

# RECORD OF PROCEEDINGS

Minutes of \_\_\_\_\_

Dublin City Council \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS - DAYTON, OHIO

Form 6101

Held \_\_\_\_\_

June 12, 2017

## CALL TO ORDER

Mayor Peterson called the Monday, June 12 Regular Meeting of Dublin City Council to order at 6:00 p.m. in Council Chambers at Dublin City Hall.

## ROLL CALL

Present were Mayor Peterson, Vice Mayor Reiner, Ms. Alutto, Ms. Amorose Groomes, Mr. Keenan, Ms. Salay and Mr. Lecklider.

Staff members present were Mr. McDaniel, Ms. Crandall, Ms. Readler, Mr. Foegler, Ms. Goss, Ms. O'Callaghan, Chief von Eckartsberg, Mr. Rogers, Mr. Earman, Mr. Hartmann, Mr. Hammersmith, Mr. Papsidero, Mr. Gaines, Ms. Gilger, Ms. Richison, Ms. Husak, Ms. Kennedy, Mr. Whittington, Lt. Paez, Ms. Gee, Mr. Edwards, Mr. Krawetzki, Ms. Wigram, Mr. Plouck and Mr. Meyer.

## ADJOURNMENT TO EXECUTIVE SESSION

Mayor Peterson moved to adjourn to executive session for the purpose of discussing personnel matters related to the employment of a public employee, the purchase of property for public purposes and for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

Vice Mayor Reiner seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Vice Mayor Reiner, yes; Mayor Peterson, yes; Mr. Keenan, yes; Ms. Salay, yes; Ms. Alutto, yes; Ms. Amorose Groomes, yes.

The meeting was reconvened at 7:14 p.m.

## PLEDGE OF ALLEGIANCE

Ms. Alutto led the Pledge of Allegiance.

## SPECIAL PRESENTATIONS

### Recognition of Abby Steiner, Dublin Coffman High School for outstanding achievements at Track and Field State Championships

Mayor Peterson welcomed Abby Steiner and recognized her for her remarkable achievements at the State championships. On behalf of Council, he proclaimed Friday, June 16 as "Abby Steiner Day" in the City of Dublin.

### Recognition of Dublin Coffman Girls Relay Team for state championship in 4 x 200 relay event

Mayor Peterson invited Simone Rivard-Roberts, Abby Steiner and Wambui Watene to come forward to be recognized for their victory in the 800m relay event at the state championships. The fourth member of the team, Isabelle Angerman, was not present for the meeting. Mayor Peterson presented a Proclamation to the team in recognition of their accomplishment at the state championship.

### Presentation by Mark-Tami Hotta – President/CEO - Transportation Research Center

Mr. Hotta shared a video presentation regarding the TRC. The Transportation Research Center (TRC) is the largest vehicle testing site of its kind in North America. With government regulations and the shift to autonomous vehicles, the investment, work and the know-how required is immense. There are companies all over the world that need the help and expertise of a facility such as TRC. Their goal is to be the choice facility for manufacturers around the world.

Mr. Hotta provided history of how TRC came to fruition in the 1960's as a result of the vision of then-Governor Rhodes. The establishment of TRC also brought Honda to Ohio. This was the first non-American company to set up production, development, research and engineering in Central Ohio. OSU is represented on the Board of TRC. He would like for TRC to be the employer of choice and a breeding ground for talent. Their five-

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year plan is to double in size, collaborate with others and build their capabilities. TRC customers do not represent only automakers, but component suppliers and manufacturers as well. He described his efforts to make automakers, including China, aware of TRC in hope of bringing them to Central Ohio.

TRC announced \$201 million of additional investment this year to grow capabilities and attract more businesses. He introduced SMART (Smart Mobility Advanced Research & Test) Center. Columbus applied to the Department of Transportation to be a SMART City, enabling people to move around safely and giving everyone access to transportation. Columbus received \$40 million dollars with an additional \$377 million of additional matching investment for technology of the future. Connecting Dublin to East Liberty will give the state its first SMART Corridor. TRC's goal is to be able to prove out these technologies and solutions safely, in a controlled environment, and away from public roads. The SMART Center is the first step in accomplishing that goal.

Mayor Peterson commented briefly regarding his visit to TRC.

Mr. Hotta reiterated that he would like to help everyone in the community in some way if possible.

In response to Vice Mayor Reiner, Mr. Hotta stated that TRC does have programs for driver safety, but they are not yet offered in the Central Ohio area.

## CITIZEN COMMENTS

Laura Sale, 9968 Glasgow Court, Concord Township noted she is accompanied by her son, and Leslie Ungerott, 5519 Haddington Drive, Dublin. She understands that the bike path that connects Muirfield Road to Concord, leading to Eli Pinney Elementary has been a topic of discussion in the past. However, she would like to convey her own concerns from a safety perspective. She attended the Concord Township meeting on May 24, and had an open discussion about what can be done through partnership. She does not have the solution, but would like to be a part of finding a solution.

Ms. Ungerott stated that she has a student at Grizzell Middle School and two students at Pinney Elementary. She believes that biking to school should be available for every child, but with 1,700 feet of path missing it makes it difficult. She would like to find a solution and is here to offer her assistance, as well.

Ms. Sale added that in her discussion with Bart Johnson, Concord Township Trustee, he indicated his commitment to working toward a solution.

Mr. Keenan stated that Council and staff has been actively involved in this matter. He believes that the issue in completing this connection is with Concord Township. He stated that Dublin has invested money, time and energy in this connection – namely, \$200-300,000 in engineering plans that could not be executed. Dublin does not have jurisdiction in the Concord township portion of this path and cannot take property by eminent domain.

Ms. Sale stated that Mr. Johnson did share that there was not an agreement about the engineering plans, but he is committed to finding a solution.

Mr. Keenan reiterated that the issue is that Concord Township has a policy of not taking property for this purpose.

Mr. McDaniel stated that the City is committed to building its portion of the path. Public Works Director Ms. O'Callaghan has remained engaged with Concord Township on this issue. Dublin funded the design and then there was a request from Concord Township to change the design. Dublin and Concord Township will continue to work together. He understands the safety concerns and stated that funding is committed for the City's portion. He shared that he and Ms. O'Callaghan met personally with officials in Delaware County to ask for priority funding for this project, so Dublin is lobbying for a solution as well.

