

## Dublin City Council

February 8, 2010

Mayor Lecklider called the Monday, February 8, 2010 Regular Meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

### **ROLL CALL**

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

Staff members present were Mr. Foegler, Ms. Grigsby, Mr. Smith, Mr. Epperson, Mr. McDaniel, Mr. Harding, Ms. Ott, Ms. Puskarcik, Mr. Hahn, Ms. Crandall, Mr. Langworthy, Mr. Gunderman, Mr. Thurman, Mr. Earman, Ms. Gilger, Ms. Ray, Ms. Adkins, Ms. Husak, Ms. Rauch, Ms. Colley and Ms. LeRoy.

### **PLEDGE OF ALLEGIANCE**

Mr. Reiner led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Mr. Gerber moved approval of the minutes of January 25, 2010.

Vice Mayor Salay seconded the motion.

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

### **SPECIAL PRESENTATION/PROCLAMATIONS**

#### **• Update re. Bicentennial Art in Public Places Project**

David Guion, Executive Director, Dublin Arts Council, recognized the members of the Bicentennial Public Art selection committee: Mark Emerson, Irene Finck, Gayle Holton, John Lasco, and Todd Slaughter. He and Ms. Ott served as consulting, non-voting members. He provided an update on the Dublin Bicentennial Public Art process to select an artist to receive the project's \$150,000 all-inclusive commission.

- A public presentation of the three finalists' submissions was held on February 4<sup>th</sup> at the Abbey Theater. After considering many factors, including public input, the committee selected the submission of Brower Hatcher of Mid-Ocean Studio, Providence, Rhode Island.
- Mr. Hatcher's concept is to build the memory of the historic blacksmith shop that once stood on the Karrer barn property. He proposes building the old foundation of the Karrer blacksmith shop with the hearth, anvil and wheelwright table to re-create the image of the building as a digital matrix in powder-coated metal rod with reflective discs, creating the effects of reflection and refraction. The artist envisions the approximate 13-foot square, 16-foot high structure as a sophisticated trellis, which could be allowed to support a growth of climbing vines to periodically hide the structure. Therein lies the opportunity for community involvement -- to reveal Dublin's history by cutting back the vines to view the ghost of the blacksmith's shop. The optical tapestry of the open structure will allow the artist to embed a number of forged artifacts, such as a wagon wheel and blacksmith tools in the matrix framework.
- If the final approval process proceeds according to plan, the artist anticipates that the artwork could be completed and installed during October 2010.
- He believes City staff is preparing a resolution for the artist's contract for Council's consideration at the February 22<sup>nd</sup> Council meeting. A press release will be posted at the Dublin Arts Council web site tomorrow. An article is also anticipated to run tomorrow in *The Columbus Dispatch*. He thanked Council for allowing Dublin Arts Council to facilitate the process to secure a public art piece to celebrate Dublin's 2010 Bicentennial.

On behalf of City Council, Mayor Lecklider thanked Mr. Guion and the Committee for their efforts on this project.

### **CITIZEN COMMENTS**

Herb Logocki, 181 S. High Street stated that his property is immediately north of the property on which the art structure would be placed. He and his wife attended the artists' presentation last Thursday, February 4<sup>th</sup>. They appreciate the work of the artists, but left the evening concerned. The art is of a modern style and it is intended to be located in Dublin's historic district. They object to that type of art being located in this historic area. Their vision of an appropriate public art piece for this site was more traditional, such as a

statue of George Karrer doing his work in the field or as a blacksmith. The residents were not notified until there were only three finalists selected. There was no opportunity for the residents to have any input during the earlier process when 100 plus artists were being considered. He is certain that in the group, there were some more traditional proposals. This may be late in the process, as Council has indicated an October deadline as their preference for completion of this project. However, the neighbors will be required to live with this modern art structure in their front yards for years and years. They would have liked to have had the opportunity much earlier in the process to view some of the other proposals, not these last three less-traditional proposals. He thanked Council for their time.

Carl Karrer, 6746 Heatherstone Loop thanked Council and the Dublin Arts Council for organizing this project. Of the three finalists, he preferred Mr. Hatcher's proposal. However, he shares the concerns of Mr. Logocki and his neighbors. The concepts presented are very bold and not necessarily complementary of the architecture of the barn. The original blacksmith shop suited that location. It had vertical siding like the barn, and complemented it. The proposed spectacular green structure does not. He is hopeful that this consideration is opened for the citizens' input. He has forwarded his thoughts via email in a more organized fashion to Mr. Guion, the Dublin Arts Council Board and to Council.

There were no further public comments.

Ms. Chinnici-Zuercher stated that she was impressed with the artists' presentations. She believes the artists made efforts in their presentations to bring Dublin's history to life for those in attendance. If she lived in the Historic District, she would have felt that the artists understood the significance of the barn during that timeframe. She likes the proposal that was selected because of the opportunities inherent with it and because it will change throughout the year. She, too, originally had a more traditional anticipation until she heard the creative presentation. She thanked Mr. Guion, his staff and the committee. It was impressive to have so many citizens and the students from Otterbein College of Art attend the presentations to see what a city can offer to its residents through a public art program.

Vice Mayor Salay concurred with Ms. Chinnici-Zuercher's comments and also thanked Mr. Guion and the selection committee for their hard work and the many hours they volunteered on this project.

Mayor Lecklider stated that it is Council's understanding that legislation will be scheduled for the February 22<sup>nd</sup> meeting to approve this selection.

Mr. Smith responded that the legislation will be to authorize a contract with the selected artist, and the legislation will also address fees and any City regulation within the process.

Mayor Lecklider expressed thanks to Mr. Guion and the committee for their hard work on this selection and to the residents involved in the process, particularly the residents in Historic Dublin who offered valuable opinions and concerns.

Mr. Keenan recalled that the Grounds of Remembrance project was a contentious process, as have been many of the public art processes. There was opposition to the site, artist and piece selected, and what was planned to be a one-year project took 2-1/2 to 3 years to complete. However, several of those opposing the selection later shared with him that they were pleased with the results. He anticipates the results being similar with this public art.

#### **CORRESPONDENCE**

- **Notice to Legislative Authority – Transfer of D5 Liquor Permit from Dublin Banquet LLC, 37 Darby Street to Mr. Sushi, Inc., 3 N. High Street**

Council had no objections to the transfer of the permit.

#### **CITIZEN COMMENTS**

Wallace Maurer, 7451 Dublin Road, stated the only thing he has ever achieved with all of his public comments over the years is motivating Council to abandon its water bottles and drink tap water during Council meetings. He did not attend the meetings due to other

commitments, but watched the televised meetings from January and was surprised that bottled water has reappeared!

## **LEGISLATION**

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

#### **Ordinance 76-08(Amended)**

**Amending and Repealing Various Sections of the City of Dublin Zoning Code related to the General Purpose and Operations of the Architectural Review Board (Case 07-096ADM)**

Mr. Gunderman stated that this legislation provides a complete revision of the Architectural Review Board (ARB) sections of the City's Code. This item was reviewed previously by the ARB, P&Z and Council. During Council's discussion, questions arose regarding the administrative section of the draft, and Council referred this item back to the ARB and PZC, requesting that Section 153.173(E)(4) of the proposed Code dealing with Administrative Approval be reconsidered. The ARB considered the issue on November 12, 2008 and December 17, 2008 but ultimately decided to retain the process as originally drafted with the recommendation that two items be deleted from the list of administrative issues: review of lot line adjustments and review of projects with up to a 10 percent deviation from the original total floor area. The ARB recommendation was considered by the PZC on November 12, 2009 and on January 21, 2010. The Commission made no changes to the Administrative Approval section but did request minor changes to three other sections of the proposed Code related to Landscaping, Failure to Maintain and Permitted Uses as listed on Appendix G. There were also two minor changes in the language that Council had requested at the first reading. Those changes have been incorporated into the amended draft presented tonight.

Mayor Lecklider invited testimony.

