

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 25, 2010

Held

20

Mayor Lecklider called the Monday, January 25, 2010 Regular Meeting of Dublin City Council to order at 6:20 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session at 6:22 p.m. for discussion of personnel matters (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.)

Mr. Keenan seconded the motion.

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

The meeting was reconvened at 7:02 p.m.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mr. Reiner, Ms. Chinnici-Zuercher, Mr. Gerber and Mr. Keenan. Mrs. Boring was absent (excused).

Staff members present were Mr. Foegler, Ms. Grigsby, Mr. Smith, Mr. Epperson, Mr. McDaniel, Mr. Harding, Ms. Ott, Ms. Puskarcik, Mr. Hahn, Ms. Crandall, Mr. Langworthy, Mr. Hammersmith, Mr. Gunderman, Mr. Thurman, Ms. Wilson, Ms. Kennedy, Ms. Ray, Ms. Adkins and Ms. Gee.

PLEDGE OF ALLEGIANCE

Members of Cub Scout Pack 111, Wyandot Elementary, led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Gerber moved approval of the minutes of January 11, 2010.

Vice Mayor Salay seconded the motion.

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

SPECIAL PRESENTATION/PROCLAMATIONS

- BriHi Square Update

Mo Dioun, The Stonehenge Company, 147 N. High Street, Gahanna, presented an update on the BriHi Square project. The project has been under construction for approximately 500 days and has been accident-free. He will provide an update on the progress, private and public components, future occupancy and the timetable. In his last report to Council, he had estimated a completion date for the public components as St. Patrick's Day. He anticipates completion of the hard components within that timeframe; only the landscaping will remain to be completed. Completion of the interior of the buildings will be tenant-driven. Due to the current economic conditions, it is difficult for existing businesses to expand and for new businesses to secure financing. However, leases with several prospective tenants are in negotiation, and he anticipates the space will be filled in 2010. The two anticipated restaurant tenants have applied for permits from the City's Building Division. One restaurant, Mezzo, has leased a two-story space. The lounge and casual dining will be located on the first floor and formal dining will be located on the second floor. He cannot disclose information about the other restaurant at this time.

Mr. Keenan inquired if both restaurants would have patios.

Mr. Dioun responded affirmatively. The first restaurant will have patio space on both floors. The second, smaller restaurant, which will be on the south end of the High Street building, will be one story. It will have access to the patio space adjacent to the north water feature.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 25, 2010

Page 2

Held _____

20 _____

Mr. Gerber noted that in view of its size, the project has been under construction for quite a lengthy period of time. Many of the businesses and traffic in this area have been impacted. He would like to impress the need to complete this project as quickly as possible.

Mr. Dioun responded that he has personally invested \$6 million on this project and is more anxious than anyone to have it completed. He emphasized that this is the most important corner of the Dublin community, and time is needed to complete the project in the right way. They have tried to be as accommodating and respectful to the other businesses as possible. This is not a typical suburban commercial building. The roof could have been completed much more quickly, but the applicant has upgraded it to slate – requiring more time. This project will be part of the community for a long time, and he feels compelled to be meticulous. At the end of the day, all of the other businesses in the area will benefit from the City's investment and from this private developer's goal.

Mr. Gerber asked about the parking plans to accommodate the new businesses.

Mr. Dioun responded that this issue was addressed in the initial economic development agreement (EDA) with the City. Mr. Dioun's personal contributions toward the parking component were approximately \$200,000. City staff has the documents detailing this, and the plans do meet the City's parking requirements. Philosophically, he believes that limited parking space energizes, emphasizes and promotes a pedestrian community. In these districts, the intent is to move away from parking in front of restaurants and encouraging pedestrian traffic to the destination; in so doing, it encourage visits to other businesses that pedestrians pass along the way. He supports the City's parking plans for this area. As far as his obligations for that, it was negotiated at the outset as part of the EDA with the City.

Mr. Reiner expressed his gratitude to Mr. Dioun for adding the more costly step elevations on the front of the building, which were not part of the original agreement. The Mayor of Gahanna has shared that when Mr. Dioun was developing Creekside in their community, he did go beyond the call on the architectural details at his own expense. It seems that Mr. Dioun is doing the same for Dublin. Council appreciates this very much.

