

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 12, 2013

Held

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Mayor Lecklider called the Monday, August 12, 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 land acquisition matters (to consider the sale or 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 collective bargaining matters (preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment).

Vice Mayor Salay seconded the motion.

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

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

PLEDGE OF ALLEGIANCE

Ms. Chinnici-Zuercher led the Pledge of Allegiance.

ROLL CALL

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

Staff members present were Ms. Grigsby, Mr. Smith, Ms. Readler, Ms. Mumma, Ms. Crandall, Chief von Eckartsberg, Ms. Puskarcik, Mr. Hammersmith, Mr. Wagner, Mr. Langworthy, Mr. Earman, Mr. Somerville, Ms. Andes, Ms. Burness, Ms. LeRoy, Ms. Gilger, Mr. Garcia, Ms. Ott, and Ms. Rauch. Mr. McDaniel arrived later in the meeting.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin

1. Expressed his highest gratitude to the City staff members who plant and tend the flowers throughout the City. They are gorgeous and breathtaking!
2. To the extent Council is responsible for it, he is grateful for the security screening equipment in the lobby, which gives him a sense of relief for the time he is present at City Hall. The country as a whole is in a state of war, with everyone carrying guns and the organization whose mantra is that the only solution to the situation is more guns. He is grateful for those who have set up these security measures.
3. In the July 18 *Dublin Villager*, the headline reads that "Nestlé's Quality Assurance Center lab is expanding in the City." He understands from the article that the lab's function is to scrutinize and test food products made by Nestle. It is his sense that the lab is staffed by the Nestle Corporation itself. Does Council see any problem with this? His question is what would the people employed by Nestle in this position of monitoring the food say if there were problems? Would they have to go through various channels in the corporation? What is needed is an independent, nonprofit organization to handle this food. He wonders if they will check the bottled water.
4. Also in the local newspaper, candidates have announced they will run for City Council positions. One candidate, Mr. Schaffer, is attributed to using two words. If he were to attend one of his rallies, he would ask him the meaning of the two words "social welfare." He notes that Greg Peterson is running for Council, and he has served previously. He would describe Mr. Peterson as "harmless." He would likely be indignant to hear this description, but would be "ticked off" and ready to work.

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Mrs. Boring agreed that the plantings and flowers are gorgeous and thanked staff for their work.

Vice Mayor Salay noted she had a call from a resident who indicated they could not believe they live in a community with roses blooming throughout the medians!

Ms. Grigsby stated she would pass along these compliments to staff.

Chris Amorose Grooms, 5896 Leven Links Court, Dublin, Chair of Planning & Zoning Commission stated that the Commission discussed at a recent meeting their interest in taking a second look at the Bridge Street Code and evaluating its content, given the experience they have now had with the Code. (She read Section 153.066(L)(4) regarding Code Administration that provides the authority for the Planning and Zoning Commission and the ARB to conduct this review.) At this point, the Commission would like to review some items in the Code where they could provide assistance and possibly make it easier to navigate the Code and build out this Bridge Street District. The Commission would like to review some of the weaknesses and strengths – with a goal of minimizing the weaknesses while enhancing the strengths. Several Commission members are present tonight, and they are seeking Council's endorsement that they proceed with this review. Following the Commission's meeting and vote on the motion regarding this review, they received a memo from staff indicating that they plan to review the Code and evaluate it as well. The Commission would like to take a look at the Code through an "independent lens" and hope to coordinate with staff, once they have had the opportunity to make their review and compare the list of things where improvement is needed. The Commission will then bring their recommendations to Council for their review and approval. City staff has proposed an aggressive schedule for the staff review. The Commission has not established a schedule yet, as they need to define the issues. Once they have defined the issues, they will likely schedule some special meetings for the review. They will forward that information to Council in a memo. They will strive to work efficiently on their review.

Mayor Lecklider invited Council members to comment.

Ms. Chinnici-Zuercher stated that she has been involved in discussion about this topic in the last few days. The Code does include a provision for this review by the Planning and Zoning Commission and ARB, making recommendations on any needed changes to staff and to Council. At the time of the passage of the Code, Council requested that a report be provided to Council after some experience with the Code to inform Council of any findings in the utilization of the Code and to make recommendations for any revisions needed. The memo to Council dated August 8 provides an outline of how staff will proceed with the review. She noted that while some of the issues may be with the language in the Code, the more important matter is how the Code is interpreted by staff and, based on that interpretation, how the decisions are being made. At the recent discussion about sidewalks in the District in conjunction with review of the plats, the issue raised by some Council members was the difficulty in making these decisions "in a vacuum" without seeing the total picture. She is not certain if this is because the Code is limiting review to small geographic areas, or if this is an aspect of the Code that needs further review.

Ms. Grigsby responded that, as outlined in the staff memo, an item listed for review is clarification of intent of certain provisions of the Code. Staff agrees that when a new process is established, clarifications and corrections are often needed. Recently, the City had experience with the first major project in the District – the Edwards project. Therefore, staff believes that an initial review of the Code would be prudent at this time, while the experience with an application is fresh in everyone's memory. Staff proposes that the Council review be scheduled in September, with Planning & Zoning Commission and Architectural Review Board invited to the meeting. The goal would be to have any proposed amendments scheduled for Council review by January.

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Mr. Reiner endorsed this recommendation.

Mrs. Boring agreed. Her perception is that the review was contemplated to be staff driven. She is appreciative of the Commission's interest in reviewing the Code as well. When Council approved the Code, the intention was that the Commission would focus on the review of the Code and any modifications needed. She added that the Administrative Review Team (ART) has the ability to engage architectural consultants to provide technical review. Moving forward, she is hopeful that the City can take advantage of the expertise some of the Commissioners have in this area.

Mr. Gerber noted that the Code was approved over 14 months ago, and it was recognized at the time that it was new and was something that would need periodic review. His understanding at the time was that the review would begin with the Planning and Zoning Commission – and would include not only the Code itself, but also how it has progressed, how it has been interpreted, and the process. It was apparent very quickly that ARB having veto rights was not necessarily contemplated at the time the Code was written. The other issue with the Code is interpretation. He welcomes the initiative of the Commission and looks forward to their report. He supports the review of the Code at the earliest opportunity, as taking six to eight months to implement needed changes may be somewhat too late.

Ms. Grigsby agreed that the review should be done quickly. But it was important to have experience with a substantial project such as the Edwards apartments before undertaking the review of the process. There may be some changes that can be done quickly, but others may require more time to implement.

Mr. Keenan asked for information about the make-up of the Administrative Review Team (ART) and whether the members change from time to time. He would also like a better understanding of the categories of the ART-reviewed projects to date, and the decisions the ART is making. He would prefer that the Planning and Zoning Commission weigh in on this as well.

Ms. Grigsby responded that the 40 applications reviewed to date have for the most part been sign modifications. The composition of the ART is established by Code, and includes several Directors or their designated representative. Staff can include that information in an update memo. In addition, the Code authorizes that consultants can be retained for architectural review and the ART has been using them as needed.

Mrs. Boring asked how often the ART uses such architectural services.

Ms. Grigsby responded that staff could provide that information.

Mrs. Boring added that having a list of projects reviewed by the ART would be helpful.

Vice Mayor Salay noted that she would be interested in a refresher – perhaps in a work session -- on how the project review works under the Bridge Street Code. One concern she is aware of is the architectural aspect of the Bridge Street District and the form-based Code. Everyone is interested in high quality, and wants buildings that will be lasting and attractive 50 years out. She is not completely comfortable that the form-based Code will accomplish this. If the Code cannot ensure that the high quality development occurs, what will? What needs to be done to ensure high quality architecture results? With respect to staff and the Planning and Zoning Commission and everyone working together, this seems an appropriate time to have a work session and to invite the Commission and staff.

