

May 4, 2015

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**CALL TO ORDER**

Mayor Keenan called the Monday, May 4, 2015 Regular Meeting of Dublin City Council to order at 6:00 p.m. at the Dublin Municipal Building. Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, and Mr. Lecklider.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Keenan moved to adjourn to executive session to discuss the purchase of property for public purposes and conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Ms. Chinnici-Zuercher seconded the motion.

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

(Mr. Peterson, Mr. Reiner and Ms. Salay joined the session in progress.)

Staff members present for the executive session were Mr. McDaniel, Ms. Readler, Ms. Mumma, Mr. Foegler, Ms. Crandall, and Mr. Kridler. In addition, Mr. Daniels and Mr. Franzmann of Squires Patton Boggs, and Mr. Sprague of PRISM Municipal Advisors, LLC joined the executive session.

The meeting was reconvened at 7:15 p.m.

**ROLL CALL**

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

Additional staff members present were Chief von Eckartsberg, Mr. Earman, Mr. Wagner, Mr. Shawn Smith, Mr. Hahn, Ms. Puskarcik, Mr. Hammersmith, Mr. Gunderman and Ms. Shelly.

**PLEDGE OF ALLEGIANCE**

Mr. Lecklider led the Pledge of Allegiance.

**CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road, Dublin noted that many people are talking about the City of Dublin – in the state, in Columbus, and throughout the world. The word “global” is beginning to be attached to the City’s name. He is astounded by the fact that Dublin does not exploit the fact of being a global city versus being a branded town with some Irish associations. It is quite possible to promote the fact that Dublin is a global city, given the mix of ethnic groups in this city. There are pockets of dissatisfaction in the city, stemming from the fact that it is branded as an Irish enclave – even though there are other large ethnic groups represented in the city. If he were running for office, he would go to these groups for support. The artisan who participated in the discussion regarding the 270/33 interchange noticed the fact that there was an artificiality about Dublin’s branding, and he modified the reference in the walls of the interchange. Mr. Maurer suggested that Council consider having eight to nine annual festivals celebrating all of the ethnic groups in the city – larger groups than the American-Irish sector of Dublin’s population. This would really transform Dublin into a “globally tinged” city.

Mr. Reiner commented that Dublin was recently named as a Creative Class city – the only such city not located on the east and west coasts of the country. As a city of only 45,000, this is quite impressive.

Karen Lintala, 5835 Dunglady Court, Dublin stated that she has lived in Dublin since 1999. She is present to speak about the COTA issue and relocation of the Dublin Park and Ride. She and her co-riders on the COTA bus want Council to know that – although half of this issue is owned by COTA in terms of finding a suitable place – there are well over 100

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riding the bus downtown to Columbus from Dublin. These individuals are professionals working at the State, Nationwide, AEP, banks, etc. The bus from the Dublin Park and Ride does not serve Columbus residents – but Dublin residents, based on the ridership. The Park and Ride lot was beautifully landscaped and well maintained until the present time. She is hoping that whatever location is selected for the future will be as nice as the one that exists today. The residents also want the Park and Ride location to be close to access to Route 33 as is the current Park and Ride. They do not want to add another 10-15 minutes to commute to a location that is not close to Riverside Drive/33. She feels safe on the bus and does not want to deal with traffic and parking in downtown Columbus. Mayor Keenan noted that the City continues to work closely with COTA and has offered a number of alternative locations to them.

Annie Mathews, 7828 Brandonway Drive, Dublin stated that she has lived at this location since 1992. They want to make sure that those who live on the west side of Dublin and who have been riding the buses for 10 years commuting to Nationwide are represented. Her husband works at Nationwide as well. During the summer months, many OSU students and interns ride the bus, as many do not have cars. Nationwide hires many interns who live in the Dublin area and who do not have automobiles. They use the bus services as well. There is very little parking in downtown Columbus so COTA has worked with Nationwide and AEP and other companies to provide the riders incentives to use the bus service to travel downtown. She invites Council members to ride their bus to downtown Columbus to experience the easy commute.

John Hardt, 7070 Gorden Farms Parkway, Dublin noted that he has questions related to the City's development review process in general. He has been a practicing architect in central Ohio for a number of years and has designed projects in Dublin and other communities in the region. Throughout that experience, there has been a fairly consistent policy observed – not only in Dublin, but in other communities – where no permits are typically issued for any kind of construction or earth moving until the formal development approval process had been completed by the approving bodies. In looking around Dublin today, trees are being cut down at the existing COTA Park and Ride site, sites are being cleared, earth is being moved and buildings are being torn down on a number of sites around the community where the development review process has not yet been completed. Personally, he has received phone calls in recent weeks from colleagues in the development industry who are curious if this is the new norm. They wonder if there has been a formal and deliberate decision to allow site clearing and things of that nature to occur prior to zoning approval. If that decision has not been made and this is not the new norm, why is it being allowed to occur? If it is the new norm, why has there not been more discussion about this, given it is a fundamental policy decision and a departure from the way development has occurred in the past.

Mayor Keenan asked for clarification – is he speaking about the buildings north of Oscar's in the Bridge Street West area?

Mr. Hardt responded that is one of the areas he speaks about.

Mr. McDaniel stated that he has not received such phone calls. In the case of COTA, the City has a right of entry to the property to remove certain trees. Some of those were scrub trees along the fence row, some were within landscaped areas and this timing related to the restrictions for tree clearing after April 1 due to the habitat of the endangered Indiana bat. This is also a factor in other areas of the City where such activity has taken place. After March 31, trees cannot be removed until October – resulting in losing a year of construction season. The same situation exists for right-of-way work and road construction on the east side of the river. The City does have a history of incremental permitting, such as site permits, followed by foundation permits, followed by building permits. He encouraged Mr. Hardt to contact him regarding particular projects and he can obtain information from the Building division about any incremental permitting that has been done. This also relates to demolition permits.

