

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 15, 2010

Held

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Mayor Lecklider called the Monday, November 15, 2010 Regular Meeting of Dublin City Council to order at 6:00 p.m. at the Dublin Municipal Building.

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

## ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session for discussion of land acquisition, legal and personnel matters.

Mr. Gerber seconded the motion

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

The meeting was reconvened at 7 p.m.

## PLEDGE OF ALLEGIANCE

Ms. Chinnici-Zuercher led the Pledge of Allegiance.

## ROLL CALL

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

Staff members present were Mr. McDaniel, Mr. Smith, Interim Police Chief von Eckartsberg, Ms. Crandall, Mr. Hammersmith, Mr. Langworthy, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Earman, Mr. Thurman, Ms. Puskarcik, Ms. Gilger and Ms. Adkins.

## APPROVAL OF MINUTES

Mr. Gerber moved approval of the minutes of the meeting of October 25, 2010.

Vice Mayor Salay seconded the motion.

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

Vice Mayor Salay moved approval of the minutes of the meeting of November 1, 2010. Mr. Keenan seconded the motion.

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

## SPECIAL PRESENTATION/PROCLAMATIONS

- Karrer Middle School Choir and Hilda Doyle Performing *Dublin 200*

Mayor Lecklider noted that Council heard *Dublin 200* performed at the Bicentennial Heritage Day celebration in Coffman Park. He invited Bob Gibson, Director of Karrer Middle School Choir, Hilda Doyle, musician and composer who collaborated on this piece and the students forward for the performance.

Mr. Gibson noted that the students had the opportunity to record this piece in a studio and have performed it in several venues. Irish dancers from the Richens-Timm Academy participated in the performances. A portion of the Karrer choir and dancers Brian Gibson of Dublin Jerome and Lindsay Faherty of Bishop Watterson are present to perform tonight. The opening music honors the Native American tradition of Dublin, and the piece then moves into a journey through Dublin's history.

Council Members thanked the students, the dancers, Ms. Doyle and Mr. Gibson for sharing this music and dance with Council and the community.

- Overview of *Columbus 2020* – Kenny McDonald, Senior Vice President and Chief Economic Officer, Columbus Partnership

Mr. McDaniel noted that, based upon some Council questions regarding *Columbus 2020*, he invited Mr. McDonald to present this overview to Council tonight. The 2020 initiative is an eight-county regional economic growth strategy. Mr. McDonald leads all economic development efforts for the organization. He also serves as a Senior Vice President for the Columbus Partnership, which is a regional leadership group for

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Central Ohio. He has an extensive background in economic development, including site selection, regional economic development, community marketing, business recruitment, and international business development. He served seven years as the Executive Vice President of the Charlotte Regional Partnership, a public/private economic development organization that covered a 16-county region in both North and South Carolina. He has 15 years of economic development experience, including leadership positions at the Albuquerque Economic Development Corporation, Fluor Daniels Global Locations Strategies and the Savannah Economic Development Authority.

Mr. McDonald noted that he has given two presentations already today about the 2020 initiative in the efforts to raise funds. He reported the following about the program, and the status of the initiative.

- He arrived just 100 days ago from Charlotte. He was drawn to this program as one of the bolder economic development visions in the country. The vision laid out for building a regional economic development effort in Central Ohio is very strong. There is private sector support, and he is excited about this public/private partnership opportunity.
- The product that Central Ohio offers has not been marketed. They plan to market this area to the world, and communicate to existing companies that their continued investment in this region is desired.
- There have been previous economic development studies that preceded the current effort. All of these were flawed in that they were never staffed and given resources. The 2020 initiative is a bold and energetic effort to fund this organization with \$5-6 million per year for a five-year total of \$30 million. This will enable them to act on this vision and to develop a truly comprehensive regional economic development organization and effort.
- This is not only a marketing effort, but will include discussion with companies already within the region that are succeeding as well as those that are struggling. The discussion will focus on obstacles as well as opportunities, and the feedback will be provided to elected leaders at local and state levels, and in some cases the federal level.
- The initiative also focuses on attracting companies to this region. They talked to over 15 companies in Chicago last week about what this region has to offer.
- What Dublin is doing with the TechColumbus branch in the Dublin area and the work with entrepreneurs is very admirable. What is being done at TechColumbus, Battelle and OSU is very commendable. The objective is to make the connections stronger with what is being done in existing industry and attraction.
- One of the drivers for this effort is that 3-4 years ago, the Columbus region was \$1,500 richer per person than other areas in the country. Today, this region is \$1,000 poorer. That shift shows a trajectory that the region does not want to continue. Taking intentional effort to retain the companies in place, attract more companies, and to work with entrepreneurs is the best way to impact this trend.
- The reason for the \$30 million campaign and the public/private effort to fund this initiative is that the Columbus region has not funded their economic development efforts on a per capita basis on par with their peers. This \$30 million campaign will put Columbus in line with Indianapolis and Orlando. It will fund the travel and staffing costs for this effort. Funding this campaign is the critical difference from what has occurred with the past studies.
- The 2020 initiative is an effort to attack this on all fronts. The bottom pillar of civic infrastructure is something unique to this effort. There needs to be a constant feedback loop among the private and public sectors. His job is to weave this plan together and act on all of the pillars of the initiative. He works for the Columbus Partnership, which now has five additional staff members and will have seven by the end of December focusing on attracting business and working with local economic development organizations to identify opportunities for this region.