Mayor Lecklider asked when the chain link fencing is anticipated to be removed.

Mr. Dioun responded that it would not be removed until the City's Building Department permits, due to safety issues. The project is nearing the point where portions of fencing can be removed to make some sidewalk accessible, although the pavers are not yet installed. Until there is no longer heavy machinery or elevated construction occurring, the need remains for the site to be secured for safety purposes. He anticipates that by early March or late February, some fencing could be removed. One of the biggest challenges at this time is installing the brick pavers, which must be set on an asphaltic base and that installation is temperature dependent.

Mayor Lecklider asked for the anticipated date by which the water feature would become functional.

Mr. Dioun responded that the commitment with the subcontractor is for March 17th, although it, too, is weather dependent.

Mayor Lecklider thanked Mr. Dioun for the project update.

CORRESPONDENCE

There was no correspondence requiring Council action.

CITIZEN COMMENTS

Bob Warne, 5808 Tartan Circle continued his comments from the previous Council meeting regarding a use for the Dublin Village Center – a Lawmen's Hall of Fame. The elements could include a Hall of Infamy, a Law Enforcement museum, a Hall

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 18148

January 25, 2010

Page 3

Held _____

20 _____

of Fame for the fictional crime fighter, and a virtual reality arcade. He would like to see some dialogue occur on this suggestion before the CanAm Police and Fire Games this summer, at which time their input could be sought. His second suggestion is for a suspension bridge for pedestrian traffic across the river at the Emerald Parkway-I270 bridge, similar to a suspension bridge in Vancouver, British Columbia. The pedestrian would cross the bridge, come down to a sidewalk constructed along the east bank of the river to Bridge Street, and cross the river again with a pontoon bridge. The latter is essentially comprised of a string of rafts tied together end-to-end, anchored with pulleys and weights so it would rise and fall with the river. This concept would provide Dublin with a feature that no other city would have – a pedestrian walk with a suspension bridge and a pontoon bridge.

Mayor Lecklider thanked Mr. Warne for sharing his ideas.

LEGISLATION

POSTPONED ITEM

Ordinance 86-09

Rezoning Approximately 24.6 Acres Located on the Southwest Corner of the Intersection of Post Road and Discovery Boulevard within Perimeter Center, from PCD, Planned Commerce District to PUD, Planned Unit Development District (Case 09-091Z/PDP)

Ms. Husak stated that Ordinance 86-09 is a request for approval of a rezoning/preliminary development plan to create a new Subarea C-1 for the Perimeter Center Planned Commerce District for the purpose of expanding the permitted uses. The Planning and Zoning Commission reviewed this request at the November 12, 2009 meeting and after brief discussion recommended approval of the rezoning/preliminary development plan to City Council. At the ordinance's first reading on December 7, 2009, the public hearing was postponed to January to permit the applicant to work with the residents in the adjacent Village of Heatherstone Condominiums regarding screening issues. Ms. Husak provided a PowerPoint presentation of the preliminary development plan for the site in Perimeter Center. The site is located on the south side of Post Road, bounded by Discovery Boulevard to the east, Perimeter Drive to the south, and Holt Road to the west. The site contains two buildings, which are connected by a 4,500 square foot connector; the total square footage of all buildings is approximately 337,300 square feet. The existing facility and site development are configured for manufacturing and accessory warehousing, with parking located on the eastern property line. Originally, the entire site was located within Subarea C of Perimeter Center, which was zoned in 1988. That zoning permitted a limited range of uses, including the manufacturing of CDs. The northern third of the site, Subarea B-1, was rezoned in 1994 to establish this particular subarea, which permits Suburban Office uses and Office, Laboratory uses as defined in the Dublin Zoning Code. The applicant is proposing to create a new subarea, C-1, which would continue to be part of Perimeter Center. It would combine both subareas into one and allow the buildings a greater range of uses to facilitate the leasing of this large space. At their November 12, 2009 meeting, the Planning and Zoning Commission requested that: (1) the Perimeter Center development text be modified to update the subarea map and the description of the subareas to reflect the changes of this rezoning; and (2) that the paragraph regarding signs for proposed Subarea C-1 be deleted, so that any changes to signs will have to meet Code and be reviewed and approved by the Commission. The applicant has made the requested changes to the development text. The Planning and Zoning Commission has also approved the final development plan of the existing site.