Ms. Grigsby stated that from the outset, the architecture has been a major discussion point. There have been comments about the architect the City should use for this review. The architect most often mentioned was the one who worked for the developer of the Edwards project. Therefore, in this case, the City could not use the services of that individual. However, this same architect was involved in some of the early planning for the framework for Bridge Street. Staff is open to using the right

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architects for this process and recognizes it is one of the most important components in the outcome.

Mr. Gerber added that in some cases, architectural review comes by way of the citizens. With planned districts, any resident could provide input and the entire process was vetted by the Planning and Zoning Commission about what was aesthetically compatible for the area. He is not suggesting the City not use the form-based Code for this area, but some assurance is needed that the same high quality results will come with this form-based Code.

Ms. Chinnici-Zuercher noted that, prior to the Bridge Street Code development, the City had received complaints from developers regarding the length of time needed to obtain development approval in the Dublin system. Council responded to that concern by setting up the Administrative Review Team (ART) and establishing the difference between what items were reviewed by ART and what items were reviewed by the Commission. There are other options the City could choose that would still include the community advisory board that is the representation of the citizenry and a venue where citizens can provide input about proposed development. Perhaps instead of excluding the Commission, the City should review the timeframes for the process that would obtain the result the City desires in terms of turnaround times for review. Ms. Grigsby responded that that Edwards project did have Commission review. The process used depends upon some of the waivers needed and how those are brought forward. It does not preclude going through the Commission for various levels of review. Staff can provide updates to clarify what is reviewed by the Commission and what is reviewed by the ART, how the ART works, and the use of the architect consultants.

Mayor Lecklider stated that staff would provide a memo regarding the questions raised tonight about the types of cases brought to ART to date, which for the most part relate to signs. The issue as he understands it is whether those should continue to proceed through administrative review, or whether these require Planning and Zoning Commission review.

Mrs. Boring responded that she believes this is an appropriate area for input from the Commission, as they have had first-hand knowledge of how the process works. Mayor Lecklider stated that the goal is to balance good outcomes and the interests of the developers and businesses to move through the review process in as efficient manner as possible.

Ms. Amorose Groomes asked for confirmation that there is general consensus among Council for the Commission to undertake this review.

Mayor Lecklider invited Ms. Grigsby to provide input.

Ms. Grigsby responded that the question seems to focus on whether or not staff would be involved in the review at the Commission, and she believes that staff needs to be in these meetings and to participate in the discussion.

Ms. Amorose Groomes responded that the Commission would rely heavily on staff for information, and she is in agreement.

The consensus of Council was that the Commission undertake a review of the Bridge Street Code in coordination with staff.

Dave Noice, stated that a few months ago, it was brought to his attention that there were some ordinances within Dublin that did not comply with state law. He thanked Council for their cooperation in working to rectify those. He has had discussions with the Assistant Law Director for the City, and progress is being made. Some issues arose last week at the Dublin Irish Festival regarding wording on the signs containing rules for admission to the event. They are in discussions with the Assistant Law

Director about this matter as well. He noted some issues with signage upon entering the lobby area tonight, and he will likely e-mail Council about this matter.

Mayor Lecklider asked Mr. Noice to state his address for the record.

Mr. Noice responded that his address is 6532 Birch Park Drive, Galloway, Ohio 43119.

Mr. Smith stated that Legal staff has met regarding these matters. Legal staff spoke to Mr. Noice at the Irish Festival and spoke with him by telephone after the Festival. The issues are being addressed.

Mayor Lecklider asked for confirmation that Council will be advised of any proposed changes.

Mr. Smith responded affirmatively, noting that a memo will be forthcoming as well as some potential modifications to legislation.

CONSENT AGENDA

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

Hearing none, Mayor Lecklider moved approval of the actions listed for the four items on the consent agenda.

Vice Mayor Salay seconded the motion.

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

- Approval of Minutes of June 24, 2013 Council meeting
- Approval of Minutes of July 1, 2013 Council meeting
- **Ordinance 66-13 (Introduction/first reading)**
Adopting the 2014-2018 Five-Year Capital Improvements Program (CIP). (Second reading/public hearing September 9 Council meeting; CIP workshop scheduled for Monday, August 19)
- **Ordinance 67-13 (Introduction/first reading)**
Amending Ordinance No. 82-97 (Ruscilli TIF), Passed June 9, 1997, to Supplement the Description of Eligible Infrastructure Improvements Payable from TIF Funds, Pursuant to that Ordinance. (Second reading/public hearing August 26 Council meeting)

SECOND READING/PUBLIC HEARING/VOTE - ORDINANCES

Ordinance 60-13

Authorizing the Execution and Delivery of a Development and Tax Increment Financing Agreement and an Infrastructure Agreement to Provide for the First Phase of Redevelopment of Dublin Village Center, and Declaring an Emergency.

Ordinance 61-13

Authorizing the City Manager to Execute and Deliver Documents on Behalf of the City to Accept Title to a Parcel of Real Property within the Dublin Village Center and to Transfer that Parcel Back to the Original Owner, and Declaring an Emergency.

Ms. Grigsby stated that staff requests that Council postpone Ordinances 60-13 and 61-13 until the August 26 meeting.

Mr. Keenan moved to postpone Ordinances 60-13 and 61-13 to August 26, 2013.

Mr. Gerber seconded the motion.

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

Ordinance 63-13

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

Mr. Gracia noted that there is no additional information to report. He introduced representatives from Navidea Biopharmaceuticals – Brent Larson, Executive Vice President/Chief Financial Officer and Erika Gibson, Director of Finance and Administration.

Brent Larson, Executive VP/CFO stated that Navidea is focused on precision diagnostic pharmaceuticals, most of which are radioactive. The first one was approved by the FDA in March. They are working with Cardinal Health to distribute that product across the U.S. market. It is used as a diagnostic agent in breast cancer and melanoma surgeries. They have two other products in development -- one is used to detect the presence of indicators of advancement of Alzheimer’s disease. The second is used to detect the presence of Parkinson’s disease. Both of these products are in Phase 3 levels of development – a very late stage biotechnology development process and clinical trials. Their fourth product is called RIGScan, a founding technology of the company. They are working to reinvigorate the efforts on that and bring it to the market for the detection of colorectal cancer.

Mayor Lecklider asked about the workforce composition.

Mr. Larson responded that it is a mixture, but generally consists of scientists and medical professionals, PhDs, and finance/administrative staff. The vast majority of new positions will be PhDs working in clinical trial management. They are pleased to be in Dublin and proud of the advancements they are making in the contributions to medical treatment of these critical diseases.

Mayor Lecklider asked Mr. Garcia to comment on the net revenues to the City over the term of this agreement.

Mr. Garcia confirmed that the net increase of income tax revenues would be nearly \$1 million over the term.

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

Ordinance 64-13

Authorizing the Provision of Certain Incentives to Persistent Systems Inc. to Induce it to Create an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Ms. Gilger recapped that this agreement provides for 30 new positions to the City – all in the Information Technology area. This would be a new operation in the State of Ohio, and the State has participated through a Job Creation Tax Credit. This EDA includes a four-year performance incentive tied to a five-year lease. The City would net approximately \$210,000 in new income tax. Bharat Saini is present to represent the company tonight.