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- The Columbus Chamber is refocusing around existing industry and will be hiring several people to work directly with companies, coordinating with local economic development agencies.
- There are many growth organizations -- OSU, Battelle, TechColumbus, small business centers -- who are talking to companies and entrepreneurs. This needs to be leveraged and the efforts coordinated. *Columbus 2020* will fund 21 people in 2011 as part of their budget in all of these organizations. The Columbus Chamber and Columbus Partnership will fund some initiatives as a part of these efforts.
- They will have a comprehensive existing industry strategy to talk to companies and to aggregate that information so that good data can be provided to the region at the end of the year.
- He concluded by noting that there is a need to fully leverage the private sector dollars. Currently, they have approximately \$2.5 million committed toward their \$6 million per year goal. That will account for approximately half their budget. It is important to have 200-300 companies from around the region engaged in this effort, leveraging the public sector dollars they are receiving from Columbus, Franklin County and from local governments around the region in the eight-county MSA.
- He reviewed a chart representing the funding structure for the vision. The Columbus Partnership of 40 of the largest companies in the region will account for about half of the budget or \$3 million per year. They are asking regional governments over a five-year period to contribute \$1.5 million to this effort. They will likely have 200-250 small to medium-sized companies and service providers directly impacted by economic growth in this region participate in this effort.

He offered to respond to questions.

Ms. Chinnici-Zuercher noted that, while the initiative is called "Columbus 2020" – the definition is the Columbus metro area. Dublin has always emphasized economic development as its highest priority goal, and would want equal play in this effort for the region. Dublin has much to offer to companies that are located in Dublin, to those who want to expand, and to those who want to come to Dublin. Dublin has an excellent educational system and relationship with the workforce development initiative in Central Ohio, as well as various initiatives that a new company can partner in. She is aware that a proposal may be brought to Dublin in the coming weeks for financial participation in the initiative. She would encourage the City to participate when this request is made.

Mr. Keenan asked what would be included in the category of regional governments. Mr. McDonald responded that this would include the eight counties in the surrounding metropolitan area – including Morrow County – and the local city and township governments that are involved in the Mid Ohio Development Exchange. Mr. Keenan asked if the funding request will be per capita based or by area. Mr. McDonald responded that the MODE group in this region has been part of the process for the past year. They are using MODE as a vehicle for the funding structure.

Mr. McDaniel added that MODE has served as the professional economic development group, representing most of the counties, cities, villages and townships in the region. Dublin has participated as a member of MODE for several years. These regional efforts with MODE go back to 2002 through 2006, when the City of Dublin participated at the level of \$16,000 per year in the Columbus America initiative. In addition, Dublin has a Columbus Chamber membership and is actively involved in their activities. Since 2007, Dublin has had a "one ask" type arrangement through MODE. The City pays \$7,500 per year and this includes membership with the Chamber, participation with their site selection engagements, and other activities. The *Columbus 2020* initiative also includes that, and will begin at \$9,600 per year in 2011, escalating to \$17,000 per year on a per capita basis. In exchange for that, the

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communities in MODE will have a seat at the Board for *Columbus 2020* and will have an active voice. That is a significant change from the past.

