

# RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 25, 2014

Held

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## CALL TO ORDER

Mayor Keenan called the Monday, August 25, 2014 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

## ADJOURNMENT TO EXECUTIVE SESSION

Mayor Keenan moved to adjourn to executive session to discuss land acquisition and legal matters.

Ms. Chinnici-Zuercher seconded the motion.

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

The meeting was reconvened at 7:50 p.m.

## ROLL CALL

Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Lecklider, Mr. Peterson, Mr. Reiner and Ms. Salay.

Staff members present were Ms. Grigsby, Ms. Readler, Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Ms. Puskarcik, Mr. Hammersmith, Mr. Hahn, Mr. Langworthy, Ms. Gilger, Mr. Clarey, Ms. Husak, Ms. Ray, Ms. Andes and Ms. Burness.

## PLEDGE OF ALLEGIANCE

Mr. Lecklider led the Pledge of Allegiance.

## PROCLAMATION/SPECIAL PRESENTATION

- End Distracted Driving Campaign
  - Proclamation for "End Distracted Driving Month"

Mayor Keenan presented a proclamation to Chief von Eckartsberg and to Dublin resident Dom Tiberi in recognition of "End Distracted Driving Month." Distracted driving is a growing problem across the nation. Last September, Maria Tiberi, daughter of Dom and Terri Tiberi of Dublin died in an accident caused by distracted driving. The Tiberi family and WBNS-10TV initiated "Maria's Message" – a campaign to end distracted driving and save lives. Dublin desires to be a model community in support of this campaign. In 2011, Council approved one of the toughest distracted driving laws in Ohio. It allows Dublin officers to cite motorists solely for distracted driving. The state law that prohibits texting requires that officers note another traffic violation before stopping a motorist for distracted driving.

Chief von Eckartsberg stated that one of the goals every year for the Division of Police is to reduce property and injury accidents. A vast majority of these accidents are the result of distracted driving. The enforcement campaign is focused on education of the dangers of this practice; reducing crashes; and ensuring everyone understands that distracted driving is a danger that can be prevented.

Dom Tiberi noted that he and his wife, Terri are very grateful for the outpouring of love and support they have received since the tragic death of their daughter, Maria on September 17, 2013. As a family, they decided they wanted to do something to stop this epidemic of distracted driving. It is important to educate everyone, and "Maria's Message" focuses on ending distracted driving and encouraging defensive driving. Classes have been initiated for students and they learned first-hand that distractions impair their driving. Too many young people are dying from as a result of distracted driving, and Dublin was hit very hard in six months – losing three young people to some form of distracted driving. Distracted driving is not only texting, but anything that takes a driver's mind off of driving. It is now their mission to put an end to this

epidemic, which is a problem throughout the U.S. They want to serve as advocates for all who have lost family members due to distracted driving.

Mayor Keenan acknowledged the presence of Senator Hughes, Representative Duffey, and former Mayor McCash who are in support of this initiative.

[At this point, the video "Maria's Message" was shown.]

Mayor Keenan asked everyone to support this campaign.

**CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road stated that he would postpone his comments until the next meeting due to the profound permutation of sorrow in this Chambers.

Rep. Mike Duffey, expressed his interest in periodically appearing before Council to be available to discuss any issues or respond to questions about activity in the legislature. He may occasionally take positions in support of some of the issues before Council. House Bill 5 is one of those, and he has had numerous conversations with Mayor Keenan and Vice Mayor Gerber regarding this Bill.

**CONSENT AGENDA**

Vice Mayor Gerber moved approval of the consent agenda.

Mr. Reiner seconded the motion.

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

- **Ordinance 86-14 (Introduction/first reading)**  
Amending Chapter 53 (Stormwater Management and Stream Protection) of the Dublin Code of Ordinances, to be in Compliance with Current Ohio Environmental Protection Agency Regulations; to Create an Exemption Area for a Portion of the Bridge Street District; and to Make Other Various Minor Revisions. (Second reading/public hearing September 8 Council meeting)
- **Ordinance 87-14 (Introduction/first reading)**  
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 1.5 Acres, More or Less, Fee Simple Interest from Judith R. Margaroli (FKA-Wilson) and Enrico Margaroli. (Second reading/public hearing September 8 Council meeting)
- **Resolution 74-14 (Introduction/vote)**  
Accepting the Lowest and Best Bid for the Academic Drive - Phase 1 Project. (14-009.0-CIP)
- **Resolution 75-14 (Introduction/vote)**  
Authorizing the City Manager to Enter into an Agreement with the Franklin County Engineer's Office for the Inspection of Bridges within the City of Dublin's Jurisdiction.