Mr. Hardt responded that he is very familiar with this process, but does not recall it occurring prior to issuance of a zoning certificate.

Mr. McDaniel stated that he will meet with Mr. Hardt to review the permits that have been issued.

**CONSENT AGENDA**

Mr. Reiner moved approval of the five items on the Consent Agenda.

Mr. Lecklider 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.

**ORDINANCES – SECOND READING/PUBLIC HEARING**

**Ordinance 29-15**

**Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.055 Acre, More or Less, Permanent Easement and a 0.023 Acre, More or Less, Temporary Easement from Katina Spanos for the Property Located at 8700 Hyland-Croy Road for the Construction of a Shared-Use Path Connection**

Mr. Hammersmith stated that this is the fifth of six needed easements for the Hyland-Croy shared use path on the east side of Hyland-Croy Road, north of Dublin Jerome High School. Negotiations have been concluded with Ms. Spanos for both a permanent and temporary easement, and staff recommends authorization of the counter offer amount.

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.

**Ordinance 32-15 (Amended)**

**Authorizing the Appropriation of a 5.120 Acres, More or Less, Fee Simple Right-of-Way, of which 1.308 Acres are Located within Present Road Occupied; and a 0.387 Acre, More or Less, Temporary Easement from BPACQ, LLC and Tim Hortons as Lessee of the Property, for the Property Located at 6490 Riverside Drive, for the Construction of a Roundabout at the Intersection of State Route 161 and Riverside Drive and the Relocation of Riverside Drive to the East, and Declaring an Emergency.**

Ms. Readler stated that staff continues to work with Tim Hortons and believes resolution has been reached on this matter. As a result, the legislation has been amended to add a new section to authorize the City Manager to enter into any necessary agreements to effect that settlement. It is staff's understanding that Tim Hortons has not selected a new location as of this time. Staff recommends approval by emergency in order to settle this matter and proceed with road construction.

Vice Mayor Gerber moved for emergency passage.

Ms. Salay seconded the motion.

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

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

**Ordinance 33-15**

**Implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, Establishing and Describing the Boundaries of the Bridge Street District Community Reinvestment Area, Designating a Housing Officer to Administer the Program, and Creating a Community Reinvestment Housing Council, and Declaring an Emergency.**

Ms. Mumma stated that emergency action is requested on Ordinance 33-15, which establishes the Bridge Street District Community Reinvestment Area. As outlined in the staff memo and presented at the first reading of the legislation, this ordinance adopts the Housing Survey completed of the area; defines the boundaries of the Bridge Street District CRA, which match the defined area of the Bridge Street District in and of itself; and defines the incentive that could be provided within the boundaries of the CRA. She noted that staff is recommending up to a 100 percent property tax exemption for up to 15 years for new construction of multiple unit residential, which would be defined as two or more

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residential dwelling units and of commercial and retail facilities. The ordinance would also create a Bridge Street District CRA Housing Council, and the members would be appointed at some future point in time.

This legislation does not authorize an incentive to any particular property owner within the BSD. A separate agreement to be approved by Council would be needed between the City and the developer or property owner in order to obtain this incentive. Therefore, the incentives would be reviewed on a case by case basis.

Staff is requesting emergency action this evening. Once the CRA is approved, the Ohio Revised Code requires that the approved ordinance be advertised for two consecutive weeks. After that time, the application can be submitted to the Ohio Development Services Agency for their review. The Agency then has 30 days within which to consider the application. Passage of the legislation by emergency tonight would make it possible to have approval from the Agency in mid to late June. Once approved by the Ohio Development Services Agency, staff could work with property owners who want to request an incentive from the City.

Mr. Peterson asked who will be the Housing Officer for administration of this program.

Ms. Mumma responded that Colleen Gilger, Director of Economic Development will serve as the Housing Officer.

Mr. Peterson asked for the basis for not recommending single-family homes for the incentives.

Ms. Mumma responded that within the BSD, the goal is to provide incentives to encourage the type of zoning and development outlined in the BSD vision, which would include commercial, retail and multi-family types of facilities.

Mr. Peterson stated that entering into an agreement for an incentive is a subsequent negotiation, correct?

Ms. Mumma responded that is correct.

Mr. Peterson stated that if the ordinance exempts single-family development, then that type of development could never be considered for an incentive in this district.

Ms. Mumma responded that by restricting the incentives to multiple family residential development, it would not permit a single-family property owner to take advantage of this exemption – unless they planned to construct something with more than two residential units. The single-family housing included in the housing survey is simply provided because the requirement is to identify one or two houses within the defined area of the proposed CRA, which have shown a level of disinvestment. Some examples have been cited of parcels with a history of zoning violations and a decline in property value.

Vice Mayor Gerber noted that a Housing Council is to be established. What is the function of this entity?

Ms. Mumma responded that on an annual basis, the Housing Council would review any agreement entered into between a property owner and the City to ensure the intended development occurred. They meet annually, similar to the Tax Incentive Review Council.

Mr. McDaniel added that in the existing Britton Parkway CRA, the Housing Council has convened. He has personally served as the Housing Officer, which requires annual inspections of properties in the area to ensure that investment is ongoing and improving. This information is reported to the Housing Council and the county Auditor is present at the meetings as well. The goal is to ensure progress and investment in the area. Typically, the Tax Incentive Review Council and the Housing Council meet consecutively on the same day as many serve on both Councils.

