

Dublin City Council

April 18, 2006

Mayor Chinnici-Zuercher called the Tuesday, April 18, 2006 regular meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

PLEDGE OF ALLEGIANCE

Pastor Terry Hofecker led the Pledge of Allegiance.

ROLL CALL

Present were: Mayor Chinnici-Zuercher, Vice Mayor Lecklider, Mr. McCash, Mr. Reiner and Ms. Salay. Mrs. Boring arrived at 7:05 p.m. Mr. Keenan arrived at 7:20 p.m.

Staff members present were: Ms. Brautigam, Ms. Grigsby, Mr. Smith, Mr. Ciarochi, Mr. Harding, Chief Epperson, Mr. Gunderman, Mr. Hahn, Mr. Hammersmith, Ms. Puskarcik, Ms. Ott, Mr. Earman, Mr. Burns, Ms. Lozier, Ms. Hoyle, Ms. Crandall and Ms. Nardecchia.

APPROVAL OF MINUTES

Vice Mayor Lecklider moved approval of the minutes of the April 3, 2006 Council meeting. Ms. Salay seconded the motion.

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

Mayor Chinnici Zuercher noted that the correction to the February 21, 2006 minutes requested by Mrs. Boring would be voted upon after Mrs. Boring arrives.

SPECIAL RECOGNITION

• Presidential Service Awards

Mayor Chinnici-Zuercher recognized the following citizens as recipients of Presidential Service Awards from the White House's Council on Service and Civic Participation:

- Family Award to Beth Hillman and twin daughters Amanda and Elizabeth for over 300 hours of service as program volunteers for the City of Dublin;
- President's Call to Service Award to Terry Hofecker for 4,000 lifetime hours of service as a volunteer chaplain for the City's Division of Police;
- President's Call to Service Award to Darleen Sillick for 4,000 hours of service as a Parks volunteer for the City of Dublin.

• Prudential Spirit of Community Award

Mayor Chinnici-Zuercher presented a proclamation to Dublin Scioto student Steven Engelhaupt in recognition of being one of the eight distinguished finalists of the Prudential Spirit of Community Awards in the State of Ohio.

• EarthWeek

Mayor Chinnici-Zuercher presented a proclamation to Beth Lozier, Maintenance Supervisor in recognition of EarthWeek which is observed in the City of Dublin from April 16-22. Ms. Lozier described the various activities taking place throughout the City in observance of EarthWeek.

• National Volunteer Week

Mayor Chinnici-Zuercher presented a proclamation to volunteers Terry Hofecker and Darleen Sillick in recognition of National Volunteer Week, April 23-29, 2006.

SPECIAL PRESENTATIONS

• Update from Franklin County Health Commissioner Susan Tilgner

Health Commissioner Susan Tilgner reported regarding the steps the Franklin County Health Department is taking to prepare Franklin County for a pandemic flu outbreak. It is one of the primary concerns in the field of public health. It usually occurs when a new Influenza A virus emerges suddenly among humans. When that occurs, there is little or no immunity. It causes serious illness and can be spread easily human to human. Pandemics are not new; in the 20th century there were three outbreaks, the most serious of which was in 1918. Recently, there have been many news reports on the bird flu caused by the H5N1 Influenza A virus, as there is concern that this virus could mutate and trigger the next pandemic. Currently, the bird flu has infected only humans who have had direct contact with infected poultry – approximately 200 cases worldwide within the past eight years. In the 1918 pandemic, primarily healthy, young adults, were infected. This differed from the seasonal flu, for which it is possible to make a vaccination. Because

influenza is an infectious, communicable disease, local health departments play a significant role in attempting to protect the public health. To do so, the Health Department tracks statistics for visas into the community; emergency room reports; school absenteeism; over-the-counter sales of medications; and reports on a list of 70 reportable diseases. The Health Department can impose quarantines, although this is not often done. To enforce quarantines, the Health Department works with local law enforcement. Should a vaccine be developed, the Health Department first distributes it to "first responders" followed by distribution at public health clinics. A coordinated Franklin County pandemic response is being developed. She distributed brochures regarding the "Ready in Three" program.

Mayor Chinnici-Zuercher thanked Commissioner Tilgner for the report and asked the public to take copies of the emergency preparedness information in the lobby provided by the Health Department.

- **New Voting Machines - Howard Heard, Franklin County Board of Elections**
Howard Heard, Franklin County Board of Elections, reported that local voting sites will have new voting machines in place for the May 2nd primary. Due to the vote recount in Florida during the 2000 National Election, Congress passed the "Help America Vote Act" allocating \$2 billion to update the voting system across the country. Because of that funding, Franklin County now has new voting machines. The voting machine, which weighs only 40 pounds, incorporates the ballot and the vote in a PEB (personal election ballot), similar to an ATM machine. The vote is cast by touch screen. There are 4,600 new machines as opposed to the previous 2,800 voting machines in Franklin County. He demonstrated use of the equipment and encouraged anyone to contact the Board of Elections if they have questions.