**POSTPONED ITEM SCHEDULED FOR SECOND READING/PUBLIC HEARING**

**Ordinance 22-14 (Amended)**

**Amending Chapter 153 of the Codified Ordinances of the City of Dublin to Permit Community Residences for People with Disabilities in Residential Districts as Required by the Fair Housing Amendments Act of 1988 and the Ohio Revised Code, Provided Necessary Dispersal and Licensing Requirements are Met; Amending Section 404.5 of the 2009 International Property Maintenance Code Adopted by the City of Dublin to Establish a Square Footage Requirement for Occupants; and Amending Section 153.234**

**of the Codified Ordinances of the City of Dublin to Modify the Notification Requirements for Public Hearing.**

Ms. Readler stated that this legislation was previously heard at the April 28, 2014 meeting. At that time, staff was directed to engage an expert in the group homes field and provide more extensive information about this topic.

- Staff engaged Daniel Lauber, an expert in this field who prepared the amendments to the legislation before Council tonight. He added several definitions to the Code and developed a new dispersal measurement that is unique and takes a proactive approach, ensuring that clustering does not occur in these types of residences. The legislation also adds a new clause to the Property Maintenance Code regarding overcrowding.
- In addition, the legislation also expands the methods for providing notices of public hearings for rezonings, with an amendment to Section 153.234.

She offered to respond to any questions.

Mayor Keenan complimented the staff on an excellent and comprehensive staff report.

Mr. Peterson thanked staff and the Law Department for their work on this matter. This is a sensitive topic and was addressed in an innovative, yet thorough manner. It is an outstanding proposal that addresses all of Council's concerns.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road stated:

1. Referencing page 3 of the memo, under "C" – Requirements to be a Permitted Use," paragraph one – he understands these are elderly, fragile people. Are they moving into assisted living?

Ms. Readler stated that the Ohio Revised Code addresses a certain subset of individuals with disabilities. The City's expert suggested that the City expand this to cover anyone under the Americans with Disabilities Act. The amended legislation is very expansive.

2. The memo indicates eight lots on one end and 600 feet away from another structure of this type. Does this housing already exist in Dublin?

Ms. Readler responded that, to staff's knowledge, there are three existing residences that would fit into these categories in Dublin. The legislation provides a layered approach to the measurement as outlined in the memo.

3. Mr. Maurer asked for clarification about the 660 feet measurement.

Ms. Readler responded that there is a reference in the expert's report to a range, and the figure of 660 feet is within that range.

Deborah Mitchell, 178 Longview Drive stated that she is the Acting President of the Mid-Century Dublin Neighbors Association. The Association is very pleased with this outcome. While some were hoping for greater dispersal than what is contained in the ordinance, speaking collectively and personally, this is a very innovative solution that acknowledges the needs of Dublin, both now and into the future. The process involved seeking input, and working collaboratively among residents, the Legal staff and Council. It is a model piece of legislation. From the outset, their intent was to ensure balance in the neighborhood. This ordinance addresses that issue, yet is flexible enough that it can address future situations that may occur as a result of changing demographics and use of group homes or residences for multiple individuals. This has been a long journey, but they are very pleased with the outcome and how the process unfolded.

Mayor Keenan stated that Council, too, is pleased that the residents are satisfied with this resolution.

Ms. Salay commented that Ms. Mitchell invested an inordinate amount of time in research and study to understand the issues. She thanked her for her hard work on this matter.

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

**SECOND READING/PUBLIC HEARINGS - ORDINANCES**

Mayor Keenan moved to waive the Council Rules of Order to address Ordinances 76-14 (Amended) and 77-14 together.

Vice Mayor Gerber seconded the motion.

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

**Ordinance 76-14 (Amended)**

**Establishing a New Bridge Street District Zoning District (BSD Scioto River Neighborhood District) and Related Code Amendments for the BSD Scioto River Neighborhood to Zoning Code Sections 153.058, 153.059, 153.060, 153.062, 153.063 and 153.065 of the Dublin Codified Ordinances. (Case 14-039ADMC)**

**Ordinance 77-14**

**Rezoning 23 Parcels Totalling Approximately 66.97 Acres from BSC Office Residential, BSC Residential and BSC Commercial Districts to BSD Scioto River Neighborhood District and BSC Public District.**

Ms. Ray commented that, based on discussion at the last Council meeting, staff made minor changes to Ordinance 76-14, and those changes are detailed in the memo. No changes were made to the zoning map amendments in Ordinance 77-14. She offered to share a presentation if Council desires or simply respond to questions.

