

January 27, 2014

Held _____ 20_____

CALL TO ORDER

Mayor Keenan called the Monday, January 27, 2014 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Vice Mayor Gerber 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 personnel matters (to consider the appointment of a public employee or official).

Ms. Chinnici-Zuercher seconded the motion.

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

The meeting was reconvened at 7:25 p.m.

ROLL CALL

Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Lecklider, Mr. Peterson and Ms. Salay. Mr. Reiner was absent (excused).

Staff members present were Ms. Grigsby, Mr. Smith, Ms. Crandall, Mr. Smith, Ms. Readler, Mr. McDaniel, Ms. Mumma, Ms. O'Callaghan, Chief von Eckartsberg, Mr. Hammersmith, Ms. Gilger, Mr. Hahn, Ms. Rauch, Mr. Garcia, Mr. Gunderman, Ms. Burness, Ms. Ott and Mr. Ashford.

PLEDGE OF ALLEGIANCE

Mr. Peterson led the Pledge of Allegiance.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road:

1. Commented regarding the new "landscape" of Council, including a new Mayor, Vice Mayor and a new member, Mr. Peterson. He noted that there are now just two women on Council instead of three, but at 2 to 5, he views the "sides" as equal!
2. Noted that a Council member for whom he has a high respect said that Mr. Maurer repeats himself in his comments at the podium. He acknowledged that he does so, and that repetition has been invented to bring people back to things about which they do not want to talk. For this reason, he does repeat things.
3. Stated that he has a moral litmus test and believes the City was morally wrong in making a contract with the Top Gun football coaches to return to Dublin. Council has tried to find some good in the training program offered by this group. He described a football play and the 30-mph collisions that occur on the field. He believes that mothers will be the ones who can make a change in this sport that is now known to result in so many brain injuries.

Mayor Keenan thanked him for the interesting comments.

Chief Alan Woo, Washington Township Fire Department stated that 13 years ago, then Chief Bostic introduced him to Council at this same podium as the new Assistant Chief and replacement Chief upon the retirement of Chief Bostic. Tonight, he announces that the Trustees voted two weeks ago to promote Assistant Chief Alec O'Connell to Chief upon his own retirement. Chief Woo then introduced Assistant Chief O'Connell and noted that a more formal reception will be held for in early April. He noted that the goal of having an Assistant Chief was to develop talent from within the

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Department. This has been the case with Assistant Chief O'Connell who has been very active in the community. He is confident that the transition will be seamless. Chief Woo noted that his own departure is scheduled sometime between May and the end of June. He thanked Council for all the support they have given him during his service.

Assistant Chief O'Connell indicated he looks forward to working with Council. He added that he will also be available at any time, should Council need any assistance. He commented that the City and the Township's relationship has always been great. He acknowledged the support he has received from Chief Woo over the past years. Mayor Keenan congratulated him! He added that he served as a Washington Township Trustee at the time Alec O'Connell was hired. Strict testing requirements and educational requirements were established and he met all of these as he came up through the ranks from Lieutenant, to Captain, to Battalion Chief and Assistant Chief. He noted that former Chief Bostic is present tonight as well. Council looks forward to working with Assistant Chief O'Connell in his new role as Chief.

CONSENT AGENDA

(Items proposed for the Consent Agenda are acted upon by a single motion and vote of Council. However, upon request of a Council Member, any proposed Consent Agenda item may be removed from the Consent Agenda for further discussion/consideration under the regular order of business.)

Mayor Keenan asked if anyone wants to remove an item from the Consent Agenda. Hearing none, Ms. Chinnici-Zuercher moved approval of the actions for the three items on the consent agenda.

Mr. Lecklider seconded the motion.

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

- Approval of Minutes of Regular Meeting of January 13, 2014
- **Resolution 05-14 (Introduction/Vote)**
Authorizing the City Manager to Execute a Contract with the Franklin County Public Defender Commission for the Defense of Indigent Defendants.
- **Resolution 08-14 (Introduction/Vote)**
Authorizing the City Manager to Enter into Memorandums of Understanding with the Franklin County Board of Elections for Use of Municipal Property in the Administration of Public Elections.

TABLED ORDINANCE SCHEDULED FOR PUBLIC HEARING

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)

Mayor Keenan stated that Council is expecting a report from staff on the issues involved in this matter. This report should be forwarded to Council for the first February Council meeting. Mr. Hale will be requesting that this item be postponed to the February 24 Council meeting, but he does have a few very brief comments about issues he would like Council to consider as they are reviewing the report. He invited Mr. Hale to comment.

Ben Hale, Jr., 37 W. Broad Street, Columbus stated that they are requesting that Council postpone this until the February 24 meeting so that Council has the opportunity to review the report that is forthcoming. Since this matter was heard by

Council in August, they have continued to work with staff on some issues and improving the site plan. He emphasized that the client believes that this parking is needed if the building is to be rented. For some period of time, the client has been trying to rent this building, but without success. A condition of the Planning & Zoning Commission was that the applicant agreed not to do the improvements unless a tenant was secured who needed the parking and subject to staff approval. The applicant believes they truly need this parking in order for this building to achieve its potential. They believe that the report forthcoming will support this and also point out other buildings in Dublin that face these challenges. Such buildings are not only an asset of the owner, but also an asset of the City, as the economics of these buildings drive the City. The owners and the City needs to be partners and work together to achieve the highest use possible for these buildings. He will return on February 24, and he assured Council that they would not do the parking improvements unless they are needed. There is much more greenspace than required by Code, and their desire is to have a parking number that makes sense – not to maximize to the 70 percent allowed. They are hopeful when they return with a new site plan that they will obtain Council's support.

