

**RECORD OF PROCEEDINGS**  
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 20, 2013

Held

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Mayor Lecklider called the Monday, May 20, 2013 Regular Meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Lecklider moved to adjourn to executive session to discuss land acquisition matters (to consider the purchase of property for public purposes), 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 personnel matters ((to consider the appointment of a public employee or official).

Mr. Gerber seconded the motion.

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

The meeting was reconvened at 7:35 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. Gerber, Mr. Keenan and Mr. Reiner.

Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Ms. Mumma, Mr. Foegler, Chief von Eckartsberg, Ms. Puskarcik, Mr. Wagner, Mr. Hammersmith, Mr. Hahn, Mr. Langworthy, Mr. Thurman, Mr. Ashford, Ms. Ott, Ms. LeRoy, Ms. Gilger, Ms. Burness Mr. Gunderman and Ms. Flading.

**SPECIAL PRESENTATIONS**

- Recognition of The Wendy's Company

On behalf of the City of Dublin, Mayor Lecklider thanked The Wendy's Company for the hospitality extended to the community during the hosting of the 2013 State of the City town hall meeting in the Thomas Conference Center. The Wendy's staff went above and beyond in the service and assistance provided to Dublin's staff and exemplified Wendy's exceptional customer service. He also congratulated the Wendy's team for the recognition they received for the state-of-the-art conference center, as it has been designated "LEED Silver" (Leadership in Energy and Environmental Design) by the US Green Building Council. As a token of the City's gratitude for hosting the town hall meeting, he presented John Barker, Chief Communications Officer and Senior Vice President and David Frissora, Director of Government Relations with a donation to the Dave Thomas Foundation for Adoption.

Mr. Barker thanked the City, noting that Dave Thomas founded Wendy's in 1969 and always called Dublin its home. The Wendy's Company is very pleased that their headquarters is now back in Dublin. The City and the State of Ohio were very supportive in helping them return to Dublin after their move to Atlanta. The Foundation seeks to identify great, permanent homes for children throughout the United States, and this contribution will support that effort. The State of the City was the first large meeting since the Thomas Center opened, and the Wendy's team was thrilled to host it and to hear of all the exciting things happening in the City. The invitation is open each year for this annual City meeting.

Mr. Frissora thanked City Council and staff for the great relationship they enjoy with the City. They look forward to a future together in Dublin.

- I-270/US 33 Interchange Update – Ohio Department of Transportation

Mayor Lecklider invited Ferzan Ahmad, Deputy Director of District 6, Ohio Department of Transportation and Thom Slack, Planning & Engineering Manager, Ohio Department of Transportation, District 6 forward to provide the update.

Mr. Ahmad stated that the I-270/US33 interchange improvement project is a great project for Central Ohio. He believes this is a unique project, given its accelerated timeframe.

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The first estimates were 2018-2019, then to the 2016 timeframe, and after working closely with the City of Dublin last year, the project has been accelerated to break ground in 2014. This will be a great opportunity to showcase this part of Central Ohio. This improvement is needed to accommodate freight, to meet the needs of commuters, and is needed for business growth and development. He assured Council that businesses have reached out to ODOT in the past with concerns about the congestion on the north side of Central Ohio, primarily in the US33 corridor as well as the I-270/US23 corridor. The I-270/US23 corridor improvements will begin this year, and they hope to break ground in the I-270/US33 improvements in August of 2014. In addition, he remarked upon the tremendous partnership that exists between ODOT District 6 and the City of Dublin. The Dublin team has worked very closely with the District 6 team. The design they have come up with is a very innovative design and one that ODOT, the City of Dublin, and the consultants have worked on together; it will be the first of its kind in the United States. The design will allow traffic to be maintained during the construction process. He introduced Thom Slack, Planning and Engineering Manager of ODOT District 6 to provide details, the funding plan, and the staging of the project.

Mr. Slack provided an update on the progress made in the last six months. The partnership of ODOT, the City of Dublin, the Federal Highway Administration and MORPC has brought this project to fruition. He thanked staff and Council Member Keenan who have participated in a workshop regarding this project. The process has been very inclusive and resulted in receiving insight from many other diverse groups. What they have come up with is an innovative, cost-effective solution to achieve the goals. What is recommended is a two-phase solution. Phase 1 addresses most of the problems, and all of the immediate problems with the interchange. Construction costs for Phase 1 are estimated at \$77 million, with \$7.5 million in right-of-way for Phase 1, design costs, and an estimate of \$90-95 million for total project costs. The footprint is somewhat different from some of the alternatives studied. He "walked" everyone through the project:

1. Coming from Avery-Muirfield to the interchange, the ramps will be reorganized and an additional lane provided between Avery and 270. This will alleviate much of the congestion between the interchanges in the morning rush hour. For one traveling east into Historic Dublin, the vehicle will remain in the left lane, continuing across the bridge on 33.
2. For those using the loop ramp to head to the north and east onto 270, that ramp will be eliminated as part of this project. Two of the loop ramps will be eliminated, greatly increasing safety and capacity. An exit ramp for 270 will take drivers both to the south and to the north; this ramp will go over 270, under 33, and continue along to 270.
3. They will add a signal for the northbound exit ramp, which will serve those trying to go across to Post Road, with a ramp that has continuous movement. That signal will allow traffic to stop alternately on 33 and on the ramps so that the traffic can move across to Post Road or to Frantz Road, as needed, versus having the weaving that results in many accidents.
4. When coming from the Frantz/Post Road area on 33, a driver can exit to continue north on 270, or the road will split off to go under 33 and then over to 270 south. The two ramps nestled in the infield will have traffic traveling opposite directions, but will be separated by a median barrier.
5. The other feature for this direction is the exit ramp from 270. Currently, this ramp needs to be two lanes. There is also a need to address the mixing of traffic between 270 and Avery Road. In order to provide the two lanes, an exit is provided on the outside to lead to the Avery Road exit; for one headed on 33 to Marysville, they will continue on another ramp routed on the inside of the lanes. This will avoid much of the mixing of traffic in the portion along 33 between 270 and Avery Road.
6. In Phase 2, a flyover ramp replaces the loop ramp for the 270 north to 33 west movement. Based on traffic projections, because all of the conflict points and weaving is eliminated with Phase 1, replacement of the loop ramp will be based on traffic growth. Projections show that will be somewhere between 10-15 years out.

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The decision to add this phase can be made at a later date when traffic warrants. There is a requirement to do planning for a 20-year horizon, and that is why this flyover ramp is identified. The cost of this additional ramp is approximately \$25 million, with an additional \$500,000 in right of way needed. However, in order to make the funding work for phase 1, this will be delayed until needed.

7. A public meeting was held on Thursday at the Dublin Rec Center and they received good input. The feedback was that the project is an urgent one and should be done sooner than later. The comment period for the project is open, and forms are available on both the City and the ODOT websites.
8. In regard to the funding plan, he noted that the plan is as submitted to the Transportation Review Advisory Council (TRAC), which is ODOT's statewide council that makes recommendations for large projects statewide. The high level of local participation was well received at the TRAC meeting. ODOT believes this is a great partnership – from the funding level and the commitment to the project by the entities involved.