Mr. Lecklider commented regarding Section 153.062, and the language regarding exterior materials for apartment buildings and single-family residences. There was previous discussion about fiber cement siding and he believes there was a staff proposal to limit its use to no more than 20 percent – is that correct?

Ms. Ray responded that was a topic of discussion with the Commission. At this time, they elected to hold over that discussion for the overall Bridge Street District Code update, which is in process with the Commission. They wanted to review that particular item more comprehensively. Currently, fiber cement is a permitted primary material for those building types.

Mr. Lecklider asked for clarification. Could something be approved in the interim before the overall update is complete, such that a development could go forward with an excess of 20 percent fiber cement siding? Then later, after the overall Code is amended, if a provision was inserted that limited fiber cement to no more than 20 percent, a conflict would thereby exist.

Ms. Ray responded that as it stands today, the Code would allow fiber cement siding as a permitted primary building material for certain building types. He has referenced the tables in the Code for example, single family detached, attached, apartment building, and a few others of those types of buildings would allow that material as a permitted primary material. Letters were sent to Council and the Planning and Zoning Commission at the time this item was reviewed, expressing significant concern with the proposed zoning code amendment limiting the material, given the level of current development into which that material is factored. As it stands today, fiber cement siding would be a permitted primary material for those specific building types.

Mr. Lecklider stated that in reviewing the Commission minutes, there seems to be concern expressed by some members that the Code was being tailored to a pending proposal. Is that accurate?

Ms. Ray responded there were some concerns expressed with that. The recommendations forwarded to Council are the items for which the Commission recommended approval, with the understanding that there would be a future comprehensive review of the Code.

Mr. Lecklider stated that his understanding is that if there is a pending multi-family development and this Code amendment is passed tonight, fiber cement siding can be used as a primary material for the exterior.

Ms. Ray responded that is correct, as there are no changes proposed regarding that item.

Mr. Lecklider commented this is of concern to him.

Ms. Salay stated that there are two pending development proposals she is aware of with the fiber cement siding as a primary material. One is outside of this zoning district. The Planning Commission wanted to address comprehensively everything in the Bridge Street Code. She has been the member championing this change for the fiber cement material. She shares Mr. Lecklider's concerns.

Ms. Chinnici-Zuercher asked about the rationale for the Commission allowing this primary material, if it is to be changed in the comprehensive Code review.

Ms. Salay responded that her sense is that the Commission preferred to consider this matter for the entire Bridge Street District versus only this portion. A special meeting of the Commission is scheduled for September 11 to discuss the overall zoning district and desired changes. It is her understanding that building materials will be part of that discussion.

Ms. Chinnici-Zuercher stated that it makes sense to address what is before Council, given the recommendations for the entire Bridge Street District Code are unknown at this time. The first decision needs to be made by Council of whether the fiber cement siding primary material should be allowed in the District.

Ms. Salay stated that if Council made a decision on this tonight, it would send a strong message to the Commission about Council's preferences in regard to materials. If Council limited the percentage to 20 or 25 percent fiber cement for a building, and if an applicant brought forward a proposal that was for a higher percentage of this material, would a waiver be needed?

Ms. Ray responded affirmatively.

Ms. Salay stated that if there was a compelling reason to allow more than the limitation, the Commission could grant a waiver.

Mr. Gerber asked if Council would make this change tonight to limit the fiber cement siding material, what effect, if any, would it have on present applications?

Ms. Ray responded that there is one application in the process that has gone forward for Basic Site Plan Review, which is essentially a concept plan review and had an initial review at the Commission. When that application moves forward to the Site Plan Review, which is akin to a final development plan review, it is required to be substantially similar to the conceptual level review. That would therefore constitute somewhat of a change midstream for that particular project. At this time, staff does not know what materials the developer of the Scioto River Neighborhood District is planning to use. It is possible they could be factoring some of this material into their financial models.

Ms. Salay stated that the project she is referring to in this area has not been brought forward, correct?

Ms. Ray responded that the focus has been on the public portion – the street network – they have not brought forward any buildings for consideration.

Ms. Salay stated that the buildings involved are not for residential use.

Ms. Ray responded that is correct.

Ms. Salay stated that the other apartment complex discussed is outside of this neighborhood.

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Ms. Ray responded that one of the reasons for a comprehensive review of this material topic relates to the types of fiber cement siding available and how they can be used. There are other applications aside from the familiar lap-siding material. For that reason, staff wanted to discuss other quality measures that can be built into the Code to allow those types of materials in an appropriate setting.

Ms. Salay summarized that Council has concerns about not acting quickly on this item, which could result in having these materials used on buildings in the District. It is important to articulate Council's expectations for materials for the buildings.

