

Construction of a Shared-use Path as part of the Dublin Road South Phase 3 Project, and Declaring an Emergency.

Vice Mayor Gerber introduced the ordinance.

Ms. Grigsby stated these easements are needed for construction of the Dublin Road South path project. The appraisal was \$8,050, and the City agreed to a negotiated amount of \$8,850. Staff recommends Council dispense with the public hearing and adopt this as an emergency.

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

Ms. Chinnici-Zuercher seconded the motion.

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

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

STAFF COMMENTS

Ms. Grigsby reported that a memo was provided in the packet related to temporary signs. Staff has provided potential amendments to the Sign Code, and unless Council directs otherwise, staff will present these amendments to the Planning & Zoning Commission for their review.

Ms. Chinnici-Zuercher commented that a four-square foot sign would be difficult to view from the road. Perhaps the location of this type of temporary sign is in pedestrian-oriented locations and not to be viewed from a vehicle.

Mr. Langworthy responded that most of the examples she references are ones where they would be viewed up close – not from the roadway.

Mr. Lecklider asked if it is theoretically possible that a sign could be erected at a site in perpetuity, even at a smaller size. That is his understanding of the information provided in the memo.

Mr. Langworthy responded that, theoretically, it is possible.

Mayor Keenan stated that if there are vacancies in a building and the sign permit is renewed, the sign can remain in place.

Mr. Langworthy agreed.

Mayor Keenan stated that if there are no vacancies in a building, however, staff could enforce removal of a temporary sign. Is that correct?

Mr. Langworthy responded that, as noted in an earlier memo, the difficulty is in monitoring the status on a day-to-day basis and the fact that leases expire at different points in time.

Mr. Lecklider stated that the City's interest is obviously in having such space filled. However, it seems contradictory to have these "permanent" temporary signs in view of Dublin's sign culture.

Ms. Salay agreed, noting these are the reasons she first raised the issue. It is not in keeping with the desired community appearance.

Ms. Chinnici-Zuercher added that she is more conscious of this since Council's discussion. It is a reflection of the economic times, which created this problem. If there is truly a very low vacancy rate in Dublin, it is hard to understand why all of these signs exist. This is at least a better option – reducing the temporary sign size – if there is not another alternative.

Mr. Lecklider commented that he is hopeful there will be a technological advance in the future that may eliminate the need for these signs.

Mr. Peterson added that the signs also serve as marketing for the landlords as much as the vacant space. It seems unlikely that those seeking office space are attracted to these signs; they generally use the services of a broker.

Ms. Salay stated that in any case, this is a step forward and it is hoped that there will be other options available in the future.

COUNCIL COMMITTEE REPORTS

Ms. Salay, Planning & Zoning Commission representative stated that a discussion is scheduled regarding cementitious siding at the Commission on September 11. She shared with the Commission last Thursday that Council is very interested in limiting the amount of this material on future buildings in the Bridge Street District. She noted that Council is interested in more education on this product. Commissioner Hardt is very knowledgeable on this topic as he is an architect. He shared information with the Commission members. She encouraged all Council members to view the website referenced and look at the products to determine how they might work in Dublin. She invited Council to view the products on display on Thursday, September 11. A future discussion can follow with Council.

With regard to the review process for the Bridge Street District, and the roles of Council and the Commission, it is important to clarify this so that everyone understands the process.

Mayor Keenan asked Ms. Grigsby to provide some suggestions about how such clarity regarding the review process for the Bridge Street District can be achieved.

Ms. Grigsby responded that staff will provide information to Council about this topic. Council workshops can be scheduled with developers in regard to their individual projects. This would provide an opportunity to review the principles of the economic development agreements for each individual project, ensuring Council is comfortable with the proposed City participation in the project. Staff will work on information to be presented and propose some potential workshop dates.

Vice Mayor Gerber, Chair, Administrative Committee stated that the printed version of the City Manager recruitment profile has been distributed on the dais. He thanked Ms. Puskarcik and Ms. Renschler for their work on this.

He also reported that the 2015 proposed Council Regular Meeting schedule was in the packet, and this should be scheduled for discussion.

Mayor Keenan suggested the meeting schedule be considered at the September 22 meeting.