Bharat Saini, executive consultant to the CEO noted that Persistent Systems is a global software product innovation company. They work with companies such as Yahoo, IBM and Microsoft to develop software products. They are working with several companies in the Columbus area. They have set up operations in Dublin and had considered several other locations across the country. They also work with The Ohio State University to not only employ graduating students, but also work with the Dean of Academic Affairs Department to work on curriculum development. Persistent has

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7,000 global employees, most of whom are located in India. There are 350 employees in the U.S. -- 200 in California, 35 in Washington state, and 25 in North Carolina. They considered expanding their facilities in Washington state or North Carolina and also considered developing a new center in Columbus. For several reasons, they have decided to build their office in this area due to easy access to the east coast, availability of talent, and due to the incentives package. They are investing approximately \$750,000 and will have 30 employees at the start. They hope to grow to 100 employees by the end of 2013 and hope to make a positive impact very quickly. He thanked Council for their consideration of this agreement and noted they are excited to be part of the community.

Mayor Lecklider asked what, in particular, attracted the company to Dublin.

Mr. Saini responded that OSU has the majority of the talent pool needed; and they have been working with Cardinal Health. Those are the primary reasons for being in this area. He is assisting the CEO with the set-up of operations.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 68-13

Authorizing the City Manager to Execute the Necessary Conveyance Documentation to Acquire a 0.078 Acres, More or Less, Fee Simple Interest, Which is Present Road Occupied; a 0.140 Acres, More or Less, Fee Simple Interest, Which is Present Road Occupied; a 0.015 Acres, More or Less, Permanent Multi-Use Path Easement; a 0.023 Acres, More or Less, Permanent Multi-Use Path Easement; a 0.009 Acres, More or Less, Temporary Construction Easement; and a 0.010 Acres, More or Less, Temporary Construction Easement from Michael L. and Susan K. Eger, and Declaring an Emergency.

Vice Mayor Salay introduced the ordinance.

Ms. Ott stated that this legislation authorizes acquisition of right-of-way that is Present Road Occupied and permanent and temporary easements from the Egers. This is necessary for a multi-use path to be installed along Brand Road. Staff is requesting emergency action due to the timing of the project. Staff plans to bring bids to Council in early September and the Project should be under construction yet this fall.

Vice Mayor Salay asked if construction will be completed this fall.

Ms. Ott responded affirmatively, adding that staff is working through some issues related to a bridge that needs to be set and the lead time for ordering the bridge.

Mr. Reiner moved to dispense with the public hearing and treat as emergency legislation.

Mr. Keenan seconded the motion.

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

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

Ordinance 69-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.106 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property; 0.041 Acres, More or Less, Permanent Multi-Use, Utility, Grading, Utility and Drainage Easement; and a 0.023 Acres, More or Less, Temporary Easement from Michael C. Christman, and Declaring an Emergency. Mr. Gerber introduced the ordinance.

Ms. Ott stated the City has worked with Mr. Christman over the past few months and has to come to terms, as outlined in the staff report.

Ms. Chinnici-Zuercher moved to dispense with the public hearing and treat as emergency legislation.

Mr. Gerber 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; Vice Mayor Salay, yes; Mr. Keenan, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mayor Lecklider, yes; Mr. Reiner, yes.

Ordinance 70-13

Rezoning Approximately 10.5 Acres, Located on the West Side of Paul Blazer Parkway, Between the Intersections of Rings Road and Parkcenter Circle from PCD, Planned Commerce District (Tuttle Crossing/I-270, Subarea 5A) to PUD, Planned Unit Development District (Tuttle Crossing/I-270, Subarea 5A) to Modify the Development Text and Preliminary Development Plan Regarding Sign and Parking Requirements. (Case 13-056Z/PDP)

Mr. Gerber introduced the ordinance.

Ms. Rauch stated that this ordinance provides for rezoning of 5515 Parkcenter Circle. The site is located to the west of Paul Blazer Parkway, south of Rings Road and contains a 116,000 sq. ft. building in the southern portion of the site. It has a jogged property line along the western edge. It has some access and easement agreements as outlined in the memo and that create limitations for parking. Part of this proposal includes modifications to that parking lot. A flood plain is located in the northeast corner as well as an offsite stormwater pond located in the northwest part that serves this site as well as the sites to the west and to the south. The proposal includes two pieces:

1) Proposed modifications to the development text regarding signage. The existing text permitted two monument signs with a total of 26 sq. ft. for each sign with a 10-foot height restriction; four colors were permitted; secondary image was permitted at 26 percent of permitted sign face. With this proposal, the applicant is proposing to include two monument signs: one at the entrance off Paul Blazer Parkway and one along Parkcenter Circle, which is located to the south. In addition, they are proposing to include canopy signs along the western frontage. The text makes allowances for a single or multi-tenant user, depending on how this building would ultimately be leased.

Mayor Lecklider asked for clarification. The memo states that the existing text allows for two monument signs. Are they proposing two additional monument signs?

Ms. Rauch responded they are not – they are just swapping these out for new size requirements. The details of the signage will be required with the final development plan.

Ms. Salay stated that the applicant would have the ability to have the requested signage by right if Council were to approve this ordinance, even without viewing the signage proposed.

Ms. Rauch responded that is correct. The canopy signs are address number only and would be limited to the western frontage. The reason that is included as part of the text is that the Code permits 18-inch letters and the applicant is requesting 24 inches. The directional signs include three internal directional signs, which are limited to six square feet and would be located adjacent to the building, if developed in a multi-tenant fashion. They do have one external directional sign that meets Code requirements for size. They included that in order to be comprehensive. It is anticipated at the southwest corner, but would be limited by Code to the directional signs requirements of four square feet and three feet in height. This was modified from the Planning & Zoning Commission review. Originally, there was an additional monument sign proposed as well as some additional wall signs for the tenants. The

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applicant has removed that from the proposal, and the documents submitted to Council reflect these modifications.

2. The second part of the proposal is modifications to the proposed development text and the preliminary development plan regarding parking. The required parking for this site is at a ratio of 4/1,000. They actually exceed that and are at almost 5/1,000 presently. Given the changes in the market and the demand to lease this building by particular tenants, the applicant is requesting modifications to permit upwards of 6 spaces per 1,000 sq. ft. In order to do this, the applicant is making three modifications:

1. Reduce the size of the parking space width to 8.5 in order to accommodate and create additional parking spaces.
2. Removal of some existing parking lot island, generally in the northern portion of the site.
3. Make modifications within the northern area, which is fairly significant as this is currently open space with a large number of landmark trees. The applicant provided a detailed survey from an arborist and staff has met with them on site to review the trees and the survey. There was significant discussion at the Planning and Zoning Commission about this. In the study, it was identified that 5 of the 7 landmark trees were in poor condition and should be removed.

Planning and Economic Development recognized that this would be a significant change in policy for the City, and the City takes significant pride in trees and landscaping. The memo also notes some significant policy discussion at the Planning and Zoning Commission hearing whether the proposed site modifications, although counter to Code, would make the site more economically viable. Continuing with the current practice may result in having a less competitive economic development for this building. This matter was thoroughly discussion at the Commission, and staff has provided some suggested alternatives for tree replacement. Under the current Code, they would be required to replace 131 caliper inches and so Planning suggested an alternative – to do a complete tree replacement, which would be over 280 caliper inches once the landscaping is removed from the site. The applicant would be responsible for replacing all the trees that would be removed as well as deferring the parking and modifications to this site until such time as the applicant or tenant determines it is necessary. They would not be permitted to apply for a building permit and make these changes without documentation and information from their particular tenant that this was actually required. As part of that review, Planning and Zoning Commission recommended approval to City Council with eight conditions. Staff is recommending approval of the rezoning at the August 26 meeting. She offered to respond to questions, adding that the applicant is present as well.