Ms. Salay moved to postpone Ordinance 70-13 to the February 24 Council meeting. Mr. Gerber seconded the motion.

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

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 101-13 (Amended)

Amending Chapter 153.044, Technology Flex (TF) District of the Dublin Code of Ordinances (Zoning Code) to Permit Commercial Vehicle Rental as a Conditional Use, and Section 153.002, Use Definitions, to Add a Use Definition for "Truck and Van Rental Establishments." (Case 13-104ADM)

Mr. Gunderman noted that this Code amendment was originally requested by Mr. Hale on behalf of their client to permit some truck and van rental. Planning staff has redrafted the language from what was originally submitted. The ordinance is fairly simple and straightforward, but an error in the original drafting of the ordinance was made. The updated version is on the dais tonight and includes a sentence that was inadvertently omitted when the first draft was done. This language was part of the Planning and Zoning Commission recommendation.

Mr. Gunderman summarized the provisions:

1. Added definition of truck and van rental.
2. Included this in the Technology Flex District as a conditional use
3. Specific use standards – 20,000 square foot minimum.
4. Not permitted on lots bordering either the freeway, arterial roads, or residential property.
5. Designated for rental vehicle parking area.
6. Maximum of a 26-foot length for the largest truck that can be utilized on the property.
7. Servicing the vehicles, other than minor washing and cleaning, will be indoors.
8. Screening is already provided for in the Tech Flex District for Outdoor Storage.
9. A cross reference to the Landscape section of the Code is included.

He shared an area map that delineates the Tech Flex Zoning where this can apply – those areas are outlined. A large part of it is along Shier-Rings Road. The red and green reflects the major arterials onto which these activities cannot be fronted. This reduces the number of potential locations.

The truck sizes range from a 10-foot van to a 26-foot truck. He shared photos of examples of these truck sizes.

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He noted that this amendment was reviewed by the Planning and Zoning Commission and they recommended approval. He reviewed the examples of the areas where this would not be permitted as this is drafted. After the limitations of residential property and frontage on arterials, only small areas remain.

He offered to respond to any questions.

Ben Hale, Jr., 37 W. Broad Street, Columbus stated that he represents Bates Property, which is the family that owns Stanley Steemer. They have a number of buildings in that area that they want to reposition in the market. There are two buildings to the north of this, one of which is currently occupied by My Three Sons moving company. The company will move out by the end of the February. The building fronts the freeway. One of the buildings is leased to AT&T, and for the other building, once it is vacant, they are fairly certain that AT&T will lease it. Each of those buildings will house approximately 50 employees – technicians who install their cable, etc. He pointed out one totally interior site, where the company has had a long-standing relationship with Stanley Steemer. They are currently located in Mansfield and would like to have a site in Central Ohio, closer to a large part of their client base. This is a company that largely supplies trucks to businesses, not individuals. Therefore, they do not need a location that is highly visible to the public. The applicant has worked with staff and the Commission on the screening of the lots so that the trucks will be in a six-foot high screened area. There is a building that has been used over the years by Stanley Steemer and they have done some light repair in that building, washing of trucks, etc.

The applicant is requesting that Council approve the Code amendments. The applicant would then have to return to Planning & Zoning Commission to obtain a conditional use.

Ms. Salay asked why the decision was made to put this as a conditional use in the entire Tech Flex area, given this one application. She does not believe this is a business that the City would want to attract throughout the Tech Flex area. Some of the locations are of concern in terms of only six feet of screening. It seems a "door is being opened," and she is not sure why.

Mr. Gunderman responded that the principle reason for the conditional use was to limit the number of these.

Ms. Salay stated she does not yet understand why the entire Tech Flex District would be amended versus one portion.

Mr. Gunderman responded that Tech Flex is a straight zoning district, so the City cannot specify subareas as is done in planned developments. The provisions included, such as limiting frontage on arterials, freeways and residential areas, are things that can be done in a straight zoning district. This land has been in a straight zoning district for some period of time, and there is not an option to do that.

Ms. Salay asked if there is any way that this could be limited along Wilcox Road, given the office complex "Offices at Wilcox Place" that was up zoned from Industrial use years ago. It does not seem desirable to have a truck rental across the street. This roadway leads to a residential area, and a truck rental is not a welcoming presence in this location.

Mr. Gunderman stated that to achieve the square footage required by Code, it would be necessary to assemble a couple of parcels along Wilcox. He doubts that assemblage would extend back to the east, further than those particular lots. This is not likely to occur, but it is possible. A provision to eliminate the adjacency to Wilcox Road could be included, if that is Council's desire.

Ms. Salay indicated she would support this.

Ms. Salay asked if there are businesses in Dublin that are anticipated to use this facility, or is this directed more to out of town users.

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Mr. Hale responded that Stanley Steemer uses this, but they also believe other businesses in the area will use it.