Ms. Chinnici-Zuercher noted that the City Manager profile included the renderings of the future Bridge Street District. She recalls that Council had requested these not be included, as the District does not yet exist. It is a prominent feature of the front of the profile.

Mayor Keenan stated that his understanding is the size of this rendering was reduced from the first version.

Ms. Chinnici-Zuercher responded that it should not be a front page portion of the document.

Ms. Grigsby stated that Council can give direction on any modifications they desire. It was discussed that the Bridge Street District is a priority for the City, but different options can be considered for the front of the profile if Council desires.

Vice Mayor Gerber noted that the previous discussion of Council emphasized that a priority for the new City Manager is the Bridge Street District, and this is likely why the rendering remains on the front in a reduced size. He asked for direction from Council. Mayor Keenan stated that this will be a major part of the new Manager's job, and is important to highlight.

Mr. Reiner agreed that this will be a major effort for the new City Manager. He is fine with the draft profile as it has been distributed to Council.

COUNCIL ROUNDTABLE

Mr. Peterson stated that he has the opportunity of interacting with staff at his residence in the past couple of weeks. Officer Chuck Sterling handled the situation

He asked Council members to review the proposal in the packet regarding the Eddie Adams Vietnam exhibition. The proposal was to be presented tonight by Mr. Guion, but due to a death in Mr. Guion's family, the presentation has been delayed until July 1.

Vice Mayor Gerber noted that this is a very interesting opportunity, based on his discussion with Mr. Guion and Ms. Puskarcik and review of the brochures.

Mr. Reiner agreed, noting this is of national importance and something typically hosted by major cities.

COUNCIL ROUNDTABLE

Mr. Lecklider commented:

1. A memo regarding neon and neon look alike signs was included in the packet. How does the City propose to address what appears to be a proliferation of these signs? The example provided in the packet is about a transgression that occurred in 2011, yet the sign remains in place.

Ms. Salay added that the signage remains in place, and there is another business in the same center with similar signage.

Ms. Readler commented in regard to the documents of the particular case that were included in the packet and another unrelated case heard before the City's magistrate. There was some discussion in both cases about the definitions of "neon" and "neon look alike" signage. Based on those discussions, Code Enforcement stopped pursuing complaints regarding those neon and neon look alike signs, specifically. Legal staff was asked to review the definition and they performed case law research. The determination was that the City can enforce that section as written. If the desire is to initiate Code enforcement again for this item, that can be done, based on the existing section. The issue that was identified in this further review is that there are LED signs and various new types of signs that the City wants to encourage, yet these could be encompassed by the existing Code section language. Therefore, staff would like to review the section, further define and separate the neon -- which are the open types of signs the City wants to prohibit, while permitting those LED signs -- especially in the Bridge Street District. It will require further analysis of what types of signs are acceptable and which ones the City wants to prohibit.

Ms. Salay stated that she is not familiar with the appearance of an LED sign. Her sense is that the signs that Council considers as "neon look alike" are lit signs in the business windows, indicating the business is open or closed, some of which flash. She is not certain if these are LEDs or neon look alike -- but she does not believe these are consistent with the community standards. One case was dismissed because the magistrate indicated the Code was defective, however staff is now indicating this same case can be pursued. The magistrate had a different opinion, so how can this be reconciled?

Ms. Readler responded that Legal staff spoke with the two magistrates who heard the two separate cases. They indicated they did not dismiss the case based on the definition in the Code. Rather, when there are a series of charges, sometimes a defendant will plead to one and the other charges are dismissed.

Mr. Smith commented that Legal staff reviewed the recordings of the Court session and spoke with Mr. Campbell and Mr. Close who served as magistrates at that time. Both indicated that their interpretation was not that the Code was unenforceable. Legal staff has directed Code Enforcement to resume enforcement. The question at this point is whether there is consensus for Planning staff to draft a new definition that will incorporate LED and other new types of signage on the market.