Mr. Reiner stated that if 280 caliper inches of trees are to be replaced, and yet the green spaces and green islands are to be eliminated, where will the 280 caliper inches be located?

Mr. Rauch responded there was significant discussion of this matter. There are some sparse areas on the perimeter of the parking area. A condition is recommended to add additional trees, particularly with the removal of some interior landscape islands. The applicant will be required to fill in those places along the parking edge where additional trees can be accommodated. If they cannot locate all of the 280 caliper inches on the site, they can pay a fee. The goal is to have the trees planted on the site, keeping in mind good landscaping practices. The final details will be provided at the final development plan.

Mrs. Boring commented that in Bryson Cove, many trees were planted but due to crowding and the number of trees, they did not mature as they should. It would be important to be mindful of good landscaping practices.

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Mr. Reiner asked how the Commission perceived stripping the greenways out and was there any other option available to accommodate the needed parking?

Ms. Rauch responded that there was significant discussion about this at the Planning and Zoning Commission. As part of the initial meetings with the developer, staff attempted to identify other alternatives. However, there are significant access easements that limit where parking can go – particularly in the northern portion of the parking lot. Further, the property line jogs and so part of their development is not on their property. In addition, there are flood plain issues in the northern portion of the site. Many alternatives were explored in trying to minimize the reduction of the open space.

Mr. Reiner stated that everyone has mixed feelings as the City wants to support the owner in leasing the building, but a feature that draws people to Dublin is that Dublin is green and attractive – including parking lots with landscaping and shade trees versus a “sea of asphalt.” As a landscape architect, he is looking for a viable solution or common ground – a building that everyone is proud of and is attractive, yet helping the applicant to meet the City’s parking requirement.

Ms. Rauch stated that the same discussion took place at the staff level. In viewing the existing trees on the site, staff considered various alternatives – but arriving at the critical number needed by the applicant for parking is very challenging. The applicant can address the economic side of this matter. From a site analysis standpoint, this is very difficult to accomplish.

Mr. Reiner asked if the trend toward cubicle design for office space has affected the parking calculations.

Ms. Rauch responded affirmatively. The amount of office space that accommodates an employee is less than it was when the building was constructed, which affects the parking calculations.

Mr. Reiner agreed that this is a problem with many existing office buildings.

Ms. Rauch agreed, noting that several buildings in the surround area have a similar issue.

Ms. Chinnici-Zuercher stated that this constitutes a major policy departure and should have been brought to Council for review before sending it to the Commission. In her view, this policy issue is not the purview of a board or commission.

Vice Mayor Salay agreed, noting that this policy issue was beyond the parameters of what the Planning and Zoning Commission should consider.

Ms. Chinnici-Zuercher pointed out that the case was brought to the Commission by staff. She could not support this application tonight because Council needs to have this policy discussion and determine what it should be going forward. She is not debating that there are economic development issues involved, but Council needs to review what alternatives exist. Secondly, she is very concerned about why any economic development perspective would be brought to the Planning and Zoning Commission; that is a Council issue, and historically, the Planning and Zoning Commission has not considered applications on any economic development basis. In fact, they were exempted from that being a consideration of their decision making. In the memo, it indicates there were a number of serious policy concerns that were raised as a result of this application, but those concerns are not articulated. She understands the problem -- particularly with the large office buildings along I-270 and the workforce needs. But Council as a body needs to have a work session to discuss such a policy. She believes that this policy is a foundation of the community, and Council needs to consider all the alternatives available before approving an isolated case.

Vice Mayor Salay stated that she is disappointed that Council is having this policy discussion at this time, because Dublin is different and does not allow a “sea of asphalt” in parking lots. Dublin has landmark trees that are preserved. She

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understands that this existing building needs more parking in order to be competitive in the marketplace. However, in this case, landmark trees are involved. This is a beautiful site because of the trees, and this is an amenity for a future lessee. There are other sites where parking can be maxed out, but this is not one of them. In her view, this is such a departure from the City's policy that she cannot support it. This building is competitive and located on a beautiful site, and that is an amenity that will attract the right tenant at some point. This does not constitute a basis to set aside everything that makes Dublin special. Economic development is very important, but there are other sites in the community where parking can be modified. She is also disappointed that the Planning and Zoning Commission was charged with having such a discussion. Her expectation is that they review the landscaping, the zoning, and that the policy discussions occur at Council. She cannot support this application.

Mrs. Boring agreed with Vice Mayor Salay. The bigger issue for her is that a conflict occurs when the Planning and Zoning Commission is expected to consider economic development in their deliberations. She agrees that this is not the right site for maximizing the parking capacity. She cannot support this application.

Mr. Gerber stated that he agrees with these comments. The parking issues are not new, and the City has been aware of these concerns for a number of years. These issues should not have been brought to the Planning and Zoning Commission. Council has asked for information from staff in order to establish policies to address the current expectations, but this has not occurred to date. He is not prepared to vote on this tonight, and perhaps a motion to table is in order.

Mrs. Boring stated that her concern is with what happens in the future if the building is sold and the additional parking not needed. What would remain would be a large sea of asphalt.

Mr. Gerber responded that these are considerations for a policy discussion at Council.

Vice Mayor Salay added that it may be challenging to establish a comprehensive policy, as each site is different. There are sites where maximizing the parking numbers is appropriate, but this is not one of them. Perhaps this would have to be done on a site by site basis.

Mr. Reiner suggested this rezoning be tabled so that the applicant can revise the proposed parking.

Mayor Lecklider invited the applicant's representative to testify.

Jack Reynolds, Smith & Hale, 37 W. Broad Street, Columbus stated that he is present tonight because Mr. Hale is on vacation. After hearing the comments from Council tonight, he requests that Council table this rezoning to allow for more discussion. They had significant discussions with the Planning and Zoning Commission about all of these matters. They would like an opportunity to discuss the issues with Council at a work session, if possible. Mr. Hale made a lengthy presentation to the Planning and Zoning Commission and they would like an opportunity to return to Council for further discussion.

Ms. Grigsby stated that the issue of parking ratios are similar to some of the issues that prompted recent changes in the sign code. Staff brought information to Council, based on the requests made by businesses. Council then reviewed the information and made recommendations. The sign code was eventually amended. With the parking requirements, there was previous discussion, but due to the difference in sites, it was determined that it would be considered project by project. When the application was

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filed for the Parkcenter site, it was scheduled for Planning and Zoning Commission review. The reason the economic development issues were discussed at the Planning and Zoning Commission is because that is what prompted the request for the zoning change. The owner has had leasing issues for the building, and has turned away tenants because the parking could not accommodate the users. For this reason, the information was provided to the Planning and Zoning Commission as part of their review.

Ms. Chinnici-Zuercher stated that she is not aware if the development review process provides for this, but it seems that such a policy discussion should come to Council prior to the application moving forward to the Planning and Zoning Commission.

Mrs. Boring noted that even if the economic development considerations were not given to the Planning and Zoning Commission and they disapproved the application, the application would still come to Council for review. They have the discretion to override the Planning and Zoning Commission's decision. Therefore, there is an existing process that accommodates this.

Vice Mayor Salay stated that what she has heard them say is that the Planning and Zoning Commission had to weigh many economic development issues, and she does not want to place that responsibility on the Commission during their review. Staff was obviously cognizant of this problem, and she believes that the policy discussion will need to be done on a site by site basis. She emphasized that her comments are not related to this particular application, but simply an issue with this site. She would not support removal of these trees.