Mr. Keenan noted that one of the challenges is the distrust among the various entities in terms of pursuit of economic development within the region. It is important to be aware of this history as this new initiative begins.

Mayor Lecklider thanked Mr. McDonald and Mr. McDaniel for this information. It is encouraging to hear of the participation that the contribution from Dublin will bring. Although from a marketing perspective it does not make sense to call this a "Columbus-Dublin-Worthington-or other" partnership, Dublin has much to contribute and is eager to do so. Dublin devotes lots of resources to economic development and looks forward to supporting and participating in this initiative.

- Update from National Church Residences

Jim Baugh, Vice President of Acquisitions Development, 2335 Northbank Drive, Upper Arlington noted that he is present to update Council on the National Church Residences Avondale Senior Village housing property. This is the first phase of a 200-unit project located on the most southern part of Avery Road in Dublin. The first part of the project consists of 100 units. After two years of planning and work with the City, NCR was notified in July by the Ohio Housing Finance Agency that they were successful in obtaining a tax credit award. Since that time, they have been finalizing the work scope, obtaining construction pricing, and preparing for final approval by the City. They are scheduled on the December Planning & Zoning Commission agenda and will be before Council in January for final approval. Their permanent financing application will be submitted in December, and they plan to close on all sources of financing in March 2011. Construction will begin in April 2011 and will require 16 months. The goal is to complete construction by August of 2012 and then complete lease-up of the property by December of 2012. He offered to respond to any questions.

Vice Mayor Salay asked when NCR will begin to consider who will make up the residents for this development, and how the application process will be conducted, including timing.

Mr. Baugh responded that the timeframe is fairly tight because of the construction schedule. One of the compliance challenges with tax credits is the requirement that the property be in service within two years of the award. The buildings need to be leased up by December 2012. Working backward, they develop a lease-up schedule. As the buildings come on line in August, lease-up will begin in August of 2012 and hopefully will be completed by December of 2012. There will be an affirmative fair housing marketing plan required as part of the financing. There is no limit regarding where residents will come from. They can come from any part of the city, county, state or country.

Vice Mayor Salay asked for an approximate time when people would need to submit their applications. She noted that there are some residents of Dublin who are very eager for this opportunity, and she wants to ensure they are aware of this.

Mr. Baugh responded that they will begin marketing in July of 2012. The development includes a set of cottage-type buildings and a mid-rise building. The cottages will come online first and will be marketed first.

Ms. Chinnici-Zuercher noted that one of Council's goals was to have another opportunity for diverse housing in the Dublin community. She is pleased with this progress toward making that goal a reality. Many of the Dublin residents are interested in learning more about the housing options NCR will offer at this location. The City is proud of initiating this relationship with NCR so that a continuum of housing is available in Dublin.

Mayor Lecklider thanked NCR for persevering in this effort over the years.

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- Update from Scott White, Dublin representative to COTA Board of Trustees and Bill Lhota, Exec. Director of COTA

Scott White, Dublin representative to the COTA Board of Trustees noted that he is enjoying his service on the COTA Board. Bill Lhota, President/CEO will update Council tonight on COTA matters.

Bill Lhota noted that Mr. White has been a valuable contributor to the COTA Board. He has been most helpful in their discussions regarding fuel management programs. COTA has continued to expand, and is one of the few transit systems in the country in an expanse mode. They are positioning COTA for the future, and all of their work is done with the taxpayer, customer, and employee in mind. All of the taxpayers fund COTA, but only three to five percent of taxpayers use the services. Therefore, COTA must provide value to those who do not use their services everyday. They are expanding by approximately 30,000 hours of service per year, or five percent of their service hours on the street. Dublin is an important community for COTA in Central Ohio. Just a year ago, they completely rehabilitated their Park 'n Ride on Dale Drive. They are very interested in expanding service in the Dublin area, and have met recently with businesses in the Dublin area regarding possible service. In particular, they want to establish a new Park 'n Ride west of the river and near the Dublin Methodist Hospital. They have twice attempted to locate a Park 'n Ride in this general area, and it is important to continue that effort. This Park 'n Ride would provide service for both residents accessing downtown Columbus and those commuting from the central core to work in Dublin businesses. As fuel prices increase, COTA ridership increases. They will continue to work with the City to identify a location for the new Park 'n Ride to provide the needed services. They work to be good stewards of the taxpayer dollars, with the goal of providing safe, affordable transportation. He offered to respond to questions.

