

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 25, 2013

Held

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Mayor Lecklider called the Monday, February 25, 2013 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

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

Mr. Gerber seconded the motion.

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

The meeting was reconvened at 7:08 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Salay led the Pledge of Allegiance.

ROLL CALL

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

Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Ms. Crandall, Mr. Wagner, Mr. Hammersmith, Ms. Puskarcik, Mr. Hahn, Mr. Gunderman, Ms. Gilger, Ms. Leroy, and Mr. Johnson.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated that 10 days ago, two individuals notified him that he was the subject of a story in the *The Columbus Dispatch*. His first reaction was chagrin, fearing there would be a need to clarify on his part, based on experience. However, he is currently preparing for two piano concerts and does not have time to deal with this issue. Because his name is misspelled, he could deny and disavow the entire thing. However, in denying this, he would have to disavow a heartwarming letter he received from a Council member about the response letter this Council member sent to the newspaper. Mr. Maurer noted that in response to the article in the newspaper, someone else wrote in and commented that Maurer knows nothing about marketing. He found this annoying, in that he has often talked about the potential for other festivals in the City, which could greatly multiply the market. A few years ago, he was traveling through Canada and visited Stratford, Ontario – the location of the North American Shakespeare Theater and festival held annually. He attended a performance there, and learned from someone affiliated with the Festival that they began with a \$150,000 budget 30-40 years ago, and in the year he spoke with this individual, the budget was \$34 million. They marketed the Stratford, Ontario name worldwide with this festival. When Dublin was considering the Golf Club of Dublin development, he had suggested the location as a perfect venue for a western hemisphere center for Irish drama. He added that he would address the newspaper article at a future point, after his piano concerts.

Michael Blackwell, Dublin Branch Library, 75 N. High Street stated that he is present tonight as a representative of the Dublin AM Rotary Literacy Program. Rotaries throughout the world promote literacy in the belief that an educated society will be more peaceful and prosperous. Dublin AM Rotary is supporting the Daniel Wright Elementary School, which is the most diverse of Dublin's schools, with 21 languages spoken, and with the greatest economic need. Its students have the lowest kindergarten readiness assessments, so they are in need of help. Every year, Dublin AM Rotary gives students a book for their home library. Last year, the Dublin AM Rotary, Dublin Library and Dublin City Schools collaborated for a reading event, and five of seven Council members participated. The grant they received last year was not available to them this year, but thanks to Dublin AM Rotary and the Columbus Metropolitan Library, the reading event will be held again this year. It will take place on Wednesday, April 3 at 1:45 p.m. at Wright Elementary. The readings will be from the book, "ZooBorns." Participants will be reading

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excerpts of this book. In addition to the reading program, the partners this year include the Dublin Foundation, the PTO of Daniel Wright Elementary, and the Columbus Zoo. The zoo will bring animals to the event, and books will be distributed to the children. He will follow up with Council members via e-mail to confirm whether they will attend. He will also provide a personal copy of the book to each Council member who attends. Mayor Lecklider thanked Mr. Blackwell for this information.

Eric Krause, 8606 Kirkhill Court stated that he prepared information for distribution in the Council packet. He is present tonight to update Council on the topics he has spoken about previously and to make requests of Council.

1. First, he wants to clear up any misconceptions about his proposals. He did not begin this process with the idea of asking for a building wall, climbing structure, obstacle course or other. He became involved with this process because he has used Dublin parks for many years and has found them to lack things for families, including adults, to all use together. There is an abundance of playground equipment for children, but the Dublin parks are lacking in other areas. There is very low park utilization by adults, based on his experience in parks in other states and countries.
2. He has been searching for what would work best for Dublin, and found it when he visited the climbing wall in the downtown Columbus Scioto Audubon Park. People of all ages were using that structure and interacting. Nothing like this exists in Dublin parks. There is a widespread group of users at the Audubon Park. In terms of cost effectiveness of these proposals, communities around the country are investing in these as they have the heaviest usage and therefore are cost effective.
3. Columbus is more than three years ahead of Dublin in this area, although it is actually Metro Parks that funded the Audubon Park. Metro Parks is working closely with Columbus to provide park amenities for the residents who Columbus wants to attract to the downtown area. The Metro Parks have committed to completing the obstacle course this year. Metro Parks is adding a bouldering area, because the climbing wall is so heavily used.
4. As Council suggested, he presented to the Parks and Recreation Advisory Commission in December and all the members were excited about the proposal, and included all three projects on their list of needs for Dublin. Some Dublin Soccer League adults were in attendance that evening and expressed their excitement about the proposals as well.
5. He pointed out that these are not future needs, but current, unfulfilled needs for adults and families in Dublin. He has done research of the residents, with Metro Parks staff, and has taken many people down to the Audubon Park. He accompanied several City staff members to the Audubon Park to experience the climbing wall.
6. Risk Manager for Dublin Ron Whittington visited the park with him, and he indicated that Ohio has added climbing structures and things of this nature to the immunity list in response to so many cities wanting these and installing these structures.
7. The City of New York is looking at a structure for the Brooklyn Bridge Park, desiring to emulate the success that Columbus has had.