CITIZEN COMMENTS

Kevin Griffin, 5559 Kinvarra Lane, thanked Council for reading his emails and returning his phone calls. He moved his family to Dublin 21/2 years ago, and they enjoy living in Ballantrae in Dublin. They chose their building site based upon a copy of the map he has with him tonight. He picked up this copy a week ago from the Ballantrae Welcome Center. All of the roads on that map are either built or in the process of being built, with the exception of the Eiterman Road extension. The map indicates a future school site at the rear of their property on Kinvarra, and they purchased their home based upon that assumption. He and his neighbors are in shock. They do not allow their children to play in their front yards because of the traffic; now they will not be able to allow their children to play in their back yards because of traffic from this planned road extension. There are 12 houses on the west side of Kinvarra Lane whose homes all abut the Hilliard school district property. Those homes house 18 children. He was told that the Eiterman Road extension has always been planned because the Ballantrae residents would need a southern ingress/egress to the neighborhood. This is not true; they neither need nor want it. Only two residents work in Hilliard and would take advantage of a southern egress point. All of the other residents work in Dublin or north of Ballantrae. Unfortunately, there are many residents in Ballantrae who are not aware of how this road will impact them. This road is not being built for the benefit of Ballantrae; it is being built to service the 2,000 homes that will be built on the opposite side of Rings Road and west of Cosgray Road. The Ballantrae residents are extremely concerned about a pending traffic problem. Much to the residents dismay, they have learned that Eiterman Road is proposed to extend to the Tuttle Crossing extension; the Central Ohio Technology Park will be only two miles in the other direction; the new hospital under construction is located in that vicinity; new growth is planned on Shier Rings Road; 2,000 homes will be constructed in southwest Dublin; and not one, but two public schools will abut their backyard. He provided a petition to City Council, which is signed by 85 Ballantrae households. The residents expressed concern about signing the petition, due to the risk it could be perceived as selecting the road or a school. Neighborhood cut-throughs are a problem throughout Dublin. Therefore, he is not only asking that the Eiterman Road extension not take place, but that all neighborhood cut-throughs in future Dublin developments be prohibited. They cause problems and are unsafe.

John Pederic, Dalmoor Lane, Ballantrae, stated that all the parents are in favor of the plans for a school on the site mentioned by Mr. Griffin. They are all opposed to the extension of Eiterman Road. Dalmoor Lane has too much cut-through traffic as it exists. It is used as a cut-through to those avoiding the intersection of Avery and Rings Road – a

difficult intersection at which to turn left. Extending Eiterman will exacerbate that problem. It will also create a third north-south, two-lane road through or adjacent to Ballantrae. Elterman Road will become the road of choice for many who travel between Plain City and Avery Road south of Rings Road. It causes an even greater problem if it is completed before the improvements to Avery and Cosgray Road. He assumes that City Engineers have developed a traffic demand model for all the roads in Dublin south of SR 33, and that the model indicates a need to extend Eiterman Road. However, models do not predict the future; they only provide assumptions about future traffic needs. He urged Council to direct that the extension of Eiterman Road be postponed until after Avery and Cosgray Roads are improved. Traffic problems then developed may shed more light on a need to extend Elterman Road. He commented on his personal situation in selecting a home in Ballantrae, based on the attributes of the community. They are very concerned about the proposed extension of Eiterman Road. It will divide Ballantrae into two segments. They urged Council to prevent the extension of Eiterman Road, or at a minimum, to delay the extension of Eiterman until the improvements to Avery and Cosgray are made and the need to extend Eiterman can be reevaluated.

Diana Wright, 6672 Roundstone Loop, stated that she represents the empty nester residents in Ballantrae. They moved from the Brandon subdivision to the Ballantrae condos, remaining in Dublin for the quality of life it provides. When they bought in Ballantrae, it was with the knowledge that there was a good mix of homeowners – single, retired and families. They anticipate the new hospital and the research park, as they will provide benefits to this region not found anywhere else but in North Carolina. The “Save Ballantrae” residents are justifiably concerned about their children. Dublin is well aware of that and has introduced speed humps, warning lights, reduced speed limits, and other measures to protect children in neighborhoods. It is not a good idea to create a convenient shortcut and enjoyable drive through a picturesque area between Marysville and Rings Road. Dublin has many existing schools on through streets providing easy access for buses and emergency vehicles. Rings Road can provide that for a Ballantrae school. She does not understand why Dublin can't change its engineering plan and ensure that a residential neighborhood remains residential. Why is Dublin planning to build a road that almost immediately will need traffic-calming measures installed? It does not make sense.

Courtenay Meyer, 6635 Stathern Circle, Ballantrae, stated that she lives on the loop section at the back of Ballantrae that abuts Cosgray. She and her neighbors are opposed to the extension of Eiterman Road. Her daughter is 10 years old and has recently been able to ride her bike from their home to the pool. When they learned about the extension of Eiterman Road, they became alarmed. They do not feel constrained to vote in favor of Issue 2. Their children are happy at Norwich Elementary, and they have no desire to send their children elsewhere. They want to keep their children happy and safe. They strongly oppose the idea of extending Eiterman Road through Ballantrae to Rings Road for several reasons, including the following: it will divide the neighborhood into two halves; create unnecessary traffic and safety issues; stagnate or depress their property values; and place children at risk while at play. There are several other workable ways to resolve this. There have to be other means to handle the future traffic.

Ed Rinehart, Stathern Circle, 6634 Ballantrae, stated that he is speaking on behalf of his wife and children. There are nine children who live on this court that will abut a new Eiterman Road extension. He is concerned that the children will be tempted to cross the road to reach the new school, playground, soccer field and basketball court being built – and their safety will be at risk.

Mayor Chinnici-Zuercher noted that there are copies of a notice of a Ballantrae neighborhood public meeting to be held next Thursday, April 27, at 7 pm at the City Service Center regarding the extension of Eiterman Road to Rings Road.

Mr. Ciarochi noted that copies were also distributed to Ballantrae residents at their homes today. Engineering and Planning staff members will be present at the meeting to respond to questions.

Ms. Salay thanked the Ballantrae residents for becoming involved in the issue. She expressed concern with the letter, which seems to indicate a foregone conclusion that

Eiterman Road must be extended to Rings Road consistent with the City's Thoroughfare Plan. However, staff has heard the issues identified tonight and they need to be prepared to address all of them. Clearly, there is disagreement regarding the need for this extension. If, ultimately, it is decided that Eiterman Road must be extended because it is essential to do so, she is interested in discussing the timing of the extension. Rather than constructing the extension at the time of the development, perhaps it would be possible to place the construction money from the developer into an escrow account. The City is currently in the process of updating its Community Plan. There is a focus on the southwest area of Dublin, where there is a substantial amount of undeveloped land. Included in that update is a review of the Thoroughfare Plan. Although those conclusions will not be available next week for the public meeting, staff must be ready to discuss with the residents the future character of the roads in southwest Dublin, in particular Eiterman Road – how it will look, its designed speed. It is her understanding that the school use is a permitted use on the Hilliard Schools site and that the City of Dublin will have only limited staff review of the site plan. Hilliard Schools have been very cooperative. All of the Ballantrae residents she has spoken with have been able to separate the issues. They are very supportive of the school levy, although they may have issues with the site plan or the Eiterman Road extension.

