

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

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

January 28, 2013

Held

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Mayor Lecklider called the Monday, January 28, 2013 Regular Meeting of Dublin City Council to order at 6:15 p.m. at the Dublin Municipal Building.

## **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; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mrs. Boring, yes.

The meeting was reconvened at 7:15 p.m.

## **PLEDGE OF ALLEGIANCE**

Ms. Chinnici-Zuercher led the Pledge of Allegiance.

## **ROLL CALL**

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

Staff members present were Ms. Grigsby, Mr. Smith, Mr. Smith, Jr., Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Ms. Crandall, Mr. Thurman, Ms. Ott, Mr. Hammersmith, Mr. Langworthy, Mr. Hahn, Mr. Earman, Ms. Husak and Mr. Tyler.

## **PRESENTATIONS**

- Update re Avondale (National Church Residences) – Ken Lyding, Community Manager and Julie Sofranko, Care Coordinator

Mr. Lyding provided an update on Avondale, a new senior retirement community in Dublin. Avondale consists of 100 one and two-bedroom apartments, from 750-950 square feet each. There are 50 freestanding cottages situated around the perimeter of the property, and two mid-rise buildings comprised of 25 apartments each within the site. Located between those two buildings is a facility housing a recreation room, offices and an adult day services center. The facilities are 97 percent leased, although the apartment buildings are not yet completed.

Ms. Chinnici-Zuercher asked what percent of the leases are from existing Dublin residents. Mr. Lyding responded that he does not have those statistics; however, the greater part of the guest cards indicated, "drive by/live in area."

Ms. Chinnici-Zuercher noted that the percentage of Dublin residents who are now leasing at Avondale would be beneficial information for the City to have, due to the significant investment the City has made.

Mr. Lyding responded that he would obtain and forward that information to Council. He noted that this is an "age in place" community. Medical staff will be on site, and many needed services are available as well.

Mr. Keenan stated that, early in the process, there was significant interest shown by residents of the nearby Ponderosa mobile home community. How many of the Ponderosa residents have moved to Avondale?

Ms. Chinnici-Zuercher responded that only two have relocated to the new community.

Mr. Lyding noted that he interviewed a Ponderosa resident today who is interested in relocating to Avondale.

Mr. Reiner added that he understands that 12 military veterans living in the Ponderosa community have died during the time Avondale was under construction.

Mayor Lecklider asked about the present state of occupancy for Avondale.

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Mr. Lyding responded that 97 units are pre-leased and 36 cottages are occupied. On February 18, Building A of garden apartments will be available, and it is anticipated 95% of that building will quickly be occupied.

Mayor Lecklider asked about plans for a grand opening.

Mr. Lyding responded that the recreation room would not be completed until mid-April, and a grand opening will likely be scheduled early in May. Council members will be invited to the grand opening, as their vision and assistance in making Avondale a reality is appreciated. He introduced, Julie Sofranko, Care Coordinator.

Julie Sofranko, Care Coordinator stated that the vision for Avondale was that it would not only be a home but also a community of support for its residents. They are following a patient home medical model of care for the residents. There will be a health center on site with a primary care provider working with a medical doctor and therapeutic staff – physical, occupational and speech therapy. There will also be an adult day program, not only for Avondale residents, but also for the community at large. They have met with individuals from the Dublin and Hilliard area who are seeking day programming and personal care for loved ones. She oversees the personal care that is provided to all the residents, ensuring them a confidential level of communication. She appreciated the opportunity to meet with Ms. Chinnici-Zuercher who shared with her other services available within the area, including those provided through HandsOn Central Ohio, which could be beneficial for some of their residents. They have signed up 15 residents for the Dublin Pantry, are working with Mid Ohio Food Bank, and anticipate having fresh fruits and vegetables on site when the season permits. Another focus is on the residents' quality of life. They make them aware of opportunities within the Dublin and Hilliard communities, such as the Dublin Recreation Center, where they are encouraged to participate in activities.

Mayor Lecklider thanked Mr. Lyding and Ms. Sofranko for their report. Council looks forward to their open house.

Mr. Keenan asked if Ms. Sofranko has contacted Washington Township Parks and Recreation regarding available opportunities for seniors in that community.

Ms. Sofranko responded that they have. Residents participated in an event at their township's community center this past week. They will be using that center until their own community center is open, and plan to take advantage of the township park year round.

## **CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road:

1. Asked if the Mayor had an opportunity to discuss the issue he raised at the last Council meeting with the Nestle' Company officials.

Mayor Lecklider responded that he has not done so, but will request that a staff member follow up and respond to Mr. Maurer's concerns.

Mr. Maurer responded that when the Nestle' Company representative attended a Council meeting, he may have noticed that City Council members were drinking City water from glasses, not bottled water, at the meeting. Council has some leverage in that regard. He will inquire again in the future.

2. In regard to the marketing issue he brought up at the last meeting, he remains interested in either a private or a public debate with Mr. Dring whose objective seems to be to "carpet" the City with all things Irish. But why stop there? This is a world city. As he mentioned previously, Dublin could have several cultural festivals throughout the year – a cosmopolitan focus. Dublin is a typical American city reflecting typical immigration patterns with the typical richness of culture behind all of them. It would seem obvious that Dublin should strive for more than one ethnic festival. The Polish-American event in Dublin last year was tremendous.

## **CONSENT AGENDA**

Mayor Lecklider noted that seven items are proposed for action on the consent agenda. He asked whether any Council member requests removal of an item for further consideration under the regular agenda.

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Mr. Keenan requested that Ordinance 10-13 be removed from the consent agenda and placed on the regular agenda for discussion.  
 Mayor Lecklider asked the Law Director to comment on the appropriate procedure.  
 Mr. Smith stated that Ordinance 10-13 could be removed from the consent agenda and discussed at this point.