Ms. Salay asked how many trucks will be part of this operation.

Mr. Hale responded that he has not reviewed a layout, but most of the trucks are out in the field at clients – not on site.

Ms. Salay asked for confirmation that the trucks are rented for a period of time and are not in and out throughout the week.

Mr. Hale responded that is correct. The great majority of their business is commercial – not individuals renting the trucks. Adding Wilcox Road to the list of areas where this use is not permitted frontage would address the concerns.

Ms. Salay asked for clarification about the screening. The minutes of the Commission were somewhat confusing on this matter.

Mr. Gunderman responded that the screening ends up at six feet. There may be other provisions in the Landscape Code that apply as well.

Ms. Salay asked if the Commission could require a higher screening for a conditional use approval.

Mr. Gunderman responded affirmatively. However, based on experience, it is difficult to provide long-term, effective screening above the six feet height. For exceptional circumstances, perhaps mounding or other means can be effective.

Mr. Lecklider noted that the moving company Mr. Hale referenced has on many occasions strategically parked their large trucks along the freeway, which is essentially advertising. He believes that circumvents Dublin's regulations with respect to signage and advertising.

Mr. Gunderman responded that nothing in these amendments addresses that, and it has been an ongoing discussion over the past few years regarding the City's sign code.

Mr. Smith added that the City has cited people, including the company mentioned who is moving out by the end of February, for such violations and has secured enforcement. These violations do recur on a regular basis and require ongoing enforcement. Over the past two to three years, the enforcement has been generally successful.

Mr. Lecklider recalled that a radio station had parked trucks at a lot in Metro Center as well.

Mr. Hale noted that the moving company has continued to park trucks in the visible locations along the freeway, but by the end of February, they will be gone.

Mr. Lecklider summarized that what he is hearing from staff is that this cannot be addressed in the Code.

Mr. Gunderman responded that he does not believe there is anything in this Code section that would be applicable. He is aware that there may be refinements to the sign code that might better address this topic, but the discussion has not occurred for some time at staff level.

Mr. Smith added that these Code amendments somewhat remove the view from arterials or the freeway and the screening requirements address the other issues. This enforcement requires constant monitoring in every community. The shopping center owners also are effective in removing vehicles from their private property.

Wallace Maurer, 7451 Dublin Road noted that the Code language indicates the length of the truck shall not exceed 26 feet. He is not aware of the volume of traffic, and 26 feet is half the legal length of a trailer pulled by a semi. Is there anticipation of semi-trucks?

Mr. Gunderman responded there is not. The maximum vehicle size is 26 feet in length.

Ms. Salay moved approval of Ordinance 101-13 with the amendments to the last sentence of Section 3, (14) (a) as provided to Council on the dais tonight and as discussed:

"To minimize views from adjacent streets, this use shall not be permitted on a lot abutting an arterial street or freeway, or Wilcox Road, or on any lot that abuts or is directly across the street from a residential district or use."

Mr. Lecklider seconded the motion.

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

Ordinance 01-14

Accepting the Annexation of 4.6 Acres, More or Less, from Washington Township to the City of Dublin. (Petitioner: Jay B. Eggspuehler, 7250 Coffman Road, Dublin, Ohio)

Mr. Gunderman stated that this is an annexation for the Eggspuehler property, which is located just east of Coffman Road and north of Forest Run. The access point to the property is from Nature Drive. The petition was approved by Franklin County on October 15 as an expedited 2 annexation process. The county approval is followed by a 60-day required waiting period after the transcript is received by the City; that has now been completed. With passage of this ordinance, the annexation will be effective in 30 days. A rezoning petition has been filed for this same property, which will be reviewed following approval of this ordinance. The rezoning proposal is for four lots to be rezoned as R2, Suburban Residential. The lots are in conformance with the requested rezoning.

Ben Hale, Jr., 37 West Broad Street, Columbus stated that they were contacted by an individual interested in purchasing the property on which to build a home. The individual intends to use the largest of the four lots for that purpose and sell the other three lots.

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

Ordinance 02-14

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 3.6 Acres of Land Located at 190 N. High Street to the City of Dublin.

Ms. Grigsby stated that last fall, the City purchased two parcels of property from John Kilbury. The lots are located along the Scioto River on the east side of Dublin Road and will be part of the future park. The southern parcel is located within the City; the northern parcel is located in Washington Township. This ordinance will authorize the City Law Director to file an annexation petition in Franklin County to incorporate the second parcel into the City of Dublin.

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

Ordinance 03-14

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire 0.018 Acres, More or Less, Permanent Multi-Use, Utility, Grading, Utility and Drainage Easement and a 0.011 Acres, More or Less, Temporary Easement from James A. Harden and Catherine T. Harden, and Declaring an Emergency.

Ms. Ott stated that this is the first of several acquisitions related to the construction of the final phase of the Dublin Road South bikepath. A few years ago, construction of the bikepath began on Dublin Road at Tuttle Road and has continued north along Dublin Road for the past two years. The overall project involves 18 property owners; some are within the township and some are within the City limits. The project itself consists of 3,500 linear feet -- one of the City's longest bikepath sections to be

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implemented in one phase. There are also some complexities with this project due to the amount of limestone wall –over 1,600 linear feet of limestone wall is to be reconstructed. There are also two 20-foot long pedestrian bridges to install, as well as a culvert crossing. The City is working closely with the property owners who are impacted by the project. The City anticipates completing the acquisition phase in the first half of 2014 and working with utility companies for the relocation of utilities in the second half of 2014. At least 21 utility poles have been identified that will need relocation. Construction will be scheduled in 2015, and staff will work with the School District on the timing issues. This property acquisition is for the appraised value.