Wallace Maurer, 7451 Dublin Road recommended a revision in the language on page 4 of the redlined version, Section 153.172. The use of "purpose" in Section A, followed by the use of "purposes" in subpoint 2 is redundant. He would recommend substituting the use of one of these with another term.

Mrs. Boring suggested the word "duties" in place of "purposes" in subpoint 2.

Mrs. Chinnici-Zuercher moved to remove the "s" from "Purposes" in Section 153.172(A) and substitute "duties" in place of "purposes" in 153.172(A2).

Mr. Reiner seconded the motion.

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

Mr. Keenan moved to approve Ordinance 76-08(Amended) with the changes as noted.

Mr. Gerber seconded the motion.

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

#### **Ordinance 86-09**

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

Ms. Husak stated that this ordinance was introduced at the January 25<sup>th</sup> Council meeting. Council Members expressed concerns about adequate screening for the adjacent Heatherstone Condominium residents and about the limitation of truck delivery hours. Ordinance 86-09 is a request for approval of a rezoning/preliminary development plan to create a new Subarea C-1 for the Perimeter Center Planned Commerce District for the purpose of expanding the permitted uses of the 337,000-square-foot facility to include manufacturing and warehousing. The applicant had met with the Heatherstone Village Association before the January 25<sup>th</sup> meeting. After the Council meeting, the applicant and association met again, and as a result of that discussion determined that landscaping would be preferable to fence screening. There are several units that do not currently have landscaping adequate to block the driveway accesses of this facility. The applicant has

agreed to install screening in those specific areas and in a few other sparse areas that would benefit from additional screening. Landscaping materials will be used consistent with the existing evergreen trees and shrubs. The other concern was with the restriction of delivery hours. The applicant has considered this request, but has determined it necessary to keep the hours as presented – 7:00 a.m. to 7:00 p.m., seven days/week. Staff recommends approval with the addition of condition #4, which states: “That the applicant come to an agreement with the Village at Heatherstone Condominium Association for the screening along the condominium development’s eastern property line, and that the landscaping be installed by September 1, 2010 subject to approval by Planning.”

Ben Hale, Jr., Smith & Hale, 37 W. Broad Street, representative for the applicant, WD Partners, stated that the applicant has reached an agreement with the association. It is necessary that the association and City staff formally approve the screening plan.

Mr. Gerber requested clarification. Is the agreement that there will be no fencing across the street, and that there will instead be landscape mounding and vegetation?

Mr. Hale responded that the text requirement is for six feet of screening on WD Partner’s side of the street, and there is an existing six-foot mound with landscaping on top of that. However, across from the existing curb cuts on the WD property, it is necessary to install screening on the opposite side of the road. In addition, on the northern circle shown on the graphic, there is an area that is not screened. The applicant has agreed to install screening in that location and in any other areas where it is needed. The Code requirement is that the landscape screening reach 75% opacity with three years.

Mr. Gerber inquired if the development text for Heatherstone Condominiums permits this landscape addition, and that no rezoning is necessary

Ms. Husak responded that the current text permits it.

Mr. Gerber stated that delivery trucks tend to idle somewhere until the approved delivery hours. Where will this idling area be located? He wants to avoid trucks sitting or idling for several hours right across from the residents.

Mr. Hale responded that trucks must not be on the site before 7:00 a.m. or after 7:00 p.m. If they are anywhere on the site, they must be on the other side of the WD building – the commercial side.

Mr. Gerber inquired if there is a condition to that effect.

Ms. Husak responded that that there is a condition that addresses this, and that language is also in the development text. The text states that, “loading activities and idling activities are limited to between the hours of 7 a.m. and 7 p.m.”

Mayor Chinnici-Zuercher stated that does not address Mr. Gerber’s concern about idling on the residential side during the 7 a.m. – 7 p.m. timeframe. Mr. Hale has stated only that the trucks would move to the east side of the building if they will remain after those hours. This could be addressed in an added condition.

Vice Mayor Salay suggested that no idling on the residential side be permitted regardless of the hour.

Mr. Hale responded that the condition should allow for reasonable, good faith efforts to comply.

Mr. Gerber stated that the intent is that no diesel truck would be idling on the residential side for four hours in the middle of the day, particularly on the weekend. That is noisy and an intrusion to the residents.

Vice Mayor Salay suggested language that states that if a truck is not actively loading or unloading, it may not idle in that location.

Mr. Hale responded that in the winter, truckers prefer to keep the trucks running, depending upon the weather.

Mr. Keenan stated that if they are not actively loading or unloading, they should be required to move to the other side of the building.

Mr. Gerber agreed.

Mr. Hale suggested language that states: “Truck idling for extended periods of time is prohibited.”

Carl Karrer, 6146 Heatherstone Loop thanked Mr. Hale for working with the residents to achieve this agreement. The key points, as Mr. Hale indicated are:

1. Screening: WD Partners will fill in all gaps in the landscape screening from Perimeter Drive to the north point of the Heatherstone Condominiums property. For example, there is a wide area not directly across from a WD Partners' curb cut where there is currently no landscaping. He pointed out that residents in the second row of buildings can see directly into the loading docks.
2. Loading/Unloading Hours: This applies to both delivery and trash handling. The hours would be restricted to between 7 a.m. to 7 p.m. Outside of those hours, vehicles on the site will not be on the residential side of the building. There is ample parking on the east side of the building, if a driver should wish to remain on site.

Mayor Chinnici-Zuercher stated that she assumes that after the landscaping is installed by the developer, the HOA is required to maintain it.

Mr. Hale responded that is true except for the initial protection clause for the residents, which states the developer will water the newly installed landscaping for the first year, and if any landscaping dies, it will be replaced by the developer. This is separate from the contractor's warranty. In essence, the applicant is providing a one-year warranty for this landscaping installation.

Vice Mayor Salay requested that Mr. Smith comment regarding an email to the Law Director and Planning Division on which she was also copied, which related to deed restrictions that may exist on this property.

Mr. Smith responded that the City does not interfere with private deed restrictions. He asked Mr. Hale to provide clarification.

Mr. Hale stated that the original deed restrictions covered approximately 140 acres and included a very difficult legal description with no map. Three or four years later, Ruscilli and Poste Road Properties owned most of this land. They filed an amendment and clarification of the original document and attached a map, which, to the best of their ability, clarified the land to be covered by the deed restrictions. According to that amendment, the WD Partners' property is not included, except for .4 acre on which there is only landscaping. In a subsequent amendment filed by Pat Grabill, all of the owners within the 140 acres were listed. On that document, WD Partners signed for only the .4 acre, so the property on which the building sits is clearly not included in the deed restrictions.

Vice Mayor Salay thanked Mr. Hale for his research and clarification.

Vice Mayor Salay stated that in the course of this case review, a question arose concerning the way that notification of a rezoning is made to neighbors within a condominium association. Only a small portion of Heatherstone Village residents in the buildings immediately adjacent to Holt Drive received any notification, and the notification did not include the president of the HOA. In the future, the City needs a better policy regarding how condominium residents are notified.

Ms. Husak responded that this problem is the result of a flaw in the County Auditor's recordkeeping system. Planning is now updating the application form to require that the HOA president of any residential property within the neighborhood boundaries is provided with notification of the public hearing -- whether or not their individual property fits within the notice boundaries.

Vice Mayor Salay asked if each individual property owner in the association would receive notice. Any unit owner within the condominium should receive a notice.

Ms. Husak responded that Planning has not discussed how to do that. They can do so, but it is difficult to acquire the mailing addresses. The application could require that the applicant provide that list as well.

Vice Mayor Salay inquired if it would be preferable to obtain such a list through the City's GIS system.

Mr. Gerber stated that the county auditor has property tax records on which they base their information for tax billing. It should be available.

Mr. Keenan stated that property searches can be made by subdivision. He assumes a search on a condominium development would yield information on every property owner located within that project.

Ms. Husak responded that it does.

Mr. Keenan stated that it is therefore easily obtainable.

Vice Mayor Salay stated that even if it is not required by City Code, based on the way Dublin does business, it would be preferable to notify all of the individual property owners in a condominium. These rezoning issues should have been addressed by Planning & Zoning Commission, but the residents were not notified of the hearings.