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Ms. Sale reiterated that she came to the meeting to understand the obstacles and work for a solution. She stated that if the issue is one of funding, the citizens would be willing to pay privately to complete the path because they feel it is that important.

Mr. McDaniel stated that Ms. O'Callaghan has reported to those involved on the history of this issue as well as the challenges. The report will continue to be circulated on social media. He offered to coordinate a meeting with the City of Dublin, City and township residents, and Concord Township to try to identify and work through obstacles.

Ms. Amorose Groomes stated that the City has a history with easement acquisitions such as this. Concord Township does not likely have the level of experience the City does. If the obstacle is legal expertise, then perhaps the City could lend them its expertise.

Ms. O'Callaghan stated that staff has offered assistance in all forms -- acquisition, design and applying for grants. The issue with acquisition for Concord Township is that it is their policy not to take land for these types of projects.

Mr. Keenan stated that if Concord Township could persuade the property owners that about that pathway to agree, it would be easier.

Ms. O'Callaghan stated that it is her understanding that one property owner not cooperating prompted the request from Concord Township to move the path to the other side of the road.

In response to Ms. Amorose Groomes, Ms. O'Callaghan indicated there is a listing of parcels that are involved. The list can be provided but it is her understanding from Mr. Johnson that one property owner will not agree.

Ms. Amorose Groomes suggested getting the neighbors involved in having a discussion with that property owner.

Ms. Alutto stated that it will be a grass roots effort and reiterated some of the challenges that face this moving forward.

Ms. Sale stated that they do not have expertise in this area but they do have the desire and the willpower to do what it takes to get it done.

Ms. Amorose Groomes stated that she believes this is a problem that can be solved.

Vice Mayor Reiner thanked Ms. Sale and Ms. Ungerott for picking up the torch on this issue. It is similar to the issues with the Glick Road and SR745 intersection that involved multiple jurisdictions. Ultimately, the issues were resolved and the project moved forward.

Ms. Alutto stated that she said she would be happy to participate and reiterated to Mr. McDaniel that a meeting needs to occur.

Mr. McDaniel clarified that it was the direction of Council to "circle the wagons" with Concord Township and reiterated that staff has been engaging with Concord Township very aggressively, produced designs twice, engaged Delaware County, etc. The consensus of Council was that Mr. McDaniel and staff continue working toward a resolution.

Mr. Lecklider stated that he recalled the detailed memo regarding this path. The takeaway was that the City has done everything in its power with respect to this issue. There are inherent limitations and the City is building the bikepath up to the City limits.

Ms. Amorose Groomes stated that the City should lend its expertise about land acquisition to the township.

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Mr. Keenan stated that the trustees need to change their policy about acquisition in order for anything to move forward.

## **CONSENT AGENDA**

Ms. Amorose Groomes asked that Resolution 46-17 be removed from the consent agenda for further discussion.

Mayor Peterson moved to approve the remaining six items on the consent agenda. Vice Mayor Reiner seconded the motion.

- Approval of Minutes of Council meeting of May 22, 2017
- Notice to Legislative Authority – New D5A liquor permit for Pillar Hotels and Resorts LLC dba Homewood Suites, 5300 Parkcenter Avenue, Dublin, OH 43017
- **Ordinance 33-17 (Introduction/first reading)**  
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire 0.009-Acre, More or Less, of Fee Simple Right-of-Way; and a 0.005-Acre, More or Less, Temporary Easement from the Indian Run United Methodist Church of Dublin, Located at the Intersection of Avery Road and Brand Road, for the Public Purpose of Constructing Roadway Improvements. (Second reading/public hearing June 26 Council meeting)
- **Ordinance 37-17 (Introduction/first reading)**  
Vacating 0.418 Acres, More or Less, of Public Right of Way in the City of Dublin, County of Franklin, State of Ohio. (Second reading/public hearing June 26 Council meeting)
- **Resolution 45-17 (Introduction/public hearing/vote)**  
Accepting the Lowest and Best Bid for the 2017 Parking Lot and Shared-Use Path Maintenance Program.
- Designation of Acting Clerk of Council (adding 2<sup>nd</sup> Deputy Clerk of Council to rotation)

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes; Ms. Alutto, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes.

## **SECOND READING/PUBLIC HEARING – ORDINANCES**

### **Ordinance 34-17**

#### **Adopting the Proposed Tax Budget for Fiscal Year 2018.**

Mr. Gaines stated that the tax budget is required to be filed by July 15 with both Franklin and Delaware counties. This is a preliminary document that is filed with the counties using basic assumptions. At the end of the year a more detailed analysis will be provided.

Vote on the Ordinance: Mr. Lecklider, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes; Ms. Alutto, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes; Ms. Salay, yes.

### **Ordinance 35-17**

#### **Prohibiting Medical Marijuana Cultivation, Processing, and Retail Distribution within the City of Dublin.**

Ms. Readler stated that this code amendment will prohibit the cultivation, processing and retail distribution of medical marijuana within the City of Dublin. Ms. Readler briefly provided the recent history of the medical marijuana issue at the state legislature, noting that Governor Kasich signed HB 523, which became effective on September 9, 2016. Final rules of the program must be completed on or before September 8, 2017 and the program must be operational on or before September 8, 2018. Through home rule authority, Council has the ability to enact planning, zoning and business regulations that protect the health, safety and general welfare of the residents. H.B. 523 explicitly included a provision allowing local municipalities the right to prohibit the cultivation, processing and dispensing of medical marijuana within their limits. After closely monitoring the issues and implications of marijuana still being illegal under federal law,

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Ms. Readler recommended that Council approve Ordinance 35-17 banning the cultivation, processing and dispensing of medical marijuana in the City.

Vote on the Ordinance: Mr. Lecklider, yes; Ms. Salay, yes; Mr. Keenan, yes; Ms. Alutto, yes; Mayor Peterson, yes; Vice Mayor Reiner, yes; Ms. Amorose Groomes, yes.