He offered to respond to any questions.

Mr. Reiner asked about US33/SR 161 and if the portion headed west of 270 to Avery Road will be widened.

Mr. Slack responded affirmatively, noting that this portion will actually be four lanes in width. One lane will add on and will then drop off at Avery Road, and two lanes will add on and drop off in the area of 270. Therefore, two through lanes will be over 270, with four lanes in between. It will narrow to two lanes as 33 travels to Post Road. Part of the overall study relates to whether 33 is to be widened to three lanes out to Marysville. That will be on a separate track, as the traffic requires it.

Mr. Reiner stated that he has commented on the uniqueness of the design in the U.S. Where else in the world has this design be done?

Mr. Slack responded that some locations in Illinois and Missouri have similar layouts, but not in the way the road is nestled in with replacing an existing interchange. Some of those others were built originally with this design, but this interchange is a retrofit.

Mr. Keenan asked if lanes would be added from Avery-Muirfield to 270 in both directions.

Mr. Slack responded affirmatively, noting there will be four lanes in each direction for this portion of 33.

Mr. Keenan complimented ODOT on the collaborative nature of the meetings, which included City Engineering staff, ODOT officials, and other public entities. He asked if ODOT would continue having this type of process for future projects.

Mr. Slack responded that they have collaborated in a similar fashion with the City of Columbus for the 70/71 project, but the other meetings did not include the technical details from the engineers.

Mr. Keenan stated that Council is very appreciate of their work on this project.

Vice Mayor Salay asked how traffic would be maintained during construction.

Mr. Slack responded they are currently working through the details of this. They expect that there will be some short-term closures in order to construct these ramps. There will be a lot of opportunity to build the new movements before the old movements are taken out of commission, and that will be the focus of the construction sequencing. There will be some periods when final paving is being done on ramps or when some loop ramp work will require closures of 15-30 days. There may be some overnight closures. As typically done, the contract requires 7-14 days' notice on that type of activity and they will continue the public outreach effort with Dublin staff for this project as well.

Vice Mayor Salay asked, assuming ground is broken in August of 2014, when the interchange phase 1 will be completed?

Mr. Slack responded he expects this to be a two-year construction period. He expects that some if not most of the movements will be available to motorists in 2015; in 2016, the finish work will be done.

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Ms. Chinnici-Zuercher encouraged the City, ODOT, and other entities involved in the project to memorialize this through documentation. She agrees that this is a terrific collaboration in all ways – planning, designing and funding mechanisms. It would be a great story for all to use to educate other communities in conferences and workshops. Everyone is working to meet the goal of improving this major interchange that is important to all of the communities in Central Ohio.

Mayor Lecklider asked if Mr. Slack could demonstrate the movement of traffic on northbound 270 to westbound 33 under this improvement.

Mr. Slack responded that in Phase 1, it would remain on the loop ramp. Because the other two loop ramps are being eliminated – the one that conflicts on top and the other that conflicts below – the loop ramp will then run smoothly.

Mr. Lecklider asked how it will be addressed as one travels westbound on 33. The present situation is that those headed southbound on 270 from westbound 33 do not yield. How will a northbound traveler who will continue to use the loop ramp to exit on Avery Muirfield negotiate the lanes to move to the exit?

Mr. Slack responded that what will occur at Avery Muirfield is that two left lanes on 33 will continue through on 33. For the third lane, there will be the option of exiting at Avery-Muirfield or continuing on 33. The right lane will be required to exit at Avery-Muirfield. Traffic coming on at this loop ramp will only have to move over one lane in order to exit at Avery-Muirfield.

Mr. Keenan asked about the other direction – cars coming from Avery-Muirfield onto 33 headed east. That is the troublesome lane in the morning, which requires weaving and the drivers do not yield during rush hour.

Mr. Slack responded that the furthest right lane will enter at Avery-Muirfield and must exit at 270. The exit at 270 is both directions and then splits into north or south after that.

Mayor Lecklider thanked all who have been involved in this, noting that the progress made over the past several months is significant. Council Member Chinnici-Zuercher's suggestion about trumpeting what has been accomplished due to everyone's work is a good one. ODOT's willingness to "think outside the box" with this project has been key. Council is also proud of Dublin's ability to make this happen in terms of the staff resources and financial resources.

Ms. Grigsby noted that the approach has focused on solutions and she thanked Mr. Ahmad and the ODOT staff who have supported the City on this project. The MORPC staff has also worked closely to make this project happen from an engineering and funding standpoint. MORPC will contribute to the funding, and Dublin appreciates their efforts. The staff members involved – Ms. Willis, Ms. Wawskiewicz, Mr. Hammersmith – have worked very hard as well. She appreciates all of the efforts put forth on this project by all the parties.

Mr. Keenan thanked Ms. Puskarcik for her work on the communications portion of the project. There has been significant communication with political leaders, ODOT, neighboring jurisdictions, and other entities and this has been very helpful.

Mayor Lecklider added that this project is truly a testament to Mr. Ahmad and his staff.

**CITIZEN COMMENTS**

Tim Mills, Director of "Race Day for Down Syndrome," 5735 McNeven Court invited City Council and the community to join in the event on Thursday, May 23. He provided some history of the 2FGR group – Two Fat Guys Running – and invited another representative to come to the podium to join him. Nanda Nair, Dublin is one of the founders of the group, which began four years ago. They decided to initiate a 5K event, with goals centered on community, family and health. They wanted to promote the great features of the City of Dublin, including the 100 miles of paths throughout the City. They meet at the DCRC for a run every morning at 5:30 a.m. He invited Shelly Lambert and her son, Nick

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to join him at the podium. Nick is 10 years old and has Down Syndrome. Down Syndrome Achieves is a group started by Lito Ramirez, with the goal of supporting research at the Down Syndrome Institute. The group established a goal of having 150 participants and to raise \$5,000 to support Down Syndrome Achieves. After three years in existence, the group has raised over \$100,000 for this organization. Their event is a 5K run and takes place at 7 p.m. on Thursday, May 23 on Post Road through Indian Run Meadows Park and back to Emerald/Post. They hope to raise \$50,000 and have 1,000 participants at this point. He urged the Council members and the entire community to come out and support the event. He outlined all of the sponsors of their event, including Cardinal Health as their title sponsor. They are part of 10TV Commit to be Fit series. Mr. Nair thanked the City of Dublin for keeping all of the roads and paths so clean for the runners.

Nick Lambert stated that he attends Glacier Ridge Elementary and is in third grade. Mr. Reiner asked about sign-up for the event.

Mr. Mills responded that online registration is done at Premier Races, or in person at the Columbus Running Store Company on Perimeter Loop.

