

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 6, 2010

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Mayor Lecklider called the Monday, December 6, 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, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan, and Mr. Reiner.

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; Mr. Reiner, yes.

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

PLEDGE OF ALLEGIANCE

Vice Mayor Salay led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan, and Mr. Reiner.

Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Interim Chief von Eckartsberg, Ms. Puskarcik, Ms. Gibson, Mr. Langworthy, Ms. Crandall, Mr. Hahn, Mr. Hammersmith, Ms. Ott, Mr. Thurman, Ms. Rauch, Ms. Gilger and Ms. Colley.

APPROVAL OF MINUTES

Mr. Gerber moved approval of the minutes of the meeting of November 15, 2010.

Ms. Chinnici-Zuercher seconded the motion.

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

CORRESPONDENCE

The Clerk reported receipt of a Notice to Legislative Authority regarding a new D5 liquor permit for Creekside Entertainment Company, located at the northwest corner of Bridge Street and N. High, Unit 3.

Mr. Smith clarified that Council has received several permit notices regarding the BriHi Square location. Some of the older ones have expired. What now is approved is a license for Mezzo, which is under construction; a license for Mr. Sushi, which will open soon; and the one tonight, which will serve another restaurant unit at the location. These are all full service, D5 permits for restaurants.

There was no request from Council for a hearing regarding issuance of this permit.

The Clerk reported receipt of a Notice to Legislative Authority regarding the transfer of D5 and D6 liquor permits from Max & Erma's Restaurants, Inc., dba Max & Erma's, 411 Metro Place North to American Blue Ribbon Holdings, LLC., dba Max & Erma's, 411 Metro Place North. There was no request from Council for a hearing regarding issuance of this permit.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated that at the last Council meeting, discussion took place regarding the danger of the use of cell phones and texting while driving. He has a guaranteed solution to the problem, and it involves education. The question is what specifically is the inescapable issue about which drivers must be educated? He will not discuss this tonight, but will bring this up at the next meeting.

He recently had a very pleasant experience in Dublin at the opening of the ceramic artwork exhibit of Masayuki Miyajima at the Dublin Arts Council. The exhibit will continue until December 17. It is a fascinating show, which compels one to reach out and touch the art. The title of the show is "Refined Function." The artist works with

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functional items that one handles each day – cups, dishes, plates, vases. Each piece had a visible texture. He spoke to the artist through an interpreter and was able to shake the hand of the artist, which was a wonderful connection. He urged Council Members to visit this art exhibit.

Charles Ruma, President of Virginia Homes, 10104 Brewster Lane, Suite 100, Powell, OH shared information with Council about a project in Dublin they are working on – “Home for Hope.” He was diagnosed with cancer in 2006, but is now cancer free due to the health care offered by The James. In 2006, he decided he would build a home and donate the proceeds to fund research at The James. Given the housing market, this plan was delayed until now. The project consists of a home being built in Tartan West on Lot 190. The building permit was issued today, and the plan is to auction the home, with proceeds to be donated as follows: 80 percent to Project One, 10 percent to the Lance Armstrong Foundation, 5 percent to the Jim and Ellen Tressel Fund, and 5 percent to his physician, Dr. Kamal Pohar’s Research Fund. The groundbreaking was held today, and Mr. Reiner was present. He described the features of the home. Potential buyers will be able to register throughout the next six months, and the auction is scheduled for June of 2011 onsite. They may request permission from the City to post a large sign in front of the home to announce the auction and list their supporting partners. The Huntington Bank has committed to partner in this project and has made it possible.

Mr. Reiner commented that this is a wonderful endeavor, and thanked him and his family for their efforts.

Ms. Chinnici-Zuercher thanked him, hoping that his colleagues in the industry will follow suit and give back to the community.

Vice Mayor Salay stated that the healthy lifestyle features of the home are very interesting as well.

Mr. Ruma added that many of the subcontractors are donating their labor to the project. The goal for fundraising is \$100,000, and he is hopeful of achieving that.

Mayor Lecklider stated that the City is pleased this fundraiser for a worthwhile cause is taking place in Dublin, and wished him the best of luck.

LEGISLATION

POSTPONED ITEM

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.

Ms. Grigsby stated that this legislation was introduced on November 1 and postponed at the November 15 meeting until tonight. Staff has had several discussions with two of the Washington Township trustees. The Trustees are currently considering their financial contribution toward this project, similar to what they have done with other parkland acquisition projects in the City. The Trustees’ meeting is scheduled for later this month. When information is received from the Trustees regarding their contribution, staff will share that information with Council – likely in January. Staff recommends approval of the ordinance at this time.

Wallace Maurer, 7451 Dublin Road noted that Exhibit B indicates that the properties are generally west and northwest of the intersection of Sawmill and Hard Roads. Exhibit A does not seem to demarcate these areas of property.

Ms. Grigsby responded that Exhibit A identifies what the City will be receiving, and Exhibit B relates to the discussion regarding the financial obligation the Sawmill Partners had with the intersection improvements at Sawmill and Hard Roads.

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Mr. Maurer stated that the 7.5 acres are not outlined on that map. Exhibit B indicates where the property is located, but the exact marking out of the 7.5 acres has not been provided.