His two requests are:

1. In regard to the obstacle course, in order to have any chance to advance the process so that it can be considered in the coming budget cycle, he is requesting staff time or funding to facilitate a landscape architect to take this from the design/conceptual phase to where it can be presented to Council within this budget year. Columbus will have their obstacle course in place in 2013, as they believe it is essential for residents in the downtown area.

Mayor Lecklider noted that Mr. Krause has repeatedly referred to Columbus in this discussion.

Mr. Krause acknowledged that, although he is mixing Columbus and Metro Parks, technically, the downtown park is a Metro Park.

Mayor Lecklider stated that the City of Columbus is not funding this bouldering experience – it is being funded by Metro Parks. Is that correct?

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Mr. Krause responded that is correct for the most part. The climbing wall was entirely funded by Metro Parks. Other parties downtown have provided funding for the obstacle course due to the funding setbacks by Metro Parks, but the funding will predominantly come from Metro Parks.

Mayor Lecklider noted that this is all lies on Metro Parks property as well.

Mr. Krause stated that it is Metro Parks property, but is patrolled by Columbus Police when Metro Parks is closed.

Mr. Krause continued:

2. His second request relates to the bouldering area. He showed the mock-up of Coffman Park with a bouldering area, which he previously shared with Council. After much research, he believes that the north end of Avery Park would be the most appropriate location, as described in the packet. He has been working with a company who designed and built the climbing wall in downtown Columbus. He shared the image. He has bids and proposals that are doable right now.

He hopes that Council will demonstrate leadership and proceed with allocating the funds so that the climbing wall can be completed this year.

Mr. Reiner stated that he appreciates Mr. Krause's passion and desire for Dublin to be a forward-thinking, competitive community. The City's typical procedure is to consider such projects during the five-year Capital Improvement Plan update, held each year in August. However, recommended projects can be scheduled one to 15 years into the future. He hopes his colleagues recognize the effort Mr. Krause had put forward on this proposal. This amenity would experience high volumes of use by residents and would be a draw for young professionals to this area. He is hopeful that Council will consider a departure from the normal budgeting process and possibly implement one of these proposals at an earlier date. These kinds of ideas push Dublin forward, and he appreciates this.

Ms. Chinnici-Zuercher stated that Mr. Krause has brought up some interesting ideas in regard to the future utilization and evolution of City parks, and he has presented these ideas to PRAC and CSAC. In what way is the City using this information in the consideration of new structures for its parks, so that the City is evolving with the times? Ms. Grigsby responded that after Mr. Krause's presentation last fall, staff has reviewed the information and concurs that many of the items he proposes are elements of interest for City parks. Staff has reviewed options for bouldering, obstacle courses and other new amenities for the parks. They are also considering which parks currently have scheduled funding and whether those are parks where these types of items could be accommodated. Ms. Chinnici-Zuercher asked if she is suggesting those funds could be re-directed for this type of project versus than what was initially intended.

Ms. Grigsby responded that staff would need to determine how far the planning has progressed for those projects and what commitments were made to the neighborhoods. Ms. Chinnici-Zuercher noted that the commitments might have been based upon the neighborhoods' limited knowledge of available options. If they were to be made aware of other options, they might find them appealing. Ms. Grigsby stated that staff would also review some upcoming park developments, and provide information to Council regarding plans for those parks.

Mr. Reiner stated that he would be interested in learning what parks funds are available for a project such as this in a shorter timeframe than the normal budget process.

Ms. Grigsby responded that staff would review this as well and forward that information to Council.