Mayor Chinnici-Zuercher thanked the residents for sharing their concerns. Staff will take these into consideration as they prepare their recommendations for Council.

Wallace Maurer, 7451 Dublin Road, stated that:

1. When Council presented an award earlier recognizing citizen concern and efforts related to environment pollution, specifically the handling of hazardous waste materials, he was reminded of a city in New Hampshire, which has successfully harnessed methane to fire a generator that recycles waste products. Greg Nichols, Mayor of Seattle, has said that global warming is also a local concern. He is concerned that in the Cascade Mountains, the source of Seattle's water supply and hydroelectric power, the snow pack has diminished by 50% in the past 50 years. As the snow peaks melt and the water rises, the port of Seattle is at risk. In 2005, Mayor Nichols formed a U.S. Mayors' Climate Protection Agreement and has 218 cities and 39 states involved - people who are driven by the frightening possibilities. Portland, Oregon has reduced gas emissions by 15% by building a light rail system and a 730-mile bikepath circuit.
2. Noted that the record of his comments at the last meeting did not capture the point he was trying to make. He summarized that at several Council meetings, he has attempted to discern a possible reason that Council and management have been unable to see his solution for the Kindra firing. He is concerned that some people might think that he is "after" the person who technically executed the firing, but that is not the case.

Julie Hubler, 5025 Brand Road, stated that she and her husband graduated from OSU Law School. She thanked Council for the opportunity to speak before Council. Only in America is there the opportunity for a citizen to come forward and express their views. She is present tonight to challenge everyone in this room to think about how much the county has changed, particularly Dublin, in terms of the neighbors one might have. Due to the entrance of Honda to America in the 1980's, Dublin has a large American-Asian population. Today, the Franklin County population includes residents born in 125 different countries. In the 20 plus years she has been a resident of the county, she has served as a legal counsel to Asian/Americans. She has observed that although Asian/Americans are model citizens -- well educated, hard-working professionals, thereby earning the opportunity to live in Dublin, none of them aspire to serve in government. Therefore, in 2004 she ran for judgeship. Since then, she has observed a few other Asian-Americans expressing political interest. She has been told that it was necessary for the Asian-Americans to be invited. Therefore, she would like to encourage the minority residents to come to Council meetings and observe the political process. She reminded residents of the Asian Festival in Columbus during Memorial weekend. Last year, the Festival attendance reached 140,000. She is proud to be a Dublin resident.

Mayor Chinnici-Zuercher thanked Ms. Hubler for her comments. She noted that Dublin School District statistics indicate the Asian-American population is the largest minority group in Dublin. She agrees with Ms. Hubler's comment that America is one of the few

places in the world where a citizen may attend and participate in a public meeting. The Chinese delegation she recently hosted had the same observation.

INTRODUCTION/FIRST READING - ORDINANCES

Ordinance 21-06

Amending Section 94.11 of the Dublin City Code Regarding Smoking Prohibitions, by Enacting a New Sub-Section which Prohibits Smoking in Dublin-Operated Outdoor Pool Areas.

Ms. Salay introduced the ordinance.

Ms. Brautigam stated that last summer, Council was made aware by staff that there is a smoking issue in the City's outdoor pool areas.

Mr. Earman, Director of Recreation Services, stated that staff is requesting Council approval of legislation amending the City Code pertaining to smoking prohibition.

Administratively, no smoking is currently permitted in these fenced areas for safety reasons. However, staff requests that the City's Code clearly state this prohibition for enforcement purposes.

Mayor Chinnici-Zuercher inquired the extent of the problem. Are patrons objecting to not being permitted to smoke in the outdoor pool area?

Mr. Earman responded that there have been occasions in the past several months where staff was questioned regarding the validity of their request to patrons to extinguish cigarettes within these areas.

Mrs. Boring stated that she understood there is a long-standing City prohibition against smoking in City parks.

Mr. Smith responded that only smoking within City buildings is prohibited and employees are prohibited from smoking on City property.

Mrs. Boring noted that there was an incident in which a Dublin school employee was cited for smoking in a park.

Mr. Smith stated that the prohibition was not against where they smoked, but when they smoked. Dublin school employees are not permitted to smoke during their work hours. The City has a similar requirement.

Mr. Keenan inquired if the rule would apply to other facilities that are entirely enclosed, such as public restrooms or 3 or 4-sided shelters?

Mr. Earman responded the City currently prohibits smoking in the outdoor pool area because patrons are permitted to enter and walk about barefoot. Cigarette butts and ashes lying on the ground would pose a safety problem. This is an industry standard. Some health departments regulate smoking around swimming pools.

Mr. Smith noted that Section 94.11(B) of the current Code addresses closed facilities, such as restrooms; outdoor swimming pools were not addressed. City pool staff had a couple of incidents last year, however, and it was decided that it would be advisable to amend the Code and post appropriate signage this year.

Mr. McCash referred to Section D, which addresses second-hand smoke at outdoor pools, however, smoking is still permitted outside in other locations. At the pools, it would appear to be more an issue of the risk from burning cigarettes than the risk from second-hand smoke.

Mr. Smith agreed. Another preamble in the ordinance addresses the risk to patrons who wear only swimming attire and are barefooted.

Mr. McCash stated that Section D refers to an area ten feet outside the enclosed fenced areas. A buffer zone is established with this, yet a similar buffer is not established around a playground structure, where there are children playing.