**Ordinance 10-13 (Introduction/first reading)  
 Authorizing the City Manager to Execute a Mutual Aid Agreement for Law Enforcement with Various Jurisdictions Working in Conjunction with Franklin County.**

Mr. Keenan introduced the ordinance.  
 Mr. Keenan stated that Ordinance 10-13 is a mutual aid agreement for law enforcement. Based on his involvement with mutual aid agreements for Washington Township in the past, he is aware of the importance of the details. In the past, Dublin has only had an emergency mutual aid agreement for police services. In regard to the terms in the agreement for assistance with an in-progress crime, an on-duty law enforcement officer from one jurisdiction who views or has probable cause to believe a criminal offense or serious traffic offense has occurred outside that officer's home jurisdiction is to take law enforcement action within the jurisdiction of another cooperating agency. He asked the Police Chief to define "on-duty."  
 Chief Von Eckartsberg responded that one example would be a Dublin police officer traveling to municipal court in downtown Columbus, observing an OMVI driver or a criminal offense occurring. Rather than calling for another law enforcement agency to respond and take action, and in the interim not being able to do anything on their own, they could take action under this agreement. The officer must be working in an on-duty capacity. It would not apply to off-duty police officers.  
 Mr. Keenan stated that he is concerned about the possible actions of a police officer from another jurisdiction, in view of the carte blanche nature of the agreement.  
 Chief Von Eckartsberg responded that the reason the Prosecutor has requested the on-duty provision be included is that it would permit a very visible legal presence to take legal action, should the need arise.  
 Mr. Keenan stated that likely eliminates the need to define the jurisdiction because Dublin would not have a police officer on duty from a distant jurisdiction for events such as the Memorial Tournament or The Presidents Cup.  
 Chief Von Eckartsberg stated that this provision would permit more flexibility to bring outside law enforcement officers to assist with events.

Mr. Keenan asked about the language related to Independent Police Action: "The police department of any cooperating Agency may provide temporary police protection service to any cooperating Agency without request."  
 Chief Von Eckartsberg responded that it would be necessary to be within the jurisdiction of a cooperating agency.  
 Mr. Keenan asked if it would be a dispatching issue.  
 Chief Von Eckartsberg responded that under the previous emergency agreement, assistance had to be requested. Under this agreement, it does not. If an on-duty officer witnessed or was aware of an issue occurring in another jurisdiction, or if there was a reason to respond before a call for help is received, the officer could do so.  
 Mr. Keenan asked if there is a potential issue of "jumping runs."  
 Chief Von Eckartsberg responded that the police chiefs in this area would not permit that to occur. This is a management issue for each department. Dublin wants its officers primarily patrolling Dublin, and Columbus wants their officers primarily patrolling Columbus.  
 Chief Von Eckartsberg added that the purpose of this agreement is to allow more flexibility in terms of shared services, cooperation during investigations and assistance during scheduled events.  
 Mr. Keenan stated that he understands, but will pay close attention to how this is implemented.

Mrs. Boring asked if there are renewal terms for the agreement.

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Chief Von Eckartsberg stated that they made a suggestion to the Prosecutor that the agreement be reviewed on a five-year basis, as the last agreement was put into place 20 years ago. There is no provision included for a required review, however.

Ms. Chinnici-Zuercher noted that a three-year renewal term was included in Ordinance 09-13.

Chief Von Eckartsberg stated that the County Prosecutor apparently responded to their request in regard to that agreement.

There will be a second reading/public hearing of Ordinance 10-13 at the February 11 Council meeting.

### **CONSENT AGENDA (resumed)**

Mayor Lecklider moved approval of actions requested for the six items remaining on the consent agenda.

Mrs. Boring seconded the motion.

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

### **Approval of Regular Meeting Minutes of January 14, 2013**

#### **Ordinance 03-13 (Introduction/first reading)**

Authorizing the City Manager to Enter Into a Master Memorandum of Understanding with the Central Ohio Community Improvement Corporation for Land Reutilization. (Second reading/public hearing February 11 Council meeting)

#### **Ordinance 07-13 (Introduction/first reading)**

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.130 Acre, More or Less, Permanent Multi-Use, Utility, Grading and Drainage Easement and a 0.031 Acres, More or Less, Temporary Easement from James D. and Molly B. Nester. (Second reading/public hearing February 11 Council meeting)

#### **Ordinance 09-13 (Introduction/first reading)**

Authorizing the City Manager to Execute an Emergency Mutual Aid Agreement with Various Jurisdictions Working in Conjunction with Franklin County. (Second reading/public hearing February 11 Council meeting)

#### **Resolution 01-13 (Introduction/Vote)**

Authorizing the City Manager to Execute a Contract with the Franklin County Public Defender Commission for the Defense of Indigent Defendants.

#### **Resolution 03-13 (Introduction/Vote)**

Authorizing the City Manager to Enter into an Agreement for Shared Fleet Maintenance Services.

### **SECOND READING/PUBLIC HEARING - ORDINANCES**

#### **Ordinance 01-13**

**Rezoning Approximately 2.9 Acres Located on the North Side of Perimeter Drive, Between the Intersections with Avery Muirfield Drive and Hospital Drive from PCD, Planned Commerce District (Riverside PCD North, Subarea A3) to PUD, Planned Unit Development District (Riverside North, Subarea A3) to Facilitate the Development of the Site with an Approximately 14,500-square-foot Retail Building, Including Restaurant Spaces and Associated Patios.** (Case 12-073Z/PDP/FDP)

Ms. Husak stated that no changes have been made since the first reading of the ordinance. She and the applicant, Mr. Ghidotti are available to respond to any questions.

Mayor Lecklider noted that Mr. Maurer has pointed out that the proposed development text contains a 2012 date instead of 2013.

Ms. Husak responded that staff would obtain a signed copy of the text with a 2013 date.