Mr. Keenan stated that he is confused about the parking ratios and it appears there is a market change that has occurred. There was a similar discussion about parking lots as a "sea of asphalt" in retail centers. Is this situation different?

Ms. Grigsby responded that the retail centers have different requirements, based on square footage. There have been some changes in the number of spaces required at such centers, based upon the known uses and parking spaces needed, based on experience.

Mr. Keenan summarized that the City needs to be cautious in this deliberation and be mindful of the uses involved.

Vice Mayor Salay stated that in her view, a compromise for this case would be the restriping of the lot, maximizing the existing parking. She is aware that other businesses in the area may have additional parking that could be used, subject to an agreement.

Mayor Lecklider stated that it would be useful for Council to have a discussion to provide guidance to staff. Many Council members have served on the Planning & Zoning Commission and are aware of the history of this issue. Discussion of the guiding principle with respect to landscaping and screening is in order and how this screening might be accomplished if not through the landscaped islands as has been done in the past. Removing trees is also a concern. All of this needs to be balanced with the economic development interests. It would be important to schedule this discussion in the near future. If acceptable to the applicant, Council can table this matter in order to have this discussion. The applicant can continue to have discussion with staff regarding the status of this matter.

Mayor Lecklider moved to table Ordinance 70-13.

Mr. Gerber seconded the motion.

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

Mr. Reiner suggested that the applicant reconsider the plan to explore all alternatives to accommodate the parking on the site.

Mr. Reynolds responded that they would be pleased to present the various iterations of the plan in their attempt to preserve the green space. They are hopeful that Council will meet with them to discuss this.

Ms. Chinnici-Zuercher clarified that Council is aware that the applicant went through this exercise, but Council is not accepting what they have proposed. Council does not want to hear the same presentation Mr. Hale gave to Planning & Zoning Commission, which the Commission accepted. The applicant needs to consider other alternatives.

Ordinance 71-13

Authorizing the Provision of Certain Incentives to Decillion Healthcare LLC to Induce it to Locate an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Mr. Gerber introduced the ordinance.

Ms. Gilger stated that staff has been meeting with representatives of a start-up pharmaceutical company. Most of the start-up will occur through merger and acquisitions, purchasing companies that have existing drug licenses. Decillion is looking to locate a facility in the northwest Columbus area, creating 22 pharmaceutical positions by 2018. They are looking to either purchase a building or lease for 10 years. The EDA includes a seven-year, 12 percent performance incentive tied to a 10-year lease or a purchase of a facility in Dublin. The incentive is valued at \$21,000 and staff estimates the City would net approximately \$131,000 over the term. They have identified several potential locations in Dublin, and they will have company representatives at the second reading.

There will be a second reading/public hearing at the August 26 Council meeting.

Ordinance 72-13

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

Mr. Gerber introduced the ordinance.

Mr. Clarey noted that ProspeX is a business services firm and specializes in sales and management training as well as sales lead generation services. The company is currently located at 7001 Post Road. Staff assisted them in a real estate search for possible sites in Dublin, given the recent purchase of the building by Ohio University. They currently have 25 employees and plan to expand to 50 positions over three years. The proposed EDA includes a 15 percent performance incentive on withholdings capped at \$15,500. An item of note is that the performance incentive is on new withholdings only. In addition, a \$2,500 relocation grant is included. Both of those incentives are contingent upon execution of a five-year lease. The City estimates this will net approximately \$160,000 in retained and new withholdings over the term of the agreement. He offered to respond to questions.

Ms. Chinnici-Zuercher asked if they have identified a location.

Mr. Clarey responded that they have two potential locations identified, but are not disclosing them due to company negotiations underway.

In response to Mrs. Boring, Mr. Clarey noted that the \$160,000 includes both the retained payroll and new positions.

There will be a second reading/public hearing at the August 26 Council meeting.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 43-13

Authorizing the City Manager to Enter into an Agreement with the City of Hilliard to Provide Dispatching Services for the City of Hilliard Division of Police.

Mr. Gerber introduced the resolution.

Mr. Somerville stated that Resolutions 43-13 and 44-13 are a culmination of discussions with the City of Hilliard and Norwich Township concerning the provision of dispatching services by the City of Dublin for the Norwich Township Fire Department and the Hilliard Police Department. The intent is to merge operations into a 911 center that is efficient, will provide cost savings for all the participants, and can be operated in a consolidated manner to give the highest level of 911 dispatching services to all of the jurisdictions. The proposed three-year agreement with Norwich Township will commence on October 1, 2013. Services for the Norwich Township Fire Department would begin first, and services to the Hilliard Police Department would be phased in as staffing permits. Norwich Township Fire Department 911 calls will be sent to the City of Dublin's 911 center. Dublin will dispatch their services in conjunction with the service the City provides to Washington Township Fire Department. The packet includes a draft of the projected dispersed costs for the 2014 operation, but the cost will reflect the actual cost of providing the services and the analysis of the calls for service for each of the participating entities. The intent is for Dublin to recover its costs and share in the savings that the shared services agreement provides. Using a "call for service" formula, the costs to operate the 911 center will be spread among all the participants. He noted that Chief Bob Kaufman, Norwich Township Fire Department and Chief Doug Francis, Hilliard Police are present to respond to questions.

Mr. Keenan asked if the Washington Township agreement would be revised consistent with this formula.

Mr. Somerville responded that discussions with Washington Township are occurring at this time. Washington Township is provided with some additional services that are not included in the proposed contracts with Hilliard and Norwich Township. For an additional cost, Washington Township has radio access, radio programming, maintenance and inventory services.

Mr. Keenan stated that, as he understands it, the various entities will continue to provide their service vehicle dispatching.

Mr. Somerville responded that is correct. This agreement is for public safety dispatching only – fire, EMS and police.

Mr. Keenan stated that the equipment changes frequently. Is there a mechanism in place to address equipment upgrades?

Mr. Somerville responded that is addressed in the agreements. However, any large-scale technological upgrades will require discussions with the partnering entities, and will reflect the intent to share the costs.

Mr. Keenan asked if that would require a unilateral action of the City, or would be determined by vote of the parties.

Mr. Somerville responded that the agreement provides for discussion/renegotiation of the issue.

Vice Mayor Salay asked if there were to be a catastrophic event, will Dublin be able to handle the demands?

Mr. Somerville responded that from the outset of all negotiations, the goal was to ensure that the level of service to the Dublin community would never be negatively impacted. The call statistics have been analyzed to ensure adequate staffing to handle any contingencies within the communities. Subsequent to these agreements, a

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staffing proposal will be provided to Council. By eliminating the duplication of services for a single incident, the level of efficiency in the provision of 911 services will be improved. There is also a contingency plan in the 911 center, should any catastrophic event occur that requires the dispatchers to evacuate the Justice Center. There is a back-up center at Fire Station 92 on Hard Road. Drills for such a mock emergency are conducted in that location once every other year. There is also an agreement with the City of Westerville, should there be a large-scale community event in Dublin.