Vice Mayor Gerber asked for the typical level of abatement in the CRAs in Central Ohio – are they 70 or 100 percent?

Ms. Mumma asked Mr. Daniels to respond.

Greg Daniels, Squires, Patton, Boggs noted that, in general, the Community Reinvestment Areas are typically established as a maximum up to 15 years and up to 100 percent tax abatement. On a case by case basis, the actual incentive is then determined – based on project economics and other factors taken into account.

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Vice Mayor Gerber asked staff for the basis of the request for emergency passage of the ordinance.

Ms. Mumma responded that the emergency request is related to the fact that the Ohio Development Services Agency can take up to 30 days to approve the CRA. Furthermore, the ordinance must be advertised for two consecutive weeks after the effective date. These requirements could place a developer into a timeframe of late June or July before they could bring forward a request for exemption under the CRA. As part of obtaining the CRA, there cannot be vertical construction. Once that occurs, the value of the abatement created is diminished.

Vice Mayor Gerber noted that he has made it clear that he is not enthusiastic about emergency legislation for this area in particular. He is not quite convinced that another two weeks would be significant. There are policy issues involved to be decided by Council: when will this tool to be utilized, what abatement level will be offered, what type of properties will be involved, etc. Ideally, he would have preferred to have these policy issues decided before proceeding. He agrees that these are good tools, and he believes the developers will want them, as they are used throughout the Central Ohio area. But he would like Council to consider the policy ramifications of this with respect to how the tools will be utilized. Is it possible for staff to bring back some recommendations on these policy issues?

Ms. Mumma responded staff can certainly look at this. However, each individual project has its own financing merits and comes with its own requests and needs. Therefore, it is not a one size fits all formula. Even if the City establishes a template, there would be consideration needed for the particular project under review – what it brings to the City, what it generates, and how it aligns with the Bridge Street vision.

Vice Mayor Gerber commented that he observes many pieces of emergency legislation, submitted in a piecemeal fashion. He prefers to have a clearer vision about expectations going forward.

Mayor Keenan asked about how the economic development agreement folds into the CRA.

Ms. Mumma responded that there would be a CRA agreement and then a separate development agreement that would outline all the tools being used.

Mr. McDaniel noted that, in essence, this legislation simply adds a tool to the toolbox. He appreciates the concern about the emergency nature of this. Dublin has one CRA in place at this time and has considered this tool over the years. There have been times when Dublin has been at a disadvantage in competing for jobs and projects because other municipalities have CRAs in place. Even without this tool, Dublin has competed well within the region. However, this CRA is related to redevelopment and this defined area lends itself well to redevelopment. In New Albany, their greenfield development has utilized CRAs since the outset, with a flat 50 percent abatement over 15 years as a policy. He is not advocating such a policy, as it is a guarantee. He believes in reviewing each case on its own merit. Regarding the emergency request, he assured Council that the City does not abuse this option. In this case, there are time constraints involved, and there is clearly a case of health, safety and welfare relative to economic development and how it enables the ability to fund safety services. He appreciates and respects Council's concern about this.

Vice Mayor Gerber responded that he understands this is a good tool and that it will be needed. He is simply trying to understand the big picture costs. Going forward, it is good business to have such an understanding in advance of actions.

Ms. Salay added that no one would argue this point. Council will review the merits of each project that is brought forward. This is simply a tool that is needed and should be available if needed.

Mr. Reiner noted that Dublin is in competition with many other entities and this tool is needed. Dublin has been the cutting edge city, but is falling behind. This tool will help Dublin remain in a competitive position.

Mr. Peterson asked if these agreements are assignable – can a developer who has an agreement with the City assign it to another developer?

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Mr. Daniels responded that it depends upon how the agreement is structured, but typically requires City Council consent for future assignments.

Mr. Peterson asked if the City claws back the taxes that were abated, should a project fail.

Mr. Daniels responded that can be a provision of the agreement; it is dependent upon whether the project can support that.

Mr. Peterson asked what the city would typically know about a project when asked to consider such an agreement.

Mr. Daniels responded the city would know of the size of the project, the job impact, the estimated amount of abated taxes, number of years, percent exempted – all of this would require Council approval and would be included in each agreement.

Mr. Peterson stated that the agreement is purely the economic portion of a project – not architecture, etc., correct?

Mr. Daniels responded that the CRA agreement itself does not require that. The other processes in place in a city for development approval would handle those aspects of the development.

Mr. Peterson asked if those processes run concurrently, or does one come prior to the other.

Mr. Daniels responded that the processes typically run simultaneously.

Mr. Lecklider noted he believes it is valuable to have this tool available for the reasons mentioned. The City may or may not use this tool, but it is important to have it available over the course of development of the Bridge Street District over many years as the market evolves. The City may want to use this at a 25, 75 or 100 percent – depending upon the circumstances. He supports the establishment of the CRA.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road, Dublin asked about the membership of the Housing Council.

Ms. Mumma responded that the statute provides that two appointments are made by the Mayor, two by Council and one appointment by the Planning and Zoning Commission.

Scott Haring, 3280 Lilly-Mar Court, Dublin noted that his back yard abuts the Bridge Street District. He is curious about whether there is an opportunity to modify the ordinance before it is voted upon. He attended last week's Council meeting and received a copy of the *Bridge Street Briefs* document. After review of the proposed CRA, he believes Council should not approve it for the following reasons:

- 1) It is too broad in scope;
- 2) It incentivizes new retail development and multi-family, which will be apartments
- 3) It is a tax increase on other property owners throughout Washington Township and Franklin County, as funds are withheld from these parcels while the others have to make this up;
- 4) It is not an emergency.