Ms. Husak responded that staff would make the necessary change in procedure.

Mr. Gerber moved to amend Condition #1 to state that the development text be modified to limit loading activities and idling to between the hours of 7 a.m. to 7 p.m., and that truck idling for any unreasonable amount of time be prohibited.

Mr. Keenan seconded the motion.

Vice Mayor Salay stated that a resident's definition of "reasonable" versus what is "reasonable" to a truck driver may be quite different. In these situations, the police are called.

Mr. Smith stated that it is difficult to find language that addresses every situation. He asked Mr. McDaniel to comment.

Mr. McDaniel stated that a truck should not be idling on the site before 7 a.m. or after 7 p.m. If trucks are "stacking up" to access the docks, they should be waiting on the commercial side of the building. The City will ensure consistent enforcement. On the other hand, the intent is not to severely restrict this business from "doing business." The 7:00 a.m. to 7:00 p.m. restriction has existed on this property for some time. From an economic development perspective, he would urge that restriction be left in place. Additional restrictions outside of those hours are difficult to enforce.

Mayor Lecklider called for a vote on the motion.

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

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

#### **Ordinance 05-10**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.075 Acres, More or Less, Fee Simple Interest, a .169 Acres, More or Less, Utilities Easement, and a 0.191 Acres, More or Less, Temporary Construction Easement from 970 High Ridge Associates, LLC.**

Mr. Smith stated that the City's purchase price is the value determined by the appraiser.

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

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

##### **Ordinance 06-10**

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

Mr. Gerber introduced the ordinance.

Ms. Grigsby stated that this legislation is presented to Council early each year. With the exception of those funds in the General Fund for the tree replacement fees, the legislation relates to capital projects, either where there are unencumbered balances at the end of the year, some items to finalize for a project, or debt service obligations in the various TIF funds. Two of the sections appropriate the American Recovery and Reinvestment Act funds, which the City received for certain projects.

Mr. Gerber referred to Section 2, which states that, "a federal grant in the amount of \$1.5 million has been approved and a grant reimbursement requested..." Had the City received notice of that award before the project was approved in the CIP process?

Ms. Grigsby responded that it was received.

Mrs. Chinnici-Zuercher referred to the second paragraph of Section 3, which indicates that the easements "were dedicated to us, resulting in a savings of at least \$87,225." There

are also legal costs associated with obtaining easement dedications. Are these legal costs part of the City's regular services within the legal contract, or are they in addition to that?

Ms. Grigsby responded that those costs are outside the regular services, but they have been charged to the Pizutti TIF district that was established for the improvements. The costs were approximately \$9,000.

Mayor Lecklider inquired if letters were sent to the property owners on behalf of Council thanking them for their contributions.

Ms. Grigsby responded that letters were sent to the property owners.

Mayor Lecklider invited public testimony.

Mr. Maurer referred to staff's memo, page two, paragraph three, lines three to five, which state: "provide funding authority for costs associated with the Dublin Road sanitary sewer lining project from just north of Historic Dublin to Bellaire Avenue." Is there an existing sanitary sewer line running between those two points, and could he or anyone living along that roadway tap into the sewer line?

Ms. Grigsby responded that there is, but it is an interceptor, which is a 36-inch line that collects from the other main sanitary sewer lines.

Mr. Reiner moved to dispense with the public hearing.

Mr. Gerber seconded the motion.

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

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

#### **Ordinance 07-10**

**Rezoning Approximately 15.69 Acres Located on the Southeast Corner of the Intersection of Perimeter Drive and Perimeter Loop Road within Perimeter Center from PCD, Planned Commerce District (Subareas J and D) and PUD, Planned Unit Development District (Subarea J-1) to PUD, Planned Unit Development District (MAG, Midwestern Auto Group, Volvo Expansion – Case 09-108Z/PDP).**

Vice Mayor Salay introduced the ordinance.

Ms. Husak stated that this ordinance is a request for review and approval of a rezoning/preliminary development plan for 15.69 acres from PCD, Planned Commerce District (Perimeter Center, Subareas J and D) and PUD, Planned Unit Development District (Perimeter Center, Subarea J-1) to PUD (Midwestern Auto Group Campus) for the purpose of expanding the site to accommodate a building addition and associated site improvements. The Planning and Zoning Commission reviewed this request and also a final development plan at the January 21, 2010 meeting. The Perimeter Center Planned Commerce District was originally approved in 1988, encompassing land between Avery-Muirfield Drive and Emerald Parkway, divided into subareas A through M. Permitted uses include commercial, industrial, residential, and office. A 14-acre Subarea J of the Perimeter Center plan was created in 1998 to allow MAG to develop. This rezoning proposes to include some land on the east side of Perimeter C with Subarea J and create a new PUD for MAG. That PUD would no longer be in the Perimeter Center PUD, but would be its own free-standing PUD. The area for redevelopment is in the southeast corner of the site. There is a 60,000 plus square foot building located on the site, which houses many different car franchises and the administrative offices. There is a smaller building to the north, which houses the Land Rover franchise. The display area, customer parking and a retention pond are also on the site. The site is fully developed with mature landscaping and screening for the loading and vehicular areas. The rezoning proposes to add a building of 46,000 square feet. It will include a four-story expansion, which will continue the design that distinguishes the MAG campus – the pods that protrude from the front of the building. The expansion of MAG's campus is necessary due to its recent acquisition of the Linworth Volvo dealership. The rectangular parcel includes two buildings with several automotive franchise showrooms, sales offices, service bays, and all the MAG administrative office functions. It will also include a suite for the MAG owner. The expansion will also include a 2,000 square feet, free-standing carwash just north of the building, adjacent to Venture Drive. The Planning and Zoning Commission requested that the text clarify that the carwash is not intended for public use, and the applicant has

made that clarification. The development text and a development plan already exist. Many of the deviations from Code were not included in the development text but were approved as part of the development plan. In working with the applicant throughout this process, staff has requested that they make their development text more consistent with the current practice of listing all site details listed and described within the text, even though the details are listed on the final development plan. The Planning Commission recommends approval of the rezoning and preliminary plan with the eight conditions as noted on the January 21, 2010 Record of Actions. Conditions #3 through #8 have already been met by the developer.

Ben Hale, Jr., Smith & Hale, 37 W. Broad Street representative for the applicant, Brentlinger Real Estate, noted that the proposed building is very striking, and the architect, John Oney, is present to comment on the architecture. The original rezoning had a height limit, and this building does not exceed that limit. The development text contains a lengthy description of the signage. It actually describes the existing signage package for MAG, which is very tasteful; the new signage will be consistent with the existing.

John Oney, Architectural Alliance stated that in 1998, Mark Brentlinger took a "leap of faith" and created the innovative, award-winning MAG campus. Now, in difficult economic times, he is again investing in the continued growth and success of MAG, creating new jobs and income for the City. This expansion will result in 16 high quality, luxury automotive brands that will accommodate a large number of Dublin residents. Architectural Alliance was not the original architect of the MAG campus, who created a design that has stood the test of time. Mr. Brentlinger was involved significantly in that design as he has been with the design of this expansion. He required that this design remain loyal to the architecture of the existing building and campus and continue its spirit. This design meets that criteria and provides a new center, a focal point, for the MAG campus as can be seen from the 3D PowerPoint presentation [presentation shown].

Mr. Keenan requested clarification regarding the fourth story of the building.

Mr. Hale responded that the fourth story will actually be one unit -- the owner's suite.

Mr. Keenan inquired if that unit is also within the height limitations.

Mr. Oney responded affirmatively. The height limits are 65 feet. This addition is 47 feet, 10 inches at its highest point.

Ms. Husak noted that the service area is actually below grade.

Ms. Chinnici-Zuercher inquired if the road is to be moved to the east.

Mr. Hale responded that it would be moved slightly to the east to accommodate the dealership. It will also replace the view of a blank wall with a more interesting view.