Mr. Reiner stated that it is also important not to constrain the architects by setting so many standards that the results are unattractive. Caution is needed, as there are many other applications of the fiber cement siding that could be appropriate to the architectural style in the District.

Ms. Salay responded that from that standpoint, education is needed about this material and its various applications.

Mr. Lecklider stated that Mr. Reiner's point is well taken. At the Commission, there was discussion of the use of fiber cement siding in either the lap style or in a different application. He agrees that this could be acceptable, but questions whether Council wants to have 100 percent of this material on a building. There are centuries of experience with brick and stone, but there is limited experience of with fiber cement siding. He asked about staff's basis for proposing a 20 percent limitation of this material.

Ms. Ray responded that percentage was essentially the dividing line between what was to be considered a primary building material versus a secondary building material. It is somewhat an arbitrary number, but the Code consultants recommended that as an appropriate number and an appropriate mix of materials to use.

Mr. Lecklider stated that he would be more comfortable with respect to what Council is considering this evening by establishing a percentage limitation of this material, pending further education about the materials and the completion of the comprehensive review of the overall Code.

Mr. Peterson noted there is correspondence accompanying this ordinance related to this specific materials issue. The correspondence implies that the limitation of the fiber cement siding material could effectively result in the project not going forward.

Ms. Ray responded that the developers have expressed concerns with the limitation being considered.

Ms. Salay emphasized that there remains a waiver option available to a developer, if this change is made by Council. That would leave the discretion on materials to the Planning Commission, if a project warranted such consideration of a waiver.

Ms. Chinnici-Zuercher moved to include a 20 percent limitation of fiber cement siding, with the understanding that developers can seek waivers from the Planning and Zoning Commission if they desire a higher percentage for a project. She noted that Council is interested in a comprehensive presentation regarding the various options available for this material.

Mr. Lecklider seconded the motion.

Mr. Gerber asked what impact this change would have on applications in the process.

Ms. Grigsby responded that, based upon information currently received, it does have an impact on the economics for the projects that have been submitted. It will have an impact on all of the projects the developers and City are working on, and at some future time, there will be an economic development agreement with the City and developer on the project. What will likely result is a larger financial gap and the developer will be looking to the City for assistance in helping to fund that gap.

Mr. Gerber stated that he does not disagree with the intent of Mr. Lecklider and Ms. Salay on this matter. However, Mr. Reiner makes a good point and there are some

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creative ways to use this material to some extent. Certainly, waivers are available to them. However, he would prefer that the Commission vet this entire issue. The Commission has scheduled a special meeting on September 11 to review the Code comprehensively, and they will have a recommendation for Council.

Ms. Ray stated the Commission will be reviewing the second half of the Code on September 11, as they have completed their review of the first half. This topic can be revisited, although there was some discussion of this material at the July 10 meeting. The topic can be vetted further, based on Council's discussion tonight.

Ms. Chinnici-Zuercher stated that she does not disagree with Mr. Gerber and does not want to stop projects underway. However, she is also concerned with the length of time the Commission is taking to review the entire Code. It will likely not be completed on September 11. The buildings in the review process at this time are massive, and it is important to ensure they are not using 80 percent of this material – unless it is a unique application that Council is not familiar with. It does set a precedent for the appearance of the District.

Mr. Gerber stated he respects her position on this. He asked Ms. Salay if the Commission is aware that Council is very much interested in this topic and having their recommendation as soon as possible.

Ms. Salay responded that she could certainly carry this message back to the Commission. However, what Council does tonight will send a strong message. Developers can always request waivers, and as Ms. Grigsby has indicated, there will be economic development agreements associated with the projects. She is interested in more education on the topic. But she wants to influence the process in a positive manner and does not want to wait to make this change.

Mr. Gerber stated that the purpose of the new Bridge Street Code was to expedite the zoning process and to provide certainty to developers about the process. It seems a band-aid approach is underway, and no one can "get their hands" around the Code as written. He prefers to fix the Code and do it in the right way, but is not certain of the time involved in the review.

Mr. Lecklider stated that he appreciates hearing this frustration, and believes it is shared by Council. However, he believes that in the meantime, the pending motion provides a "safety net." There remain options in the regulations – such as waivers – if an applicant desires to exceed this percentage. Perhaps the percentage would change when the overall Code is reviewed. There is only one opportunity to "do this right" – and in the many similar projects built in and around Columbus, he is not aware of fiber cement being used whatsoever. He believes that Dublin has a higher standard for development.