Mayor Lecklider stated that he appreciates Mr. Krause's enthusiasm for this particular project; however, he would like to hear more from staff. He was at the CSAC/PRAC meeting, where Mr. Krause approached him again about this particular project. He does not believe the minutes from that meeting are available at this time.

Mr. Krause noted that he was in attendance at the February meeting for a different purpose.

Mrs. Boring stated that Mr. Krause's proposal was discussed at an earlier CSAC/PRAC meeting and Council has received those minutes.

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Mayor Lecklider stated that he would like to hear more from CSAC and PRAC. He appreciates the information and his suggestion that these elements be located in Avery Park. However, Council will need a great deal more input and analysis from staff on the location, if and when this proposal goes forward. In regard to his comments concerning the issue of Dublin parks relative to Columbus parks, this particular park element is a Metro Parks project. He believes Dublin is at the forefront in respect to recreation. In regard to bicycling, on the basis of mile-to-mile, Columbus does not compare to Dublin. With the particular park element, the existing elements were a Metro Parks initiative, on Metro Parks land, not City of Columbus. He wants Dublin to be at the forefront in all outdoor recreation opportunities. However, the proposal has now moved to a level where he needs to hear from staff.

Mr. Krause responded that he has completed extensive research, but needs to know the appropriate contact people at the City.

Ms. Grigsby responded that he can forward the information to her or to Mr. Hahn, and they can include information in staff updates to City Council.

Mrs. Boring concurred with some of Mayor Lecklider's statements in regard to park programming. Mr. Hahn has been very responsive whenever Council has expressed an interest in adding any park elements. Mr. Hahn and his staff have looked into these particular park elements and will report back to Council.

Ms. Chinnici-Zuercher stated that she agrees, but historically, one of the ways in which Council has received staff feedback is by asking staff to explore a citizen proposal to Council. Before tonight, Council had not directed staff to provide their input on Mr. Krause's proposal. Ms. Grigsby is indicating that staff is exploring the possibilities. Ms. Grigsby responded that staff is reviewing the options and evaluating the types of obstacle courses, such as boulders, and where they would make sense to be located.

Mr. Reiner commented that:

- (1) Metro Parks is building all of this in the center of Columbus. Dublin residents supported the Metro Parks levy. When Mr. O'Meara spoke to Council a few months ago, Council asked him if Metro Parks would be expanding the Metro Park in this area -- he indicated they would not. Council then asked if Metro Parks would be improving Glacier Ridge Metro Park and Mr. O'Meara responded they likely would be making improvements. The elements that Mr. Krause is suggesting are elements he would like to have in this park, which is largely paid for by the taxpayers. He would recommend that City staff speak with Mr. O'Meara about this. Mr. O'Meara indicated that Metro Parks is in a budgetary crunch, but they continue to move forward with many projects. He would like to see if Metro Parks plans to add anything to this park other than a wind tower. The proposed elements are expensive, interesting and fun and a magnet to draw young people to enjoy the facility.
- (2) As indicated tonight, Mr. Hahn will review the proposal for an obstacle/exercise course, with individual components targeted for toddlers, youth, teenagers, middle age and seniors -- a series of concentric rings. He would like to see this concept move forward in this area and asked that staff review the concept. Perhaps it would be appropriate for the new Riverside Park.

Mr. Gerber stated that he agrees with Council members' comments. He encouraged staff to review the possibilities; he is interested in reviewing the recommendations they will make.

CONSENT AGENDA

- Approval of Regular Meeting Minutes of February 11, 2013

Mayor Lecklider noted that one item is proposed for action on the consent agenda. He asked whether any Council member requests removal of this item for further consideration under the regular agenda.

Hearing no requests, Mayor Lecklider moved approval of the action requested for the item on the consent agenda.

Mr. Gerber seconded the motion.

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

(At this point, Mr. Reiner left Council Chambers.)

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 11-13

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 2.232 Acres of Land, Located on Cosgray Road, to the City of Dublin.

Mr. Hammersmith stated that there are three ordinances on the agenda to authorize the City to petition the Franklin County Commissioners for annexation of various rights-of-way purchased as part of the Shier Rings-Cosgray roundabout construction. Ordinance 11-13 relates to 2.232 acres along Cosgray Road; Ordinance 12-13 addresses 3.779 acres along Shier Rings Road, east of the roundabout; and Ordinance 13-13 relates to 0.258 acres on the southwest corner of the intersection. This annexation will clarify jurisdictional boundaries, provide for the best service at the intersection, and allow the City to be reimbursed for the construction of the roundabout with permissive gas tax funds.

