionately interested in building a Victorian mansion, a Minerva Park type building, a futuristic building, or a Frank Lloyd Wright building. Would any of those structures be permissible in the Bridge Street District?

Mayor Lecklider asked Mr. Langworthy to respond.

Mr. Langworthy responded affirmatively, noting that a variety of architecture is encouraged, including modern, traditional, and a mix to accommodate the people the District is trying to attract.

Eric Krause, 8606 Kirkhill Court stated that since he last addressed Council, he spoke to City staff and the Metro Parks staff and has done additional research. He had hoped to make a presentation to the Parks & Recreation Advisory Commission, but their November meeting was canceled. He commended Ms. Grigsby, Ms. Crandall, Mr. Hahn and Ms. Rinella for taking time to visit the climbing structure at the Scioto Audubon Park in Columbus. He believes that viewing the structure firsthand helps to understand the concept. He also spoke with a large number of Dublin residents in parks, along paths, and on the street and has learned that there is a need for additional outdoor recreational opportunities that adults and entire families can enjoy together. There is a wonderful path system in place, but this should be a component of – not the whole answer – for year round outdoor activities. In downtown Columbus, there is an awareness of the need for outdoor recreational opportunities for adults and their families -- beyond a path system. The City of Columbus, the Rotary Club and Metro Parks have been working together to address those needs. The Scioto

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Audubon Metro Parks climbing structure and soon-to-be-built obstacle course are designed to attract and appeal to young professionals and their families. These efforts are obviously succeeding. Another benefit of a climbing structure is the sense of community observed among those who participate. He believes a climbing structure similar to the one downtown should be located in or near Dublin for the benefit of the residents. In regard to the obstacle course, he has shared information with many Dublin residents and their response has been overwhelmingly positive. An obstacle course of this design allows all ages and families to use it together and would be an asset to Dublin. He urges Dublin to build a unique obstacle course to accommodate all ages and abilities simultaneously.

Another idea for Dublin to consider is installing climbing boulders in a Dublin park. These are rock fixtures, no more than 12 feet high and do not require users to have special equipment. The Chimney Top trail in Smoky Mountains National Park is very popular, as at the end of the trail there is a climbing area of boulders and rocks.

Climbing boulders develops strength, stamina and skill in all ages.

There are two smaller climbing boulders near the downtown Columbus climbing structure, and these are constantly used by children and adults. He recommends that Dublin consider a boulder area and place it in a highly visible and accessible park.

Finally, he recommends that Dublin amend its park and recreation planning policies to include outdoor recreational opportunities for adults and entire families, as is taking place in downtown Columbus. He wants Dublin to take the lead in this area, and this will attract young professionals and their families to Dublin, and provide benefits to existing residents. He has provided a CD of photos to the Clerk to share with Council and staff.

Ms. Chinnici-Zuercher asked Mr. Hahn about the Parks & Recreation Master Plan, and whether the Plan has the ability to incorporate these or other ideas going forward.

Mr. Hahn responded affirmatively, noting that the Plan by nature is dynamic and that changing times, demographics and desires will prompt changes.

Ms. Chinnici-Zuercher stated that it is unfortunate that PRAC canceled their meeting due to lack of quorum, as Council believed that was an appropriate next step for review of these concepts. She believes that, in collaboration with staff and PRAC, these kinds of ideas, as well as other ideas, should be discussed and incorporated in upcoming budgets – either operating or capital. The City should begin to add some interesting and more active opportunities in the parks as soon as possible.

Mr. Hahn stated that Mr. Krause asked if PRAC will be meeting in December, and he assured him that they will do so.

Ms. Chinnici-Zuercher commented that even if PRAC does not meet in December, the City should move forward with these ideas for potential implementation in 2013.

Ms. Grigsby stated that staff has discussed various options, and Mr. Krause has provided some good ideas. Staff has also had discussion with a company in Historic Dublin regarding some natural fitness opportunities. Staff is reviewing things that can be incorporated into the parks that can complement the recreational programming. The obstacle course could be used for classes and for corporate challenges, or be part of the Healthy Dublin initiative. Staff is excited about opportunities for incorporating these amenities into the park system and appreciates Mr. Krause's research.

Mr. Reiner thanked Mr. Krause for his research and time investment. He was pleased that City staff members viewed and experienced the climbing rock in downtown Columbus.