Ms. Grigsby stated that the land the City is acquiring is on the north side of Hard Road, just east of Riverside Drive, abutting an existing piece of City-owned property. Mr. Smith added that it abuts the previous Bait Store property, and consists of a strip between the road and the Bait Store property.

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

Mrs. Boring thanked staff for their work on this matter.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 40-10

Adopting the Annual Operating Budget for the Fiscal Year Ending December 31, 2011, and Declaring an Emergency.

Mr. Thurman, Deputy Director of Finance noted that the budget was reviewed in workshops held on November 8 and November 17. Included in the packet are the two follow-up memos from the workshops and the 2011 operating budget document, incorporating the changes made by Council. He noted that the only change made to the proposed budget was the addition of a position in Economic Development, which increased the salaries, wages, benefits, conference and mileage accounts within Economic Development. Staff is requesting adoption of the operating budget by emergency tonight. He offered to respond to any questions.

Mr. Gerber, Finance Chair added that all Council Members were present for the workshops and staff and Council did a very thorough job in reviewing the document.

Mr. Keenan noted that Council requested feedback from staff on several items, and the responses were very comprehensive.

Wallace Maurer, 7451 Dublin Road stated that this is a very large document. He is curious about the LEED organization. He assumes this is an international organization. Where is the center for this initiative?

Ms. Crandall responded that this is part of the United States Green Building Council and LEED certification is an internationally recognized certification.

Mr. Maurer asked at what point in the building process are these ideas applied. Is there a policy in place about LEED certification for structures built in the City?

Ms. Crandall responded that the operating budget includes funds to review two existing City buildings to assess how many points they have toward any type of LEED certification. There are some costs involved with applying and with modifications needed for buildings, so staff will review what would be appropriate.

There are various levels in the LEED certification – silver, gold and platinum. She can provide him with this information.

Mr. Maurer asked if these guidelines can be applied to private development projects being built in the City.

Ms. Grigsby responded that there is not such a requirement in place, but discussions are held with developers about LEED certification. Several buildings in Dublin have been constructed under LEED guidelines because of economic development incentives agreed upon for LEED certification. The City encourages LEED certification, but does not require it.

Mr. Maurer noted that the information in the packet indicates that the City favors electronic record storage over microfilm record storage.

Ms. Grigsby responded that at the budget workshops, the discussion focused on the fact that the Ohio Historical Society only recognizes microfilm to house permanent records.

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The City's preference would be for an electronic format for permanent record storage. The City is reviewing the internal Administrative Orders and working with the Ohio Historical Society to see if this can be modified.

Mr. Maurer asked if electronic record storage is more vulnerable to loss.

Ms. Grigsby responded that offsite storage is done for electronic records as a back-up medium.

Mr. Gerber noted that the operating budget includes funding of 1.5 percent for salary and wage increases. As the legislation is drafted, any such increases would be effective March 1, 2011.

He moved to provide for a January 1, 2011 implementation of salary and wage increases of up to 1.5 percent.

Vice Mayor Salay seconded the motion.

It was the consensus of Council to approve this modification of the timing of wage and salary increases.

Mayor Lecklider clarified that these are discretionary salary and wage increases of up to 1.5 percent for non-bargaining employees.

Mr. Gerber moved to treat this as emergency legislation.

Mr. Reiner seconded the motion.

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

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

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.

Ms. Gilger stated that this proposal is for a four-year, 18 percent performance incentive for FlyMuch. It is tied to the creation of 30 jobs in the City by 2013. It is considered the City's local match component. The company has received a \$30,000 grant and a five-year, 45 percent tax credit from the State of Ohio Department of Development. Jim Kamnikar, President and CEO is present tonight to address Council. The company has narrowed their search of sites and plans to execute a lease for 5555 Wall Street in Dublin.

Jim Kamnikar, President and CEO of FlyMuch stated that their company has been created to allow consumers to have more information available when searching for travel online. They aggregate information about a user's rewards programs, frequent flyer miles, etc. and combine that with promotions that tie to the search criteria.

Vice Mayor Salay asked if this product is sold to individuals or to corporations.

Mr. Kamnikar responded that their service is free for consumers. They first delivered the browser add-on, and it will then be added to mobile devices and iPads as well.

They are an "affiliate revenue model," and when they drive "clicks" to book deals at various sites, they are paid.

Mayor Lecklider asked what attracted them to locate their business in Dublin.

Mr. Kamnikar responded that he operated another business, GoAntiques.com at 94 N. High Street, which he sold at the end of 2008. He stayed with that company until March of 2009. He was then approached by his business partner, Brian Zuercher to join him in creating FlyMuch. They want to stay in Dublin, as it is a phenomenal location in which to operate a business.

Mayor Lecklider stated that Council is very pleased to have them locate in Dublin and thanked staff for their efforts in working with FlyMuch.

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

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Ordinance 44-10 (Amended)

Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a Combined 9.563 Acres (with 0.139 Acres as Present Road Occupied), More or Less, Fee Simple Interest, a 1.002 Acres, More or Less, Utilities Easement, and a Combined 0.596 Acres, More or Less, in Temporary Construction Easements from Borror Realty Co. and the Catholic Diocese of Columbus, and Declaring an Emergency.

Mr. McDaniel stated that the legislation has been amended to reflect slight modifications to the acreage calculations. The total price of the property has dropped by approximately \$40,000. Emergency action is requested in order that the closing can occur this year. The exhibit reflects a breakout of the acreage calculations in more detail. In the future Emerald Phase 8 acquisitions, the exhibits will be similarly detailed.

