

October 28, 2013

Held _____

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Mayor Lecklider called the Monday, October 28, 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) and personnel matters (to consider the appointment of a public employee or official). Vice Mayor Salay seconded the motion.

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

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. Crandall, Ms. Mumma, Mr. McDaniel, Chief Epperson, Ms. Ott, Ms. Puskarcik, Mr. Hammersmith, Mr. Hahn, Mr. Wagner, Mr. Langworthy, Mr. Thurman and Mr. Goodwin.

SPECIAL PRESENTATION/PROCLAMATIONS

Dan Sullivan, The Presidents Cup Tournament Director provided a brief recap of The Presidents Cup – a journey that began two years ago with a goal of producing what would be deemed by the PGA as the most successful Presidents Cup in its history. Over the last two years, with Council’s initial support and followed by Dublin’s staff efforts to produce it, he believes the efforts to create an event seen worldwide were successful. The outcome exceeded all of their expectations and it would not have been possible without Council’s initial support and interest. In the next three to four weeks, they will deliver quantitative information to staff and Council regarding the economic impacts as well as the overall, worldwide exposure during the week. He is most proud of all of the ancillary events that took place over the week in the City of Dublin – the golf competition itself was great, barring the weather. But the public art golf balls, the public art piano, the Fore!Fest, the International Business Breakfast at OCLC – all were enjoyed by the PGA tour and guests who came to Dublin for the first time. In total, all of those events were deemed as “Best in Class” by the PGA Tour and will be utilized as models for future events. Thanks again for the City support over these past two years! He noted that a video will now be shared that presents the highlights from The Presidents Cup 2013.

[Video was shown]

Mr. Sullivan thanked all for their patience with the fence around the course, which is being taken down this week and will be completely off the course. They will work with Dublin staff to have the plans in place for the 2014 Memorial Tournament.

Mayor Lecklider thanked Mr. Sullivan for his comments. All of Council echoes his sentiments with respect to the community’s contribution to this effort. Council was fully supportive, but it could not have been done without the community and all of City staff. He noted that Mr. Nicklaus – at both the awards ceremony and the press conference following the Cup – acknowledged the City of Dublin’s contribution to the event and expressed his gratitude. He also sent a letter expressing the same, and his pride in the fact that this club is located in the City of Dublin. The letter noted that

he and his wife, Barbara maintain a residence in Dublin and they are proud to say they are from Dublin. This acknowledgement was very nice and much appreciated.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin, Ohio stated:

1. He needs to revisit an issue – the opportunity to bring back the university football rally next summer and an investment requested. Has this financial commitment been made?

Mayor Lecklider responded that this commitment has been made by the City. He clarified that this is a football training camp for high school students.

Ms. Grigsby stated that some preliminary information was provided regarding this opportunity. Mr. Dring of the Convention and Visitors Bureau will be present at the December 9 meeting to provide an update on this matter.

Mr. Maurer stated that last year, he sent out an argument to the University calling for the abolition of football from the University on academic grounds. The "Frontline" news program recently had an expose' of the scandal in football – namely, the ignorance players were held in with respect to concussions. There have been a number of football players in retirement that brought this issue to the forefront, in particular a retired player who had severe memory issues and took his own life. Some of these players are individually and collectively suing the leagues, and this will eventually change football. Football player Brett Favre recently acknowledged his memory lapses and the relation to concussions. Mr. Maurer noted that he does not want to be complicit in supporting the football camp. Football is going to change for certain. This is a catastrophe of major proportions. Council should prepare for this and be quite wary of inviting a football "rally" to Dublin. This is a very serious matter and football is on its way out.

CONSENT AGENDA

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

Hearing none, Mayor Lecklider moved approval of the five items on the consent agenda.

Vice Mayor Salay seconded the motion.

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

- Approval of Minutes of Regular Meeting of October 14, 2013
- Notice to Legislative Authority of Transfer of D5 and D6 liquor permits from Muirfield Wine Co. LLC dba Tutto Vino at 7178 Muirfield Drive to Muirfield Wine Co., LLC dba Tutto Vino at 7154 Muirfield Drive
- **Ordinance 81-13 (Introduction/first reading)**
Authorizing the City Manager to Enter into a Contract for Health Services for 2014 with The District Advisory Council of the Franklin County General Health District. (Second reading/public hearing November 4, 2013 Council meeting)
- **Ordinance 82-13 (Introduction/first reading)**
Authorizing the Modification of the City's Investment Policy. (Second reading/public hearing November 4, 2013 Council meeting)
- **Ordinance 83-13 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.138 Acres, More or Less, Present Road Occupied Fee Simple Interest from Robin R. Campbell. (Second reading/public hearing November 4, 2013 Council meeting)

SECOND READING/PUBLIC HEARING/VOTE - ORDINANCES

Ordinance 78-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 4.39 Acres, More or Less, Fee Simple Interest from John H. Kilbury, and Declaring an Emergency.