Mrs. Boring asked how the City gauges the public interest in various new options for recreation. Some of these options are quite costly, and it would be important to gauge the level of interest.

Ms. Grigsby responded that earlier tonight, Council discussed the community survey and that is one avenue for input. PRAC can provide input, and staff can solicit

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feedback through the website as well. The City also has contacts in the recreation field and gathers information about new amenities in use in other cities.

Mr. Krause noted that in his discussions with residents who moved to Dublin from Colorado or Seattle, they were extremely enthusiastic about the rock climbing structure, as they had such amenities in their previous locations. In trying to gauge opinions, those exposed to it may be supportive and enthusiastic, while others who have not traveled or experienced these in western states may not appreciate these.

Mrs. Boring responded that she appreciates Mr. Krause's research on this, but given the high cost, consideration needs to be given to other groups who have advocated for items such as basketball facilities and other structures. The entire community needs to be included in determining what is of prime interest to them for recreation.

Mayor Lecklider commented that he likewise appreciates Mr. Krause's advocacy and his invitation. He has visited the Scioto Audubon Park and hopes to return and perhaps take advantage of the climbing rocks in the future.

Mr. Krause noted that in term of costs, a full-featured boulder area consisting of two large custom built, artistic natural rock features for adults and four or five smaller ones for children would be approximately \$150,000. The two large custom structures are the most expensive in the \$50-60,000 range. These figures include all the engineering, construction, installation – but do not include shipping.

Mrs. Boring stated that the photos are very helpful in understanding what is being proposed.

CONSENT AGENDA

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

Vice Mayor Salay seconded the motion.

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

Approval of Regular Meeting Minutes of November 5, 2012 Council Meeting

Notice to Legislative Authority re New D1 and D2 liquor permits for Emerald Liquor Two LLC, 5689 Woerner Temple Road, Dublin, Ohio.

Ordinance 71-12 (Introduction/first reading)

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.136 Acres, More or Less, Fee Simple Interest, from the Washington Township Board of Trustees. (Second reading/public hearing December 10 Council meeting)

Resolution 66-12 (Introduction/vote)

Authorizing the City Manager to Enter into an Agreement with the Delaware City Prosecutor in the Delaware Municipal Court.

Resolution 67-12 (Introduction/vote)

Accepting the Lowest/Best Bid for the IGS Park Development Project and Authorizing the City Manager to Enter into Contracts for Said Project.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 69-12

Authorizing the City Manager to Execute a Real Estate Purchase Agreement with American Electric Power Conveying Certain Property Located in the

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City of Dublin, County of Franklin, State of Ohio, to be Used by American Electric Power for the Construction and Operation of an Electrical Substation.

Vice Mayor Salay introduced the ordinance.

Mr. McDaniel stated that this legislation proposes the transfer of 2.743 acres to American Electric Power/Ohio Power Company for the purpose of constructing, at its expense, a new electric substation to be known as the Amlin Substation. The City previously transferred property in the same general area for the same purpose in 2008. This was part of the City-owned 100 acres at the corner of Houchard and Post Roads. Due to the lack of development activity, the construction of the substation was not executed. More recently, activity has increased in the immediate area referred to as the West Innovation District – the area generally west of US 33 and out to Houchard Road, which is one of Ohio’s 13 Job Ready sites. As a result of the increased activity, AEP is now committing to construction of nearly \$19 million of improvements, including both the Amlin substation and a new 138KV transmission line. Currently, there are approximately two megawatts of capacity available in the immediate area. With the addition of the Amlin substation alone, this will increase to 15 megawatts. With the addition of the new 138KV power line to serve the substation, the capacity will reach 300 megawatts. The 2008 agreement originally allocated 3.68 acres, as generally outlined in the staff report documents. The agreement will allocate an additional 4.862 acres for the footprint of a substation and an additional .33 acres for an access easement. The footprint for the substation has been shifted to the south in response to some potential projects in the area. The total acreage is 5.188 acres, which is 1.51 acres more than what was approved in 2008. Given the recent development interest in the area, including The Ohio University project, Nestle’ expansion, Dublin Springs Hospital, the substation is now appropriately sized.