Wallace Maurer, 7451 Dublin Road commented:

1. He noted there is a current display at the Dublin Arts Council called, "Sub Rural." While at the exhibit, he encountered Council Member Boring who indicated she would retire from Council at the end of the year. He commented that what he sees between the speaker podium he occupies and the Council seats is an "open door." The question is whether he will walk through that door. After some thought, he has decided he will not do so, as he does not have the time to do a conscientious job of serving on Council. He is a writer and musician and does not have time for serving on Council. He prefers to keep his function of citizen participation, which he will return to after he completes his upcoming concert. This function is not exercised enough, to the detriment of the country. His goal is to bring several more people to the podium with differing interests.
2. Madison, Jefferson and Washington long ago warned the country not to get into the political party mode, because it reduces all discussion and arguments to empty, name-calling. On the local level, that does not quite happen, and certainly not in Dublin. However, he plans to go back to his citizen participation when the concert is concluded.

**CONSENT AGENDA**

Mayor Lecklider noted that 10 items are proposed for action on the consent agenda. He asked whether any Council member requests removal of an item for further consideration under the regular agenda.

Hearing no such requests, he moved to approve the actions listed for the 10 items on the consent agenda.

Mr. Gerber seconded the motion.

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

1. Approval of Minutes of May 6, 2013 Council meeting
2. Notice to Legislative Authority from Ohio Division of Liquor Control – Transfer of D5A Liquor Permit from Pinnacle Dublin LLC, dba Hilton Garden Inn Dublin to HSC Hospitality, Inc., dba Hilton Garden Inn Dublin, 500 Metro Place North
3. Notice to Legislative Authority from Ohio Division of Liquor Control – Transfer of D5A Liquor Permit from Golf Club of Dublin LLC, Martin Management Services Inc. RCVR, 5805 Eiterman Road to CGPM Managers II LLC, dba Golf Club of Dublin, 5805 Eiterman Road.

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- 4. Ordinance 40-13 (Introduction/first reading)**  
Adopting the Proposed Tax Budget for Fiscal Year 2014. (Second reading/public hearing June 10 Council meeting)
- 5. Ordinance 41-13 (Introduction/first reading)**  
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.765 Acres, More or Less, Fee Simple Interest from Joseph V. and Corrine Burger. (Second reading/public hearing June 10 Council meeting)
- 6. Ordinance 42-13 (Introduction/first reading)**  
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Accept the Dedication of a 0.420 Acres, More or Less, Fee Simple Interest, All of Which is Present Road Occupied, from Brand Road Investment Co., Ltd. (Second reading/public hearing June 10 Council meeting)
- 7. Ordinance 43-13 (Introduction/first reading)**  
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.280 Acres, More or Less, Fee Simple Interest of Which 0.184 Acres, More or Less, is Present Road Occupied; a 0.009 Acres, More or Less, Temporary Construction Easement; and a 0.028 Acres, More or Less, Temporary Construction Easement from Jerry Garland Spears III and Marsha M. Spears. (Second reading/public hearing June 10 Council meeting)
- 8. Ordinance 44-13 (Introduction/first reading)**  
Authorizing the City Manager to Enter into a Real Estate Purchase Agreement with Invictus Land Holding Company LLC (Vrable) for the Purchase of 0.98 Acres, More or Less, in Fee Simple, Located East of Riverside Drive, West of Tuller Ridge, South of Tuller Road and North of Dale Drive. (Second reading/public hearing June 10 Council meeting)
- 9. Resolution 25-13 (Introduction/vote)**  
Accepting the Lowest/Best Bid for the Dublin City Hall Interior Renovation Phase 2 and 3.
- 10. Acceptance of Final Plat - Ballantrae, Section 9, Part 2 (Case No. 06-153FDP/FP)**

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

### **Ordinance 35-13**

**Accepting the Dedication of a 0.167 Acres (with 0.167 Acres as Present Road Occupied), More or Less, Fee Simple Interest and a 0.047 Acres, More or Less, Permanent Multi-Use, Utility, Grading and Drainage Easement from the Washington Township Board of Trustees.**

Ms. Ott commented that Ordinances 35-13 and 36-13 relate to land being donated by Washington Township to the City for the furtherance of transportation improvements. One relates to installation of bikepath along Brand Road; the other relates to installation of a right-hand turn lane from northbound Riverside Drive onto eastbound Hard Road at the fire station.

Mayor Lecklider asked about the timing of the construction of the right-turn lane on Riverside Drive at Hard Road. Will that occur this summer?

Ms. Ott responded that staff is currently evaluating the timing.

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

### **Ordinance 36-13**

**Authorizing the City Manager to Accept the Dedication of a 0.136 Acres, More or Less, Fee Simple Interest from the Washington Township Board of Trustees.**

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

**Ordinance 37-13**

**Establishing the Location and Amount of Cash on Hand for Change Funds, and Declaring an Emergency.**

Ms. Mumma noted that staff is requesting this modification to the change funds. The DCRC change funds would increase from \$450 to \$650; each outdoor pool change fund would increase from \$600 to \$800. Staff believes that this will improve staff safety in terms of trips to outside businesses in order to make change over the weekend, and will improve customer service to residents and patrons at these locations. Staff is also recommending that the change funds located within the Accounting & Auditing division and the Income Tax division be combined into one generic Finance department change fund.

Ms. Chinnici-Zuercher moved for emergency passage.

Vice Mayor Salay seconded the motion.

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

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

**Ordinance 38-13 (Amended)**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 5.12 Acres (with 1.308 Acres as Present Road Occupied), More or Less, of Right-of-Way Located at the Northeast Corner of Riverside Drive and State Route 161 that are Necessary for Intersection and Roadway Improvements, and Declaring an Emergency.**

Mr. Foegler noted that as staff shared with Council at the last meeting, staff now has the final as surveyed dimensions and acreages, and there is a slight adjustment in the appraisal values -- \$18,000 less than in the ordinance as introduced. The number was \$3.45 million in the original document and \$3.327 million in the amended version. Therefore, the numbers are fully aligned with the values that emerged from the final appraisal, based on final surveys. The rationale for the emergency language tonight is that the property is scheduled to close on June 10 and cannot be extended beyond June 11. Staff is therefore requesting emergency action. He offered to respond to any questions.

Ms. Chinnici-Zuercher moved for emergency passage.

Mr. Reiner seconded the motion.

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

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

**Ordinance 39-13**

**Authorizing the City Manager to Enter into a Development and a Tax Increment Financing Agreement with Vrable Land Holding Dublin LLC Related to the Development of Approximately 6.15 Acres of Real Estate Generally Located to the East of Riverside Drive, West of Tuller Ridge Drive and South and Adjacent to Tuller Road. (Vrable Skilled Nursing Care)**

Mr. McDaniel stated that the applicant's attorney contacted him today with a request that this ordinance be postponed until the next Council meeting (June 10).

Vice Mayor Salay moved to postpone the Ordinance to the June 10 Council meeting.

Mr. Gerber seconded the motion.

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

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**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 45-13**

**Authorizing the Provision of Certain Incentives to JPMorgan Chase Bank to Induce it to Locate an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.** (Second reading/public hearing June 10 Council meeting)

Vice Mayor Salay introduced the ordinance.

Ms. Gilger stated that staff has been working with Chase and Chase received approval today from the State for a 15-year, 75 percent job creation tax credit. Staff is proposing a two-year performance incentive of 15 percent, which is renewable upon renewal of their three-year lease, and a \$40,000 location grant. There are 500 jobs involved, with average wages of \$50,000.