Mrs. Boring stated that there has been past controversy regarding the landscaping of the individual "fingers." How will those concerns be addressed with the new plan?

Ms. Husak responded that she believes the controversy was whether the landscaping around the "fingers" was installed and maintained at the height shown on the development plan. Staff inspections confirmed that it was. There will be no changes; the "pods" will be maintained as they are with the existing landscaping.

Mrs. Boring responded that she believes the height of the landscaping is too low.

Ms. Husak responded that it may be too low based on the Code requirements, but it meets the approved development plans.

Mrs. Chinnici-Zuercher stated that several of the current Council members were on the Planning & Zoning Commission at the time the development plan was approved, and what exists on the site now does not appear the way it was described to the Commission. There was an expectation that it would be further south, closer to SR 33, and elevated more. The description that the attorney provided Council on the case at that time created an expectation of something very interesting. The landscaping in place may meet the text, but it does not meet the spirit of the what was presented to Council.

Ms. Husak responded that she has heard that comment from others -- that it was intended to slope downward much more than it actually does.

Mrs. Boring stated that the plan proposes an increase of a few trees. A car dealership may be permitted to have a site that is 40 percent non-landscaped, but she would like to see the new landscaping be more compliant with Code.

Vice Mayor Salay pointed out that this is a planned district

Ms. Husak responded that it is. Nothing has been proposed to change the landscaping for the "fingers."

Mr. Reiner stated that he met with the architects on this case, and he would like to compliment them on the integration of the old and the new architecture and the use of high quality materials. He is certain there are many other communities who would be glad to have a Volvo dealership in the current economic climate. He appreciates Mr. Brentlinger's loyalty to Dublin and his decision to move forward at this time with this aggressive program.

Mayor Lecklider stated that the 65-foot height limitation was in the original text. Although he doesn't see any height designations in these plans, the statement was made that there is no building over 47 feet, correct?

Mr. Hale responded that the highest point is 47 feet 10 inches.

Mayor Lecklider inquired the height of the existing buildings.

Mr. Hale responded that they are 30 feet in height.

Mayor Lecklider stated that the text indicates that the alteration of sign panels would not require review by the Planning and Zoning Commission. Has that become the custom, or is it unique to this particular project?

Ms. Husak responded that it is not unique. The Code permits administrative approval of sign face changes in a planned unit development district. The design of the sign is not being changed; only the wording or logo on the face of the sign would be changed.

Mrs. Boring requested clarification. Is the proposal to take the entire MAG development out of the PUD within which it is currently located?

Ms. Husak confirmed that is the proposal.

Mrs. Boring inquired if the entire area will be rezoned.

Ms. Husak responded affirmatively.

Mrs. Boring stated that if it is a request for rezoning, it is possible to request different landscaping.

Ms. Husak confirmed that is correct.

Mrs. Boring stated that she likes the building, but believes the landscaping should be enhanced to meet the spirit of what was presented to the City previously.

Mayor Lecklider requested Mr. Hale's response.

Mr. Hale responded that they would be glad to discuss this with staff, but he does not believe the area is under-landscaped. In reviewing the entire package, including the signage, MAG has less signage than a business usually is permitted to have under the City's Code. The complete package is exceptionally tasteful. However, he would be happy to meet with the City's landscaping staff to determine whether additional landscaping is needed to improve the site.

Mayor Lecklider asked if the proposed text actually memorializes what is already existing.

Mr. Hale responded that the entire site actually did not need to be rezoned, but only the east side. However, staff preferred to rezone the entire site to bring the text up to date, because the text does not contain all the standards that were approved in the original development plan. All the "exceptions" that had been notations on the plan are now included in the text. For future review purposes, the updated text will clarify the rights and duties.

Ms. Chinnici-Zuercher asked if the other MAG businesses on Post Road would be moved to this area.

Mr. Hale responded that the owner of that business is interested in doing so, as the site in that location limits their service. He believes their lease expires in 2012. This rezoning request will be followed by an additional rezoning request to permit BMW to move to this area. However, at this time, there is no commitment to do so. The desire is to complete the loop in this area to add BMW and the Mini Cooper.

Mr. Reiner asked how much additional land the owner has in this area.

Mr. Hale responded that he owns an additional 15 acres. However, only seven to eight acres would be needed for the additional rezoning. Some land would remain to the east, adjacent to the Children's Hospital facility, that would not be included.

There will be a second reading/public hearing at the February 22nd Council meeting.

**Ordinance 08-10**

**Rezoning Approximately 0.67 Acres Located on the Northeast Corner of the Intersection of North High Street and North Street within Historic Dublin from CB, Central Business District to HB, Historic Business District. (Oscar's – Case 09-109Z)**

Mr. Gerber introduced the ordinance.

Ms. Rauch stated that this rezoning is for Oscar's restaurant and parcels at 72 and 84 North High Street and 20 North Street. The property consists of .67 acres and is currently zoned CB. The proposal is to rezone to HB, as it is located within Historic Dublin. She noted the following:

- The site consists of three separate mixed-use buildings with a shared parking lot to the rear of the building and patio and deck area located between 72 and 84 N. High Streets.
- Within the past year, the applicant submitted an application for site and architectural modifications, and approval was given in November 2009 by the Architectural Review Board.
- The approved site plan, as included in the packet, outlines an approximately 1,000 square foot building addition located between 72 and 84 N. High Streets as well as modifications to the site, including patio modifications for 84 and for 72 N. High Street along the N. High frontage.
- The ARB also approved architectural details for this, which includes two-story gabled elements on the front and rear elevations.
- The proposed modifications also required multiple variances, which the Board of Zoning Appeals granted in December 2009. The Planning & Zoning Commission reviewed and recommended approval to City Council of the rezoning application.
- A second agenda item tonight relates to the patio's location within the right-of-way, requesting approval of an encroachment.
- Based on Planning's analysis, the proposed rezoning complies with the Area Plan and the Community Plan's future land use designation. It meets the City's long-term goal of ensuring that properties within the Historic District are located within zoning classifications that are consistent with the development patterns such as those existing in the District.

Planning staff and the Planning & Zoning Commission recommend approval of the rezoning request.

She noted that the applicant is present tonight as well.

Mayor Lecklider invited Mr. Eggspuehler, applicant to comment.

Jack Eggspuehler, 7051 Coffman Road, applicant offered to respond to any questions.

Ms. Chinnici-Zuercher asked for clarification of the exact location of the addition.

Ms. Rauch noted that the addition will be in between the 72 and 84 N. High buildings. Currently, a deck and patio exist in this area.

Ms. Chinnici-Zuercher noted that the history provided indicates that in 1987, when the property was originally zoned, there was a significant variance granted from parking requirements. Currently, there are significant issues raised by business owners in Historic Dublin about the lack of parking for their customers/clients. Why then was a waiver of parking requirements approved by the City in December of 2009, considering that the parking issue is a major problem for business owners, including the owners of Oscar's? Ms. Rauch responded that the BZA granted the variance based on the fact that there is a shared parking agreement for spaces at nearby Rivers Edge to be used after 5 p.m. by customers of Oscar's. Planning's recommended and the Board agreed that the mix of uses could offset the parking needs for this site.

Ms. Chinnici-Zuercher stated that Council has heard that both employees of Oscar's and customers are not interested in walking the distance from these remote parking spots. Currently, there is no valet parking for this restaurant that would transport cars to the

Rivers Edge parking area. Will the applicant be adding valet parking on the east side of High Street in order to utilize parking some distance away? Where will this valet parking be located?

Jack Eggspuehler, 7051 Coffman Road, Dublin stated that he is the owner of the property and half owner of the business of Oscar's. He provided a brief history of Oscar's, which was founded by his wife as a coffee shop years ago. He is gratified to see that Oscar's has made a real contribution to the City of Dublin, and that the food and atmosphere have contributed to good fellowship for the people of Dublin. He hopes it will continue to do so. He and his partner, Mike Tibbetts felt that Oscar's needed a fresh look and settled upon an option of making an addition between the buildings. This continues the concept of side-by-side buildings in Historic Dublin, such as those along Bridge Street. They are pleased to be invited into the Historic District officially, although they have claimed this identify for sometime. They are applying for permission from the City to have valet parking available in front of Oscar's.