In addition, this will create the opportunity for redundant circuitry. Staff will likely return to Council at a later date to request authorization for easements for additional circuitry that would run along the outside edge of Darree Fields, running east toward Cosgray Road and into the West Innovation District.

Staff believes that the high quality, high capacity and redundant power supply that is made available by this proposed substation, as well as additional transmission line will serve the West Innovation District well.

He offered to respond to questions.

Mr. Reiner asked why the parcel is centrally located in the City’s land mass.

Mr. McDaniel stated that the desire was to keep the structure away from the park and to set it back from 161, buried in the site.

Mr. Reiner asked about the access easement and whether there is the potential to have access from the u-shaped road.

Mr. McDaniel responded not at this time. This is a temporary access, and once the site begins to develop, staff anticipates a road network coming into the site. Staff would likely propose a different access in the future, depending upon the projects proposed.

Mr. Reiner asked if the City will have the right to reclaim the easement at that time.

Mr. McDaniel responded affirmatively.

Mr. Keenan stated that it appears that access from the Fishel parcel would be less costly in terms of the footage.

Mr. McDaniel responded that obtaining such access from the landowners would be difficult.

Mr. Keenan asked Mr. McDaniel to define “circuitry” as used in this context and what type of structures are involved.

Mr. McDaniel responded that these are the distribution lines. The existing transmission line towers will accommodate the new 138KV line. The distribution lines

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will be underground, and will go along the border, out to Cosgray and into the area to the east.

The second reading/public hearing is scheduled for the December 10 Council meeting.

Ordinance 70-12

Authorizing the Appropriation of a 0.113 Acres (with 0.06 Acres Present Road Occupied), More or Less, Fee Simple Interest from the Asman Land Co., Ltd.

Vice Mayor Salay introduced the ordinance.

Mr. McDaniel stated that this legislation represents the next and final step towards an appropriation of this property. Staff will continue to work with the property owner to obtain this land, but in case negotiations are not successful, this legislation is needed.

The second reading/public hearing is scheduled for the December 10 Council meeting.

INTRODUCTION/PUBLIC HEARING – RESOLUTIONS

Resolution 65-12

Authorizing the City Manager to Enter into an Indefeasible Right to Use Agreement with Nestle’ USA, Inc. to Utilize Fibers Within and Connect to DubLink Facilities.

Vice Mayor Salay introduced the resolution.

Mr. McDaniel stated that this legislation will authorize this agreement with Nestle’ USA, Inc. in order that Nestle’ can use the City’s DubLink fiber. Nestle’ intends to expand its existing facility and has hired additional employees during the last 18 months. In order to create room for their existing facility during their expansion, they have relocated some employees to a facility at the southeast corner of Shier-Rings and Avery Road. By using DubLink, the company can establish a virtual campus to sustain operations during their expansion. Nestle’ will be required to pay and arrange for all expenses related to laterally building out to DubLink and for any equipment and lighting of the fiber optics. The intent of this agreement is to allow Nestle’ to use the fiber for a period of two years, with an optional third year if needed. This is a similar arrangement to what was done for IGS Energy when IGS was building their new facility. At the end of the Nestle’ usage period, the DubLink fiber will be available for other use as it reverts back to the City.

Staff recommends adoption of the legislation. Mr. Dunn is present to respond to any questions.

Mayor Lecklider asked what staff foresees occurring when this agreement expires, practically speaking, given the company is using the City’s fiber for this extended period of time.

Mr. McDaniel responded that he would envision discussion of a possible lease, should Nestle’ desire to continue use of the fiber. Staff is also reviewing ways to multiplex over the fiber optics and extend opportunities to more companies to access the same leased fiber. That would bring down the cost on a monthly basis. If more users could be leveraged over the same fiber optics, the companies would benefit. For Nestle’, this agreement offers an interim solution during their expansion.

Mayor Lecklider stated that there remains the potential for future income with this fiber use.

Mr. McDaniel concurred.

Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road asked if Nestle’ is the same company that sells cocoa and food products. (Mr. McDaniel confirmed it is the same company.) He asked the meaning of the phrase “access to cloud computing” as included in the staff report.

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Mr. McDaniel responded that cloud computing consists of computer servers and data capacity that is located in a separate facility and where the access is shared with other companies.

Mr. Maurer asked about the reference to Dublin's fiber optics systems throughout Columbus. Does Dublin own fiber optic systems located in the City of Columbus?

