

Dublin City Council

September 14, 2020

CALL TO ORDER

Mayor Amorose Groomes called the Monday, September 14, 2020 Regular Meeting of Dublin City Council to order at 6:00 p.m.

ROLL CALL

Present were Mayor Amorose Groomes, Vice Mayor De Rosa, Ms. Alutto, Ms. Fox, Mr. Keeler and Mr. Peterson. (Mr. Reiner joined the meeting at 6:05 p.m.)

Staff members present were Mr. McDaniel, Mr. Rogers, Ms. Readler, Ms. O'Callaghan, Mr. Stiffler, Chief Paez, Mr. Earman, Mr. Hammersmith, Ms. Rauch, Ms. Burness and Mr. Plouck.

ADJOURN TO EXECUTIVE SESSION

Mayor Amorose Groomes moved to adjourn to executive session for the following purposes:

- To consider the purchase of property for public purposes
- To discuss personnel matters related to the employment of a public employee.

Ms. Alutto seconded the motion.

Vote on the motion: Ms. Fox, yes; Ms. Alutto, yes; Mr. Keeler, yes; Vice Mayor De Rosa, yes; Mr. Peterson, yes; Mayor Amorose Groomes, yes.

Mayor Amorose Groomes reconvened the regular City Council meeting at 7:20 p.m. She reiterated that, due to the COVID-19 pandemic and the State's emergency declaration, the meeting is being conducted via an online platform and live-streamed at the City's website. This is now allowed as a result of the passage of Am. Sub. H.B. 197, which includes temporary changes to the Ohio Open Meetings Law. She reiterated her previous statement regarding the submission of any comments by the public prior to the meeting by e-mail to the Clerk or during the meeting via the form on the website. She emphasized that Council desires to accommodate public participation and comment to the greatest extent possible throughout this Pandemic.

PLEDGE OF ALLEGIANCE

Mr. Rogers led the Pledge of Allegiance.

SPECIAL PRESENTATION/PROCLAMATION

- Dublin Convention & Visitors Bureau Hospitality Industry Update

Dr. David Lee, Board Chair thanked Council and City staff, on behalf of the Board, for their great leadership during these unprecedented times. He also thanked Council for their support, confidence and trust in the DCVB to help lead the efforts during this time. He is impressed with the amount and quality of work that Mr. Dring and his staff are doing to promote safety and wellness and to help the City.

Mr. Dring, Executive Director provided an update on the Dublin Hospitality Industry, the Dublin CVB Restart Plan Results, and the Evolution of the Dublin CVB. (His presentation was provided in the Council packet.) He shared the numbers related to the impact of COVID-19 on the hospitality industry. It is projected that, nationally, the recovery will not occur until 2024. Locally, the impact has been similar. Bed tax revenue has decreased 67 percent since the pandemic; bed tax revenue projections for 2020 reflect a 60 percent decrease; and they project the situation will continue until corporate travel rebounds in the first or second quarter of 2021. The hotel occupancy rates across the U.S. and in Dublin have plummeted, as shown on the graphics. For the remainder of the year, they are projecting a high 30 to low 40 percent occupancy rate for Dublin hotels.

The Dublin Restart Plan, which was funded by Council, is focused on support of the hospitality industry. He sends regular updates to Council each Friday. He highlighted the safety programs underway to ensure social distancing and wearing of masks. The Bureau maintains a list of open for business resources, and this is updated daily. Their co-op program has supported 36 Dublin businesses with free marketing and media

promotion. Picnic packs for outdoor dining was very popular. The statewide leisure campaign for spring of 2021 is ready to roll out when the time is right to launch it. Finally, the organization is evolving to better serve the community. Travel and tourism will never be the same after COVID. They completed their strategic plan to expand services and marketing post COVID. They are looking at their funding model. They are somewhat restricted by being a 501(C)6 organization as they were not eligible for PPP monies.

He thanked Council for their commitment of 35 percent of bed tax revenue allocation to the DCVB. They reinvest in the community and generate a return on that investment.

Two additional focus areas are Downtown Dublin and going beyond their mission of "Heads in Beds." The Downtown Dublin Strategic Alliance was formed six years ago and a marketing and events strategy was created. It has been a great success, bringing organizations together for collaboration. He thanked the City staff for their support.

In addition, they believe there is a need for one entity to have the best interests of Downtown Dublin as a whole -- from a marketing and sales perspective. They will take the lead and leverage all of these efforts for the overall good of Downtown Dublin. He outlined the benefits of such a coordinated effort going forward.

Beyond "Heads in Beds" and overnight stays in Dublin, they want to grow Dublin's economy and jobs; raise local awareness; ensure success of restaurants, retails and attractions; and create local campaigns and promotional efforts. He added that this effort is intended to market the entire City, not just Downtown Dublin.

Beginning October 1, the DCVB will be known as "Visit Dublin" – this change makes them much more marketable and better represents who they are and who they want to be. He provided information on their social media campaign statistics.

He is optimistic that the industry will rebound after COVID and travel will be safer than ever before. There will be more domestic travel that will help their efforts.

Brief discussion followed about the local restaurants and their need for support throughout the coming months. The outdoor dining the City has permitted has been most helpful to the restaurants over the summer months.

Vice Mayor De Rosa asked if he has a sense of the CARES Act PPP monies that have flowed into Dublin. Do we have data on this?

Mr. Dring responded he is not aware if it is broken out by city or destination. Many hotels received PPP monies for certain, and Crawford Hoying has indicated they have received them. Cameron Mitchell restaurants received a substantial amount of those monies. Currently, there is a standstill in Washington related to additional funding. The Chamber is also a 501(C)6 entity and has the same challenges for funding as does the Bureau.

Ms. Alutto noted that receiving PPP monies is one thing, but receiving loan forgiveness is the other side of that. She is aware that several banks are kicking off their PPP loan forgiveness application process. Is the DCVB working with the Chamber on providing resources to ensure they can comply with those rules and to get their applications started?

Mr. Dring stated that this is being handled by the Chamber, and they have been supporting the Chamber as needed for this.

Mr. Keeler asked what more the City can do to help the DCVB.

Mr. Dring stated that the City is doing everything possible – sharing resources. For example, they are working to incentivize construction workers to stay in Dublin hotels when working on Dublin projects. Leisure travel and wedding hotel blocks are keeping the hotels afloat at this time.

Mayor Amorose Groomes asked how the DCVB plans to fund the new initiatives outlined.

Mr. Dring responded it is challenging, but the Board members are creative. They are working to diversify the revenue sources – perhaps through a partnership model. Special Improvement Districts have been discussed in the past, and the Bureau could operate this. Their Board will continue to explore options.

Mayor Amorose Groomes stated she would need to understand more about SIDs and the expectations of the City. Many of the businesses may not have the resources to participate. She will withhold judgment until she has a full understanding.

CITIZEN COMMENTS

The Clerk reported that no comments have been received by her office.

Ms. Burness reported that Peggy Kilty, 7568 Ashlord Court sent in comments for this meeting and in response to the September 9 Community Task Force meeting. She read the verbatim comments into the record. Her comments are summarized below:

She thanked Council and the Task Force for taking on the challenging work of combatting social injustices, inequities and discrimination. As the parent of an LGBTQ+ teenager and as the wife of a Latino, I view City Resolution 41-20 as essential, if not a long overdue effort to bring diverse voices to the table and unify the city through inclusive community meetings and, potentially, through public policy change. She provided some relevant family history of their background and experiences, noting they have witnessed cultural bias and racial disparities in healthcare. I appreciate the outpouring of ideas shared by Task Force members; many have been thoughtful, especially those that factored cultural differences in language, literacy and communication methods to ensure inclusivity. I also applaud the attention given to making this a data driven effort with measurable outcomes. I have several thoughts on the topics this task force is addressing. I welcome the opportunity to share with you what upsets me and some of my concerns here. These related to the public perceptions of the role of police in the aftermath of George Floyd's murder; support for her child and all members of the LGBTQ+ community who strive for equality in all aspects of their lives; and the unintended consequence of the redistricting of Dublin City Schools into three distinct regions based on high school attendance boundaries. The Task Force needs to review the demographics of these three regions, including racial composition, cost of housing and socioeconomic status. Her final concern is the authenticity of the City's intentions with this Task Force initiative. This initiative is long overdue because diversity and inclusion efforts in both corporate and academic settings have failed those which they've been designed to serve; saying that you are doing something has a vastly different result than actually executing and delivering actionable, measurable change. In this era of renewed social consciousness in which we are living, the fight for civil rights and social justice has finally made its way into our suburban living rooms. Task Force Member Isao Shoji said it perfectly: "Not everyone in the community believes there is a problem" and that poses an enormous challenge this community must overcome in order to move forward together. She looks forward to following the work of this Community Task Force and the Chief's Advisory Committee. Ultimately, as Dana McDaniel said, this is a democracy and it is up to ALL community members to embrace this effort. I, for one, am on board.