Mr. Keenan asked about the timeframe involved in securing a waiver from this provision, if Council were to enact it.

Ms. Ray responded that a waiver can be considered at the next Commission meeting after the waiver is submitted.

Mr. Gerber asked about the process for waivers. Does the Commission automatically hear waivers, or is the review discretionary on their part?

Ms. Ray responded that if a waiver is requested, the Commission will review it automatically.

Ms. Chinnici-Zuercher stated that the options are to leave the material in place as it stands, or impose a percentage limit. She does not believe the City should be responsible for the financial gap, as the applicants can request a waiver if appropriate. She agrees with Mr. Lecklider about having buildings in Dublin with fiber cement siding, given the material has not been used in other such developments in Central Ohio.

Mr. Reiner suggested that the option on the table is to approve the 20 percent limitation tonight; the Commission will review this and the architects will review this as well. This addresses the issue of the lap siding appearance, which no one supports. It also allows the applicant to seek a waiver for a project with architectural significance.

Mr. Gerber stated he can support this, but emphasized that it is important to have the Code review completed to expedite the process as intended.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road noted that the memo, on page 2, under "Other Modifications," mentions "group homes." To what does that refer?

Ms. Ray responded that is in reference to the adult family homes that were the subject of Ordinance 22-14 heard tonight. Staff had previously classified these as "group homes," pending this legislation. At this point, group homes will be eliminated from the use table in order to address it more comprehensively.

Mr. Maurer asked if this would constitute discrimination.

Ms. Readler responded that the reason that group homes are eliminated in this legislation is because they are comprehensively addressed throughout the Code as part of Ordinance 22-14(Amended). They are not singled out in this one area of the Dublin Code.

Mr. Maurer noted that, based upon his review, the legislation is massive and the question is whether the organization is in place to oversee its implementation. His closing comment regarding the legislation is "Get Real."

Vote on the amendment regarding fiber cement materials in Ordinance 76-14

(Amended): Mr. Reiner, yes; Mayor Keenan, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Gerber, yes.

Vote on Ordinances 76-14 (Amended) and 77-14: Ms. Salay, yes; Mr. Peterson, yes; Mayor Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Gerber, yes; Mr. Lecklider, yes.

**Ordinance 79-14**

**Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 3.5 Acres of Land Located on Dublin Road near Interstate 270 to the City of Dublin.**

Ms. Readler stated that this legislation permits the Law Director's office to file a petition for annexation for two City-owned parcels on Dublin Road, with a total acreage of approximately 3.5 acres. The property will provide additional parkland adjacent to the Scioto River.

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

**Ordinance 80-14**

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

Mr. Clarey introduced Julie Kasper, CFO of Hull and Associates to provide background on the company and the project.

Julie Kasper, CFO, Hull and Associates thanked the City for providing the incentive package. Hull and Associates has existed in Dublin for 25 years. The company was founded over 30 years ago in Toledo. The City of Toledo is one of their larger clients. They do about one fourth of their work with municipal clients, generally on environmental issues. Much of their work is in the eastern half of the state with shale development in the energy market. They are located in Dublin because they love the community and the schools. This incentive will help them to remain in Dublin, their current headquarters.

Mayor Keenan commented that Council is pleased that they are in Dublin.

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

**Ordinance 81-14**

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

Mr. Clarey stated that a representative of Goken is present tonight – Doug Smith, President. He will address the expansion plans for the company.

Doug Smith, President, Goken America LLC stated that the company has existed for about 10 years and provides engineering services to Ohio, as well as in California and North Carolina. They work with Honda as well. They are appreciative of this opportunity to remain in Dublin. They plan to purchase a building off of Parkcenter and employ a large group of people after the renovations are complete. He thanked Council for their consideration.

Mayor Keenan stated that Council is pleased that the company is planning to purchase a building in Dublin.

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

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 88-14**

**Appropriating a 0.206 Acre, More or Less, Fee Simple Interest; a 0.122 Acre, More or Less, Permanent Easement; a 0.099 Acre, More or Less, Permanent Easement; and a 0.101 Acre, More or Less, Temporary Easement from Pewamo, Ltd. for the Property Located Along State Route 161 for the Construction and Extension of Industrial Parkway for the Academic Drive Phase 1 Project, and Declaring an Emergency.**

Vice Mayor Gerber introduced the ordinance.

Mr. Hammersmith stated that this acquisition is necessary for the extension of Academic Drive Phase 1. Council approved the bid acceptance for this project earlier this evening. Staff recommends that Council dispense with the public hearing and approve this ordinance by emergency action.

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

Mr. Reiner seconded the motion.