Mr. McDaniel responded affirmatively, explaining that the City of Dublin owns over 120 miles of fiber optic system that runs throughout Central Ohio.

Mr. Maurer asked if the City receives revenue from this fiber optic system.

Mr. McDaniel responded the City receives revenue for portions of the system.

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

Resolution 67-12

Authorizing the City Manager to Enter into an Agreement with Time Warner Cable Midwest LLC Amending a Previously Executed Lease Agreement Dated April 23, 1997 to Allow Time Warner Cable Midwest LLC to Install and Maintain Fibers within the DubLink Facilities, To Expand Time Warner Cable Midwest LLC's Existing Facilities, and to Accept Certain Quitclaim Bills of Sale.

Vice Mayor Salay introduced the resolution.

Mr. McDaniel stated that this agreement authorizes Time Warner Cable Midwest LLC to expand their existing communications hub that is located along Post Road. The existing hub lease along Post Road was authorized by Council in April of 1997. The lease terminates in April 2027. The Planning & Zoning Commission approved the expansion in September 2011. He has included the staff presentation made at the Commission in the Council packet.

In 1997, Council approved the existing lease in exchange for the construction of a coaxial cable system then used by the City to interconnect City facilities. Similarly, Time Warner now offers to construct new fiber optic system that will connect the City's North and South Pools to the DubLink system. For the reasons outlined in the staff report, staff believes the exchange of the fiber infrastructure and the additional lease is fair. Staff recommends approval of this legislation.

He offered to respond to questions.

Mrs. Boring asked if the expansion is of existing areas or will there be additional digging required.

Mr. McDaniel responded that the portion along Woerner-Temple from the South Pool to Emerald Parkway would be a buried line. The line routed up Coffman Road to the North Pool is a combination of underground and aerial.

Mrs. Boring asked what disruption will be necessary to the landscaping.

Mr. McDaniel responded he does not foresee destruction of landscaping, particularly along Woerner-Temple. Because much of the Coffman Road one will be aerial on existing poles, he does not envision much disruption.

Mrs. Boring asked that any disrupted areas be restored as they previously existed.

Mr. McDaniel confirmed that is what will be done.

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

OTHER

- Tree Replacement Fee Waiver Request - Master Maintenance Inc., 6200 Wilcox Road

Mr. Smith reported that, as Council is aware, he has been working with Mr. Cline, attorney representing Master Maintenance on this fee request on alternatives. Mr. Cline has requested that the hearing be postponed until December 10. The City has been in contact with AEP regarding assistance in shutting off the power in order that

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the company can complete the work on the south side of the building. In addition, there is material on the site to be removed by the City. Staff is hopeful that all of this can be done by December 10. On behalf of Mr. Cline, staff is requesting this item be postponed until December 10.

Vice Mayor Salay moved to postpone this matter until December 10.

Mr. Reiner seconded the motion.

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

- Right-of-Way Encroachment Request - Vesha Law Firm (Case No. 12-083ROW)
Mr. Langworthy stated that this request relates to 38 S. High Street in Historic Dublin. The property is located at the corner of Spring Hill and S. High Street. The Architectural Review Board and the Administrative Review Team have both reviewed and approved the sign plan. He shared the site plan with Council. Engineering is working to document encroachments and easements for record keeping purposes. Staff recommends approval of this request.

Ms. Chinnici-Zuercher commented that she is hopeful the sign for this business will be more attractive than what existed previously.

Vice Mayor Salay asked why the City allows signage in the tree lawns.

Mr. Langworthy responded that this sign placement is not done at the current time, but in this case, staff could not locate any record of when the sign was placed in this location. However, there is a requirement that if the sign post were replaced in the future, it would have to be done in a conforming location instead of where it is located at this time.

Mrs. Boring noted that the ARB did approve it, with consideration of the materials used.

Mr. Langworthy confirmed that is correct.

Mayor Lecklider invited the applicant's representative to testify.

Shawn Bogenrife, Bogenrife Architecture LLC, 1443 Snowmass Road, Columbus stated that he represents the Vesha Law Firm. This is an existing sign post that the client would like to keep to retain the character of the neighborhood. The ARB and ART have both reviewed and approved the sign proposal.

Mr. Keenan moved approval of the encroachment request.