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

Ordinance 12-13

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 3.779 Acres of Land, Located on Cosgray and Shier-Rings Roads, to the City of Dublin.

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

Ordinance 13-13

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 0.258 Acres of Land, Located on Cosgray and Shier-Rings Roads, to the City of Dublin.

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

(At this point, Mr. Reiner returned to Council Chambers.)

Ordinance 14-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.046 Acres, More or Less, Permanent Multi-use, Utility, Grading and Drainage Easement and a 0.007 Acres, More or Less, Temporary Easement from John R. Wernz.

Mr. Hammersmith stated that this easement acquisition is associated with the Dublin Road South, Section 2, Shared Use path extension project, which began last year. This portion will be from Hertford Land to Rings Road. Both permanent and temporary easements on the Wernz property are included in this authorization. This project is ready to move forward. Staff anticipates scheduling of a resolution for bid acceptance for the April 8 Council agenda.

Mr. Keenan asked if the cost estimate for removal of the vegetation was conducted internally or by the outside appraiser. Does this involve staff?

Mr. Hammersmith responded that the estimate was done by an outside appraiser. Staff does review the appraisal.

Vice Mayor Salay stated that there will be a bridge structure needed over the ravine. How will protection be provided for bicyclists to protect them from that drop-off?

Mr. Hammersmith responded that the bridge will be a prefabricated steel structure with side rail. The structure will be long enough that it will be entered where the ground is flat.

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If a concern remains after the bridge structure is in place, additional railing can be added, but that will be avoided, if possible.

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

Ordinance 15-13

Enacting New Chapter 37, Contracting and Competitive Bidding, of the Codified Ordinances of the City of Dublin, and Declaring an Emergency.

Mr. Smith stated that this ordinance provides new project delivery systems for City projects per the changes to the Ohio Revised Code. Previously, the City had to approve legislation for each design/build project. This will codify the provision for future projects. Council will continue to have oversight by receiving the bid information and request to authorize the contract. It will provide an opportunity for costs savings and faster completion of projects. Emergency action is requested so that this is place for the Hyland-Croy roundabout project.

Mr. Keenan moved for emergency passage.

Mr. Reiner seconded the motion.

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

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

Ordinance 16-13

Authorizing the Provision of Certain Incentives to CareWorks to Induce it to Retain and Expand an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Gilger stated that this is an extension of the CareWorks lease on Glendon Court. With the five-year lease extension, there is a three-year, 15 percent performance incentive, capped at \$395,000, in addition to a five-year fiber renewal. This is tied to the retention of 820 jobs and the addition of 40 jobs.

Lyle Smith, Chief Financial Officer, CareWorks thanked Council for considering this agreement. This is their 16th year in Dublin. As their lease expiration approached, they evaluated the various options. They have enjoyed a positive relationship with the City over these years. The City proactively approached them with the fiber link opportunity, which has been a significant help to their business. The City also worked with them on their building signage. They strive to promote the CareWorks brand, and this has been a strong brand builder. The Emerald Parkway widening will also be appreciated by their associates. CareWorks is fortunate to have been recognized as a "Best Place to Work" this past year, and they believe being part of the Dublin community has contributed to that.

Mayor Lecklider stated that the fiber link, signage and widening of Emerald Parkway are examples of the kinds of actions the City engages in to encourage the retention and expansion of businesses. Council is proud to have the CareWorks company within the City. He asked Mr. Smith to comment on CareWorks' utilization of the fiber link.

Mr. Smith responded that in the past, they outsourced much of their I.T. service, including their core processing. Through the evolution of their business and as part of their growth, they engaged in a project to insource that information systems processing over the last year and a half. They set up an external data site at Scherers Court, to which they have a high-speed connection via the fiber. This greatly facilitated their transition to an internal I.T. department. This was possible due to the City's proactive offer of the fiber.

Mayor Lecklider stated that he had the opportunity to visit CareWorks during the City's annual Business Appreciation Day in 2012 and was impressed by the enthusiasm of their employees.

Mrs. Boring congratulated the company on being named the "Number One Best Place to Work in Central Ohio in 2012" in the large company category. Dublin is proud to have them in Dublin.

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Mr. Keenan asked if they have the same amount of fiber with this new agreement as they had with the original agreement.