Ms. Chinnici-Zuercher congratulated Ms. Gilger, Mr. McDaniel and Ms. Grigsby. This is a great opportunity to diversify Dublin's corporate base. JPMorgan Chase is one of the largest companies in the region, and Dublin is pleased that they will have a presence in Dublin.

Ms. Gilger commented that the Polaris location occupied by Chase consists of over 1 million square feet, and it is very near capacity. The building they will move into on Parkwood contains 165,000 square feet, and they will quickly fill it.

Mayor Lecklider commented that the employees would appreciate the roadway access in Dublin, as he is aware of the congestion at the Polaris location during the peak times of day. He asked for clarification about the \$3.1 million estimate for income tax realized over the course of this agreement. Is that for the six-year term?

Ms. Gilger confirmed that is correct.

There will be a second reading/public hearing at the June 10 Council meeting.

Ms. Gilger confirmed that company representatives would be in attendance at that time.

Mr. Keenan clarified that the motion to postpone the previous ordinance on the agenda should have made reference to Ordinance 39-13 and not 45-13. He asked that the record be corrected to avoid any confusion.

**INTRODUCTION/PUBLIC HEARING – RESOLUTIONS**

**Resolution 24-13**

**Authorizing the City Manager to Enter into a Cooperative Right-of-Way Acquisition Agreement with the City of Columbus for Arterial Street**

**Rehabilitation.** (Hard and Sawmill Roads Intersection and Hard Road Phase A – Sawmill Road to Smokey Row Road)

Mr. Gerber introduced the resolution.

Mr. Hammersmith stated that this relates to another opportunity for a collaborative partnership with the City of Columbus. This refers to the Hard Road/Sawmill Road intersection improvement Dublin is undertaking, and plans to "marry" this to the Columbus project of the last phase of Hard Road improvements. The last phase consists of the portion from Sawmill to Smoky Row Road. The Columbus project includes widening Hard Road to four lanes, adding bike lanes, and making other improvements within that corridor. For many years, Dublin has planned the improvement of the Sawmill/Hard intersection in conjunction with development of Lifetime Fitness and the Kroger Marketplace. Staff believes it is of benefit to bring both projects together, creating one project jointly managed and jointly constructed.

- To that end, staff is bringing forward this legislation tonight, authorizing entering into the cooperative agreement. The City of Columbus will take the lead in acquiring right-of-way from three properties along the east side of Sawmill Road. Columbus has the need to acquire right-of-way from 80 parcels for their Hard Road widening project. It made sense for them to take the lead on all of this right-of-way acquisition within their jurisdiction.

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- The City of Dublin will remain engaged in taking the lead on acquiring right-of-way from a few properties along the west side of Sawmill that will be necessary for the intersection improvement.
- The agreement calls for the City of Dublin to advance \$135,000 to the City of Columbus; \$114,000 of that is the right-of-way cost, and there are appraisal fees, title costs and administrative costs for the Columbus legal staff as well.
- Dublin believes this is in Dublin's best interest to have Columbus take the lead on this portion.
- The current plan is to advertise the project for bid in the fall of 2014 and to advance construction at the end of 2014, with the majority of construction being done in 2015.

He offered to respond to questions.

Ms. Chinnici-Zuercher asked for clarification. Under Article 2, Acquisition of Right-of-Way, is the \$135,000 requested for the purchase of property within the City of Columbus? She asked him to identify this property on the map.

Mr. Hammersmith stated that is correct. The right-of-way needed is on the CVS property, the Society Bank property, and the retail center behind Society Bank. This right-of-way is necessary for Dublin's proposed improvement of the intersection. It is not needed for the Hard Road improvement itself, but rather for the intersection improvement Dublin is undertaking.

Ms. Chinnici-Zuercher asked if any portion of the intersection lies in Columbus.

Mr. Hammersmith responded that the majority of the intersection lies within Columbus, as shown on the exhibit.

Ms. Chinnici-Zuercher asked if Columbus intended to improve the intersection in conjunction with the Hard Road widening.

Mr. Hammersmith responded they were not planning to do this, as they were aware that Dublin had this improvement planned since 2005 with the Lifetime Fitness and Kroger Centre. Dublin actually became aware that Columbus was advancing the Hard Road widening project and delayed the Dublin intersection improvements in order to "marry" the two projects. The Dublin project is in need of the right-of-way much more than the Columbus project would at the intersection.

Ms. Chinnici-Zuercher asked if Columbus would contribute to the intersection improvement.

Mr. Hammersmith responded that there would be a construction agreement brought to Council at a later date that will focus on how the projects will be "married" and construction costs shared. Initially, Dublin had segregated this long-planned project, to be funded through the TIF district.

Mr. Keenan asked if the intersection would remain signalized.

Mr. Hammersmith responded affirmatively, noting it will have dual left turns on each lane.

Mr. Keenan asked if Columbus would contribute to the costs of the signalization.

Mr. Hammersmith reiterated that the intersection improvements have always been planned as a Dublin project, and Columbus has not offered to contribute to the intersection improvement.

Mr. Keenan commented that it does not seem right, as everyone shares the use of the signal.

Mr. Hammersmith explained that what drives the improvement of the intersection is predominantly the development of both Lifetime Fitness and the Kroger Retail Centre. This was a commitment made in the development agreement. When the traffic impact studies were done for these two developments, it was found that there was a need for dual left turns at the intersection.

Mrs. Boring stated that in view of the fact that Dublin is paying for the intersection improvements and signals, it seems the photo enforcement should be eliminated.

Mr. Hammersmith acknowledged that this request could be made to the City of Columbus, if Council desires to do so.

Mrs. Boring responded that Dublin should make this request.

Mr. Hammersmith clarified that the photo enforcement is for northbound Sawmill.

Mr. Reiner asked what improvements would be included in this project.

Mr. Hammersmith responded that dual left turn lanes will be included for each leg of the intersection, and a southbound, dedicated right turn lane will be added onto Hard Road.

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Mayor Lecklider asked for confirmation that Columbus is requesting that Dublin contribute to their administrative and legal costs.

Mr. Hammersmith responded that if Dublin were to pursue these right-of-way acquisitions on its own, there would be still be legal fees involved.

Ms. Grigsby clarified that legal fees for Dublin would be covered under the current contract for legal services unless there was need to file an appropriation case. For all projects, Columbus policy is to charge back themselves for legal, inspection and administration fees.

Mayor Lecklider asked if this is part of the agreement for the Emerald Parkway widening project.

Mr. Hammersmith responded that for the Emerald widening, Dublin pays Columbus an administrative fee to manage the construction. For the acquisitions needed in Dublin, Dublin staff handled them.

Ms. Grigsby pointed out the difference between the two projects is that the Emerald widening involved parcels in the City of Dublin and parcels that Dublin needed; for the Sawmill project, it involves parcels in the City of Columbus and portions of the same parcels are needed for both the Dublin intersection improvement project and for the Columbus Hard Road widening project. It made sense to have one party contacting the three property owners to obtain the right-of-way needed for both projects.

Vice Mayor Salay asked if the cost of that is \$135,000.