Vice Mayor Salay asked if the valet parking would be located on the N. High Street frontage of Oscar's.

Mr. Eggspuehler responded affirmatively, noting that they are hopeful of securing such approval. It is their desire, and they will apply for this.

Mr. Keenan asked if the valet parking would serve Brazenhead as well.

Mr. Eggspuehler responded affirmatively. Tucci's already has valet parking available.

Mr. Keenan asked how many spaces are available at Rivers Edge.

Vice Mayor Salay asked if this parking lot will serve the valet parking.

Mr. Eggspuehler responded affirmatively.

Ms. Rauch noted that there are 100 parking spaces available at Rivers Edge.

Ms. Chinnici-Zuercher noted that Mr. Eggspuehler has indicated only his intent to seek approval of valet parking.

Mr. Eggspuehler responded that they will aggressively seek such approval.

Ms. Chinnici-Zuercher asked why the valet parking option was not considered at the outset? There is no guarantee it will occur. There is a problem with parking in the district, and with the hill access to the Rivers Edge, it is not inviting for many people. Valet parking would address these concerns. However, she is concerned with not having the valet parking approved prior to the request for a rezoning approval. If the valet parking is not approved, the parking problems will only be compounded.

Mr. Eggspuehler emphasized that this is not a devious plan to bifurcate the issues. They simply did not think of the option of valet parking at an earlier date. Recently, he has begun to aggressively discuss this matter.

Mr. Reiner noted that he is not aware of the parking available at Rivers Edge. How is that designated?

Mr. Eggspuehler responded that it is signed. There is signage at the intersection indicating Oscar's parking is available after 5 p.m. in this location.

Mr. Reiner asked if there are stairs to climb the slope from the Rivers Edge parking area.

Mr. Eggspuehler responded that most people walk in the street from the remote parking to the restaurant, but there are steps available.

Mr. Reiner stated that his concern is with the slope and steps may assist in access to and from.

Mrs. Boring stated that a representative of the restaurant has indicated there is no issue with parking at lunchtime, and that there is a separate parking lot serving employees.

Mr. Eggspuehler responded that there is a designated parking area for employees that Oscar's leases near 32 N. High Street. (He demonstrated the location on the map.) They ask employees and those working in the building to park elsewhere in order to maximize the parking available at the rear of Oscar's for the customers.

Vice Mayor Salay stated that the Historic District parking is on tonight's agenda. The City is asking Historic Dublin businesses to have their employees park in remote locations in order to free up parking for visitors and customers. She asked for confirmation that with this addition, Mr. Eggspuehler believes the parking needs can be met, with or without the

valet, and that he will not ever say that the City needs to do something to help with parking supply.

Mr. Eggspuehler responded that he will commit personally to that. They felt that valet parking would ease the situation at Oscar's, which prompted them to consider it for the first time. He regrets it was not considered earlier. He commits to pursuing the valet parking option for his development.

Mr. Gerber stated that this would not be the first time that Council imposes a condition with respect to additional parking requirements, such as securing approval for valet parking to utilize the 100 parking spaces as a condition of the approval process for the rezoning.

Mayor Lecklider asked if Mr. Eggspuehler understands what is being proposed, namely, that a condition of this application would be that he proceed with securing valet parking approval as described.

Mr. Eggspuehler responded affirmatively. They are committed to securing valet parking. Mayor Lecklider asked if it would be acceptable to make this a condition of this rezoning approval.

Mrs. Boring asked for details. Would the valet parking approval have to be secured prior to issuance of building permits? Otherwise, the condition is not enforceable.

Mr. Smith responded that a variance would be needed from ARB for the valet parking. He asked when Mr. Eggspuehler plans to initiate the construction work, as there is likely adequate time to file the application for valet parking.

Mr. Eggspuehler responded that they expect to begin construction in approximately 5-8 weeks.

Mr. Gerber stated that he does not believe establishing a timeframe is necessary. The rezoning could be subject to approval of valet parking. If the applicant does not seek such approval, he would not be permitted to proceed with the project.

Mr. Smith agreed that this would be acceptable, and Mr. Eggspuehler has adequate time to apply for the valet parking with ARB. The occupancy permits would not be requested for months after construction begins.

Mr. Keenan, Vice Mayor Salay and Ms. Chinnici-Zuercher also indicated their support of such a condition.

Mayor Lecklider asked if Mr. Eggspuehler would agree to a condition requiring approval of valet parking by ARB.

Mr. Eggspuehler responded affirmatively.

Mr. Smith noted that he will prepare a draft of such a condition for Council's consideration at the next hearing and will discuss this with the applicant.

Mayor Lecklider confirmed that Mr. Eggspuehler is agreeable to such a meeting to draft the condition.

(Mr. Eggspuehler agreed.)

Mr. Gerber moved to direct the Law Director to meet with the applicant and draft specific language for the condition related to valet parking for Council's review at the second reading/public hearing.

Vice Mayor Salay seconded the motion.

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

Mayor Lecklider noted that this motion will memorialize Council's intent in regard to this matter.

Mrs. Boring asked the Law Director for affirmation that Council can append this condition to a rezoning, whether or not the applicant agrees to such a condition.

Mr. Smith responded that Council can do so, but it is somewhat more difficult due to the fact that this is a straight zoning. Staff will work with the applicant on this matter.

Ms. Chinnici-Zuercher summarized that Mr. Eggspuehler has indicated that it was not his intent to go forward at this time for a valet parking application with ARB. Council is merely stating that they would like this to be done before the building addition is initiated. Mr. Eggspuehler concurred.

Mrs. Boring asked staff to explain the public park aspect of this rezoning. Is a portion of this City property?

Ms. Rauch responded that the land is not owned by the City.

Mr. Smith responded that, based on research of minutes, when the patio was originally constructed, the owner was asked to leave the patio open to the public for use. The applicant agreed. However, because of the liquor license, there are restrictions. Adding a condition that the patio be open to the public would create an issue with the liquor license. He will provide a memo regarding this matter for the next hearing. He pointed out there was a request for such access in the minutes, but there was never a formal condition regarding public access to the patio.

Mr. Reiner summarized that it is private property. Is there a similar situation at Tucci's across the street?

Mr. Smith responded that there are public benches outside of the wrought iron railing, and that area is public. J. Liu's has a wide sidewalk, but liquor cannot be served outside of their fenced patio.

There will be a second reading/public hearing at the February 22 Council meeting.

#### **Ordinance 09-10**

#### **Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.136 Acres, More or Less, Utilities Easement from Dublin United, LLC.**

Vice Mayor Salay introduced the ordinance.

Mr. Smith stated that this is the final easement needed for the Cardinal Health project. They are accepting the City's appraisal of \$12,342.00. Staff recommends this be held for second reading/public hearing on February 22. Staff will provide a map for the second reading.

There were no questions.

There will be a second reading/public hearing at the February 22 Council meeting.

#### **Ordinance 10-10**

#### **Authorizing the Provision of Certain Incentives to Perio, Inc. to Induce the Expansion of its Headquarters, 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 Perio, Inc. is currently headquartered in Dublin on Wilcox Road. They were founded as a dental appliance and supply company, and in 2001 they purchased Barbasol from Pfizer. They are currently out of space at their headquarters and are constructing a manufacturing facility in Ashland, Ohio. Perio, Inc. approached the City about the options of a modification to the interior of their building to convert the warehouse to office space or moving their headquarters to Ashland, Ohio. Before Council tonight is an economic development agreement, which is a five-year, 12 percent performance incentive on withholdings collected and is capped at \$55,000 for the term of the agreement. The company plans to grow from 27 to 42 headquarter jobs. The company president will attend the second reading on February 22<sup>nd</sup>. She offered to respond to questions.

Vice Mayor Salay asked where the expansion will take place.