Ms. Chinnici-Zuercher seconded the motion.

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

STAFF COMMENTS

- Update on House Bill 601 – Faye Gibson, Director of Taxation
Ms. Gibson noted that sponsor testimony for this Bill will be heard on November 28. Her "interested party" group has also been working closely with the Ohio Society of CPAs in the past week. The hope is that the sponsor testimony will be the only testimony on this Bill this year and that it will die. In January, the Bill would be reintroduced and work will begin again. She highlighted various portions of the Bill that would be detrimental to Dublin:

- The most egregious areas for Dublin – the ones most detrimental to revenue – are the changes in estimated and declaration filing days and payment dates. This legislation would move payments now received in December to January of the following year. It calls for partnership and S corporation payments to be due only once a year. The estimated payments the City currently receives four

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times per year would be received only one time per year – at filing time. This would result in a loss of revenue to the City.

- Another major consideration is that this Bill provides that domicile or residency is the bright-line test from the state, which has 183 content points. For Dublin, this would eliminate a significant number of corporate residents. Corporate employees who travel extensively would not pay income tax to Dublin whatsoever – the tax would go to the city of residence, not to the place of work. This would be a huge loss of revenue for Dublin.
- The pass through entity treatment does not discuss all non equity partners and does not offset gains and losses and how that would be done. Therefore, the same loss could be used multiple times, and would result in a loss of revenue.
- The Bill eliminates the current throw-back provision by redefining sales for purposes of net profit, prohibiting the current ability of municipalities to apply their local tax to businesses that have income generated through off-site or internet sales.
- The Bill impacts local government management in areas such as the assessment procedure – how and whether cities can do assessments. Any time one would change any type of return, a certified mail letter would have to be sent to the taxpayer, indicating what was done and why. Currently, if a refund is reduced for any reason, a letter is sent with the refund check explaining the changes. Dublin has a significant number of refunds that are requested every year of the ½ percent additional income tax that Dublin residents who work in Columbus pay to Columbus. This provision would require that the taxpayer be notified by certified mail and return receipt that they actually received the notice from Dublin that indicated they are not entitled to a refund.
- The legislation also sets business hours and requires a resolution officer within a tax division.
- Cities would be liable for damages and attorney fees if an appeal is filed and the City loses the appeal.
- It would be very simple to modify this bill to central collection of income tax by the state by simply changing the word "Tax Administrator" to "Tax Commissioner."

Her group continues to work on this matter. Many cities are passing resolutions regarding their opposition to the Bill. At this time, based on the fact that the Bill will have sponsor testimony and will likely die at the end of this year, and will be introduced again in 2013, she suggests that Council delay any action until the Bill is presented in 2013. She is certain that in any case, there will be parts of the Bill that the City will not support. But if the amount of revenue lost to cities can be reduced in the 2013 version, the goal of having some type of uniformity and better compliance can be achieved.

Mayor Lecklider asked if there is a way to estimate the impacts for Dublin if the Bill in its current version were approved.

Ms. Gibson responded that the group has been trying to determine that, but is guarded in doing so because people seem to remember any misinformation that is offered, and it is important to prepare numbers together so that everyone is comparing apples to apples. They are aware that the impacts from the shift of estimated payments alone – from one year to another – could be anywhere between \$1 to 3 million.

Mayor Lecklider stated that he appreciates the good intentions of the sponsors of the Bill, but this is an era when many communities, including Dublin, have already been impacted by the loss of Local Government funds.

Ms. Gibson stated that this Bill is to take effect in January of 2014, which is the same year that the Estate Tax and Local Government Fund changes will have significant impacts on many cities. It is important to continue to work together to have a Bill that is responsive to the issues identified by businesses. However, last week, a site

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selection magazine indicated Ohio is number two in their ratings. The introduction of this Bill was driven by Ohio not being competitive when one adds in municipal taxes. One area of confusion in comparing other states to Ohio and looking at the local tax burden is that the local tax burden is primarily for schools. They cite the municipal tax as the biggest burden, when it is actually the school taxes.

Vice Mayor Salay noted she questions how a local or state government can provide services to citizens unless adequate tax revenues are available. Similarly, when state budget cuts to school funding are made, the local property taxes must increase to offset those cuts. She appreciates Ms. Gibson's hard work in representing Dublin on this matter.