Ms. Grigsby responded that \$114,000 is estimated as the cost for the right-of-way itself. If the remainder of the costs are less than \$135,000, the monies will be remitted back to the City of Dublin.

Mayor Lecklider asked if Dublin has done an analysis as part of its traffic studies of how many Dublin residents are using this intersection versus Columbus and other jurisdictions.

Mr. Hammersmith responded this has not been done, as it would require significant work with an origin and destination study. It has not been part of the traffic impact studies done by the City.

Mayor Lecklider asked if staff could estimate this percentage.

Mr. Hammersmith responded that he could not estimate this.

Ms. Chinnici-Zuercher commented that the Dublin School District is the entity that is most impacted by this intersection. There are a number of Dublin schools located in Columbus but operated under the Dublin City School system. There is a high school that draws from the east side of Sawmill as well that draws traffic through this intersection. In addition, the Emerald Parkway brings people into Dublin to work, and these individuals use this intersection as well. However, Dublin is often in situations where dual jurisdictions are involved and yet Dublin is asked to fund 100 percent of the improvements. It seems unfair, yet if Dublin wants the project completed, they generally proceed with such funding in order to have the improvement.

Ms. Grigsby commented that in regard to this project specifically, the Lifetime Fitness and Kroger Centre developments were required to contribute to this intersection improvement. A TIF District was established for both of these projects. Dublin required the intersection improvements as part of their development, and then Dublin slowed these improvements to match the timing of the Columbus Hard Road project. In regard to the Emerald widening, there was discussion about the City contributing some potential right-of-way costs, but based on the construction contract awarded, there was not the need for any additional contributions. She believes that both Dublin and Columbus paid their share for the Emerald widening. Most of the traffic signals along Sawmill Road are maintained by Columbus; there are some where maintenance costs are shared, such as the Dublin Village Center. There are examples where Dublin has agreed to partner with entities to ensure that projects are completed as efficiently as possible.

Mr. Keenan pointed out there is another example of shared jurisdictions and improvements needed for the intersection of Glick and Dublin Road. He asked if Columbus has jurisdiction in this location.

Mr. Hammersmith clarified that Shawnee Hills took over jurisdiction of that right-of-way several years ago in the area east of the intersection.

Mr. Keenan commented that he is still interested in having this improvement done.

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Mrs. Boring noted that Ms. Chinnici-Zuercher's point regarding the high school is worth considering. Another point to consider is that Dublin cares about their citizens and wants to ensure they can safely travel on roadways in the area. While it may not seem fair, it is another opportunity to point out that Dublin cares about having things done right.

Mayor Lecklider noted that he appreciates Ms. Chinnici-Zuercher's comments about the benefits of this intersection improvement to the extent to which it benefits Dublin's commerce. He noticed on Saturday afternoon that the single point urban interchange (SPUI) at Sawmill and I-270 -- for which Dublin contributed funding -- seems to be failing. Are there any plans to improve this situation?

Mr. Hammersmith responded affirmatively. Beginning last September, ODOT initiated discussion at their central office regarding a project to improve that situation. They refer to it as "Project Ramp Clear." The goal of the project is to widen Sawmill heading northbound in order to relieve the off ramp from I-270 to Sawmill Road northbound. ODOT is currently working on this project. Part of the discussion related to how to "marry" that project with the two projects underway in Dublin and Columbus.

Mayor Lecklider commented that the interchange works reasonably well, given the volume, in all of the other directions but northbound.

Mr. Hammersmith agreed, noting that the peak periods on Saturday and the pm peak result in the off ramp movement to break down, with congestion occurring at both Billingsley and at roads further north.

Vice Mayor Salay asked if part of the issue relates to synchronization.

Mr. Hammersmith responded that there is limited stacking within this location, particularly at Billingsley. Ideally, the movements would be restricted at Billingsley, but there are not options for moving traffic elsewhere.

Mr. Reiner asked about the timeframe for these improvements at the Sawmill interchange.

Mr. Hammersmith responded that he is not aware of the planned timeframe, but ODOT is trying to move it along quickly and to minimize right-of-way costs. The Germain Ford dealership has been making improvements, and ODOT is looking at how they can coordinate this with the site development.

Mr. Reiner commented about the 745/Glick Road intersection, noting that Mr. Hammersmith is to ask the Mayor of Shawnee Hills if left turns from eastbound Glick onto 745 northbound could be prohibited. This would help reduce congestion and back-ups. Another temporary solution is to add some asphalt on the right hand side of Glick, heading east, so the drivers can move around those turning left onto northbound 745. It is the left hand turning cars heading north on 745 that are causing this back-up. Mr. Hammersmith is going to contact the Mayor of Shawnee Hills about this to obtain feedback.

Mr. Hammersmith clarified that this intersection is under the jurisdiction of ODOT, and he would not want to raise any false expectations about solutions for the intersection congestion.

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

## **Resolution 26-13**

### **Appointing Members to the Architectural Review Board of the City of Dublin.**

Vice Mayor Salay introduced the resolution. She reported that Council had completed interviews for the positions on the ARB and moved to approve Resolution 26-13, appointing Neil Mathias to a three-year term on the ARB and Thomas Munhall to the unexpired term (one year remains of the three-year term) of Tasha Bailey on the ARB.

Mr. Gerber seconded the motion.

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

## **Resolution 27-13**

### **Intent to Appropriate a 0.210 Acres, More or Less, Fee Simple Interest of which 0.203 Acres, More or Less, Is Present Road Occupied and a 0.015 Acres, More or Less, Temporary Construction Easement from Dennis W. Richardson.**

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Mr. Keenan introduced the resolution.

Ms. Ott stated that staff has been in negotiations with several property owners to acquire right-of-way and easements for improvements of the intersection of Coffman and Brand Roads. After discussions with this property owner, staff recommends moving forward with an intent to appropriate, should it become necessary to acquire the property necessary for the improvement.

Vice Mayor Salay asked if the project is on target for construction yet this year.

Ms. Ott responded affirmatively.

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

**Resolution 28-13**

**Waiving Competitive Bidding Requirements for the Purchase of Beer for 2013 Dublin Irish Festival.**

Mr. Reiner introduced the resolution.

Ms. LeRoy stated that this provides for waiving the bidding requirements in order to purchase beer from Superior Beverage for the 2013 Dublin Irish Festival.

Mr. Reiner commented that he is pleased to hear that Guinness products will be available at the festival.

Ms. LeRoy responded that staff has been talking with Guinness for a couple of years. Last year, the former distributor of Guinness went out of business. Superior Beverage, who has been the distributor since the beginning of the festival picked up the rights to distribute Guinness. Fortunately, they are able to offer both Miller Coors products and Guinness products at the festival.

Mrs. Boring stated that she is aware that Vice Mayor Salay brought up this issue at a recent meeting, but once again, some citizens have approached her with concerns about underage drinking at this event.

Mayor Lecklider added that his concerns relate not only to underage drinking, but over consumption by legal age drinkers as well.

Ms. LeRoy stated that last year, staff observed groups of early teens gathering at the festival and staff is working to have this middle school age group more involved in the festival. They are looking at activities to involve this group in night time activities at the festival. In addition, they are working with the Police department to focus on Operation 21.

