



**NEW ALBANY CITY COUNCIL
MEETING MINUTES**

January 15, 2019

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of January 15, 2019 at 6:34 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Mitch Banchefsky, Administrative Services Director Adrienne Joly, Finance Director Bethany Staats, Police Chief Greg Jones, City Engineer Ed Ferris, Community Development Director Jennifer Chrysler, Engineer Mike Barker, Public Service Director Mark Nemec, Public Information Officer Scott McAfee, and Clerk of Council Jennifer Mason.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P
CM Colleen Briscoe	P
CM Marlene Brisk	A
CM Michael Durik	A
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

Clerk of Council Jennifer Mason told council that Council Member Brisk and Council Member Durik were attending events and had requested to be excused. Mayor Spalding moved to excuse Council Members Brisk and Durik from the council meeting. Council Member Kist seconded and council voted with five yes votes to excuse Council Member Brisk and Council Member Durik from the meeting.

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed January 2, 2019 organizational meeting minutes and asked if they had any additions or corrections. Hearing none, Council Member Fellows moved to adopt the January 2, 2019 regular meeting minutes. Council Member Shull seconded and council voted with four yes votes and one abstention (Kist) to approve the organizational meeting minutes. Minutes were adopted.

Mayor Spalding asked if council had reviewed the proposed January 2, 2019 regular meeting minutes and asked if they had any additions or corrections. Hearing none, Council Member Shull moved to adopt the January 2, 2019 regular meeting minutes. Council Member Fellows seconded and council voted with four yes votes and one abstention (Kist) to approve the regular meeting minutes. Minutes were adopted.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.



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HEARING OF VISITORS:

Council Member Fellows introduced his wife, Teresa Fellows, who was in attendance.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: The PC met, however, Mayor Spalding was unable to attend. He told council he would have a report at the next meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB tabled an application for renovation of a residential home at 5026 Johnstown Road which was being turned into a prayer hall. The ARB discussion centered on a privacy fence which was being replaced with natural landscaping and paved parking. The ARB approved a Certificate of Appropriateness for a storage structure on the elementary school campus. The ARB approved a Certificate of Appropriateness and Waiver for a painted sign for Fox in the Snow. The business would also be removing the gooseneck lighting. Council and staff discussed signage for 3 Minute Fitness in the same building. Community Development Director Jennifer Chrysler told council about a potential Village Center signage inventory and study.

BOARD OF ZONING APPEALS: Clerk Mason relayed Council Member Brisk's BZA report. There was no BZA meeting, however, former BZA Chair Andrea Wiltout accepted the Planning Commission position, leaving a vacancy on the BZA which council would need to fill by March 2nd.

BOARD OF CONSTRUCTION APPEALS: No meeting. Council and staff discussed the lack of work for the BCA due to a change in the Ohio Revised Code, adopted by New Albany, which caused certain cases which used to go before the BCA to go through a different, BZA adjudication process. The BCA would still hear contractor registration appeals.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CHARTER REVIEW COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

PUBLIC HEARING PURSUANT TO SECTION 349.03(A) OF THE REVISED CODE AND CITY OF NEW ALBANY RESOLUTION R-51-2018 ADOPTED DECEMBER 10, 2018, FOR ADDITION OF LAND TO THE NEW ALBANY EAST COMMUNITY AUTHORITY



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Mayor Spalding opened the public hearing. He asked if anyone from the public wanted to speak regarding section 349.03(A) of the Ohio Revised Code and the City of New Albany Resolution R-51-2018 adopted December 10, 2018 for the addition of land to the New Albany East Community Authority.

Hearing no comment, Mayor Spalding closed the public hearing.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-01-2019

Mayor Spalding read by title AN ORDINANCE FINDING THAT THE PROPOSED ADDITION OF LAND TO THE NEW ALBANY EAST COMMUNITY AUTHORITY WILL BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE, AND WILL NOT JEOPARDIZE THE PLAN FOR THE DEVELOPMENT OF ITS "NEW COMMUNITY" AS DEFINED IN SECTION 349.01(A) OF THE OHIO REVISED CODE; AND REDEFINING THE BOUNDARY OF THE AUTHORITY'S COMMUNITY DISTRICT TO REFLECT THAT ADDITION OF LAND.