Ms. Gilger responded that it is an interior expansion of the building, which currently is 50 percent office and 50 percent warehouse. They will convert nearly the entire warehouse to office space.

Ms. Chinnici-Zuercher stated she was fascinated to hear the story of this company, which is headquartered in Dublin. This would make a great story for the newspaper.

There will be a second reading/public hearing at the February 22 Council meeting.

**INTRODUCTION/PUBLIC HEARING - RESOLUTIONS**

**Resolution 12-10**

**Accepting the Lowest and Best Bid for the Tartan West Booster Station Upgrades Project.**

Ms. Chinnici-Zuercher introduced the resolution.

Mr. McDaniel stated that bids were opened for this project on January 26. This project includes installation of new pumps, new pump equipment, electrical upgrades, pending upgrades to the Tartan West booster station, and replacement of the sump pumps at the Brand Road station. The project estimate was \$158,600, and the CIP budget amount was \$170,000. The lowest/best bid was for \$154,900. Six sets of bid documents were taken out, but only one bid was submitted. Staff believes this is due to the small size of the project and relative uniqueness of the pumps. Staff has experience in working with this company in the past, and recommends approval at this time.

Mr. Keenan asked what kind of disruption will occur for the residents during this project.

Mr. McDaniel responded there will be none.

Mr. Keenan asked that if staff later anticipates any disruptions as the project begins, they notify the residents.

Vice Mayor Salay asked about the age of the Tartan West booster station.

Mr. McDaniel responded that it is five years old.

Vice Mayor Salay asked why improvements are needed for a relatively new facility.

Mr. McDaniel responded that the project involves the pumps, which are subject to wear issues. Pump upgrades and replacements have been anticipated in the CIP programming. This is well within the expected life cycle for a rebuild.

Ms. Grigsby stated that there were some reviews done of the pumps, and Columbus had some concerns related to the size of the pumps. Therefore, this project will replace smaller pumps with larger ones.

Mr. McDaniel added that there are upgrades for three other pumps as well.

Ms. Grigsby noted that the pumps were programmed as a result of the audits done on the pumps. The City of Columbus and Dublin's consultant recommended the work be done.

Mayor Lecklider clarified that in terms of disruption, the work will take place inside an existing structure. The only disruption would likely be truck traffic.

Mr. Keenan noted that the disruption he refers to is that related to heavy truck traffic with the project.

Mr. McDaniel noted that he will send an e-mail to Council regarding the details of the project.

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

**Resolution 13-10**

**Authorizing the City Manager to Enter into a Cooperative Design and Right-of-Way Acquisition Agreement with the City of Columbus for the Improvement of Emerald Parkway between Tuttle Crossing Boulevard and Rings Road.**

Vice Mayor Salay introduced the resolution.

Mr. McDaniel reported that staff learned today in a meeting with the City of Columbus that they would like to modify the contract so that the City of Columbus will take the lead on the land acquisition component within the City of Columbus portion of the project. The City of Dublin agreed to serve as the lead in the design and acquisition process, but Columbus has now requested the modification to the land acquisition for the Columbus portion. Staff can agree to this change and bring it back for the next Council meeting, or proceed in

whatever manner Council desires. Staff recommends postponing this resolution until the February 22<sup>nd</sup> meeting.

Mr. Keenan asked if this change would result in any delay in timing for the project. Mr. McDaniel responded that there is funding from the Ohio Public Works Commission involved, and therefore staff believes Columbus will move forward quickly.

Ms. Chinnici-Zuercher stated that she is hopeful a cooperative working relationship can be maintained with Columbus for this project.

Vice Mayor Salay moved to postpone the resolution to the February 22 Council meeting. Mr. Gerber 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.

Mr. Keenan asked if there are time restrictions related to use of this OPWC funding. Ms. Grigsby stated that the grant funding restrictions are that the project cannot be initiated until after July 1, but must be initiated within the 12 months following July 1, 2010.

Mayor Lecklider noted that a line item in the documents reflects a roundabout. Where would that be located?

Mr. McDaniel responded that, initially, staff considered the alternative of a roundabout for the intersection of Glendon Court and Lakehurst within the City of Dublin; later, it was determined it would be signalized instead.

Ms. Grigsby added that much of the issue related to the necessary right-of-way needed for a roundabout and the impact on the surrounding properties and parking lots.

#### **Resolution 14-10**

##### **Appointing a Member to an Unexpired Term on the Board of Zoning Appeals.**

Vice Mayor Salay introduced the resolution.

She noted that the Administrative Committee of the Whole met tonight to interview applicants. She moved to appoint Kathy Ferguson to the unexpired term of Sean Cotter.

Mr. Gerber seconded the motion.

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

Mr. Keenan added that many qualified candidates were considered for this position. He encouraged those who were not selected for appointment to continue to seek opportunities for service with the City.

#### **STAFF COMMENTS**

- Bridge Street Corridor Study – Near Term Historic District Parking Strategies

Mr. Foegler reported that as part of the study, staff has pulled together some of the early action items identified for the Historic District. In looking at these, staff wants to make sure they are vetted through the process of the larger, comprehensive planning effort. To the extent possible, staff would then push some of them forward now versus waiting until the end of the planning process. Council also asked that staff focus initially on some of the parking-related initiatives related to the study. Based on what is known today, the following action items/strategies would make sense to pursue immediately and relate to parking.

##### On Street Parking

1. The primary strategy with immediate benefit would be the provision of on-street parking, particularly along Bridge Street. This has been discussed for a number of years. The advantages of such parking would be calming and slowing traffic as a result of the perceived narrowing of the roadway and the fact that drivers will be entering and exiting vehicles, which moderates traffic. For pedestrians on the sidewalk, the parked cars provide a protective row and make the sidewalk more pedestrian friendly. Given the inability to provide wide sidewalks in these locations, the provision of on-street parking does an extraordinary job of providing that sense of safety. It also makes for a shorter

- number of lanes for a pedestrian to cross, and is less threatening to pedestrians who can cross a smaller number of lanes.
2. From a development cost perspective, the pavement already exists and so it is a very efficient way to add new public parking. Frequently, it is at the optimal location for such parking as well.
  3. From a traffic engineering perspective and those wanting to preserve road capacity, there are tradeoffs. One tradeoff becomes the number of hours that on-street parking can be allowed. The report anticipates such parking could begin at 7 p.m. in the evening on business days. The plan requires that the cars be removed by the peak hours in the morning and so enforcement and the associated education is a critical part of this.
  4. In terms of possible locations considered, the Bridge Street corridor was identified and staff believes that 45 spaces can safely be added for the non-peak hours. North High Street was also considered for four spaces, and North Street. On High Street in general, significant provision of parking spaces where there are large numbers of curb cuts is not practical to add. For the vast majority of the rest of the frontage, a significant amount of new parking can be added for off-peak hours of 7 p.m. to 6 a.m. weekdays. Staff will try to expand that to cover as much of the weekend as possible. Additional traffic counts are needed, and Engineering staff believes the most realistic numbers on those counts can be obtained during the month of March.
  5. The enforcement and education piece are critical, as it is a radical change. A program will be needed for notification and perhaps City vehicles will be installed at the beginning of the program with signage on them to notify of the change. The enforcement side is important because cars cannot be left overnight and then not moved in the morning. But the benefits overall are extraordinary.
  6. On North High Street, through restriping alone, Engineering and others believe that four spaces can be added on the west side of High in this location. On North Street, parking can be added on the north side, but staff concluded that the conflicts with the underground utilities and other factors bring the cost to \$18,000 per space for four spaces. Therefore, staff is not recommending this be pursued at this time.