Ms. Brautigam responded that this section duplicates the ten-foot rule prohibiting smoking outside restaurants to ten feet from ventilation systems. Establishing a ten-foot rule outside the fence would provide a ten-foot buffer for children inside the fenced area.

Mr. McCash noted that no one would be barefoot outside the fence.

Ms. Brautigam responded that some children walk from the parking lot without shoes.

Ms. Salay stated that the second-hand smoke issue is relevant. The second-hand smoke from a smoker in one poolside chair often drifts to a non-smoker in the next chair and affects his/her environment. She supports the inclusion of this addition.

Mr. McCash stated that he questions whether second-hand smoke is addressed sufficiently, beyond only outdoor pools. Individuals standing and smoking next to play structures where children are playing are impacting the children equally as smokers at the pools. Cigarette butts are often discarded in the sand play areas. This amendment should be expanded to include the playground areas.

Mr. Smith stated that subsequent to the enactment of the smoking prohibition legislation, smoking in outdoor pool areas has been the only issue that has been brought forward. Issues related to smoking in City parks have not been addressed. The additional issue could be included, if that is Council's direction.

Mr. McCash stated that during the Irish Festival, he recalls a problem with cigarette butts littering the play sand area within the children's playground in Coffman Park. Rather than handling the smoking prohibition legislation in a piecemeal fashion, he would suggest expanding the amendment to include all of these situations.

Mr. Smith responded that the Irish Festival is considered a fenced area, so it may be addressed sufficiently within that condition. He will review that.

Mr. McCash requested it be evaluated before the second reading of the ordinance.

Perhaps instead of prohibiting smoking within pool areas, it should be prohibited within all fenced areas.

Mr. Smith agreed to review this.

Ordinance 22-06

Authorizing the City Manager to Accept and Receive a Combined 0.482 Acres, More or Less, Fee Simple Interest, a 0.746 Acres, More or Less, Utility Easement, a 0.021 Sanitary Sewer Easement, and a Combined 1.17 Acres, More or Less, Temporary Construction Easement, Donated by the Board of Education, Dublin Local School District, Located on the East Side of Hyland-Croy Road and North of McKittrick Road, City of Dublin, Township of Jerome, County of Union, State of Ohio, and Declaring an Emergency.

Vice Mayor Lecklider introduced the ordinance.

Ms. Brautigam stated this relates to the City's partnership with the Dublin School District for the extension of utilities and the new roundabout at the intersection of Hyland Croy and Glacier Ridge Boulevard.

Mr. Reiner moved to dispense with the public hearing and treat this as an emergency ordinance.

Mr. Lecklider seconded the motion.

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

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

Ordinance 23-06

Amending the Annual Appropriations for Fiscal Year Ending December 31, 2006.

Ms. Brautigam stated this legislation appropriates funds for several items as outlined in the staff memo.

Mr. Reiner moved to dispense with the public hearing.

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

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

INTRODUCTION/PUBLIC HEARING - RESOLUTIONS

Resolution 40-06

Appointing a Member to the Personnel Board of Review of the City of Dublin.

Vice Mayor Lecklider moved to reappoint Rich Richardson to a three-year term beginning immediately and continuing through March 31, 2009 on the Personnel Board of Review.

Ms. Salay seconded the motion.

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

Resolution 41-06

Authorizing the City Manager to Enter into an Agreement with Dublin Soccer League and Dublin Middle Tier Soccer Organization regarding Field Use.

Vice Mayor Lecklider introduced the resolution.

Ms. Brautigam stated that several years ago, City Council initiated the effort to secure agreements with all the soccer organizations in the City. The middle tier agreement is the final one to be addressed.

Ms. Ott stated the middle tier organization is new to Dublin; this is their second season. The agreement between the City and Dublin Soccer League in 2004 specified the intent for a future middle tier organization. It was loosely defined at that time as a level of soccer play that is more than recreation, but with less financial and time commitment than select or club play. In the interim, the City entered into agreements with both of the club soccer providers – Ohio Premier and Ohio Football Club. From those, a formal middle tier agreement was developed. She provided an overview of the provisions of the agreement and a description of a middle-tier organization. She noted that board members representing the Dublin Middle Tier Soccer Organization and the president of Dublin Soccer League are present tonight.

The following soccer organization representative introduced themselves:

Tadd Schilling, 4920 Galway Drive, president of Dublin Middle Tier Soccer Organization (DMTSO); Chris Clinton, 5308 River Forest Road, Chairman, Dublin Soccer League; Dana Mack, 7417 Charmont Court, area representative for DMTSO; and Ken McMahon, Director of Training and Marketing for Dublin Middle Tier Soccer Organization, 5998 Rings Road.

Mr. Keenan thanked Ms. Ott for the chart describing the Dublin middle tier soccer structure, which he found very helpful. He noted that the agreement indicates carding is permitted in the middle tier play.

Ms. Ott responded that the agreement authorizes them to do so – the choice is theirs.

Mr. Keenan inquired if that is consistent with Mr. McDaniel's recommendation.

Ms. Ott responded that in the agreement reviewed in April of 2004, there was language that specifically stated that any middle tier organization not be carded. Council chose not to put that restriction on any potential future organization that would come forward.

Through these discussions, it has been determined that having appropriate constraints in place in regard to paid coaches and tryouts can address this concern.

Mr. Keenan summarized that he understands that staff is now comfortable with this compromise.

Ms. Ott concurred.

Ms. Salay noted that this group is currently serving 7 to 10 year olds. Is there any plan to expand that into the upper age groups?

Mr. McMahon responded that they may go a little higher, but there is a middle school soccer association that exists – another recreation program run by the Dublin Soccer League. They do not want to encroach upon that age group of 6, 7 and 8th grade. Dublin is unique in that their middle schools start at 6th grade where some other districts start at 7th. They may extend to serve 11-12 year olds, but they do not want to interfere with MSSA.