Mr. Reiner moved for emergency passage.

Vice Mayor Salay seconded the motion.

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

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 45-10

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

Mr. Gerber introduced the ordinance.

Mr. Thurman stated that Finance regularly reviews accounts to ensure that expenditures do not exceed appropriations. These additional appropriations are now requested, and a memo details the individual department requests. He offered to respond to questions.

Ms. Chinnici-Zuercher moved to dispense with the public hearing.

Mr. Gerber seconded the motion.

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

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

Ordinance 46-10

Establishing Appropriations Based on the 2011 Operating Budget of the City of Dublin, State of Ohio, for the Fiscal Year Ending December 31, 2011.

Mr. Gerber introduced the ordinance.

Mr. Thurman stated that, based upon approval of the 2011 operating budget, this ordinance appropriates the funding for the budget. Staff is requesting that Council dispense with the second reading/public hearing and approve this ordinance tonight.

Mr. Gerber moved to dispense with the public hearing

Vice Mayor Salay seconded the motion.

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

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

Ordinance 47-10

Accepting the Dedication of an Approximate 0.336 Acre Fee Simple Interest from John W. Kessler, Said Property Located in the City of Dublin, County of Franklin, State of Ohio.

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Ms. Chinnici-Zuercher introduced the ordinance.

Mr. Hammersmith stated that this ordinance authorizes the transfer of a piece of property located at the Avery/Tuswell/Valley Stream intersection. During the review process for the planned improvements for this intersection, it was discovered that this reserve area was never deeded over to the City. In researching the plat information, it was clearly the intent to deed this land to the City, but it was not done. Legal staff and Engineering staff have worked with Mr. Kessler to transfer this property to the City of Dublin. The exhibit shows the location of the property, which is a .336 acre parcel on the west side of Avery-Muirfield Drive. Staff recommends approval at the second reading/public hearing on January 10, 2011.

Mr. Reiner asked if the City paid for this land in 1985.

Mr. Hammersmith responded that the City did not. The land is being deeded to the City at no cost.

Mayor Lecklider asked that staff communicate with the Lowell Trace Civic Association that this land is now being deeded to the City.

Mr. Hammersmith responded that staff will ensure this occurs.

There will be a second reading/public hearing at the January 10, 2011 Council meeting.

Ordinance 48-10

Appointing a New City Manager, Authorizing the Execution of an Employment Agreement with the City Manager, and Declaring an Emergency.

Mr. Gerber introduced the ordinance.

Mr. Harding stated that this ordinance authorizes an employment agreement with the new City Manager, Marsha Grigsby. In accordance with the direction from Council, this contract is reflective of the agreed upon salary and benefits package. Staff is requesting that Council dispense with the public hearing and treat this as emergency legislation in order that it will be effective upon passage.

Mayor Lecklider provided clarification regarding some comments that have been made regarding the contract.

- The contract includes a retention and incentive bonus, not longevity increases. The retention and incentive bonus will not increase the City Manager's base salary. Any future increase in the base salary is not determined at this time and will remain at the sole discretion of Council in future years.
- This retention incentive was included because Ms. Grigsby is eligible to retire this month. Council believes it is in the best interests of the community to incentivize her to remain employed with the City for a minimum of three years.
- He noted that Ms. Grigsby has declined and will not receive any deferred compensation, car allowance, or enhanced life insurance benefit as were provided to previous City Managers.
- With respect to the City Manager's base salary, it is identical to that received by the immediate past City Manager. This base salary is on par with other public officials with CEO type responsibilities and comparable environments.
- The person serving in a position such as Dublin's City Manager commits to a 24/7, 365 days per year job.
- The City Manager in Dublin has ultimate responsibility for overseeing an operation with nearly 400 full-time employees, a general fund budget in excess of \$60 million, a five-year capital budget in the \$200 million range, and AAA bond ratings.
- The City owns 56 buildings, totaling 636,000 square feet with a value of \$58 million. The City also owns land valued at \$76 million. Adding these non-infrastructure capital assets to infrastructure assets such as roads, bridges,

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bikepaths, storm and sanitary sewer lines, and water lines, the responsibility of the City Manager is for over \$500 million in assets.

- In his opinion, the contract is fair, based upon the responsibilities of the position.

Ms. Chinnici-Zuercher stated that she is very excited about Ms. Grigsby's acceptance of this position. Those holding the financial position in a corporation have a view of the entire enterprise, including its growth patterns and structure. Having Ms. Grigsby in this new role makes a statement to the future development of this community about how public/private partnerships are put together, with different kinds of financial packages than seen to date. The development of the Bridge Street Corridor will be a major investment over the next few years, calling for Ms. Grigsby's knowledge and expertise in these matters. She thanked Ms. Grigsby for accepting this new challenge and looks forward to working with her in developing the next phase of the community.

Mrs. Boring congratulated Council on their excellent choice of Ms. Grigsby as City Manager.

Mayor Lecklider added that a reception is planned for Ms. Grigsby on Monday, January 24, prior to the Council meeting. More details will be forthcoming and he encouraged everyone to attend.

Vice Mayor Salay moved to dispense with the public hearing and treat this ordinance as an emergency.

Mr. Keenan seconded the motion.