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

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

**Ordinance 89-14  
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.029 Acre, More or Less, Permanent Easement and 0.029 Acre, More or Less, Temporary Easement from Mohammed Giath Ammar and Ester Lea Ammar for the Property Located at 6143 Dublin Road for the 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 that this item relates to the Dublin Road South shared use path. Agreement has been reached with the property owner for the appraised value of \$13,900. Staff is recommending adoption by emergency and dispensing with the public hearing in order to move forward with the closing.

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

Ms. Chinnici-Zuercher seconded the motion.

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

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

Ms. Chinnici-Zuercher asked how many residents who own properties needed for this project remain in negotiations with the City.

Ms. Grigsby responded there are three property owners remaining; two are close to agreement and the third property owner is meeting with staff this week.

**Ordinance 90-14  
Authorizing the Provision of Certain Incentives to Dublin Building Systems, Inc. to Induce Command Alkon, Inc. to Retain an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development and Real Estate Purchase Agreement.**

Mr. Lecklider introduced the ordinance.

Mr. Clarey showed an exhibit that indicates the location of the site, which is an 87 acre, City-owned Job Ready Site at the intersection of SR 161 and Houchard Road.

- The parcel itself for the project consists of 10.035 acres, five acres of which are developable, based on the large AEP easement to the east for the substation. The appraised value of the land is approximately \$90,000 per acre.
- Command Alkon is currently located on Blazer Parkway and they have had a presence in Dublin since 1992. Command Alkon employs 70 in Dublin and plans to create an additional 15 jobs in the next few years. The company designs the software and builds the control system units used by facilities that manufacture aggregate construction materials, such as cement.
- Staff became aware that their lease was due to expire in early summer 2015 and that their current facility could not accommodate their growth plans. Staff began a real estate search, finding there was no existing building stock in the City that met their needs for size and layout.
- In an effort to retain the company, staff began to discuss a possible new build project. However, company officials and their consultants, based in Birmingham, Alabama did not want to own land or a facility – but preferred to remain in a lease agreement. For this reason, the structure of this agreement is different from others the City has done. Typically, in a land transfer, the land would be transferred directly to the company and not the developer. But in

order to accommodate Command Alkon's preference for not purchasing land, this was proposed.

- Staff did ensure that the agreement contains substantial commitments from both the company and the developer as it relates to the project.
- Dublin Building Systems is required to construct a 30,000 square foot facility, which will be occupied by Command Alkon. In addition, DBS is required to lease the facility to Command Alkon under a rate structure that shows the land passed down as a financial incentive.
- Command is obligated to sign a 10-year lease and retain the 70 current jobs as well as create an additional 15 jobs. Exhibit B shows the withholding targets per year. He noted that at this time, there is a one percent vacancy rate for flex space in Dublin.

He offered to respond to questions.

Ms. Chinnici-Zuercher noted that this was an innovative approach. Congratulations to all for their efforts to retain the company in Dublin.

Mayor Keenan thanked staff for the excellent presentation.

Mr. Lecklider asked if this is the property the City purchased many years ago to induce the Columbus Crew to build a stadium in Dublin.

Mr. Clarey responded that is correct. Thereafter, the staff went through the process to secure the Job Ready Site certification from the state.

There will be a second reading/public hearing at the September 8 Council meeting.

**INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS**

**Resolution 66-14**

**Amending Section 10 (Voting Procedures) of the Council Rules of Order.**

Vice Mayor Gerber introduced the resolution.

Ms. Readler stated that, as discussed at the last meeting, this is a housekeeping measure intended to clarify that four affirmative votes of Council are needed to pass any question -- unless otherwise provided by Charter. She offered to respond to questions.

Mayor Keenan noted the memo is comprehensive and addressed all of the issues raised at the special meeting on this topic.

Ms. Salay asked for confirmation that for the Planning & Zoning Commission, it requires a simple majority of a quorum – not four members – to pass any question.

Ms. Readler responded that is correct.

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

**Resolution 76-14**

**Authorizing the City Manager to Enter into a Construction Agreement with the Ohio Power Company ("AEP Ohio") to Construct an Underground Duct And Vault System Along and Adjacent to the Emerald Parkway, Phase 8 Project.**

Vice Mayor Gerber introduced the resolution.

Mr. Hammersmith stated that AEP Ohio has agreed to reimburse the City of Dublin for the full cost of design and construction of an underground duct and vault system to extend along Emerald Parkway Phase 8. This system will provide electric service to future users to be located adjacent to this new

roadway. The estimated cost for construction is \$632,000 and design fees are \$27,000. Staff recommends approval of this resolution.