CONSENT AGENDA

Mayor Amorose Groomes moved approval of the one item on the Consent Agenda.

Mr. Reiner seconded the motion.

Vote on the motion: Vice Mayor De Rosa, yes; Ms. Alutto, yes; Ms. Fox, yes; Mr. Peterson, yes; Mr. Keeler, yes; Mr. Reiner, yes; Mayor Amorose Groomes, yes.

- Notice to Legislative Authority of new D1 liquor permit application from Krishna Siddhi LLC, dba Chateau Wine & Spirits, 6665 Sawmill Road, Dublin, OH 43017

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 21-20

Adopting the 2021-2025 Five-Year Capital Improvements Program.

Mr. Stiffler reviewed the schedule for the CIP adoption, noting that tonight is the second reading/public hearing of the Ordinance.

He summarized the discussion and changes requested at the work session on September 8. These include:

- Emerald campus project renamed "Emerald Campus Roadway Improvements" and project funding is unchanged from what was proposed.
- For the Darby "Flex" Lot, sample programming will be explored and discussion will take place within the Historic Dublin Task Force. Once the project is clarified, funding will be included in the 2022-2026 CIP.

- For Water and sewer extensions, design funding of \$140,000 for sewer extensions to areas 1B and 1C is advanced in the appropriations ordinance 23-20. \$1.85 million in construction funding for these two areas is added in 2021. Construction funding for area 15 of \$43,000 is appropriated in 2022 from the Sewer Fund. This will be cash funded from the Sewer Fund by a transfer from the General Fund. Design for additional water and sewer extension projects, based on priority listing, supported by transfers from the General Fund that are programmed. Additional transfers of \$150,000 to \$265,000 annually from the General Fund are programmed to support water and sewer extension projects. Staff recommends that the extension policy be discussed with the Public Services Committee.
- For Riverside Crossing Park, the following projects are moved forward from 2025 to 2021:– the east side boulder path – river access at \$300,000; the west side shared-use path – nature paths at \$172,500; the west side masonry – plaza wall and bridge at \$510,000.
- For Riverside Crossing Park, projects NOT moved forward from 2025 to 2021 are the west side parking lot – river access at \$252,500 and the east side promenade at \$6,125,000.
- The project year yet to be determined is the east side parking lot – river access at \$252,000.

Mr. Earman provided details regarding the Riverside Crossing Park projects, noting that the west side parking lot and east side promenade are pushed beyond 2025. There was discussion at the work session regarding the west side sidewalks on N. Riverview. He shared a slide depicting this entire area. This sidewalk would connect the west plaza down to the lower area along N. Riverview in order to access the shared-use paths in that park to the east. A slide shown provides the dollar amounts associated with each phase of the west side sidewalks – a total of \$365,000. The walk entails a sidewalk coming off the west plaza along with the retaining wall. The slope of that area is rather extreme with outcroppings of limestone and it is very barren at the moment. The vision was to include a retaining wall along the walkway as Phase 1 to go down to the actual N. Riverview Street. The second phase is connecting that toward the north along N. Riverview Street and that connects to the other contiguous sidewalk on the lower end. The third phase would be a landscape of that area with trees and shrubs, and a gravel path with natural stone seating areas throughout. He offered to respond to any questions.

Ms. Fox commented regarding the upper walk and wall. Because of the natural limestone cliff in place there and a retaining wall would have a limestone veneer, is there any way to get the walk through there without changing the natural limestone wall effect?

Mr. Earman responded that we would take advantage of the limestone outcroppings and arrange the path in such a way as not to disturb them. It would actually allow access down to them.

Ms. Fox added that the beautiful limestone exposed cliffs from the old quarry are worth preserving.

Vice Mayor De Rosa asked if this is a uniquely independent project. Is there any cost advantage to doing it next year or further out?

Mr. Earman responded that it is independent of cost change.

Mayor Amorose Groomes agreed with Ms. Fox that the exposed natural stone outcroppings are important to preserve if possible.

Mr. Stiffler stated that staff will need direction regarding the timing for funding of this project in the CIP. He can proceed with the debt versus cash discussion, which may help inform this decision.

Mr. Stiffler stated that at the workshop, questions regarding cash funding versus debt funding the Riverside Crossing Park project arose. Because the outcome of the east parking lot river access discussion was not known, he did include it as moving forward in 2021. If Council decides not to do that, the numbers will improve slightly.

The criteria for determining funding are the City's Debt policy and General Fund Reserve policy.

Park project debt financed

- If the park project were *debt financed* and moved from 2025 to 2021, as compared to the proposed CIP, there would be an increase in design costs of \$147,500 funded in cash in 2021. There would also be a net increase of \$96,000 in debt financing costs from 2021 to 2024. Because this project was financed in the proposed CIP as beginning in 2025, there is no increase or change for the majority of this debt's life from 2025 to 2041. There would be a corresponding decrease the last three years of this debt payment to mirror the increase on the front end.
- In order to facilitate this increase in cash funded design and debt financed construction costs, the placeholder for the Golf Course of Dublin maintenance building project would need to be moved from the proposed 2023 to 2024.
- He shared a debt profile of total outstanding principal from 2020 to 2044. The debt profile is impacted slightly in a positive way if the 2021 offering were not debt financed.
- He shared a graph of the debt policy compliance for 2020 to 2040. Choosing either cash funding or debt finance, both options are within compliance with the Debt Policy. The net debt expense change from the proposed and the debt financing option is only \$360,000 and cash funding it results in about a \$440,000 reduction every year for 20 years.
- He shared another graph of the debt service payments from 2020 to 2025, including the net debt expenses proposed, the net debt expenses debt funded and the net debt expenses cash funded.

Park project cash funded

- If the project were *cash funded* and moved from 2025 to 2021, the design costs in 2021 increase by \$147,500. Debt financing costs as compared to the proposed CIP would decrease \$360,000 per year from 2021 to 2041 and it is a reduction in principal of \$4.5 million. There is also an additional decrease of \$96,000 from 2025 to 2045, which is a reduction in principal of \$1.2 million. There would be a corresponding increase in expenditures with a corresponding reduction in fund balance of the General Fund by \$5.7 million in 2021.
- The General Fund expenditures in 2020 and 2021 include the following items:
 - Capital projects of \$7.35 million – not including this \$5.7 million.
 - Additional revenue subsidies due to the impact of COVID19 of \$5.9 million and include potential additional support to the Recreation Fund of \$4 million, the Pool Fund of \$400,000 and the Hotel Motel Fund of \$1.5 million. He clarified that these items will be discussed and determined at the operating budget workshops, but it is important to have all of the information available when making a decision about debt financing or cash funding the park project.

There are some additional non-policy related concerns with cash financing.

- The pandemic and potential recession. Current 2020 income tax revenues are holding steady and are up 2.7 percent YTD over 2019. The 2021 income tax estimate is a 1 percent increase over the 2020 estimate. The future potential impact of the pandemic is unknown.
- Another important consideration is the 20-day rule for income tax withholding. It was suspended by emergency conditions in the Executive Order at the state. That suspension is likely to be challenged in Court decisions that will begin in the first quarter of 2021.
- The suspension of the 20-day rule lasts 30 days after the emergency of the Executive Order expires. There is a potential impact after the emergency ends, as teleworking could remain in place after that emergency.

He next reviewed a chart with the General Fund balance from 2012 through the estimate for 2021. The current General Fund balance at this time is 81.6 percent, well over the 50 percent reserve policy. At the end of 2020, he estimates a fund balance of 85.5 percent due to the actions taken to reduce operating expenditures. That fund balance will decrease significantly in looking at the 2021 estimate – subject to further review and potential change, he is estimating the fund balance to be at 59.6 percent. Many of the decisions impacting the balance for 2021 have not yet been made, but Council will be asked to begin considering them tonight. There are significant land acquisition and CIP costs. These include the Shier-Rings Road realignment that is currently budgeted for a transfer from the General Fund of \$6.5 million in 2020. The third quarter supplemental appropriation ordinance on tonight's agenda reduces that transfer and changes it from 2020 to 2020 and 2021 – a total of \$2 million in 2020 and \$4 million in 2021. In addition, the sewer extensions of \$150,000 are from the General Fund. The third quarter supplemental also includes \$1 million for the Recreation Fund due to the revenue decline of COVID, and \$100,000 for the Pool Fund due to COVID. These expenditures were expected due to the revenue changes. He projects that such subsidies will continue to occur in 2021 for Recreation and Pool Funds. He has also included a fourth quarter supplemental as possible for the Recreation Fund and the Pool Fund. It is something to be aware of and monitor.

Hotel-motel tax revenues are down by 60 percent. To continue normal operations in 2021 for the Hotel-Motel Tax Fund, the City will need to consider subsidizing that fund by \$1.5 million. That is a discussion that should be taken up in the operating budget.