### **Ordinance 36-17**

**Authorizing the Provision of Certain Incentives to Brian K. Dorner, M.D., Inc. to Induce it to Purchase a New Facility to Retain and Expand an Office and Its Associated Operations and Workforce, All Within the City; and Authorizing the Execution of an Economic Development Agreement.**

Ms. Gilger stated that staff has been working with Dorner Plastic Surgery about relocating and expanding its operation. They currently have 13 employees and would like to expand to 23 additional by the end of 2021. The agreement would require the company to acquire property within the City of Dublin to be in effect.

The proposed agreement is a four-year, 12 percent Performance Incentive on withholdings collected for all employees (2018-2021), that is capped at \$21,800 for the term of the agreement.

Ms. Gilger introduced Pat Johnson, Practice Manager for Dorner Plastic Surgery. Ms. Johnson noted they are pleased to be staying in Dublin. She enjoyed meeting with the City Manager and Mr. Kridler and found staff to be very helpful. They will be offering services that are not offered elsewhere in the area.

Vote on the Ordinance: Ms. Amorose Groomes, yes; Mayor Peterson, yes; Ms. Alutto, yes; Mr. Lecklider, yes; Ms. Salay, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes.

### **INTRODUCTION/FIRST READING – ORDINANCES**

#### **Ordinance 38-17**

**Authorizing the City Manager to Enter into a Real Estate Transfer Agreement and an Infrastructure Agreement Wherein the City Deeds 3.69 Acres, More or Less, of Real Estate to Crawford Hoying Development Partners, LLC in Exchange for the Construction of the Extension of Bridge Park Avenue from Dale Drive to Village Parkway and Authorizing the Execution of Various Related Agreements and Documents.**

Vice Mayor Reiner introduced Ordinance 38-17.

#### **Ordinance 39-17**

**Vacating 0.30 Acres, More Or Less, of a Portion of a Public Street Located East of Dale Drive and South of SR 161 and 0.39 Acres, More or Less, of a Portion of a Public Street Located North of Tuller Ridge Drive and of New Dale Drive in the City Of Dublin, County of Franklin, State Of Ohio.**

Vice Mayor Reiner introduced Ordinance 39-17.

Mr. Foegler stated that Ordinances 38-17 and 39-17 are interrelated and his presentation will address both. The City was approached by Crawford Hoying about the prospects of exchanging a series of parcels of land for their undertaking the construction of one of the important roadways within the City's street network plan. It is the opinion of staff and the legal department that the cost to build the street far outweighs the cost of the land from the City.

He provided an illustration of the location of the proposed roadway. All of the right-of-way required for the proposed roadway is in place. Mr. Foegler briefly summarized the history and location of the four parcels that are being discussed and noted that they have remained idle.

He provided another illustration demonstrating that the street network plan does identify the roadway as an important connector.

Ordinance 39-17 relates to the required vacation of existing right-of-way.

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Staff recommends that Council approve Ordinance 38-17 and 39-17 at the second reading/public hearing on June 26, 2017.

Ms. Amorose Groomes inquired about the financial considerations where it states, "the construction drawings for Bridge Park Avenue extension are complete, pending City approval." It also states, "The developer agrees to perform all of the agreed upon design and construction work ..."

She asked who designed the temporary road, and Mr. Foegler responded it was designed by EMH&T.

She asked who designed the permanent road and Mr. Foegler responded that it is EMH&T as well.

Ms. Amorose Groomes asked for clarification on who paid for the permanent road. Mr. Foegler stated that the City paid nothing; all the funding has been paid by the developer at risk. The final aspects of the final design that inform this interim solution has been included in the work of EMH&T and is still being reviewed by staff. This is the same approach taken on the connector the City built on the Dale Drive connector when the City knew it would ultimately be built to a different standard. Staff had them advance the design of that sufficiently so that staff knew that the location, elevation and the base of the road are as enlightened as possible in the context of the permanent design.

Ms. Amorose Groomes clarified that the requirement moving forward would be the installation of the on-street parking, permeable pavement and the granite curbs.

In response to Ms. Amorose Groomes' question about whether this will be a curbed road at present, Mr. Foegler stated that the temporary road will not be a curbed road. It will be finished out to the same level as John Shields Parkway. In the interim, it is just a two-lane road -- there will not be curbs and gutters on the interim road.

Ms. Amorose Groomes inquired as to whether the asphalt on the interim road will be used as a base coat for an ultimate finish.

Mr. Foegler responded that EMH&T is intimately aware of the standards and are designing the road in a fashion so that as much of that base and roadways can be preserved to the extent that they can align it, locate it and build it.

Ms. Amorose Groomes had questions regarding the parcels identified as "B," "C" and "D" on the exhibit provided to Council. All of these are somewhat gateway areas into the City and she wants to ensure that, absent development occurring on these parcels, that the City would not allow any signage on these parcels. The Bridge Street Code was drafted to build a community and not a development. If signage is introduced on any of these parcels, the City will be making this more development oriented rather community oriented. Therefore, she requested language that would preclude adding signage to the parcels identified as "B," "C" and "D" apart from redevelopment occurring. She believes the Bridge Street Code is much more liberal in terms of the sign package in comparison to the balance of the City. She can envision a scenario where signs could be proposed in these areas.

Ms. Amorose Groomes also shared concerns about the parcel identified as "A," due to the size of it, the developability of it and the fact that it is two acres. She noted that the memo indicates that although purchased as part of a settlement agreement, the value of Parcel A, the two-acre residual of the Dale Drive Properties, based upon the per acre allocation of the City's actual purchase price, would be approximately \$525,000.

In response to Ms. Amorose Groomes' question regarding what he believes is the value of undeveloped land in the Bridge Street District, Mr. Foegler stated that this is not a principal frontage street. Based on the appraisal that the City had done when it was a \$1.2 million acquisition, the value was \$800,000 due to stream limitations and the configuration of the site.

In response to Ms. Amorose Groomes' inquiry as to when that evaluation was done, Mr. Foegler stated that he believes it was around 2014.

Ms. Amorose Groomes requested information regarding the value per acre in the District. She hopes that the \$150 million dollars that has been invested has caused an increase in the property values.

She reiterated that she would like to see a signage prohibition on the balance of parcels absent development.

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Mr. Foegler stated that staff will seek an opinion on appraisal value before the second reading.