This ordinance was postponed twice prior to this hearing to permit the applicant to work with neighbors in the Village at Heatherstone condominium development to address their concerns. The condominiums and the subject site are both located on Holt Road; the condos are located on the west side of Holt Road, immediately

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 4

Held

20

across from the subject site. Due to the close proximity of the loading docks along Holt Road, the residents are concerned about the noise from the truck traffic and loading activities. In response, the applicant has agreed to limit loading and idling activities to between the hours of 7 a.m. and 7 p.m., and to add fence screening and improve the existing landscaping. A six-foot in height wooden fence in a shadow box design will be installed in a staggered pattern.

Vice Mayor Salay inquired who will maintain the proposed fencing.

Ms. Husak responded that is a concern of the homeowners association, and the maintenance responsibility is not resolved at this time.

Vice Mayor Salay stated that the fencing is proposed for the homeowners' side of the street, and she finds that surprising.

Ms. Husak responded that the residents specifically requested that the fence be located on their side of the street.

Vice Mayor Salay stated the maintenance of the fence is a concern. Whenever there is a fence, it will collect trash in a windstorm. In previous discussions, the residents' concerns related mostly to the view, and in some cases, to the noise from the use. In the past, Heatherstone residents have contacted the City at night with noise complaints related to the loading dock. The fencing will do little to address that. She inquired if the 7 a.m. to 7:00 p.m. limited idling is effective Monday through Friday only.

Ms. Husak responded that is not clarified in the text. If the applicant is amenable, that issue can be discussed.

Vice Mayor Salay suggested that the restricted hours be amended to 8:00 a.m. to 7 p.m., Monday through Friday.

Ms. Chinnici-Zuercher asked what year the condominiums were built.

Ms. Husak responded that she believes it was 1995, but would need to confirm that.

Ms. Chinnici-Zuercher indicated that they were built significantly after the original zoning for the subject site, which was in 1988. There is not much screening between the two sites. Evidently, the City did not require the condominium development to add adequate screening when they were constructed. She would have anticipated that if the residents requested a fence, they would have built maintenance into their budget. It is not typical to require a company to provide ongoing maintenance of screening that is not on their property.

Mr. Reiner inquired if WD Partners would maintain the existing evergreen screening and add wood fencing.

Ms. Husak confirmed that they are willing to do so. Staff had also discussed with WD Partners the possibility of adding landscaping in sparsely landscaped areas. The WD Partners site is already heavily landscaped.

Mr. Reiner stated that he welcomes the redevelopment in the area by WD Partners. It will provide a boost to Dublin's economy. He agrees with Ms. Chinnici-Zuercher that if fencing is installed on the condominium site, the homeowners should be responsible for the maintenance.

Mr. Gerber requested clarification of the text language on page 28, "light manufacturing of a low intensity nature conducted in a manner and character that does not create significant impacts to the environment or surrounding area." Could staff provide examples of what that would be or what is contemplated?

Ms. Husak referred the question to Mr. McDaniel.

Mr. McDaniel responded that in terms of economic development potential for this particular site, a broader definition is needed for marketing purposes. It is an unusual building in this region with a very high tech assembly interior. Therefore, "light manufacturing," "light industrial use" or "component assembly" would be

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 5

Held _____

20 _____

appropriate definitions. Current interested parties include green industry assembly, data centers, and small component assembling. It is not desirable to attract a business to this location that would require significant outside storage or no heavy assembly. The related truck traffic would not be acceptable.

Mr. Gerber agreed that it would be desirable to limit it to high tech assembly. The definition is loose, which could permit some outside storage, and that would not be suitable for this site.

Mr. McDaniel agreed that the definition is intentionally loose. The building is difficult to market with the current zoning. This building has been at a competitive disadvantage due to its tight zoning, which was to accommodate specifically CD manufacturing. In the future, staff will propose addressing this kind of zoning for some of the mixed office use that exists in other parts of the City, for which the City has been approached for higher tech uses, generally meaning higher paying jobs.

Mr. Gerber responded that the intent makes sense, but it is difficult to reflect in written text. His concern is that the result may be something the City did not contemplate at the outset.

Vice Mayor Salay stated that the site lends itself to certain types of businesses and not others, as outside storage is not really available.