Regarding point one, he does understand that redeveloping land is more costly than new development. However, he does not like the idea that one or two houses have been identified somewhere in the Bridge Street District with disinvestment and that could allow another parcel somewhere in the District to be redeveloped and receive a property tax abatement. He could understand if a distressed property were identified and there was an incentive to redevelop that parcel and perhaps an adjacent parcel. As he reviewed the map, the Bridge Street District from Sawmill to Metro Place is nearly two miles. Because one or two parcels were found somewhere in the District with disinvestment, the opportunities could exist anywhere in the District for the abatement. This seems too broad.

Regarding point two, in the middle paragraph on the back page of the Brief, it mentions including retail. He does not support incentivizing new retail, especially if it involves tearing down existing retail only to grant an abatement to build new retail. Certainly, the track record of retail in the Bridge Street District has not been strong.

Regarding point three, the Brief also mentions the City's desire for large scale and more comprehensively planned mixed-use development. That would be the high density

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housing. Over the last three to four years that he has attended the Bridge Street meetings, there has been a lot of discussion about high density apartments. More residents translates to more services required – particularly, fire and EMS from Washington Township and other services from Franklin County. His understanding is this is a property tax abatement, which means that these entities would receive less revenue but potentially have to serve more residents. If that is the case, he is not supportive of this CRA.

Finally, in regard to point four -- the emergency request --, this seems like a "handout." Long ago, he attended a sales seminar where they advised not to discount price or sell yourself short. If development has not occurred in this area, he is not certain that throwing money at it is what is needed. Instead, the need is to look within. Developers may have issues with other items, such as restrictive zoning. Perhaps some Codes can be rescinded, as he has heard much about Dublin's sign code over the years. Recently, he attended a Planning and Zoning Commission meeting where they reviewed the Tuller Flats development. Many waivers were needed from the Commission due to the conflicting Codes. This seems crazy – this many rules are not needed. He asked that Council defeat the ordinance or table it.

Mayor Keenan noted that much of the District is in disrepair, in particular the shopping center with a small number of tenants. This is all part of the reason why the City is undertaking this redevelopment and considering the use of these tools. Council has discussed the tax issue many times and believes that good progress has been made with the Schools and other entities impacted.

Ms. Salay stated that this is not a case of where developers will not pay fees. Mayor Keenan noted these are not "handouts" – but are determined on a case by case basis.

Vice Mayor Gerber noted that he is in favor of these tools for redevelopment, but does not like the process used to reach this point.

Ms. Chinnici-Zuercher commented that it is a different day in Dublin and this is a different area that was never intended to have single-family housing. The City has been fortunate not to have needed all of the development tools available to the City, but with redevelopment of a different type of area, it is appropriate to use different tools than used previously. Council has closely studied all of the issues and opportunities that exist. In order to maintain the services offered to residents and to build upon them, economic development must continue. This District will meet the needs of future employees. Dublin residents will also enjoy using the new restaurants, retail and the riverfront park. These will be wonderful amenities for all Dublin residents.

Vice Mayor Gerber responded that he does not disagree. However, his preference is to have a better understanding of the cost of that tool.

Mayor Keenan stated that staff has indicated they can provide comparables of what other communities such as Dublin have offered.

Mr. McDaniel agreed that staff can bring this information to Council and make suggestions relative to policy.

Vice Mayor Gerber responded that information would be very helpful going forward as Council analyzes future projects.

Ms. Chinnici-Zuercher agreed, noting that Ms. Mumma listed many items that would be considered in the granting of abatements. This needs to be put in writing so that everyone has a collective sense of the kinds of things that would be considered.

Ms. Salay moved for emergency passage.

Mr. Reiner seconded the motion.

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

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

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 34-15**

**Amending Ordinance No. 57-94, Passed June 20, 1994, as Subsequently Amended, to Supplement the Public Improvements to be Made to Benefit the Parcels Identified in that Ordinance. (McKitrick TIF) (Second reading/public hearing May 18 Council meeting)**

Ms. Salay introduced the ordinance.

Ms. Mumma stated that staff is requesting that the McKitrick TIF, established in 1994, be modified as outlined in the memo. The McKitrick TIF has primarily funded a good portion of Emerald Parkway. Staff would like to extend the improvements that would benefit the parcels that are part of this TIF to include the Riverside Drive realignment, the intersections of Tuller and Riverside Drive as well as John Shields Parkway and Riverside Drive.

There will be a second reading/public hearing at the May 18 Council meeting.

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

**Resolution 45-15**

**Authorizing the City Manager to Enter into an Indefeasible Right to Use Agreement with PCCW Teleservices (US), Inc. to Utilize Fibers Within and Connect to Dublink Facilities.**

Ms. Salay introduced the resolution.

Mr. Gracia stated that this authorizes an IRU with PCCW Teleservices, Inc., located in Dublin. PCCW Teleservices is a premier business process outsourcing (BPO) provider skilled in all facets of voice and non-voice customer service, technical support, sales, customer retention and related services for global brands. They operate a global network of 24-hour, multi-channel contact management centers via hubs in the U.S., mainland China, Hong Kong, the Philippines and Panama. The company is currently located at 565 Metro Place South. Due to continued growth and new contracts, they plan to double their footprint. They have identified a location on Rings Road, and part of the City incentive offered to them is Dublink connectivity. The project will result in retention of 289 existing jobs and add approximately 200 new jobs. Representatives of the company are present to address Council.

