

RECORD OF PROCEEDINGS
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

January 5, 2015

Held _____

20 _____

CALL TO ORDER

Mayor Keenan called the Monday, January 5, 2015 Regular Meeting of Dublin City Council to order at 6 p.m. at the Dublin Municipal Building.

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, Ms. Crandall, Mr. McDaniel, Ms. Mumma, Mr. Foegler, Chief von Eckartsberg, Mr. Wagner, Ms. O'Callaghan, Ms. Puskarcik, Mr. Langworthy, Mr. Hahn, Mr. Hammersmith, Mr. Thurman, Ms. Gibson, Ms. Husak and Mr. Kridler.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Keenan moved to adjourn to executive session to discuss land acquisition, legal matters, and personnel matters related to the appointment of a public employee.

Ms. Chinnici-Zuercher seconded the motion.

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

The meeting was reconvened at 7:20 p.m.

PLEDGE OF ALLEGIANCE

Vice Mayor Gerber led the Pledge of Allegiance.

SPECIAL RECOGNITION AND PRESENTATIONS

- Congratulations to Dublin Resident, Coach Urban Meyer

Mayor Keenan expressed congratulations to Dublin resident and OSU football coach Urban Meyer on winning the Big Ten Championship, the Sugar Bowl, and making history by leading the Buckeyes to their first college National Championship playoff game! On behalf of Council and City administration, he encouraged Dublin residents to show their Buckeye pride and support of their neighbors -- Coach Urban Meyer, his wife Shelley and their children -- by participating in Dublin's Scarlet and Grey Day on Monday, January 12. He encouraged residents not to wear their Dublin green until after Tuesday, January 13 -- to avoid being confused with the Oregon Ducks! The City is pleased with Dublin's connection to the first-ever National Championship playoff!

- Certified Fleet Management Operation (CFMO) -- Government Fleet Management Alliance

James Schwab, Senior Consultant, Fleet Counselor Services, Inc. noted that Darryl Syler, Fleet Manager has created a top-notch team, which has made great strides in the past three years. Some of their accomplishments:

- Engaged a professional third party to procure parts and supplies for their customers, minimizing down time and providing additional services for their customers.
- Supervised the installation and maintenance of a CNG fueling infrastructure.
- Installing a fully automated truck wash, which will be operational Spring 2015.

In addition to these accomplishments, the team pursued certification. Fleet Counselor Services (FCS) offers the only fleet certification program in the world. FCS has approximately 200 customers, half of which are working on their certification. This is not an easy certification to achieve, while at the same time continuing to provide excellent customer service. He congratulated the City of Dublin and City Manager Marsha Grigsby on this accomplishment.

Ms. Grigsby stated that this recognition should be shared with Council who has approved the funding that facilitates these accomplishments; to Ms. Crandall for her efforts the past few years in administration of the fleet management function; and to Mr. Syler, Fleet Manager, and his staff. She encouraged Council to visit the fleet building, fleet yard and vehicles. The City could not provide its excellent services to residents without the support of the fleet team. She thanked Mr. Syler and his staff for all their efforts.

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Ordinance No. _____

Passed _____, 20____

CITIZEN COMMENTS

Claire Wolfe, 5521 Indian Hill Road stated that she has lived in Dublin since 1974, when Dublin was a village. She has seen many changes in the past 40+ years. She has been very pleased with the way in which Dublin has grown and the way the City has handled that growth. However, she is here this evening to request Council to reconsider Ordinance 114-14 related to the development process for the Bridge Street District. She served on the Planning and Zoning Commission for five years and continues to follow its and Council's actions. The Bridge Street project is huge and transformative; it will change the nature and face of Dublin. Now is not the time for speed and expediency in this process. She has no doubt that the current Council members have done this in good faith, that they are honorable people and have the best of intentions, but this change does not "pass the smell test." It has raised the perception among many that this is not the correct time or the correct way in which to do this project. It reminds her of the "old days" when the developer would talk with Council members before meetings in a "good old boys" fashion and there was a foregone conclusion of the outcome. She has heard no support for the recent change in process. Respectfully, she asks the Council to reconsider its action and to rescind Ordinance 114-14. This would reassure the citizens that this huge project can pass the same rigorous scrutiny that every other growth project in Dublin has undergone.