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Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road stated that the great 19<sup>th</sup> century philosopher John Ruskin, sharing his views about architecture, said, "Show me your buildings – the ones you like -- and I'll tell you what type of society you are. I'll tell you what your moral and intellectual level is." He would like to read two statements from the fourth page of staff's memo, under "Final Development Plan Conditions:" The first statement is, "that the elevations be revised to replace the gable returns with a more appropriate style." The second statement is, "that the sea green junipers on the north side of the site be replaced with winter gem boxwoods." In regard to the first statement, the writer obviously has in mind an artistic or architectural principle or conviction and implies that this style is not adequate and should be replaced with something more appropriate. The question is, what is the collection of principles, ideas or convictions about architecture? In regard to the second statement, there is also an artistic or architectural principle judgment involved. Again, the issue is what exactly are these principles? He assumes that the response would be a stated preference for traditional architecture. However, the question remains - - what is the nature, objectives, and ultimate goal for the aesthetics of the architecture, and what does that reveal about the City's ideals?

Mayor Lecklider responded that he assumes that answer can be derived from the Planning & Zoning Commission minutes. He invited Ms. Husak to respond.

Ms. Husak stated that the clarification is provided in the Commission's minutes.

Vice Mayor Salay stated that there are three architects and a landscape designer on the Planning and Zoning Commission, and they typically provide that type of input.

Mr. Maurer responded that there are guiding principles involved, and he would seek further information from these individuals.

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

**Ordinance 02-13**

**Amending the City of Dublin Building Code.**

Mr. Tyler stated that the Dublin Residential Building Code is based upon the 2013 Residential Building Code of Ohio, which is based upon the 2009 International Residential Building Code. That Code is developed through a consensus process involving members of the building community – architects, engineers, homebuilders, and government officials. When Ohio receives that Code, it is modified to meet the Ohio requirements through the Residential Code Advisory Committee. Therefore, when the Code is brought to local entities, it is has been through a comprehensive review. Dublin makes minor revisions to the base document to make it the Dublin Residential Building Code. This Code is very similar to the previous 2006 version.

Mayor Lecklider stated that he recalls there was a lawsuit in regard to that Residential Code. Is Dublin permitted to make some revisions to the Code?

Mr. Tyler responded that, as a result of that lawsuit, Dublin was permitted to make four revisions to that Code. Of those revisions, one is now being deleted due to the fact that it has already been included in the base document – it is no longer a Dublin-only provision.

Mr. Keenan asked if that is the carbon monoxide provision.

Mr. Tyler responded affirmatively. Dublin had the provision previously, but because the International Code has now included it in their version, the City no longer needs to include it specifically.

Mr. Keenan noted that Dublin has included it in the City Code for the past 8-10 years.

Mr. Tyler confirmed that is correct.

Ms. Chinnici-Zuercher asked if there will be increased costs to developers as a result of the Code amendment.

Mr. Tyler responded that in 2009, the State began its process to update the 2006 version of the Residential Building Code. At that time, there was no data indicating what cost increase would result from the new provisions that would be coming to the State. It required approximately three years to complete that process, and the State was satisfied that the safety provisions of the revised Code outweighed the increased costs, which

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would not negatively impact construction. He has heard cost increase estimates ranging from \$300 - \$3,000 for a single-family house.

Mr. Keenan asked about the wall bracing provision. Does this relate to basements or lower level framing issues?

Mr. Tyler responded that it is not a basement issue. It is a framing issue, primarily, lateral and wind bracing.

Mr. Keenan noted that he observed the new construction at the auto dealership along US 33. It is a solid concrete block wall, 50-60 feet high. How can that type of construction endure Ohio weather? Are there standards in place to address that?

Mr. Tyler responded that is a commercial project, but there are cold weather standards in place. The walls were also braced during construction.

Mr. Keenan asked if the building was included in the City's inspection.

Mr. Tyler responded that it was and was determined to be fully compliant.

Vice Mayor Salay stated that there were comments made earlier in the fall about projects being completed in a timely fashion. There were some questions about the City's previous Code requirements versus new Code requirements. When construction is in process, what are the standards for steady progress and project completion?

Mr. Tyler responded that the Building Code allows for a specified time frame. Once a permit application is submitted, the builder has 12 months to begin construction. Once construction has begun, the builder has six months in which to demonstrate substantial progress. That is monitored through the inspection process. Every six months, if there is an approved inspection, it moves to a new six-month period. Assuming the project meets the six-month timeframe for progress, the permit does not expire. That is a standard in the City's commercial and residential building codes.

Vice Mayor Salay asked if this amendment reflects the fact that the International Building Code requirements for wall bracing are stricter than Dublin's and therefore those are not included.

Mr. Tyler clarified that the State's Code actually requires that amount of bracing, and Dublin is adopting the State's standard, which is a stricter version.

Vice Mayor Salay stated that it could add cost to overall home construction, and so there will be a cost to developers.

Mr. Tyler responded that there will be a cost to developers, but he does not have an estimate of that cost.

Vice Mayor Salay noted that, ultimately, the cost will be passed on to homebuyers.

Mr. Tyler responded that this will be the case statewide.

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

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

### **Ordinance 04-13**

**Declaring the Improvement to Certain Parcels of Real Property to be a Public Purpose and Exempt from Taxation; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund and Providing for the Collection and Deposit of Service Payments into that Fund; Specifying the Public Infrastructure Improvements Directly Benefitting the Parcels; and Authorizing Make-Whole Compensation Payments to the Dublin City School District and the Tolles Career & Technical Center. (Franklin County)** (Second reading/public hearing February 11 Council meeting)

### **Ordinance 05-13**

**Declaring the Improvement to Certain Parcels of Real Property to be a Public Purpose and Exempt from Taxation; Establishing a Municipal Public Improvement Tax Increment Equivalent Fund and Providing for the Collection and Deposit of Service Payments into that Fund; Specifying the Public Infrastructure Improvements Directly Benefitting the Parcels; and Authorizing Make-Whole Compensation Payments to the Dublin City School District and the Tolles Career & Technical Center. (Union County)** (Second reading/public hearing February 11 Council meeting)

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Vice Mayor Salay introduced Ordinances 04-13 and 05-13.