Vice Mayor Gerber stated that as Ms. Salay indicated, he is not certain what signs are being referred to with this proposed language change. However, he is pleased to hear that Legal staff believes the Code as written is clear and is enforceable. He is also pleased to hear this feedback from the magistrates. His view is that staff should proceed with enforcement of the Code as written.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 23, 2014

Page 13 of 16

Held

20

Ms. Chinnici-Zuercher commented that she does not disagree, but has a question. The packet includes an example of such signage. Her understanding of such signage is it should advertise the name of the company, not the hours or business offerings with signs in windows. Is this correct? If so, why would this signage have been approved?

Ms. Readler stated that is correct. She deferred to Planning staff on the question of approval of the sign permit.

Ms. Salay recalls that the City attempted to cite this business for the signage, yet the case was dismissed. This individual has proceeded to have signs that are not permitted under Dublin's Code.

Ms. Readler clarified that there were a series of charges for this business owner, The defendant pleaded guilty to one of the other charges, and the remaining charges were dismissed.

Ms. Salay asked if this can now be enforced, given it has continued to exist since the charges were dismissed.

Ms. Readler responded affirmatively.

Ms. Chinnici-Zuercher stated that it is necessary to pursue this enforcement for purposes of holding others accountable to the same standards. She wants clarification that the sign code allows only the name of the company – not what they sell or their hours.

Ms. Readler responded that for this specific case, it related to the neon element. The Code is intended to address the signs with language as she has described. As written, the Code does prohibit this.

Ms. Chinnici-Zuercher noted that the example in the packet contains portions that are not neon, but appear to be lettering on the window and not lit. Is this permissible?

Ms. Readler responded this was one of the other charges. This business was cited for a series of violations. The goal of Code Enforcement cases is to secure compliance, and if this is achieved, the charges are generally dismissed. With regard to this open sign in particular, there was confusion about the Code section language.

Ms. Salay stated there is complete confusion at this time, because this business has been allowed to have the neon sign plus other window signage for all of these years. This is problematic and she is disappointed with what has transpired. She is pleased the Code will now be enforced, but there are many businesses with such signage in place that will have to be cited. In addition, staff is talking of LED signage for Bridge Street District.

Ms. Readler stated that staff would review all of the existing neon-type signs that exist and begin Code compliance proceedings. Staff would also like to explore the newer sign types in the market and return to Council with an amendment to carve out some of these that the City may want to encourage in the Bridge Street District.

Ms. Chinnici-Zuercher stated that in the review of the existing neon-type signs, the other issue to be reviewed is if the City approved them. A recent example of the general issue is the HER signage on Perimeter, where it was determined the size of the letters are much larger than what is allowed, although the staff approved the sign. It seems that if permits were issued, the City cannot go back and demand the sign be changed.

Ms. Grigsby responded that for many of the open-style signs under discussion, there were no permits approved. The HER sign referenced was approved in error on the City's part. The size and color of the signage is fine – it is the size of the lettering that is not compliant.

Vice Mayor Gerber reiterated that the Code should now be enforced. If there are new signage types for review, such as LED, that can be done. It seems that there has been some inconsistent sign code enforcement and inconsistent sign permit approval over the years – regardless of the Code language. A review of what is permitted and enforced is warranted. Discussion can be held at a later time when the information is available.

RECORD OF PROCEEDINGS
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 23, 2014

Page 14 of 16

Held _____

20 _____

Mr. Lecklider stated that he does hear consensus on this matter, whether it will require an amendment or whatever. If there is a desire to carve out some exception of sign types for the Bridge Street District, a later discussion will be necessary.

Mr. Lecklider continued:

2. In regard to the memo about temporary real estate signs, he is trying to balance the interests with this. Staff indicates that it is in the City's interest to have vacant commercial space leased. However, in reading the staff memo, it seems that someone could have such a sign in place in perpetuity. A building owner would naturally have a sign in place in order to advertise the space for lease. Residential real estate signs in yards are a decades old tradition/practice. Practically speaking, for someone buying a home, do they really drive through neighborhoods to view property for sale – or do they engage an agent to identify the available properties? For commercial real estate leasing, he is not as familiar with practices. The temporary signs for commercial real estate remain in place from year to year.