Chief von Eckartsberg added that Operation 21 is aimed primarily at underage drinking, but they are also present to help enforce alcohol laws.

Vice Mayor Salay stated that the issue seems to be underage people drinking off site and then going to the festival. The other issue is with those who are of legal age but are over consuming alcohol at the festival. The issue is not with the beverage servers.

Chief von Eckartsberg agreed that the alcohol beverage servers have done an excellent job in their role. There have been problems with both underage and adults bringing alcohol into the grounds. Staff does have private security staff checking bags at the entry gates to identify alcohol and other prohibited items.

Mayor Lecklider stated that he concludes that some of the adults he witnesses either come to the festival inebriated or someone is purchasing alcohol for these individuals. He hopes that the festival servers would not serve alcohol to those who are already inebriated.

Chief von Eckartsberg responded that spot checks are done for this reason, and private security is in place at the beer tents to watch for this. There is a two-drink limit per customer at the counter, but people have purchased alcohol for others. Personal responsibility is emphasized, and for a festival of this size, there have been very few issues.

Mr. Reiner stated that his observation as well, given the crowds at this festival and in his experience in attending festivals in other communities. Dublin's is a well run, orderly

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production with few problems.

Chief von Eckartsberg commended the Events staff and the well trained servers who volunteer at the festival. When there is a need for enforcement, such action is taken in an appropriate manner.

Mayor Lecklider asked if there would be a cab program available.

Ms. LeRoy responded affirmatively. These coupons have been available at the beverage server stations and information booths. Staff has learned that the best way to distribute these is at the entrances, where staff and volunteers watch to make sure patrons do not leave with alcoholic beverages. Therefore, the safe ride coupons will be made available as people leave the festival.

Mayor Lecklider asked if Dublin's program emphasizes designated drivers.

Chief von Eckartsberg responded affirmatively.

Vice Mayor Salay asked if the safe ride coupons have been used by patrons.

Ms. LeRoy responded affirmatively, noting there was a report generated about the number distributed and used at the festival last year.

Chief von Eckartsberg stated that Community Relations staff serves as the liaison with the Safe Ride group.

Ms. Puskarcik responded that not as many were used as desired, but the Memorial Tournament, Presidents Cup and Irish Festival would all use the program this year.

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

**OTHER**

- Tree Replacement Fee Waiver Request - Nestle Quality Assurance Center, 6625 Eiterman Road

Mr. Goodwin stated that this waiver request is associated with a 32,000 square foot expansion of the Nestle Quality Assurance Center at 6625 Eiterman Road. In 2012, Nestle acquired approximately nine acres of land to the west of their existing property from the City of Dublin to facilitate this planned expansion. They have now proceeded with the development plan. This site is located in the West Innovation District and all site plan modifications are subject to review and approval by the Administrative Review Team (ART). This expansion has recently obtained approval by the ART, contingent upon receiving approval of a tree replacement waiver from City Council. There are two tree rows to the west of the existing facility. Portions of a site to the north, primarily along the South Fork of the Indian Run are heavily wooded as well, making tree removal difficult to avoid. The applicant has worked with staff through the development plan review process to identify additional locations on the site where some tree replacements could be made. Staff is satisfied with the amount of trees they were able to locate with their development plan. The applicant has requested a waiver, however, as it is impractical to replace all of the inches that need to be removed on the site. What they are requesting is a waiver that is consistent with Council's typical waiver policy. Council may recall that in 2001, a tree fee waiver policy was adopted by Council that would permit, under certain conditions, modifying tree replacement requirement from an inch per inch replacement to a tree per tree replacement for non landmark trees. That is what the applicant is proposing, and the applicant is present to respond to questions.

Mr. Reiner asked for clarification. Will the facility expansion be close to the Indian Run?

Mr. Goodwin responded that the expansion is to the west of the existing facility. However, one of the applicant's objectives with the site expansion is to separate heavy truck traffic from employee traffic. This includes a new driveway that will ring the north portion of the site, north of the existing stormwater pond. There are some trees that are located in that portion of the site, but not immediately along the Indian Run. That mass of trees is impacted by the new driveway. The new parking area and the actual facility expansion itself are impacting a tree row to the west of the existing facility.

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Mr. Keenan asked if any of the trees impacted are ash trees, and if so, are they subtracted from the net? What is the City's policy regarding ash trees?

Mr. Goodwin responded that they would be subtracted if they were ash trees, but none of these are ash. He believes that one of the landmark trees being removed is an ash tree, but because it is in poor condition or even dead, it would not be counted in the computation.

Mayor Lecklider invited the applicant's representative to testify.

Rick Schwandt, Facility Engineer, Nestle Quality Assurance Center and Chris Harmon, Sr. Vice President, Hixson, the design firm from Cincinnati for the project.

Mr. Schwandt indicated that they have no additional information to provide regarding this request. All of the information has been submitted through the Administrative Review Team.

Mr. Harmon added that they are very excited about the project and believe the landscape plan maximizes the potential use and fills in the trees in a practical way. They are requesting approval of the waiver.

Mr. Keenan moved approval of the waiver as requested.

Mr. Reiner seconded the motion.

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

Vice Mayor Salay noted that she had previously raised a question about the tree replacement and quantifying it. She wonders if there might be a compromise in the future for the calculations of fees that would result in extra trees in other locations in the City. In this way, extra trees could be planted in other areas of the City – especially in view of the loss of ash trees throughout the City. Having extra monies in the tree replacement fund would be helpful for the future. There are a significant number of mature ash trees that will be taken out due to disease. Her goal is to enrich this fund, maintaining a green community, while being fair to applicants who seek waivers.

Ms. Grigsby responded that staff would review the policy and past practices. In this case, and most other examples, if the applicant tries to save as many trees as possible and replaces as many on the site as it will accommodate, staff recommends approval of waivers. Staff will research this matter to determine if any modifications can be considered.

- Approval of Alcohol Sales in Coffman Park for Dublin Irish Festival – August 2-4, 2013

Ms. LeRoy stated that this is an annual request to allow serving of alcohol in the City park for the Irish Festival.

Mr. Keenan moved approval of alcohol sales in Coffman Park for the Dublin Irish Festival, taking place on August 2-4, 2013.

Mr. Reiner seconded the motion.

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

**STAFF COMMENTS**

Ms. Grigsby stated:

1. The draft City Council goals were provided in the packet. If Council has comments or feedback, she asked that they contact staff prior to the next packet distribution. Staff plans to have a resolution to adopt the goals on the June 10 agenda.
2. A memo was distributed on the dais tonight from Mr. Foegler regarding the Bridge Street District River Corridor improvements and information about finalizing the scope in order to advance the preliminary engineering and design. If Council members have questions or follow-up comments, she asked that they contact her or Mr. Foegler.
3. Mr. McDaniel informed her recently that the Intelligent Community Forum (ICF) has notified him that they will bestow upon him a "Lifetime Achievement Award" and he will go to New York in early June to accept that award. She congratulated

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him on this award, which is a result of his hard work over the years on this initiative and which reflects well on Mr. McDaniel as well as the City of Dublin.