In summary, with all of these General Fund expenditures, the year-end balance will be 59.6 percent for 2021. If a decision were made to cash fund the park project and reduce the fund balance by \$5.7 million, increasing General Fund expenditures similarly, it would result in a General Fund balance projection of 49.7 percent.

Debt compliance exists under both scenarios (cash or debt funding the park project.)

The General Fund reserve is strong at 86.1 percent in August, but significant expenditures remain this year as outlined tonight. The cash funding of the project may place the City in violation of its General Fund balance policy.

Staff therefore recommends debt financing the \$5.7 million for Riverside Crossing Park in 2021. The debt financing will require an additional ordinance authorizing the issuance of bonds, and therefore the final decision to cash fund or debt finance this project can be made in 2021. This is based upon the amount of uncertainty in financial operations due to the pandemic. Hopefully, these uncertainties will be less by the time such a decision is needed.

In terms of timeline, staff recommends debt financing the \$5.7 million project in the 2021-2025 CIP and then advancing money from the General Fund to be able to begin the park project in early to mid-2021. After that, determine whether the prior advance should become a transfer and cash fund the project, or adopt an ordinance authorizing the issuance of bonds to debt finance the project (prior to the 2022 CIP update). This determination does not have to be "all of nothing," and cash funding can be used for part of this project's cost. This recommended timeline allows for some of the uncertainties to become known.

Mr. Reiner agreed with this approach of delaying a final decision on the cash or debt financing until 2021, given the uncertainties at this time.

Vice Mayor De Rosa asked about the Coronavirus Relief Special Revenue Fund establishment on tonight's agenda. Were any of the expenses outlined in this presentation eligible to be covered by this fund, such as the Recreation and Pool Fund shortfalls?

Mr. Stiffler responded that those funds are not part of this analysis because a final determination has not been made on how to utilize those funds. There are many requirements for use of this federal money and it is possible that some expenditures in the Recreation Fund may be reimbursable, particularly for the COVID-related paid leave and the part-time staff salaries associated with cleaning and maintaining sanitization of the Rec Center. More information will be known in 2021 about this potential.

Vice Mayor De Rosa appreciates the concept of waiting to make a determination on the cash or debt financing. She cannot imagine Council agreeing to an \$86.7 million expense budget for 2021, given all of this. There is ample opportunity to see how things play out. If it is possible, we should cash fund the park project for all of the reasons outlined earlier.

Ms. Alutto stated this is a thoughtful approach and she very much appreciates this. She leans toward cash financing the project if that is possible, but there is time available to make this decision.

Mr. Keeler agreed that it is prudent to wait to make this decision.

Mayor Amorose Groomes asked about the fixed costs of a bond issuance.

Mr. Stiffler responded he does not have that information tonight, but he recalls that the true interest cost on the last bond offering was 2.44 percent. That is likely indicative of the cost to borrow for the City at that point in time.

Mayor Amorose Groomes appreciates the option of considering this decision at a later time in 2021. It is likely there will be projects in 2022 where debt financing will be needed, and perhaps a debt issuance for 2021 and 2022 could be done at one point in time. She recalls this has been done in the past, with cash advancing for a project and then paying ourselves back when the debt was issued.

Ms. Fox agrees with this conservative approach and testing the City's resilience. She supports waiting to make this decision as well.

Mr. Stiffler stated he needs clear direction on the year for programming and funding the outstanding project discussed earlier tonight.

Mayor Amorose Groomes stated she believes Council wants to fund that in 2021, and it was the consensus of Council to do so.

Mr. Stiffler stated that the final discussion relates to land acquisition funding. The proposed CIP contains an appropriation of \$500,000 for land acquisition. He wants to determine if there is interest in further discussion tonight or with the Finance Committee to consider options for increasing the amount available for land acquisition in general. There was a suggestion about rolling over the unused portion of land acquisition funding from year to year. This would be a start to accumulating a balance. Discussion followed about the success Dublin has enjoyed as a result of its ability to acquire land, that land is an appreciating asset and good economic development tool, and that rolling over the monies each year would be a good start to grow this fund. It was the consensus of Council to refer this policy discussion to the Finance Committee for 2021.

Mr. Stiffler noted that Council has two options available in regard to Ordinance 21-20 – adopt it tonight with staff to make the changes agreed upon on September 8 and tonight; or postpone it to September 28 and have staff provide the updated document for review and adoption on that date.

The Clerk and Ms. Burness reported there were no comments or questions from the public via e-mail or the website.

Following brief discussion, Mayor Amorose Groomes moved to postpone the Ordinance to the September 28 Council meeting for vote to allow time for preparation of the final document.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mr. Keeler, yes; Ms. Alutto, yes; Mr. Peterson, yes; Vice Mayor De Rosa, yes; Mayor Amorose Groomes, yes; Ms. Fox, yes.

Ordinance 22-20

Authorizing the City Manager to Execute Necessary Documents to Convey a Perpetual Gas Line Easement to Columbia Gas of Ohio, Inc. Along Riverside Drive for the Installation of Underground Gas Facilities.

Mr. Earman stated that an updated site map was included in the packet to provide more clarity on the location of the easement. No changes have been made, and staff recommends approval.

The Clerk and Ms. Burness reported there were no comments or questions from the public via e-mail or the website.

Vote on the Ordinance: Vice Mayor De Rosa, yes; Mr. Peterson, yes; Mr. Keeler, yes; Ms. Alutto, yes; Mayor Amorose Groomes, yes; Ms. Fox, yes; Mr. Reiner, yes.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 23-20

Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2020.

Ms. Alutto introduced the Ordinance.

Mr. Stiffler stated this is the third quarter supplemental appropriation ordinance and includes a number of changes related to the CIP and changes related to the impact of COVID-19. The appropriations and unappropriations are detailed in the memo. He can respond to any questions regarding this legislation.

Vice Mayor De Rosa asked for clarification regarding the \$4.5 million and \$14.1 million that are being unappropriated because the projects are moving to 2021. She assumes these items will be included in the 2021 budget. Why is this being done for these projects in particular and not others?

Mr. Stiffler responded it relates to the size and timing of these projects that will move forward in very early 2021. Doing this in 2021 would require emergency legislation due to timing. Therefore, these are most appropriately included in the 2021 CIP. These large amounts would throw off the CIP if included in both the 2020 and 2021 CIP.

Vice Mayor De Rosa asked about the fund being established for the CARES monies.

This appropriation sets up the ability to utilize those monies, correct?

Mr. Stiffler stated that is correct, although these ordinances are a bit out of sequence.

Staff will explore the revenue projection for that new fund and that fund will be set up differently due to its nature of reimbursement of expenses in other funds. There will be corresponding reductions in expenditures from those funds. It is necessary to appropriate that money as soon as possible.

Vice Mayor De Rosa asked about the amounts being appropriated for Recreation, Pool Fund, etc. Those are simply for 2020, correct? There are no monies for 2021 in this appropriation, correct? These are fairly large numbers.

Mr. Stiffler stated these are for 2020. Because of the decrease in revenues for those funds, the City's certificate of resources must be amended for the county. For this reason, there are large unappropriations in those funds to bring that expenditure number down.

Ms. Alutto asked about health services and the rate of \$8.87 per capita. Did the Dublin population grow beyond 50,000?

Mr. Stiffler responded that he will need to check this. The City has estimated 3-4 percent growth for the last few years, and it generally outpaces the estimate. He is hopeful that the budget for 2021 will be projected more accurately.

Mr. McDaniel added that the contract was not approved until after January of 2020, so the City's budgeting process was already completed.

The Clerk and Ms. Burness reported that no comments or questions had been received from the public via e-mail or the website.

There will be a second reading/public hearing at the September 28 Council meeting.

Ordinance 24-20

Authorizing the City Manager to Execute and Accept Necessary Conveyance Documents and Contracts to Acquire a 0.069-Acre Standard Highway Easement from Chester A. Gunka, Located at 6149 Cara Road, for the Public Purpose of Constructing a New Roadway Which Shall Be Open to the Public Without Charge

Ms. Alutto introduced the Ordinance.

Mr. Hammersmith stated that construction for the Tuttle Crossing Boulevard Extension project is currently not programmed as the City of Dublin and its regional partners work to develop a full funding plan for these improvements. However, this project remains a priority for the City and the region. In that spirit, the practice has been to pursue the acquisition of property interests from willing property owners in the project area as those opportunities occur. The City, through its acquisition agent, has come to mutually agreeable terms with Mr. Chester A. Gunka, whose property is located on the south side of Cara Road, east of Avery Road, at 6149 Cara Road. The City participated in good faith discussions with Mr. Gunka, resulting in mutually agreeable terms for the acquisition of the property at the appraised value of \$14,159. Staff recommends adoption of this Ordinance at the second reading/public hearing on September 28.