Mayor Lecklider stated that he assumes the sponsors of the Bill understand the school funding component of the local taxes for Ohio.

Ms. Gibson responded that they do, but there is a Coalition of 14 members pressing the legislature to do something. This coalition includes the Ohio Society of CPAs, NFIB – small businesses, the Bar Association, the Medical Association, etc. They are requesting changes be made to help them do business in Ohio.

Mayor Lecklider noted that these groups also have active lobbyists working on their behalf.

Ms. Grigsby stated that Council is aware of Ms. Gibson's active and passionate involvement in this process. She is working hard to represent the interests of municipalities. Dublin is very fortunate to have her working on its behalf.

Ms. Chinnici-Zuercher moved that, in view of the fact that Council has one meeting remaining in 2012, the current status of House Bill 601, and the fact that the 14 members of the Coalition contribute substantially to these discussions, Council empower the City Manager to move forward in communicating with Dublin's legislators as necessary about issues that are important to Dublin.

Mrs. Boring seconded the motion.

Ms. Gibson stated that she has asked Representative Grossman to schedule another Interested Party meeting in December in order to pull the groups back together with the goal of reducing any animosity and keeping them on task.

Mr. Keenan commented that the legislators who have served on local City Councils should understand the City's perspective on this issue.

Ms. Gibson responded that the Bill was introduced by Rep. Grossman, who served in Grove City. She noted that because the Joint Economic Development Districts are involved in this legislation, the townships have interest in its outcome as well.

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

Mayor Lecklider thanked Ms. Gibson for her efforts and asked her to update Council and provide any suggestions of what Council Members can do individually.

Ms. Gibson noted that the City of Dublin has talked with Sen. Hughes and Rep. Duffey and they both understand the City's position, and that Dublin's concerns are with all cities and villages, many of which could be devastated by this Bill.

Mayor Lecklider commented that he not indicating Dublin would not consider some type of compromise. Dublin is not completely opposed to any change.

Ms. Gibson stated that there is a list of things upon which there is agreement.

Ms. Grigsby reported the following updates:

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- The Cosgray-Shier Rings roundabout is scheduled to open on Wednesday morning, November 21. Staff has been working with AEP to ensure the lighting is in place prior to opening.
- The culvert portion of the Dublin Road South shared use path project is complete. In conjunction with the ditch enclosure, an issue arose with the height of where the path would meet in the yards. Last week, additional gravel was added to have a more seamless transition into the yards. It is estimated that the road will be open to traffic on Wednesday, November 28. Staff will communicate this to the residents who have been impacted by this closure.

COUNCIL ROUNDTABLE/COUNCIL COMMITTEE REPORTS

Mr. Keenan reported that he, Ms. Mumma, Mr. Hammersmith and Ms. Noble-Flading attended the annual Logan/Union/Champaign Regional Planning Commission dinner meeting on November 15 in Marysville. The speaker was Chris Schmenk, former Mayor of Marysville and current Director of the Ohio Department of Development. Mr. Hammersmith was installed as Vice President of the Commission. Another noteworthy presentation was from Bellefontaine regarding replacement of their clock tower after storm damage.

Mr. Reiner:

1. Shared the positive comments sent to him and to staff by Mike Teets about the Cyclocross Championships held in Dublin at Darree Fields. Many nice comments were received from participants who came from places including Cincinnati and Louisville. Dublin is building a great reputation for this sport, which attracts young people to the City. There is another race taking place on Sunday, November 25 from 12-3 p.m.

In response to questions, Mr. Hahn added that there have been four short track races and two cyclocross races this fall at Darree Fields. These are organized by Cap City and riders who participate belong to various cycling clubs. Some residual land near the Houchard Road entry drive has been utilized for this purpose. Given the time of year, it does not interfere with soccer leagues.

Mr. Reiner added that the cyclocross sport will draw the interest of the young people and may encourage use of bicycles for transportation. It may change the entire culture of the youth in terms of recreation.

2. Thanked to staff and Council's support, the first phase of the bikepath along Glick Road has been completed. This will address safety issues for pedestrians and bicyclists who use this roadway. He thanked the homeowners whose properties border the bikepath for their cooperation and support of this major improvement for Dublin.