Mayor Lecklider invited Mr. McDaniel to comment.

Mr. McDaniel stated that this award is given by the three co-founders of ICF, and he was notified of this award by Mr. Zacharilla. This is the third time they have bestowed this award in their history, and he is very honored and humbled to receive it. It is a result of the team effort and of Council's support of being a knowledge city. Dublin is touted around the world for being an Intelligent Community, and he will accept this award on behalf of the City of Dublin. He noted that Greg Dunn, Pete Patton and the Fishel Company were key in the success of this initiative.

Mrs. Boring asked if staff is aware of the Intelligent Community of the Year award winner for 2013.

Mr. McDaniel responded that this award would be given at the upcoming luncheon in New York City.

- Law Director contract amendment

Mayor Lecklider noted that he has a motion to place on the floor tonight with respect to the Law Director, Stephen J. Smith, who will join the law firm of Frost Brown Todd, effective May 25, 2013. Mr. Smith's present employer has agreed to waive the termination provision in the existing Professional Services Agreement between the City of Dublin and Mr. Smith's present employer. In accordance with the Revised Charter and the City Manager's recommendation, he moved that the present contract be amended to substitute the law firm of Frost Brown Todd LLC, under the same terms and provisions contained in the existing contract with Ice Miller LLP; and to direct staff to provide Council with legislation confirming the actions set forth in this motion at the next meeting.

Mr. Gerber seconded the motion.

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

**COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE**

Vice Mayor Salay, Chair, Administrative Committee reported that Council met earlier this evening to interview a candidate for the Community Services Advisory Commission. She moved approval of the appointment of Christine Gawronski to a three-year term on the Commission. This appointment will be formally ratified with legislation at the June 10 Council meeting.

Mr. Gerber seconded the motion.

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

Mr. Reiner stated that:

1. A resident recently contacted him about the pedestrian bridge planned for the Bridge Street District and the concern that the bridge would span over the river road versus dead ending at the river road. He asked for clarification from staff.

Mr. Foegler responded that the pedestrian bridge lands west of the river road. There will be a platform at that location, and the bridge will not span the river road.

Mr. Reiner asked how the residents would access the pedestrian bridge.

Mr. Foegler responded that the access would be via the new park. An update on the scope of planning needed for this portion of the District was distributed to Council tonight. The details of how those items fit together, where the parking will be located, how pedestrians will cross from one side to the other, the landing platform and area around the bridge landings – particularly on the east side of the river – all those are elements that now move to the step by virtue of this next round of planning and preliminary engineering.

2. Resident Mike Carr is a geo cache specialist who is interesting in implementing such a program in Dublin. Mr. Carr indicates that there are 200-300 objects already hidden in Dublin. There is also an association that meets in Dublin. He is

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interested in volunteering and working with the Community Services Advisory Commission regarding such a program for Dublin that would encourage people to explore the downtown area and the park systems in a fun way. He would like to move this forward, noting that there would be no funding needed.

Ms. Grigsby stated that staff would follow up and report back on this suggestion.

3. Viewed the KIA Memorial today and it is a wonderful piece. The glass was installed yesterday, and he is very pleased with the outcome. He encouraged everyone to come out on Memorial Day to see this completed service memorial to the City's fallen heroes.

Ms. Chinnici-Zuercher stated:

1. A recent article in the newspaper mentioned the commercial vacancy rate in Dublin. What is the rate at this point? The figures reported seem very high, although she does not have a reference point.

Ms. Gilger responded that the Columbus Board of Realtors was quoted in this article with a 22 percent figure for Dublin, which is very inflated. The CBR focused on the large blocks of space. The City inventory of all Dublin buildings reflects two million additional square feet than are counted by the brokerage people. Dublin also includes buildings such as Cardinal Health, because the building would remain – even if the business occupying a building were to leave. All of that inventory of buildings over 10,000 square feet is included by Dublin, although most brokers only count buildings over 20,000 to 50,000 square feet. Therefore, in looking at the larger, complete inventory of all the office space in Dublin, the vacancy rate is approximately 14 percent.

Ms. Chinnici-Zuercher asked if that is a reasonable amount of vacant space for commercial buildings at this point in time.

Ms. Gilger responded affirmatively, noting that this percentage was calculated prior to the Chase announcement and so the vacancy rate will drop at least one percentage point.

2. She and Ms. Grigsby attended the May 9 MORPC Board meeting and heard a presentation by Mr. Greeson, Worthington City Manager and Mr. Gill, engineer with MORPC regarding the I-270/33 interchange project. They did an excellent job. Dublin staff had created a document with the facts about the project, which should be included in the next packet. Her sense is that people were supportive, in general terms, of the project. MORPC is being asked to do something not done previously – contributing to a state project. Staff has had meetings with them on this topic, and they are hopeful that MORPC's Administrative Committee and Commission will vote to support this in June. If approved, Council should send a letter of thanks to William Murdock, Executive Director of MORPC, and to Commissioner Marilyn Brown, who chairs the MORPC Board.
3. As Council is aware, she was appointed to the Women in Municipal Government Board last winter. This group is an affiliate of the National League of Cities. She attended their spring workshop last week in Chicago. They had excellent speakers, and many focused on the importance of the education systems to cities. Dublin has always had excellent schools, but it important to be cognizant of the fact that a new rating system is coming. The diversity of the population attending Dublin Schools is changing, and the Schools will have a new Superintendent in July as well. Another topic of interest was health, and the role the cities play in both land planning, parks and programs for employees. There was not an opportunity for those attending to share information about what programs are being done in the individual cities. She believes that Dublin has a much more significant health program than many others, and she was asked to send Dublin's information to them. She will leave the information gathered at the various meetings with the Clerk.

Mrs. Boring:

1. Asked about the information shared regarding the Ohio Edison tree trimming project and the fact that any wood too large will be left for the homeowners to handle. That is a concern for her, in case a homeowner does not have the ability to address this.

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Ms. Grigsby stated that Ohio Edison and AEP both work well with residents, and will provide some assistance for these individuals as needed. Staff has not heard of any concerns at this point.