Ms. Salay added that she finds it ironic that Dublin is so careful with the sign code, appearance of buildings, architecture and landscaping to achieve the highest aesthetic standards. Yet the City allows huge temporary signs that remain in place indefinitely. Residential and commercial real estate are very different, and she believes prospective buyers drive through neighborhoods looking for homes. For commercial real estate, she believes it is unlikely that they will drive by the building. They may contact the Economic Development department about potential office space. She is not opposed to some temporary signs, but believes there should be a limit to the number, the size and the time period. There is a building at Tuttle and Frantz Road where this temporary signage has been in place since the building opened.

Vice Mayor Gerber stated that there is a balance with respect to free speech rights. He is aware that some do drive through the commercial districts to identify office space. He would like to see a report on the City's procedures and processes in regard to such signs. There must be a better way to monitor these signs.

Mr. McDaniel agreed that balance is the key. He shares the frustration with the perpetual signs in place. On the other hand, after discussion with Economic Development staff, he is aware that these signs do serve a purpose for economic development – particularly in multi-tenant buildings. Many small business owners do drive around and identify buildings and the brokers and then contact staff with questions. For a single-tenant building where staff is aware of the lease term, it is possible to monitor the signage more closely versus multi-tenant buildings. In summary, there is a balancing act for this type of regulation.

Mr. Lecklider commented that perhaps there is an electronic application that could be utilized in identifying available commercial space.

Mr. Reiner stated that for the larger buildings with multiple tenants, perhaps once 70-80 percent of the building is leased, the signage should be smaller in size. He does agree that business owners do drive through the City to view commercial space for lease as identified by signs.

Ms. Chinnici-Zuercher suggested that the City could consider smaller signage for this purpose. In addition, it seems there are many such signs permitted on a property that has frontage on two roads. All of the work on aesthetics of the building with landscaping, etc. is lost, due to the size of these temporary signs and number being permitted. For a building with multiple tenants, the leases expire throughout the year, which would necessitate signage on an ongoing basis.

Mr. Langworthy stated that part of staff's proposal to address this is to have smaller signs, and for locations where two signs are allowed, there would be a minimum separation of 50 feet between them.

Vice Mayor Gerber summarized that this seems a good topic for a future work session, given all of this discussion.

Mr. Peterson stated that he and Vice Mayor Gerber met with the neighbors on site to discuss these matters and they are pleased with this change.

Mr. Peterson moved to adopt the change to connect the path at the western end of Jenmar Court versus through the mound.

Vice Mayor Gerber seconded the motion.

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

5. In regard to the adult family home matter, she asked Mr. Smith to provide an update.

Mr. Smith stated that, in the interest of informing the public about the status of this matter, the staff research is continuing. Staff has contacted and retained an expert to assist with the dispersal issue. This individual will be in Dublin on May 29 and arrangements will be made for him to work with staff and seek input from the residents. An e-mail will be sent tomorrow to all of the residents whose e-mail addresses are on file with the City to update them.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Peterson stated that improved signage is needed at Darree Fields to identify the numbers of the ball fields. It is confusing to visitors attending tournaments. Directional signage to the specific field numbers would be very helpful.

Mr. Hahn noted that staff will address this matter.

Ms. Salay:

1. Noted that a loyal fan of City Council, Avery Stinchfield is celebrating his 22nd birthday today. Happy Birthday to Avery who is celebrating with family and friends but will certainly watch this broadcast!
2. Commented that she is pleased that Council will discuss the neighborhood rezoning versus PUD at the June 2 workshop and that the work sessions on the Bridge Street District will be live streamed. This will enable the Planning and Zoning Commissioners to hear this discussion at a convenient time for them versus attending all of the work sessions.
3. Noted that Planning and Zoning Commission discussed the fact that the Architectural Review Board is charged with reviewing the Bridge Park West development. Some of the Commissioners stated that a bigger picture review is needed for site plans, and the ARB typically reviews finer details of buildings. The Commission asked Council to consider whether it would be advisable to involve the Commission in site plan reviews. The intent was to have a streamlined process for applicants in the Bridge Street District. Perhaps ARB members could receive additional training to prepare them for their responsibilities with the Bridge Street District reviews. What they are charged with in the Bridge Street District is very different from their charge within the Historic District.