Ms. Gilger responded affirmatively; this is a renewal that includes the same amount.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 17-13

Authorizing the Appropriation of a 0.155 Acres, More or Less, Storm Sewer Easement at 7460 Dublin Road from Matthew C. Wickline.

Mr. Gerber introduced the ordinance.

Mr. Hammersmith stated that this is the first reading of an appropriation for a storm sewer easement. Mr. Wickline’s property is on the west side of Dublin Road, north of Brand Road. The 340-ft. by 20 ft. easement will allow the installation of a 15-inch storm sewer, which will provide improved outfalls from the Sheffield Place storm sewer system. This has been a long-standing concern of the residents in that neighborhood, particularly for those homes located along the east side of the subdivision. This improvement was identified in the City’s 1999 Stormwater Master Plan, and over the years, the City has been working with Mr. Wickline in an effort to achieve this. Staff is continuing attempts to negotiate an agreement with Mr. Wickline, but has been unsuccessful to date. Consequently, staff recommends appropriation of the easement.

There will be a second reading/public hearing on March 11.

Ordinance 18-13

Amending Sections 32.60 through 32.61 and Repealing Sections 32.70 through 32.78 of the Codified Ordinances of the City of Dublin, Combining the Duties and Functions of the Parks & Recreation Advisory Commission and the Community Services Advisory Commission into a Newly Configured Community Services Advisory Commission.

Mr. Gerber introduced the ordinance.

Ms. Crandall stated that this ordinance will combine the Community Service Advisory Commission and the Parks and Recreation Commission into a newly formed Community Services Advisory Commission. The new commission will retain the duties and functions of each of the previous commissions and add a function of reviewing and making recommendations related to bicycling initiatives within the community. A joint meeting of the two commissions occurred last Wednesday. Mayor Lecklider explained the reasons for this change. The commission members were aware that over the last few years, there has been difficulty in providing assignments to both commissions, and there was strong support for the combination of the two bodies.

Mayor Lecklider echoed Ms. Crandall’s comments about the commission members’ positive response. He briefly commented about the status of expiration of the existing terms.

Mayor Lecklider stated he believes there has traditionally been a representative of the senior community appointed to PRAC.

Vice Mayor Salay agreed, noting that Council strives to have representation from various segments of the community, one of which is seniors.

Ms. Crandall responded that she is not aware of whether that is required by ordinance, acknowledging that Council does have such a policy.

Mrs. Boring stated that she believed there was language that defined the different demographic segments of the community Council desired to have represented.

The Clerk recalled that the previous language indicated “strive to have representation from these segments.”

Mrs. Boring stated that there has been some difficulty achieving that representation.

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Ms. Chinnici-Zuercher asked about the reappointment of current members. For those members whose terms are expiring, it seems that Council would review their performance in terms of the required criteria. Attendance has been an issue for both of these commissions, and for that reason, she does not support automatic reappointment without there being a review of that criteria.

Ms. Crandall stated that the expectation is that Council would review that information. At the meeting in which the board and commission appointment legislation is scheduled, a separate resolution for Council's appointments to the new Community Services Advisory Commission will also be scheduled.

Ms. Chinnici-Zuercher asked why the bicycling provision was not added to Section 3 (A), which provides a list of the commission's duties. Why is it listed separately?

Ms. Crandall responded that it was called out separately because of the desire for the City to be named as a bicycle-friendly community, and the requirement for a commission designated to review bicycle initiatives. A separate provision makes that apparent.

Mr. Reiner stated that the previous staff representative who led the bicycle initiative is no longer employed by the City. Who is now leading this initiative?

Ms. Crandall responded that Mimi Migliore, the Nature Education Coordinator, has assumed some of the duties, including the bicycle-friendly community application process.

Mr. Reiner asked about the timing for the next process.

Ms. Crandall responded that she would provide that information to Council in a memo in an upcoming packet.

There will be a second reading/public hearing of Ordinance 18-13 on March 11.

OTHER

- Beautify Your Neighborhood Grant Recommendations

Mr. Reiner, Community Development Committee Chair reported that the Committee met on February 11. There were three grant applications submitted for Committee review: Post Preserve, Woods of Indian Run and Lochslee Condominium Association. All of the applications met the grant criteria, and the committee recommended approval of the requested amounts.

Ms. Colley stated that she has nothing further to add, but can respond to any questions.