Vice Mayor Reiner thanked Mr. Foegler, noting that Dublin has always built infrastructure ahead of development. This is a continuation of that program which benefits the community. He recalled a previous discussion where Mr. Foegler informed Council of the stream limitations and the property values.

Vice Mayor Reiner sought clarification regarding the signage code issue raised by Ms. Amorose Groomes.

Ms. Amorose Groomes stated that the parcel in front of the Shoppes at River Ridge would potentially have the ability to house a monument sign. If parcel "B" develops, there would be signage potential in that location. She reviewed the Bridge Street Code and wants to protect the City from that.

Vice Mayor Reiner stated that the City has restrictions on quality of signs for businesses and he does not want to do anything to impede that.

Ms. Amorose Groomes stated that upon redevelopment, that restriction would go away.

Ms. Salay stated that she recalls the sign in front of Dublin Village Center with the clock and billboards. She would like protections from that type of signage.

Mr. Foegler stated that he would provide recommendations on some options and a clarification of the Code provisions for the second reading. His major concern with parcel "B" is that it has its access through the site to the east, so there are stipulations on that at the time it redevelops.

There will be a second reading/public hearing of Ordinances 38-17 and 39-17 on June 26, 2017.

## **INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS**

### **Resolution 46-17**

#### **Accepting the Lowest and Best Bid for the 2017 Storm Structure Maintenance Program.**

Ms. Amorose Groomes stated that her question is why this level of repair is needed all in one area of the City that wasn't built that long ago. She was concerned there was a shortcoming in the installation since they all appear to be repairs versus maintenance. Mr. Hammersmith responded that at the time the development occurred, cinder brick was used to shim the castings for inlets in the curb and gutter. The City no longer uses that – instead a polyethylene material is used. The cinder brick deteriorates over time, so it is no longer used.

Ms. Amorose Groomes clarified that these were done per the City specs at the time, so there is no recourse from the developer.

Mr. Hammersmith stated that is correct.

Vote on the Resolution: Vice Mayor Reiner, yes; Ms. Alutto, yes; Ms. Salay, yes; Mayor Peterson, yes; Mr. Lecklider, yes; Mr. Keenan, yes; Ms. Amorose Groomes, yes.

### **Resolution 47-17**

#### **Authorizing the Addition of a New Member (the City of Grandview Heights) to the Central Ohio Risk Management Association (CORMA), Pursuant to Article V, Paragraph (I) of the Central Ohio Risk Management Association Bylaws.**

Mr. Lecklider introduced Resolution 47-17.

Mr. Whittington stated that this Resolution authorizes the addition of the City of Grandview Heights, Ohio as a new member of the Central Ohio Risk Management Association (CORMA). Mr. Whittington provided Council with background regarding CORMA noting that CORMA is the joint self-insurance pool formed under Chapter 2744 of the Ohio Revised Code of which the City of Dublin has been a member since its inception in 1997. CORMA has provided cost effective property and liability insurance services to its membership, which, in addition to the City of Dublin, includes the Cities of Westerville, Upper Arlington, Pickerington, Powell, Grove City, Groveport and Canal Winchester.

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Mr. Whittington noted that at this time, Grandview Heights has already been accepted into CORMA, as over two-thirds majority of the member cities have approved authorizing legislation. Staff from the City of Dublin decided to delay requesting legislative approval until Grandview Heights was certain of their decision to join CORMA. The timing of their decision to join, coupled with the Dublin City Council meeting schedule did not allow for City Council to approve this legislation earlier. However, staff does believe that it is important that Dublin City Council's records, as well as CORMA's records, reflect the City's consideration of the addition of Grandview Heights. CORMA's Pool Administrator, Wichert Insurance Services, has completed an analysis of the property and liability exposures of the City of Grandview Heights and has determined that that this city presents a risk profile that is appropriate for membership in CORMA.

Vote on the Resolution: Vice Mayor Reiner, yes; Ms. Salay, yes; Ms. Amorose Grooms, yes; Mr. Lecklider, yes; Ms. Alutto, yes; Mayor Peterson, yes.  
Mr. Keenan abstained regarding this matter.

## **Resolution 48-17**

### **Authorizing the City Manager to Enter into an Agreement with Bill Wadley Swim Academy, LLC for Management and Administration of the Dublin Community Swim Team and summer Dolphins Swim Team Programs.**

Mr. Lecklider introduced Resolution 48-17.

Mr. Earman stated that Resolution 48-17 relates to the contracted service to administer and manage the City of Dublin Community Swim Team and summer Dolphin Swim Team programs. There was public comment a few months ago regarding the evaluative process staff was undertaking regarding these programs. There have been many discussions among interested parties and staff believes that they are now at a point that everyone is comfortable moving forward.

Mr. Earman provided a brief PowerPoint presentation to Council defining the programs and describing the collaborative efforts of the last few months.

Through a collaborative effort between staff, the DCST Boosters Board and other swim team parents, a review committee was formed to conduct interviews and review each proposal. Based on the outcome of these interviews, the primary "must haves" for the program were determined. They are as follows:

- The program must be based solely in the Dublin community
- Accommodations for Dublin Residents and Dublin School District Residents only
- Must maintain the Dublin Sea Dragon and Dolphins logo/brand
- Must employ all current assistant coaches for the program
- Dedicated to the Dublin facilities/pools
- The DCST and Dolphins Booster Boards must remain intact
- Must have a reasonable fee structure, quality and safety

The Committee unanimously determined that Bill Wadley Swim Academy, LLC (BWSA) was the best fit for the community, the program and the needs of the swimmers/parents. As part of the implementation of the contract, the expenses -- including staffing related to the swim team programs currently paid by the City -- will be removed from the City's operating budget. In addition, revenues associated with the DCST and Dolphins program will be collected by BWSA and also removed from within the City's operating budget. Execution and implementation of the service agreement with BWSA will reduce the City's costs for the programs by an estimated \$21,000 in 2017 and \$41,000 for each of the remaining two years. While this financial savings was not the intended objective of the agreement with BWSA, it demonstrates that the outcome favors the City financially. Mr. Earman introduced Mr. Bill Wadley, retired head coach of The Ohio State University swim team.

Mayor Peterson thanked Mr. Earman for resolving an issue that seems have worked well for everyone.

Mr. Lecklider welcomed Mr. Wadley and noted that he believes his joining the program is very impressive.