Ms. Grigsby stated that this authorizes acquisition of a 4.39 acre parcel of land between Dublin Road and the Scioto River, just north of the 100 N. High office building. The City will acquire the property for the purchase price of \$725,000, which is slightly over \$165,000 per acre. As part of the agreement, the current property owner will be allowed to continue to occupy the home for a period of one year. She noted the following:

1. This meets one of Council's long standing goals of acquiring property along the Scioto River.
2. The Indian Run stream flows through the property, and a significant portion is on the lower portion of the land being acquired.
3. As the City continues to evaluate the capital improvements related to the Bridge Street District and the pedestrian bridge, a constraint is how to access the area near the river to construct the bridge on the west side of the river. This site will provide a potential option for access to the river, eliminating the need to utilize North Street, which would create issues for existing businesses.

Based upon the need for the property as parkland and the desire to use this site as access for construction of the pedestrian bridge, staff is requesting that the ordinance be adopted as emergency legislation at this time.

Mayor Lecklider noted that a copy of the lease agreement related to this item was placed on the dais tonight. He invited questions or comments.

Mr. Reiner moved for emergency passage.

Mr. Keenan seconded the motion.

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

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 84-13

Amending Section 153.066 of the City of Dublin Codified Ordinances (Zoning Code) to Modify the Bridge Street District Approval Process. (Case 13-095ADM)

Mr. Gerber introduced the ordinance.

Mr. Goodwin stated that, as Council is aware, the Planning and Zoning Commission has undertaken a comprehensive review of the Bridge Street District zoning regulations. The review began in September, and the initial focus is on the "Review and Approvals" section of the Bridge Street District Code. As Council recalls, when the Code was originally adopted in March of 2012, the City's code writing consultant and staff emphasized the importance of periodically monitoring the effectiveness of the Code and revising it as necessary to make sure that the intent of the Code is implemented moving forward with the development in the District.

- In the Commission's review of Section 153.066, they expressed concerns with the current reliance of the Bridge Street Code on the use of the Administrative Review Team (ART) review process as essentially the default reviewing body for development plans and site plans under the Bridge Street District regulations. The Commission felt that there should be additional opportunities for public input and Commission input throughout the review of those larger development plan and site plan

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proposals. The Commission and staff reviewed several options to address those concerns.

- The Commission also expressed general concern that with the very detailed, prescriptive requirements of the Bridge Street District regulations – although the intent is consistent with the City’s plans for the District – it is important to make sure that when development proposals are reviewed that there be an “eye” to ensure that the overall intent of the City’s plans be implemented and not simply a series of checklists of individual Code requirements.
- He shared a flow chart depicting the current review process within the Bridge Street District Code. All development and site plan applications are required to go through a pre-application review with ART – a 14-day review period.
- Following that, there is a required basic plan review – a 28-day review period. The ART reviews the basic plan and provides a recommendation to the Commission. The Commission then approves, denies or approves with conditions the basic plan.
- Following that decision, a development plan or site plan application can be filed with the City. At that point, the ART process really begins and typically, this is a 28-day review with ART.
- There is a provision in the Code for an elective review procedure – a “kick-up provision” – in which the ART may forward an application to the Commission, based on certain criteria, for the Commission’s decision.
- Following an approval through either of those processes, an application can proceed to permitting.
- As proposed with Ordinance 84-13, based on discussion between the Commission and staff, a dual track process is to be established. A version of this was originally considered during the original adoption of the Code last year. This would retain the existing required pre-application review with ART and also the Basic Plan Review. ART would continue to make recommendation to the Commission during the Basic Plan. At the Basic Plan, in addition to the Commission providing an actual decision on that proposal, the Commission would also determine who would be the required reviewing body as that application proceeds through the development plan or site plan review process.
- Based on a series of considerations written into the Code, an application may proceed either through an ART process as currently provided in the Code – a 28-day review period – or it would continue through a Commission process for the remainder of the review. That would be a 42-day period, which would add an additional two weeks to the process. It allows sufficient time for the ART to review and provide a recommendation to the Commission and for that item to be scheduled on the Commission agenda for a public hearing.
- At that point, the Commission would be the ultimate deciding body as to whether or not the application is approved or denied.
- There are a series of considerations for the Commission to undertake, and these are written into the Code during that required review body determination.
- The first is based on the complexity of the project with potential for neighborhood or community-wide effects; second is consistency with the Community Plan or other applicable City plans and with principles of walkable urbanism, which are to be added to Sections .057 and .058 – the General Purpose and Intents sections of the Code. This was a recommendation of the Commission which is related to the larger concern that the review criteria not simply be based upon all of the specific prescriptive requirements of the Code – that there be a

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consideration for the overall extent to which an application achieves the vision laid out for the Bridge Street District. The Commission recommended a detailed list of principles of walkable urbanism. Staff felt these were appropriate to add to the overall General Purpose section of the Code.