Mr. Keenan asked if it is typical for a City to pay for this and be reimbursed. Mr. Hammersmith responded it is a unique approach that the City has created with AEP. AEP and the City believe this is a much more effective way to build the duct and vault system.

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

**Resolution 77-14  
Authorizing the City Manager to Enter into a Cooperative Project Development Agreement between the Ohio Department of Transportation and the City of Dublin for the Reconstruction of the I-270 and US33 Interchange.**

Vice Mayor Gerber introduced the resolution. Mr. Hammersmith stated that in the August 11 packet, an update regarding the I-270/33 interchange project was provided. This preliminary legislation is required by ODOT for local public agencies, indicating in general terms that the governing body agrees to participate in a project prior to bidding of the project. This project is scheduled for bid opening on January 22, 2015. Staff recommends approval of this resolution, granting consent and agreeing to cooperate with ODOT for the construction of the I-270/33 interchange upgrade Phase One.

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

**OTHER**

- Request from the Muirfield Village Garden Club to Establish a Blue Star Memorial in Dublin

Mr. Hahn noted that the Garden Club has expressed interest in creating a Blue Star Memorial within Dublin. This program has certain criteria that must be met, and site location is a specific criteria. Staff met with the Garden Club members at the Dublin Cemetery and agreed that a site close to Bridge Street itself, within the cemetery, would not only meet the program criteria, but would be a great visible location for the project in Dublin. Details of the City's commitment to the project, should it be approved, are outlined in the staff report. The first step in the process is to secure the governing body's approval so that an application can be made to the national program. He noted that representatives of the Muirfield Village Garden Club are present to comment and respond to any questions.

Ms. Salay noted it is a great project for Dublin. Mayor Keenan agreed, adding it will be nice tribute to the Veterans and those who have served the country.

Mr. Reiner stated that all of their Garden Club projects are of high quality and diligently executed. He is confident they will do the same for this project. This is a good location for the memorial and it will have good visibility.

Ms. Chinnici-Zuercher thanked the Garden Club for bringing this project forward, noting it is a great opportunity for the City. Will there be a formal agreement with the Garden Club, based upon the expectations about the responsibilities of the Garden

Club and the City going forward? It would be important to memorialize the specifics of the project.

Ms. Readler responded that Legal staff can prepare a memorandum of understanding that would address this.

Mayor Keenan asked about the timeframe for the project.

Helen Haupt, 8422 Greenside Drive thanked Council for considering their proposal. The timeframe will be close to six to nine months, to allow for fundraising to purchase the memorial. There is also a six-week lead time for ordering the memorial.

Vice Mayor Gerber stated that as a Veteran, he is very pleased to hear of this plan. He appreciates all that the Garden Club is doing in this regard.

Ms. Haupt added that at the appropriate time, there will be a dedication ceremony. The Garden Club plans to invite the Veterans organizations, Schools, and the Dublin community. The Garden Club would pay the costs for the dedication.

Vice Mayor Gerber moved to approve the staff recommendation to grant the request of the Muirfield Village Garden Club to construct a Blue Star Memorial in the Dublin Cemetery.

Ms. Salay 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.

**STAFF COMMENTS**

Ms. Grigsby reported:

1. A memo was included in the packet from the Community Services Advisory Commission regarding the pianos in outdoor public locations project. The Commission is securing the pianos, and if Council is supportive, staff will work with representatives from the Commission to identify appropriate locations for the pianos.

Mayor Keenan asked if there if funding needed for this, perhaps from hotel-motel tax funds.

Ms. Grigsby responded that the pianos are donated, but there will be minor costs related to moving and storage.

It was the consensus of Council to have this project move forward.

**COUNCIL COMMITTEE REPORTS**

- Planning and Zoning Commission Representative

Ms. Salay stated that the Commission met on Thursday and had a full agenda. A couple of items on the agenda will be forwarded to Council very soon with the Commission's recommendations. As previously reported, the Commission will be continuing the Bridge Street Code review on September 11. Any Council members are welcome to attend. She asked staff if the education piece on the different uses of cementitious siding will be presented at that meeting.

Ms. Ray responded that staff is working to have that information ready for September 11. She believes Council would be interested in reviewing this information as well, perhaps with a memo and photos.

Mayor Keenan noted that it has been beneficial to have Ms. Salay serving on the Commission, as the input and communication provided is very helpful.

- Standing Committee Reports

Vice Mayor Gerber, Administrative Committee Chair stated that the Committee of the Whole met at 6 p.m. this evening to review and refine the timeline for the City

Manager search process as well as finalizing the draft City Manager profile. He will provide Council's feedback to the search firm and circle back with Council in a week.