Mr. Lee, Vice President of Finance, PCCW stated they are very interested in the opportunity to continue the growth of the company. This growth will help to bring in revenue for the company and close to \$1 million per year in taxable revenue for the City.

Mr. Johnston, Vice President of Operations and Account Management, PCCW echoed Mr. Lee's comments and thanked Council for extending fiber to their temporary location at 495 Metro Place, which enabled them to add about 100 employees at that time, bringing the total to 289. They have recently entered into contracts with a client that will result in adding 200 more employees. They are seeking assistance as they move into the new location on Rings Road.

Mr. Lecklider asked the representatives to describe briefly their business operations to Council.

Mr. Johnston stated that they are a business processing outsourcer. They are an engagement center, and serve as the "voice" of many global companies. They provide voice support for various companies as well as chat, e-mail and social media. They plan expansion into text message customer service as well.

Mr. McDaniel commented that this company has grown exponentially very quickly. The City was able to work with them to connect a data center in an existing building while they relocated, and now they are relocating to yet another building in Dublin. Their growth has been very impressive.

Mr. Lee commented that the City of Dublin culture is very attractive to the clients they serve.

Mr. Lecklider added that this is an amazing story of growth and expansion. The City is very pleased that they are in Dublin.

Mr. Lee stated that they envision future need for expansion as well.

Mr. Reiner asked about the number of young employees working in their company.

Mr. Lee responded that the average age is about 32. They are looking to diversify, working with organizations to bring veterans into their workforce.

Mr. Reiner stated that the City is trying to create the draw that will bring young employees into the Dublin workforce as well.

Mr. Lee invited all Council members to attend their upcoming ribbon cutting.

Mr. Gracia stated that one of the company's prospective clients came to assess the culture that they could create in this new facility for prospective customers to make sure it was the right fit.

Wallace Maurer, 7451 Dublin Road, Dublin stated that he was shocked to read the indemnification paragraph, on page six of the IRU agreement. He believes it is formulaic, but it does sound as if the owner has complete control over all of this. Buried in the indemnification is the phrase "active negligence or willful misconduct." If that were discerned in the owner, that is adequate to rein the owner in. He presumes that is the power of this indemnification paragraph.

Mr. McDaniel stated that, in effect, the IRU allows the company to use the City's optical fiber system – but the company has no ownership of it. They have the responsibility to light this fiber, maintain and operate it. As a result, if there is misuse or maintenance issues for the system that affects their customer, it is their liability and not the City's. The City is merely a provider of access to the infrastructure.

Mayor Keenan stated that the City is the party being indemnified as the owner of the system.

Mr. Maurer stated he would carefully review this language again.

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

**Resolution 46-15**

**Authorizing the City Manager to Enter into an Agreement with Metro Data Center LLC to Create the Dublink 100 Gigabit Program.**

Vice Mayor Gerber introduced the resolution.

Mr. McDaniel stated that the City's CIP includes funding for a 100 gigabit infrastructure program. The CIP budget provides a total of \$865,000 over a six-year period. The City will also receive \$360,000 in cash from the Ohio Academic Resource Network in exchange for the use of additional fiber optics in the Dublink system that can be leveraged for this program. The City also will receive an additional \$300,000 as approved last year in the State Capital budget that can also be leveraged toward the 100 gigabit project. The State Capital funds will be used to connect "institutional users" – such as Dublin City Schools, Washington Township, and other entities of a public nature that desire access. By leveraging these funds together, the overall intent of the 100 gigabit project is to provide a fiber optic backbone that can operate at 100 gigabits of broadband speed and capacity in order to create, retain, expand and attract high tech and broadband driven industry, businesses and jobs, while expanding the capabilities of primary and secondary education. The details are outlined in the staff report. He reviewed some of the highlights.

The City is pursuing this 100 gigabit capable infrastructure to do a number of things, including:

- Build upon the City's existing fiber capability by:
  - Increasing the fiber count in the existing conduit
  - Extending the fiber optic capability into additional areas
  - Extending fiber optic capability into commercial buildings
- Maximize broadband capacity for research, education and business use

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- Differentiate from Google Communities (> 1 gigabit)
- Be "the place to be" for broadband capacity and opportunity to leverage it for development and use.
- Provide access to a research platform – attract researchers/heavy consumers of bandwidth
- Provide a platform for modeling, analytics, prototyping and simulation
- Attract high paying technology jobs
- Provide a significant value-added amenity to the City's legacy office buildings and make them more competitive
- Maximize partnership/collaborator opportunities for service delivery and programs (educational, economic development)
- Create new applications, technologies, and uses
- Provide access for Dublin City Schools

The City can leverage the capacity of its new 100-gigabit backbone as a new and additional benefit and incentive to its companies and other institutional users. This infrastructure can be leveraged as follows:

- The City will extend fiber optic laterals into certain commercial buildings along its fiber optic backbone route.
- The City can place router equipment enabling commercial buildings to be "100-gigabit capable" – "fiber to the cubicle."

After extending these laterals and routers, Dublin can backhaul companies of all sizes at up to 100-gigabit capability and capacity where companies can access the following:

- Choice of internet service provider(s).
- Ability to locate the businesses' server(s) in a local data center.
- Access to OARnet and the Central Ohio Research Network (CORN). Companies can then access cycle time on the Ohio Supercomputer and interconnect to Ohio's colleges, universities and research institutes, as well as, other OARnet-like networks in other states.
- Direct access to a National Science Foundation (NSF) Global Environment for Network Innovations (GENI) rack.
- Access to cloud services.
- Access to thin client services.