Community Development Director Jennifer Chrysler described the location of the land to be added to the New Albany East Community Authority. The property was owned by Montauk Development, LLC. This ordinance was required as part of a statutory process to accept land into the Community Authority.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Briscoe moved to adopt the ordinance. Council Member Shull seconded and council voted with five yes votes to approve Ordinance O-01-2019.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-02-2019

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 357.2 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov described the location of the property to be annexed. The Expedited Type I annexation process was the same as many prior city annexations, and saved time compared to a traditional annexation process. In the Annexation Agreement with Jersey Township, approved by council in 2018, the city was able to incorporate all of the provisions of the traditional annexation. The city had executed a Road Maintenance Agreement with Licking County and traded maintenance of a section of Harrison Road contiguous to the subject property, for maintenance an additional section of Worthington Road which made sense given the routes the city's snowplows were already running.

Council Member Fellows asked and City Manager Stefanov answered that the subject land was not part of Facebook's property at this time but could be in the future. Council Member Shull asked about land north of 161



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which City Manager Stefanov answered was not currently within the city limits. Council Member Fellows asked and City Manager Stefanov answered that the city had an agreement with the Ohio Department of Transportation (ODOT) wherein ODOT was primarily responsible for plowing and salting State Route 161, but the city was a secondary caretaker.

Mayor Spalding set the ordinance for second reading at the February 19, 2019 council meeting.

ORDINANCE O-03-2019

Mayor Spalding read by title AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE LICKING HEIGHTS LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS.

Community Development Director Jennifer Chrysler told council this matter related to the same parcel of property as Ordinance O-02-2019. When the city brought property into the city limits, particularly into the business park as part of annexation and rezoning, the city also set up a Tax Increment Financing (TIF) district. Council would later see legislation to have the land brought in to a Community Reinvestment Area (CRA). This was a "non-school" and non-fire" TIF. It did not negatively impact the school district or fire and emergency service providers.

Mayor Spalding set the ordinance for second reading at the February 19, 2019 council meeting.

ORDINANCE O-04-2019

Mayor Spalding read by title AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOCAL ECONOMIC DEVELOPMENT LOAN IN AN AMOUNT NOT TO EXCEED \$11,700,000.

Finance Director Bethany Staats reminded council that the city submitted an application for an Ohio Water Development Authority (OWDA) loan to start the Blacklick Creek trunk sewer line. The city was approved for a loan in October for Phase I of construction. That construction would begin soon and was scheduled to be completed in November of 2019.

This ordinance authorized the city to request funding for Phase II of the sewer line with a current cost estimate of \$11.7 million. Council had approved appropriation of \$10 million as part of the 2019 budget, so this legislation also called for an additional appropriation of \$1.7 million to make up the difference. Director Staats anticipated going back to the ODWA for the new loan at the end of month. City Manager Stefanov added that the additional \$1.7 million in appropriations would be coming from funds on hand. The loan was for 30 years to take advantage of the 3% interest rate being offered. With the projected revenue stream from future projects, the city hoped to pay off



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the loan in 15 years. Director Staats stated that the loan had no prepayment penalty. Council Member Fellows asked and City Manager Stefanov replied that the city wasn't applying for a 15 year loan in case it took more time to gather the projected revenue, plus the 15 year loan came with the same interest rate.

Council Member Fellows asked and City Manager Stefanov answered that Phase II (B) of construction would take the trunkline to Smith's Mill Road. If the city wanted to develop north of there, it could build Phase III for another \$10-12 Million to be paid by any associated development. Council Member Shull asked and City Manager Stefanov answered that the 357 acres the city was in the process of annexing could be served by a sub-trunkline installed by the developer of that property. Council Member Kist asked and Engineer Mike Barker and Director Chrysler answered that the sub-trunkline was at a depth that it could continue east and run into the Facebook site.

Council Member Kist asked and Engineer Barker answered that the 36 in. water main on Morse Road was currently under construction on the north side of the road, outside of the pavement. There would be continued staking and construction activity in the area.

Mayor Spalding set the ordinance for second reading at the next council meeting.

ORDINANCE O-05-2019

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 357.2 +/- ACRES OF LAND GENERALLY LOCATED WEST OF AND ADJACENT TO HARRISON ROAD, SOUTH OF AND ADJACENT TO WORTHINGTON ROAD, AND GENERALLY NORTH OF MORSE ROAD FOR AN AREA TO BE KNOWN AS THE "HARRISON ROAD SOUTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT TO "L-GE" LIMITED GENERAL EMPLOYMENT DISTRICT AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.