2. Noted that several weeks ago, a Senior Idol program was held at the DCRC, sponsored by Brookdale Senior Living and HomeWell Senior Care. The proceeds were given to the Parkinson's Association. Mayor Lecklider served as one of three judges, and it was a fun event! The audience was very engaged, and they raised nearly \$900 for the Association, and HomeWell will match this donation. Everyone was very complimentary of the facility and she thanked Mayor Lecklider for volunteering to serve as a judge.
3. Attended the dedication of Jack Frambes Park in Shawnee Hills on Saturday morning. Mr. Frambes also was active in Dublin, serving as a volunteer firefighter, graduating from Dublin High School in 1950, served as Mayor from 1966-1972 when Ashland came to Dublin and work began with Jack Nicklaus on the Muirfield development. This was a great tribute to Mr. Frambes and his family. She noted that Shawnee Hills has established a bench program, and bike racks are attached on the back. The Village name is carved into the bench -- she distributed photos. If an individual desires to donate a bench in memory of someone, the name can be added on the side of the bench. She suggested that Dublin consider such a program.
4. Noted that while in attendance at the park dedication, she had some discussion with Mayor Monahan about the Glick/745 intersection. Shawnee Hills Village Council is anxious for improvements to occur as well.
5. Commented in regard to Dublin's current fence code. In 2000, Council amended the fence code. The Code requires that the fence must be a percentage of setback from the rear yard property line. If a house is setback on a property that is not deep, the result is that the fence cuts off the yard. What brought this to mind is a recent case where some individuals made an offer on a house and consulted staff about the fence code impacts for this house in an R-2 zoning district. Some of the surrounding property fences were placed to the property line, as they were installed prior to the code amendment. If a property owner wants to replace these fences, they can be replaced in the location they presently exist. In this case, the buyers believe that installing a fence under the current code would result in cutting the yard in half, making it nearly unusable and so they did not proceed with purchasing the property. If one views a neighborhood that has fences in place along the property lines, one assumes they, too, can have such a fence in this location. She suggests that Council revisit this matter. Having a fence installed as the code now provides results in a "devil's strip" in the yard and does not enhance the view shed. She is also aware that the Board of Zoning Appeals had a recent variance request for a fence. She spoke with Mr. Langworthy about this, and he indicated that Ms. Flading could provide information about the number of variances that have been requested. She clarified that she is speaking of developments with straight zoning, not PUDs with development text.

Ms. Flading stated that there have been seven fence related variance requests in the last three years. One was approved by the Board, but the others were all denied.

Mrs. Boring asked for clarification about the code provision and percentages of setback.

Ms. Flading responded it ranges from 20-25 percent, as all PUDs have specific regulations. R-1, R-2 and R-3 go up to 25 percent. She acknowledged that the fence code as written does result in dissecting the rear property.

Mrs. Boring asked if Council is willing to review this and identify ways to mitigate the impacts with types of materials, etc.

Vice Mayor Salay offered a perspective. She receives very few complaints from residents, but one item she consistently has received complaints about is with the fence code. People ask why some were allowed to have full yard fence and why others can only have fences that fence the building "envelope" -- which results in a less aesthetically pleasing fence. She explained the desire for an open view shed, but people have responded that the view is already interrupted and the amended code results in a worse appearance. She noted that she is not a personal fan of fences, but does understand the other side of the

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issue. Her response is always that Council voted to enact these provisions prior to her service on Council, and change would probably require a citizen movement as a group to communicate how they feel about the fence issue. She would be willing to have Planning staff revisit this issue in general.

Mrs. Boring noted that there are many existing neighborhoods with PUDs and development text or deed restrictions that prohibit fences.

Mayor Lecklider asked for clarification. His understanding is that the current fence code reflected the community's sentiment with respect to not wanting to enclose yards to the property line with fences. He has heard Council members say that not having fences is a big appeal of living in Dublin. Other cities allow fences and they are often described as creating a "stockade" effect. He wants to understand what is being proposed – is the request to consider fences in all neighborhoods to enclose yards to their rear property line?

Vice Mayor Salay responded that is not her intent. However, she has many people who ask her about the fence code, and she believes it is reasonable to review this matter again.

Mr. Reiner stated that, given the small number of fence variance requests submitted each year, and if Council is still of the belief that an open backyard concept is desirable, making Dublin unique, and if the objective is to provide an area for a dog to run or a small area to fence in children, there is a regulation in Muirfield about how to do this without impeding the overall common views in the neighborhood, which is Dublin's tradition. This has worked very well in Muirfield for 30 years, and the open concept has still been preserved.

Mrs. Boring agreed that this could be considered in this review.

Ms. Chinnici-Zuercher suggested that staff review this issue and bring back some information to Council.

Ms. Grigsby agreed, noting that staff will provide background information about this code provision.

Mr. Keenan echoed Mr. Reiner's comments about the Memorial Day dedication for the KIA monument. Traditionally, the procession begins at the Bridge Pointe Center, proceeds across the bridge, stops on the bridge for the wreath throwing to honor Navy veterans, followed by the visit to the Dublin Cemetery and then the Grounds of Remembrance in Veterans Park. A complimentary picnic lunch will follow on the grounds of the Dublin Library. He encouraged everyone to attend.

Mr. Reiner thanked Mr. Hahn, Ms. Ott and Mr. Phillabaum for their work on the KIA monument. The Committee is very appreciative of their work.

Mr. Gerber added his thanks to staff for their work on the project. All of the Veteran groups are touched and moved by this monument, and he is looking forward to its dedication.

Vice Mayor Salay:

1. Noted that there are many ash trees that appear to be dead throughout yards in the City. In a community where she previously resided, there was a partnership between residents and the City where the residents had an opportunity to purchase trees at a discount through the City's purchasing power – encouraging removal of dead trees and reforestation of the land. Is this something that the City could investigate? It was a great partnership. On Cambridge Boulevard in Grandview/Marble Cliff, the trees are in bloom – these were planted as part of that program, as well as other areas. She would hate to see so many of the front yard trees that were required as part of a development die and not be replaced. Such a program would encourage citizens to replant trees and would be worthwhile.

Ms. Grigsby responded that staff would research this and report back to Council.

# RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

May 20, 2013

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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Mr. Keenan added that he received a \$2,000 estimate yesterday just for removal of a large ash tree in his back yard – not including replacement.

Vice Mayor Salay noted she is not certain whether removal could be included in such a program.

Mr. Lecklider asked if the ash trees on Earlington continue to be treated.

Mr. Fred responded affirmatively.

2. Stated that every four years, each Council member must consider whether they want to recommit to a role on Council, and if so, must commit to running for re-election. For her, this has always been a family decision and a life decision. She has reflected on this recently, given Mrs. Boring's announcement. After consideration, she has decided that she does want to continue and will seek re-election to the Ward 2 Council seat in November.

Mayor Lecklider:

1. Reported that on Friday evening, he attended a dinner at the Embassy Suites in Dublin in honor of Philip Barth, outgoing Honorary Consul General of Ohio who has been very active in the Japanese American Society of Central Ohio (JASCO). Mr. Barth is an employee of Honda, previously worked in the banking industry, and his wife is a former teacher in Dublin Schools. His daughter teaches at Indian Run Elementary. The dinner turnout was very nice and he presented Mr. Barth with a proclamation. In addition, Consul General Matsuda was in attendance and announced that his term will conclude at the end of June, as he has been called back to Japan. Consul General Matsuda has visited Dublin on many occasions and has established a great relationship with the Dublin community and the Japanese population residing in the community. He will be missed!
2. Noted that on Saturday morning, he attended Community Day at the Miracle League and was invited to throw out the ceremonial first pitch. Those involved with the League expressed their gratitude to everyone in attendance for their support and specifically to City Council for the hotel/motel tax grant that funded the purchase of misters for their players to use during hot weather. They are also adding to their existing facilities to provide storage, and they thanked Council for support of that project as well.
3. Commented that Dublin will once again host the Memorial Tournament for the 38<sup>th</sup> consecutive year. He is aware that staff works very hard in support of this Tournament and it is evident in the community. Everyone is very proud to host this Tournament in Dublin, Ohio!

**ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

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Mayor – Presiding Officer

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Clerk of Council