Ms. Chinnici-Zuercher commented that light rail needs to be added to COTA's long-term goals.

Mr. Lhota responded that they are well aware that as the community grows, alternative forms of transportation must be considered. However, they committed in 2006 that they would use their resources for fixed route bus service and it is important to demonstrate to the taxpayers that they can operate an efficient and effective fixed-route bus service. They will need to consider bus rapid transit and light rail opportunities in the future. Light rail will happen, but probably not until fuel costs rise to \$5/gallon or more.

Mr. McDaniel noted that staff did meet with COTA reps, Mr. White and Dublin business representatives and dialogue took place about interest in bus service. Many of the employers talked of incentivizing employees to consider ridership, if service is made available. That is quite different than what has been indicated in previous meetings with businesses, so there seems to be a shift in the mindset.

Mr. White agreed, noting there was genuine interest expressed by the employers. They also discussed subsidizing bus cards and passes, being flexible with work schedules, and the attendees were all very interested in more discussion. They are planning to go back and canvass the workforce regarding these items.

Mayor Lecklider thanked Mr. Lhota and Mr. White for their update, and particularly the mention of increased service west of the river in the future. Council is very much looking forward to having that service for businesses and residents.

## CORRESPONDENCE

There was no correspondence requiring action from Council.

## CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road noted that there is a shortage of groundwater and aquifer water creeping up on the entire planet. There are three points of view on this:

- 1) In Sitka, Alaska, there is a huge lake housing trillions of gallons of pure water. Two

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American companies, True Alaska Bottling and S2G have secured rights to take three billion gallons from this lake and ship it in tankers to India, where a second company has a treatment plan. The plan is to distribute/sell it to areas very low on water. This is a market driven process. Water can therefore go to the highest bidder and the loser in the end will be poor people around the world. For 2,000 years, water has been considered to be the essential element of life and deserves to be spread out.

2) A second movement is a stainless steel water bottle produced by a group called, "foodandwaterwatch.org" and the bottle indicates, "Take back the tap." This movement is concerned with the consequences of water being sold like oil.

3) At an October Council meeting, he asked what amount the City has spent on water systems since the outset. The response was in the \$30-40 million range, including upkeep. The City has fallen prey to believing that drinking water should be bought in plastic bottles. He believes that Council should pass an ordinance prohibiting one from entering a government building in Dublin with purchased water. The water tap is freely available for use. One day, the issue the City residents will face is from whom they will purchase their water. The country has been mesmerized into thinking that drinking water must be purchased.

## LEGISLATION

### Ordinance 41-10

**Authorizing the City Manager to Execute an Agreement with Sawmill Partners Investment Company ("Sawmill I"), Sawmill Partners Investment Co. No. II and Sawmill Hard Center LLC, Whereby Sawmill I Will Transfer to the City Certain Real Estate in the City of Dublin, County of Franklin and State of Ohio in Lieu of Reimbursing the City for Certain Costs to be Incurred by the City in Connection with the Future Improvements to the Intersection of Sawmill Road and Hard Road with the City Paying to the Owners the Difference Between the Appraised Value of the Land and the Calculated Costs of the Future Improvements.**

Mayor Lecklider moved to postpone this ordinance to the December 6 meeting.

Mr. Gerber seconded the motion.

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

## INTRODUCTION/FIRST READING – ORDINANCES

### Ordinance 42-10

**Authorizing the Provision of Certain Incentives to FlyMuch, Inc. to Induce It to Locate an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.**

Vice Mayor Salay introduced the ordinance.

Ms. Gilger stated that staff has been working for much of the year with FlyMuch, which is a technology-based start-up company. FlyMuch has received funding out of New York and California. Those investors are assisting the Ohio leadership in the decision of where to set up operations. To entice them to stay in Ohio, the State has approved a five-year, 45 percent job creation tax credit for the company. As part of the local match component, staff is proposing a four-year, 18 percent performance incentive for the company tied to the leasing of a Dublin facility for five years and creation of 30 jobs by 2013. The company representatives will be present at the next meeting. She offered to respond to questions.

Vice Mayor Salay asked if FlyMuch will locate in Dublin, if this incentive is approved.

Ms. Gilger responded that is what the company has indicated. They have not located a facility to date, and have not signed a lease.