Vice Mayor Lecklider commented that in regard to the carding issue, he recalls it was the majority sentiment of Council when it was openly discussed and it was part of Mr. McDaniel's original recommendation.

Mr. Clinton clarified that Mr. McDaniel's final framework did include a carding option for this level of competition.

Vice Mayor Lecklider noted that there are other restrictions or safeguards that balance that concern that might have existed on the part of the select clubs. He inquired how the decision was made to permit play within a seven county area.

Ms. Ott stated that she does not know the history of the discussion. However, it is the playing area of GOYSL.

Mr. Schilling responded that was actually part of the earlier club agreement. Initially, the discussion was that if the DMTSO were to participate in a carded league, such as MOSSL, those tournaments take place in the surrounding counties. The objective was that DMTSO would be able to participate in a league-ending tournament at the end of the season, not necessarily to travel to Cincinnati or Cleveland, as club teams do.

Vice Mayor Lecklider noted that there was prior discussion about limiting the number of tournaments DMTSO would participate in to perhaps one tournament per season. This agreement does not include such a limitation.

Mr. McMahon responded that specific limitation is not included because of the nature of tournaments. There are two tournaments in Dublin that the OP and OFC host that the DMTSO would not attempt to compete in. There are very few tournaments available to them in the immediate area. There would be tournaments available in the Cincinnati and Indianapolis areas, but they are too distant. It appears that the only tournaments DMTSO could participate in are the league-ending tournaments. The only other tournament they might possibly play in is the Dublin Charity Cup. There are no other available tournaments within the seven county area.

Vice Mayor Lecklider inquired if that meets the reasonable needs of the middle tier, or is it an unfair restriction?

Mr. McMahon responded that the seven county rule achieves the limitation of one or two tournaments per year. Also, participating in the Dublin Charity Cup does not incur the higher costs of traveling outside the seven county area.

Vice Mayor Lecklider thanked everyone for their perseverance in developing the DMTSO.

Mayor Chinnici-Zuercher stated that one of the objectives of the middle tier was that this level of competition not be costly to the players and their families. One of the big expenses involved with higher levels of play is travel to tournaments.

Mr. Reiner observed that the coaches are not paid. Is there paid administrative staff in the organization?

Mr. Schilling responded that everyone works on a volunteer basis.

Mayor Chinnici-Zuercher thanked all of those present for their hard work.

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

Mayor Chinnici-Zuercher noted that she neglected to give Mr. Maurer the opportunity to speak on Ordinance 23-06, which he had requested to do.

Wallace Maurer, 7451 Dublin Road stated that he was intrigued with one section in Ordinance 23-06 – the budget report for planning, learning and development. The statement is made that "...these employees [management] will participate in programs such as, "Expectations of Managers." He would assume that means not only the supervisory employees of the various divisions, but also the City Manager. Is that correct?

Ms. Brautigam responded affirmatively. However, the memo he refers to is dated January 30th. The memo dated March 6, 2006 describes the appropriation that is being authorized by Council tonight with Ordinance 23-06. In the interim, a reduction in the amount of the funding request was made and the training program, "Expectations for Managers" was not included.

Mr. Maurer responded that it would seem beneficial to bring personnel in line with the City Manager's vision. It is unfortunate the funding was eliminated.

Ms. Brautigam stated that as an alternative, the Human Resources department and other trained facilitators among the City staff will work on the program.

Resolution 42-06

Setting Forth a Statement of Services to be Provided to the Area in a Proposed Annexation of 4.182 Acres, More or Less, from Washington Township, Franklin County to the City of Dublin, Ohio, as Required by Section 709.023(C) of the Ohio Revised Code. (Applicant: LS Dublin Realty, LLC)

Resolution 43-06

Adopting a Statement Regarding Possible Incompatible Land Uses and Zoning Buffer for a Proposed Annexation of 4.182 Acres, More or Less, from Washington Township, Franklin County to the City of Dublin, Ohio as Required by Section 709.023(C) of the Ohio Revised Code. (Applicant: LS Dublin Realty, LLC)

Vice Mayor Lecklider introduced Resolutions 42-06 and 43-06.

Mr. Smith stated that the resolutions are necessary to meet the statutory requirements for an annexation petition. The land is within the exclusive water and sewer service area for Dublin. With Council's approval, they will be filed with the appropriate county officials.

Vote on Resolutions 42-06 and 43-06: Mr. Keenan, yes; Vice Mayor Lecklider, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, yes; Ms. Salay, yes; Mr. Reiner, yes.

Resolution 45-06

Appointing a Member to the Board of Zoning Appeals of the City of Dublin.

Mr. Lecklider requested Council's input regarding the appointment. There is an issue in that the required interview of the candidate did not occur. Different options exist. There is a BZA meeting on Thursday evening. One option would be to reappoint him tonight without the benefit of the interview. Another option would be to interview him in advance of the Thursday meeting and act on his reappointment at the May 1 Council meeting. In the latter case, Mr. Ferezan would not be reappointed by April 20 and therefore unable to participate in the April BZA meeting. He requested Council's input.

Mayor Chinnici-Zuercher stated that given the fact that Mr. Ferezan has already served a three-year term and demonstrated that he is able to attend all the meetings and to be an active participant, even though he is employed out of town, she is willing to support his reappointment without an additional interview.

Mr. Reiner and Mrs. Boring expressed agreement.

Mr. McCash noted that Council's requirement was that all the candidates, new or those seeking reappointment, must come in for a personal interview. He believes Council should honor its own guidelines.

Ms. Salay stated that she is not opposed to Mr. Ferezan's reappointment. However, in the future, Council should determine if an interview will be required, and if so, to clearly communicate that expectation to the applicants and abide by that requirement.