- At the October 17, 2013 Commission meeting, staff and the Commission reviewed that section of the Code specifically, and the proposed amendments to that section will come to Council for review at the November 4 meeting.
- Also at the October 17 meeting, the Commission discussed the extent to which the Code should continue to reference the original Vision Plan for the Bridge Street District as adopted in 2010 as opposed to the Community Plan, for which the update done this year incorporates the Bridge Street District area plan and all the relevant aspects of the original Vision Report. The Commission felt it was important to be clear about which of these documents is the primary document that the Code should refer to and recommended that throughout the Code, references to the Vision Report be transitioned to references to the Community Plan. That change has been made in the version of Section 153.066 that is before Council tonight.
- The final criterion is the number and scope of potential waiver requests to Code requirements. These are requests to potentially modify a requirement of the Bridge Street District regulations. If there is a significant number of these, that may be a good reason for the project to remain on the Commission's review track.
- There are a number of other fairly minor modifications to various sections of the review procedures. Some relate to the review criteria for development plans or site plans. This relates to the Commission's overall concern with making sure that a development application is reviewed within the overall context of how it fits into the development pattern for the Bridge Street District. Language has been added to make it clear that this is the intent – that there is a broader surrounding impact for development proposals and all of that information should be considered.
- The review criteria for each of the types of applications now reference these principles of walkable urbanism to be added to Sections .057 and .058.
- Also, the Commission wanted to make sure that the review criteria, specifically for site plan applications, make it clear that there is an expectation of high quality that is consistent with Dublin's expectations for high quality throughout the City. Language to that effect has been added.
- There continue to be a series of minor project applications that are included in the Code. These are applications that are smaller in nature in terms of scale and potential impact on community. Those continue to be reviewed by the ART as the default process. The Commission recommended a couple of modifications to that section:
 1. For architectural modifications, it should be clarified that applications that involve more than 25 percent modification to an individual façade are no longer eligible to go through the Minor Project ART review and would go the Commission as a site plan application.
 2. The Commission recommended adding a "kick-up" procedure, similar to what was originally in effect for site plans and development plans, so that if a Minor Project application comes before the ART, but for various reasons may be more complex than anticipated by this Section of the Code, the ART could forward that to the Commission for their review.
 3. For Minor Modifications to sites that may come about for ordinary maintenance, refurbishment or zoning code compliance, it was important to ensure the Code is clear about what circumstances under which they

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may proceed through a Director approval. That is similar to the process in the Code today for PUDs.

4. The Law Director reviewed the Abandonment section of the Code and recommended some proposed language to clarify the procedures under which a property can be determined to be abandoned if construction has not proceeded as originally intended and the provisions under which that property can be required to be brought back into its normal state.

The Commission reviewed this Section of the Code through September and October and on October 10, 2013 recommended approval to Council of the proposed modifications to Section 153.066. Planning staff also recommends approval of Ordinance 84-13. He offered to respond to questions.

Mr. Reiner commented that he supports these amendments. The recent field trip to the mixed-use developments in Grandview Heights and Upper Arlington was helpful in viewing the architecture variations and quality. For a small residential unit, the ceiling height gives a more expansive feeling. All of these are important considerations to be reviewed and improved upon in the development review process.

Ms. Chinnici-Zuercher followed up on the question regarding abandonment, given that there is a structure in the City in this category and there are questions about the City's responsibility in having allowed that to occur. What is significantly different in this new language, taking into consideration the current site and how it would be handled.

Mr. Goodwin responded that at the time of determination by the Director of Building Standards that a project has been abandoned, the Code now clarifies that if the owner fails to restore the site to its previous condition within 180 days, the City may take any and all actions necessary to restore it to its previous condition. That would allow the City to contract with someone to remove the structures that are in progress, restore it to its previous condition, and the costs of that would fall back to the property owner.

Ms. Chinnici-Zuercher that her understanding of the current Code is that the City was required to give the property owner notice, and upon the date of that letter the 180-day time clock began. After the 180 days, what will now occur if the building were not finished or taken down?

Mr. Smith responded that the City could initiate action in court. Anytime a building is to be taken down, there will be court proceedings – for the project referenced, a significant investment of seven figures has been made. Staff believes that the City's position would be better in the court if there was more specificity about the charge back on the land for the cost to remove it. It can be done now, and he will brief Council on the update for the project she references at the end of November. He emphasized that this would not be a taking of the property, but rather restoring the property to its original condition prior to development.

Mr. Keenan stated that there is clearly value in the steel on the site.

Mr. Smith agreed. The City would issue a notice regarding taking the structure down, and the property owner would challenge this in court, no matter what the Code states.

Mr. Keenan asked if there is any precedent anywhere in the country where this has been done. He would be interested in any court cases that upheld or denied these actions.