There will be a second reading/public hearing at the December 6 Council meeting.

### Ordinance 43-10

**Amending the Annual Appropriations Ordinance for the Fiscal Year Ending December 31, 2010.**

Vice Mayor Salay introduced the ordinance.

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Mr. Thurman stated that by law, the City must ensure that the estimated expenditures for the remainder of the year do not exceed the appropriations. The memo details the appropriations needed for the various accounts. He offered to respond to questions.

Mayor Lecklider noted that the summary provided the detailed information regarding this ordinance.

Mr. Gerber moved to dispense with the public hearing.

Vice Mayor Salay seconded the motion.

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

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

## **Ordinance 44-10**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a Combined 6.695 Acres, More or Less, Fee Simple Interest, a Combined 1.649 Acres, More or Less, in Utilities Easements, and a Combined 0.987 Acres, More or Less, in Temporary Construction Easements from Borrer Realty Co. and the Catholic Diocese of Columbus.**

Vice Mayor Salay introduced the ordinance.

Mr. McDaniel stated that the purchase of this property relates to the Emerald Parkway Phase 8 project. The map in the packet depicts the parcels involved. This ordinance also reflects the purchase of an additional 6.653 acres – property which would be a residual piece from the Emerald Parkway Phase 8. This piece could be used at a later date to leverage other right-of-way purchases, or for future development or sale.

There will be a second reading/public hearing at the December 6 Council meeting.

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

### **Resolution 53-10**

**Accepting the Lowest/Best Bid for the Martin Commons Park Development Project.**

Mr. Gerber introduced the resolution.

Mr. Hahn stated this recommends acceptance of the lowest/best bid for Martin Commons Park Development Project from Janco LLC. They have done numerous City park projects in the past and their work has been satisfactory. Staff is recommending approval of the resolution.

Mayor Lecklider asked when construction will begin.

Mr. Hahn responded that a fair amount of work will be accomplished during the winter, but the final work will be done in early spring.

Vote on the Resolution: Mrs. Boring, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Vice Mayor Salay, yes.

### **Resolution 54-10**

**Authorizing the City Manager to Enter into a Collective Bargaining Agreement with United Steelworkers of America Regarding Wages, Hours, and Terms and Conditions of Employment for Employees within the Maintenance Worker, Auto Mechanic I, and Custodial Worker Bargaining Unit.**

Vice Mayor Salay introduced the resolution.

Mr. Harding stated that management and the United Steelworkers have reached a tentative collective bargaining agreement. The packet includes a detailed memo and attachments regarding this matter. A copy of the proposed collective bargaining agreement has also been provided, together with a redlined version showing the changes from the previous contract.

This negotiation process began in August and was conducted in a professional, business-like manner. The agreement has a term of three years and covers 79

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employees within the Maintenance Worker, Auto Mechanic I, and Custodial Worker bargaining unit. This group has been represented by the United Steelworkers since 1996, and this is the fifth bargaining agreement with them. This tentative agreement was voted on by the bargaining unit on November 4, and they ratified the agreement. The agreement has 43 articles, which govern the wages, hours, terms, and conditions of employment. In 30 of the 43 articles, there are minor changes. The main influence on the negotiation process was the comparable data gathered – both internal and external -- from other local government entities in the Central Ohio area. Staff closely evaluated any economic changes that might be warranted in the agreement and used those comparables as the basis for these determinations. Two primary issues were wages and health insurance. The cover memo provides an executive summary of these issues. A key outcome of the negotiation was the ability for the groups to agree on a health insurance program, which is a consumer driven model with health savings accounts, identical to the program implemented for non-union staff. In light of the current challenging economic conditions, the union and management were able to reach agreement on a wage package. It provides modest wage increases, yet keeps the wage structure competitive in the Central Ohio community. Staff believes this agreement is fair to both parties and recommends adoption. He offered to respond to questions.

Mayor Lecklider commended Mr. Harding, his staff and the bargaining teams for both the City and the Steelworkers for their hard work and negotiations. Council appreciates the service of those covered by this bargaining agreement and believes the agreement is fair. Council looks forward to their continued, outstanding service to the citizens of Dublin.