Mr. McDaniel agreed.

Mr. Reiner asked if the 8:00 a.m. delivery restriction would be a problem for most businesses.

Mr. McDaniel responded that the 7:00 a.m. to 7:00 p.m. restriction is consistent with the City's noise ordinance. The previous noise problems that occurred with this site were related to delivery trucks idling on the site all night and operation of the trash compactor at night. It was in essence an education issue, as the trucks can idle elsewhere, outside the residential neighborhood, before 7:00 a.m. when deliveries can be made

Mr. Reiner noted that having the trucks sitting somewhere until 8:00 a.m. could cause a conflict with the rush hour traffic.

Mr. McDaniel concurred.

Mayor Lecklider asked if the applicant's representative would like to comment.

Ben Hale, Jr., Smith & Hale, 37 W. Broad, representative for WD Partners stated that WD Partners occupies much of the north building with their office use, so the primary use in that building is Office. There is another use for the back of the building. The intent is to have the same zoning on the entire site. WD Partners has some uses in conjunction with their business that they are contemplating. They are very limited under the current zoning. For marketing purposes, it is desirable to have the same zoning on the entire campus, but their intent is to widen their use to technology uses. This is the most high tech warehouse he has observed. It was very expensive to build and very well suited to a high tech use. He has had two meetings with the Heatherstone Condominiums residents, and he has had a number of conversations with Mr. Karrer, who serves on the homeowners association board. The target site is very heavily landscaped with a six-foot mound, so there is not much additional that can be done to screen that site. However, there are two curbcuts on WD Partner's site, which they cannot screen. The only way to screen the curbcuts is from the opposite side of the road, and that was the proposal offered to the condominium association. The association subsequently requested that WD Partners also extend the screening on front of the unit between the originally proposed screening points – extending it the entire length of the property, and that landscaping also be included between the fence installed for that unit and their drive to soften the view. WD Partners has agreed to do that. The other issue raised is with maintenance of the fence. They are researching what fence materials would substantially reduce the maintenance needs. After the design is completed, a meeting with the residents will be held to

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 6

Held _____

20 _____

discuss maintenance issues. The applicant and residents hope to have an agreement in place prior to the February 8 Council meeting. He added that the south end of the build has a much heavier zoning than the smaller, north end. The issue with truck noise will return. To date, there hasn't been much activity on this site, so any future activity on this site will be perceived as an imposition by the neighbors. His goal is to identify a solution that will remove the likelihood of future phone calls from the residents to the business or to the City. The best way to accomplish that is for the neighbors not to see the activity on the site, which can be done by installing a very good screen along that side, essentially a front lawn. He has done this in a number of other locations, and it has been very effective. The screening will be installed a couple of feet behind the City's property, or behind the bikepath that runs along Holt Drive.

Carl Karrer, 6146 Heatherstone Loop, stated that he serves on the Village of Heatherstone Board of Trustees. They believe this issue should have been addressed at the Planning and Zoning Commission level, but the residents were not notified and therefore did not have the opportunity to have input. Staff sent out public notices for the Planning and Zoning Commission meeting to only two of the condominium residents. For the future, it is important to send a notice to the condominium board and to all the condominium owners regarding a proposed rezoning.. The Board appreciates the efforts that Mr. Hale has made. The original screening installed by Metatec is inadequate for the length of the property. It is effective only for the condo clubhouse and first unit; beyond that, there are a number of open vistas. A partial fence would also be inadequate. However, the offer Mr. Hale has made to extend the fence the full length of the property and to fill in the landscape should be acceptable. The full details will be worked out when he has some materials for the Board to review. To clarify the graphic shown, the proposed fence is six feet in height, not three feet, with WD Partners assuming the responsibility for securing permission for the fence from the City and addressing any related restrictions.

Vice Mayor Salay stated that the position of the majority of Council is that fence maintenance would be the condo association's responsibility. It is important to make sure the condo association board is in agreement with that.

Mr. Karrer responded that the Board is concerned about the maintenance costs, and they will discuss that when Mr. Hale provides some materials for review. They are hopeful the costs can be minimized by the type of fencing material used.

Mr. Gerber stated that the City's fence code restriction is four feet in height. How could they secure permission to install a six-foot fence?