Vice Mayor Lecklider agreed. He also is not opposed to Mr. Ferezan's reappointment. At the outset of this process, Council established a policy of required interviews. The reappointment of another applicant, Mr. Richardson, was also delayed for the purpose of a personal interview. However, Mr. Richardson was able to work that into his schedule last week. He is concerned about the inconsistency in requiring that Mr. Richardson come in for an interview but making an exception for Mr. Ferezan.

Mr. Keenan concurred with the need to hold to a standard that has been set. He also understands that Mr. Ferezan appears to have done an excellent job and is a real asset to the Board of Zoning Appeals.

Mr. McCash stated that in view of the fact that there were several applicants interested in serving on BZA and all of those applicants came in for an interview, and that Council has not automatically reappointed incumbents, he moves that Council identify a date and time for Mr. Ferezan to come in for an interview, ensuring that all applicants are treated in a consistent manner.

Mrs. Boring indicated she concurs with the need to honor a standard and be consistent, yet there is sometimes a case where flexibility should be considered. Mr. Ferezan has done a good job during his first term and belaboring this process until an interview is achieved would make little difference in the eventual outcome.

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

Mrs. Boring moved to reappoint Jeffrey Ferezan to a three-year term on the Board of Zoning Appeals.

Mr. Reiner seconded the motion.

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

Mr. Keenan, Vice Mayor Lecklider and Mr. McCash clarified that their votes were to honor the process, not because they objected to Mr. Ferezan's reappointment.

Mayor Chinnici-Zuercher noted that Mr. Ferezan has been reappointed and should be notified immediately due to the meeting on Thursday.

Resolution 46-06

Declaring Certain City Owned Property as Surplus and Authorizing the City Manager to Dispose of Said Property in Accordance with the Ohio Revised Code Section 721.15.

Vice Mayor Lecklider introduced the resolution.

Ms. Brautigam requested that Council postpone this item to the May 1 Council meeting. Staff noticed that the attachment of the surplus property listing was not included with the resolution.

Mayor Chinnici-Zuercher noted that Mr. Maurer had requested to speak on this item and inquired if he would prefer to wait until the matter is heard at the May 1 meeting. Mr. Maurer agreed.

Ms. Salay asked for clarification about the status of Resolution 44-06, regarding a utility building and site improvement project.

Ms. Brautigam responded that there is a memo from Mr. Burns in Council's meeting folder tonight. The item will be brought back at a later time.

OTHER

- **Community Plan Update**

Ms. Brautigam stated that recently, there has been discussion regarding a possible site visit for Council, Planning Commission and certain staff members. The City's consultant from ACP visited the Huntersville area in North Carolina and a number of the City's staff members have already visited the site in Franklin, Tennessee. Based on their input, a visit to the Tennessee site would appear more appropriate and relevant to the City. Therefore, staff has worked on arrangements for a Franklin, TN site visit May 18-20. A memo was provided in tonight's packet requesting Council's commitment to participate in that visit and requesting certain preferences regarding travel arrangements. There are four different flights options for Thursday. There will be no arranged activities on Thursday. Early Friday, the tour would begin. There is only one option for leaving Tennessee on Friday night. Otherwise, the group would return home on Saturday morning.

Mayor Chinnici-Zuercher requested Council members complete the survey relating to the trip tonight and provide it to Ms. Brautigam.

Mrs. Boring inquired if the City tour details have been arranged.

Ms. Brautigam responded that they have. They are attempting to arrange a meeting with the City of Franklin, Tennessee Council members. They are also hoping to meet with the developer of the Westhaven community.

CITY MANAGER/STAFF COMMENTS

- **Project Updates**

Council has asked for regular updates on the major initiatives and projects occurring in the City. Although Council receives a "Follow Up" memo every week, those are typically responses to inquiries generated from Council roundtable discussions. Staff has discussed ways in which to provide Council with more meaningful updates. A plan has been developed to provide Council a monthly project update, beginning in May. The report will cover five to seven projects on which there was meaningful progress that month. Staff has developed a list of possible topics, and if Council members would like to request reports on additional topics, she asked that they contact her or Ms. Ott.

- **Parking Issues at Avery Park**

Chief Epperson stated that Council received a citizen complaint regarding this issue. He and Mr. Hahn have been investigating the issue. There is indeed a parking problem at Avery Park on Saturday morning during soccer play. This is not a new problem. When they investigated the situation on Saturday, they discovered adequate parking exists, but it requires parking in lots further from the soccer fields. There was one area of concern. Entering Avery Park at the south entrance, there is a bikepath that runs north and south along Avery Road. There were several cars that were turned onto the grassy islands on either side of the entrance. There is no posting to prevent parking in that location. They

observed some vehicles parked in non-parking areas, such as the grass medians or immediately inside the main entrance. Those vehicles did somewhat obstruct the view of other drivers. Additional fencing can be placed near the main entrance and a "no parking" sign will be placed at the bikepath entrance. Some corralling of vehicles in certain areas could also be implemented.

Mr. Hahn stated that he discussed the issue with John Muir and Chris Clinton today. One of the issues is the lack of staggering between games. There are essentially four teams for each field. He suggested to them that they consider staggering some of the games, beginning in the fall of 2006. They are sending out an email to that effect to their list of participants, also asking that they park in designated areas only. Staff continues to conduct Saturday parking counts at Avery Park to confirm that there is available parking. They have not found a situation when designated parking was not available, although convenient parking was not always available.

Mr. Lecklider stated that he has observed the problem and is concerned about the parking in the grassy area around the bikepath. He noted that turf damage is occurring – there are ruts in the ground.

Mr. Hahn agreed.

Mr. Keenan inquired if it would be possible to ask the soccer league to help in addressing this issue. Perhaps the coaches, referees, and concession stand workers who are at the field most of the day could use the north lot.

Mr. Hahn responded that they have considered having the soccer league assume a more active role in dealing with the situation, perhaps directing people where to park or not to park. The problems occur within a three-hour time period of 10 a.m. to 1 p.m.