Jamie Geese, 5550 Ashford Road, stated that his comments relate to Ordinance 114-14, approved by Council on December 8. (He read from prepared comments, which are summarized here.) His family has lived in Dublin for eight generations, settling here over 200 years ago. What Dublin is today was the result of the hard work, wisdom, forward thinking and integrity of previous City Councils and Planning and Zoning Commissions. His father served on both bodies for 13 years during the 1970s and 1980s. Previous City Council members, with the input of their Planning and Zoning Commissioners, made decisions that had profound impact on the development of the City. He provided examples of many groundbreaking laws enacted during that time. The overriding philosophy of preceding City Councils and Planning and Zoning Commission (PZC) members was controlled development to improve the City, not just development for the sake of growing the City. This was a team approach with both City Council and PZC each having its own appropriate role. This process has worked exceptionally well for the past 50 years. As a concerned and informed resident, he looks at the decision made by City Council on December 8, and cannot see how it helps either the City or its residents. Developers have never been happy with the standards imposed by the City as they impact their profits. The role of PZC is, and always has been, to ensure that developments and developers improve or at a minimum maintain the quality of the City. The members of PZC are not City employees, in contrast to the members of the newly created Administrative Review Team. They are not elected officials, as are the members of City Council, who need to be concerned with the opinions of the electorate. They are private citizens who volunteer their time. As such, they are much less likely to be influenced by coercion or pressure from developers or other outside interests nor re-election. PZC has in essence been the "bad cop" in the eyes of developers. As a result of City Council's recent decision, four highly qualified PZC have now resigned. City Council now faces the challenge of recruiting qualified citizen volunteers in an environment of controversy. His fear is that because of this ordinance, the City has handicapped its ability to ensure that development within the Bridge Street District is of the high standard expected by the citizens of Dublin. Given the significant amount of taxpayer money being invested, development within the Bridge Street District should be held to a higher standard. To date, the City's explanation for the need for Ordinance 114-14 has been inadequate and unconvincing. Dublin citizens expect and deserve an explanation. The general concern is that this change was made to appease developers in the Bridge Street District, an action that is not consistent with the type of government that helped this wonderful city we live in today. He will leave Council with two questions tonight, the answers to which many informed residents want to know:

- (1) Why was Ordinance 114-14 passed into law?
- (2) How is this Ordinance good for the City of Dublin and its residents, not just now, but for the next 50 years?

If City Council cannot give the citizens of Dublin a good answer to these questions, he believes it is their duty to repeal Ordinance 114-14.

CONSENT AGENDA

Mr. Lecklider moved approval of the eight items on the Consent Agenda.
Ms. Chinnici-Zuercher seconded the motion.

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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.

1. Approval of Minutes of Special Council meetings

1. October 28, 2014
2. November 14, 2014
3. November 15, 2014
4. November 21, 2014
5. November 25, 2014
6. December 3, 2014
7. December 7, 2014
8. December 15, 2014

2. Approval of Minutes of Regular Council meeting of December 8, 2014

3. Ordinance 02-15 (Introduction/first reading)

Amending Section 2 ("Wage & Salary Structure/Administration") of Ordinance No. 73-06 ("Compensation Plan for Non-Union Personnel") (Second reading/public hearing January 26, 2015 Council meeting.)

4. Ordinance 03-15 (Introduction/first reading)

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.062 Acre, More or Less, Permanent Easement and a 0.043 Acre, More or Less, Temporary Easement from Sabra L. Minyard and William Minyard for the Property Located at 8698 Hyland-Croy Road for the Construction of a Shared-Use Path Connection. (Second reading/public hearing January 26, 2015 Council meeting)

5. Resolution 01-15 (Introduction/vote)

Declaring Certain City-Owned Property as Surplus and Authorizing the City Manager to Dispose of Said Property in Accordance with Section 37.08 of the Dublin Codified Ordinances.

6. Resolution 02-15 (Introduction/vote)

Authorizing the City Manager to Enter into a Memorandum of Understanding with Washington Township for Use of the City's Emergency Operations Center.

7. Resolution 03-15 (Introduction/vote)

Accepting the Lowest and Best Bid for the Avery-Muirfield Drive, Tullymore Drive and Avery Road Intersection Improvements Project.

8. Final Plat - Deer Run, Section 1 (Case No. 14-062FDP/FP)

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 115-14

Authorizing the Execution of a Development and Tax Increment Financing Agreement to Facilitate the Construction of a Residential Development and Provide for the Construction of Public Infrastructure Improvements Relating Thereto. (Casto Tuller LLC)

Ms. Grigsby stated that Mr. Foegler provided a very detailed presentation at the last Council meeting. The memo that includes all of the details was included again in this meeting packet.

Ms. Chinnici-Zuercher stated that -- in light of the comments that Mr. Geese just shared -- this agreement does not substitute or supersede any of the City's applicable development review and approval processes. Somehow, it has been construed that with passage of Ordinance 114-14, the Bridge Street District will not go through the Planning and Zoning review process. However, as stated in the documents, the applications will continue to go through that review process. She requested Ms. Grigsby to clarify.

Ms. Grigsby stated that any of the BSD projects that are brought forward would be scrutinized as much as any projects have been in the past. By this point in the process, the review and work that the staff has conducted with the developer is probably more than what has been done in the past. This is due to the size of the projects and the coordination with needed infrastructure planning. The amendment that was made with Ordinance 114-14 provides Council with review authority for the Basic Plan for those projects that include a development agreement. The reason that was done is based on the infrastructure and policy-related decisions that Council must make for the City to enter into a development agreement. Any

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other projects that do not include a development agreement will undergo the normal process. Once Council has reviewed the Basic Plans in cases that include development agreements, the Council will choose the body that will review the future plans – Council itself, Planning and Zoning Commission, or the ART.