#### Strategic Management of Parking in Historic District

1. As Council is aware, most of the businesses struggle with the issue of having their employees opt to take the more remote parking locations in the District. Staff believes that the City can assist by being part of an educational campaign to work with them. Based on the increased parking demand, and additional utilization of valet parking moving forward, a strategy is needed to coordinate this comprehensively. Staff believes the City can bring the parties together to provide such a coordinated approach to valet delivery.
2. The color-coded map shown to Council identifies the private parking spaces in brown; public parking in green; and time limited spaces in purple. The current agreement for the time limitations is very minimal, and is not effective in providing public parking. What is evident is there is a volume of parking available at the Dublin Community Church and the library. Discussions have taken place with both entities about formalizing a cooperative and shared arrangement for the parking to be used for public purposes during their non-peak hours. The parties have been receptive and would like to advance those. This would bring a significant amount of additional supply in critical time periods, if such agreements can be negotiated.
3. Issues have been raised regarding enforcement, particularly for the shorter duration spaces. Code Enforcement has been sporadically utilized for this purpose, but staff would like to do this with a more coordinated approach.
4. A report will be provided to Council at the next meeting regarding the wayfinding plan, its status and estimated completion date. This will direct people to resources available in the District.
5. As shown on the graphic, there is a significant amount of parking currently located around the District. Much is private parking, and some of this is under utilized. With the current Darby street public parking lot, there may be opportunities to add spaces. Staff has also reviewed the library parking lot, and if the City were to take a lead on providing additional spaces, reviewed what spaces could be added in

between the existing parking areas. It appears there could be a net gain of 88 spaces provided. With the end of the construction for BriHi Square, parking will be opened up in areas, which are currently used as staging for equipment.

6. Staff has looked at a more efficient layout of the private parcels which exist, if a cooperative effort took place, with coordinated marking and paving. This could result in an additional 24 spaces.
7. Staff believes that tremendous efficiencies could result from a better managed system in the area. To do so, it is important to understand the nature of the parking demand. A parking demand study would look at the turnover of spaces, who is using them, peak hour conditions, and duration of occupancy. If it is determined that employees are utilizing prime spaces as suspected, strategies will be developed to secure the businesses' cooperation in accommodating remote parking for employees in the District.
8. Much of the parking demand study could be done with existing resources, but staff would recommend having some capacity to secure more resources for this purpose. The capital budget for 2010 set aside monies for the Bridge Street initiative and this would be an appropriate use of these monies.

Staff recommends that the necessary analysis and recommendations for on-street parking begin, and that discussions be initiated with stakeholders in the Historic District regarding the issues raised tonight. The parking demand study, completed in a timely fashion, will provide needed information and the funding is available for this.

He offered to respond to questions.

Mr. Keenan asked what the anticipated timeframe would be for the parking demand study.

Mr. Foegler responded that, based on the need for some good weather with outdoor seating and related parking demands, he believes that the study can be completed by June and on-street parking implemented by that time as well.

Mr. Keenan suggested that perhaps 45-degree parking could be provided, using some of the easement, in the area where staff has indicated there are utility conflicts. This type of parking is provided in many historic districts. That may lower the cost per space significantly. There are some other parking areas in the District where 45-degree parking could increase the spaces available versus parallel parking. (He pointed to areas on the graphic displayed.)

Mr. Foegler responded that his sense is there could be gain in numbers, but given the arterial nature of the roadway and the traffic movement, it may not be feasible. There is also a desire to provide connections from parking areas with lighted walkways and paths so that they are utilized and people feel safe using these remote parking areas. He will ensure that the study considers these options as suggested.

Mr. Keenan noted that with the additional parallel parking added on Bridge Street, is there the ability to move emergency vehicles through the signal, similar to what is done on the Avery corridor? Reducing this from five to three lanes for portions of the day may warrant consideration of such a system. This would be relatively inexpensive to do.

Mr. Foegler responded that staff will explore this as well.

Mr. Reiner asked about Blacksmith alley, which was reviewed ten years ago in relation to parking supply. How does staff envision managing the parking?

Mr. Foegler responded that having the data from the parking demand study is the first step. In looking at cooperative parking, what emerges are individual businesses reaching out to others for small numbers of spaces. This is already occurring in Historic Dublin. Staff believes the City can play a role in facilitating potential joint use spaces to better serve the public. At some point, however, Council will have to decide whether there is a need for something such as a Special Improvement District or such entity to bring all entities together, creating a Board, and partnering with the City in contributing to the solution. Such an entity provides a mechanism for contributions and becomes an entity with which the City can strike more formal relationships and arrangements. The initial focus will be on informal efforts to explore potential solutions. To the extent more formal mechanisms are needed, staff will come back and recommend those to Council.

Mr. Reiner stated that many of the sites would require significant construction correction to make them suitable for parking. Now that the storm sewers have been installed by the City and the drainage issues resolved, the property owners can make these improvements.

Ms. Ray added that there are also some historic structures in the area to consider, and there will be many property and business owners that will need to cooperate to address these issues. Many of the parking areas are gravel and not paved or improved.

Mr. Reiner recalled that ten years ago, the concept was that the City would pave, landscape and light them in exchange for allowing use of the parking areas after certain hours. The discussions broke down when the landowners also wanted the City to pay them substantial monies to use their sites for parking. Perhaps conditions have now changed in the District.

Mr. Foegler noted that it would be in the mutual best interests of the property owners to cooperate on this. Hopefully, the data will serve to direct the provision of new facilities where the parking demand warrants it.

Ms. Chinnici-Zuercher noted that the parking demand is currently not in the area south of Bridge Street, and until more restaurants with liquor licenses develop in this area it will likely not change. She recalls that years ago, there was some resentment by property owners who purchased property to meet their parking needs while others at the northern end of the District were granted waivers from parking requirements. However, if the parking demand exists, based on the data, perhaps there will be a different view. Regarding the demand, the BriHi development may not be open long enough by June to have a good sense of the increased demands for parking. Therefore, she is somewhat concerned with the level of information available by June and whether it will reflect parking needs throughout the summer patio season.

Mr. Foegler responded that better data would be available by waiting, but given the demand today, what is known to be and projected to be coming online, there is value in proceeding with the majority of the study at this time.

Ms. Chinnici-Zuercher agreed, noting that she has observed people moving cars every two hours where parking is time restricted. Hopefully, a demand study will recognize that practice, which is occurring at the lot behind Town Center II.

Mr. Foegler noted that patterns are emerging such as this, and staff wants to come back to Council with some targeted strategies for the spaces in this location. Working with the adjacent church to utilize some of their parking in off hours may help, and it will require education to have the employees use these more remote parking spots.

Ms. Chinnici-Zuercher noted that she is hopeful that the report to be provided about wayfinding includes an implementation timeline. This has now been underway for three years, and it is time to move forward.

Mr. Reiner commented about the library area and the potential parking opportunities. He is aware that Dublin is part of the Columbus Metropolitan Library system and that library funding from the state has been reduced. But in view of the millions spent on sports and recreation facilities in Dublin, he would like to see an improved Dublin library that can better meet the intellectual needs of the residents. Other communities, such as Upper Arlington have outstanding library facilities, which serve as a location for community events as well. Using the abutting land to the library for public parking will eliminate any possibility for expanding the library in the future. Dublin does need to have an improved library to serve this growing community.

Mr. Foegler agreed. He noted that the spaces identified on that lot have not been "blessed" by the library Board. The current effort is focused on identifying what kind of spaces exist in order to add spaces in high demand areas. He added that the library officials have been very receptive and very interested in the Bridge Street Corridor studies. The concept for new potential locations that would serve both the development and their needs in the long term with a more significant presence is something they seem very supportive of and interested in pursuing.

Mr. Keenan clarified that he would view long-term development for the library as being in another location. In fact, Council has had discussions in the past few years about the community's needs for a larger and improved library. A relocated library could also serve as a center for another development area in the city.

Vice Mayor Salay stated that Council toured New Albany several years ago, and their library is also part of the Columbus Metropolitan Library system. However, New Albany as

a community provided support to build a larger library than was planned. This is an interesting model to explore for Dublin.

Mr. Reiner agreed that Dublin should do likewise, as it is important to meet the intellectual needs of the residents. The current library facility is not in scale with the size of the community it serves.

Mayor Lecklider added that the library is now closed on Sundays, which is a reflection of their funding issues.