Mayor Chinnici-Zuercher noted that the citizen who called her indicated he would also contact other Council members, identified the specific area mentioned tonight, which is the pedestrian path area.

Mr. Hahn responded that staff would implement some measures to discourage parking in that area.

- **TEL Amendment**

Ms. Brautigam noted that in Council packets this week, there was a very informative memo from Ms. Grigsby on the tax expenditure limitation (TEL) that will be on the ballot. Ms. Grigsby reviewed the impact of such a tax expenditure limit on Dublin if it had been in effect ten years ago. The impact would have been dramatic. She is hopeful that the City can communicate that to the citizens.

Mayor Chinnici-Zuercher stated that she appreciated the information, as she has attended a number of lectures on the topic. She suggested that the information be provided to the citizens in a future City Manager column. The information is factual and educational; it does not involve taking a position.

Ms. Brautigam indicated that step would be pursued shortly before the election, probably in October, when it would have the most impact on the voters.

Mrs. Boring inquired if it would be appropriate to place an ad in the local newspaper regarding the impact of this amendment.

Mr. Smith responded that the City is prohibited from taking a position on any issue, although it may be possible to report or provide information on an issue. However, Legal staff has been working with a consortium of public communities and private individuals to mount a legal action pre-election. This is difficult because of certain provisions of law. If they are successful in their effort, Dublin will be asked to join the consortium, and their case will be taken to the Ohio Supreme Court.

Mr. Keenan stated that he has written a letter to the local newspaper editor sharing his personal view on certain issues. He intends to send that when the time is appropriate. He is willing to share the letter with fellow Council members, if they would be interested in reading it or signing it.

Mr. Smith responded that it is permissible for a letter to the editor to be sent from an individual holding a public office.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Keenan noted that:

1. The Finance Committee will meet tomorrow at 6 p.m. to review hotel/motel tax grant applications and develop recommendations for Council action at their May 1 meeting.
2. During Council's goal setting session in March, Council expressed interest in broadening the public art program. There are a number of ways this could be accomplished. Council discussed the option of adding one percent (1%) to the cost of the City's capital improvement projects to be specifically used for a public art component of the project. He requested Council authorization to explore all aspects of how this idea might be implemented, including having staff draft legislation and a process for selecting the art projects; evaluating how this process would impact the CIP from a budgeting perspective; determining whether this can be put in place for projects currently under design and, if so, perhaps establishing a cap. For example, there is a very large project on the horizon for the Post Road interchange, and one percent of a \$24 million project would be a substantial amount. Obviously, a number of issues would need to be discussed. He noted that although he is presenting the concept, it is one that Council has discussed and embraced.

Mayor Chinnici-Zuercher stated that it is an excellent idea to explore most of the points raised. Timing is certainly an issue. Discussion of the five-year CIP is already programmed on Council's calendar for the month of August. She encouraged Council members and staff to prepare a proposal for Council consideration before the CIP timeframe. Council may not choose to pursue that option, but if so, it could be effective within the appropriate timeframe.

There was no objection to this course of action.

Mrs. Boring stated that after an initial discussion with Mr. Keenan regarding this idea, she spoke with Ms. Grigsby. One percent would be a huge number. Before drafting legislation or before any review processes are considered, the big question of financial impact on the City should be addressed. That can be done immediately and then, Council can decide if the impact is acceptable. Perhaps an adequate number would be ½ percent of the total project. If the impact is acceptable, it can be scheduled in the CIP. The legislation and review process can be developed subsequently.

Mr. Keenan responded that there are many important items to consider, but the City is three years behind on the public arts program. He would like to see this addressed quickly, in view of the CIP review coming up in August.

Vice Mayor Lecklider noted that Mr. Keenan had suggested a cap could be placed on the funding.

Mr. Reiner stated that if it is a small CIP project involving minimal dollars, a method to group projects may achieve a greater impact. This consideration should be included in the discussion.

Mr. Keenan agreed. In the earlier discussion, it was noted that some municipalities have sculpture parks, where smaller public art projects could be placed. He noted that public art has been incorporated into the ironwork on the Post Road bridge over I-270. This process would only formalize what has occasionally occurred.

Mrs. Boring stated that if Council pursues this, the funding of the Dublin Arts Council should be reconsidered. Currently, the funding to the DAC includes the public arts program.

Mr. Keenan responded that he would be opposed to impacting the Dublin Arts Council funding and programs in consideration of this new initiative.

Mrs. Boring responded that if the funding for a particular organization has been significantly increased for the purpose of incorporating a particular program, it is the organization's responsibility to live within the expectations of that funding. If they have

not, it is not Council's responsibility to suggest a means to correct it. A justification for the 25 percent share of hotel/motel tax being guaranteed to the Dublin Arts Council was that they agreed to continue the arts in public places program. It was clearly stated in the agreement at that time. No other small city funds an arts council to this extent, and Dublin did it for a particular purpose.

Mr. Keenan stated the Dublin Arts Council leases and operates out of the Gelpi mansion per an agreement with the City of Dublin, and the lease is paid from the City funding. It was a positive arrangement for the Arts Council. It is a huge facility, and many excellent programming offerings now exist. Is it Council's intent to limit what the Arts Council is now doing? There are many issues involved, and it may be good to revisit the budgetary process.

Mrs. Boring stated that it is important for Dublin to evaluate its funding in certain areas compared to what other cities have done. The staffing levels should also be reviewed in relation to City department staffing. The City must have control and accountability when taxpayer funds are involved.

Mr. Keenan responded that he is not sure there is an issue of accountability and control. It is important to justify the money that they are spending and do a comparison, and the Dublin Arts Council should stand up well in that. He agreed that the re-evaluation should occur.

Mr. Reiner inquired if Public Services Committee members would be available to meet on Monday, May 1st at 6:30 p.m. preceding the regular meeting at 7:00 p.m. to discuss the capacity fees for fire protection services for commercial development. After discussion, a Public Services Committee was scheduled for 6:30 p.m. preceding the 7:00 p.m. Study Session on May 8.