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

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

Ms. Grigsby thanked Council for their support, noting she is looking forward to working with City Council on the goals they have established. Professionally, this new role presents many opportunities to have an impact on the community into the future. As Council and the community have acknowledged, Dublin has an excellent staff who will work hard and who are dedicated to the community.

Ordinance 49-10

Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Deleting and Incorporating Certain Job Classification Titles and Corresponding Pay Grades, as Addressed in the 2011 Operating Budget.

Mr. Gerber introduced the ordinance.

Mr. Harding stated that the cover memo explains the need for these amendments to the City compensation plan as well as their nature. The changes are consistent with the staffing composition contained within the 2011 operating budget. This legislation is typically submitted to Council in close proximity to the passage of the operating budget. It is companion legislation to both Ordinances 40-10 and 46-10, approved earlier tonight. This ordinance also adopts pay grades for any positions and classifications discussed in the operating budget process. Human Resources analyzed the nature of the positions and used the existing job evaluation system to determine the appropriate pay grades. Staff is recommending that the pay grades be established, as outlined on page three of the memo. Staff recommends adoption of the ordinance at the second reading/public hearing on January 10, 2011. He offered to respond to any questions.

There will be a second reading/public hearing at the January 10, 2011 Council meeting.

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INTRODUCTION/PUBLIC HEARING – RESOLUTIONS**Resolution 55-10****Waiving Competitive Bidding and Authorizing the City Manager to Enter into a Contract for the Purchase of Compressed Natural Gas (CNG) Vehicle Conversion Kits.**

Vice Mayor Salay introduced the resolution.

Ms. Crandall stated that this resolution is one portion of a larger project. The City has received a grant from the Department of Energy for the construction of a compressed natural gas fueling station, modifications to the existing fleet maintenance building, and for the purchase and conversion of 44 vehicles to compressed natural gas. Tonight's resolution relates to waiving of competitive bidding for the purchase of conversion kits for the newly purchased vehicles. Staff advertised for bids and had a bid opening on Monday, November 29, however no bids were submitted. For this reason, staff is bringing forward this legislation to waive competitive bidding.

- She explained that the first reason that no bids were submitted was that the bids were solely for the conversion kits, and the profit margin is in the actual labor of converting. A cost-benefit analysis was done and it was determined that using the in-house technicians for the conversion would bring a savings of \$80-90,000. Therefore, the bid was for the conversion kits only.
- Secondly, an optional bid was included for the pass-through of tax credits that are available. In total, there is \$340,000 available if a third party comes in and purchases the kits and then resells them to the City. The City is not eligible for tax credits, so that is the only way that such a credit would be available to the City.
- There was interest from several car dealerships, but the timing and the need to understand the tax laws and gain approval did not occur within the bid timeframe.
- Following the bid opening, the consultant handling the bid was contacted by Wagner Motors, a car dealership located in Fostoria, who found out about the bid only two days before the bid opening. They likely would have been the sole bidder, if they had been aware of the process taking place.

Therefore, staff and the consultant have been in discussion with Wagner Motors regarding the opportunity for them to purchase the conversion kits and pass through a portion of the tax credits. If Council approves waiving of the competitive bid process, staff will continue negotiations with them. This same process must be used with the Department of Energy, and staff has submitted a vendor justification form requesting waiver of the bidding process, as required by the DOE, requesting that the City be permitted to enter into a contract with Wagner Motors.

If this resolution and the DOE waiver are not approved, staff will likely return to Council in January to waive competitive bidding and then go to the manufacturer to purchase the conversion kits.

Mr. Reiner asked why the City did not go directly to the manufacturer to purchase these kits.

Ms. Crandall responded that both the DOE and the City are required to bid these competitively, as there is not a sole source situation.

Mr. Reiner asked if more than one manufacturer will be contacted for the purchase of the kits.

Ms. Crandall responded that only one manufacturer has all four types of EPA certified vehicle conversion kits.

Mr. Keenan asked for additional information about the tax credit aspect. Does the City receive a tax credit for making the conversion of 44 vehicles to CNG, after the purchase of these at \$465,000?

Ms. Crandall responded that the tax credit available is per vehicle and is based upon weight of the vehicle.

Mr. Keenan said that he understands that the City must spend \$465,000 and there is potential tax credit of \$340,000.

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Ms. Crandall stated that the total purchase, after negotiation, would be something much less than \$465,000.

Mr. Keenan noted that opting to wait until January to waive bidding does not make sense, as the tax credits would not then be available.

Ms. Crandall responded that the tax credits expire December 31, 2010, and therefore the kits must be purchased by the end of 2010.

Mr. Keenan stated that the City has only three weeks to accomplish this.

Ms. Crandall noted that, currently, negotiations are underway with Wagner Motors and the City would receive 40 percent or \$136,000. Legal staff reviewed the draft purchase agreement today, which is in final form and ready to be executed.

Mayor Lecklider asked if there is potential to convert additional vehicles to CNG next year.

Ms. Crandall responded affirmatively, noting the City is considering conversion of more of the fleet in the future. Currently, there are some bills in Congress that may extend the tax credits. The credits for the construction of the fueling facility will expire on 12/31 as well.

Mr. Keenan stated that he hopes that the Dublin Schools become involved in this program, as the buses are a major polluter in the City.

Ms. Crandall responded that the Schools have expressed interest in the project.