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

## OTHER

- Update on Educational Efforts re. Distracted Driving

Interim Chief von Eckartsberg commented regarding educational efforts by the City over the past year in regard to distracted driving. Educational campaigns have been undertaken through the media; officers on the street have handed out fliers in traffic stops and at intersections in the City. A significant initiative has been undertaken in the Schools by adding a component to the high school curriculum on distracted driving. A video is posted online and used in the Schools. A study was completed in July of 2009 regarding distracted driving, focusing on crashes from January 2007 through May 14, 2009. It indicated that less than one half of one percent of the 2,294 crashes listed the use of a cell phone as a contributing factor and only two crashes listed texting as a factor. In the same time period, Police issued 29 warnings and 45 citations for full time and attention violations. Of these, 20 warnings were for the use of a cell phone, two were for texting, and one citation was for use of a cell phone. For the same time period, 697 citations for Assured Clear Distance Ahead were issued. From July 31, 2009 to October 31, 2010, Police issued 25 citations for full time and attention.

The memo outlines some of the legislative bills proposed at the state level for distracted driving and texting. He offered to respond to questions.

Mr. Keenan stated that this is an important matter to him, which was discussed several times by Council. Recently, his daughter's classmate from Miami University died in a single car crash as a result of texting. He read of another young person involved in an accident in Knox County that killed her passenger. The driver is now facing manslaughter charges. Based on these and other continuing cases reflecting the consequences of texting while driving, he wants Council to consider adopting an ordinance banning texting while driving. He knows that the education portion is an important component. He believes that having such an ordinance would shore up the educational process. Other suburban communities have adopted such legislation over the past year.

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He moved to have staff prepare an ordinance banning texting while driving for Council's consideration.

Ms. Chinnici-Zuercher seconded the motion.

Mayor Lecklider noted that the materials provided by staff include an article by an organization from Virginia that indicates that texting bans don't reduce numbers of crashes. He asked Mr. Keenan if he has any comment about this information. Mr. Keenan responded that there has been a lot of material about this, including statistics released by the federal government regarding the effect of this activity while driving. He recalls the risks are two or three times greater than driving while impaired. This is similar to the smoking ban implemented several years ago. Local jurisdictions passed smoking bans, and the state eventually passed a similar statewide ban. He believes it is incumbent upon Council to act in view of the teens' addiction to these devices and to text messaging. He is not proposing a cell phone ban, but banning texting specifically.

Mayor Lecklider pointed out that these devices are used by people of all ages, based on his observations. In his view, overall distracted driving is not limited to cell phones or Smart phones. Many people use GPS devices and seem to be waiting for the next instruction for directions. The devices are often affixed to the windshield in the driver's line of sight. His question is how an ordinance can be crafted to encompass behaviors beyond texting that distract drivers. He asked others to weigh in.

Mr. Keenan agreed there are other distractions to drivers, and banning texting is not only directed to young drivers. For him, there is an education component involved regarding the dangers of texting for all drivers, in the hopes of deterring the behavior. Council did not act upon this earlier due to Chief Epperson's input that a distracted driving law was on the books. Enforcement may be a challenge, but for him, the point is education.

Mrs. Boring stated she finds this problematic, as how does one know whether a driver is dialing a phone number or texting? Some of the information provided by staff indicated that banning texting is not effective. The statistics in the staff report indicated there were 20 warnings issued involving cell phone use, and two mentioned texting.

Interim Chief von Eckartsberg responded that analysis was done for 2,000 accidents over 2.5 years. In that analysis, the narratives, notes, tickets and warnings were reviewed to determine if any involved cell phone use or texting. Only 11 or .5 percent were found to have any notation that they involved cell phone use. Only two of those mentioned texting. However, these statistics could be misleading. Many could have involved texting, but this would have to be admitted by the driver.

Mrs. Boring asked how this law would be enforced any differently than those already on the books.

Mr. Keenan stated that it is not an enforcement issue, but rather an educational issue.

Mr. Gerber stated that he will support the motion on the floor, but this is precisely his concern. The City already has a distracted driving law on the books. Will this change the behavior? It seems that if a law will not curb the activity, what is the purpose of the law? He is an advocate of education and awareness, and it appears staff has taken the initial steps as outlined in the information. Perhaps part of this would be an educational and awareness program, which is how the changes will occur. He added that the seatbelt law has been in place since the late 1980s and only through aggressive campaigns and education efforts have the habits of drivers been changed.

Vice Mayor Salay stated that people began to use their seatbelts when there were legal consequences of not wearing them.