Mr. Keenan stated that the packet was self-explanatory and the projects appear to be worthy projects.

Ms. Chinnici-Zuercher agreed. In regard to Post Preserve, the information seems to indicate that the developer never completed the landscape plan. As a result, the homeowners association was responsible for it. What does the City do to hold developers accountable to complete landscape plans before they turn over the reserve areas to the homeowners association?

Ms. Grigsby responded that, typically, the City conducts inspections to ensure there is compliance. She will have the records checked to determine if that occurred.

Ms. Chinnici-Zuercher stated that the expense is significant for the homeowners association to handle. The developer built that into the cost of the homes, and then never completed the improvements.

Mr. Keenan asked if a bond is in place for the subdivision development for streets and other improvements. The bond could be called if this has not been done.

Ms. Grigsby responded that the bond is likely expired at this point. Staff will check that as well.

Mr. Keenan stated that in the future, the language related to the developer responsibilities should include specific terms to that effect. If the language is specific, the City should be able to call the bond.

Vice Mayor Boring stated that this concern was discussed at the Committee meeting, and the members were told that it was a reserve area maintained by the homeowners association.

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Ms. Colley stated that staff was asked about maintenance of this area and staff explained that this is a reserve area owned by the City but maintained by the homeowners association.

Ms. Chinnici-Zuercher stated that this is a different situation. This issue relates to the fact that the developer never installed the landscaping, which is now costing the homeowners association \$10,000 to complete.

Mrs. Boring clarified that, regardless, this specific matter was brought up at the Committee meeting. The Committee had concerns with the homeowners now being asked to invest this amount, versus the developer being required to complete it. In the future, the City needs to be very conscious of these matters so that it does not happen again.

Vice Mayor Salay moved adoption of the recommendations of the Committee for the three grants, as outlined in the materials in the packet.

Mr. Gerber seconded the motion.

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

Mayor Lecklider recognized the efforts of the three homeowner associations, which presented three very detailed applications. It involved significant effort and contributions by many residents. With respect to the Post Preserve grant application, who owns the land that is identified in this project?

Ms. Colley responded that she believes it is City-owned land, but it is a reserve, so it is maintained by the HOA.

Mayor Lecklider stated the minutes will reflect Vice Mayor Salay's position on this practice, and he agrees. It is interesting that City-owned land is being maintained by an HOA. That certainly does not occur consistently throughout the community. For example, his neighborhood association, Wyndham Village, is not forced and funded, and all of their reserve area, which includes a pond, is maintained by the City at the City's expense. The Post Preserve association is forced and funded, and has responsibility for the maintenance expense of the area. Of course, Wyndham Village will never be eligible for this grant program, because it will never have the funds to support such a project because they do not have the means for collecting those funds. Philosophically, if someone moves into a particular community, such as Muirfield, they understand there will be a fee associated with the property. However, if they move into a neighborhood such as this elsewhere within the community, they do not anticipate being required to do so. It appears to be "double taxation" in that their HOA fees must be used for maintenance costs of City-owned property, a policy that is not consistent across the community.

Ms. Grigsby responded that this does occur in several areas where the reserve was identified as City-owned land to be maintained by the HOA. The reserves are generally held in the names of the HOAs and maintained by the HOAs. The City has not been consistent in every area, as the City developed. There are other cases, however, where the plat dedication indicates that City-owned land would be maintained by the HOA.

Mayor Lecklider stated that there is also the question of liability. If there was some incident on this property, the City would bear the liability.

Ms. Grigsby responded that the City's immunity would protect it from the liability.

Mayor Lecklider stated he would hope that the HOA would not bear any liability, even if they are required to fund the maintenance and improvement of these areas.

Mrs. Boring stated that her homeowners association carries liability insurance. She recalls that the Wellington Place HOA indicated they had to carry liability insurance.

Mayor Lecklider stated that he assumes that is for property that the HOA owns.

Mrs. Boring stated that it is coverage for the reserve area.

Mr. Keenan responded most HOAs have some coverage, primarily for the officers' liability, but for other situations, as well.

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Mr. Gerber stated he recalls that when he served on Planning & Zoning Commission, an effort was made to have the development text include the provision for this land to be maintained by the homeowners associations.

Mayor Lecklider agreed that did become the trend.