Ms. Mumma stated that these ordinances establish a tax increment financing district in the area where Ohio University will establish the Heritage College of Osteopathic Medicine. A portion of that property is in Franklin County and a portion lies within Union County. Except for that distinction, the ordinances are identical. She noted the following:

- In April 2012, Council approved Ordinance 22-12, which authorized the City to enter into an economic development agreement (EDA) with Ohio University (OU).
- Three subareas were referenced with that EDA. Subareas 1 and 2 each have stipulations that must be met prior to the City conveying any property to the university. Subarea 3 is to be retained by the City; however, over the next few years, OU can propose to the City any project for that area that would be supportive of the overall development of the university. If it is deemed appropriate and supported by the City, the City will enter into negotiations with the developer to convey portions of the applicable property to the university that are necessary to facilitate the project. The City can advance projects for Subarea 3, as well.
- OU does have the option to develop the northern portion of Subarea 3, which is known as the hotel conference site, in partnership with an independent third-party development or management company. OU is generally exempt from taxation for the purposes of paying property taxes, or in the case of TIF areas, when there are established service payments. However, the EDA stipulates that the hotel conference center site is to be taxable for the purpose of real property taxation. If it is determined to be tax exempt, OU has agreed to pay annually to the City an amount equal to the aggregate of the service payments that would have been generated if the hotel conference center site was indeed taxable.
- In summary, consistent with the EDA, the City proposes to create a TIF in this area to assist paying for any public improvements in this area. The City is not expecting TIF revenues in any other areas other than the hotel conference center site as it is identified today. However, this TIF is being established now to ensure that for any property that is deemed taxable, whether now through development on Subarea 3, or in the future through transfer of ownership, that valuation could be captured within the TIF, and as a result, the City would receive service payments, which could be used to pay for infrastructure improvements.
- This is being structured as a non-school TIF, or a "make-whole" TIF to both the Dublin City School District and Tolles Career Center. This is standard, as the majority of City TIFs are set up as non-school TIFs. What this means is that for any property that is subject to real property taxation where those property owners are required to make service payments, the schools would receive their applicable rates of collection, if the property is indeed taxable.
- The public improvements outlined within the ordinance include not only those that were specifically addressed with the OU EDA, but others that would provide a clear benefit to the TIF area, such as the I-270/US33 interchange.
- This TIF is not expected to generate a significant amount of TIF revenues in order to fund all of these projects, but staff does incorporate as much as possible in establishing these TIFs in terms of public improvements to allow the City flexibility to use those TIF dollars to pay for various projects and improvements.

She offered to respond to any questions.

Mr. Reiner stated that he was pleased with the language regarding Subarea 3, that "OU has agreed to pay or cause to be paid annually to the City an amount equal to the aggregate of the service payments, which would have been payable pursuant to the TIF ordinance if such hotel conference center site was subject to real property taxation." He remains somewhat confused about the taxation status of this particular site. If the City develops it, will it fall under the normal tax provisions? How would that be decided? Is it dependent upon which party comes forward first with a proposal? What is the timeline?

Ms. Mumma responded that either one of the parties has the ability to bring forward a proposal. If OU were to bring forward a proposal, the City would facilitate that process and, if deemed appropriate by the City, the City would convey the necessary portion of property to that third party. If OU is part of that, the County ultimately makes the determination whether the property is taxable. If it is determined that OU is building their

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own hotel conference center facility, even if it may not be within their core purpose, and if it is deemed by the County to be tax exempt, Dublin can collect those service payments. The City is protected under either scenario, so this valuable piece of property that fronts a key piece of interstate is generating some revenue for the City.

Mr. Keenan asked if OU has a first right of refusal, should the City bring forward a hotel proposal.

Mr. McDaniel responded that there is no first right of refusal. If a hotel interest approached the City, staff would notify OU that the City was approached, and then move forward with that process. If the project came into fruition, the process as Ms. Mumma described would occur. Likewise, if OU decides to go forward, they would notify the City accordingly.

Mr. Keenan asked if the City is required to notify OU of a proposal.

Mr. McDaniel responded affirmatively.

Mr. Keenan stated that if the City gave notice to OU of a proposal, would OU have the ability to approach that hotel owner and propose a joint project? He assumes that is a moot point, as the City would receive revenue either way.

Mr. McDaniel responded that is why the agreement was structured in this way. The City would view such a partnership favorably.

Mr. Reiner stated that in terms of tax revenue, because this piece of property that the City has held is a valuable piece of property, it would be beneficial to the City to develop it prior to OU doing so.

Mr. McDaniel concurred. It would also maximize the amount of development that would occur within the subarea.

There will be a second reading/public hearing of Ordinances 04-13 and 05-13 at the February 11 Council meeting.

## **Ordinance 06-13**

### **Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2013.**

Vice Mayor Salay introduced the ordinance.

Ms. Mumma stated that this is a routine ordinance amending the annual appropriations. This ordinance appropriates funds for the tree replacement funding, enabling the City to take the funds that existed at the end of the year and appropriate them for the purpose of planting trees on public property. Appropriations are also made to the various TIF funds in order to make debt service payments.

Mr. Keenan requested clarification of the approximately \$2.4 million appropriated from the various TIF funds.

Ms. Mumma responded that Section 1 reflects \$153,462 that is appropriated for tree replacement. The balance of the funds are appropriated to the TIF funds for debt service payments.

Mr. Keenan inquired if \$2.4 million is the amount staff has anticipated and if this figure is the same every year?

Ms. Mumma responded that it is not the same every year, but very close, depending on the debt service payment schedule. TIFs are structured in a way to ensure there is funding available to make those payments. However, if there would not be adequate funds within the TIF funds, the City can advance funding from other accounts, just so that the debt service payments can be attributed to the appropriate TIF.

Mr. Reiner moved to dispense with the public hearing.