Vice Mayor Gerber moved for emergency passage.

Ms. Salay seconded the motion.

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

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

Ordinance 04-14

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire 0.054 Acres, More or Less, Permanent Multi-Use, Utility, Grading, Utility and Drainage Easements from JC Land Company, Ltd., and Declaring an Emergency.

Ms. Ott stated that this relates to a second property acquisition for the Dublin Road bikepath project. An agreement has been reached with the property owners for the appraised value.

Vice Mayor Gerber moved for emergency passage.

Ms. Salay seconded the motion.

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

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

Ordinance 05-14

Authorizing the Appropriation of a 1.437 Acre Parcel, More or Less, Fee Simple Interest from Peace Hanson LLC, Located at 6570 Riverside Drive, City of Dublin, County of Franklin, State of Ohio.

Mr. Smith stated that Ordinances 05-14 and 06-14 are proposed acquisitions of land necessary for the Riverside Drive relocation project. This legislation will authorize the City to pursue an eminent domain action, although negotiations are continuing with both property owners.

Ms. Chinnici-Zuercher suggested that when projects such as the Dublin Road bikepath and the Riverside Drive relocation projects are completed, the property owners should be invited to have a role in the grand openings. It is due to their willingness to work with the City that the City is able to complete these major projects.

Wallace Maurer, 7451 Dublin Road, stated that he would like to express sympathy for the property owners who are impacted by these property acquisitions.

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

Ordinance 06-14

Authorizing the Appropriation of a 0.34 Acres, More or Less, Fee Simple Interest of which 0.116 Acres, More or Less, Is Present Road Occupied from Jen-Josh LLC, Located at 6694 Riverside Drive, City of Dublin, County of Franklin, State of Ohio.

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

Ordinance 07-14

Authorizing the City Manager to Dedicate 0.571 Acres, More or Less, of Permanent Right-of-Way, and 0.128 Acres, More or Less, of Temporary Easement to the Ohio Department of Transportation in Conjunction with the I-270/US 33 Interchange Project.

Ms. Grigsby stated that this project continues to move forward. ODOT and the City are currently working on the design as well as the right-of-way acquisition. The City owns several parcels in the area in which improvements will be made. This request is for the dedication of those rights-of-way and easements to ODOT at no cost.

Mr. Keenan noted that the drilling rigs currently located in this area are conducting geological core samples.

Wallace Maurer, 7451 Dublin Road, inquired if ODOT had ruled, accepted, rejected or modified the City's proposed aesthetics design for this project.

Ms. Grigsby responded that ODOT has accepted the City's preferred design.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 08-14

Amending the Annual Appropriations Ordinance for the Fiscal Year Ending December 31, 2014.

Vice Mayor Gerber introduced the ordinance.

Ms. Mumma stated that this is routine legislation brought forward at the beginning of each calendar year. This legislation appropriates the unencumbered funds remaining within the Tree Preservation account and appropriates to the Tax Increment Financing (TIF) Fund the debt service payments that relate to those TIFs.

Ms. Chinnici-Zuercher moved to dispense with the second reading/public hearing. Vice Mayor Gerber seconded the motion.

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

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

Ordinance 09-14

Rezoning Approximately 27.5 Acres, Located on the North Side of Hard Road and on the West Side of Sawmill Road, from PUD, Planned Unit Development District (NE Quadrant, Subarea 5A) to PUD, Planned Unit Development District (NE Quadrant, Subarea 5A - Amended) to Modify the Development Text and Preliminary Development Plan Regarding an Addition to the Existing Grocery Store and Modifications to the Permitted and Conditional Uses. (Case 13-084Z/PDP/FDP/CU)

Vice Mayor Gerber introduced the ordinance.

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Ms. Rauch stated that this subarea was rezoned in a final development plan in 2004. This a request to make modifications to the development text and preliminary development plan for the addition to the existing grocery store, which is at the northwest corner of the intersection of Sawmill and Hard roads. This site contains the Kroger Shopping Center and outbuildings. The proposal contains two parts of the applicant's request.

- Proposed modifications to the permitted square footages of the Kroger building and uses for the entire shopping center. The existing development text permits a total of 173,976 square footage for the first phase of the shopping center, of which 99,945 square feet was permitted for the grocery and 74,031 square feet for retail. The applicant desires to provide two additional areas to the Kroger building – a just over 5,000 square foot addition to the rear of the building for office and storage, and a 500 square foot addition to the front. To accommodate this, the applicant is requesting a modification to increase the Kroger building area to 105,067 square feet. The Planning Commission review included discussion about the original intent that this remain a neighborhood center. In order to address the Commission's concern, the applicant has identified within the text that the retail portion would be limited to a maximum of 98,500 square feet. The remaining area could be used for office and storage.
- A 24,000-square-foot addition to the rear along Emerald Parkway. The Planning Commission decreased the square footage of that to 23,500 square feet to offset the 500 square feet addition to the front. There were also minor modifications to the uses outlined in the text, which are comparable to other retail centers. Health and Allied Services was added as a Permitted Use with a cap on class size. Conditional Uses were added for tutoring services and real estate offices, and the Outdoor Service was expanded to clarify that it included outdoor dining patios. The last three were designated as Conditional Uses so that the Planning Commission would have purview over their approval.