In terms of institutional purposes, the City can:

- Provide interconnectivity for Dublin City Schools, Washington Township and other institutional users.
- Provide access to the data center to house equipment.
- Provide interconnectivity to OARnet and other users of OARnet for research, educational and intergovernmental purposes.
- Maximize cost savings to institutional users by avoiding carrier costs and accessing choice for internet service.
- Increase internet service capacity and speed.

The City can provide incentives not currently provided to its companies and building owners. Such incentives are outlined in the staff report.

In terms of managing the 100 gigabit project, the City will contract with Metro Data Center to provide the day-to-day administration, technical advice, marketing and back office support to the operations of the 100-gigabit project.

Resolution 46-15, if approved, authorizes the City Manager to enter into this contract. Staff is also requesting the ability to provide this incentive on an ongoing manner, and staff will monitor and provide regular reports to Council.

He thanked Rob Kopp, Co-Founder, President and COO of Metro Data Center who is present tonight for the offer of allowing the City to rent some pod space to house servers. This is a \$1.4 million project over three years. They have allowed the City flexibility as necessary should the projections not be achieved.

Staff is anxious to promote implementation of this project and appreciates Council's support.

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

**Resolution 47-15**

**Authorizing the City Manager to Enter into an Agreement with the Intelligent Community Forum and its Foundation for the Purpose of Implementing a Global Institute for the Study of the Intelligent Community in Dublin, Ohio, USA.**

Vice Mayor Gerber introduced the resolution.

Mr. McDaniel stated that this is a unique opportunity for the City and its Economic Development team to host in Dublin a global institute for the study of the intelligent community. The Intelligent Community Forum (ICF) is a think tank that studies the economic and social development of the 21st Century community. The ICF conducts research, creates conference content, offers educational and advisory services, establishes Institutes and presents annual awards.

Dublin has been recognized by the ICF on the global stage as a four-time Smart21 community (2008, 2009, 2010 and 2011) and as a two-time Top7 community (2010 and 2011). The ICF receives applications for recognition from cities around the globe. To be named four times as part of the Smart21 and the Top7 twice was very significant.

The Intelligent Community Indicators have served as a guidepost for its economic development efforts. These indicators include:

- Broadband Connectivity
- Knowledge Workforce
- Innovation
- Digital Inclusion
- Marketing and Advocacy

Staff believes that hosting this global institute as a programmatic aspect of economic development places Dublin on the global stage. There are 400 communities from across the globe who submit applications annually.

Dublin is also serving as a "lighthouse" to other communities in terms of how to leverage broadband economy. He and Mr. Dunn have worked with various other cities about how to do this. He has had a Telecommunications Working Group in place, including the representatives outlined in the staff report, for years. This same group would be used to promote the broadband community and the intelligent community. Dublin would continue to raise awareness of our City and what it contributes worldwide. Further details are outlined in the staff report.

Ms. Chinnici-Zuercher stated this is a great opportunity. She was surprised that it has been four years since Dublin was named in the Top7 Smart Communities. This is what makes Dublin different from other communities, with all of the companies engaged in these fields. She would like the City to leverage this more publicly as setting Dublin apart from other communities.

Mayor Keenan asked who would be involved in the working group.

Mr. McDaniel responded that he would continue to build on the working group in place, which includes the City of Dublin, the consulting team, other communities in the region and the Fishel Company. He has done webinars and presentations to other communities, including Arlington, Virginia. He envisions Dublin working on what they term "a rural imperative" – with such communities as Athens and Yellow Springs. He believes Dublin can work with the City of Columbus who is vying for the top spot globally as the No. 1 Intelligent Community. Columbus could do the urban model. Dublin has the opportunity to work with universities, such as OSU and OU. This is a programmatic aspect that can be grown.

Wallace Maurer, 7451 Dublin Road, Dublin applauded the City Manager for his work to host the ICF in Dublin. This is a wonderful achievement. He noted that in the memo, page 2, under the section "Why would the City of Dublin want to host a global institute?" there is a confusing statement. The memo indicates, "As a result, the City of Dublin has and continues to prosper in the Broadband Economy." His suggestions are as follows:

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"The City of Dublin has, and continues to prosper in, the Broadband Economy" or "The City of Dublin achieved the Broadband Economy and continues to prosper in that achievement."

He commented that, in the big picture, the Broadband Economy is not the achievement. The achievement of the technology makes possible other things. This is a basis for things to occur in the future. For example, without the economic background, it is unlikely Dublin would have the ability to have a successful arts program.

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

**OTHER**

- Tuller Flats – Preliminary and Final Plats (Case 15-012PP/FP)

Ms. Shelly stated that this is a request for approval of the preliminary and final plats for the multi-family development of 20.44 acres known as Tuller Flats. This proposal includes new public streets and 14 blocks of development. The Planning and Zoning Commission reviewed and approved the development plan and site plan, and reviewed and made recommendation to Council for approval of the preliminary and final plats on March 12, 2015. On April 27, 2015, City Council approved the rezoning for a portion of the site from Bridge Street Corridor Public District to Bridge Street Corridor Residential District.

The project involves the subdivision of Lots 7, 8, 9 and 10 to address issues of current ownership and land transfer. It will provide for 14 blocks and 16 developable lots with new public rights-of-way. The street sections included as part of the preliminary plat provide for lane width, sidewalk dimensions and planting areas. The roads to be platted are the signature street of John Shields Parkway, and the neighborhood streets of Watson, Deardorff, McCune and Graham.