Vice Mayor Salay seconded the motion.

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

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

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**Ordinance 08-13**

**Authorizing the City Manager to Enter into a Land Exchange Agreement with John W. McKittrick for Property Necessary for the Emerald Parkway Extension (Emerald 8) from Dublin Road to Sawmill Road.**

Vice Mayor Salay introduced the ordinance.

Mr. McDaniel stated that staff has been in negotiations with the property owner for the purpose of acquiring the necessary right-of-way in both permanent and temporary easements for the construction of Emerald Parkway Phase 8. Staff recommends a land swap of 1.63 acres of the six acres needed. The land swap will also address ingress and egress issues for the property owner and the City's residual piece of property, which consists of approximately four acres. The property owner would be required under the agreement to allow the City access to its property for the purpose of ingress and egress. Without this swap, the site would be isolated from Emerald Phase 8. It would difficult for the City's residual property to have full access, ingress and egress, as well, so this land swap is beneficial to both parties.

Mr. Reiner stated that he has no objection to the proposed land swap. However, in reviewing the medium density residential zoning on the site map and in consideration of the land's value and the freeway access, why was the site not designated for commercial versus residential development?

Mr. McDaniel responded that he recalls the primary reason was due to the existing residential located to the west of the site.

Mr. Reiner stated that is the Grandee Cliffs development.

Mr. McDaniel added that he believes this medium density residential zoning was to be a buffer for that residential area.

Mr. Reiner stated that the City's landscape ordinance requires a buffer mound with landscaping with 100% opacity separating the two zones. Personally, he would prefer to have the residential adjacent to an office development versus a series of private home fences, patios, sheds, etc. It is cleaner and more attractive. After investing all of the City funds to construct Emerald Parkway, he does not understand why the City would zone this residential.

Mr. McDaniel responded that he does not disagree. If an opportunity for such a project were presented, it would be reviewed under the zoning process.

Mr. Reiner stated that he is pointing this out due to the value of this land located on a major arterial – I-270. This does not seem to be an appropriate zoning.

There will be a second reading/public hearing of Ordinance 08-13 at the February 11 Council meeting.

**INTRODUCTION/PUBLIC HEARING – RESOLUTIONS**

**Resolution 02-13**

**Authorizing the City Manager to Enter Into an Agreement with TechColumbus.**

Vice Mayor Salay introduced the resolution.

Mr. McDaniel stated the 2013 Operating Budget including funding of \$200,000 for Dublin's local match for the TechStart program. The City's contribution is significant because it helps the region to receive matching funds from the State of Ohio's Third Frontier program. TechColumbus is designated as the lead agency in the Central Ohio region for the administration of the TechStart program. TechColumbus serves as the lead agency in Central Ohio focused on new company or business and technology startups and, ultimately, job creation. Business creation is one of several of the City's key economic development strategies, and the centerpiece of this effort is a combination of the Dublin Entrepreneurial Center, the efforts of TechColumbus and the Small Business Development Center. TechColumbus has been a full partner with the City of Dublin in these efforts.

A report by TechColumbus was also provided in Council's packet. To date, the City has invested \$1.1 million in the TechColumbus partnership, all of which has been leveraged toward matching funds to attract additional dollars. Dublin companies have received over \$35 million in grants, follow on investment loans and sales revenue. The agreement represents a continuation of the very successful program the City has experienced to date. The report lists additional services the City receives and will continue to receive from TechColumbus. He introduced the president and CEO of TechColumbus, Tom Walker.

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Tom Walker, TechColumbus President/CEO stated that he is a new resident to the Dublin area, having relocated from the Oklahoma City area. The City's and Mr. McDaniel's support over the years is greatly appreciated. Without the City's funding, TechColumbus would not be able to access matching grants from the State that they invest into the community to support high growth entrepreneurs in the region. Since he assumed this role, he has looked into how well the entrepreneurs are able to access risk capital, which is one of the things lacking in this region. He has learned that in Dublin, entrepreneurs have brought in more than \$20 million private equity that has helped launch those companies. Those companies then go on to pay tax revenue to the City. They appreciate the partnership with and support of the City.

Ms. Chinnici-Zuercher stated that the City has been a supporter of TechColumbus from its beginning. She asked about his short-term vision and how would that materialize into a long-term vision.

Mr. Walker responded that their vision is to re-focus 100% of TechColumbus' efforts on entrepreneurs within this region. He and the Board members see the value of startups to the region, as these startups then have the ability to transform the economy.

Ms. Chinnici-Zuercher asked if there is a focus on a certain category of entrepreneurs, such as technology.

Mr. Walker responded that the focus is on high growth companies, and that seems to be companies in the high tech sector, from software I.T. to biotechnology. They have high growth potential, but are risky to start, requiring extra resources.

Ms. Chinnici-Zuercher stated that she is pleased to hear that they are re-focusing on the original intent, as investment capital is a challenge in this region for startups. In this region, people are willing to participate in the second phase of funding, but want the initial funds to come from other sources. In addition to the funding, she trusts TechColumbus will also coach and mentor these startups.

Mr. Keenan stated that angel fund investments were provided with a very significant Ohio Tax Credit. It was a major incentive for investors and an important part of raising capital.

Mr. Walker stated that he is familiar with the Ohio Tax Credit. It is actually "on hold" currently, together with many other tax credits. However, it has been an important mechanism to help grow angel groups in the community. That risk capital has to be generated from the hometown; it doesn't easily come from other regions.

Mr. McDaniel reminded everyone that the Dublin Entrepreneurial Center has relocated and an open house is scheduled on Wednesday, February 13 from 7:30 a.m. to 1:30 p.m.

Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road stated that at the end of the material provided there are two charts -- one indicates the winnowing process from 2006-present and the second indicates the process from 2010-present. The first chart refers to 132 opportunities -- are those all applications?

Mr. McDaniel responded that they were not formal applications, but engagements with potential interest.