Mayor Keenan clarified that the ART is not new; it has been in place for over two years. Ms. Grigsby that from the outset, the Bridge Street plan has involved many public forums/public hearings with the goal to ensure that residents are involved, understand and have the opportunity to make comments and provide feedback to Council. This Council as well as the Councils in the past recognize and appreciate that the community has developed as it has because of public involvement. The comment that the goal of Ordinance 114-14 is to speed the process up at the expense of quality couldn't be further from the truth. The goal remains to have a quality project, but where a development agreement is necessary to achieve the needed infrastructure for the project, Council will be involved in that decision early in the process.

Ms. Chinnici-Zuercher asked staff to describe and define the responsibilities of the ART. It has been existence a number of years, but has a very narrow area of responsibility. It was designed as such due to its internal nature.

Ms. Readler responded that the ART was envisioned as more of an administrative body that would opine on more minor projects, including sign reviews, preliminary reviews and recommendations on larger projects. ART meeting minutes are prepared, so there is an opportunity to review the discussion and monitor how the body is operating. It is operating very much in line with the intent upon its creation.

Ms. Salay stated that these ART meetings are public meetings as well.

Ms. Readler added that there is public notice given for those meetings.

Ms. Salay stated that if ART is involved in something that will be going to PZC, ARB or Council, they only make a recommendation. Planning staff has always made a recommendation for the appropriate body; this is just an extension of that. ART makes the recommendations, and another body in a public meeting will consider the information and make a decision on that ART recommendation.

Mayor Keenan stated that there is absolutely no dissension among Council regarding this matter, and there is a tremendous amount of experience on this Council, which includes many years of service on the Planning and Zoning Commission for several. Council believes the amendments done in December were appropriate.

Ms. Salay stated that she is the Council liaison to PZC and has attended those meetings since April. PZC reviewed a number of Bridge Street projects during the course of her tenure on the Commission. During that time, there weren't any members of the public that attended and spoken about or provided input regarding the Bridge Street projects. The Planning Commission has expressed to her, staff and others their frustration with these applications that come to Planning Commission where certain components are discussed and decided; after that, these same applications come to Council where they are again discussed and decided -- and there may not be complete alignment between the two bodies. That is frustrating to the developer and the Planning Commission. The amendments adopted with Ordinance 114-14 resolve that issue within the Basic Plan development parameters. That is particularly so in regard to the public infrastructure portion, because Council is the body responsible for making the decisions regarding public infrastructure agreements. It seems to her that this is an improvement of the process. She is hopeful that through all this, more people will come to the PZC meetings and provide input regarding the upcoming projects, because there will be a lot of activity at the PZC meetings.

Mr. Lecklider stated that these development agreements are not the result of any private negotiation between Council and the developers. Any exchange that Council has with the applicant or the developer occurs in a public meeting like this and nowhere else. He does not know where the suggestion originates that there is a "good old boy" situation occurring, but that is not occurring with this Council. He is not aware that it ever did, but it hasn't occurred in his experience on Council.

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Mr. Reiner stated that from the emails he has reviewed, there is a huge amount of misinformation being presented to people. There are good-hearted people as concerned about this community as Council members. However, when they bring up these type of comments, it becomes tiresome to continue to explain exactly what is occurring in the Bridge Street Corridor process. It is a complicated issue, a complicated development, and the City is moving forward with it to keep this city current with other communities that are making progressive moves. This project is not destructive to the community in any way. The Bridge Street District will provide housing for both senior citizens who want to remain in Dublin as well as for the young professionals the City wants to attract to Dublin. He believes the City has a moral obligation to create the best environment possible for its youth and the next generation of Dubliners -- that is what this group is trying to do. It is disheartening to read some of the comments in the e-mails being disseminated that are not based on any facts whatsoever. He finds this very upsetting as Council members have invested thousands of hours in trying to build this community into something great. It is Council's life endeavor to do so. Council members care deeply about this community. He challenges people to get involved, read the material so that they will understand the Bridge Street District initiative.

Mayor Keenan stated that Council members are clearly passionate about this subject.

Vice Mayor Gerber requested clarification. Has the Casto project been reviewed by the Planning and Zoning Commission?

Ms. Grigsby responded that PZC has had the Basic Plan Review for this project.

Vice Mayor Gerber stated that is the typical process, so it has been fully vetted by PZC. It was also reviewed by Council in November. Tonight, Council is reviewing the economic piece. He noted that he previously served on PZC, and as its Chair for a period of time. Other Council members previously served on PZC as well, reviewing projects such as Dublin Methodist Hospital and Cardinal Health. Development agreements are not new to this community, but PZC continued to vet the projects and required developers to provide a high-level, quality product. Councils prior to the current Council did have that opportunity to review the economics involved in major projects. However, the Bridge Street District projects are more complicated than building in cornfields. Council must be involved in the infrastructure discussion upfront to ensure that the development will make economic sense for its taxpayers.