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

Resolution 56-10

Authorizing the City Manager to Enter into a Contract with the Delaware City Prosecutor in the Delaware Municipal Court.

Mr. Keenan introduced the resolution.

Ms. Crandall stated that this is the same contract that has been in place for several years. Last year, these services were used for three cases for a total of \$450. She offered to respond to any questions.

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

Resolution 57-10

Authorizing the City Manager to Execute a Contract with the Franklin County Public Defender Commission for the Defense of Indigent Defendants.

Vice Mayor Salay introduced the resolution.

Ms. Crandall reported that this is an annual contract, and there is a slight decrease in the cost per case of \$1.25.

Mr. Keenan asked Mr. Smith to respond regarding the low cost per case for these services.

Mr. Smith responded that the public defender represents many defendants and this allocation is determined based upon the volume of cases.

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

Resolution 58-10

Requesting the Delaware, Franklin and Union County Auditors to Draw and the Delaware, Franklin and Union County Treasurers to Issue a Draft to the Director of Finance of the City of Dublin for any Money that May Be in the County Treasury to the Account of the City of Dublin.

Mr. Keenan introduced the resolution.

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Mr. Thurman stated that this resolution allows the City to receive property tax monies earlier than what is established by law.

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

Resolution 59-10

Accepting the Lowest/Best Bid for the Amberleigh Park Phase One Site Improvements Project, and Authorizing the City Manager to Enter into a Contract for the Services.

Vice Mayor Salay introduced the resolution.

Mr. Hahn stated that this contract provides for Phase One of the park improvements for this community park. This is a beautiful piece of parkland along the Scioto River, in the northern part of the Amberleigh North subdivision. The project had a lengthy design review process, Planning and Zoning Commission review, and staff recommends adoption. He offered to respond to questions.

Mr. Keenan asked about plans for a potential canoe access point.

Mr. Hahn responded that in a subsequent phase, a means will be provided for transporting (by walking or driving) a canoe down to the river. More than likely, that will be in the next phase of construction. A formal canoe livery is not planned, but only a means to access the river via kayak or canoe.

Mr. Hahn added that the land mass itself is very special, and he is looking forward to construction of this park.

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

OTHER

• Bicycle Advisory Task Force Update

Tom Merritt, Chairperson introduced Juana Sandoval of MORPC, who is a member of BATF.

Juana Sandoval distributed a letter from MORPC to City Council, commending the City of Dublin for their support and commitment to the BATF. There have been 17 official meetings of the BATF since its founding, and the residents and staff have made a significant time commitment to the effort.

Mr. Merritt thanked Council for the opportunity to be actively involved in creating a framework for making Dublin a bicycle-friendly community. The BATF also thanks Council for the positive response Council provided to the capital budget funding suggestions they made. He noted the BATF has met diligently, debated issues, undertaken homework assignments, and is collaborating on the recommendations to be made to Council before April of 2011. The recommendations will be based on the principles of education, engineering, encouragement, enforcement and evaluation. The recommendations will be inclusive, recognizing the different levels of cyclists in the community – beginners, recreational cyclists, commuting cyclists. It will also be inclusive in addressing needs in the community and all geographical portions of the community. He noted that the Coffman Park Cyclocross was a success, and was initiated by Mike Teets and John Reiner. It attracted 142 entrants and paved the way for a two-day event next year. It helped to generate cycling awareness in the community and provided a destination for visitors to Dublin. He thanked Council again for the opportunity to work on these issues.

Mrs. Boring noted that while visiting Denver for the National League of Cities conference, she observed bike stations where bikes are available at a low cost for the day. Is this something the BATF has considered?

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Mr. Merritt responded that they have discussed many innovative ideas and have reached out to other communities to learn about what they are doing. Staff has been researching all of these ideas.

Mr. Reiner added that a source of such bicycles could be impounded bicycles that are auctioned.

- **Final Plat – Wyandotte Woods, Section 8 (Case 09-019FDP/FP)**

Ms. Rauch stated that this final plat is located at the southwest corner of the Wyandotte Woods subdivision. The plat includes three components: the platting of 19 single-family lots, right of way dedication, and three reserve areas. The lots range from .25 to .40 acres in size. All have 35-foot building setbacks and meet the requirements consistent with the other single-family portions of Wyandotte Woods. The development standards within the northeast quadrant development text have also met with this plat. The dedication of right-of-way includes a stub of Kelly Drive, which will provide future connections once the remaining sections are platted. It also includes the completion of Wyandotte Woods Boulevard, which will connect through the subdivision and ultimately will connect to Riverside Drive and Emerald Parkway. As part of this, the applicant is showing a roundabout, which they are proposing to install. This is designed to address neighborhood concerns about potential future traffic impacts due to this connection. As a part of the proposed roundabout, Planning and Engineering expressed concerns about the location of the driveways. The applicant has included restrictions on the plat to limit the driveway locations for those lots adjacent to the roundabout, including Lot 191 and 198 through 202. The third component is the three reserve areas. Reserve F is located between Lots 184 and 185 and provides fire access for Subarea 3, the proposed development to the south. This includes paved area with landscaping and fencing to provide some screening within the easement area from those two lots. Reserve H is in the southwest corner and will include an entry feature sign, which will look identical to the entry feature sign at the Riverside Drive entrance to the subdivision. Reserve G is located within the roundabout itself and includes more hardscape and hardy plants, given its location in the middle of the road.