Ms. Chinnici-Zuercher:

1. Noted that the 2013 hotel-motel tax grant applications have been distributed on the dais tonight. The Finance Committee meeting to review the applications is scheduled for Monday, November 26 at 6 p.m. Following the last round of grant applications, the Committee requested that staff administratively review several of the routine applications that are filed and funded each year.
2. Commented that the staff update regarding the Beautify your Neighborhood grant program was excellent. She is appreciative of Ms. Colley and the staff's efforts on this program. The photos provided were very useful in illustrating the outcomes. The results of the grant program, funded at the \$32,000 level, are outstanding and are also a result of the volunteer work by the neighborhood associations. She is hopeful that some type of recognition program for the homeowner associations can be devised and that the results can be shared with other associations. This is a phenomenal result with very minimal investment by the government.
3. Reported that last week, she chaired the Mid Ohio Regional Planning Commission Regional Policy Group. Ms. Gibson and the Columbus Tax

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Administrator presented to the group. As Ms. Gibson has indicated, there is great concern by cities and villages about House Bill 601. Dublin is very fortunate to have Ms. Gibson who has kept everyone informed. The Policy Group also had a presentation regarding Brownfield redevelopment. If Dublin should have any reason to be involved in this type of redevelopment in the future, it is important to understand the new rules.

4. The MORPC search committee interviews for finalists for the Executive Director position are on November 28 and 29. MORPC will host a reception for the candidates on December 5.

Mrs. Boring:

1. Noted that the packet included information about the Greater Columbus Irish Cultural Foundation's recognition of the Dublin Irish Festival Founders. She asked Ms. LeRoy to share information.

Ms. LeRoy stated that the Foundation has honored other Irish groups and individuals in the past. This year, the Foundation will honor the DIF Founders in this 25th Festival anniversary year, citing their continued support and involvement in the Festival.

Mrs. Boring stated that Council members are invited to the event and she hopes that many will accept the invitation.

2. Thanked Ms. Colley and staff for the update on the Beautify your Neighborhood grant program. This program demonstrates how proud the citizens are to live in Dublin and how they want Dublin to continue to be a beautiful place. When the community cares about its neighborhoods, it is a very positive attribute.
3. Noted that there is a large tank parked at the end of Emerald Parkway/Riverside Drive. Is this to be used for watering?

Mr. McDaniel responded that this equipment will be used for power washing the Emerald Parkway bridge and for sealing the concrete. It will likely be in place for a couple of weeks for this purpose.

4. Stated that she has spoken with Ms. Mumma about some follow-up from the operating budget workshops. The *In Touch* ads are included in the local newspaper on a regular basis, and she understands that the budget for 2013 does not provide funding for these ads.

Ms. Grigsby clarified that staff is reviewing options for sharing information with the citizens, and the ads are being reduced to an "as needed" basis versus the current weekly ads.

Mrs. Boring suggested this be reconsidered in view of the community survey results that indicate citizens obtain their information from the local newspaper on a regular basis. For her, the information placed in the ad is easy to find and very helpful. Many citizens do not go to the website to find information, but look for information in the local newspapers. She asked that Council consider reinstating this item in the 2013 operating budget.

Ms. Grigsby requested a motion from Council regarding this change. Staff will then provide information about the funding that needs to be added to accommodate this.

Ms. Chinnici-Zuercher stated that she agrees with Mrs. Boring that the City needs to use all the vehicles available to communicate with the public. People do receive information differently, and not everyone uses technology. She knows many who look forward to reading the local newspapers and the information it provides. She is also aware that the Ballantrae residents in Dublin still do not receive the local newspaper and would like this delivery. They are in the Hilliard School District and for that reason receive the Hilliard local paper.

Mrs. Boring moved to maintain the funding within the 2013 operating budget for the *In Touch* ads to run on a weekly basis, based on the fact that 77 percent of those surveyed in Dublin prefer receiving information through the local newspapers.

Ms. Chinnici-Zuercher seconded the motion.

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

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Ms. Puskarcik commented regarding the delivery of local newspapers to the Ballantrae area. Staff has worked with the newspapers in the past to resolve this issue and will do so again if this problem is recurring.