Ms. Grigsby added that many of the early development agreements related to the infrastructure needed to support the proposed development.

Mr. Reiner stated that he does not believe the citizens understand that with this type of urban infill development, most municipalities provide some support. However, developers have to identify and secure their own funding for such projects. He is disturbed with the insinuations of improper relationships to developers by past Commissioners or Council members. Personally, he has personally experienced threats and lawsuits during his years of service to the City of Dublin, and can say there are no such improper relationships. Council members are working to build the future of this community, to keep it progressive, modern and a desirable place to live. As was explained in a Columbus Metropolitan Club meeting, if the City remains as it is, without progressive changes, it will fail. He served in the City government and was involved in passing all the progressive laws that were referred to earlier tonight. There were those at the time unhappy with these laws, similar to what is occurring with the Bridge Street District.

What Council is undertaking now is no different than what was done in the early 1980s, when progressive laws were enacted that make Dublin what it is today.

Ms. Chinnici-Zuercher referred to the second page in staff's memo -- in the second paragraph in Public Improvements under Phase 1. Council has previously approved the materials to be used in this area, so she assumes the responsibility for contribution and costs noted in the memo is based upon what Council has already approved for the area -- that it would not be considered exceptional but instead customary for the area.

Ms. Grigsby responded that the improvements that will be built -- the roadways that are within the Casto development and John Shields Parkway that is also within the development, will be built to the standards that Council adopted earlier this year.

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Vice Mayor Gerber requested clarification. After Council approves this economic agreement, will the project then go through the usual review process with staff and then PZC for scrutiny regarding the architecture, etc.?

Ms. Readler responded affirmatively. Currently, the application has secured Basic Development and Basic Site Plan approval. It will now go to PZC for development plan and site plan approval. The applicant will be submitting additional materials to be reviewed and analyzed by staff.

Vice Mayor Gerber stated that the Code for this development is very prescriptive, so he is certain a high-quality project can be expected.

Mr. Peterson asked staff to affirm that only City Council has the authority to enter into a development agreement.

Ms. Grigsby responded that is correct.

Mr. Peterson requested examples of other development agreements Council has entered into, such as the Cardinal Health agreement.

Ms. Grigsby responded that there are several related to Emerald Parkway. With any commercial office building located along Emerald Parkway, a development agreement was involved for the construction of that portion of Emerald Parkway. On Perimeter Drive west of Avery-Muirfield, a development agreement was necessary with what was then Rail Van. There are also many economic development agreements through which the City provides economic incentives to companies to incent them to locate within the City. They generally receive a reimbursement based upon the income tax revenues that are generated with their payroll. For Dublin Methodist Hospital, the City provided an access ramp and roadway into the hospital. For almost every commercial development on any major roadway, there has been a development agreement.

Mr. Peterson inquired if it would be correct to say that Dublin would not appear as it does if not for development agreements.

Ms. Grigsby responded affirmatively.

Mr. Peterson inquired if the amendment to the ordinance involved any change to the process for entering into a development agreement.

Ms. Grigsby responded that it did not.

Mr. Peterson inquired if the process remained as public as it has always been.

Ms. Grigsby responded affirmatively.

Mr. Peterson inquired if Council has always been the entity that has authorized and entered into the agreements.

Ms. Grigsby responded that all the development agreements come before Council and the legislation receives two public readings. It is a public process – Council must approve the agreement in an open public meeting.

Mr. Peterson inquired if the approval of the development agreement related to Bridge Street is the same.

Ms. Grigsby responded affirmatively.

Mr. Peterson inquired if the review of every project that will be part of the Bridge Street area remains the same – with the same intense PZC review, including public input.

Ms. Grigsby responded affirmatively. The only change is that in cases where a development agreement is necessary with the Bridge Street project, City Council will review those Basic Plans first.

Mr. Peterson stated that the Basic Plan is reviewed upfront, and then the application can be referred to PZC for review – just as it has been done over many years.

Ms. Grigsby responded that is correct.

Mr. Peterson stated that there has been conversation about taxpayer dollars being used for these developments. The title of the ordinance indicates Tax Increment Financing – does that mean that the only funds being committed are those generated by the development itself and not taxpayer dollars?

Ms. Grigsby responded affirmatively. The goal of the Tax Increment Financing tool is provide a mechanism that would allow for the development to pay for the infrastructure needed to support their development. One of the things the City has done very well to utilize that mechanism is to build infrastructure to support the development, but also infrastructure that supports the overall community and builds out the City's Thoroughfare Plan. Having a good planning process and knowing where the roadways will be located provides an opportunity for the City to use these other mechanisms. The dollars can only be used for the capital

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improvements needed to support that development. The City must be able to demonstrate that any improvement made through use of the TIF service payments benefits the parcels that are included in the TIF district that is established.