As part of the PUD process, Planning & Zoning Commission approved the final development plan with three conditions. The Commission recommended approval to City Council with the two conditions listed in the memo. Planning recommends approval of the final plat.

Jim Lipnos, 2700 E. Dublin-Granville Road, Columbus noted that he represents Homewood Corporation and can respond to any questions.

Ms. Chinnici-Zuercher moved approval of the final plat.

Mr. Reiner seconded the motion.

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

STAFF COMMENTS

Ms. Grigsby reported:

1. Information was provided to Council previously with regard to the announcement that the City was named one of the Top U.S. Digital Cities. Information Technology, in conjunction with other departments, submitted the application. She commended Ms. Crandall and the IT staff for their work on submission of this information for this award.

Mrs. Boring commented that she accepted the award on behalf of the City at the recent NLC conference in Denver. There were five categories, based on the size of the city and Dublin was in a small cities category. There was a rating of 1-10, and Dublin ranked fifth in the group of small cities, which was very impressive for a first-year submittal. Dublin was the only city in Ohio receiving one of these awards. Congratulations to staff!

2. On the dais tonight is information requested by Council regarding appeals to P&Z decisions coming to Council versus being sent to the county court. Legal

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staff prepared this memo, including a draft ordinance for future review.

Sometime early next year, a discussion about this topic can be scheduled on a Council agenda in order to solicit feedback from Council.

Vice Mayor Salay asked that this item be scheduled on an agenda as soon as possible. This is a policy that has been discussed over many years and it is needed. Mayor Lecklider summarized that Council will have this discussion scheduled for a January or February meeting agenda.

3. A memo was prepared by Mr. McDaniel and staff regarding the Bridge Street Corridor, some of the implementation milestones previously discussed and the status of work being done to meet the milestones. City Council's goal included three implementation steps and the first two have been completed. The third step is a joint work session with Council, P&Z, BZA and ARB to discuss information with regard to the framework and development code, as well as the pattern book. The consultant for the framework and development code has been selected, and Goody Clancy will be completing the pattern book. Staff recommends that the joint session be scheduled in January, which will provide an opportunity to introduce the consultants to Council as well as to receive feedback and guidance from Council prior to preparing the first draft of information to be presented to the City. Two dates have been identified in January: Tuesday, January 18 or Monday, January 31. If these dates are viable, staff will coordinate scheduling the consultants and the other boards and commissions.

Mayor Lecklider suggested that Council Members e-mail the City Manager or the Clerk with their preference regarding workshop dates.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

• Finance Committee Recommendations re. 2011 Hotel-Motel Tax Grants

Mr. Gerber, Finance Committee Chairperson noted that the Committee met on November 22 to review the hotel/motel tax grant applications for 2011. A summary of the recommendations and status of pending applications was included in the packet. The pending applications will be reviewed on Monday, January 10 at 5:30 p.m. He suggested that the Dublin Scioto Lacrosse Boosters application be handled separately and the remainder can be acted upon with one vote. He offered to respond to any questions.

Dublin Scioto Lacrosse Boosters

Mr. Keenan moved approval of the Dublin Scioto Lacrosse Boosters grant application as presented by the Committee for City services, not to exceed \$3,000.

Mrs. Boring seconded the motion.

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

Mr. Gerber then moved approval of the recommendations made by the Finance Committee as follows:

Dublin Youth Athletics

- Grant the difference in the cost of City services for 2010 baseball tournaments (\$14,204 from 2010 hotel/motel tax funds) due to the increase in the cost of City Services.
- Grant the cost of City services for the 8th Annual Wayne Williams Memorial Baseball Tournament, not to exceed \$16,000.
- Grant the cost of City Services for Nations Baseball State Championship Tournament, not to exceed \$6,500.

Kiwanis Club of Dublin Frog Jump Festival – Grant the cost of City services, not to exceed \$5,750.

Dublin Arts Council Public Art Cell Phone Tour – Grant of \$22,050 for creation of a

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Public Art Cell Phone Tour. Grant is contingent upon receiving a 2009 audit report from the DAC. Ongoing maintenance is to be provided by the Arts Council.

Dublin Convention & Visitors Bureau – Grant of \$6,000 to assist with the \$9,000 bid fee for the Australian Football League National Championships in 2012. (No expenditure unless the DCVB wins the bid for the event.)

Miracle League of Central Ohio – Grant of \$6,500 to purchase new uniforms (shirts and hats) for all players in the league.

Arthritis Foundation – Grant the cost of City services, not to exceed \$10,000, and waive the rental fee for the Showmobile. Set-up and tear down costs of the Showmobile are to be paid out of the \$10,000 grant.

Dublin Farmers' Market – Grant of \$7,000 to help create and host more events to promote a healthy lifestyle by encouraging a diet of healthy, locally grown food. These events will increase awareness and walking traffic to businesses within Historic Dublin.

Ohio Cycling Association – Grant of \$4,925 for two-day cyclocross event at Coffman Park per items shown on amended application.

Historic Dublin Business Association – Grant of \$20,000 for Community Engagement Campaign with partial allocation to a Community Coordinator to assist in marketing initiatives and event programming.

The Ohio Blue Shield Fund (Johnny Law 5K Run/Walk) – Deny the grant request of \$5,000 for scholarships due to the practice of not granting funding for memorial events.