Director Chrysler described the location and referred to a projected map which showed setbacks. The zoning text called for 100 ft. setbacks from Harrison Road, 25 ft. setbacks from any new public street to be built in the area, 50 ft. pavement perimeter boundaries, and 100 ft. perimeter building boundaries and residential properties. There was 100 ft. stream corridor protection in place, which included a 25 ft. minimum per side of the stream boundary. There was a 50ft. pavement and 100 ft. building setback from Worthington Rd. This zoning district was consistent with the other zoning districts within the Business Park. The text included the same uses and standards established by the city's Planning Commission regarding screening and tree preservation.

Director Chrysler stated that one resident attended the Planning Commission (PC) meeting. PC approved with zoning with the condition that there would be an extended 50 ft. of setback from that resident's property.

The zoning text called for a 65 ft. maximum building height and contained the rest of the usual L-GE requirements. Director Chrysler reminded council that the city had updated the Strategic Plan to include the subject area as part of the Mink Road Plan.

Mayor Spalding set the ordinance for second reading at the February 19, 2019 council meeting.



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READING AND PUBLIC HEARING OF RESOLUTIONS

NONE.

STANDING COMMITTEE REPORTS:

- A. Finance Committee: No report.
- B. Safety Committee: No report.
- C. Public Utilities: No report.
- D. Service and Public Facilities Committee: No report.
- E. Planning and Economic Development Committee: No report.
- F. Administration Committee: No report.
- G. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Clerk Mason stated that Council Member Brisk relayed that school board held their Organizational Meeting and all officers of the board remained the same.
- D. Council Representative to Plain Township: No report.

REPORTS OF CITY OFFICIALS:

- A. Mayor: No report.
- B. Clerk of Council: Clerk of Council Jennifer Mason reported that she would out of the office from January 17th through January 21st. She also told council she'd be sending out an email to coordinate a date for council photos. She would follow up with council to confirm the Ohio Ethics Commission's basic information.



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- C. Finance Director: Finance Director Bethany Staats distributed the November financial report. The city was tracking ahead for revenues and showed fewer expenses than budget projections. She reminded council that the city lapsed encumbrances at the end of the year. Council Member Shull asked and Director Staats answered that the city still projected to be ahead on revenues and behind on expenses in December.

Director Staats reported to council the adjustments she made to city finances authorized as part of Ordinance O-26-2018 and she provided a chart to show the changes. She made some transfers within departments/classifications which did not affect appropriations. She did not have to restore any previously reduced appropriations. She did not need to use the \$50,000 contingency for transfers. She showed final adjustments to the Economic Opportunity Zone and Hotel Tax funds which had to be perfectly balanced to be in compliance with budgetary law. She reduced some appropriations to be in line with what was actually received in certain funds.

Director Staats showed a transfer of \$58,830 from the Village Center TIF to the Healthy New Albany (HNA) fund as part of her report. The Village Center TIF did not collect enough funds to make the HNA debt payment in December. She told council she would be bringing forward legislation to pay the HNA debt out of the Healthy New Albany fund which was how it was originally intended to function. The HNA debt was broken up into two parts, taxable and non-taxable. The city planned for the Village Center TIF funds to pay a portion of the HNA debt and the HNA fund to pay the other portion. This shown transfer redistributed monies to the proper place to pay make the debt service payment. City Manager Stefanov stated that lease payments from The Ohio State University and Nationwide Children's Hospital for their shares of the HNA building put money in the HNA fund. Director Staats stated the HNA fund, which also paid for maintenance and upkeep of the building, contained approximately \$800,000 in cash balance.

Director Staats stated that, when she started in New Albany in 2018, she noticed that the TIF funds were paying the taxable portion of the debt service payment, even though it was supposed to be paying the non-taxable portion. This year, the Village Center TIF payments didn't amount to enough to pay for the full, non-taxable portion of the debt, so some funds had to be re-allocated from the HNA fund, which collected more funds, to pay the debt.

City Manager Stefanov added that Village Center TIF would close out three years prior to the debt being paid off, however, the city planned to accumulate and escrow enough money to cover the remainder of the HNA debt. Council Member Shull asked and Director Staats replied that, in 2019, the city would re-evaluate where the payments should come from once, but between the two funds, the debt was covered.

- D. City Manager: City Manager Joseph Stefanov reminded council that the city owned the building at 39 E. Main Street which had been leased out, rent-free, to the New Albany Arts Council. The New Albany Arts Council had dissolved, however, the New Albany Chorus and the New Albany Winds, both reorganized into 501(C)(3) organizations, wanted to use the space. If council had no objection, he would offer the same terms to each entity with the condition that they share the space. Council Member



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Fellows asked and City Manager Stefanov answered that the available space was about the same size as the little city council office. The New Albany Chorus was using the space primarily to store music. The Winds group was primarily using the space for a mailing address and to have a presence in New Albany.