Vice Mayor Salay stated that this is a PUD.

Ms. Husak responded that it is a PUD and can be addressed in that context.

Mr. Hale responded that there is another potential issue. The City does not permit the use of certain materials, so some materials that have a long life are not an option in this case.

Ms. Chinnici-Zuercher stated that she would not have the expectation that the fencing materials would last forever, and she would want the City Code to be followed in regard to the permitted materials.

Mr. Hale responded that they are not asking for a variance from the Code. They intend to find a solution that is in accordance with Code.

There will a second reading/public hearing scheduled for February 8 Council meeting.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

January 25, 2010

Page 7

Held

20

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 01-10

Accepting the Annexation of 5.66 Acres, More or Less, from Jerome Township, Union County to the City of Dublin. (Kevin and Jocelyn Mullins)

Mr. Smith stated that there are no changes. There is a pre-annexation agreement in place, and the reparations have been addressed.

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

Ordinance 04-10

Rezoning Approximately 0.53 Acres, Located at 4056 West Dublin-Granville Road, at the Intersection with David Road, from R-4, Suburban Residential District, to PUD, Planned Unit Development District. (Kumon Learning Center – Case 09-067Z/PDP)

Ms. Ray stated that this is the second reading for Ordinance 04-10, a request for a preliminary development plan to rezone a 0.53 acres site from R-4, Suburban Residential District to PUD, Planned Unit Development District. At the first reading on January 11, some of the Council members requested that an unrelated conceptual development plan be removed from the application, and that modification has been made. The Planning and Zoning Commission tabled this case at their October 8, 2009 meeting to allow the applicant time to refine the architectural concept and modify the site layout to improve circulation. This is a small parcel, and its relationship to the adjacent parcels with those three rights-of-way is important. One of those parcels is the future Shamrock Crossing development. On December 10, 2009, the Commission recommended approval to City Council of the rezoning/preliminary development plan with ten conditions, as noted in the Record of Action for that meeting. Three of those conditions have already been met by the applicant. The site is a .5 acre parcel located at the northwest corner of the West Dublin-Granville Road and David Road intersection. The site has approximately 100 feet of frontage on W. Dublin-Granville and 230 feet of frontage on David Road. The Community Plan designates the site as general commercial, which anticipates a mixture of land uses that include retail commercial, restaurants, and other personal services. The proposed rezoning is consistent with the Future Land Use Map. The preliminary development plan provides for a 5,000 square foot commercial building with a 22-space parking lot located behind the building to the north. Access is from one curbcut on David Road.

Ben Hale, Jr. 37 W. Broad Street, stated that he represents the applicant, Mr. Jindal.

Vice Mayor Salay inquired how much of the 5,000 square feet will be occupied by the Kumon Learning Center.

Mr. Hale responded that Kumon will occupy 2,000 square feet.

Vice Mayor Salay inquired if there is a timetable for construction.

Sudhir Jindal, A&S Enterprise, Inc., 6530 Riverside Drive, applicant, responded that he would like to have the construction completed no later than May 2011.

There were no further questions.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 05-10

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.075 Acres, More or Less, Fee Simple Interest,

a .169 Acres, More or Less, Utilities Easement, and a 0.191 Acres, More or Less, Temporary Construction Easement from 970 High Ridge Associates, LLC.

Ms. Chinnici-Zuercher introduced the ordinance.

Mr. Smith stated that the City has right-of-entry on this property, which the City is acquiring for the City's appraised value of \$43,000. The project is located in front of Verizon at Cardinal Way.

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

INTRODUCTION/PUBLIC HEARING - RESOLUTIONS

Resolution 08-10

Accepting the Lowest/Best Bid for the 2010 South Landscape Maintenance Project.

Vice Mayor Salay introduced the resolution.

Mr. Hahn stated that this legislation will approve an agreement with the low bidder for this project, Rocky Fork Company, to provide landscape maintenance on city rights-of-way, greenspaces and parks within the general area of I-270 and SR 161. The City's previous experience with the company has been favorable.

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

Resolution 09-10

Accepting the Lowest/Best Bid for the Avery Park Phase Four Renovation Project.

Ms. Chinnici-Zuercher introduced the resolution.