Mayor Keenan noted that there is an annual review by the county auditor of all existing TIFs.

Ms. Grigsby responded that Ohio law requires that there be a Tax Incentive Review Council meeting held annually in spring or early summer. The County Auditor is involved, as their office establishes the values. Dublin uses their information to determine the timing of public projects. In most cases, the business or project would not come about without the incentive the City provides to them.

Mr. Peterson stated that this agreement does not take away from funding for other budget line items.

Ms. Grigsby stated that it does not take away from any other item. Because the City has been able to build 60 percent of Emerald Parkway through TIF dollars, it has actually freed up additional dollars that has allowed the City to build the Recreation Center, parks, and provide other amenities and services. Therefore, TIFs have provided not only the infrastructure within the community, but also the resources for other amenities that the City would not otherwise have been able to provide.

Mr. Peterson said that all of the tools that are being used in the Bridge Street area review remain unchanged. Only the timing of one -- the development agreement -- has changed.

Ms. Grigsby stated that is correct. The development agreement has always been Council's purview only.

Mr. Peterson added that he is the newest member on City Council, but of the other six Council members, he has known of their dedication for many years. For those people who enjoy living in the City of Dublin, they should thank for serving on Council. For anyone to suggest that Council members have anything in mind other than what is in the best interest of the City of Dublin, that is not true. He hopes that people who are concerned will take the time to review all of the facts and understand the clarification Ms. Grigsby has provided. He is very comfortable with planning to live in Dublin the remainder of his years. He hopes his children do as well, because he anticipates Dublin will continue to be a wonderful city because of the decisions Council is making.

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

Mayor Keenan moved to waive the Rules of Order and to address Ordinances 116-14 and 118-14 together.

Vice Mayor Gerber 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.

Ordinance 116-14

Declaring the Improvement to Certain Parcels of Real Property in the City's Bridge Street District to be a Public Purpose and Exempt from Taxation; Providing for the Collection and Deposit of Service Payments and Specifying the Purposes for which Those Service Payments May be Expended; Specifying the Public Infrastructure Improvements Directly Benefitting the Parcels; and Authorizing Compensation Payments to the Dublin City School District and the Tolles Career and Technical Center.

Ordinance 118-14

Declaring the Improvement to Certain Parcels of Real Property in the City's Bridge Street District to be a Public Purpose and Exempt from Taxation; Providing for the Collection and Deposit of Service Payments and Specifying the Purposes for which Those Service Payments May be Expended; and Authorizing Compensation Payments to the Dublin City School District and the Tolles Career and Technical Center.

Ms. Mumma stated that in conjunction with Ordinance 115-14 approved by Council tonight, authorizing the development agreement for the Casto Tuller Flats development, Ordinances 116-14 and 118-14 will establish two TIFs within the development area -- one under Section 5709.40 of the Ohio Revised Code and the other under Section 5709.41 of the Ohio Revised Code. As outlined in staff's memo, all of the public infrastructure improvements are listed, including those that were agreed to within the development agreement.

Vote on Ordinances 116-14 and 118-14: Vice Mayor Gerber, yes; Mr. Reiner, yes; Ms. Salay, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 123-14

Authorizing the City Manager to Execute a Release of Easement for a Sanitary Sewer Easement.

Mr. Hammersmith stated that this a release of a sanitary sewer easement that is no longer needed for public purpose, located on property owned by Five 9s Digital along the north side of Innovation Drive west of Emerald Parkway. There is no infrastructure within the easement. Staff recommends that the City release and vacate the easement.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 01-15

Appointing a New City Manager and Authorizing an Employment Contract, and Declaring an Emergency.

Vice Mayor Gerber introduced the ordinance.

Vice Mayor Gerber thanked Council members for the time and effort committed to the search for a new City Manager. There were many meetings involved in completing this national, extensive and exhaustive search. It is the decision of Council that Dana McDaniel, current Development Director is the right person at the right time to serve in this role. The appointment is being made tonight to allow time for the transition to occur, as Ms. Grigsby will be retiring on January 30. The contract content and terms are standard and consistent with prior City Manager agreements. With respect to the specific terms regarding compensation, they are consistent with the published City Manager profile, and commensurate with the acumen and mutual expectations of the parties.

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

Mr. Lecklider seconded the motion.

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

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

Mr. McDaniel stated that he and his wife Lisa are very pleased and proud to be able to continue to serve this community. He has served Dublin for 26 years and looks forward to serving as City Manager. He looks forward to supporting City Council, working with City staff, and continuing to serve the residents and businesses of the City of Dublin. He thanks Council for the opportunity.

Ordinance 04-15

Authorizing the City Manager to Execute a Development and Real Estate Exchange Agreement and the Necessary Conveyance Documentation to Acquire 1.20 Acres, More or Less, Fee Simple Interest from the Central Ohio Transit Authority ("COTA"), Located Adjacent to and North of Dale Drive, in Exchange for 3.326 Acres, More or Less, Fee Simple Interested Owned by the City, Located East of Emerald Parkway and North of Bright Road for the Replacement of a COTA Park and Ride.