The Planning and Zoning Commission recommended approval to City Council on March 12, 2015 with one condition: that the applicant ensures that any minor technical adjustments noted on the report are made prior to the final review by City Council. This condition has been addressed by the applicant to the satisfaction of staff. At the direction of Legal staff, the applicant must provide the required bond within 30 days of approved plat, to the satisfaction of the City Engineer.

Staff is recommending approval of the preliminary and final plats with the addition of the proposed condition.

Mr. Lecklider noted that the record reflects some concerns voiced about the use of vinyl windows throughout the project and the use of a siding that was described as Boral siding. Ms. Shelly responded that both of these items were included in the original applications, but the applicant withdrew these and replaced them with windows and siding that were code compliant.

Wallace Maurer, 7451 Dublin Road, Dublin suggested modifications to language of the recommended conditions as outlined on page three, paragraph 2, noting that the conditions are fracturing under two patterns of organizing thought.

Ms. Chinnici-Zuercher asked if the applicant has complied with the second condition related to posting a bond.

Ms. Readler responded that the applicant is required to post the bond within 30 days of the approval by City Council.

Mr. Reiner moved approval of the preliminary and final plats of Tuller Flats.

Ms. Chinnici-Zuercher seconded the motion.

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

(Mr. Reiner left the meeting at this point.)

**STAFF COMMENTS**

Mr. McDaniel:

1. Together with Ms. Mumma and Mr. Foegler, he attended the Washington Township Board of Trustees meeting last week. A good dialogue took place with the

Trustees. He or the Assistant City Manager will attend the Township Trustees meetings going forward. Staff committed to share data with Ms. Ott, Administrator and assured the Trustees that any action taken by the City would not be intended to have negative impacts on the Township. The City will monitor the growth and potential projects and any impacts they may have on the township.

2. Congratulated Chief von Eckartsberg who is now the grandfather of twins!
3. Reported that the City received a high level award from the Employer Support of the Guard and Reserve organization. The nomination was submitted by Staff Sergeant Alex Rozanski who is on military duty at this time. He has requested that the employees who serve in the Guard and Reserve attend the May 18 meeting to present this award to City Council.

**COUNCIL COMMITTEE REPORTS**

Ms. Salay, Council representative to Planning and Zoning Commission reported that the Commission meets on Thursday, May 7 with a full agenda.

Ms. Chinnici-Zuercher, Chair, Finance Committee reported that the Tax Incentive Review Council meets tomorrow at 4 p.m. in Council Chambers.

Ms. Salay, Chair, Public Services Committee stated that a committee meeting needs to be scheduled for review of the HOA open space maintenance issues. Potential dates of May 20, May 26 and June 10 were circulated. The Clerk will follow up with the members regarding the preferred date for the meeting.

**COUNCIL ROUNDTABLE**

Mr. Peterson noted that he attended the Wedgewood Homeowners Association meeting last week and some technical questions arose. Staff was extremely responsive, as usual, and provided the responses. A question came up regarding "no build" zones in residential developments and whether the City or the HOA enforces those.

Ms. Readler responded that the City enforces no build zones.

Ms. Chinnici-Zuercher commented that she has learned that Ward 1 residents are meeting with Mr. Hammersmith and other staff on May 14, and a number of questions have been raised by a participant as reflected in the lengthy agenda. She believes that staff needs to provide the information to Council that will be shared at the meeting with the homeowner group – in advance of that meeting. There is a Council work session scheduled on May 11, so it should be possible to have the information from staff.

Mr. McDaniel responded that staff can share the presentation with Council on Monday, May 11. He apologized that this meeting was not listed on the Council calendar.

Mr. Lecklider:

1. Suggested that Council refer a conceptually similar matter to the Public Services Committee for consideration while the Public Services Committee is considering the HOA open space maintenance issues. Specifically, he is speaking of the Woods of Dublinshire/Caplestone Lane and the maintenance issues associated with a private street. As Council is aware, Caplestone Lane is a private street with relatively significant maintenance responsibilities falling to a group of 30-40 property owners. The HOA leadership has met with staff, including Ms. Crandall, Mr. Hammersmith and Ms. Readler on a number of occasions over the past year. He has participated in a couple of those meetings and has met with the HOA leadership separately to discuss options. During the course of this last year, staff has engaged in fairly exhaustive analysis, such that he believes there would not be more preparation needed to present this to the Public Services Committee. This issue dovetails somewhat with the HOA maintenance issue; they are similar issues, yet with distinctions. His recommendation is that the Woods of Dublinshire private street issues are best studied at the Committee level.

Ms. Chinnici-Zuercher noted that she is not opposed to this, but Council has a complete report from staff regarding the number of private streets that exist in the City. This is not the only private street where property owners have a significant financial responsibility for maintenance. Almost all the private streets have small numbers of residents as opposed

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to larger developments with many residents. Is the Committee addressing this matter holistically for the community – not just a single case? It seems unfair to address only one private street.

Mr. Lecklider responded that he believes it is a matter, to some degree, of how it is perceived. As far as Caplestone Lane, it is somewhat unique. She may not agree, but in reviewing the staff analysis, it is not a situation that is capable of repetition but for one or two other instances. That is some of what the staff analysis reveals.

Mayor Keenan stated that Mr. Lecklider is proposing this be fleshed out at the committee level and then have recommendations brought to Council. He agrees that it does seem a bit unfair not to treat all of these cases similarly.