Council Member Fellows asked and City Manager Stefanov replied that another option would be to lease the space to another, perhaps for-profit organization, which would pay rent. Mayor Spalding noted that the two interested groups mainly comprised the Arts Council prior to its dissolution. Council Member Briscoe asked and City Manager Stefanov replied that Administration staff had contacted the organizations about sharing the space and had not yet received a response. Council did not object to offering the space to the arts groups until a better purpose was found.

City Manager Stefanov told council that the city had been a part of the Ohio Plan Property and Casualty Insurance Consortium for approximately 20 years. The Consortium and the Strategic Government Resource Group would be hosting a leadership training program over at the Heit Center and New Albany Links Country Club. In exchange for hosting, city staff would be able to participate in the training for free. On March 26th, there would be an evening session from 6-8 pm for elected officials, complimentary to New Albany representatives. Dinner would be provided.

- E. City Attorney: Law Director Mitch Banchefsky reported that the Eleventh District Court of Appeals issued a detailed zoning decision. The decision spelled out the kinds of information and evidence that a Planning Commission could rely and the procedures which should be followed. While the case was not in the same appeals district as New Albany, the case would be persuasive. Law Director Banchefsky told council that he would be sharing the decision with council and relevant city boards.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Kist

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22 (G)(1) to consider appointment, employment, promotion or compensation, discipline, demotion or dismissal of a public employee or official. Mayor Spalding reserved the right to take action afterwards. Council Member Kist seconded and council voted with six yes votes to go into executive session at 7:57 p.m.

Council Member Shull moved that council come out of executive session and resume the regular meeting. Mayor Spalding seconded and council voted with six yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:24 p.m.



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OTHER BUSINESS:

Council Member Kist told council about biking past a large solar array. He and City Manager Joseph Stefanov met with AEP representatives. AEP was excited about solar and other smart energy initiatives and proposed New Albany as a test community. AEP's lead liaison was involved in some hearings at the statehouse, but would be coming back with some proposals in mid- to late February. Council Member Kist researched AEP's website and other peer communities who prioritized sustainability plans and programs. Council Member Kist felt New Albany was behind on these types of programs. Council Member Kist wanted to explore solar options and a more comprehensive sustainability plan going forward.

Council Member Kist expected to come back to council in March. He hoped to get City Manager Stefanov and Community Development Director Jennifer Chrysler involved, particularly with new business tenants moving to New Albany. Council Member Fellows asked and City Manager Stefanov answered that he didn't know what, if any, financial investment from the city was being requested. It was too early to know what the projects could be and whether or public or private entities could be brought in as partners. Council Member Kist stated a project would have to make economic sense for the city.

Council and staff discussed whether companies were interested in solar power. Mayor Spalding recalled Facebook buying some of its sustainable energy from Indiana. He told council that AEP had been engaging with the New Albany, bringing experts to the table, and were trying to work with the Public Utilities Commission of Ohio (PUCO). Mayor Spalding added that there were flight pattern restrictions related to where a solar array could be located. Council discussed the State of Ohio's stance on renewable energy.

Mayor Spalding wanted to continue exploring other sustainable options. Council Member Kist talked about replacing older school buses and service department vehicles with alternative fuel technologies. Council Member Kist looked at Breckenridge, Colorado, Fairfield, Connecticut, and Upper Arlington's initiatives. AEP was offering educational pamphlets. Mayor Spalding stated the city was watching some other central Ohio communities. Worthington was creating a Master Power Agreement. Council Member Kist stated that Cincinnati had committed to running their municipal operations on solar power by a date certain. A lot would depend on whether the numbers made sense for New Albany.

Clerk Mason reported that Council Member Brisk asked her to relay that Healthy New Albany had put together a Senior Programming Committee. Council Member Brisk and Council Member Fellows were committee members. It would meet next on January 24th, then on February 6th, and regularly after that to monitor the progress of the senior programming.

EXECUTIVE SESSION:

Mayor Spalding moved to go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Council Member Fellows seconded and council voted with five yes votes to go into executive session at 7:36 pm.



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Council Member Fellows moved that council come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with five yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 7:53 p.m.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Fellows moved and Council Member Shull seconded to adjourn the January 15, 2019 Regular Council meeting at 7:53 pm.

ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

Feb 5 - 2019

Date