Mr. Smith responded that there are both such cases – much depends upon the value of what is being taken down. Staff is working with their attorneys and land planners on a daily basis over the past two weeks. Staff believes the City is in a good position with the Code as it exists, but will be in a better position for the future by adding this language.

Mr. Keenan stated that this does not change anything involving the court action that would be required to address the current situation.

Mayor Lecklider stated that his assumption is that in most cases where this situation occurs, a bankruptcy is involved.

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Mr. Smith stated that is not the case in the site under discussion. If there is a bankruptcy, the federal court completely controls what the City can do.

Mayor Lecklider stated that a bankruptcy situation would be more common for this kind of case.

Mr. Smith responded that in a bankruptcy, the City would be seeking relief from the trustee in control of the property.

Mr. Keenan pointed out that the Erickson project in Hilliard was a month from having a certificate of occupancy when the project was halted.

Mr. Smith responded that Sunrise is the first commercial project in Dublin to be put on hold in the middle of the project.

Mayor Lecklider recalled some conversation among Council with respect to the Sunrise project along 161 for a requirement for a bond. He is not certain if that is practical or not, but it would allow funding for the City to engage in the process of taking the structure down.

Mr. Keenan noted bonds are required for construction of streets.

Mr. Smith responded that there has been consideration to amending the commercial building code to do this, but it would add significant costs.

Mayor Lecklider asked if any municipalities require such a bond.

Mr. Smith responded that he is not aware of any that require it.

Ms. Grigsby stated that this situation has not been a regular occurrence, and so consideration has not been given to this requirement.

Ms. Chinnici-Zuercher stated that she supports the Bridge Street District Code amendments as proposed. The concern she recalls expressed previously was one of timing. It is still a concern, and the recommendations have the potential of adding two weeks to the process – at the outside. It would be interesting to learn about the average time required versus the maximum allowed for these reviews. It is important to be mindful of the timeframes. Her main reason for supporting this change is because the Bridge Street District development is to be dramatically different than anything done before in Dublin. It is important to be engaged in working with the developers to ensure the vision is achieved. These amendments will provide Council and the public to have this engagement.

Mr. Gerber agreed, noting that this has the Bridge Street Code “back on track” in terms of a public process. An area of interest to him is what are the “commonly accepted principles of walkable urbanism?” His interests in terms of amendments were public input; tying this back to the Community Plan, which is a major community effort and serves as a guidepost for the future; defining the principles of walkable urbanism; ensuring the development is compatible with the surrounding area; and aesthetics. He does not want the same “cookie-cutter projects,” but wants to emphasize creativity. He is also trying to understand what the role of the Architectural Review Board (ARB) is in the Bridge Street District Code. It seems that at times they serve in an advisory role; other times they can effectively quash a project. There is a project nearby where the applicant must secure a permit for demolition of a few buildings, and the permit is valid for a certain period of time. The development plan then comes in for review, and the ARB could theoretically disapprove the project. It was never his intent that ARB would, in essence, have veto power over projects – whether approved by staff, by Council, or by Planning and Zoning Commission. He suggests this matter be reviewed, as there may be a case in the future where ARB disapproves a project and there are no options available. Mr. Goodwin responded that as the Code is currently written, any project that goes through the Bridge Street District zoning regulations will go through an Administrative Review Team review and recommendation to the ARB. The ARB would have the ultimate decision authority – whether it is a development plan, a site plan, or a minor project. Mr. Gerber noted that this was the case with PUDs when he served on the Commission,

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and there was a question of which body reviews the case first – will it be the Commission and then ARB, or ARB first with an advisory determination for the Commission and then on to Council. He believes this situation continues to exist. He would like this to be addressed.

Vice Mayor Salay asked if the question is identifying the process in terms of what will go to ARB and what ARB's role is?

Mr. Gerber responded he understands the case will be reviewed by ARB, but it seems there is potential for ARB to disapprove a project or some aspect of it, which effectively quashes the entire project. Is that really Council's intent in terms of ARB's role?

Mr. Keenan stated that perhaps a mechanism needs to be available should Council want to hear a case that is disapproved by ARB.

Vice Mayor Salay stated that in a typical rezoning, the Commission reviews the rezoning as an advisory body to Council. Would it be appropriate to have a similar ARB process?

Mr. Goodwin responded that is an option. All of the land in the Historic District is now zoned, so that piece of the process is not really part of the picture – unless someone actively requests a rezoning. There could be an option available that would reintroduce the Commission and/or Council as part of the review.

Mr. Gerber stated that this cannot be resolved tonight, but he would like to have some review and options provided.

Vice Mayor Salay stated in regard to the Historic District that those who live in the District and those who do business there have concerns about exactly what is the Bridge Street Corridor plan for the overlay for the Historic District. There was discussion of a "light touch" on the Historic District. Obviously, that is a subjective issue. She values the ARB process in respect to this small, but priceless area that is the Historic District. Staff needs to provide information for a future discussion of these issues.

Mr. Keenan asked Mr. Goodwin to delineate the boundaries of the Historic District.