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In response to Mr. Lecklider, Mr. Earman and Mr. Wadley both stated that background checks are performed on all assistant coaches and swim teachers prior to employment.

Vote on the Resolution: Mayor Peterson, yes; Ms. Amorose Groomes, yes; Ms. Salay, yes; Mr. Keenan, yes; Vice Mayor Reiner, yes; Ms. Alutto, yes; Mr. Lecklider, yes.

## **OTHER**

### Tree Preservation Policy

Ms. Husak introduced Brian Martin, Michael Hiatt, and Shawn Krawetzki, as the staff members assisting with the Tree Replacement Fee Waiver Policy recommendations.

- She noted that the policy was approved by City Council in 2001. The policy is applicable to trees considered protected in the Zoning Code and therefore required to be replaced on an inch-for-inch basis. The adopted tree waiver policy allows, if approved by City Council on a case-by-case basis, for tree-for-tree replacement to occur rather than inch-for-inch replacement for protected trees between six and 23 inches in diameter. The policy was amended to include a provision that landmark trees (24 inches or greater in diameter) be exempt from the tree-for-tree replacement and be replaced inch-for-inch.
- Since its adoption, 22 waivers to the tree replacement requirements have been requested. A majority of the waivers has been requested as stand-alone Council actions, and Council has granted a total of 22 waivers (six were approved prior to the adoption of the policy). Several developments, however, have requested relief from the tree replacement requirement through development agreements and through the Planned District rezoning process by incorporating waiver language in the development text. In the fall of 2016, Council requested staff provide criteria that more clearly define when a tree waiver may be appropriate.
- Staff's proposal for a revised tree waiver policy includes three new eligibility criteria for a site for which a waiver is requested. These criteria address the number of trees and inches present on a site and/or disturbed as part of development; the percentage of preservation of trees incorporated into the proposed site layout; and the requirement of a tree removal permit prior to any removal.
- The major update to the policy deals with tree ratings and proposes a prioritization system for trees, where replacement is based on which type of tree is proposed to be removed. The prioritization also defines Landmark trees more clearly and addresses multi-trunk trees on how they are measured.
- This update identifies replacement requirements that differ from the current policy based on a sliding scale for replacement trees depending on the tree priority category. The update would allow replacements at 1.5 inches in caliper (Code requires 2.5 inches); however, staff has noted diversity and availability issues for the larger caliper requirements. The proposal also allows ornamental and evergreen trees to be used for up to 33% of tree replacements, which has been approved for several Planned Districts within the City, but is not currently permitted in the Zoning Code.

Ms. Husak provided Council a visual presentation to illustrate what changes are recommended to the Policy.

Ms. Amorose Groomes asked for clarification of whether or not this proposed policy states that 100% of the trees can be replaced with 1.5-inch caliper trees if desired. Ms. Husak responded that it would be 100% to the extent of trees that are not landmark trees.

Ms. Husak stated that the Planning and Zoning Commission recommended approval of this policy at their May 18, 2017 meeting. Staff requests City Council review this proposal and approve the updated Tree Waiver Policy.

Vice Mayor Reiner stated the original idea of this policy was to encourage developers to build around larger trees versus removing them. He is uncertain whether this was

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successful because it requires a more advanced engineering to set the grades correctly. He inquired as to whether or not there has been any feedback regarding the policy. Ms. Husak stated that one of the criteria that is suggested to be eligible for a waiver is to preserve 50% of the landmark trees; however, timing can be an issue as to when the development is approved and when the waiver is requested. This proposed policy encourages a detailed tree survey be done at an earlier state, so that if someone contemplated a waiver, the City would have submission requirements in place that would allow staff to determine if the layout is going to work in preserving landmark trees.

In response to Vice Mayor Reiner, she noted this is not a Code requirement in a preliminary development layout.

Vice Mayor Reiner stated that he believes this would help to solve the site planning issues, provide for more interesting subdivisions, create more interesting grading plans and put more thought in the site work. His recommendation would be to take some type of inventory up front.

He inquired about how a comparison is being drawn with an evergreen versus an oak tree. Evergreen designs usually are discussed in terms of height and not trunk caliper, so how is staff transferring the value between a deciduous versus an evergreen.

Mr. Krawetzki responded that they will not transfer a champion tree, for example, into an evergreen. However, for buffer edges and better barriers for housing developments, it has been limited to 33% of what was allowed to be changed into evergreen.

Vice Mayor Reiner noted he believes it was a good idea to create screenings and barriers because it takes a lot of the conflict away from zoning issues.

Vice Mayor Reiner sought clarification regarding the example of cutting down an eight or 10-inch oak tree and transferring that to an evergreen screen along the back of a property. He would like to know the method of calculating the value transfer between deciduous versus evergreen.

Mr. Krawetzki stated that, even though the industry standard is to measure an evergreen by height, this policy suggests that the City would still use inches in trunk caliper.

Ms. Amorose Groomes suggested a reconsideration of that measurement -- for example, every four foot of evergreen equals one-inch caliper of deciduous.

Vice Mayor Reiner agreed with Ms. Amorose Groomes in that they are two different forms of measurement and evergreens are not measured by trunk caliper.

Vice Mayor Reiner stated that he supports the way the valuation is calculated by species, condition, etc.

Ms. Salay stated that she appreciates all the work that staff has invested into reviewing this policy, but it seems the conflict always has been when a developer came forward and wanted to pay less money than required to comply with the policy for tree replacement. She asked whether this policy resolves the problem by making developers replace trees versus paying a fee.

Ms. Husak responded that the monetary issue is not really addressed differently in the proposed policy. There is still discussion needed regarding whether or not as a development goes forward, if there are unique circumstances involved. It may warrant that further discussion.

Ms. Amorose Groomes suggested looking at not what is being removed, but what is being preserved and perhaps giving credits for preservation.

Ms. Husak stated that with respect to the Autumn Rose property, staff did have that discussion – but it is such a unique property and it is not likely the City would have this experience again.

Ms. Amorose Groomes stated that the same logic could have been applied to Riviera. She agreed with Vice Mayor Reiner in that credit should be given for the trees that are preserved.