Mr. Hahn responded that this project represents the final portion of a four-phase renovation to the south end of Avery Park. This phase will provide a significant amount of walking path to the asphalt courts and replace the fencing around Diamond #1. The infrastructure of the park was deteriorating. The functionality of the park was evaluated. As a result, no new elements were added, but existing elements were re-arranged with good products, wiring and light fixtures. Strawser Paving has completed numerous projects for the City satisfactorily, and staff recommends approval of this agreement.

Mayor Lecklider inquired the name of the contractor on the previous phase. That phase experienced some delays.

Mr. Hahn responded that there were some delays. He cannot recall the name of the contractor.

Mayor Lecklider inquired about the possible use of ornamental grass around the outfield of existing Field 4.

Mr. Hahn responded phase 4 contains an extensive landscape package but not the ornamental grass on the outfield fences, which used to be there. In addition to this contract, however, a good amount of in-house landscaping is scheduled for Avery Park in 2010, including ornamental grasses on the outfield fence.

Mayor Lecklider noted that he makes this inquiry on behalf of neighbors who live south of this site.

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

Resolution 10-10

Adopting the Parks and Recreation 2009 Master Plan.

Vice Mayor Salay introduced the resolution.

Mr. Hahn stated that this document provides the necessary framework for the City's future Parks and Recreation efforts within the community. Staff has already been working on some of the issues identified in the Plan. The Plan will serve as a

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 9

Held _____

20 _____

field tool for staff when they are out in the parks in evaluation of existing conditions and potential improvements. The Plan is a dynamic document designed to be updated. Updates will be provided to Council on an ongoing basis regarding the achievement of the goals outlined in the Plan.

Ms. Chinnici-Zuercher stated that she likes the layout of the Plan, which identifies the issues in each section and then suggests strategies. The inventory listing is of great value. It demonstrates the comprehensiveness of the City's parks and the responsible investment of the tax base for areas in which the residents can interact with their environment. She looks forward to the continued implementation of this Master Plan. Development has been the previous focus. Now that the City is more built-out, she would like to see park renovations prioritized in the future budgeting processes.

Mr. Hahn noted that the process gave many staff members the opportunity to suggest their best ideas for policies and strategies for the parks and recreation program for the community. This document truly has many authors. Mayor Lecklider expressed thanks on behalf of Council to Mr. Hahn, the staff members, and PRAC members who contributed to the development of this Plan.

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

Resolution 11-10

Authorizing the City Manager to Enter into an Intergovernmental Agreement with the Franklin County Commissioners to Provide for the Administration of the Wireless 9-1-1 Government Assistance Funds.

Mr. Gerber introduced the resolution.

Chief Epperson stated that in 2006 and as amended in 2008, House Bill 361 established a \$0.28 per month user fee on every wireless phone bill to reimburse local public safety answering points for costs associated with receiving 9-1-1 calls placed from wireless telephones. As directed by the bill, the Wireless 9-1-1 Governmental Assistance Fund is administered by the Franklin County Commissioners, with funds disbursed in accordance with the formula set by the local 9-1-1 Planning Committee. To facilitate disbursement, local agencies are required to enter into intergovernmental agreements. The legislation authorizes the intergovernmental agreement between the City of Dublin and the Franklin County Commissioners to receive those funds. In September 2007, Dublin received its first wireless 911 call.

Mr. Keenan inquired if the funds received would be associated with the addresses for wireless users.

Chief Epperson responded affirmatively, limited to users within the Franklin County area.

Mr. Keenan stated that he asks the question because there are large corporations who have employees with cell phones throughout the country.

Chief Epperson responded that every resident in Ohio is included in the collection. The separation of the funds is county specific. If a cell phone is registered within Franklin County, it would be included. However, Dublin is unique – all of Dublin is included with Franklin County for this purpose -- even those areas of the city within Delaware and Union counties. That is due to the fact that Dublin that provides the 911 service to those residents.

Mayor Lecklider stated that the legislation was passed in 2006 and amended in 2008. Have these funds been collected during that time period?