Mr. Maurer stated that of the 132 opportunities, 70 were in-takes.

Mr. McDaniel responded that of the 70 in-takes, 27 were accepted as clients; of the 27 clients, 20 were funding prospects. Of those 20 prospects, 14 were funded.

Mr. Maurer responded that the process seems to be a snapshot of the economy. What was the nature of any one of the 14 successful companies, or what did those 14 have in common?

Mr. Walker responded that at that level of the opportunity, there are generally companies that have an entrepreneur who investors view as fundable, based on a more experienced management team.

Mr. McDaniel stated that even though only 14 are funded, many of those not funded continue to improve or modify their idea and continue to work through the pipeline. Some discard the idea completely and start over with a new idea.

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

**Resolution 04-13**

**Intent to Appropriate a 0.155 Acres, More or Less, Storm Sewer Easement at 7460 Dublin Road from Matthew C. Wickline.**

Ms. Chinnici-Zuercher introduced the resolution.

Mr. Hammersmith stated that this storm sewer improvement will provide drainage outlet from the Sheffield Place Section 2 subdivision, located west of Dublin Road and north of Brand Road. The need for this improvement, particularly in the Limerick Lane area was identified in the 1999 Stormwater Master Plan. This will provide an outlet for stormwater across Mr. Wickline’s property through an underground pipe within a 20 ft. x 343 ft. easement to an existing culvert beneath Dublin Road, and ultimately along the Limerick Lane area to the Scioto River. An appraisal has been completed and discussions with Mr. Wickline have occurred over the years. However, at this point, there is a need to move forward with this improvement. Sheffield Place residents have expressed a desire for this improvement to be made. The resolution of intent is the first step in the process of moving forward with the improvement.

Mrs. Boring thanked staff for taking this step. She is aware that it has been an arduous process, and it is time for this to move forward.

Mr. Hammersmith responded that negotiations continue; he met with Mr. Wickline today. There remains opportunity for an amicable resolution.

Mr. Keenan stated that he recalls that the back yards of the homes that abutted Wellington Reserve were experiencing significant drainage issues. Is this related to that situation?

Mr. Hammersmith stated that those issues occurred further to the west. Those subdivision plans are presently under review, as well.

Mr. Keenan asked if this project would help address that situation.

Mr. Hammersmith responded that these areas are not related.

Mayor Lecklider asked if the residents in Sheffield Place have experienced drainage problems.

Mr. Hammersmith responded affirmatively, particularly in this area. There is not sufficient outlet for stormwater, so there is significant ponding in the rear yards during long periods of rain.

Vice Mayor Salay stated that Council has heard about a similar issue on the western side of Wellington Place.

Mr. Hammersmith responded that is true and the issue is being resolved with the development of the Wellington Reserve.

Vice Mayor Salay asked if this is a “post development” type of problem.

Mr. Hammersmith responded affirmatively. When Sheffield Place was developed, there was some difficulty encountered in establishing this outlet, and the developer worked with the property owner to try to gain this access.

Mrs. Boring asked if Mr. Wickline is having similar issues.

Mr. Hammersmith responded that is correct. This will be an improvement to his property as well.

Mr. Reiner asked if this improvement will require cutting the road.

Mr. Hammersmith responded that it would not. The outlet would be at the upstream end of this culvert. The outlet is sufficient beneath Dublin Road.

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

**STAFF COMMENTS**

Ms. Grigsby highlighted items from the packet and distributed on the dais tonight:

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1. A report from Ms. Gibson regarding the income tax issue. Another bill will be introduced this week. Ms. Gibson remains actively engaged with this issue and continues to work with both the legislators and the Chambers in trying to achieve an agreement that addresses uniformity issues.

2. Information regarding the Clean Ohio Fund. This item was discussed at the last MORPC meeting, and an email was sent on Friday requesting the City to submit names via e-mail of those in support of the issuance of the additional bonds that were approved as part of the 2008 bond levy across Ohio. Those names will be added to a letter that will be distributed. The City has received funding from the Clean Ohio Fund in past years.

3. Information regarding the Community Attitudes survey, developed by Marty Saperstein, which will be used to survey residents this year. Staff received the final draft survey tool this afternoon, which is being shared with Council to provide opportunity for feedback. If Council has questions/comments concerning this draft, please forward them to staff by the end of this week. The intent is to begin pretesting and initiation of the survey next week.

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

Mr. Keenan:

1. Expressed kudos to staff in regard to the 2013 Cost Study Review. The City will save \$7,500 in allocations for contractors, subcontractors and consultants. This is an example of prudent stewardship. He appreciates staff's recommendation to apply the Consumer Price Index, beginning next year. That can be updated, as desired.

2. The joint dispatching study is yet another example of prudent oversight of taxpayer dollars. He appreciates staff's exploration of potential cost-saving alternatives. He understands that Hilliard and Norwich Township have committed to engaging in this effort, and Worthington is reviewing the agreements. He encourages staff to continue their efforts.

3. Stated that he was somewhat disappointed with the draft Community Attitudes survey. The survey contains many of the same questions, which Mr. Saperstein had indicated he would not include -- questions related to things the City already knows. Mr. Saperstein had indicated there would be "other kinds of questions." However, what he has reviewed does not seem to include those other kinds of questions.

Ms. Grigsby responded that staff has had several discussions on the survey content. There are questions related to Bridge Street District and the Library, specifically, which are different from past survey questions. Some of the questions are the same or similar to those asked previously because they are needed for the Police Department accreditation. There are some other subjects that staff wants to continue to receive feedback about in order to determine how the City is trending in regard to baselines and the past. There is some repetition, but this survey is much more condensed than previous surveys.

4. In regard to the AEP report, it was difficult to decipher the map provided. He would like clarification regarding the circuits that cross the river to serve Bryson Cove and Indian Run. He requested that staff forward to him information identifying that circuit.

Mrs. Boring stated that she would like to have a detailed report on that area and Martin Road, as well, as these are areas that seem to have ongoing issues.