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Ms. Alutto stated that, from a business perspective, this provides some flexibility for what is replaced on a property, but there still needs to be some monetary flexibility so that, as Ms. Salay expressed, businesses will not come forward requesting waivers.

Ms. Amorose Groomes stated that, with the change from a 2.5-inch caliper tree to a 1.5-inch caliper tree it is true that in five years the 1.5-inch tree will have grown larger than the 2.5-inch tree. However, when shopping for a 1.5-inch caliper tree, there is potential to find many container-grown trees. There are inherent challenges with the long-term benefits of a container-grown tree versus a field-grown tree. She would prefer something in the policy to preclude some species-specific container grown trees, particularly the tap root system kind of trees such as oak trees. The root system has been compromised if it has been grown in a container. She also expressed her concurrence with limiting the percentage of 1.5-inch caliper trees and noted that it would be good to give percentages for two inch and perhaps 2.5 inch, and continue to explore options.

She inquired about the species, genes and family terms as used in the policy.

In response, Mr. Krawetzki stated that the family refers to the full species such as oaks.

Mayor Peterson suggested staff work through some of these issues and questions that have been raised, using whatever expertise is needed.

Ms. Husak suggested that the policy could be referred to the Community Development Committee.

Vice Mayor Reiner agreed with Ms. Amorose Groomes that a two-inch tree may be preferable, and that potted trees can dry out quickly.

Ms. Amorose Groomes stated she would be willing to participate in any discussion regarding this policy. She also would like the opportunity to assist in cleaning up how terms are used within the proposed policy.

Mr. Lecklider mentioned that a PZC member raised the issue about fees. Perhaps this aspect should also be revisited in the Committee review.

Mayor Peterson inquired how best to advance this policy while addressing all questions and concerns of Council.

Vice Mayor Reiner stated that staff has enough information to incorporate suggestions and make some revisions.

Ms. Salay stated that given the expertise on Council in this matter and taking a creative approach in the interest of saving trees, the best place to work through the issues is at the committee level as suggested.

Mayor Peterson moved to table this item and refer it to the Community Development Committee for further review.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Ms. Alutto, yes; Mayor Peterson, yes; Ms. Salay, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes; Ms. Amorose Groomes, yes.

## Historic District Parking Garage - Cost and Capacity Update

Mr. Foegler referenced the memo that was provided to Council. With the memo, staff hopes to provide to Council:

- a history of how the cost and capacity was originally determined;
- context to the project by providing information to Council regarding what parking garages cost and the different things that affect efficiency for garages; and
- the cost estimates for the two facades that Council will review at this meeting.

He noted that:

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- The CIP originally included a 450-space allocation as a number of spaces when the analysis was done early on by Walker who was retained by the library, working with NBBJ to determine what would work on the site. It was all very preliminary and the site had not been configured.
- When the street and other elements were established as well as a schematic design, the number of spaces expected increased to be 549 spaces. This was about 100 spaces more than had been included in the capital plan, so there is a cost increase associated with the additional spaces.
- Staff provided cost implication and different scenarios if this were value engineered in a meaningful way, what kind of things produce different cost adjustments. Staff laid out the main scenarios that provide the most meaningful level of adjustments on the project.
- There were also elements that were examined for various cost savings. The higher and most efficient level of cost savings really only occurs if the most radical space reduction option is pursued, that being the elimination of the fourth level of the parking garage. Staff, the CML team and the various planning and design consulting teams believe that the four-level garage (as proposed) is appropriate for this site.
- The cost implications include the 2017-2021 Five-Year CIP programmed \$10 million of City funds for the construction of the parking structure, with an additional \$1.083 million in funding from CML. It was anticipated that the construction of this garage would be funded through the issuance of long-term bonds in 2017. The additional 100 spaces requires a larger investment of about \$1.7 million by the City than what is currently programmed in the CIP. There will be additional costs of the façade; the amount is dependent upon which façade Council selects.

The purpose of the information provided to Council was to update the information and explain the cost implications of the additional spaces. Staff recommends that Council pursue the 549-space garage.

In response to Vice Mayor Reiner's question regarding current number of library parking spaces, Mr. Foegler stated there were about 100. He added that in terms of the school parking lot, that parking allowed by the Schools is year-to-year and can be cancelled by the Schools. Therefore, if the Schools ever determined that they need that parcel, that surface parking would go away. With the parking garage, the City would have 349 public parking spaces, as 200 are reserved for the library.

Ms. Salay inquired about the number of parking spaces in the school lot.

Mr. Foegler responded that a fair estimate would be perhaps 60-80.

Ms. Salay asked if staff has information about the number of spaces in the Darby Street lot.

Staff did not have this information at hand.

In response to Mayor Peterson's question regarding the parking needs downtown, Mr. Foegler stated that the consultant will be providing feedback at the scheduled Council workshop on June 19, regarding the flexibility gained with those surface lots. Parking structures free up sites for development in terms of demand. The garage represents future demand and future development.

Mayor Peterson stated that his concern is that in viewing the two buildings --library and parking structure -- the parking structure appears much more ominous than the library. Mr. Foegler stated that the four-level garage is all that Council has seen in terms of renderings. The additional spaces cost more due to the concrete, hard costs, soft costs, but it is the same scale and same location as contemplated.

Ms. Amorose Groomes asked for information about the City's soft costs.

Mr. Foegler responded that soft costs include design fees, construction management fees etc., as laid out in the estimate. Staff will provide the soft cost breakdown to Council.

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Ms. Amorose Groomes stated that it is important to remember that the City set out to build a 450-space garage because that is what the needs told us would be required and the goal that was set. She does not want to lose sight of the fact that the City has violated its Code for appearance and height in order to go up to 549 spaces. If by removing the top floor, the result is 400 spaces, a number of problems are solved: no need to violate Code in terms of height; there would be only 50 spots less than the City set out to build; and there would be no need to spend an additional nearly \$2 million dollars. She views this as an opportunity to solve a number of problems. She stated that discussions have been held about the transitioning from other areas and it will help the transition if the garage is not quite as tall. She is hopeful that the City does not have to build more parking, but instead tell the developers that they have to build parking into their structure. She is not supportive of spending the additional money.

In response to Mr. Lecklider's question regarding how to address future parking demand, Ms. Amorose Groomes stated that she envisions self-parking for their facility like the condominium buildings. Absent that, the developer would need to contribute to a fund to build parking.