Mr. Goodwin responded that the boundaries are generally the Indian Run on the north side, south to Short Street, across Cramer Creek and up through the School site to Indian Run.

Mr. Gerber added that ARB generally does a wonderful job, but he wants to address this loophole in the Code.

Mrs. Boring asked where the ARB is defined in the Revised Charter.

Mr. Goodwin responded that it is defined in the Zoning Regulations – not the Charter.

Ms. Chinnici-Zuercher asked how the ARB purview area of the Historic District relates to the Bridge Street District, which extends to Sawmill Road.

Mr. Goodwin responded that it is one portion of it. There are three zoning districts that fall within the Historic District, and it is all part of the Bridge Street District zoning regulations.

Mr. Keenan stated that, conceivably, what could be impacted would be the Indian Run, the library, the corridor west along Indian Run, and some area north of Oscar's.

Mr. Goodwin added that infill development along High Street would also be under their purview.

Ms. Chinnici-Zuercher agreed with Vice Mayor Salay that, historically, the intent was to retain the historic character of the City in that defined, small area. However, it is incumbent upon the City both to continue the educational process of the people about the vision for the overall Historic District. As an elected body, Council needs to

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understand what the authority and principles are on which ARB makes their decisions so that when people are appointed to ARB, they can be given that knowledge base.

Mr. Keenan asked if the City were to develop a parking structure on the Darby lot, would that come under ARB's purview?

Mr. Goodwin responded affirmatively.

Mr. Keenan stated that is a perfect example of how ARB could stop a project, should they not want a parking structure in that location.

Mr. Gerber clarified that he very much supports ARB and preservation of the historic characteristics and qualities of that area, as does all of Council. However, the parking structure is a perfect example. Under this Code as written, ARB could determine it is not appropriate in the Historic District and disapprove it.

Mr. Goodwin responded that there are appeal processes built into the Code.

Mr. Gerber stated that Council may have an option to hear such an appeal, but if not, it would be heard in a court.

Mr. Goodwin clarified that the appeal would actually be heard by City Council.

Mr. Gerber and Mr. Keenan questioned whether there would be an automatic appeal to Council.

Mr. Smith stated that Legal staff will provide a memo to Council regarding this question for the next packet.

Mr. Gerber stated that he is very supportive of the Code modifications; these are a good start. He is looking forward to hearing about the principles of walkable urbanism.

Mr. Keenan stated that he has always found the ART process somewhat mysterious. The timing allowed for the various reviews is really important from the standpoint of the development community. Everything needs to be done to ensure the process moves along quickly and efficiently in order to yield a good result.

Vice Mayor Salay stated that she has heard concerns expressed about architecture. The Code is very prescriptive, but there is the subjective portion regarding architecture -- what fits in the community and what does not -- all aesthetic issues. If it is a major project or one deemed by the Commission to be one that should come back to them, is that where the public input and architectural detail review will take place?

Mr. Goodwin responded affirmatively.

Vice Mayor Salay summarized that in most cases then, the Commission will have the opportunity to review the architecture.

Vice Mayor Salay asked about signage. Since the changes to the sign code were implemented recently, she observes many sign changes in the community that she would not define as minor. What is the status of the signage portion of the BSD Code in the review process by the Commission and staff? She recalls a joint meeting at the Golf Club of Dublin where the sentiment was expressed of having interesting signage, signs that symbolize businesses. How will this intent be implemented in the Code?

Mr. Goodwin responded that has been a major discussion point at staff level. Currently, as the Code is being proposed, signs remain one of those minor project reviews that go through the ART review. There is a provision in the Code for a Master Sign Plan if the property wants to do something that deviates from the Code. That could be brought to the Commission for their review. He noted that as the Commission proceeds with review of the remaining sections of the Code, there will be review of the more detailed Code requirements, including signs. After the review of Sections 153.057 and .058, the Commission will begin reviewing all of the more detailed sections.

Vice Mayor Salay echoed Council members' comments about the timing issues for development review. When the Bridge Street Corridor plans were first discussed with

Council, she was reluctant to have the development applications go through a full Commission process because of the time involved. However, the missing piece of the process is the ability of the public to weigh in. There will be significant interest in many of the projects and she is pleased that this is now built back into the Code. It is important when staff receives an application that the applicant is given complete information about what is needed. This will enable the review process to stay on track.

Mr. Gerber noted that he has heard the timing issues for review raised tonight, but he does not believe timing is an issue. Most of the communities across the country are trying to move to a planned unit development (PUD) process. Dublin had a great PUD process in place for 30 plus years, and it has worked very well. Dublin is now moving another direction to a form-based Code. In discussing timing, his concern is ensuring quality outcomes for the City – not rushing review to make a developer satisfied.