Vice Mayor Gerber introduced the ordinance.

Mr. Foegler stated that this agreement relates to an exchange of real estate as well as some improvements that the City will make on COTA's behalf. One of the critical central roads in the Bridge Street District is this central signature circulator loop, of which John Shields Parkway forms a portion. To the southern end of the District, east of the river, there is a roadway known as Bridge Park Avenue, a similar east-west road that will eventually provide connectivity from Riverside Drive to Sawmill. It will be a very important east-west connector, as well as a road that distributes traffic throughout the District. Cycle tracks are located on it, as well as the more minimized version of the roadway. In December, Council authorized the acquisition of real estate from Wendy's Corporation, another of the key missing links. With the acquisition and this development agreement, the City will have all of the real estate necessary to complete this segment of the roadway, providing connectivity from Riverside Drive to the east of Sawmill Road. COTA already has a park and ride facility on Dale Drive – a 1.2 acre facility; however,

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the new roadway alignment goes directly to the middle of that site. Staff has been working with COTA for some time to identify an alternate location for them, because COTA does provide an important public service to the District. Staff has considered many different scenarios and fortunately found excess real estate that the City needed and acquired for the new Emerald Parkway and Bright Road roundabout. That roundabout required the City to acquire properties along Bright Road just east of that new alignment in the northeast corner, and there are over three acres of excess land at that location. After analysis with COTA, looking at the various services provided and ridership at the current facility, as well as projected future growth at the other facilities, and the serviceability of that site for buses and the connectivity provided by Emerald Parkway itself, the proposed relocation was deemed an excellent site. The tentative arrangement, subject to Council approval and final zoning would involve:

- COTA delivering the site they own on Dale Drive to the City of Dublin;
- Dublin would provide the land it owns on the northeast corner of Emerald Parkway and Bright Road to COTA;
- the City would oversee the design and construction of the new park and ride facility; the City would bear the costs of replacing the 84 parking spaces that are in the current facility;
- COTA would bear the costs for any oversizing of that facility beyond that; COTA is currently contemplating a 170-space facility, as well as the land in excess of that needed to build the 84-space facility.

Independent appraisals have been done for both sites, and they both were \$220,000/per acre. The current design and construction estimates could be refined slightly, prior to the second reading of this ordinance. The agreements will provide the details around which this exchange will occur. The 170-space facility will cost approximately \$1.27 million, of which approximately \$780,000 will be the replacement cost of the 84 spaces. This will be the last remaining piece of real estate needed for this roadway and some redevelopment of adjacent areas.

Ms. Salay stated that this is a development agreement and a real estate exchange with COTA. What additional process is involved? What will this site look like, and will the plan go to the Planning and Zoning Commission for review?

Mr. Foegler responded that the site needs to be rezoned, and that is one of the contingencies in this agreement. The proposed zoning is consistent with the land use recommendations of the Community Plan – a suburban office designation. It is the only zoning designation within which park and rides are listed as Conditional Uses, so the plan also has to go through a Conditional Use permitting process. PZC will have to review not only the rezoning, but also the subsequent Conditional Use permits, which will involve public meetings. Planning staff is scheduling neighborhood meetings to make the residents aware and acquire their input on the layout of this project.

Ms. Salay inquired if the landscaping and shelters would be under the purview of the Commission along with public input.

Mr. Foegler responded that all those considerations, including lighting, would be reviewed by the Commission.

Mr. Peterson inquired when that meeting would occur.

Mr. Foegler responded that the meeting is scheduled at 6:30 p.m. on Wednesday, January 7, at the Washington Township fire station on Hard Road.

There will be a second reading/public hearing at the January 26, 2015 Council meeting)

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 04-15

Authorizing the City Manager to Enter into an Agreement with the Ohio Department of Transportation (ODOT) for the Construction of the I-270/US 33 Interchange Upgrade, Phase 1.

Mr. Lecklider introduced the resolution.

Ms. Mumma stated that this resolution is similar to a resolution that was passed in August of 2014. It authorizes the contract with ODOT for the construction of the upgrade to the I-270/US 33 interchange. The parameters are the same as outlined in the August legislation. The City will fund the base \$8 million of the total \$33 million construction costs, along with 100% of any additional items that Dublin elects to add that are outside the normal scope of an interchange project.

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

Mayor Keenan asked when construction would begin.

Ms. Grigsby responded that it begins this year. The clearing of the site began today. The project will be bid in February, and construction should begin in March.

Resolution 05-15

Authorizing the City Manager to Enter into a Joint Use Agreement between the City of Dublin and the Ohio Board of Regents.

Vice Mayor Gerber introduced the resolution.