The Clerk and Ms. Burness reported there were no questions or comments submitted through e-mail or the website.

There will be a second reading/public hearing on September 28.

Ordinance 25-20

Authorizing the Establishment of the Coronavirus Relief Special Revenue Fund, and Declaring an Emergency.

Ms. Alutto introduced the Ordinance.

Mr. Stiffler stated this legislation creates this special revenue fund and declares an emergency. It creates a new fund as required by Ohio Amended House Bill 481. Staff expects deposits to this fund totaling about \$2.4 million, as outlined in the materials provided. Some of these monies are pending House action.

Additional distributions are possible if other local governments return unencumbered funds. The third quarter supplemental appropriation includes \$3 million in case additional funds are received.

The ordinance includes emergency language to meet the current deadline of encumbering the funds on October 15. The City would need to have the ordinance effective prior to this date. There is a bill pending that may push this deadline back to November 20, but to be conservative it makes sense to pass this as emergency legislation. The City needs to start accounting for these funds as soon as possible. Staff therefore recommends the Ordinance be adopted as an emergency at the second reading/public hearing on September 28.

Mayor Amorose Groomes stated that she, too, heard of a legislative action to move that date back to December 5 but the Senate is now on recess due to a COVID case for a member. While she is normally opposed to emergency legislation, in this case of receiving these monies and in view of the deadline, she can support this.

The Clerk and Ms. Burness each reported that no comments or questions had been received via e-mail or the website.

There will be a second reading/public hearing on September 28 and emergency action will be requested at that time.

Ordinance 26-20

Amending Ordinance No. 58-94 Passed June 20, 1994, As Subsequently Amended, to Supplement the Public Improvements to be Made to Benefit the Property Identified in that Ordinance.

Ms. Alutto introduced the Ordinance.

Mr. Stiffler noted that Ordinance 58-94 created the Perimeter Center TIF District to provide a funding mechanism for extending Coffman Road and Perimeter Drive. In

2003, the TIF was modified from a non-school TIF to a straight TIF and future roadway improvements from Emerald Parkway to Avery-Muirfield, including the intersection at Avery-Muirfield Drive and the Avery-Muirfield Drive/Perimeter Loop intersection were added. This amendment provides the public infrastructure improvements to include the US 33/SR161/Post Road interchange, Perimeter Widening from Holt to Commerce Parkway, Post Preserve Access Modification and Improvements to the Avery and Shier-Rings Road intersection.

He noted that the current fund balance in this TIF is \$5.1 million, and this TIF receives annual revenue of approximately \$425,000. This modification allows utilization of the TIF funds as specified in the third quarter supplemental appropriation and in the proposed 2021-2025 CIP.

The required notice has been sent to the Dublin City School District and the Tolles Career & Technical Center.

Staff recommends adoption at the second reading/public hearing on September 28.

Mayor Amorose Groomes asked for clarification that a straight TIF is a non-school TIF. Mr. Stiffler agreed.

The Clerk and Ms. Burness reported that no comments or questions had been received via e-mail or the website.

There will be a second reading/public hearing at the September 28 Council meeting.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 46-20

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

Ms. Alutto introduced the Resolution.

Mr. Stiffler stated this Resolution maintains the allocation that has been in place since the 2010-2014 CIP. It allocates .35 mills to the Parkland Acquisition Fund and is estimated to generate just over \$800,000 per year. The 2020 year-end balance in this Fund is \$2.3 million. The Coffman Park debt service that is paid from this fund ends this year, and that is in the amount of \$207,000. 1.4 mills is distributed to the Capital Improvements Fund and that is estimated to generate over \$3.2 million per year. These estimates are in line with those used to develop the proposed CIP. In addition to inside millage, there are 1.2 mills of voted millage for Police operations that was approved in June of 1976. The effective rate for that outside millage is now .18 mills. It is estimated to generate about \$542,000 per year and is credited to the Safety Fund for Police operations.

This is a routine resolution in order to concur with information provided by the Budget Commission of Franklin County. It is required to be returned to the County Auditor by September 30 for inclusion in the subsequent tax year. It does not create or increase taxes; it only acknowledges that the City and the County Auditor agree on the millage distribution and the amount collected.

Staff recommends approval of this Resolution.

Mayor Amorose Groomes stated it appears that by the end of the year, we may have about \$3.3 million in the Parkland Acquisition Fund, given the Coffman Park debt service being paid off.

Mr. Stiffler responded that he is projecting that at the end of 2020, there will be \$2.3 million and at the end of 2021, there will be \$3.1 million in this fund.

The Clerk and Ms. Burness reported that no comments or questions had been received via e-mail or the website.

Vote on the Resolution: Mr. Keeler, yes; Vice Mayor De Rosa, yes; Ms. Alutto, yes; Ms. Fox, yes; Mr. Peterson, yes; Mayor Amorose Groomes, yes; Mr. Reiner, yes.

Resolution 47-20**Accepting the Lowest and Best Bid for the Waterline Replacement – Phase 5 Project.**

Ms. Alutto introduced the Resolution.

Mr. Hammersmith stated four bids were received, opened and read on August 27 for this project. This project will replace existing two and three-inch waterlines with new six-inch ductile iron waterlines, including fire hydrants and other associated appurtenances in six separate locations. The streets include Red Bay Court, Tamarisk Court, Bennett Court, Turnberry Court, Invergordon Court, Dunniker Park Drive and Dunblane Court. Direct mailings were done regarding three virtual Webex meetings with the residents and are currently underway. The Engineer's estimate for the project is \$690,000; the budgeted funds for these replacements in the 2020 CIP are \$600,000. Danbert Inc. submitted the lowest and best bid of \$533,417.32. Previous experience on several recent projects with Danbert has been excellent. They performed the Waterline Replacement Project Phase 4 two years ago. Staff recommends Council approval of this Resolution. He offered to respond to questions.

The Clerk and Ms. Burness each reported there were no comments or questions received via e-mail or the website regarding this matter.

Mayor Amorose Groomes asked about the existing waterline material for these locations.

Mr. Hammersmith responded that, generally, the two-inch is copper and the three-inch is ductile iron. There is break history with these smaller mains and lack of ability to flush without fire hydrants. Not having fire hydrants is a fire protection issue, as well. Mayor Amorose Groomes stated this is a significant upgrade for these neighborhoods.

Vote on the Resolution: Ms. Alutto, yes; Mayor Amorose Groomes, yes; Mr. Keeler, yes; Ms. Fox, yes; Mr. Reiner, yes; Vice Mayor De Rosa, yes; Mr. Peterson, yes.

OTHER

- Crawford Hoying – Bridge Park Financing

Mr. Stiffler stated that Mr. Daniels, Special Legal Counsel for the City, Squire Patton Boggs will present information tonight.

Mr. Daniels stated that in follow-up to the August 24 Council meeting, he and Mr. Stiffler put together a brief presentation as a refresher on Bridge Park and the various bond issues outstanding. This provides background on the current request before Council.

- In regard to Blocks, he shared a slide depicting Bridge Park on the east side of the river and identified the components of each block: A block is the AC Marriott, the events center, an office building and a public parking garage.
- B and C block are mixed-use blocks and each has a large public parking garage.
- D block is currently under construction; H block has townhouses; G block is currently undeveloped; F block has the new hotel being developed on it.
- Z block is the condominium and mixed-use block on the west side of the river.
- In regard to the outstanding bonds on Bridge Park:
 - B and C block garage bonds were the first issued and these were issued by the City in the amount of \$32 million. These bonds are payable from TIF service payments just from B and C block. In order to execute the bond issue and obtain the best rate possible, the City pledged its non-tax revenues as a backstop to those TIF payments. We have minimum service payments (MSP) from the owners of B and C block that are in excess of the bond debt service. But in order to reduce the interest rate, a backstop was necessary given the market conditions at the time.
 - B and C block are experiencing no cash flow difficulties at this time and are not expected to, given the MSP commitments. Those are tax liens ahead of any of the private financing or equity interests in the project.
 - The next bonds issued were for the Z block garage on the west side of the river. These were issued by three port authorities led by the