The Commission recommends approval of their requests with the additional condition, as noted, to reduce the square footage.

Ben Hale, Jr., 37 West Broad Street, Columbus, stated that the Kroger building on Sawmill was one of the first large grocery centers that they built. It has existed in this location for several years, and the applicant has learned much about the preferences of their customers. In addition, two strong grocery/retail competitors will be opening across the street and just to the north -- a Super WalMart and Super Target. Kroger needs to remodel the existing store interior to be able to compete. The remodel will include moving the coffee shop to the front with an outdoor seating area for the coffee shop. The addition to the building will be seamless in terms of architecture and will be used for office and storage. Because of insufficient storage today, it is necessary for Kroger to run panel trucks to another store to keep this store supplied. With additional storage, those goods could be brought in with the regular truck deliveries. This remodel will enable them to expand the outer ring of their store. They have contacted and sent a copy of their plans to the East Dublin Civic Association. He spoke with Mr. Parkhill, the Association President, who indicated that they have no objection to the proposed plans.

Mr. Lecklider stated that there were two Commission dissenters, and a third Commissioner who expressed some concerns. They requested that 6,000 square feet be eliminated from the unbuilt addition to be consistent with the current zoning and to take into consideration the history of this development, which was the subject of a citywide referendum, and given the sensitivity regarding the amount of retail space. That sounds reasonable to him, although it was not staff's recommendation. Staff's recommendation was one of approval, however.

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Ms. Rauch responded that it was staff's recommendation not to reduce the future 24,000 square feet further.

Mr. Lecklider stated that he appreciates Kroger is expert at knowing what is necessary for them to succeed in a competitive marketplace. He also appreciates that Mr. Hale has spoken with Mr. Parkhill. However, he would like the survey to be a little more comprehensive. He can contact Mr. Parkhill and other leaders in that area. There is already a lot of retail development in that area, which concerns him.

Mr. Hale responded that Kroger leases this building. They do not control the rest of the center. When the center was constructed, the extension was intended to create a courtyard behind the building in view of Emerald Parkway. With the planned extension of Emerald Parkway, the construction of that retail becomes more likely and it also provides a way to create that courtyard. If 6,000 square feet were to be removed, it would only open up the courtyard area more. They have already placed a limit on the retail portion of the building, so the addition is limited to office and storage. The square footage for retail has not been increased. Because of insufficient storage, it is necessary for Kroger to run panel trucks bringing in the needed goods.

Ms. Chinnici-Zuercher noted that Kroger was originally located on the east side of Sawmill Road, and several years ago, elected to move to the Dublin side. Council has witnessed what has happened with Dublin Village Center when all the businesses moved across the street. For 10 years or more now, the Center has been an empty area in Dublin. Although there certainly were issues with this 15 years ago, much has changed in the way grocery stores do business. An enormous amount has changed along Sawmill Road, and there will be more big box retail in this area, which Dublin does not want. The City needs to be cautious and smart about the expansion permitted. It is important not to lose businesses because of past requirements that aren't consistent with the industries at this point in time.

Mayor Keenan stated that it is noteworthy that Mack Parkhill and the East Dublin Civic Association have indicated that they have no objection to the proposed storage and office space.

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

Ordinance 10-14

Authorizing the Provision of Certain Incentives to Everhart Financial Group, Inc., dba Everhart Advisors to Induce it to Retain a Main Office and Associated Operations and Workforce within the City, and Authorizing the Execution of a Development and Land Exchange Agreement.

Vice Mayor Gerber introduced the ordinance.

Mr. Gracia stated that staff has been in discussions with Dublin-based Everhart Financial Group regarding their interest in building a new corporate headquarters of approximately 8,000-10,000 square feet in Dublin. They have identified four parcels at the intersection of Perimeter and Post Road for their construction. Two parcels are owned by the City and comprise just under one acre. They are also in contract for the purchase of 7155 Post Road and an undeveloped parcel currently owned by Mount Carmel Health just north of Perimeter Drive, which together total approximately 2.8 acres. The proposed economic development agreement would provide for the transfer of 0.74 acres of the 0.924 acres of City-owned land to Everhart. Contingent upon the land transfer and land purchase, all four parcels would require rezoning. This rezoning is tentatively scheduled on the February 6 Planning and Zoning Commission meeting agenda.

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

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 03-14

Accepting the Lowest and Best Bid for Construction of Additional Storage Buildings and Renovations to the Existing Building.

Vice Mayor Gerber introduced the resolution.

Ms. Crandall stated that Resolutions 03-14 and 04-14 are related to the same project. Resolution 03-14 would accept the lowest/best bid for two items:

- Construction of an additional storage building in an area adjacent to the City's fleet maintenance building for storage of equipment.
- Renovation of an existing wash bay that is also used as a cold storage facility to accommodate an automated vehicle wash system.