Mr. McDaniel stated that earlier in 2014, the Ohio General Assembly appropriated \$300,000 in its capital budget to the Board of Regents to be used by the City of Dublin in the effort to make live the 100-gigabit capable fiber optic backbone available for both research and education purposes. In order to receive the funding, Ohio Administrative Code requires that the City enter into an agreement with the Chancellor of the Board of Regents to set the conditions to receive this funding. This is the enabling legislation. Attached to it is a draft of the joint use agreement.

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

Resolution 06-15

Authorizing the City of Dublin to Enter into an Amendment to the December 14, 1998 Agreement between the City of Dublin and the DubLink Development Company, LLC.

Vice Mayor Gerber introduced the resolution.

Mr. McDaniel stated that the DubLink Development Corporation is the keeper of the conduit system that runs through the City of Dublin, which houses the City's fiber optic system. That conduit system is made available for lease by multiple companies who provide fiber optics. This resolution is a proposed amendment to the fee structure that is a part of the DubLink franchise agreement, which was approved several years ago. This modifies fees relative to phase four, which is Emerald Parkway Phase 8 and in the Tuller Road area where utilities are being buried. The fee structure changes will address the costs incurred by DubLink Development LLC for the extension of the conduit system that will be put in place to accommodate fiber optics.

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

Resolution 07-15

Intent to Appropriate a 0.006 Acre, More or Less, Fee Simple Interest from the Estate of Basil J. Brown, for the Property Located off Riverside Drive, North of Dale Drive, for the Realignment of Riverside Drive.

Vice Mayor Gerber introduced the resolution.

Ms. Readler stated that most of the property necessary for the relocation of Riverside Drive has been acquired by the City. In the process of doing those acquisitions, Legal staff identified this small sliver of property and there is difficulty in determining the owner. It appears to be vested in the estate of Basil Brown. This resolution will allow the City to begin the appropriation process to clear the title.

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

OTHER

- Tree waiver request – Stansbury at Muirfield Village

Ms. Husak stated that near the end of 2014, the City received this tree waiver request for the Stansbury at Muirfield Village development. This development was approved by Council in 2013. The site is just east of Drake Road and is the old Buckner Farm site located in the middle portion of Muirfield. It is approximately 12 acres, the rear portion of which is heavily wooded. There is also a stream corridor protection zone that runs north to south through the center of the site. The preliminary development plan included 18 lots and one public road into

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the site with a cul de sac bulb at the end. Behind Lots 1 through 12 is a tree preservation zone. There are also 4-1/2 acres of open space within this development, and this open space will be owned and maintained by Muirfield. The applicant is proposing to remove 162 trees, totaling approximately 1,500 inches. They are protected trees, which the Code would determine to be in fair or good condition at a size of six inches or above in diameter. Typically, a tree waiver request is for a tree for tree replacement for trees that are 24 inches or less in diameter and an inch for inch replacement for trees above 24 inches -- also referred to as landmark trees. The tree waiver policy adopted by Council in 2001 has two guidelines for waivers:

- Does the site meet applicable development standards?
- Have measures been taken to reduce the impact of construction on existing trees?

Staff has been working with the applicant throughout 2014 to identify areas where replacement trees could be accommodated. Given the heavily wooded site and the mature trees along the boundaries, staff has determined that all the replacements cannot be accommodated on the site and survive. The replacement plan shows the replacement trees within the tree preservation zone as well as in the open spaces, wherever they will fit. The replacement trees are above and beyond the trees that the Code requires the applicant to provide, which would be street trees and on-lot trees; on these lots, that is two to three trees. Those do not count as replacement trees and are not shown on this plan. There will be 161 non-landmark trees removed, totaling 1,480 inches. One landmark tree of 28 inches in diameter is to be removed. Per Code, the replacement requirement would be 1,508 inches or \$150,800. Based on the tree waiver policy, that would be reduced to 430 inches or \$43,050. The plan indicates more replacement than the waiver would grant, essentially 180 trees or 472 inches.

Mr. Reiner asked if any of the trees on Lots 14-18 would be saved.

Jason Francis, MI Homes, responded that all the trees on the back of these lots would likely be saved. They have done a grading and drainage plan that can accommodate most of the trees. The lots are exceptionally deep. There are not a large number of trees on the backs of Lots 14-18, but no tree removal on the backs of those lots is planned. The Code does not require that trees under six inches be shown. There are several hundred additional trees of that size on the site that they have located, and their proposed landscape plan is based on those, as well.

Ms. Chinnici-Zuercher asked if staff is recommending no fee be paid or a \$43,000 fee.

Ms. Husak responded that if Council were to grant the waiver as they have done for previous cases, the applicant could replace the trees at the reduced amount, so there would be no fee.

Mayor Keenan asked if the \$43,000 amount is the fee to be paid if no tree replacement is made.

Ms. Husak responded affirmatively.

Ms. Salay stated that on the rendering, there is a tree that is circled -- number 480, between Lots 7 and 8. Is that a tree that is being eliminated or saved?

Ms. Husak responded that it is a large tree that is being saved.