Mr. McDaniel requested clarification. This is all the data that the City has access to; he does not have access to any more outage data or interruption data. He can address the circuit number question.

Mrs. Boring stated that she doesn't understand some of the computation, considering that some of the homes suffered seven-day outages. These figures do not reflect those kinds of outages.

Mr. McDaniel responded that he can request additional information from AEP or invite them to attend a Council meeting and provide more detail. However, at this time, he cannot provide more detail or explanation, as he does not have other data.

Mr. Keenan asked if the circuits could be identified in relation to City streets.

Mr. McDaniel responded that he can provide greater geographical detail, but not more detail in regard to the outages.

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Ms. Chinnici-Zuercher noted that when there have been outages, Council has received emails from Ms. Brown indicating where the outages have been and the length of time involved.

Mr. McDaniel stated that he can forward that same information. Ms. Brown tracks the number of calls that the City receives.

Ms. Chinnici-Zuercher asked how Ms. Brown obtains the information that she forwards to Council.

Mr. McDaniel responded that it is obtained from residents who call the City and the City, in turn, reports the outages to AEP.

Vice Mayor Salay stated that the concern seems to be outages that are excessive in some areas of the community, and how those can best be addressed in the future.

Mr. McDaniel responded that he does not deny there are issues. They can review how individual circuits in the City perform compared to each other. Staff will attempt to maintain good communications with AEP, and try to learn more about what might be causing those issues. He credits the City with achieving improvements to Circuit 3131 in Muirfield. There may be other similar opportunities, as long as that dialogue is maintained.

Vice Mayor Salay stated that this is critical. These have not been just a few inconvenient episodes, but the electric service has been out for a week. Many people work from home. The residents are completely dependent upon electricity, more so than ever before. This situation is not acceptable. How can it be addressed and what will AEP do in response?

Greg Dunn, IceMiller stated that they received this report, but are not aware of how Dublin compares to other cities. They do understand this is a major issue, which is why they have been closely reviewing it. It is a valid question – why the data appears favorable, when everyone is aware there have been some significant outages? He would suggest that a PUCO representative be invited to attend a Council meeting and provide information. There is not an easy, legal remedy available. Utilities are regulated by the State of Ohio, and they have preempted any authority the City might have had in the past. Although the City cannot force changes, PUCO can do so.

Ms. Chinnici-Zuercher responded that she believes inviting a PUCO representative to a Council meeting is a worthwhile idea. In regard to Circuit 3131, the reason AEP addressed that much earlier than they had planned was because the residents of Muirfield filed a lawsuit with the PUCO.

Mr. McDaniel noted that the City filed with them.

Ms. Chinnici-Zuercher pointed out that the residents initiated it, and the City joined the suit. The conclusion she draws from that is that utility companies have a plan, and they will not change that plan unless there are customers who stay on top of the issue on a regular basis. It seems appropriate to move now to the PUCO -- to both learn about their process and express the City's concerns. Many businesses, including home businesses, are losing valuable work time.

Mr. Keenan stated that perhaps a PUCO representative could also explain some of this data. It is very difficult to follow the logic used in developing the data.

Ms. Chinnici-Zuercher stated that she is not particularly interested in how Dublin's data compares to other communities. She is primarily interested in ensuring that Dublin residents have consistent and reliable electrical service.

Mr. Keenan stated that some of the businesses have been significantly impacted. It seems that the problem areas are where there are heavy trees, and the utility lines are obviously impacted. The packet information indicates that tree trimming is planned. Two or three businesses on Bridge Street in Historic Dublin were without electricity for several days, although the adjacent Kroger Shopping Center did not lose power. That outage impacted those small businesses dramatically.

Mr. Dunn stated that the goal is to have the best quality electric service possible. Although there are not many legal tools, there is the ability to use "pressure points."

Mr. Keenan asked if the new substation in the TechCenter area will provide any relief.

Mr. McDaniel responded that one circuit in the far west end of Dublin is consistently under-performing. Once the circuit lines are extended, the new substation may have that effect.

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Mr. Keenan stated that its purpose, however, is to provide redundancy.

Ms. Grigsby stated that there were long electrical outages after the storm, with much of it related to trees, so tree trimming is an important area of focus for AEP. Another example of AEP working with the City is their utility burial project along Frantz Road and under I-270. AEP recognized the need and approached the City about also burying the lines along Pinney Lane. There have been some concerns expressed about the Metro Center, and burying the lines along Pinney Lane, which is heavily treed, would be a benefit to those customers.

Mrs. Boring stated that in the Muirfield case, there was an old circuit in place, which needed to be updated. Bryson Cove is also surrounded by old circuits in the MacDuff, MacBeth and Martin Road area. The City needs to request that AEP update those circuits, as well.

Mr. Reiner agreed. Muirfield was one of the first underground utility areas for the City, and some of those circuits are worn out. However, AEP would not have addressed it without pressure from the customers. It was a very long process that resulted in addressing the problem. His suggestion is that when a Dublin neighborhood has this type of issue, the City should team up with the residents and apply pressure. In Muirfield's case, it wasn't a problem with trees; it was old equipment, and AEP acknowledged that was the problem.

Mr. McDaniel stated that the City has succeeded in having many of these issues addressed, and AEP has been a partner in some of those projects, such as utility line burials. City staff provides support to AEP and the residents with their tree-trimming efforts. Dublin does listen to the residents and shares their concerns with and interacts with the AEP liaison on an ongoing basis.

Mayor Lecklider stated that the residents are certainly in a better position today in view of the support the City has provided in resolving these issues, although the City continues to strive for something even better. He appreciates Mr. Dunn's suggestion in regard to having a PUCO representative attend a Council meeting. Council welcomes that opportunity, as soon as it can be arranged.