Dublin Crew – Deny the grant request of \$5,250 for the Ohio Governor's Cup Regatta since event is not held in Dublin and no City services were requested.

Mr. Keenan seconded the motion.

Mrs. Boring noted that she appreciated the manner in which the Finance Committee handled the review process. Their review was thorough and allowed for input from all of Council.

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

Mayor Lecklider noted that the Committee is also recommending that discussion of the criteria for hotel/motel tax grants be scheduled.

Mr. Gerber agreed. There were 18 applications reviewed, and some did not involve City services or an event in the City, but did fill hotel rooms in the City, thereby generating hotel/motel tax revenue. The Committee believes that a review of the current hotel/motel tax grant criteria is warranted.

Mrs. Boring noted that one of the criteria is for City beautification. She talked with some merchants in Historic Dublin about flowers and plantings in the District. Could there be some consideration of investing some hotel/motel tax funds in coordination with the HDBA in plantings and flowers for the District? The banners are very nice, but other small towns seem to have more enhancements with flowers and plantings. She suggested that Council consider setting aside some hotel/motel tax funds for beautification of the City.

Vice Mayor Salay added that perhaps more holiday lights could be added as well, using these funds.

Mr. Gerber stated that this is a wonderful idea.

Mr. Keenan recalled that Charlevoix, Michigan has spectacular flower displays. Perhaps the City could do a similar program. He would support such an initiative.

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Mr. Reiner agreed, noting that the citizens plant that entire road right-of-way in the City of Charlevoix and schedule a party after the planting.

Mrs. Boring asked Ms. Grigsby to provide input.

Ms. Grigsby stated that staff could contact some other cities to learn about their initiatives. Several years ago, City staff regularly submitted grant applications for bed tax funding, most of which were beautification or improvement projects in the Historic District. Staff could propose some ideas to Council for the spring planting season.

Mr. Gerber noted that, currently, hotel/motel tax grant applications are reviewed in November. In years past, they were reviewed more than once per year. It may make sense to review these on somewhat of a seasonal basis.

Mr. Keenan added that the Bicentennial grant applications were reviewed at a different date due to the timing.

Mr. Gerber reported that he and Vice Mayor Salay were contacted several months ago by members of PERC and ACT regarding the social host legislation, and how to improve educational efforts regarding the hazards of underage drinking. They have met six times with representatives of PERC, ACT, Dublin Schools, Police, and Community Relations. They have devised an annual chart listing various awareness campaigns that take place throughout the year. They plan to share information at the next Council meeting about specific programs planned. This effort has brought together many community groups to collaborate on this important awareness issue of underage drinking.

Mr. Keenan:

1. Stated that an e-mail was sent to Council regarding the signal timing at Emerald Parkway and Perimeter. He has brought this issue up previously, and he continues to suggest that this light timing be modified to allow more than three to four cars to turn onto Emerald in a cycle.

Mr. Hammersmith responded that staff is looking at splitting the coordination in the corridor. One of the results of that is providing a coordinated corridor along Emerald Parkway. Staff is reviewing splitting the coordination north and south of the bridge over US 33. That will help ease this situation.

Mr. Keenan stated that the off-peak times are the most frustrating, with long waits at this intersection on weekends or at night. There is little traffic on Emerald Parkway at these times.

Mr. Hammersmith responded that while there are no cars at the Emerald Parkway intersection with Perimeter at these times, there are motorists at other intersections and this triggers the coordination. The corridor is coordinated all the way to Woerner-Temple, and it all works in synchronization. The goal is to optimize movement through the corridor through coordination.

Mr. Keenan added that with Post Road not open, there is no alternative.

Mrs. Boring asked for more information about coordination of the corridor.

Mr. Hammersmith responded that he could provide a presentation, if Council desires, about when the corridor goes into coordination, who receives the favored direction through the corridor, etc. Taking out the coordination and letting the corridor run free would result in more delay on Emerald Parkway. Emerald Parkway is favored over the side access roads.

Mr. Keenan suggested that a roundabout might be a good option for this intersection.

Ms. Chinnici-Zuercher commented that it is important to re-examine these signal issues, because of the commercial development growth to the west on Perimeter Drive. She, too, has observed that whatever the time of day, only four cars are able to turn from Perimeter onto northbound Emerald Parkway during a cycle. Coordination is important, but there is something wrong with the timing in view of this.

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Mr. Hammersmith stated that the coordination provides clearing of the typical queue at the intersection, which is typically four cars. Staff will look into splitting the coordination so that more time is allowed for this movement.

Vice Mayor Salay noted that she has experienced delays at Hospital Drive and Avery-Muirfield, but knows that it will improve in the future. She recalls that a resident frequently called Mr. Hammersmith's office about timing of signals, and eventually, the response was that traffic engineering is not based upon popular opinion but must be science based. With Emerald Parkway as the major corridor, having freeflow to the extent possible is a priority. However, there is a need for ongoing review of the flow from the side streets to ensure an appropriate level of service is provided.

Mrs. Boring commented that the intersection of Riverside Drive and SR 161 is also problematic for southbound motorists, turning eastbound on SR 161.

Mr. Keenan continued:

2. In reading PRAC minutes, he noted there was a lively discussion among PRAC members and Mr. Hahn. Based on this, Council needs to review the prioritization of the items of interest for all boards and commissions as soon as possible.