Mr. Lecklider stated that it is not being suggested that future development will be managed by the addition of 100 parking spaces.

Mr. Lecklider asked about the cost of the Darby lot.

Mr. Foegler stated he did not have the number readily available, but he did want to point out the extreme value of that property.

Mr. Lecklider stated the best possible outcome would be for those surface spaces to go away, the land be developed and the parking spaces available be replaced by the garage. Mr. Foegler stated that it would reinforce its redevelopability significantly. That does not mean that parking rights are provided in the City's new structure to a developer at no cost. The parking structures that are being built are not developer paid for; typically, they are paid by real estate property taxes -- TIF revenues that are being reinvested for parking structures. Obviously, the library is a different scenario. From staff's perspective, even in the long term, if automated driving and other factors begin to reduce the parking demand, that opens up those other sites that have surface parking in a redevelopment and this becomes that supply. If there is a development that occurs, the City will make those parking spaces available under an arrangement it deems appropriate. Perhaps it captures TIF revenue off of that new redevelopment to reimburse itself for the cost of the parking structure.

Mr. Keenan stated that he recalls the Darby lot has about 100 spaces. He believes the most important part is that the Darby lot could be opened up for redevelopment. Having those spaces taken care of at the cost proposed makes sense. The City has been trying to have a parking structure downtown for at least ten years or more.

Mr. McDaniel stated that for an addition \$140,000 a year, the City will have 149 spaces, which he believes is a reasonable price. The other uses for the parking spaces include events, retail, school events, redevelopment etc.

Mr. Foegler added that this is the first municipal lot being funded out of Capital Improvement funds. This concentration of parking in downtown, including the Crawford Hoying parking structures funded through TIFs will open up many future possibilities and maximum flexibility.

In response to Vice Mayor Reiner, Mr. Foegler stated he does not know the exact value of the Darby lot, but is certain it has high value.

Mr. McDaniel stated that staff can assess that per the previous question regarding land values.

Vice Mayor Reiner stated that he agrees future development should fund their own parking, however there are public parking needs in the Historic District.

Mr. Foegler stated that Vice Mayor Reiner brings up a good point that on the east side of the park, there is no parking within the park -- just the on-street parking on Riverside Drive. The parking structures will provide the majority of parking spots for that park.

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Ms. Amorose Groomes stated that by doing this massive parking structure in one space, the City is "putting all of its eggs in one basket." This is not distributing parking throughout the District and will not help businesses south of 161. This garage will serve the area north of 161 so there will continue to be parking problems for businesses south of 161 -- largely because they are outside of the walkable zone. If the Darby lot and the library lot were combined today, there are approximately 200 parking spaces. She cannot imagine the school parking lease going away, short of a redevelopment of the school site.

Vice Mayor Reiner stated that parking is key at the entry to the pedestrian bridge for those crossing the bridge. He also stated that for the businesses south of 161, there is hope to see all of that develop in the future.

Mr. Lecklider stated that he respectfully disagrees with this parking garage not serving those south of 161. People will walk farther than this to access their destination and the mindset could change once parking is available.

In response to Ms. Alutto's question regarding the \$16,000 savings representing hard and soft costs, Mr. Foegler stated that was correct.

Ms. Alutto stated that her struggle is with the fiscal perspective. She believes the City is constantly inching over the budgeted numbers with most projects. Perhaps the tax dollars could be saved and used for something else.

Mr. Foegler stated that this is the challenge with capital planning. Before it is even a concept, the challenge is with exactly what is the basis for the City's numbers. Before Council in this discussion were numbers based on a schematic design, which is the first real meaningful number. The decision before Council at this point is the opportunity for enough extra capacity at a good increment, given the challenges of finding additional parking structure sites.

Mayor Peterson clarified that the recommendation by staff is to build what is proposed. Mr. Foegler stated that was correct. Staff recommends that Council build the garage as proposed with 549 spaces.

In response to Ms. Alutto's question regarding why the terracotta piece was included, Mr. Foegler stated that Council had indicated a desire to see options in addition to the metal fin system that had been shown.

Mayor Peterson moved to approve the recommendation for the 549-space parking garage concept, which requires an additional cost investment by the City than originally programmed.

Vice Mayor Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Ms. Amorose Groomes, no; Vice Mayor Reiner, yes; Ms. Alutto, no; Mr. Keenan, yes; Mayor Peterson, yes.

(Motion carried.)

## Historic District Parking Garage – Architecture

Mr. Papsidero stated that staff is sharing with Council the following two design approaches for the exterior treatment of the garage. He is seeking a motion or clear direction from Council on which option they would like to pursue.

He introduced Miguel Gonzalez, Project Designer, Moody Nolan to lead Council through the options.

- Terracotta: This alternative option is horizontal in design. The terracotta system is based on a modular five-foot, four-inch terracotta "baguette" (small, convex molding). Three colors are proposed to create a more natural and subtle appearance (white, light grey and middle gray). The colors are meant to complement the color palette of the Dublin library. The baguette pattern starts fairly regular along the east façade facing the library, and slowly starts to become

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more "random" or "natural" as it wraps toward the north, south and west facades.

In response to Ms. Salay regarding the color, Mr. Gonzalez stated that the colors will be more gray and white like the images and will compliment what the library is doing.

- Metal Fin System: It is vertical in design. This system is generated by a twisting metal fin. Each length of fin along the façade is composed of four individual sections that are seven feet in length, for a combined length of 28 feet. There are six variations of the typical seven-foot section, one being flat, and these are combined in different ways to create the patterning along the façade. The patterning is modular and repetitive for constructability purposes, but has enough variation to allow for an appearance that is somewhere between the "man-made" and the "naturally random." The metal fin façade complements the Dublin Library by the use of metal, as well as the proposed color of white.

Ms. Salay inquired about the stairs on the northeast corner, noting they seem so large and dominating.

Mr. Gonzalez responded that the stair height is a function of elevator overrun above the last floor. That is the minimum height that it can be, due to the elevator height.

Ms. Salay asked about the lighting in the parking garage and which of the two materials would look better and help hide lighting fixtures.

Mr. Gonzalez responded that terra cotta would provide a better look.