Chief Epperson responded that fee collection began in 2007. In 2007, Dublin

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 25, 2010

Page 10

Held

20

received \$74,000, which was reimbursement for the City's costs to upgrade its system so that it could receive wireless 911 calls. The monies from the fee collection have been accumulating in lieu of Franklin County developing a methodology for the distribution of the funds. Various methodologies were considered based upon population or upon number of wireless 911 calls received. For jurisdictions of this size, a hybrid of the two factors will be used. Information has been provided in the packet regarding the breakdown by jurisdiction. For comparison purposes, in 2009 Dublin received 21,000 wireless 911 calls and only 5,000 wired 911 calls. When this legislation is adopted, the City of Dublin will receive an initial payment of \$161,000. From that point forward, funds will be received monthly from Franklin County.

Mayor Lecklider noted that the agreement has a sunset provision.

Chief Epperson corrected an error in staff's memo: The sunset provision in the agreement ends collection of the fee on December 31, 2012, not 2011. Beyond that point, the City may not have much need for the funds. However, renewing the agreement would be an option.

Ms. Chinnici-Zuercher stated that even though the cost of this infrastructure has been reimbursed, there will be a future need to upgrade the equipment.

Chief Epperson responded that according to the terms of the agreement, a significant amount of money, \$4 million, will be set aside by the 911 Planning Board to take the entire county to the next generation of 911 infrastructure. Of the funds Dublin receives, 50 percent may be spent on personnel costs. The other 50 percent may be spent only on equipment upgrade. After 2010, the City may spend any remaining funds for either purpose.

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

OTHER

• Model Home Permits – Building Industry Association Request for Fee Waiver

Mr. McDaniel stated that the City received a request from the Building Industry Association of Central Ohio requesting a waiver of the annual fee for maintaining a special permit for a model home. The need is due to the financial difficulties the home building industry has experienced this past year. A new model permit is effective for two years, after which they are renewable annually. There are twelve model homes within the City that are part of this request. There are three options for Council: (1) take no action; (2) waive the special permit fee; or (3) grant a one-year extension of the existing model home permits. The second option would require additional staff time and a Board of Zoning Appeals waiver; the third option is recommended by the Finance and Legal departments. The extension would be granted for all twelve permits. The City's cost would be \$15,000 over a three-year period.

Vice Mayor Salay inquired if these are active model homes.

Mr. Smith responded affirmatively.

Vice Mayor Salay inquired if they are complying with conditions.

Mr. McDaniel responded that staff has been monitoring them for compliance, and they are currently compliant.

Vice Mayor Salay moved to grant a one-year extension for model homes whose permits are expiring in 2009 and 2010.

Mr. Gerber seconded the motion.

Mr. Keenan asked if the motion should include 2011 also, as recommended by staff.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 11

Held

20

Vice Mayor Salay amended her motion to include those model home permits expiring in 2011.

Mr. Gerber accepted the amendment.

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

- **Request to Remove Ordinance 47-09 from the Table and Schedule for Hearing at the February 8, 2010 Council Meeting.**

Mr. Smith stated that Mr. Hale has indicated that the applicant asks that Ordinance 47-09 remain on the table. Discussions with the applicant and property owner are ongoing. Modifications to the COIC are under consideration, as well. He anticipates returning to Council in approximately one month to request the ordinance be scheduled for a hearing.

STAFF COMMENTS

Mr. Foegler noted that he has provided a memo updating Council on certain items. There are a couple of pending items that will require Council action. He will meet with the Clerk of Council to schedule those items.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Gerber stated that last night he had the opportunity to view a Storytellers presentation on Dublin TV. It was a fantastic production and he looks forward to each month's production.

Ms. Chinnici-Zuercher:

1. Stated that she and Mr. Foegler attended the MORPC board meeting. At the meeting, MORPC indicated that they prefer not to take responsibility for managing the 208 Plan.

Mr. Foegler responded that he also attended the public meetings that the Ohio EPA sponsored on that topic. It is clear OEPA does not want to be the 208 Planning entity for central Ohio. Other large metropolitan districts in the State have their own districts established. The OEPA is the 208 Planning agency for the rest of the state. They notice that there are problems with overlapping, approved service areas. There are two staff members who spend about 25 percent of their time with the 208 Plan. OEPA's position is that they will take this on only if their members wish them to do so. The responsibility will stay with the OEPA if a Council of Governments does not assume the responsibility.