The total budget for this project was \$500,000. Ten bids were received. The lowest/best bid was \$537,200 received from 2K General. However, in addition to the items included in this bid, there is an additional cost for the automated wash system of \$137,000, which is addressed in Resolution 04-14. The project cost will be \$174,200 over the estimated budget cost. The additional cost will be paid from reserves and resulted from the need for more electrical capacity for the wash system and significant modifications to the existing drain system.

Vice Mayor Salay asked about the level of noise anticipated from the automatic vehicle wash system, given the adjacent residents.

Ms. Crandall responded that it is not anticipated to be any louder than the other noise generated in this area from the existing activities.

Mr. Keenan stated that there was previous discussion about this project.

Ms. Grigsby stated that it was discussed in conjunction with the AEP easement for the electrical service.

Mayor Keenan inquired if 2K General is a local company.

Ms. Crandall responded that they are a local company, and the City has previous experience with them. They have performed excellent work.

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

Resolution 04-14

Waiving the Competitive Bidding Requirement for the Purchase and Installation of a Vehicle Wash System.

Mr. Lecklider introduced the resolution.

Ms. Crandall stated that this is the second component of the project. With the assistance of a consultant, seven automatic vehicle wash systems were evaluated based on specific criteria. One criteria of particular importance was the underbody wash system. There is significant impact to the undercarriage of City vehicles from salt. City vehicles travel 4,500 – 5,000 miles per year, and the vehicles are kept for an extended period of time.

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

Resolution 06-14

Authorizing the City Manager to Enter into an Agreement with the Ohio Department of Transportation for the Resurfacing of Sawmill Road within the City of Dublin.

Vice Mayor Gerber introduced the resolution.

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Mr. Hammersmith stated that staff has previously reported on this project, which involves a northbound lane addition on Sawmill Road. This resolution is the consent legislation that ODOT requests from the City of Dublin. The City's portion of the project will be the pavement along the west side of Sawmill Road, south of Billingsley Road up to the I-270 bridge. The City is also requesting some curb replacements and sidewalk additions as part of the project. The cost of the work for Dublin will be \$49,330; the total project cost is \$2.6 million. Initiation of construction is anticipated in the summer of 2014.

Ms. Chinnici-Zuercher inquired the timeframe for the resurfacing.

Mr. Hammersmith responded that will be done as a component of the project, and he estimated the resurfacing will be done in the fall of 2014.

Mr. Lecklider noted that the staff memo indicates resurfacing will likely begin in September 2014, but won't be completed until June 2015.

Mr. Hammersmith stated that is the timeframe for the entire project .

Mr. Lecklider inquired if it is conceivable that the resurfacing and the addition of one lane could be completed by the end of this year.

Mr. Hammersmith responded that is the goal, but it depends upon the weather and the utility conflicts involved.

Mr. Lecklider inquired if this is part of a long-term plan to address issues with the volume of traffic exiting from I-270.

Mr. Hammersmith responded that it is a component of their ramp Clear program, an initiative to prevent vehicles from stacking on the ramp, backing up and congesting the freeway itself. ODOT studies identified that, particularly in the p.m. peak traffic, many of the vehicles exit the ramp north on Sawmill, and many then turn right onto Hard Road.

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

Resolution 07-14

Authorizing the City Manager to Execute Necessary Documents for the City to Enter into a Billing Agreement with Washington Township, Ohio for the Provision of Fire and Emergency Medical Services to Those Properties in the Jerome Township Portion of Tartan Ridge for Which Easements for Fire and Emergency Medical Services Have Been Executed by the Property Owners.

Vice Mayor Gerber introduced the resolution.

Ms. Ott stated that staff has been working with Washington Township and the Tartan Ridge developer, and reaching out to Jerome Township in an effort to address fire and EMS service providers in the Tartan Ridge development and to clarify jurisdictional boundaries. Some property owners in the Jerome Township/City of Dublin portion of the development have agreed to execute an easement to allow Washington Township to provide these services within the Jerome Township boundaries. As part of that cooperative effort with Washington Township, Dublin staff recommends that the City serve as a billing agent to collect charges for the services to those properties. The City has the ability and staff capacity to provide this billing service. In tandem with this effort, staff continues to work with Washington Township and will be meeting soon with Jerome Township officials to discuss the possibility of a solution by means of a township boundary adjustment, and whether that solution could be feasible this year.

Ms. Chinnici-Zuercher stated that the memo indicates 14 of the 30 Jerome Township/City of Dublin residents in Tartan Ridge have signed the agreement. Has there been any increase in that number?

Ms. Ott responded that she is not aware of any increase.

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Ms. Chinnici-Zuercher asked about the reason that the remaining property owners have not signed an easement.

Ms. Ott responded that Washington Township has been handling those negotiations, so she is able to share only the information the City has from Washington Township. The City has heard that some residents have issues with the Community Authority, which at one point, was levying the charge to these properties. The Community Authority has taken action so that they are no longer responsible for doing so. Other property owners are attempting to understand what receiving this bill will mean to them, as it is not part of their property tax.

Mayor Keenan noted that the Community Authority is a separate issue, and he trusts that is being kept separate during these negotiations.