Vice Mayor Salay stated that the staff memo indicates there is a State House Bill that would limit Franklin County to no more than four funded public safety answering points (PSAPs). This agreement would enable Dublin to be one of those four. Would Dublin now need to endeavor to enter into agreements with additional communities to strengthen that position? Also, as a rhetorical question, she wonders why would the State legislature would tell the local jurisdiction how best to serve local communities. Mr. Somerville responded that he serves on the State emergency services board that is addressing the second question. In regard to the first item, the City has never sought more dispatching business. Communities have contacted Dublin about the City's ability to provide that service. We took a stance based on what we know will be coming from the State legislature; with the expensive upgrades that will come with the next generation 911 to provide text, video and images; and the ability to handle those calls, plus the proliferation of wireless devices – the City is aware that sharing of services and PSAP consolidation is coming. Staff believes that the City can provide a service that will position Dublin very well to be that service provider to other communities. A Local Government Innovation Fund (LGIF) grant has been secured, with the cooperation of the cities of Arlington, Worthington, Hilliard, Washington and Norwich Townships to analyze whether a larger consolidation would be a wise move for those northwest communities. He believes that partnering with communities that have the same philosophy regarding a high level of service is something Dublin will want to do, and Dublin has entered into discussions with the assistance of the consultant and the LGIF grant. They anticipate the recommendations from the consultant by the end of August or early September.

Vice Mayor Salay asked if Dublin would continue to have a single site in Dublin, and is there space at the Justice Center for expansion of these services.

Mr. Somerville responded that they have been analyzing space considerations. That is certainly one of the factors that has precluded discussions with more communities. He would not be surprised to see a proposal in the Capital Improvements Budget to renovate and expand the Justice Center for several reasons, not only to expand the communications center.

Mr. Keenan asked if each community is responsible for how the run response cards are set up.

Mr. Somerville responded that in regard to the fire and EMS run cards, they have been meeting jointly with Washington Township and Norwich Township, and there is a good sense of cooperation between the two entities. They would be responsible for their run assignments. Dublin's standard is if the computerized dispatch system can handle what is asked, we will honor any run requests that they have. The discussions with Washington and Norwich townships culminating in this agreement have been a nearly seamless process. It will seem that the dispatchers are dispatching for a single fire department, rather than two separate fire departments.

Chief Doug Francis, Hilliard Police, stated that they have been working on this project for some period of time. In light of the new trend for sharing of services, sharing this cost across entities appears to be the right move at the right time. He approached the City of Dublin with this proposal because Dublin is the model of communication centers -- not only in central Ohio, but across the country. The level of services that

the City of Dublin provides is exceptional. He considered the costs he would need to assume to match Dublin's model in Hilliard, and they would be astronomical. They would prefer not to assume all those costs, particularly in this era of shared services. He appreciates Council's consideration of this agreement. Hilliard City Council will be considering this agreement at their meeting on August 26. He has encouraged the Hilliard City Council president to contact Dublin City Council, should they have any questions or concerns.

Mrs. Boring thanked Chief Francis for his nice comments and his compliments regarding the Dublin Police dispatching service.

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

Resolution 44-13

Authorizing the City Manager to Enter into an Agreement with Norwich Township to Provide Dispatching Services for the Norwich Township Fire Department.

Mr. Gerber introduced the resolution.

Chief Bob Kaufman, Norwich Fire Department, noted that the comment displayed on Council Chambers' wall, "Where yesterday meets tomorrow," is what this agreement reflects. They are attempting to bring yesterday's technology up to date. He appreciates Mr. Somerville's assistance in accomplishing this, together with Chief Francis, Dublin City Council, the Norwich Township Board of Trustees and Hilliard City Council.

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

Ms. Grigsby noted that she appreciates Chief Francis' comment that the Dublin Communications Center is the model for a greater area. In the discussions with other entities and the preliminary discussions with the consultant conducting the review, they gain a new appreciation for the work of Mr. Somerville as head of Dublin's Communication Center. Although it is a difficult job, the dispatchers do an excellent job. If Council members have the opportunity to observe the dispatchers' work at the Center, they will be very impressed and very comfortable with the level of service provided to the community.

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

Resolution 45-13

Intent to Appropriate a 0.299 Acres, More or Less, Fee Simple Interest Encumbered by Present Road Occupied; a 0.296 Acres, More or Less, Fee Simple Interest Encumbered by Present Road Occupied; a 0.069 Acres, More or Less, Permanent Storm Sewer Easement; and a 0.073 Acres, More or Less, Temporary Construction Easement from Brandway Limited.

Mr. Gerber introduced the resolution.

Ms. Ott stated that the City has been in negotiations with Brandway Limited for the necessary acquisitions for the Coffman Road roundabout. The discussions with the property owner have been amicable; however, there is an issue with the lender. Therefore, staff requests authorization to start the process for filing the appropriation case in the court, should it be necessary.

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

(Mr. Keenan returned to Council Chambers.)

OTHER

- I-270/U.S. 33 Interchange Funding and Aesthetics

Ms. Ott stated that there has been significant regional collaboration to bring this project forward. During Council's recess, a major announcement was made by the TRAC (Transportation Review Advisory Council) regarding preliminary funding, listing the I-270/U.S. 33 Interchange as the fourth ranked project for State funding at over \$51 million. Combined with the Mid Ohio Regional Planning Commission support of \$25 million and a City of Dublin contribution, it would improve the ability for construction to begin in late 2014. The TRAC funding is contingent upon environmental clearance, which is being addressed diligently to ensure there will be no issue. In addition, Community Relations has been soliciting letters of project support to submit to TRAC for their final funding decision, which will occur on August 22. The project has been divided into two phases. Phase one involves adjustments to most movements on the interchange. Phase two adds approximately \$25 million for the addition of the flyover bridge for northbound traffic heading westbound on U.S. 33. Recently, discussions with ODOT design consultants, CH2M & Hill, focused on the role of aesthetics in this interchange and the need for adjustments to make the aesthetics consistent with the community's expectations. Although ODOT has a standard design, they are willing to discuss potential deviation from that standard design. Internal discussions are moving rapidly as the best opportunities for potential enhancements are aligned with the design work, which is currently underway. Discussion has focused on defining a signature look, which would provide a sense of place in the Dublin community – unique, identifiers this interchange could have that are unlike any others in the metropolitan region and perhaps in the State. Last week, the City issued RFPs for landscape architecture firms to assist meeting the goal in areas of hardscape and landscape. There have been inquiries from interested firms who are preparing proposals for the City. The selection process will occur later this month.

In addition, there has been discussion about how artwork could interplay with the hardscape and landscape. It is important to consider the practicalities of landscape in an area of this size. The goal is to have something beautiful, aesthetically pleasing and reasonable in terms of long-term maintenance. Although community input and further refinement is needed, at this point, the consensus of staff is to select a pastoral landscape approach, incorporating any hallmark Dublin elements. They inquired about any ODOT limitations for artwork. ODOT has indicated support for the use of concrete designs cast in place during the construction process. The City is considering an artist who has a proven track record. This artist has worked with over 15 department of transportation agencies, and conducts an extensive public engagement process. Recognizing that this is the largest single public improvement project to have been undertaken by this community, staff contacted the Dublin Arts Council and requested their input. They presented an overview of this project to the DAC Board and requested the Board's feedback in two areas:

- (1) a re-evaluation of the funding directed for the artwork for the Emerald Parkway Bridge over U.S. 33.
- (2) their participation in the research and evaluation of potential concepts.

There is a letter in Council packets from Dave Guion, expressing support of that redirection of funding. Staff requests Council feedback regarding staff's initial approach and direction.

Mr. Reiner stated that as Council's representative to the DAC Board, he is aware that DAC does want to be involved in this process. As the keepers of art for the community, they are very impassioned by this assignment. Because the City has requested that the \$150,000 initially granted to DAC for the Emerald Bridge art project

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be redirected to this interchange project, DAC is requesting that they be absolved of the Emerald Parkway Bridge project. The Board recognizes that the redirection of those monies for this project is for the greater public good. In return, DAC asks that they be involved in the art selection for this project. After City staff's presentation on this project, a question that arose from that is whether the cement used in the design would be dyed or painted. DAC requests that that question be posed to ODOT. Staff's concept regarding the rolling hills of Ireland is good, and this could be accomplished inexpensively and maintained inexpensively by use of some contours. He anticipates that all these elements can interact to achieve a very impressive interchange.