Mr. Keenan stated that it requires time to change behavior.

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Mr. Gerber stated that the success of the seat belt program is related to the risk of dying in an accident. It is not a matter of avoiding a fine.

Vice Mayor Salay stated that having the law in place did lead to increased seatbelt use – especially among young people.

Mr. Gerber stated that, unfortunately, two Dublin teens died last year in a car accident and were not wearing seatbelts. He will support the motion on the floor, but is not convinced that this is the remedy for the problem.

Ms. Chinnici-Zuercher stated that it is clear that laws on texting are difficult to enforce. But this is not why Council is considering this ban. People began wearing seatbelts when there was a massive public campaign about seat belt usage. Many organizations believe that is what prompted the change of habits for people. She would prefer that the state would pass a texting ban so that a marketing campaign could be directed by the state. However, since they have not done so, Dublin needs to enact this law and do an aggressive marketing campaign. She was pleased to learn about all of the efforts staff has taken regarding education about the dangers of distracted driving – but most of this has been focused on young people in the schools. Interim Chief von Eckartsberg stated that there has been coverage on the web page, the local media, and the Dispatch. Staff has worked to get this information out to the public.

Mr. Keenan noted that at the funeral of the Miami student who died while texting and driving, a card was available for people to sign to pledge they will not text while driving. Perhaps this could be used at the schools as a part of this campaign or published in the paper.

Mr. Gerber agreed that a public awareness and education campaign is a great idea. He will support the motion, and will be interested in reviewing the proposed legislation that staff brings forward. But he has concern with enacting a law that Council is aware will not be effective, and without knowing what the penalties will be.

Ms. Chinnici-Zuercher stated that the newspapers have had coverage about other cities passing texting bans, but the negative aspect of the stories has been that the law is not enforceable.

Vice Mayor Salay stated that perhaps the previous traffic enforcement unit could be assigned to this type of enforcement for a few hours per day.

Mrs. Boring stated that in focusing on texting, distracted driving may be ignored. If a driver is stopped for erratic driving, they will put the device away and it will be difficult to prove they were texting. She would encourage the City to enforce the distracted driving law more aggressively.

Mayor Lecklider suggested referral of this matter to the Community Development Committee for further study with staff.

Mr. Keenan responded that his motion on the floor is to have staff prepare the legislation for Council's consideration. He is not interested in referring it to a committee.

Vice Mayor Salay agreed, adding that referring it to a committee seems unnecessary.

Mayor Lecklider asked for confirmation that the motion is with respect to texting only, and no other behavior.

Mr. Keenan stated that is correct. However, other behaviors could be discussed when the texting ban legislation is brought to Council.

Mayor Lecklider asked if the direction to staff is to draft an ordinance that would ban only texting while driving.

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 15, 2010

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Held \_\_\_\_\_

Mr. Keenan stated that if staff wants to bring back additional information on other behaviors to be addressed, that is fine. However, his motion is related to texting only.

Staff indicated they now have clear direction.

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

Mrs. Boring added that she is in support of distracted driving laws, but is not certain this motion as proposed will result in meeting her objectives.

Mayor Lecklider invited public testimony, apologizing for overlooking that Mr. Maurer had signed in to testify.

Wallace Maurer, 7451 Dublin Road stated that he is easily distracted, and turns off his radio when driving in heavy traffic. He does not use the cell phone while driving. Another area Council may want to consider is deterrence. The packet information indicates that in Cleveland, the first offense fine is \$100; second offense is \$250; and beyond that it is \$500. One could start with \$500 for a first offense; \$750 for a second; and \$1,000 for a third. This may deter people from this behavior.

Mr. Smith responded that this would depend upon how the offense is classified in degree of misdemeanor. He commented that staff will provide a progress report in the next packet, but the legislation will not be ready until the January meeting.

## STAFF COMMENTS

There were no comments from staff.

## COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Gerber reminded Council of the budget workshop scheduled for Wednesday, November 17 at 6:30 p.m. He noted that the Finance Committee will review hotel-motel tax grant applications on Monday, November 22 at 6:00 p.m.

## ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session at 8:38 p.m. for discussion of personnel matters.

Vice Mayor Salay seconded the motion.

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

The meeting was reconvened at 8:50 p.m. and formally adjourned

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Mayor – Presiding Officer

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Clerk of Council