Ms. Chinnici-Zuercher commented regarding the BYN grant program, noting that Council should determine a consistent application for the future. Currently, the maximum grant amount available is \$5,000. That may be 50% of the total project for one, but 30% for another. Perhaps in the future, the percent of the total project cost could be taken into consideration. Maybe the criteria could provide that if the reserve area is owned by the City but maintained by the HOA, the grant could be for a greater percent of the project cost.

Mr. Keenan stated that this is a good idea. Perhaps staff could look into this and report back to Council.

Ms. Grigsby responded that staff would do so. Years ago, when the City considered the issue of having such land held in the City's name, property taxes were a consideration as well.

Vice Mayor Salay noted that there is a sense of irony about this in that there is City-owned land where the landscaping requirements were not performed by developer and now the homeowners associations are looking to the City for grant monies to maintain land owned by the City.

Mrs. Boring requested that staff check on the text for the Post Preserve rezoning and determine if the developer was required to install this landscaping.

Ms. Grigsby responded that staff would do so. If there are items the developer did not complete, City staff will contact them and identify what avenues can be pursued at this point for resolution.

Mrs. Boring noted that this is a significant amount of land in a very visible location.

Mayor Lecklider thanked staff for their work with the applicants.

Mr. Reiner and Mrs. Boring expressed appreciation for the guidance Ms. Colley and other staff have provided the applicants.

STAFF COMMENTS

Ms. Grigsby stated that:

1. In the Items of Interest memo, the first item relates to the Joint Economic Development District (JEDD) informational meeting hosted by the Union County economic development director at the Marysville wastewater treatment facility at 5:30 p.m. on Wednesday, March 6. Council members are welcome to attend, along with staff. There was a previous meeting last summer, which several staff members and Council member Chinnici-Zuercher attended.

Ms. Chinnici-Zuercher stated that Council has scheduled board and commission interviews on that.

Ms. Grigsby stated that staff will attend the meeting and report back to Council.

2. For the State of the City scheduled at Wendy's on Thursday, March 14, Wendy's has offered to provide a tour of the facility at 5:45 p.m. If Council members are interested in participating, please respond to the Clerk and staff will coordinate that with Wendy's.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Keenan stated that:

1. He was pleased to read in the staff memo that the US 33/Emerald Parkway bridge public art plans are proceeding and that the process will be defined soon.
2. He thanked staff for the update on the Historic District markers. The packet describes a process, which includes several options. His preference would be to have this matter reviewed by the Architectural Review Board, as they have a vested interest in the District. Is staff seeking direction tonight?

Ms. Grigsby responded that direction at any time would be fine. Staff will provide an update to ARB at their meeting later this week to make them aware of Council's direction to begin considering this issue.

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Mr. Keenan stated that there were comments in the memo concerning all of the development activities and planning efforts occurring in the District at this time. Because of that, does it make sense to make changes to the markers at this time, or would it be advisable to delay this? He would be interested in staff's feedback.

Ms. Grigsby stated that staff can introduce this topic to ARB for feedback, but she agreed it may be advisable to delay any decision, based on what occurs in the coming months in the Bridge Street District.

Mr. Keenan agreed.

Mr. Reiner stated that another consideration is the architecture of the monuments. A wide range of options was included in this packet, and it will take some time to sort through those.

Mr. Keenan stated that ARB can begin to work on this, propose some concepts and recommendations for consideration.

Mr. Reiner concurred. He would not want to make any decisions without ARB input.

Ms. Chinnici-Zuercher asked how many Historic District markers exist.

Ms. Grigsby responded that there are four markers.

Ms. Chinnici-Zuercher stated that she agrees with other Council members in terms of having this information provided to ARB. She does want to keep the process moving forward, however.

Mayor Lecklider summarized that there is consensus in regard to having staff provide the information regarding the historical markers for the Historic District to ARB.

3. Asked if the City has selected the entertainment for the July 4th event. In previous discussion, Council indicated that they would like to have information and provide some input early in the process this year.

Ms. Grigsby stated that, based on Council's earlier feedback during the budget hearings, the increase in the budget, and the direction to retain an agent to work on the City's behalf – staff is now working with an agent to identify several acts for the Fourth of July program, based on availability and pricing.

Ms. Keenan asked whether engaging an agent will delay the process.

Ms. Grigsby responded that she does not believe it will have a negative impact. The timeframe for selection of the act is not known at this time.

Mr. Keenan stated that he would like to be made aware of that timeframe, and if there will be more than one choice available for the entertainment.