Ms. Ott responded affirmatively. The discussion has focused on the goal of providing Dublin-level services to the entire Tartan Ridge neighborhood.

Mayor Keenan inquired if this arrangement for billing will have the same force of law as a tax duplicate, since these fees are collected in arrears. Although this is an easement that indicates the property owner will pay the fee, what occurs if the property changes ownership? Is it similar to a tax bill that is addressed at the closing, where the seller and buyer are each responsible for certain amounts?

Ms. Grigsby responded that it should have the same force of law. The easement will be recorded and should include all the information on the billing status. It would be found in any title search on the property.

Mr. Smith stated that Legal staff checked with their real estate contacts. This will show up in the same manner as a tax lien and will be pro-rated at the time of the closing.

Mr. Keenan inquired about mutual aid service in this neighborhood. There are 16 property owners who have not signed agreements – are they assuming that Jerome Township will handle that issue?

Ms. Ott stated that for the 16 property owners who have chosen to remain with Jerome Township services, their 9-1-1 calls will be handled by the Union County Sheriff's Department. It is essential that the property owners understand that their 9-1-1 calls received by Dublin will be transferred to and handled by Union County. Should there be a need for mutual aid services, then Dublin's mutual aid process in place will support them. However, the initial dispatching will be handled by Union County.

Ms. Grigsby added that this information was included in the January 9th letter to the residents.

Mr. Keenan responded that he wanted to reiterate it and ensure that it was made very clear going forward.

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

OTHER

- Request for Maintenance Relief - Cramer's Crossing Village Condominium Association

Based on the request from the Association, Vice Mayor Gerber moved to postpone this item until a February meeting.

Ms. Salay seconded the motion.

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

STAFF COMMENTS

Ms. Grigsby reported:

1. A memo was provided to Council on the dais about a public information meeting regarding the Emerald Parkway Phase 8 project. Letters were sent to

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all the surrounding residents today, providing them an update on the project and some information related to the blasting that will occur in conjunction with the project.

2. As indicated in the Items of Interest memo, there is a need to begin the process to engage a backup magistrate to replace Mr. Peterson, who is now serving on Council. The same magistrate selection process will be followed that was used a few years ago. Staff plans to move forward with the process, unless Council directs otherwise.
3. Information was also provided tonight regarding recent weather-related services. Some staff members have been working 12-hour shifts during the past week. The City did receive a few complaints that some residential streets were not plowed on Saturday, but the focus was on the primary and secondary streets as a priority. Staff believes sufficient salt is available for the next few weather events. Staff will continue to order salt and anticipates continued ability to maintain an adequate salt supply.
4. She recognized the staff who have been providing the road service. It is an exhausting job for those operating snow plows for 12-hour shifts.

Mayor Keenan stated that with this particular event, the wind squalls resulted in the need for continued clearing of the primary and secondary roads, which delayed the residential street clearing. In any case, the City's road service is second to none in central Ohio.

Mayor Keenan asked if Council members have any issues with the magistrate selection process proceeding as described in the memo.

Ms. Grigsby confirmed that it is an RFP process, and the Administrative Committee of Council will interview the qualified candidates.

There was no objection from Council members to moving forward with this process.

COUNCIL COMMITTEE REPORTS

Vice Mayor Gerber, Administrative Committee Chair reported:

- The Committee has agreed to utilize a facilitator for the Council retreat. Staff can proceed with those arrangements. He asked that Council members send him via e-mail suggestions or comments regarding retreat agenda topics by February 10.
- Board and commission candidate interviews will be conducted on Wednesday, March 5 beginning at 6 p.m.
- As an Administrative Committee member, he will attend the January 29 Architectural Review Board meeting to provide background regarding the Code of Conduct forms that Board and Commission members will be required to sign. He suggested that the other Administrative Committee members commit to doing the same for the February 6th Planning Commission meeting, the February 11th Community Services Advisory Commission meeting, and the February 27th Board of Zoning Appeals meeting.

Ms. Chinnici-Zuercher, Finance Committee Chair reported that during its hotel-motel tax grant review, the Finance Committee had placed the Dublin A.M. Rotary application on hold because they did not have a comprehensive proposal ready at that time. She and Vice Mayor Gerber spoke with two of the Rotary members regarding their proposal, and the members indicated they will be preparing and submitting an application for a 2015 St. Patrick's Day event. The Finance Committee review will be scheduled when their application is ready.

COUNCIL ROUNDTABLE

Mr. Peterson reported that, in his role as Council's liaison to Dublin Schools, he met with Superintendent Dr. Hoadley and Treasurer/CFO Steve Osborne. They discussed several issues and he is looking forward to working with both individuals. Dr. Hoadley

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noted that he had attended the Bridge Street Corridor meeting and was excited about the project. Certainly, the relationship between the City and the Schools is very important.

Ms. Salay:

- Asked for clarification -- is Council to suggest possible retreat topics via e-mail versus having discussion tonight?

Vice Mayor Gerber responded that is correct.

- Thanked Council members for the birthday gift card!