- Columbus-Franklin County Finance Authority who together issued approximately \$12.8 million of bonds in 2016 to fund the public Z block garage. These bonds are secured by Community Authority charges and TIF revenue from Z block. There is plenty of cash flow for these bonds and it is not experiencing any cash flow difficulties. In fact, there is excess revenue from Z block that is being used to support the A block financing. That was always the plan for the Z block revenue excess to help A block.
- A block bonds were entirely issued by the Columbus-Franklin County Finance Authority in January of 2017 to fund the A block garage, roadways associated with A block and the events center. The bonds consisted of \$27.3 million of senior bonds and \$4.86 million of subordinate bonds. It is the subordinate bonds that are experiencing the cash flow difficulties discussed on August 24. In order to make the A block financing work, there are many types of revenues pledged to them: TIF service payments from A block; lodging tax grant from AC Marriott and Home2Suites provided under the Development Agreement; NCA lodging charges from AC Marriott; rental payments from the event center; NCA charges on the H block townhomes; the service payments from Z block not needed for the Z block bonds; and a backup NCA charge of up to 12 mills across all of the developed Bridge Park property.
 - As discussed on August 24, the revenue sources for A block of the lodging tax grant, the NCA lodging charges from AC Marriott, the rental payments from the events center and the NCA charges on the H block townhomes are encountering cash flow difficulties for those subordinate bonds. That is the crux of the request from Crawford Hoying. Because of those cash flow difficulties, approximately 3 mills of those 12 mills of additional NCA charges would need to be levied in order to cover the 2021 shortfall for those A block subordinate bonds.
 - For D Block garage and the roadway bonds, the Development Agreement was amended a year or two ago and following that amendment, Columbus-Franklin County Finance Authority (CFCFA) issued approximately \$35.56 million of bonds. This also included the public market. Those bonds are secured by NCA charges and service payments from D Block. This includes the NCA sales charges across all the blocks in Bridge Park of \$.05 and the same backup NCA charge of up to 12 mills across all the developed Bridge Park property. The current financial projections for these bonds reflects no projected deficit. In fact, a portion of the bonds are being currently refinanced by the CFCFA for savings to produce some additional cushion. If the NCA sales charges should fall significantly short, then the backup charge may need to be levied sometime in the future. It is not anticipated, especially given the savings from the refinancing, but is theoretically possible.
 - The current block under development and the next series of bonds to be issued are the F block bonds. There is a short-term note of \$2.5 million issued last year for F block to help that development be initiated, funding some garage and roadway improvements. The CFCFA expects to issue approximately \$7.5 million of additional bonds for roadway improvements; additional public market costs; and additional garage costs, primarily for the G block garage. Crawford Hoying has proposed using \$340,000 of this bond issue to help support those A block subordinate bonds to eliminate the shortfall in lieu of having a 3 mill NCA charge. The F block bonds are secured by TIF, NCA and City bed tax revenue from the new hotel. There is also a backup charge just on the F block hotel, if those hotel charge and bed tax revenues do not materialize. Finally, there is the same NCA charge of up to 12 mills across all the developed Bridge Park property that can be levied. That is a backup charge if the F block owner does not pay the first backup

charge. As long as the F block hotel owner always pays, there is no need for those 12 mills or any portion to be levied for the F block bonds.

Mr. Stiffler noted that Crawford Hoying is requesting for A block bonds that the revenue escrow fund be allowed to be debt financed as part of the F block bond offering. This request is before Council because the amended Development Agreement between Crawford Hoying and the City does not explicitly authorize this category of expenditure. The creation of this revenue escrow fund would delay the need for additional millage charge to be levied on all developed Bridge Park properties, including residential, office and retail. The current estimated shortfall is \$195,979 in 2021 and just over \$110,000 in 2022. The COVID pandemic has reduced revenues associated with the bed taxes and event center that has contributed to this shortfall. Staff recommends that Council permit the creation of an A block revenue escrow fund in the amount of \$195,979. This will cover the estimated 2021 shortfall and is in line with the reduction in revenues directly attributable to COVID-19. Staff also recommends that if a shortfall exists in future years, the revenue generating mechanism specified in the agreement of levying additional millage by the NCA be utilized.

He stated that he, Mr. Daniels or Ms. Srail of Crawford Hoying can respond to any questions.

Mayor Amorose Groomes asked if any public comments have been received.

The Clerk reported no comments were received in her office.

Ms. Burness reported that one comment was received through the website from Mr. Robert Smith, 6310 Riverside Drive, Dublin:

CM wiggle! Crawford Hoying received PPP funds to pay expenses, now CH wants to relieve the NCA of expenses owned in the amount of 2.9 percent. This is only the begging of the "rob Peter to pay Paul!" How much of the request ("switcharoo") directly affects CH? More info is needed on the solvency of NCA. New data came out regarding COVID affecting restaurant use prior to infection, there is nothing indicating a short term solution to the pandemic. The excess funds should be held in reserve. The individuals who invested in NCA property are required to pay the shortfall.

Mr. Keeler directed his questions to Mr. Daniels. Z block is a successful block and it was assumed that would be the case. Z block revenue can be used for A block, correct?

Mr. Daniels responded affirmatively.

Mr. Keeler stated that assuming some Z block revenue goes to revenue, and there is a TIF from A block that goes to F block, there seem to be monies moving from block to block. Why is the City being asked to allow for movement from one block to another – was that not addressed in the Development Agreement?

Mr. Daniels responded it is not a feature of the agreement. The City was interested in ensuring that bond monies were spent on priority projects for the City, given that City TIF revenue was being used to pay the bonds. At the time, no one imagined a pandemic and any need to cover shortfalls such as this.

Mr. Keeler stated that the concept is that if sales charges fall short, backup charges need to be levied sometime in the future. How much "runway" does the City have in making a decision? There is federal assistance paid and will likely be paid in the future. Is there any reason why we cannot wait for certainty with respect to more federal assistance before authorizing this request?

Mr. Daniels responded there is some "runway," but not a lot. The NCA has debt service to pay next year. If the revenues do not materialize, as currently appears to be the case, the NCA has to put this backup NCA charge on the tax bills to be collected by the Franklin County Auditor and Treasurer. In order to do that, the NCA must inform the Auditor by the end of this month how much is needed to be put on the tax bills, as those tax bills are being prepared now. That is the timing issue.

Vice Mayor De Rosa asked Mr. Daniels about opportunities to fund this shortfall. If the shortfall were to occur this year, next year or further out, are there other abilities to collect monies, i.e. from the developer itself? Are there other ways to infuse cash and if so, how?

Mr. Daniels responded there could be other ways to secure voluntary cash infusions to pay debt service. The only legal tool the NCA has available to it is this backup charge. The NCA cannot levy additional taxes or additional charges; it does it by contract with the property owners. This is the tool afforded to it and the tool that would have to be exercised under the bond agreements to pay debt service. The NCA must ensure that the debt service is paid. Certainly, there could be other outside voluntary sources to pay this.

Vice Mayor De Rosa stated that Crawford Hoying is free to access those outside voluntary sources, if they so chose.

Mr. Daniels stated that they are not legally obligated to do so, but they can if they so choose. Nothing prohibits them from doing so.

Vice Mayor De Rosa stated that nothing would prohibit Crawford Hoying from loaning themselves the monies to pay this or whatever vehicle or mechanism they choose to do so.

Mr. Daniels stated that is correct. The NCA needs cash to pay debt service and would likely accept outside cash to pay it. The only legal tool is the backup charge as discussed.

Ms. Fox stated that staff has suggested allowing an escrow to be established to cover the 2021 shortfall. Could the NCA just levy charges for a shorter period of time, or is it necessary to do so for a three-year period?

Mr. Daniels responded the NCA levies charges for a year at a time, and therefore must levy charges for all of the 2021 shortfall and provide that information to the Franklin County Auditor within the next few weeks – unless there is another source of cash.

Ms. Fox asked about the 2020 shortfall and whether that has been paid.

Ms. Srail stated Crawford Hoying is projecting a shortfall in the revenues for 2020 in approximately \$25,000. They do not have the ability to go back and levy charges for 2020 through the NCA.

Mr. Peterson stated that the 12 mills mentioned in the various blocks are the same 12 mills, correct? If 3 are used for Block A, that would leave 9 remaining.

Mr. Daniels stated that is correct.

Mr. Peterson stated that he has indicated that the bonds for Block Z on the west side are functioning well and that Z block proceeds could be used to pay A block bonds. Is there a reason these proceeds could not be used to cover the shortfall of the A block bonds?

Mr. Daniels stated that what we are discussing is the Z block TIF revenue that is collected as well as the regular charges on Z block – not any additional charge. Those monies are being used to pay A block, which was always the plan. Even counting in those monies, there remains a \$195,000 shortfall for 2021.

Mr. Peterson asked if there are extra proceeds in Z block to pay this shortfall.

Mr. Daniels responded that the Z block proceeds have already been spent to build the Z block garage. What we have is the annual revenue in the form of TIF service payments and annual community development charges on Z block. Those are already factored in, and a shortfall remains.

Mr. Peterson commented regarding the waterfall and his understanding. The question to Crawford Hoying was if there would be any impact in the City's position in the F block waterfall, and they indicated there would not – that it would all be the same. In the A block waterfall or the F block waterfall, it seems that this would add another expense ahead of the waterfall beginning to fall.