Mr. Foegler noted that on the other hand, from a parking demand perspective, the library is closing earlier – closer to the peak hour for the District, which increases the library's willingness to make those parking spaces available. At the same time, he acknowledged that the reduction in hours reduces the accessibility to the library system for the users. Partnering with the library, as has been done in other communities to improve what is offered should be considered for the future planning.

Brief discussion followed about the funding for libraries in communities with their own libraries.

Mrs. Boring noted that Dublin residents who live in Delaware or Union counties use the Dublin branch library yet currently don't contribute through the Franklin County property tax levy for the library system. It would be beneficial if a Dublin library system would align with the Dublin School District boundaries.

Mr. Keenan stated that these residents likely pay toward the Delaware County or Union County library systems.

Mr. Foegler summarized that, in any case, staff is aware that the library is a critically important community facility and as part of the Bridge Street Corridor study should be looked at as an important contributor. Staff will bring back information for further discussion at a later date.

Ms. Chinnici-Zuercher commented that she, former City Manager Brautigam, Patrick Losinski, Columbus Metropolitan Library Executive Director and the Board Chair met about three years ago and discussed a concept of cost sharing. The library was just beginning a strategic planning process at that time and wanted to complete that before having further discussions with the City. She had another discussion with Mr. Losinski last year, following the state budget reductions for the library, and he indicated the library's interest in first pursuing a levy that was essential to the entire system. The library is very open to any of the models discussed tonight, and they recognize that future libraries will likely be built under a partnership arrangement such as that in New Albany. The Dublin branch library manager, Michael Blackwell has also been participating in the Bridge Street Corridor study.

Mr. Keenan stated that this would be a good goal setting topic.

Mr. Foegler stated that staff has continued discussions over the past year and met with the library this week on these ideas. Merging the City's planning efforts with the library's to generate the possibilities is very worthwhile.

Vice Mayor Salay suggested utilizing the resources of OCLC as well on this topic.

Mr. Foegler responded that staff is already engaged with them on such discussions.

Vice Mayor Salay referred to the parking discussion underway, noting that the proposed on-street parking along Bridge Street is exciting – enabling customers to park in front of the businesses and calming traffic as well. She asked for more information about the concept of parking City vehicles in the new parking spaces at the outset of the program.

Mr. Foegler responded that initiating the program by alerting traffic to the change in this way is one idea to consider.

Vice Mayor Salay stated that other downtown areas with such parking have issues with the need for signage to notify users of restrictions. She is concerned that there will be oversigning in the district, making it unattractive. Hopefully, the wayfinding system can incorporate such signage in a tasteful manner. It is also important to have a unified look in

the District. There are many existing areas in the District with aesthetic issues, and in looking at potential partnerships with businesses, such improvements would benefit both the businesses and the District.

Mr. Foegler summarized that staff will proceed along the lines of what has been shared in the recommendations tonight and will keep Council updated on progress.

**OTHER**

- Right-of-Way Encroachment for Patio – Oscar’s Restaurant (Case 09-105Z)

Ms. Rauch stated that this encroachment relates to the Oscar’s Restaurant, located at 72 and 84 N. High Street. The existing patio as well as the approved patio areas are currently located within the right-of-way along N. High Street. No formal approval was ever granted for these encroachments. This action will provide formal approval for the existing encroachment. The applicant is requesting approval of a right-of-way encroachment of four feet for these patio areas along N. High Street. Engineering and Planning have reviewed this proposal and a hold harmless agreement has been prepared. Engineering has determined that the patio does not interfere with the public use of the right-of-way, which is a requirement within the Zoning Code. Staff therefore recommends approval of this encroachment as outlined in the documents provided.

Vice Mayor Salay asked if there will be any changes made with the expansion of Oscar’s. Ms. Rauch responded that the patio will be extended slightly, with the approval granted by the ARB. But it is more of a lineal extension versus toward the roadway.

Mrs. Boring asked how wide the existing sidewalk is in this location.

Ms. Rauch responded it is five feet in width.

Mrs. Boring asked if staff has any recommendation of the appropriate sidewalk width to maintain in the historic area as it is further developed. It seems very narrow during events and when patios are in use.

Ms. Rauch responded that the site constraints create the problem in this case. Staff generally works to keep encroachments out of the right-of-way when possible. There are particular development standards in the Zoning Code that applications must meet.

Mr. Keenan moved approval of the right-of-way encroachment.

Mr. Gerber 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.

**COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE**

Vice Mayor Salay, Administrative Committee stated that there are several meetings which need to be scheduled for either committees or for a committee of the whole. In addition, Council needs to set a date for goal setting/strategic planning. She asked that Council Members review their schedules so that meeting dates can be agreed upon.

Ms. Chinnici-Zuercher:

1. Noted that several Council Members and City staff members attended Mr. Maurer’s recent piano concert. It was a spectacular performance, and she congratulated Mr. Maurer!
2. Reported that following the concert, she attended the last portion of the water tower meeting, but missed the presentation by staff and the consultants. There was a notification issue with the meeting, in that the only residents formally notified were those living on the portion of Aryshire who would visually be impacted by the water tower siting. This was problematic, as there should have been a broader-based notification of the meeting. In addition, it was apparent that education is needed for everyone about water tower placement – the criteria for selection of a site in particular and the land appropriate for a water tower. She is not certain of the next step in the water tower process, but a memo in the next packet with this information would be helpful.
3. Commented regarding the Bicentennial public art meeting held last week. One of the outcomes of public art is to create community “chatter” about public art, and that is what is occurring. Council should not shy away from the fact that public art creates this, and nearly all of the past public art projects have created similar “chatter.” Although the Veterans project generated much discussion at the time, people are now very pleased with the outcome.

Mr. Keenan:

1. Reported that he, Mayor Lecklider, Mr. Gerber and Ms. Chinnici-Zuercher met with Leadership Dublin last week. The session was very worthwhile, and the program is excellent. He thanked the participants for their involvement in the community.
2. Commented that the City staff did a fantastic job with snow removal last week! Given the conditions and the nature of the snowstorm, residents should understand the need to clear primary roadways as a priority, with the secondary and tertiary roads as a second priority. He did receive a text message from a resident thanking all of the City's road crews for an excellent job with snow removal.
3. Requested that an update be provided on the Grounds of Remembrance project, including the resolution of erosion issues, how signage issues are being addressed especially at night, and various other issues. He is interested in having all of these items addressed prior to the Memorial Day events of 2010.

Mr. Gerber noted that he concurs with Mr. Keenan's comments regarding the Grounds of Remembrance. These items should be addressed within the next month or two.

Vice Mayor Salay:

1. Commented regarding the delightful presentations of the Bicentennial art project proposals last week. The evening was very enjoyable, and the creativity of the presentations was spectacular.
2. Reported that long-time community resident, Edith Driscoll died this week. She had lived at her Post Road home for nearly 51 years. Ms. Driscoll became a neighborhood activist relatively late in life. Vice Mayor Salay met her during the 1997 City Council campaign, and Ms. Driscoll provided her with a book, "How to Win a Local Election." She had purchased the book during the referendum campaign for the SuperAmerica rezoning and was successful in that effort. Vice Mayor Salay noted that Ms. Driscoll spoke only when she had something important to say to Council. She is proud to have had her as a friend and sends her thoughts and prayers to her husband, Bill and family. Edith will be very much missed.

Mayor Lecklider:

1. Commented about the passing of Edith Driscoll, who years ago contacted him when he served as a trustee of the newly formed Wyndham Village Homeowners Association. She was trying to secure support for the referendum on the SuperAmerica rezoning. He enjoyed knowing her and her special perspective as a 50-year plus resident. She added much to the community.
2. Thanked the staff of Streets & Utilities and those supporting them in the snow removal effort over the past few days. The public should know that staff has been working 12-hour shifts daily, and with over 500 lane miles of roads to clear of nearly a foot of snow, staff has done an admirable job.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Lecklider moved to adjourn to executive session at 10:02 p.m. for legal and land acquisition matters.

Mr. Keenan seconded the motion.

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

The meeting was reconvened at 10:45 p.m. and formally adjourned.