5. Commented on another aspect of the budget related to recognition of the staff's efforts. She is aware that the pay raises included in the 2013 operating budget are three percent, but that is not across the board for all employees. She recalls a year when the salaries for non-union employees were "frozen," while union employees received salary adjustments and step increases. Staff has worked very hard to reduce costs by reducing staff numbers, reducing overtime wages, and health costs; at the same time, health coverage has become more costly for employees. Departments have shared employees versus hiring more staff or filling vacant positions. The salary adjustments vary across the City and depend upon the department. At the time of the salary freeze in the past, Ms. Grigsby proposed a plan to provide a lump sum adjustment of some type in lieu of raises that would impact base salaries. As an acknowledgment of and in appreciation of staff's extreme efforts and what they have accomplished, she suggested that staff bring forward a plan for a lump sum payment for non-union employees to acknowledge the work of the staff.

Ms. Grigsby clarified that the three percent was an allocation in the budget, but the actual salary adjustments recommended by staff for 2013 are 2.5 percent. She confirmed that this is not an across the board adjustment.

Mrs. Boring moved to have staff bring forward such a plan as described. She added that it does not have to be a significant amount, but something that conveys Council's recognition that salaries were frozen in the past, and that non-union employees did not receive the adjustments that union employees received in this time period.

Ms. Grigsby asked if the motion is for staff to provide options, and whether there are any parameters for these options.

Mrs. Boring confirmed that she is interested in reviewing options, but does not have parameters to suggest to staff.

Ms. Chinnici-Zuercher seconded the motion.

Mayor Lecklider asked for clarification – that the motion is simply to explore the concept, correct?

Mrs. Boring and Ms. Chinnici-Zuercher agreed.

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

Mayor Lecklider:

1. Commended all the staff from various departments who participated in the Veterans Day ceremonies. There was a last minute change of plans due to the inclement weather, and the adjustments were quickly made. Thanks as well to Sells Middle School for their cooperation. The event was very nice and enjoyed by everyone who attended.
2. Asked the videographers from Shared Vision when the taped segment of Veterans Day ceremonies will air on DubTV.

Mr. Nichols responded that Governor Kasich's speech is currently available on the City's website. The entire segment of the Veterans Day ceremonies will be on the website shortly. The segment will be on DubTV later this week as well.

3. Reported that on Friday, November 16, he attended the Japanese Consul General's reception at the Detroit Institute of Art in honor of the Emperor of Japan's 79th birthday. This occasion is celebrated throughout the world. A nice delegation from Ohio was in attendance, including Mayors from Troy, Findlay, Toledo, and Worthington. Representatives of Columbus 2020 also were present and other local Japanese-American groups. It was good for Dublin to

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have a presence at the event. He was surprised with the high number of Japanese population in the Detroit area, including the 2,500-2,600 Japanese who live in Novi, Michigan.

4. In follow-up to this event, he would suggest that Dublin explore the possibility of the Sister City program. In reviewing the program, and given that Dublin is home to the largest population of Japanese nationals in the state of Ohio, it is notable that Dublin does not have a Sister City in Japan.

Ms. Chinnici-Zuercher commented that the Sister City program was explored in the past, but as she understands, the City opted not to participate in the program due to the costs. She did not serve on Council at that time, and this concept has not come before Council since she began serving.

Ms. Grigsby recalled that many years ago, there was such a proposal, but it did not move forward. Staff will review this and bring information back for Council's consideration.

It was the consensus of Council that staff bring information forward for further exploration.

5. Commented that yesterday's *Columbus Dispatch* included an article about the financial reserves of the City of Columbus and how they have increased. This same publication, perhaps a year or so ago, commented on cities' reserves in Central Ohio and called out Dublin, Ohio as having too great of a reserve. He finds it interesting that having a high level of reserves for Columbus is now considered a good thing. [He read from the article, which quoted the experts who advise that higher reserves are prudent for cities in view of the economic times and the budget cuts by the state and included statements from the Mayor and Auditor of Columbus.]

Mrs. Boring added that Columbus may have increased their reserves as a result of raising their income tax to 2.5 percent, while Dublin has maintained its 2 percent income tax.

Mr. Reiner agreed.

6. Reminded everyone of the Christmas tree lighting on Thursday, November 29 at 6 p.m. The City has a beautiful new tree, which replaces the tree damaged by the windstorm.
7. Wished everyone a Happy Thanksgiving!

The meeting was adjourned at 8:53 p.m.

Mayor – Presiding Officer

Clerk of Council