Mr. Daniels responded there would be some additional debt service within the waterfall. The waterfall pays a lot of things, including debt service. In the short-term, it will not make a difference in cash flows because the monies are all being used in any case. Even with the F block bonds, if this \$340,000 were not used to help A block, it

would be used for the G block garage – the infrastructure improvement currently under construction.

Mr. Peterson asked if someone were to say that this development agreement was entered into between Crawford Hoying and the City, and now the taxpayers are being handed an extra \$300,000 “bill” – that is not accurate, correct?

Mr. Daniels responded that except for the bed tax grant, which is part of all of these financings, there is no tax revenue being used to fund these bonds. These are Community Authority charges and TIF payments, and that was always the plan to use those revenues and not tax revenues to fund these. At the end of the day, could this reduce the excess the City could receive back? The City is at the bottom of the waterfall and would receive the excess money not needed for debt service. In theory, that is possible. It is not known yet. Because all the community facilities are not built, we do not know all of the debt service nor all the revenues. In terms of the excess from these blocks, it is nothing that the City’s financial professionals have ever counted on. Depending upon what projections are considered, it would be at least 10-15 years out before they would materialize, due to the debt service and the fact Bridge Park is still being built and the money will go to these in the near term.

Mr. Peterson stated he now understands the waterfall much better. In the presentation, it indicated that COVID and the bed tax reduction contributed to this shortfall. Are there other factors?

Mr. Daniels responded there are other factors, particularly around the H block townhome buildout that contribute to this. COVID definitely exacerbated both the amount of the shortfall and the ability of the property tenants to make payments. He suggested Ms. Srail comment further.

Ms. Srail stated that they have built the first of three phases on H Block. They are advancing the design for the remainder, which is substantially different from the original for reasons discussed at the last meeting. The excess funds coming from bed tax revenues and event center revenues were helping to bridge that gap, but are no longer available because of COVID. That is part of why there is a shortfall now.

Vice Mayor De Rosa asked Mr. Daniels for clarification. In terms of the G block bonds, if some of the money goes to pay for the shortfall, it will not be spent on G block garage. Using the funds to pay debt service will reduce the amount of money available to build the garage asset.

Mr. Daniels agreed.

Ms. Srail added that they are taking advantage of great savings in the market and they do not see this as a disadvantage for the remainder of the blocks. They are projecting to have plenty of TIF revenues from the balance of Bridge Park being built out to complete G block and to complete all the public improvements expected by the City for Bridge Park.

Vice Mayor De Rosa stated that following this same logic, if the rates now are very favorable, some of that rate fund savings is accruing, providing other revenue sources to Crawford Hoying to pay for this shortfall. If everything else in Bridge Park is running well as reported in this conversation tonight, there should be sufficient funds to handle this versus requesting this from the City. She understands they are not asking the City to write a check. But it seems if the rest of Bridge Park is fine, there is some clarity lacking about this amount of shortfall.

Ms. Srail stated that the rate savings as referenced specifically relate to the public financing. That is financing they are getting not for Crawford Hoying use, but specifically debt mechanisms being put in place to fund the public improvements at Bridge Park. In terms of Crawford Hoying loaning funds to cover this shortfall, in theory that could be done. However, Crawford Hoying would have no collateral to pledge toward that – and therefore no way to guarantee getting those funds back in the future. They would also be back before Council discussing a modification to the waterfall in order to allow for a mechanism of those funds to be returned, and that is not currently contemplated in the waterfall. What they have presented is a low rate, low cost source of funds to cover this shortfall. While they understand long term and the excess waterfall the City might be expecting, they are asking for the City’s participation in that. They believe this is a good option to fill this gap created by

COVID. There were some questions about how Z block factors into this and the potential excess revenues that could have come from Z block to fill this shortfall. They are similarly offering F block revenues as an option to cover this shortfall.

Ms. Fox directed her question to Ms. Srail. In reviewing the Development Agreement, there was to be a cushion of a certain percentage above par to be kept in a reserve fund. Are those reserve funds exhausted and how have they been used?

Ms. Srail responded there was a small portion of reserve funds being used this year and they are shown in the waterfall as helping to reduce that gap. Outside of that, those reserve funds are depleted.

Ms. Fox asked if they are depleted due to COVID. The gap was \$25,000 and yet there was a \$100,000 reserve. How was the remainder depleted?

Ms. Srail asked Mr. Daniels to respond regarding the reserves for the debt service.

Mr. Daniels stated that because these are subordinate bonds, the way these reserves are funded is typically by excess cash flow over time. A few years out, the model would have shown a higher reserve level, but given this disruption in cash flow is occurring so early in the life of the bonds, the reserves are depleted very quickly.

Ms. Fox noted that the G block garage has not been started. There was some discussion about the need for another garage – was that on F block?

Ms. Srail stated they are evaluating options with the D block parking garage. A previous bond issuance allowed them to modify that garage to allow access from F Block.

Ms. Fox asked if there are savings that could occur with G Block to make all of this come out even at the end.

Ms. Srail stated that is possible. There are only a few blocks remaining at Bridge Park so they are looking holistically at what it will take to complete the development in a way that best serves the community. They are not looking at the F block issuance under discussion tonight in a vacuum – but are looking at it in the context of the remainder of the blocks as well.

Ms. Fox asked if there is a way to guarantee a savings somewhere else to make up for the shifting of dollars and the possible reduction of the waterfall revenue.

Ms. Srail responded that Crawford Hoying is not prepared to guarantee any savings in the future blocks at this time. They are still evaluating the costs of the G block garage, since it is to be funded in the future.

Mayor Amorose Groomes stated that in reviewing all of the information on this matter and recalling a memo that outlined \$1.5 million PPP funds that Crawford Hoying was able to secure, she believes it is premature to make such a decision. The City has many questions about its own projected lost revenues for next year and does not know the entire picture at this time. We also do not know what the federal government may do relevant to the travel, tourism and entertainment industry – if anything. She spoke with Congressman Balderson today to see if there were any plans or discussion about those prospects. She believes this shortfall could be filled by the owners for this period of time. If they wanted to levy the additional NCA charges next year, they could certainly reconsider that when more information is known. One of the most concerning issues for her is the conversation about lost revenues. We are early in this pandemic to understand that in totality. She suspects that 90 percent of the companies in the City would want to make a case for their lost revenues and how to fill those voids. She is not comfortable with the government stepping into that space, given the scope of this. She asked Mr. Daniels what specifically Council is being asked to do this evening. Mr. Daniels responded that Administration is seeking guidance from Council tonight – it could be a vote or sense of Council. The City Manager under the Agreement has the ability to approve expenses. The reason this comes to Council is that this is not in a category of expenses the City Manager can approve. City Administration is seeking a sense of Council's comfort in approving this expenditure.

Mr. McDaniel agreed, noting the ask is specific and staff is seeking Council's direction on responding positively or negatively to that ask – or if there is some other option to offer.

Mr. Peterson stated why this would be considered an expenditure. It seems it is simply authorizing them to use a different funding mechanism than what was anticipated. Ms. Srail stated that had they anticipated this problem, and the same thing was set up and built into Z block. He does not view this differently. If F block were set up as was Z block to allow for this transfer, it would not be considered a City expenditure.

Mr. Daniels responded that in terms of the expenditure, the City has the right under the Development Agreement to approve the expenditure of bond money. This would be an expenditure of bond money because it is being spent for the A block debt service. The City also approves the expenditures of the F block bonds for things like the F block improvements – roadway improvements. While these are provided for in the agreement, ultimately the City signs off on these because of the TIF revenue the City commits to the project. In terms of comparing Z block to F block and the support that can be provided for A block, they can work exactly the same way. The distinction is with the annual revenue from Z block that is in excess of the Z block debt service. Annual revenue includes TIF service payments and the NCA charges from Z block that go to support A block. It can be done with the F block revenue as well. The issue is timing, as the F block revenue will not materialize for next year. If there is excess F block revenue, it can be used to help A block in future years, once it materializes. However, it does not solve the problem for next year.

Mr. Peterson stated that the term "expenditure" being authorized by the City Manager includes the ability to approve them spending bond proceeds on the project. It is not a City expenditure per se.

Mr. Daniels agreed.

Mayor Amorose Groomes state that, ultimately, a City expenditure is in the likely reduction in the waterfall at the end of the day.

Mr. Daniels stated that it is a potential reduction in excess at the end of the day. However, the expenditure he referenced is the actual use of the bond money. From F block bonds, there are roadway improvements for F block, G block parking garage improvements, and some B and C block parking garage improvements. Those are all expenditures contemplated by the Development Agreement, but expenditures nonetheless that the City approves out of those bonds, once the budgets are reviewed by Administration. That is the approval that the City ultimately has. With this particular expenditure of bond money from the CFCFA and with the City's sign-off, this type of expenditure was not contemplated by the Development Agreement.

Mayor Amorose Groomes stated that no one contemplated the kind of impacts of COVID.