The Clerk noted the Community Development Committee is to review the lists and make recommendation to Council, early in 2011.

Mr. Hahn clarified that PRAC developed their list in November/December of 2009 and Council responded to it in August of 2010. PRAC is hopeful that the 2011 items of interest will be reviewed by Council as soon as possible. Staff had cautioned the Commission about proceeding with items of interest that had not yet been endorsed by Council. This generated the discussion reflected in the minutes.

Ms. Chinnici-Zuercher stated that it was the first year Council had requested that the boards and commissions develop such a list. Some were able to prioritize them, but some did not. Based upon this experience, staff should bring forward the items of interest lists for 2011 and Council can approve them or add to them – with review in a timely manner.

Ms. Colley stated that staff would have the board and commission items of interest lists for 2011 ready for presentation at the January 10 Council meeting. Council can then refer these to an appropriate committee.

Vice Mayor Salay asked if the topic of soccer is on the items of interest list.

Mr. Hahn responded that, subject to Council approval, this item is on the PRAC list – specifically relating to provision of adequate facilities.

Vice Mayor Salay stated that she is interested in the recreation program being served by Dublin at no cost. However, as she observes the clubs and their continued expansion to younger players, it is a much different situation than three years ago when discussions took place about soccer programs. She wants the City to be continually aware of what the clubs are doing, as well as their financial resources and their potential ability to reimburse the City for some of its costs incurred to maintain the fields.

Mr. Hahn responded that this might be an example of an assignment Council could give to PRAC.

Mr. Reiner:

1. Noted that the City received another well-deserved award for the Healthy by Choice Program. Another worthwhile program has been the Healthy Dublin series, which was well organized and educational and brought great benefit to the citizens. He asked about the status of the Healthy Dublin program.

Ms. Grigsby responded that staff had distributed information to Council recently with regard to Medical Mutual, indicating that they will no longer be offering the Healthy

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Dublin program. Staff is currently gathering information from them with regard to potential funding to the City and how the program could be continued in some manner.

2. Wished everyone a Merry Christmas and Happy Holiday! He has enjoyed the past year, and a special thanks to the staff who have supported the Bicycle Advisory Task Force over the past year.

Ms. Chinnici-Zuercher:

1. Noted that she serves on the board of the Ohio Municipal League and the board of Mid Ohio Regional Planning Commission, and meetings took place this past week.
2. Last week, she and Council Member Boring attended the National League of Cities meeting in Denver. A packet from the conference is in the Council Planning room. She attended a mobile workshop, which offered some interesting concepts for small communities centered on sports themes. The DCVB already uses sports-related events in attracting visitors to the community. She described examples of communities who have built their identities around sports such as rugby, lacrosse and soccer, and the success they have had in hosting tournaments in their communities. Small cities can define themselves in this way, utilizing these as a marketing tool to attract visitors.

Mrs. Boring attended mobile tours at NLC as well. One related to the redevelopment of land that was formerly a military base and land that was formerly an airport. The communities had various price points for housing, and utilized conservation development techniques. She also attended a mobile workshop focused on redevelopment of the riverway. There are private developers involved in these projects, and collaboration with non-profits and the private sector to deliver services. She would be interested in pursuing these concepts in Dublin.

Vice Mayor Salay:

1. Reported that Interim Chief von Eckartsberg has been very active with the community and with the Social Host Committee. Everyone is very appreciative of his efforts and time commitment to this issue. It sends a powerful message to the community to have him out front on the issue.
2. Asked Mr. Guion, Dublin Arts Council to provide an update on the Bicentennial art project.

Ms. Ott responded that she contacted Mr. Hatcher's studio this past week and construction drawings arrived on Friday. Mr. Hatcher is currently working with structural engineers in Dublin to complete the plans to meet City requirements. In the packet is an updated rendering. Staff is anticipating spring construction, with dedication around Memorial Day.

3. Wished everyone a Merry Christmas, Happy New Year, and Happy Holidays!

Mayor Lecklider:

1. Thanked staff for the Bridge Street corridor memo, which was helpful in understanding the current status and the next steps.
2. Commented that the Christmas tree lighting was a great success in spite of the cold weather. Students from Deer Run and Glacier Ridge elementary schools performed, adding a lot to the program with their enthusiasm. He encouraged everyone to visit the Historic District and view the lights and the tree.
3. Noted that he was asked to judge the Historic Dublin chili cook-off and the event was fun and very popular, based on how quickly the chili was all consumed.
4. Thanked all of staff for their hard work over the past year, which surpassed all expectations, as evidenced by the results of the National Citizens Survey. Many achievements marked the year, including the Parks & Recreation accreditation. Staff has achieved many special distinctions, while at the same time delivering a very high level of service to residents. He urged everyone to take some time and reflect on the positive achievements of the past year. This

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was a challenging year, marked by some transitions in the City. He is confident that, with the outstanding staff in place, the City will be able to meet the challenges in the next year.

5. Thanked his colleagues on Council for their hard work this past year, and wished everyone Happy Holidays!

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session at 9:06 p.m. for discussion of land acquisition matters.

Mrs. Boring seconded the motion.

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

The meeting was reconvened at 9:30 p.m. and formally adjourned

Mayor – Presiding Officer

Clerk of Council