Ms. Salay inquired the location of the one landmark tree that is being eliminated.

Ms. Francis responded that the tree is located in the middle of Lot 11.

Ms. Salay asked what it would require to save that tree.

Mr. Francis responded that it is a 28-inch diameter black walnut tree, typically a quality tree. However, it has been evaluated on two different occasions; initially, it was determined to be in fair condition, but later it was considered in poor condition.

Ms. Salay inquired its status at this time.

Mr. Francis responded that with the tree survey done with the preliminary development plan, the assessment was that it was considered in fair condition. The tree is quite large, so Lot 11 would not be buildable if that tree were saved.

Ms. Salay stated that she does not want to lose that tree.

Mr. Reiner inquired about the interior row of trees that front the backs of the lots, and whether there was any consideration of making those evergreen trees to ensure privacy for the neighbors. The cost of a seven or eight foot Norway Spruce would be the same or less than a maple or oak, and it would do more to achieve that is a desire of the neighbors.

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Mr. Francis responded that they would be agreeable to a mix of evergreen trees.

Mr. Reiner responded that only spruce trees should be used, because pine trees often have a blight in this particular corridor -- that disease is coming down from Delaware County.

Residents have expressed privacy concerns regarding this project. He is referring to the trees that border the property lines of the subdivision, not the shade trees on the outside, which mix into the existing forest. He recommends making that row of trees either eight to ten-foot Norway Spruce, Colorado Blue Spruce or Colorado Green Spruce, something that is not susceptible to the Diplodia disease.

Mr. Francis responded that they would be willing to intersperse those species. They have also expanded the tree preservation zone since the time of the preliminary development plan approval. There is a 40-foot tree preservation zone on Lots 1 - 5; a 35-foot zone on Lots 6 - 11; the 30-foot tree preservation zone on the rear of Lots 11-13 has remained; and they have added a tree preservation zone to the backs of Lots 14 - 18. These are areas in which they are proposing to plant trees in addition to saving those already existing. There is a 30-foot open space behind Lots 14-18, as well.

Mr. Reiner stated that he assumes that prior to building the homes, the lots will be graded out and then re-graded to plan. He suggests that the trees sitting on the back property line become evergreen elements, and then the developer could continue with the deciduous plan they have.

Mayor Keenan asked if that would require a revised plan.

Mr. Reiner stated that the developer should be able to work with staff to achieve that.

Ms. Grigsby stated that if Council approves the waiver, with the information that is provided, staff can ensure that the trees are planted according to Council's direction.

Mr. Francis stated that, pending Council's action tonight, they would be completing the final development plan, which includes the landscape plan, for Planning and Zoning Commission approval. Council's direction will be incorporated into that plan.

Mr. Peterson stated that it was pointed out that there are two waiver criteria. It seems a third one is also added - not to burden new development by adding unreasonable costs. Is the cost aspect taken into consideration in the waiver guidelines?

Ms. Husak responded that it is part of the reason the waiver option was created.

Mr. Peterson stated that it was stated previously that if the developer replaced all the trees that the Code required, that number would not do survive, and that makes sense. However, if Council is approving the waiver because it is too expensive, he is not as inclined to agree with it.

Ms. Husak responded that the plan does not show all the trees on the site, only those six inches or more in diameter. On the site, however, it can be quite dense in view of all the smaller trees.

Mr. Peterson stated that the financial concern can be a component, perhaps, but it is not as important as the other criteria.

Ms. Chinnici-Zuercher moved approval of the staff recommendation.

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Mr. Peterson, yes; Ms. Salay, no; Mr. Reiner, yes; Vice Mayor Gerber, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes.

Mayor Keenan requested that staff provide a copy of the final landscape plan to Mr. Reiner for his review, given the comments tonight.

COUNCIL COMMITTEE REPORTS

Vice Mayor Gerber, Administrative Committee Chair reminded Council members that the final PZC applicants will be interviewed the evenings of January 13 and 14.

Ms. Salay, Public Services Committee Chair stated that a committee meeting would be scheduled in early February to review the private maintenance of public open space issue. She will ask the Clerk to poll committee members regarding a potential meeting date.

COUNCIL ROUNDTABLE

Mr. Peterson:

1. Stated that there were three informational items in packet that emphasize what a great place Dublin is in which to live: the volunteers "Walk in the Park" inventory; the skate

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park expansion; and the one-time free block party package available to any neighborhood.

2. Congratulated Mr. McDaniel on his selection as the new City Manager. He is looking forward to continuing to work with him.

Mayor Keenan remarked that Council must have had great foresight when it moved the first January Council meeting from January 12 to January 5, given the Championship game in which OSU will play on January 12!

ADJOURNMENT TO EXECUTIVE SESSION

Mr. Reiner moved to adjourn to executive session at 8:40 p.m. for personnel matters related to the appointment of a public official.

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.

The meeting was reconvened and formally adjourned at 9:20 p.m.

Mayor – Presiding Officer

Clerk of Council