Ms. Fox stated that in looking at the waterfall and layers, it is not simply debt service – it is also capital repairs and maintenance. She has a concern that if there is a shortfall in debt service, is there a similar situation for capital repairs and maintenance? If there is not a huge excess for the City at the bottom of the waterfall, what occurs at the midpoint since problems are occurring at this early stage?

Mr. Daniels responded that is possible. But in the overall plan for Bridge Park, given the \$32 million bonds for A Block, another \$35 million for D block and \$7.5 million for F block, \$340,000 is not a huge amount of money. Perhaps it slows down the funding of an O&M reserve by a year or two or once all is built, perhaps not at all. Crawford Hoying is ultimately responsible for repair and maintenance of the garage. To the extent monies are not available in the waterfall, they would have to collect revenue from its properties. They have Common Area Maintenance charges built into their leases and they have the option to collect monies in that manner. He added that these are fairly new facilities and there should not be many necessary maintenance items or capital repairs. That is more likely 10-15 years out.

Ms. Srail stated that Crawford Hoying managed properties at Bridge Park are responsible for all of the costs to maintain the garages currently. There are significant

annual costs incurred just to operate the garage. In looking at the waterfall, the O&M reserve funds are not even anticipated until 2040. It was a mechanism to allow capture of excess revenue to put in place for repairs in later years.

Mr. Keeler stated that overall, this relationship between Crawford Hoying and the City has worked very well. Crawford Hoying has done a phenomenal job with Bridge Park. However, on principle, he has issues with this ask. He is aware of the legal restraints to what they can or cannot do. Ms. Srail commented about the inability to loan themselves money as they would not have collateral to pledge. He recalls in his younger years obtaining a signature loan – which is based upon your credit or the lender's belief in your ability to repay it. He would think that Crawford Hoying has enough confidence in the success and outcome of this project to loan itself monies. The collateral is the work they do for the development. In terms of a mechanism for repayment, if it is true that Crawford Hoying cannot receive reimbursement for \$195,000 loaned for this shortfall, it should then be considered an investment in the success of Crawford Hoying, Bridge Park and the City of Dublin. If they are good stewards of their business, they would determine a way to make this work. Had this provision been worked into the original agreement, this conversation would not be taking place. On principle, as a for profit business that has been reaping the rewards of a very strong Dublin and Central Ohio economy, and the City on the other hand looking 20 years out around the region at developments like Northland or Tuttle Mall, he would not place a lot of stake in what the value of that property will be in the future. Lowering the value of that property by \$340,000 and reducing the waterfall at the end is problematic for him.

Ms. Srail noted they appreciate the City's investment and confidence in Bridge Park. She understands his concerns. There is not a current mechanism for Crawford Hoying to be repaid. While it is just \$200,000, that is not the principle. They have come up with a solution at a low interest rate to prevent this charge from being passed through to the owners of Bridge Park real estate – residents and tenants of Bridge Park. They believe they have brought forward a solution to Council to bridge this gap. Crawford Hoying has expended plenty of overages over the years at Bridge Park and they have not come to Council to ask for support. They believe tonight's request is a reasonable ask.

Ms. Alutto stated that it is important to understand the pressures the City is up against that may or may not relate to Bridge Park. This is an incredibly risky time for the City at this moment in time. The City is at risk of taking a hit to its income tax revenue of significant proportions, depending upon the outcome of the 20-day withholding rule under discussion at the state legislature. While Crawford Hoying may believe this is a reasonable ask, from her perspective as a fiscal steward of this City and its citizens, it feels like a request that is premature. There is much unknown to all of us at this point. Dublin is accustomed to planning far into the future, but given the situation will hold back until the conditions are more certain. Council is looking at cash financing versus debt financing a major project next year, but will not make that decision until next year due to the current conditions. She appreciates the partnership with Crawford Hoying, and regardless of the outcome of tonight's discussion, this is not an indictment of that partnership. This is rather about the uncertainty of what will happen and the City's obligation to continue to provide services to the residents of the entire City as expected. She struggles with the timing of this more so than the mechanism.

Ms. Srail appreciates that, but what they are asking of the City is to give up the revenues at the end of the waterfall that the fiscal professionals at the City never counted upon.

Ms. Alutto stated that the City may need to count on those revenues; it is not known at this time what the conditions will be at that point in time.

Mayor Amorose Groomes stated it is important for Council to respond to the question on the table this evening. She asked Ms. Srail to take back the message that Dublin considers them good partners and Dublin appreciates all of their work on Bridge Park. This is about a moment in time – not about the partnership with Crawford Hoying or all

other partners in the City. We are all under difficult circumstances at this time and at risk of our way of life.

She invited each Council member to weigh in on their decision regarding this request.

Mr. Keeler noted he votes against this request.

Mr. Peterson noted he votes in support of this request. It is important that Bridge Park succeed. If Council could choose the timing of things, there may be other options possible. This is simply authorizing the use of bonds that will be supported by the Bridge Park development. This is an extraordinary time, and while he was hesitant at first, what persuaded him was that the same thing was contemplated in Z block. It never occurred to anyone that this would be needed in F block. Given the pandemic situation, he is okay with this request.

Ms. Alutto commented this does not reflect on the partnership with Crawford Hoying. However, she is not in a place where she can support this at the present time. The timing is her issue more than anything else.

Vice Mayor De Rosa stated that, although not everything was anticipated at the outset, what was set up was a good structure with the NCA, etc. There is a mechanism that allows for short-term corrections in order to manage long-term turbulences. That was a very wise decision. She believes that, given where we are at this point, she cannot support doing this. Ms. Srail mentioned there is not a mechanism to reimburse Crawford Hoying if they should cover this shortfall; but there would equally not be a mechanism to add this back to the waterfall at some point in the future. Hopefully, this will turn around with the improved economics and there is a mechanism available with the NCA. She would advocate having that mechanism do its job and get us through this for a short period of time. She encouraged use of this tool that was put in place at the outset. She cannot support this request.

Ms. Fox stated she personally believes that the NCA has the ability to levy the tax on the property owners in Bridge Park. She believes that staff's recommendation for an option to create an escrow to cover one year of the shortfall gives relief to those businesses and residents. This charge would be a terrible burden for them. She does not believe that the City will lose that much in the 10-year out excess waterfall – if that excess should ever occur at all. Crawford Hoying has the ability to reduce expenses on G block to make up that difference. She would not support anything beyond one year, and she would not expect the City to allow transfer of expenditures from one block to another as a common practice. It is not a good idea. She had leaned differently, but this one-year option to help is what she can support. Therefore, she supports this request.

Mr. Reiner agreed that Crawford Hoying has been an extraordinary partner in all of these endeavors and has not previously requested assistance. In looking at the execution of the project, it has been done with exceptional care and of high quality. He agrees with Mr. Peterson and Ms. Fox on this request. Crawford Hoying has spent lots of monies on extras, such as the public dining table execution to make this successful. He would support the one-year option of an escrow account as staff has recommended. This is an extraordinary time and an exceptional partner who has built an entirely new city and lifestyle for our community, which has huge tax implications for the community and which allows the kind of workers needed by the businesses to be able to live in the community.

Mayor Amorose Groomes stated she can support this request at this time for the reasons she has stated. Perhaps it can be revisited at a future time. She is interested in seeing what support will be provided by the federal government and she does not want to interrupt that process. It is difficult to make a decision to help fill the gap of lost revenues for a single entity in the City without doing it for everyone, which is not possible.

She summarized that there are four people opposed to this request, and three in favor of it.

Mr. McDaniel stated that staff appreciates the guidance. He thanked everyone for taking the time to do a thorough review of the Development Agreement to understand all of the aspects of it. He echoed the comments about the great partnership the City enjoys with Crawford Hoying and the difference it is making in jobs and quality of life. He thanked Ms. Srail for all of her work in responding to the many questions, and to Bob Hoying and Brent Crawford for their responsiveness, as well.

Ms. Srail echoed the comments regarding the partnership, acknowledging this was a complex and difficult decision. She appreciates the candid conversation that has occurred. She thanked Council for considering their requests.

Mr. McDaniel acknowledged Mr. Daniels and Mr. Stiffler for their work, as well. He appreciates all of the time spent by Council on this matter.

- Dublin 2035 Update

Due to the late hour, Council agreed to reschedule this item for the September 28 Council meeting.

- Adoption of Regular Council Meeting Schedule for 2021

Mayor Amorose Groomes invited Council discussion of the proposed meeting schedule. She requested one modification for Council to consider - changing the second November meeting from November 22, Thanksgiving week, to November 15. Many people travel on Thanksgiving week.

Ms. Fox suggested that Council not meet on the Monday following the Dublin Irish Festival (August 9).

It was the consensus of Council that the August meetings would therefore be scheduled on August 16 and August 30.

There was no further discussion.