Ms. LeRoy stated that an offer was made to a group last Thursday, and they hope to hear back within the next week or so. Because the act is booked within the region that same week, staff is hopeful that factor will encourage their acceptance of Dublin's offer.

Mrs. Boring stated that she and Mayor Lecklider attended the Dublin Entrepreneurial Center open house on February 13. They found it to be a vibrant environment. They congratulated the staff on facilitating this relocation to a more central location within the City. The businesses expressed their satisfaction with the new location.

Ms. Chinnici-Zuercher:

1. Referred to the update in the packet about the AEP line-clearing project, which indicated that trees will be trimmed that are within the right-of-way. The information seems to indicate that some homeowners planted trees in the right-of-way. Does the City need to make it clear to property owners the location of the right-of-way and the accompanying restrictions?

Ms. Grigsby stated that the information on the plat and the homeowners' deeds identifies the locations of rights-of-way and easements. The homeowners do not request City permission to plant trees; if they did, the City could provide assistance with identifying easements on the plat. Some of these trees may have been planted in older areas of the City.

Ms. Chinnici-Zuercher stated that the information indicates the City will work with the particular homeowner concerning relocation of trees. Will the same consideration be given to those who chose to plant their trees within right-of-way as well as those who did not?

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Ms. Grigsby responded that AEP has been doing an excellent job in working with the residents on these issues. Several years ago, the City initiated a program called, "The Right Tree in the Right Place." This program informs homeowners of the fact that they need to check their deeds to be aware of these easement areas, where planting trees or structures cannot be done on their lots. AEP is working with the property owners so that if there are issues, perhaps the trees can be replaced somewhere in the area, but outside of the easement.

Ms. Chinnici-Zuercher asked who would pay for the relocation of the trees.

Ms. Grigsby responded that AEP would pay for this or work out an arrangement with the property owner.

2. Stated that the update regarding utility extension policy indicates that the City will continue inspections through May. When will the final report be provided to Council?

Ms. Grigsby responded that the well inspections are related to this report. In addition, as Council is aware, the City is still involved in litigation related to timing of the extension of utilities – this case was filed several years ago. Staff is also compiling detailed information with regard to the areas that are unserved, aligning those areas with any capital projects planned, identifying whether the area is residential or commercial, and developing a proposed prioritization of those areas. She anticipates providing a report to Council in early summer.

Ms. Chinnici-Zuercher stated that Council members continue to receive questions concerning this issue. There was an impression that something would be provided earlier in the year, and she hopes the report is not delayed until after Council's mid-summer break.

3. When she was out of town recently during a Council meeting, she downloaded the live streaming video on her iPad. The access was good, the color and sound clarity were also good. She viewed the last hour of the meeting, which contained the soccer issue discussion. The soccer issue precedes her service on Council, yet some of the people involved and the relationship issues have not changed. She would like information about the models for soccer programs used by other cities in their management of the resources. These issues are ongoing for Council, staff, parents and children in the community. Recently, Council received several emails containing misinformation. Her understanding is that this is a recreation program; the children are participating to play, learn about the sport and have a good experience. This issue is far too political and not something in which the City should be engaged.

Mr. Reiner, Dublin Arts Council liaison, reported regarding the Emerald Parkway bridge over US 33 public art project. DAC discussed the project with ODOT. Initially, the concept was for tiles with interlocking Celtic artwork, however ODOT officials expressed concern that the tiles would loosen and fall onto the roadway. The revised design ensures that, from the visible approach of SR 161, the area is clearly identified as Dublin.

Mr. Keenan commented that there is a precedent for this type of project on the east side of Columbus with the Easton area bridge. Although ODOT discourages the use of names, there are waivers that have been granted in the past.

Mr. Reiner responded that the group would be requesting a waiver.

Vice Mayor Salay:

1. Stated that board and commission candidate interviews will be held Wednesday, March 6 at 6 p.m. at City Hall.
2. The annual board and commission recognition program is tentatively scheduled for Wednesday, April 10.

Mayor Lecklider reminded Council:

1. The meeting with Leadership Dublin is Wednesday, February 27, at 5:30 p.m. at the Recreation Center in the Tallas.
2. The joint Council and Planning & Zoning Commission workshop is scheduled on Monday, March 4, at 6:30 p.m. in Council Chambers.

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The meeting was adjourned at 8:35 p.m.

Mayor – Presiding Officer

Clerk of Council