Mr. Gerber stated that he has brought up this concern for several years in terms of the form-based Code. Effectively, the ARB has been given veto power. Council did provide in the Code that if the developer does not agree with the decision of the ARB, they can appeal to Council.

Ms. Salay responded that ARB is an advisory body, and any negative recommendation of ARB would be reviewed by Council who has the final determination.

Mr. Gerber stated that his understanding is that such appeals are discretionary for Council.

Ms. Salay summarized that this may be another topic for discussion. Whatever bodies assigned to the reviews will need to be prepared to do so.

Ms. Grigsby stated that staff will have information prepared on this topic for the June 2 work session as well.

4. Reported that Planning Commission requested, and she believes it would be helpful as well, that they receive the documents related to Bridge Street District as they come in versus a few days in advance of their review. As projects evolve, the Commission would like to be prepared with questions. If this is not possible, they would need more time to review the packet than what is allowed at this time.

Ms. Grigsby responded that it would make more sense to provide additional review time for the Commission versus providing multiple versions of the same submission, which

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 19, 2014

Page 14 of 15

Held _____

_____20_____

would be confusing. Staff can review the option of timing and providing more time for review on the larger projects.

Ms. Salay stated that would be appreciated on their part.

5. Asked about the neon and neon-like signs that are appearing throughout the City. It is her understanding that a business had a neon-like sign, which is prohibited by Code. When the case was heard at Mayor's Court, the Magistrate determined that the law is unenforceable as written and that the definition of neon and neon-like signage needs to be clarified. Is her recollection correct on this? (Mr. Smith confirmed that it is correct.) There are now neon signs in many business windows and these are not consistent with the community's expectations. Could Code amendments be drafted that would satisfy the magistrate so that neon and neon-like signs would be prohibited? This discussion came up at the Planning Commission meeting.

Mr. Smith stated this can be done. Staff is already working on these amendments.

6. Noted that there are temporary real estate signs in place throughout the City for leasing available office building space. Some of these signs have been in place for years. When the buildings are completely occupied, does the City ask them to remove the signs? Some buildings have multiple, large real estate signs and it detracts from the aesthetics of the office parks. These signs are in essence advertisements for the real estate companies more than for space available in the office buildings.

Ms. Grigsby responded that there is enforcement done and there is a permitting process that is followed. The City has received complaints from those who have to renew their sign permits. Staff can provide an update on the process and how it is carried out each year.

Ms. Salay stated that she would be interested in reviewing this, in light of the abundance of such signs throughout the community.

Mayor Keenan suggested that perhaps the location of the signs could be shown on a GIS map of the City, as this would demonstrate how many are in place.

Ms. Grigsby stated that staff will determine if this is feasible to produce quickly.

Ms. Salay also asked for information about what period of time the same signs have been in place.

Ms. Chinnici-Zuercher:

1. Noted there was a memo in the packet from Mr. Hahn regarding the request for maintenance relief from the Cramer's Crossing Condominium Association. Staff is recommending denial of this request. Is there action needed from Council?

Ms. Grigsby stated that this item was scheduled under "Other" on the agenda, but late this afternoon, the representatives of the Association indicated they would not be present. Staff felt the matter should be deferred until the representatives can be present.

Ms. Chinnici-Zuercher stated that there are many homeowner associations throughout the City that have responsibilities for maintenance. These fees are not unreasonable for the responsibilities assigned to the Association. It is important not to set a precedent by treating this Association any different than another in the community.

Mayor Keenan stated that staff is recommending denial, but felt it was important to allow the Association the opportunity to present their request to Council.

Ms. Grigsby added that staff receives many phone calls with similar requests. Once the Associations understand that staff will recommend denial of their request, most choose not to pursue it further. This Association wants to pursue the request at the Council level.

Ms. Chinnici-Zuercher responded that the City has already approved a previous request to assume some maintenance responsibilities for Cramer's Crossing, so they probably believe they will receive approval again.

Ms. Grigsby clarified that what was approved previously related to this Association was for the chemicals to treat the ponds, which are shared by the homeowners and condominium associations. They had also requested the City take over other maintenance responsibilities, but this was denied. Staff's recommendation at this time regarding the current request is to deny it. Staff can notify the applicant if there is any further direction regarding this matter.