Ms. Ott noted that there are very few artists in this niche of public art. Staff has discussed this project with an artist who meets the City's requirements. They have the project management skill set and the staff capable of executing this type of project. The necessary timeframe does not permit the luxury of a search for an artist. However, staff believes they have identified an artist who can work within the confines of the ODOT restrictions and still express creativity.

Ms. Chinnici-Zuercher inquired the level of funding that will be necessary for this project.

Ms. Ott responded that there are a couple of elements that will determine that; however, it is not likely the redirected \$150,000 will be sufficient.

Ms. Grigsby responded that the hardscape component cost estimate is \$600,000 and the art component at \$300,000.

Mayor Lecklider asked who funded the artistic elements at the I-70/I-75 interchange in Dayton.

Ms. Ott responded that it was paid for by ODOT. There were also some pass-through dollars from the Federal government available for a pilot program for aesthetic enhancements. That project began about 13 years ago; the theme was selected through public input sessions for that project. However, that source of money no longer exists. Any costs for the aesthetic enhancements for the interchange would be the City's responsibility.

Mayor Lecklider moved that the \$150,000 funding originally designated for the Emerald Parkway Bridge public art be deferred and utilized for artwork for the I-270/U.S. 33 Interchange project.

Mr. Gerber seconded the motion.

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

STAFF COMMENTS

Ms. Grigsby stated that:

1. Estimated attendance at the Dublin Irish Festival is 104,000, which is the highest attendance achieved for this event. The event was a smooth operation, reflecting a well-thought-out plan.
2. In terms of road closures, Hyland-Croy and Brand is scheduled to re-open on September 11. The intersection of Brand and Coffman is scheduled to close on Monday, August 19, and re-open late in the fall (Coffman-Brand roundabout project). Dublin Road South (bikepath project) should be re-opened by the end of the month.

Vice Mayor Salay stated that the bikepath is laid out, paved and appears ready to go. Is there a reason for the delay?

Mr. Hammersmith responded that the delay was due to the delivery of the bridge. The path was paved Saturday, and the finishing elements are being completed.

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Vice Mayor Salay asked if traffic will be maintained throughout the remainder of the Dublin Road South bikepath project.

Mr. Hammersmith responded that there really needs to be a closure. Trying to maintain one lane to traffic during such a project is very difficult. Compliance with the road closure has been difficult, which creates a dangerous situation for the workers in the work zone.

Mr. Gerber stated that there has been some vehicular traffic continuing on Dublin Road as the drivers weave in and out of the work areas.

Mr. Hammersmith responded that they have had to leave the barricades open for delivery of work materials and for the residents' access.

Mr. Reiner asked if there are any updates on the Glick Road bikepath.

Mr. Hammersmith responded that staff is continuing to work with one property owner on an acquisition needed for Section 3.

3. Coffman Road fence. There was an update in Council packets, including staff's proposal for the fence maintenance. The two end sections of the fence would be maintained by homeowner associations, who have the funding to do so. The middle fence section is not covered by a forced/funded homeowner association. The City requested a GIS survey, which revealed that the fence moves in and out of the City's right-of-way, with some portions on private property. The residents believe the fence provides their property protection from Coffman High school students and during City events. Staff is considering the benefits of planting vegetation. Along Coffman Road, there are some areas of thick vegetation. The middle section of fence could be removed and replaced with vegetation, which would eliminate the need for ongoing maintenance, given there is no forced/funded homeowner association involved in this portion.

Mr. Keenan stated that there was an indication that the City would maintain the fence for one more year, then turn it over to the homeowners. He anticipates problems with that. How many homes are affected – 10 or 15? Having them maintain the fence will be problematic. In regard to the end fence sections, the residents may actually prefer to have those replaced with plant material as well.

Ms. Grigsby noted that the plant material that will be used will be of a type that is easily maintained.

Ms. Chinnici-Zuercher expressed support for replacing the entire fence and replacing it with plant material.

Mr. Keenan noted that that would make it possible to deal with the easement issue, as well. The City will not want to handle any fence repairs.

Ms. Grigsby stated that the City would not handle the repairs; the homeowners would do so.

Ms. Chinnici-Zuercher noted that the homeowners have not been doing that in the past. Why will they do so in the future?

Ms. Grigsby responded that this has been a long-standing unresolved issue. The residents were waiting to learn of the City's decision before undertaking more responsibility. There is also the option of Code enforcement, if it is not properly maintained. When staff advises the residents of this decision, we will also make them aware of future code enforcement action.

Mayor Lecklider stated that he hopes, going forward, that there will be some level of certainty in regard to responsibility and obligation for repair and maintenance of this fence. This has been an unresolved issue and now, it appears there is a dual responsibility. With respect to the money the City would spend to install the plant material for Shannon Park, why wouldn't the City make the same initial financial contribution to Shannon Village and Hemingway Village for any improvements/repairs they need. It would seem that Shannon Park would benefit by not having a

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forced/funded homeowners association. It could be argued that the other two neighborhoods are being penalized.

Ms. Grigsby responded that staff has recognized that is a point that those associations will likely raise, once they become aware that maintenance of the middle section is being funded by the City. The goal is to have this long-standing issue resolved.

Ms. Chinnici-Zuercher noted that, historically, when there is a forced and funded HOA, the City requires the HOA to pay for such maintenance. If the City change the policy, it will establish a precedent for the future.

Ms. Grigsby stated that there is one distinguishing factor for this area. The City events, which occur in this area, trigger significant pedestrian traffic on this corner, especially during the Fourth of July and Dublin Irish Festival events. The fence does provide a barrier that most people respect. The City does need to make sure the residents have some barrier to all of that traffic.

Vice Mayor Salay asked if there is another material such as hardiplank that would last longer than wood.

Ms. Grigsby responded that there may be. Staff will investigate.

4. Sandwich board signs. Staff's proposal is that a one-time fee be waived for current businesses. Effective January 1, 2014, there would be a fee for these signs to be determined in the cost of services update this year.

Mr. Reiner noted that the sandwich boards have an aesthetic appeal. Some businesses like to carve those signs into specific shapes. They can provide an artistic ambience, rather than a simple rectangular with magic marker writing.

Ms. Grigsby responded that staff could consider that in the Bridge Street District Code update.

Mr. Keenan stated that he prefers not to see a large fee set for such signs for local businesses. The City's need is only to track the signs.

Ms. Chinnici-Zuercher asked if the fee has been lifted for this fall, and whether the business owners have been apprised of that.

Ms. Grigsby responded affirmatively.

Mr. Langworthy responded that the time frame for permits was extended from August 1 to October 1, but it can be extended further.

Mr. Keenan asked what the cost of services review this year would include.

Ms. Grigsby responded that the update this fall will be based on the Consumer Price Index changes and any other new services offered by the City.

Mr. Keenan stated that it would be preferable to wait until that study is completed before enforcing any fees.

Ms. Chinnici-Zuercher recommended that the businesses be notified that the fee suspension would continue until that study has been completed, with a new fee to be in place January 2014.

Vice Mayor Salay stated that she is concerned about assessing a fee to existing businesses. The cost of these signs can be significant for some small business owners. She would like staff to explore the options for aesthetically pleasing sandwich board signs. She understands the need to regulate them, but the City wants to encourage these small businesses, and encourage creativity for their signs.