Mrs. Boring added that she agrees with Mr. Gerber. In her discussions with National League of Cities delegates, she found no one who was excited about form-based Code. They cautioned that it is important to adapt these form-based codes to a community. Mr. Fishman reported the same information from the American Planning Association conference. She believes these modifications are a step toward being cautious and adapting the form-based code to Dublin's needs. She does agree with Vice Mayor Salay that the signs must be carefully reviewed in view of the sign changes that have resulted from tweaking the Code. She is very concerned about the potential of having a form-based Code that is not in keeping with the community's values.

Mayor Lecklider thanked staff and the Commission members, some of whom are present tonight, for their work on these amendments. At the outset of discussions regarding the Bridge Street District and its Code, among other things, Council talked of predictability and the relative speed of the process. Being mindful of some of Council's comments tonight, the City should not sacrifice quality for speed. Potentially adding 14 days review time should not be unreasonable. He agrees that predictability is an issue that has been raised many times, and that is an important consideration.

Mr. Goodwin asked for clarification regarding the questions raised about the role of the ARB. Is it the desire of Council to see a potential revised process at the second reading of this ordinance, or is this a future discussion item?

Mayor Lecklider responded that Legal staff has agreed to provide a memo. What he has heard is that Council would like to have an option of an appeal to Council for a disapproval by ARB versus having the appeal heard at the courts.

Mr. Smith stated that he is not certain if staff can provide the language for this option given the next meeting is in one week. However, a memo on the topic will be provided for the November 4 meeting.

There will be a second reading/public hearing of Ordinance 84-13 at the November 4 Council meeting.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 63-13

Ratifying Amended Mid-Ohio Regional Planning Commission Articles of Agreement and Bylaws.

Vice Mayor Salay introduced the resolution.

Ms. Grigsby stated that this process has been ongoing at MORPC for six years, and it involved a subcommittee, then the Administrative Committee and the full MORPC Board. These changes were approved in September of 2013. In order to be effective, 51 percent of the MORPC members must approve the amendments. She noted that,

based upon the new population breakdowns, Dublin's representation will increase from two members to three members. Beginning in 2014, another appointment will be needed for the MORPC Board.

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

Resolution 64-13

Appointing Members to the I-270/U.S. 33 Northwest Interchange Aesthetics Design Selection Committee.

Vice Mayor Salay introduced the resolution.

Ms. Ott stated that this resolution appoints community members to the I-270/US 33 Aesthetics Design Selection Committee. The City of Dublin staff and the Dublin Arts Council staff are proposing a diverse representation of the community and recommend the following individuals for appointment to the Committee:

- Representing elected officials, Council Member John Reiner
- Representing the business community, Executive Director of the Chamber of Commerce Margery Amorose
- Representing residents at large, Susan Swyt, a long-term resident of Dublin
- Representing the Dublin Arts Council Board, Jerry Hayslett who has served on the Board for a year and is an accomplished, self-taught artist.

Should Council desire to move forward with the appointments, a slight modification is needed to the draft resolution, striking Section 5 and appointing the individuals as named.

Mr. Keenan moved to strike Section 5 and to appoint the individuals as presented. Ms. Chinnici-Zuercher seconded the motion.

Mayor Lecklider asked Ms. Ott to explain the role of these individuals.

Ms. Ott responded that on Wednesday, November 13, the Creative Design Resolutions and their lead artist, Steven Weitzman will present three concepts to the community for the 270/33 interchange artwork. This presentation will take place at the Abbey Theater at 7 p.m. The individuals appointed tonight will receive the feedback of the participants at the community meeting as well as that from individuals who submit response to the design options online. The Committee will make recommendation to ODOT for the inclusion of artwork in the construction project, which will commence in 2014. The meeting on November 13 is open to the public and everyone is encouraged to attend.

Mrs. Boring asked if it is necessary to define the time period for these appointments.

Ms. Ott responded that she anticipates their responsibilities will be less than 30 days in duration. She can report back to Council in December about the decisions of this body, and that will conclude their work.

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

OTHER

- Adoption of 2014 Regular Meeting calendar

Ms. Chinnici-Zuercher moved approval of the proposed schedule for 2014.

Mr. Gerber seconded the motion.

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

STAFF COMMENTS

Ms. Grigsby stated:

1. Mr. Hammersmith reported to her tonight that the repair work previously scheduled for last week at SR161/US33 over I-270 is rescheduled for tonight beginning at 10 p.m.
2. Information was distributed tonight on the dais regarding ODOT's public meeting tomorrow evening at the Northwest Library on Hard Road. The topic is the addition of a northbound lane along Sawmill Road from I-270 to Hard Road. ODOT anticipates this project would begin in September of 2014.

Vice Mayor asked when the City received this notification.

Ms. Grigsby stated that she was notified today. Engineering staff was aware that ODOT was working on this, but were not aware of this public meeting tomorrow evening.