Mr. Lecklider noted that the committee can review the categories and the comparisons in the information provided by staff.

Mr. McDaniel stated that he has had some discussions about this with Ms. O'Callaghan, Director of Public Works in regard to preparation. The staff assessment looks broadly at this matter, as well as this particular street. Staff will be prepared to bring forward a holistic assessment, and if there is uniqueness relative to Caplestone Lane, it can be addressed in that manner if Council desires.

Mayor Keenan noted he has expressed concern over the years about private roads in disrepair that are located off Perimeter Drive. To him, the issues are similar, although these are commercial versus residential areas. Perhaps that should be reviewed as well in terms of policy for the future so that this situation does not recur.

Vice Mayor Gerber added that there was discussion three to four years ago about the need for policy consideration for residential private streets. He agrees that Caplestone Lane should be reviewed, but at the same time, the other private streets should be considered. He agrees that a committee is the best venue for discussion.

Ms. Chinnici-Zuercher commented regarding the commercial areas with private roads. When she has notified staff of any problems, they have responded quickly by contacting the owners of those private roads. The issue is that the private roads are patched and the problems recur year to year.

Mayor Keenan agreed, noting there are aesthetic issues as well with continued patching over many years versus reconstructing the roads.

Ms. Salay stated that a Committee meeting will be scheduled to review the private street issues.

2. Noted that in a recent meeting, there was mention of development applications anticipated for the Autumn Rose Farm along Hyland-Croy. He recalls there is a recently approved rezoning on the northwest corner of Hyland-Croy and Brand. The Riviera rezoning application is scheduled for hearing at Council on May 18. The similarity that is shared among all of these is they are applications for single-family homes. He would argue that the City already has more than an adequate supply of single-family homes. In addition, single-family homes are being developed in abundance outside of and adjacent to Dublin, such as in Jerome Village. He recalls that Ms. Chinnici-Zuercher had suggested that Council have a policy discussion about this matter. He is not certain of the means to do this, perhaps revisiting some portion of the Community Plan. He is bringing this forward for discussion.

Ms. Chinnici-Zuercher agreed that a bigger discussion is needed on this topic. The Community Plan is a good vehicle for this. Another discussion that is needed and which was raised in previous Plan updates is how large does Dublin want to become. That kind of information would be helpful for a policy discussion. However, what are the legal implications related to landowners and developers? She has always understood that the City's control is related to density and other matters, but prohibiting a property owner from developing their land is another matter.

Ms. Readler responded that rezonings need to be in accordance with the Community Plan. The Community Plan is the appropriate vehicle for resolving this matter.

Mr. Lecklider stated that the other part of this is the type of housing that the City wants to encourage. Over years, the City has been aware that there is not housing available for empty nesters. He does not believe that all of the empty nesters will necessarily find the solution in the Bridge Street District multistory residences. He believes that perhaps a variation of single-family residential targeted at or encouraging the attraction of a

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particular audience is needed. He would like to provide residents with the option of living all phases of their lives in this community. The product is not available at this time to many who would like to remain in Dublin.

Mr. McDaniel noted that Council's opportunity to influence that is narrowing in terms of land available for residential development. There was some information shared about this topic at the retreat. Further analysis might lend itself to a greater discussion with other surrounding jurisdictions about future development.

Mayor Keenan stated he is not opposed to discussion, but he is a strong believer in market forces determining the needs of the community. Certainly, the City can impact this, but the market forces are strong.

Mr. Lecklider pointed out that the City is trying to influence the market with respect to the Bridge Street District.

Ms. Salay stated that the Jerome Village development is responding to the market forces. But that is not what she envisions for Dublin at build out – more of the same neighborhoods of single family, four and five bedroom family homes impacting the school districts as well.

Mayor Keenan suggested that staff bring forward some suggestions regarding the appropriate venue for this discussion, which may be a Community Plan update.

Mr. McDaniel agreed to do so.

Ms. Salay stated that as representation to the Planning and Zoning Commission, and in view of the fact that there are some pending development applications in the form of concept plans, she is curious about what message to take back to the Commission.

Ms. Chinnici-Zuercher noted that if the proposals are consistent with the Community Plan, that would be a consideration, as Ms. Readler has pointed out.

Ms. Readler stated that is one factor, but there are around 16 sets of criteria in planned districts that are considered. There is a lot of flexibility in application of those to a specific situation.

3. Reported that he attended the public launch of the Drug Drop-off Box at the Justice Center with the Chief and other staff. This is a great opportunity to provide a needed service. Representatives of A.C.T., Dublin Schools and the School Superintendent were present, as well as Ohio University Dean Burke. There was a pharmacist from Kroger present, and his understanding is that Kroger plans to make customers aware of this service.

**Vice Mayor Gerber:**

1. Reported that MORPC Executive Director William Murdock attended the Dublin A.M. Rotary meeting last Friday and gave the same presentation as he gave to Council at the retreat. This excellent presentation lays out the future growth patterns as studied by Battelle and various universities across the country. Central Ohio will grow over the next 15-20 years – unlike some cities in Ohio -- and he noted that the growth will be similar to that of the 1980s and 1990s. The audience left the meeting with a new perspective about what Central Ohio will face in coming years and what the City is planning in the Bridge Street District.
2. Ms. Puskarcik and her staff distributed fliers at this meeting related to the upcoming transportation projects and alternate routes for motorists in the coming year. He appreciates this information being shared with businesses and residents.

**ADJOURNMENT**

The meeting was adjourned at 8:57 p.m.

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Mayor – Presiding Officer

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Clerk of Council