Ms. Chinnici-Zuercher stated that is the challenge. There are some signs that are professionally done as they don't change, but for other businesses, their purpose in advertising is to provide new information for that day or week. She is not sure why this letter was sent to businesses. Was the appearance of the signage a concern, or was it with the location of the signage?

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Mr. Langworthy responded that it was a combination of factors. He included some of that history in the memo.

Ms. Chinnici-Zuercher stated that this seems to be inconsistent with the City's goals. There is finally some vitality in the Historic Dublin area, and then the City sends this letter to those businesses essentially telling them they can't advertise.

Mr. Langworthy responded that the intent was to make sure they understood the need to keep sidewalks clear and that there is a limit in the number and size of signs they could have. There is no intent to discourage them from having signs. The sandwich board signs make it a more interesting section in the District – a unique element.

Mr. Reiner noted that even a white sign can have a element added to make it unique to the business – a picture of a cupcake or an ice cream cone, for instance.

Mrs. Boring stated that she is not interested in regulating the appearance of the sandwich board signs as that is too much regulation. The intent of the cost of services component was to ensure that taxpayers do not subsidize the service and that the business pays for it. The fee is only \$80, and that seems fair to provide the City the ability to track these signs.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Reiner thanked staff and the DIF volunteers. The City is providing the best bands available from Ireland. He now recognizes that Dublin is at the apex of the Irish art music scene. He is impressed that City staff is able to assemble this level of talent in Dublin. One person commented that he was surprised that a City this small could stage an event of this quality. One person commented that he was surprised that a City this small could put on an event of this quality. In addition, the volume of volunteers who contribute their efforts to this event is amazing. The staff and the volunteers hosted an awesome event! Hats off to Ms. DiSalvo, Ms. LeRoy, and Ms. Nardecchia for an amazing event!

Ms. Chinnici-Zuercher

1. Stated that a Finance Committee Meeting of the Whole preceded tonight's Council meeting. She is proud to report that the City is very sound financially and revenues are up about 7.3% over the same period last year. The City is cautiously optimistic that the final year end report will reflect an improvement over 2012.
2. Congratulated Ms. LeRoy and all of staff for this year's Irish Festival. Although the weather did contribute to the success, there did appear to be a completely different spirit among people. She did speak with many vendors and all of them were very positive about their experience at the Festival.
3. The fall civic association leadership meeting hosted by the City is scheduled for September 5, and there is a conflict due to the JIG Thursday event in Historic Dublin. Perhaps that date could be changed.
4. In regard to the update on the status of the report on water and sanitary sewer extensions, she is hopeful that the information can be provided before Mrs. Boring's service on Council ends, given her past history with this matter. The memo indicates a October/November timeframe, and she is hopeful it can be provided in October.

Mrs. Boring:

1. Asked if the fall civic association leadership meeting can be changed to another date so that Council can support the events in Historic Dublin.

Ms. Grigsby will check with staff on the potential to change it.

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2. Commented that although the attendance numbers were record breaking, she did not experience large crowding – the atmosphere was great. The venues for entertainment were packed and she was pleased that Council members had the opportunity to volunteer as well. Her family had a fantastic experience at the Festival!

Mr. Keenan:

1. Reported that he has attended two meetings in the past week regarding the Tartan West residents who live in the Jerome Township/City of Dublin portion of the development. There are issues of payments to the Community Authority for fire and EMS service. Ms. Ott and Ms. Readler have been very involved in discussions. These residents are seeking assistance from the City to resolve this situation. There was a Community Authority Board meeting tonight, and several resolutions were approved that will help to resolve the issues. The remaining issue is billing, and staff is working to resolve this. The Union County auditor has attended these two meetings as well in an effort to resolve the matters.
2. Asked about the memo regarding permits for Muirfield homeowners adjacent to the golf course for events held during the Presidents Cup. Does the City have the authority to require such permits be secured by residents?

Chief von Eckartsberg stated that the event permit application includes a definition of what constitutes an event. This would not apply to a typical family event, but any event that could impact public safety in the area or could have an impact on zoning codes would require an event permit.

Mr. Keenan stated that he wants to ensure that the City has the legal authority to do this.

Mr. Smith responded that the City has such authority and is cautious about how this is handled. The Presidents Cup is an extraordinary event in terms of security for the international visitors and in terms of traffic and safety. Legal staff believes they have the legal right to regulate these types of events.

Mr. Keenan asked if this permitting would only apply to those properties on the perimeter of the course.

Chief von Eckartsberg responded affirmatively.

Ms. Chinnici-Zuercher added that there have been significant issues in the past with parties at a Leven Links Drive property.

3. Noted that he agrees with Mr. Maurer on the beauty of the flowers planted throughout the City. He recalls discussion a couple of years ago about Charlevoix, Michigan and their community plantings. He encourages expansion of these plantings.

Mr. Reiner added that a few years ago, a suggestion was made that the citizens have a day set aside to plant flowers throughout the community, followed by a street party.

Mr. Gerber congratulated Ms. LeRoy and staff for their hard work on the Irish Festival.

Vice Mayor Salay:

1. Stated that her ward is being being sprayed frequently for mosquitoes. How is the effectiveness of the spraying assessed? Her earlier research indicated that the spraying only extends 50 feet, not far from the spraying truck. Only the adult mosquitoes flying within that area would be impacted, and nothing in the woods or in the park. She would like to have a report on the efficacy of the spraying on the actual mosquito population.
2. Noted she has had inquiries about the security at the Dublin Springs facility, given some recent alerts about patients who have walked away from the facility. There is concern about the procedures in place to ensure that this does not occur.

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Ms. Grigsby responded that staff has met with the Dublin Springs staff on these matters.

Chief von Eckartsberg stated that they met last week and are working on some issues observed at the facility. In addition, there may be some issues with the fencing in place and some recommendations may be made involving variances needed for security improvements.

3. Commented in regard to the Shoppes at Athenry center and the fact that the City has wrestled for many years with the definition of fast food restaurants. Another application for a fast food restaurant at the Center was recently submitted and reviewed, and someone asked why these are still being considered, based on the zoning in place. She is hopeful that Legal staff can provide some insight on this.
4. Emphasized how important the Community Plan is in terms of recommendations for zoning decisions. She learned today in her monthly meeting with the Chair of Planning and Zoning Commission and Planning staff of some projects that are not in keeping with the Community Plan land use recommendations. It seems that if there are questions, the Community Plan recommendations would override, but she is surprised to learn that staff is making recommendations not consistent with the Community Plan from 2007 and the recent Plan update.

Mayor Lecklider:

1. Added his compliments to the Events staff for a very successful Irish Festival, along with the entire City staff. The vendors he talked with spoke very highly of City staff and all of the services provided and their enthusiasm for their jobs. They also mentioned the wood chips provided by the City and how effective they were. They mentioned that no other festival does what Dublin does!
2. Commented that the volunteers participated with great enthusiasm and compliment the services that staff provides. He agreed with Ms. Grigsby that the Festival ran very smoothly and was enjoyed by all!
3. Presented a letter of recognition to staff from State Senator Jim Hughes upon the Dublin Irish Festival being voted as the "2013 Best Annual Event for Out of Towners" by the readers of *City Scene* magazine. Congratulations to staff and thanks to Senator Hughes for this acknowledgement!
4. Noted that the July Fourth event was a huge success, and everyone received many compliments regarding the fireworks and the musical act. Job well done by staff! He acknowledged Council's role in approving the additional funds to secure this level of entertainment for the July 4th events.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

Mayor – Presiding Officer

Clerk of Council