Ms. Chinnici-Zuercher:

- Requested clarification regarding the memo about elderly care facilities, which she found confusing. The memo seemed to indicate that the City does not have a standard zoning classification to use, and that a variety of zoning classifications have been used, based upon location and the type of facility proposed. She had previously expressed concern about the number of these facilities locating within Dublin. A couple of years ago, Council was informed that the northwest area of Franklin county was deficient in the number of beds recommended to serve the population. However, it now seems these facilities have all decided to locate in Dublin, rather than other locations in the northwest area of Franklin County. She acknowledged that many of these facilities have already been approved in Dublin. But how does this memo give guidance to Council about how to proceed in the future to ensure the result is not an overabundance of such beds within Dublin?

Mr. McDaniel responded that he believes there are two issues involved. The initial question relates to long-term care facilities. That response involves the distribution, and staff attempted to address that in the memo, based upon information from the Ohio Department of Health regarding facility licenses. The second issue relates to Dublin's Zoning Code. Mr. Langworthy, who is knowledgeable about the Code requirements, is not present tonight. He would prefer to have Mr. Langworthy respond to that part of the question. He believes what Mr. Langworthy indicated in the memo, however, was that the City needs to update the Code, if the policy direction is to guide where and how these facilities can be located. He would suggest that Council address this in the future from a policy standpoint.

Ms. Chinnici-Zuercher asked if staff is already working on the Code issues.

Mr. McDaniel responded that staff provided this background in response to her initial question.

Mayor Keenan agreed that the information in the memo was somewhat confusing.

Mr. McDaniel responded that there is no real answer to the second question at this time, but perhaps Council can determine if they desire to address this as a policy issue going forward.

Mayor Keenan stated that Cleveland and Cincinnati have an overabundance of these facilities. The northwest area of Franklin County has a need, but the issue seems to be the co-mingling of assisted living and 24-hour care facilities.

Mr. McDaniel noted that as far as the northwest county needs – that is driven by demographics and the market. If Council wants to influence where and how they are located in the City, it must be addressed in the Code.

Vice Mayor Gerber stated that the experts have indicated that in the next five years, the population age 65 and over will double. He is interested in having staff identify how to address these types of facilities in the City's Code.

Ms. Salay stated that there have been two such companies interested in locating in the area near Llewellyn Farms, one of which was discouraged. Staff had indicated that because it was more of a hospital facility, it was not permitted in that location.

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However, that appears to "leave the door open" for another type of facility. These neighborhood residents would like to know where these might be located. Council needs to be proactive and locate the facilities where they make sense and in the number needed to serve the community. There is a lot of opportunity in the market for senior living apartments. However, Dublin does not want an overabundance of the facilities, and should be selective about their location.

Mayor Keenan stated that, given Dublin's land values, it seems such facilities would want to locate elsewhere. Are other areas of Franklin county experiencing a similar situation?

Mr. McDaniel responded that he does not have that information.

Ms. Salay noted that for the same reason Dublin is attractive to current residents, it is an attractive location for those facilities. There are some individuals who independently choose to go into assisted living. There are also cases where family members are making that decision, and they want their family members to be close to them, in a nice community, with quality medical services available.

Mr. McDaniel summarized that staff responded to the initial question about licensing and distribution – that is handled by the State. In conjunction with that question, staff also reviewed the City's Code and the challenges the City has experienced the last few years as the demand for these facilities increased. Staff has recognized that the Code needs to be revised to address this adequately. Based on this discussion, staff will proceed with that work. Proposed Code amendments will be brought back to Council.

Mayor Keenan suggested that he also have the Law Department review the issues.

Ms. Chinnici-Zuercher continued:

- She commended the City's "snow warriors" – they do an excellent job. She only received two emails with criticism about plowing streets. The residents are accustomed to such excellent snow and ice service that they forget that service can be impacted by extreme weather conditions. Thanks to everyone involved for providing such a high level of service to the community.

Mr. Lecklider:

- Also expressed his appreciation to all the staff who have been involved in snow removal efforts. Dublin does a better job at snow removal than any city he has ever lived in or been familiar with! He appreciates the fact that working 12-hour shifts this past week, the week previous, and with the prospect of doing it again in the near future is a personal sacrifice for staff, as well. Hats off to these Dublin employees!

Vice Mayor Gerber:

- Wished Ms. Salay a Happy Birthday!
- Also commented favorably on the City's exceptional snow removal operations. Over the weekend, he had to operate his snow blower a couple of times to keep his drive and sidewalk clear. The conditions were certainly challenging.

Mayor Keenan:

- Stated that Ms. Chinnici-Zuercher and Mr. Lecklider had advised him that the role of Mayor brings a significant level of activities, and those began immediately for him. He attended the World Heritage Sites of Japan opening reception at the Dublin Arts Council on January 14; participated in a Channel 6 interview with Good Day Columbus on January 18; and presented a proclamation on behalf of Council at the Dr. Martin Luther King, Jr. Day observance on January 20. He also participated in the Grand Leprechaun selection meeting on January 23. Congratulations to the 2014 Grand

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Leprechaun, Michael Blackwell, Dublin Branch Library Manager who has been very active as a volunteer in the community for many years.

- Noted that Mr. McDaniel has been named 2014 Chairperson of the Franklin County Emergency Management and Homeland Security. Mr. McDaniel served as the agency's Vice Chair in 2013. Council appreciates his community involvement.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Mayor – Presiding Officer

Clerk of Council