In response to Ms. Salay's question, Mr. Gonzalez stated that the intent is to have the lighting fixtures installed correctly above the plane of the bottom of the beam, so there will not be as much spill out.

In response to Ms. Alutto, Mr. Gonzalez stated that the metal fins will be more gray in tone versus white.

Ms. Alutto inquired about the paint treatment on the fins and the maintenance required. He noted that the terra cotta's color is baked in like a brick.

Mr. Lecklider stated he prefers the terra cotta. The horizontal treatment is appealing and brings the massing down somewhat.

Mayor Peterson also likes the terra cotta.

Ms. Alutto stated that from a longevity perspective, terra cotta is more reasonable.

Ms. Amorose Groomes stated that her concern is with the transition to the adjacent parcels. She believes that the terra cotta helps to make a transition from a very modern exterior of the library to whatever would come next. Although she is not enthusiastic about the increased cost, it is money well spent in relation to the adjacent parcels and the spirit of the District.

Vice Mayor Reiner stated that he also has concerns with the maintenance of the metal fin system. The cadence and spacing of the terra cotta is a little unnerving. He can support terra cotta, but wants the colors to blend with the other buildings.

Ms. Amorose Groomes stated that the straddle is from the color of the library to the color of the stone across the street. Bridging those two in this palette is critical.

Mr. Gonzalez stated they are still working on the pattern for the terra cotta.

Mayor Peterson moved that terra cotta be used as the exterior treatment of the garage. Mr. Lecklider seconded the motion.

Vote on the motion: Mr. Keenan, yes; Ms. Amorose Groomes, yes; Vice Mayor Reiner, yes; Mr. Lecklider, yes; Ms. Alutto, yes; Mayor Peterson, yes; Ms. Salay, yes.

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## STAFF COMMENTS

### Update re. Parks Maintenance Crew Supervisor position

Mr. McDaniel stated that staff has identified a need to create an additional Maintenance Crew Supervisor position to address supervisory needs on second shift. This action, consequently, increases the number of Crew Supervisors over what is currently authorized in the 2017 Operating Budget by one to a total of seven. The Administration will attempt to absorb the added cost of this additional Crew Supervisor position within existing funds appropriated within the Parks Operating budget. However, if additional funds are needed, the Department of Finance will bring forward a supplemental appropriation at year-end.

Mayor Peterson moved to approve the creation of a new second Shift Maintenance Crew Supervisor position in the Division of Parks.

Vice Mayor Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes; Ms. Amorose Groomes, yes; Mayor Peterson, yes; Ms. Alutto, yes.

### Log Cabin

Mr. McDaniel referenced a memo in Council's packet regarding a log cabin that was discovered in the redevelopment of a property and brought to staff's attention. It is believed that the ability to fund the recovery of that log cabin does exist. Staff will work on this project in conjunction with the Historical Society. The cost to disassemble, number pieces and store the cabin is in the \$25,000 - \$30,000 range, depending upon final negotiations with the property owner related to site clean up. Next steps would be to finalize the negotiations with the property owner and have the cabin disassembled and stored for future restoration. Funding exists with the Parks Division budget to cover the costs of removing the structure.

Council expressed no objection to this course of action.

Mr. Keenan suggested placing the log cabin along the river since that is where it was originally located.

### Purchase of artwork from Japan

Mr. McDaniel shared an opportunity for the City to consider purchasing two outdoor ceramic pieces that were included in the exhibit as a tribute to and in appreciation of Mr. Fujiwara's art and the City's relationship with Mashiko. City staff has discussed with DAC the use of Art in Public Places (AiPP) funds to cover the \$22,900.

Council expressed no objection to this course of action.

Ms. Amorose Groomes suggested the placement of this art in grassy areas is particularly appealing.

## COMMITTEE REPORTS

### Administrative Committee

Mr. Keenan, Chair, stated that they met this evening and are interviewing ARB candidates.

### Mid-Ohio Regional Planning Commission (MORPC)

Mr. Lecklider provided Council with an agenda and the Director's Summary.

### US 33 Innovation Corridor Group

Mr. Lecklider reported that they did not meet in June. They will now meet every other month. The next meeting is in July.



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## Dublin Board of Education

Ms. Amorose Groomes reported that a meeting was held on June 7 and it was very productive. Ms. Mumma has a list of items that they will be working on in follow up. There was an inquiry about DubLink for the elementary school.

## **ROUNDTABLE**

### Ms. Amorose Groomes:

- Commented that the John Shields Parkway stop control change is a great move and she expressed appreciation for the change;
- Echoed appreciation for log cabin preservation efforts and thanked the resident for bringing attention to it;
- Noted that the pictures of artwork were great;
- Noted her thanks to the staff at the Memorial Tournament for a series of great events. Traffic seemed to be well maintained during the Fore!Miler.
- Commented that the volunteer appreciation for the Memorial Tournament event on May 26 was great;
- Commented that the Leaderboard breakfast was the best one to date, and it was a great highlight of coordination between the Tournament, the City and the media;
- Participated in the wonderful Irish breakfast with Brian O'Brien;
- Appreciates the United HealthCare announcement and welcomes them to Dublin.

### Mr. Lecklider:

- Commented that the Memorial Day observance was excellent; he appreciates staff's efforts and Vice Mayor Reiner for emceeding. This was the biggest turnout for the parade he has ever observed.
- In regard to the Memorial Tournament, hats off to staff! He is so proud of how things turned out and the week leading up to the tournament. Former City Manager Brautigam commented about how well manicured the medians are throughout the City. He appreciates all the staff effort and time.
- Congratulated Colleen Gilger, Rachel Ray and others regarding their partnering with Fisher College of Business at The Ohio State University.

### Vice Mayor Reiner:

- Thanked Jeff Noble and Mr. McDaniel for the Memorial Day ceremonies. The speakers were excellent, and he is proud that the City focuses on the real meaning of Memorial Day;
- Echoed the comments about the beautiful streetscapes in the City.

### Mayor Peterson:

- Reminded everyone of the ARB Special Meeting on Wednesday, June 14, including an open house at 5:30 p.m. in the Council Chambers.

The meeting was adjourned at 10:32 p.m.

\_\_\_\_\_  
Mayor – Presiding Officer

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