3. Based upon the Bridge Street District Community Forum last Tuesday, a brief recap will be provided to Council at the November 4 meeting. There will be additional follow-up and discussion scheduled for the November 14 Planning and Zoning Commission meeting. There will be a more detailed report to Council at the December meeting. Staff is in the process of compiling all of the comment cards submitted as well as the online comments received and will have that ready for Council's review.

COUNCIL ROUNDTABLE/COUNCIL COMMITTEE REPORTS

Mr. Keenan:

1. Thanked staff for the excellent and comprehensive memo regarding Build America Bonds, the Central Ohio Innovation Center, and the explanation of the bond issues.
2. Regarding the follow-up on the Community Authority issue, he hopes that the City is communicating with the residents in Tartan Ridge on an ongoing basis.

Ms. Grigsby stated that there are individuals the City has been in contact with regarding the issues. The City has been working with Washington Township and the resident representatives from the affected area.

Mr. Keenan stated that it would be helpful for Council to have a list of the residents and the status of whether they have executed the easement documents.

Ms. Ott noted that Washington Township has been working with the property owners on execution of the necessary easements and keeping the community up to date on the status. Dublin staff has submitted to Washington Township some inquiries the City received and staff heard back from the Township late last week.

Mr. Keenan stated that the City has the list of the residents involved. The City should be able to send a letter to all of the affected residents with an update on the Community Authority matters.

Ms. Ott responded that the City's position could be represented in this update, but the City cannot speak for the Community Authority's position.

Mr. Keenan stated that it is important to let the residents know the City is continuing to work on the resolution of these matters. If that does not occur, the residents will return to the Council meeting for additional assistance.

Ms. Ott responded that she and Ms. Readler have been in communication regularly with residents who have asked to be closely engaged.

Mr. Gerber added that it seems some of the issues are related to the Community Authority board itself.

Ms. Chinnici-Zuercher asked why the developer, The Edwards Company, is not willing to have this meeting?

Mr. Smith responded that in his discussions with Edwards, they indicated their intent to schedule a meeting in the second week of November.

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Mr. Gerber stated that the impression this gives is they do not have any regard for the residents who have been impacted. He wants to see the developer step up and address these issues.

Mr. Smith responded that he will contact the developer again to relay this. Mr. Keenan added that Council is adamant about the need for a quick resolution, and this should be conveyed to the developer.

Mr. Gerber noted that the packet included a memo from Ms. Puskarcik regarding Veterans Day ceremonies. Based on his contacts with various groups, including Rotary, high schools, veterans groups and businesses who train veterans returning from duty, he would like to have discussion at the budget hearings about additional efforts the City can undertake to promote awareness of veterans, Veterans Day, and the importance of these recognition events. Perhaps in the budget process, there can be discussion about Community Relations reaching out to the community to make these larger City events. It is good that Sells Middle School is involved in the ceremonies this year, but it also important for everyone in the community to know what Veterans have done. He does not believe these enhancements would be costly, as many businesses would help defray the costs. It would be important to have a program that encompasses others in the community.

Mr. Keenan added that perhaps Council should give more input with respect to programming for these events each year.

Mr. Gerber stated that Dublin is now a large community and has many veterans. It would be nice to expand these programs.

Mr. Reiner:

1. Commented that Spooktacular was a "spectacular" event! It was full of happy adults and children. It is one event done each year by the City for children and it was very moving to see so many young people volunteering for this event.
2. Reported that he received a note from Juana Sandoval, former Bicycle Advisory Task Force member who is moving out of state. She congratulated the City on achieving the bronze Bicycle Friendly status and noted the positive experience she had in working on the Task Force.

Ms. Chinnici-Zuercher:

1. Reminded everyone of the Finance Committee meeting scheduled for Monday, November 25 at 6 p.m. for review of hotel-motel tax grant applications. All Council members are invited to attend.
2. Asked about the timing for the completion of the roundabout at Coffman and Brand and if there is a revised opening date.

Ms. Grigsby responded that, based upon information from Engineering last week, Friday, November 8 is the date for reopening. Originally, at the contract award, the completion date was November 20. Staff worked with the contractor and, with overtime authorized by the City, the contractor crews worked on some Saturdays in order to complete the project earlier than scheduled.

3. Noticed while traveling on Brand Road tonight that the bikepath route has been dug out. What is the timing for completion of that project?

Mr. Hammersmith responded that with the late start on the project in terms of time of the year, as much work will be done as possible – until the time the asphalt plants close for the year. Staff is hopeful that 70-80 percent of the project can be completed prior to that point, with the exception of the bridges. Those will not be set until the first part of 2014. Staff is working to resolve one remaining utility conflict at this time. Mr. Keenan asked what will be done to secure the paths that connect to the bridges, given that people will begin to use the paths when they are complete.

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Mr. Hammersmith stated that staff will work to cordon off the bridge areas to prevent this.

Ms. Chinnici-Zuercher stated that it is important to be cognizant of the large machines in residents' yards and to move them out as soon as possible. Some are unsightly -- especially for houses close to the roadway.