Mayor Amorose Groomes moved adoption of the meeting schedule for 2021 with the changes noted above.

Ms. Alutto seconded the motion.

Vote on the motion: Mr. Keeler, yes; Vice Mayor De Rosa, yes; Ms. Fox, yes; Mr. Reiner, yes; Mr. Peterson, yes; Mayor Amorose Groomes, yes; Ms. Alutto, yes.

STAFF COMMENTS

Mr. McDaniel reminded everyone that it is National Preparedness Month. This is an initiative by federal, state and local emergency agencies to lift up the topic of preparedness and encourage everyone to be prepared for emergencies and disasters. Information is available on the City website, as well as state and county websites.

- Resolution 37-20 – Policy Review Update

Mr. McDaniel noted this legislation was approved in June and related to the topic of combatting injustice, inequity and intolerance, negative stereotyping and discrimination, based on race, religion, ethnicity or belief. Section 5 of that Resolution directed the City Manager to undertake an evaluation of the City's relevant organizational and departmental policies, practices and training to ensure the City does foster diversity, equity, inclusion in all aspects of its operations and Administration. The resolution called for a report to Council by today regarding the findings. He thanked Mr. Rogers and other staff members who worked on this self-assessment. The memo was included in the packet.

Mr. Rogers noted the memo was extensive and included a demographic analysis, an accounting of all in Code and in policies. The last half of the memo identifies the opportunities for improvement. There is another stage of this – an external assessment from Steve Francis of Franchise D&I Solutions taking place on Friday, September 18.

This will involve a diversity and inclusion appraisal and a follow-on report from that as well.

Mr. McDaniel added that he shared this report with the Community Task Force who had their initial meeting last week. Chief Paez will also share the report with the Chief's Advisory Committee when they meet this week. It is a great reflection on what the City has been doing and what the City needs to do in the future. They look forward to the input of the Community Task Force and Chief's Advisory Committee.

- South High Street Stone Walls – Update

Mr. McDaniel stated that Council requested in July that the Architectural Review Board review this item that relates to the South High Street improvements. Ms. Rauch will share the results of that review by ARB.

Ms. Rauch stated that a detailed memo was provided to Council in the packet regarding ARB's informal feedback as well as the draft minutes from the meeting. ARB had a robust discussion and were supportive of the attention and focus on the streetscape along S. High Street that includes tree planting, understanding the site constraints that exist, particularly on the west side with grade changes and how best to accommodate that. Their concerns related to the installation of a stone wall in a location where it would not have historically been located, particularly on the west side. In addition, they had concerns about the proposed wall and its potential dominance along the streetscape, altering the character of the Historic District. They also expressed concerns about safety and that the leveling out of the grade there to provide some increased pedestrian facilities potentially creates a problem in that one may not expect it would drop off and down to the street level. Overall, they support improvements in the Historic District, but have concerns about how they would be executed. Staff is recommending further direction from Council on how to proceed. Mr. Earman is present to respond to specific questions about the proposal.

Mayor Amorose Groomes stated that significant time was spent discussing this streetscape plan. She tried to locate the materials presented to the ARB and is not certain that Council was given a final drawing of all of the stone wall locations and heights, etc. She believes that access to that presentation would be important.

Mr. Keeler stated that in looking at the renderings he saw and in reading the minutes from ARB, the wall is essentially creating a false sense of history. To his knowledge, there has never been a stone wall there. Stone walls are an iconic Dublin feature, but they need not be everywhere and perhaps not in this area of the Historic District. His practical question is from a retaining wall standpoint, there are areas where they are needed. If not a dry stacked stone look, then what would that retaining wall be. There will be some hazards involved with a retaining wall, no matter its appearance. If you must build a retaining wall, even though a dry stacked wall presents a false sense of history, it is probably the best alternative of the retaining wall types.

Mayor Amorose Groomes stated there are safety issues regardless. She has observed people in the District trying to move up the muddy inclines and then slipping and falling. She is not certain if Council is prepared to solve this tonight. She asked if others viewed all of the renderings as presented to ARB prior to them being sent to ARB.

Ms. Rauch stated that ARB was shown a photo shopped rendering of what a wall would look like. She would defer to Mr. Earman regarding what was presented to Council at their review.

Mr. Earman shared a screen that included the stacked stone wall, noting this was shown to both Council and ARB as to the type of design for a retaining wall. There were also to be some stairs input into the wall to provide easier access up to the sidewalk.

Ms. Fox stated she understood the retaining wall was needed to help provide more dirt volume for the trees.

Mr. Earman responded it brings the tree down to the street level. There are some suspended pavement structures underneath the pavement. In order to get the roots to

go under the pavement and provide that volume of soil, it is necessary to take the tree ball down to the level so that the laterals can reach under the roadway.

Ms. Fox asked if the retaining wall is necessary to facilitate this.

Mr. Earman responded that some type of retention between the sidewalk and street is needed due to the grade change. There was an attempt to show a small retaining wall that would wrap around the tree. He shared a rendering with the type of look that would provide.

Mr. Keeler stated that as a former ARB member, he is trying to understand their input. To him, if you take out that stone and leave grass at an awkward angle, the village of Dublin 40-60 years ago likely would have had just that. They likely recognize that and that an attempt is being made to create something more perfect, but not historically accurate.

Mayor Amorose Groomes stated that if the goal is historical accuracy, there would not have been street trees in this village of Dublin at that time. If we want to be true historically, the envisioned treescape would not be acceptable either.

Ms. Fox stated she lives in the area and walks the streets frequently. She is concerned about a long wall, as it is the strongest element one would see. There is a softness of the sidewalk area and that is why the missing trees are so noticeable. With such a wall – even though it is attractive, everyone opening a car door will hit the wall. Children will fall off the wall. It does not add to the softness of the District. The strength of the wall looks unnatural. There must be other creative ways to secure the trees so that they stay healthy.

Mayor Amorose Groomes stated that breaks in the wall are needed. Currently, when one opens a car door by the curb, it goes into mud.

Ms. Fox stated that there are other options that need to be considered. This is too much wall. She believes it is important to respect the opinion of the ARB who spent a lot of time reviewing this. The City in many ways impacts the Historic District more so than the residents and businesses, as we build in many of these strong elements and change the character.

Mr. Reiner stated it is too strong of a design element and it does not really reflect the kind of walls built that are part of Dublin. Thinking of the stone walls that are laid horizontally with the tops capped would impede people sitting on them, but what is proposed is not reflective of what the town looked like in the past. While it is a muddysloped hill, given the proper care it fits the architectural historical aspects of the town.

Mayor Amorose Groomes stated she would not want the City to build a stone wall that is contiguous like that. She does not recall seeing this previously, but may have missed it. Perhaps this can be revisited. This area in front of the Dublin Village Tavern is likely the most difficult grade to work out on the west side of South High. We do need something more creative than what is presented. Perhaps staff can provide a little more context in terms of how the wall could be broken up.

Mr. Earman responded that, based on comments from ARB and from Council tonight, staff can take another look at this. It will delay the project, but it is important that it be done right. Staff will brainstorm some new ideas and would take them to ARB, if desired. In the end, to achieve the soil volume desired, the trees need to be brought down to that level in some manner.

Mayor Amorose Groomes commented that perhaps all of that information needs to be shared with ARB in the next discussion about this matter.

COUNCIL COMMITTEE REPORTS

Administrative Committee: Vice Mayor De Rosa stated that she sent an e-mail to Council members in preparation of the mid-year touch base reviews with Council employees. She asked that Council review them and respond to her.

Community Development Committee: A meeting is scheduled on Wednesday, September 16 at 5 p.m. regarding the short-term rental regulations and the BYN grant applications.

Public Services Committee: Ms. Fox stated that the Committee will meet in October for pending items.

Dublin Arts Council: Mr. Reiner commented on the great collaboration between the Dublin Arts Council and the Dublin Convention & Visitors Bureau to create the six-foot gallery public art and public health initiative in downtown Dublin. Each artist removed at least one decal last week and will save them for a community exhibition of artwork created during the pandemic. This will take place in the DAC gallery in the spring of 2021. The effort netted more than 850,000 traditional unpaid media impressions and more than 20,000 in organic unpaid social media reach.

Dublin Bridges: Ms. Fox reported that they are still doing great work every day!

Veterans Committee: Mr. Reiner stated that Council will soon hear about the Purple Heart activity coming up. Information will be shared in the near future.

Complete Count Committee: Ms. Alutto reported that Dublin is now at 83.1 percent. She encouraged everyone to complete the census. In response to a question, she noted that they will not likely do door-to-door visits in Dublin; instead, they will spend their efforts on the low reporting areas.

COUNCIL ROUNDTABLE

No Roundtable comments were made.

ADJOURNMENT

The meeting was adjourned at 10:43 p.m.

Mayor – Presiding Officer

Clerk of Council