Vice Mayor Salay:

1. Stated that the Community Development Committee needs to schedule a meeting for review of the Beautify Your Neighborhood grant applications.
2. Council has determined that its goal setting retreat cannot be scheduled in February or at the beginning of March, as several members are out of town. She noted that staff will propose a couple of later dates for consideration.

(Vice Mayor Salay departed the meeting at this point due to a family obligation.)

Mrs. Boring:

1. Stated that Columbus was recognized as one of the top seven Intelligent Communities by ICF this year. This was based primarily on their economic development efforts. Did Columbus use the metropolitan service area for their ICF application, or was it restricted to Columbus City limits?

Mr. McDaniel responded that he has not yet reviewed their application, but their previous application was based upon the region. IT staff within the region provided input, including Mr. Husenitza. This year, the Columbus application also included their Work Force. Columbus has made phenomenal progress, and so has the region. It is desirable for the region to be engaged in this effort.

2. Noted that Ms. Mumma will be the Acting City Manager for the period of February 14 through 18.

Ms. Chinnici-Zuercher:

1. Referred to the recycling report. She had not previously considered some of these elements involved in recycling. For instance, the fact that when there is a decrease in disposable income and spending, there is a related drop in solid waste recycling.

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Mr. McDaniel stated that he can check into that statistic. He has heard that before in the industry. When residents have less income, they buy fewer products and therefore recycle less. However, he has no empirical evidence to support that.

Ms. Chinnici-Zuercher stated that she is pleased that Dublin is second in recycling in the area. Has City staff ever had discussion with Grandview or Marble Cliff about what they are doing, in view of their results?

Mr. McDaniel responded that staff has not looked at this data recently, but plans to do so. SWACO held a meeting in Dublin today and discussed their new ideas.

Ms. Chinnici-Zuercher stated that she believes the City's recycling program is a real benefit to its residents, and she would like the City to remain aware of best practices.

Mr. Dunn added in regard to the ICF recognition of Columbus that he viewed their application online, and it does include the metropolitan area, including the DubLink area.

Mrs. Boring stated that she is curious about how much Dublin contributed in the Top 500 Fortune Locations and Businesses and the other categories. She assumes the other suburbs gave a boost to the Columbus application as well.

Ms. Chinnici-Zuercher continued:

2. Stated that the joint work session on January 17 was excellent. She would like to ensure that the Dublin Arts Council receives a formal invitation to participate. They are involved in the scope of what the City is doing, as well as the ideas of bridges, pedestrian walkways, and public art. She thought the session was successful in taking the big conceptual ideas and narrowing them to some realities. She is looking forward to the March meeting, where she expects it will be honed further. Coupled with the people who have already indicated an interest in moving forward with development, this will be an exciting time for Dublin. Reporter Holly Zachariah contacted her regarding the news article she was working on a few days ago, and she believes Ms. Zachariah really captured an interesting element of what the City is moving toward. People want to see a "shovel in the ground" to know that it is real. Dublin has the opportunity right now to help move that forward. The consultants on the project seem to be enthusiastic and recognize this as an opportunity for a cutting-edge project.

Ms. Grigsby responded that in the last couple of months, there has been significant progress working with the consultants to begin framing some of the potential development. As discussed at the joint session, these are not the details of what will actually be in the park, but will provide a framework for road systems and park size. There has been significant progress in regard to acquisition of the parkland in the area. This was a major impact, as referenced in the article. Developers and landowners are aware that the City is moving forward, and this will become a reality.

3. Reported that she and Ms. Grigsby attended a MORPC Board meeting, and that Mr. Murdoch assumed his duties as the new CEO of MORPC today. Mr. Murdoch comes to MORPC from the Ohio Department of Development.
4. Stated that she chairs the Regional Policy Roundtable, with Co-Chair Steve Campbell from the City of Columbus. At their meeting last Thursday, there was significant discussion on the Governor's interest in how the turnpike could generate state revenue to fund other projects. Transportation needs require significant dollars, and limited dollars are available from ODOT or the Federal Department of Transportation. The Federal government is decreasing its distribution, and that will impact Ohio and its capacity to maintain its current roads in addition to replacement or expansion. The Governor will be addressing his recommendations in his Transportation Budget, which will be announced on February 6. The group looks forward to taking a position on that. Part of the issue is whether the funds originally budgeted by ODOT for the northeast side of the State would be re-distributed. Clearly, the northeast communities desire the funds to be retained for their portion of the state, while Central Ohio would like the funds to be redistributed.
5. Reported that she attended the Martin Luther King, Jr. Day celebration at the Dublin AMC Theater, which involved a short program and the showing of the movie, "Lincoln." The celebration was very well attended, requiring two theaters to accommodate the people. The celebration was unique this year, due to plans of

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many community members to attend the presidential inauguration in Washington, D.C.

6. Noted that she would be out of town tomorrow through February 15, and therefore will not be present for the February 11 Council meeting.

Mr. Reiner, Community Development Committee Chair confirmed that the meeting to review the three Beautify Your Neighborhood grant applications will take place on Monday, February 11 at 5:30 p.m. in Council Chambers.

Mayor Lecklider:

1. Asked for clarification about the proposal for fire and EMS joint dispatching services. Is Dublin taking the lead in this endeavor?

Ms. Grigsby responded that is correct. Dublin has met with representatives from Hilliard and has also met with Hilliard and Norwich township officials. The staffing issues as well as the technical and operational issues now need to be identified and addressed. In addition, the costs involved in a contract to provide the services must be determined. Discussions are ongoing, but there is no timeframe for conclusions or agreement on those issues between the parties.

Mayor Lecklider stated that what is being contemplated is Dublin providing the service and the physical location.

Ms. Grigsby confirmed that is correct.

2. Congratulated Mr. McDaniel upon his election as Vice Chair of the Franklin County Emergency Management Association and Homeland Security Executive Committee. He appreciates his service, noting it is important for Dublin to have a presence on this committee.

The meeting was adjourned at 9:02 p.m.

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Mayor – Presiding Officer

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Clerk of Council