Mr. McCash:

1. Noted the intention of the Administrative Committee to schedule a meeting for the review of dental benefits. He and Ms. Brautigam have discussed the potential for coverage for another preventive screening. Is staff still reviewing that, or is it something the Committee could consider?

Ms. Brautigam responded that she anticipates Mr. Harding will bring it to an in-house staff committee meeting first.

Mrs. Boring noted that the Committee could schedule the meeting at a time when both items would be ready for discussion.

Mr. Harding indicated that a survey has been conducted, and the materials are ready for Committee discussion.

Following discussion, a meeting of the Administrative Committee was scheduled for Monday, May 8th at 6:00 p.m.

2. Noted that he has heard concerns regarding the length of delay at the left turn light on Avery-Muirfield at the SR 33 eastbound ramp. Is that under state regulation? He asked Engineering staff to evaluate the timing of the signal and report back to Council.

3. Received complaints from citizens near the Violet Veil Park that the trees have been cut and significantly thinned. The area around the pond has been "bush-hogged." What is occurring there?

Mr. Hahn responded that the area is within the Red Trabue Nature Preserve. The design provides for that area to be maintained as field or meadow, and to maintain field/meadow conditions the "volunteer" growth is trimmed. Approximately every four years, new growth is removed.

Mr. McCash requested that a brief memo explaining that action be provided to the residents in that area to reassure them of the intentions for that land.

Mayor Chinnici-Zuercher noted that it would be good to have a policy of providing that communication/education to residents in any area when performing those tasks.

Mrs. Boring:

1. Noted that she had requested some minor revisions to her comments at the February 21, 2006 City Council minutes. The requested corrections are provided in Council's folders tonight for Council approval.

She moved approval of the minutes of February 21, 2006 as corrected.

Mayor Chinnici-Zuercher seconded the motion.

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

2. Reported that Council received notice of the park dedication of Indian Run Falls Park. Will the park be officially named, "Indian Run Falls Park?"

Mr. Hahn stated that it is too late in the year to implement a "Kids Vote" process. The naming is at Council's pleasure, however, his understanding is that the correct name for that area is, "Indian Run Falls", and some of the other commonly used names, such as Shawan Falls, are historically incorrect.

Council consensus was that the official name of the park will be, "Indian Run Falls Park."

3. Noted that she has heard that some artifacts might have been found on the building site of LifeTime Fitness on Sawmill Road.

Mr. Smith stated that he has been working on this project and has heard nothing to that effect. He will look into this matter.

Vice Mayor Lecklider:

1. Thanked Ron Burns and his staff members who addressed the Caplestone Lane trash/recycling pick-up issue.

2. Inquired if Mr. McCash would be available to administer the oath of office to Ted Saneholtz at the 5/4 Planning and Zoning Commission meeting and asked for volunteers to administer the oaths of office to new members at the 4/19 PRAC and ARB meetings, the 4/20 BZA meeting and the 5/9 CSAC meeting.

The following Council members agreed to administer oaths of office as follows: P&Z – Mr. McCash; PRAC – Mrs. Boring; ARB – Mrs. Boring; BZA – Vice Mayor Lecklider; CSAC – Mayor Chinnici-Zuercher. New members to the Dublin Arts Council Board, Dublin Convention and Visitors Bureau, and the Personnel Board of Review will be invited to a City Council meeting to be sworn in.

3. Reminded Council members that on May 1st, there will be an executive session for personnel matters at 5:30 p.m., preceding the regular meeting at 7:00 p.m.

Mayor Chinnici-Zuercher:

1. Stated that she and Ms. Brautigam participated in the Dublin Chamber of Commerce and Dublin City Schools Community Champion Awards on Saturday, April 15. There was previously a different venue for this award; however, the business community requested more recognition of the students, teachers and staff who received this award. The event was well received by all.

2. Noted receipt of a letter from George Konojonos regarding a solution for the problems with the Canadian geese.

Ms. Brautigam stated that she also received a copy of the letter and forwarded it to Mr. Hahn and Ms. Migliore. A copy of Mr. Konojonos' letter and Ms. Migliore's response will be forwarded to Council.

3. Noted that she had the opportunity last week, along with three other individuals, to provide judging for the Dublin Art League, selecting 12 from 65 entries to be used in a Dublin Arts League calendar. On the evening of May 5th, all 65 art entries will be on display at Wendy's where the public will have the opportunity to select one of the entries as the cover of the calendar.

4. Inquired about the staff follow-up report referring to the removal of the Crescendo sign. A statement was made that the sign company had approached staff requesting another sign to direct patrons to this additional parking area. Where would that sign be placed?

Ms. Brautigam responded that the owner of the Bash Golf Driving Range and the land on which the restaurant is located is also the owner of the Crescendo site. He hired the sign

company to represent his interests in obtaining that signage. The previous sign has been removed.

Mayor Chinnici-Zuercher stated that she assumes a replacement sign would be required to be smaller than the previous, non-conforming sign.

Ms. Brautigam responded that it will be smaller and in compliance with City Code.

5. Noted that she and Ms. Puskarcik recently had an opportunity to meet with the president of Dublin Emerald Bank who is supporting the Dublin Miracle Playground. In addition to Emerald Bank's contribution, he is working with other banks in the community to raise \$150,000 to fund the playground. This is a wonderful opportunity for corporate participation in the community.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Chinnici-Zuercher moved to adjourn to executive session for discussion of legal and land acquisition matters and noted that the meeting will be reconvened only to formally adjourn.

Vice Mayor Lecklider seconded the motion.

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

The meeting was adjourned to executive session at 9:45 p.m.

The meeting was reconvened and formally adjourned at 10:30 p.m.

Mayor – Presiding Officer

Clerk of Council