2. Shared an ODOT brochure, which contains ODOT's goals. The Dispatch recently published an article about pedestrian and bicycle crash locations. She will ask the Clerk to copy Council on the ODOT brochure and copy the Bicycle Task Force on the Dispatch article.
3. Noted that she continues to be concerned about the parking situation in the Historic District. Council members receive comments about this on a regular basis. Staff has advised Council that an update on this situation will be brought to Council soon. Council may need to make an investment in the near future to address this.

Mr. Foegler indicated this item would be scheduled on the next meeting agenda. Ms. Chinnici-Zuercher stated that the employees of the businesses in the District are using all the spaces in the parking areas. They will not park a distance from where they work.

4. Stated that she hopes that the BriHi area is formally cleaned up for the St. Patrick's Day parade. She was disappointed to hear tonight that the commitment was for the public improvements to be completed by St. Patrick's Day, and not the overall site. She had not understood that previously. Hopefully, the site can be cleaned up by that time.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 12

Held _____

20 _____

5. The Coffman Park shelters are really attractive, and the new design appears much more inviting.
6. Congratulations to the economic development staff for Dublin being named as one of the top seven International Intelligent Communities. Residents do notice and are proud to live in a community that receives this level of recognition for their work.

Mr. Foegler concurred, adding that it is important to keep in mind another designation the City received within the last year – that of being the best city in Ohio in which to start a new business.

7. Noted that Council received a staff memo in the packet regarding options for Dublin Mayor's Court.

Ms. Chinnici-Zuercher moved to proceed with hiring a magistrate for Dublin's Mayor's Court and to make the necessary adjustments to the budget at the appropriate time.

Mr. Gerber seconded the motion.

Vice Mayor Salay stated that if this is the direction that will be taken, it would be worthwhile to place a public education piece in the local newspapers sharing the reasons for the change and anticipated benefits.

Mr. Smith responded that Legal has substantial information and will work with the Communications Division to provide that message to the community.

Mayor Lecklider requested that the information be provided on the City's web site as well.

Mr. Foegler responded that it would be provided in a variety of venues.

Vice Mayor Salay asked that the article also explain that the budgetary impact would be neutral.

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

Vice Mayor Salay stated that:

1. The businesses in the Historic District should be engaged in finding solutions for the parking issues. It is their responsibility to enforce the requirement that their employees use the more distant parking spaces, which go largely unused. When she served on BZA, the Board received applications for parking requirement variances from businesses that exist in the District today. The businesses indicated that they had no parking issues, and believed the existing parking in the District would meet their needs. Consequently, they received the financial benefit of not having to provide parking for their businesses. Now, those businesses are expanding and the District has become more successful. It is time to invite the businesses to participate and, if the City is to make an additional investment, the businesses should do likewise.
2. Council met in executive session earlier this evening to discuss Committee assignments.

Vice Mayor Salay moved to make the following Committee and Board assignments:

- Administrative Committee: Amy Salay - Chair, Rick Gerber and Mike Keenan;
- Community Development Committee: John Reiner - Chair, Cathy Boring and Amy Salay;
- Finance Committee: Rick Gerber - Chair, Marilee Chinnici-Zuercher and Mike Keenan;
- Public Services Committee: Cathy Boring - Chair, John Reiner and Marilee Chinnici-Zuercher;
- MORPC Representative: Marilee Chinnici-Zuercher;
- LUC Regional Planning Commission Representative: Mike Keenan;

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

January 25, 2010

Page 13

Held _____

20 _____

- Dublin Arts Council Representative: Cathy Boring;
 - Council Liaison to Dublin Board of Education: Rick Gerber.
- The representative to the COTA Advisory Panel is yet to be determined.

Mayor Lecklider seconded the motion.

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

3. The Administrative Committee has several items to consider: (1) the vacancy on BZA, with the appointment to be made by February 16th; (2) the vacancy on PRAC, with the appointment to be made by March 1st. She requested that the Clerk provide copies of the applications for BZA received during the recent recruitments. After reviewing those applications, there may be a need to schedule interviews. At a future date, the Committee will also consider some proposed board and commission rules and regulations, which have been referred to the Committee.

Mayor Lecklider stated that last week, he joined past Grand Leprechauns in selecting Clayton W. Rose III as the 2010 Grand Leprechaun to preside over this year's St. Patrick's Day parade and festivities. Congratulations to Clay and his family!

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Mayor – Presiding Officer

Clerk of Council