Ms. Chinnici-Zuercher, Finance Committee Chair reported that the Committee of the Whole met last Monday for the Capital Improvements Plan review. Some minor changes were made, and a summary report will be provided to Council together with the final document for the public hearing on September 8. There will be significant construction projects in the City in 2015 that will improve mobility and traffic flow in the community. Council looks forward to more communication with the public regarding those projects. Dublin is very fortunate to have sufficient funds to accomplish these major projects that are needed.

**COUNCIL ROUNDTABLE**

Mr. Peterson commented regarding the memo about the traffic impacts of the future major transportation projects, especially in the Bridge Street District. He recalls there was to be a meeting scheduled to discuss the traffic impacts. Has this been scheduled?

Ms. Grigsby responded that in a spring work session, staff had indicated that detailed design work for the roundabout was underway. Staff further noted that it was hoped that by the end of the third quarter, information on maintenance of traffic (MOT) plans would be available to share. The memo in the packet relates to that, and staff anticipates having updates and presentations at the September 8 Council meeting. Staff will share all information that is available at that point in time. If additional discussions are needed, a workshop can be scheduled at a later date.

Ms. Salay stated that she is excited about the tunnel mural. It will be a great addition to the public art collection and she looks forward to its completion.

Ms. Chinnici-Zuercher noted that:

1. In the Arts section of the Sunday *Columbus Dispatch*, information was included about the special artists whose artwork will be featured at the Dublin Arts Council the remainder of this year and into next year. One of note is glass artist A.J. Gelpi, whose father grew up in the Gelpi property that now houses the Dublin Arts Council. An exhibition of his work will be held in late November through mid-December. She asked that this be added to the Council calendar.
2. She attended the Ohio Association of Regional Councils on Friday. The gubernatorial candidates did not attend, but the Lieutenant Governor candidates came and each spoke to the group.
3. She also attended Officer John Wright's retirement reception at the Justice Center on August 21.

Mr. Lecklider:

1. Noticed in the packet materials that there was a letter to the City Manager from Columbus CEO Magazine regarding the City receiving the most votes with respect to being the "Best Suburb [in which] to Do Business." Congratulations to Mr. McDaniel, his department, and all of City staff for this recognition!
2. Reported that earlier today, he received a call from the General Counsel at the State Employment Relations Board. The General Counsel complimented Finance Director Ms. Mumma for an excellent presentation at their conference. Many of the attendees commented that they had a much better understanding of municipal budgeting after her presentation. It was very useful information for the group.
3. Commented that he, Mayor Keenan and Ms. Chinnici-Zuercher attended the Ohio University Heritage College of Osteopathic Medicine ceremonies on Saturday at the new campus. They also had the opportunity to tour the facility, and was very impressed with the technology. This will be a catalyst for

RECORD OF PROCEEDINGS  
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 25, 2014

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Held

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related development in years to come. The City can be proud of the partnership that the City has forged with Ohio University to make this happen as well. To everyone involved, job well done!

Mr. Reiner:

1. Offered his congratulations to staff upon the City being named as "Best Suburb [in which] to Do Business." This is a credit to the Development Department and a reflection upon how people view doing business with the City team.
2. Thanked the Muirfield Garden Club, noting that they consistently do amazing projects and seek little credit. They have done many wonderful things for the community.

Vice Mayor Gerber thanked the members of the Muirfield Garden Club for their efforts to initiate the Blue Star Memorial project.

Mayor Keenan:

1. Echoed that the dedication/grand opening of the Ohio University Heritage College of Osteopathic Medicine was incredible, and included the Ohio University marching band of 110 members.
2. Reported that he and Mr. Lecklider attended a dinner reception on Friday evening hosted by the Ohio University Osteopathic Heritage Foundation. The Foundation presented the City with a handmade glass artwork, containing a great white trillium, the official wildflower of Ohio found in each of Ohio's 88 counties. It includes three petals, which is significant as the Ohio University will now have a campus in Athens, in Dublin, and will soon open one in Cleveland. The trillium represents renewal, growth, health and transformation, thus symbolizing the college as it expands from one campus to three. The glass representation was designed and crafted for the College by Ohio glass artist Nick Delmatto. One hundred thirty-nine pieces were created – one for every year since the founding of Osteopathic Medicine by Dr. A.T. Still. The art piece is signed and numbered and he asked that staff identify an appropriate location for its display.

**ADJOURN**

The meeting was adjourned at 8:26 p.m.

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Mayor – Presiding Officer

\_\_\_\_\_  
Clerk of Council