Mr. Hammersmith responded that a City inspector is on site to work with the contractor to address all of these issues.

4. Noted that in the Ohio Municipal League bulletins that Council receives, it was indicated that there would be a hearing on Wednesday on Sub. HB 5. She is aware that as of last week, Ms. Gibson did not have the updated language to review.

Ms. Grigsby responded that Ms. Gibson did receive some information, and hearings are scheduled tomorrow and Wednesday. Representatives from the local communities are meeting with Rep. Beck on Friday. Ms. Gibson is scheduled to provide an update to Council at the November 4 meeting.

Mayor Lecklider stated that in an earlier conversation about this, there was discussion of contacting the City's state legislators. There was an article in Sunday's Columbus Dispatch about the author of the article's perception of this continued erosion of the municipality's home rule authority.

Ms. Chinnici-Zuercher stated that her recollection is that the City's lobbyists have been engaged with the state legislators on the City's behalf.

Ms. Grigsby stated that Matt Kallner and Associates as well as Chris Veneis are working with the local legislators. Ms. Gibson has had several conversations and meetings with the City's representatives so that they understand the impacts to the City of Dublin and to all cities.

Mayor Lecklider asked if the local statehouse representatives are supportive of the City's position on this matter.

Ms. Grigsby responded that they understand the City's position; they are supportive of some of the issues, but she cannot say with certainty that they are supportive of all of the issues identified by the City. The City is continuing to work with the legislators to address the issues with Sub. HB5.

5. Suggested that in 2014, when Committees are given assignments that a date of the assignment be included on the status list. This will ensure accountability for completing the assignments. She asked the Clerk to assist in this effort.
6. Noted that Council reviewed a draft Code of Conduct for boards and commissions several months ago. She would like this to be completed and adopted so that it can be implemented in 2014.

Ms. Grigsby stated that the last draft can be provided for the November 4 Council meeting and staff will be prepared for follow-up discussion as needed.

Mrs. Boring:

1. Thanked the Dublin Convention and Visitors Bureau for providing their minutes for Council packets. It is very helpful to have this information from organizations for which the City provides funding support.
2. Asked the Law Director about the Kilbury land being purchased along the Scioto River, and if it is in the City limits or in the township.

Ms. Grigsby responded that the lower portion containing the Indian Run is in the City of Dublin, and the parcel to the north is in Washington Township.

Mrs. Boring stated that it is her assumption that the City will quickly initiate annexation of this land into the City.

Mr. Smith responded that matter has been discussed at staff level.

3. Noted that she has attended NLC sessions about parking meters. Once installed, they are viewed positively. She suggested that the staff consider the installation of parking meters in Dublin's Historic District. The funds collected

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could be used to pay for the meters and to invest in the District. She asked if staff could investigate this option.

Ms. Grigsby responded that staff can certainly do so. There was review of this topic in the past. The newer technology for meters makes them more feasible than in the past. There are clearly negative and positive impacts of having parking meters. Typically, not significant revenue is generated from parking meters. Staff will provide follow up.

Vice Mayor Salay stated that in looking at the West Innovation District – in the process of the Shier-Rings Corridor study work by staff – and based on meetings with the P&Z Chair and staff each month, there are land uses in that portion of the community that can be built by right, including housing and retail. When the retail was included in the zoning, it was anticipated as occurring after the offices and businesses were developed to provide supporting retail for these uses and the surrounding community. Housing, in so much as it supports the businesses or perhaps the medical school is needed. The Planning Director indicated that developers are interested in certain portions of the District without having the other things in place that makes these uses make sense. Perhaps the other uses should be made conditional uses or be removed from that district – and zone them back in once the appropriate office development comes. She would like a recommendation from staff about how to address this. She believes that under the current zoning, there are rights for these types of uses. Some minor tweaks to the zoning may be needed.

Ms. Grigsby responded that staff will provide information on this to Council.

Mr. Langworthy added that Vice Mayor Salay is correct – there are some uses in that zoning that were intended to support the content of the West Innovation District, which are office, manufacturing, and are designed to support the workers in the District. Staff is receiving some inquiries about potential development in advance of the workers being in place. Staff's response to these inquiries has been that staff is not generally supportive of building those kinds of densities in advance of having the workers in place. Clearly, the intent was to have supporting workers in place prior to building these other uses – not preceding it. Staff has been discouraging proposals for such projects in advance of the workers being in place.

Vice Mayor Salay stated that another issue is transitioning from the residential just south of Shier-Rings in Ballantrae, ensuring that is done properly as well, and having something in the Code that assures that.

Mr. Langworthy responded that this would be transitioning not only the use, but the building height and sizes. That is all part of the Shier-Rings Corridor Study.

Mayor Lecklider commented that he, too, is pleased to hear of the impending opening of the Brand/Coffman Road roundabout and appreciates everyone's hard work toward having this completed.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Mayor – Presiding Officer

Clerk of Council