



NEW ALBANY CITY COUNCIL MEETING MINUTES

March 1, 2016

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of March 1, 2016 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were Deputy City Manager Debra Mecozzi, Police Chief Greg Jones, Finance Director Chad Fuller, Law Director Mitch Banchefsky, Community Development Director Jennifer Chrysler, City Engineer Ed Ferris, Public Service Director Mark Nemec, Public Information Officer Scott McAfee, and Clerk of Council Jennifer Mason.

Council Member Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Spalding	P
CM Colleen Briscoe	A
CM Chip Fellows	P
CM Glyde Marsh	P
CM Michael Mott	P
CM Steve Pleasnick	P

Mayor Spalding moved to excuse Council Members Briscoe. Council Member Fellows seconded and Council voted with five yes votes to excuse Council Member Briscoe from attending the meeting.

ACTION ON MINUTES:

Mayor Spalding asked if Council had reviewed the February 16, 2016 minutes and if they had any proposed additions or corrections to the proposed meeting minutes. Having none, Mayor Spalding moved and Council Member Marsh seconded the motion to approve the minutes. Council voted with three yes votes and two abstentions (Mott and Pleasnick abstained) on the motion. Motion failed.

Mayor Spalding motioned to table the approval of the minutes until the next meeting when more council members who were present for the February 16, 2016 meeting would be present. Council Member Fellows seconded the motion, and Council voted with 5 yes votes to table the approval of the February 16, 2016 minutes until the next meeting.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Mayor Spalding asked if Council or Staff had any additions or corrections to the agenda. No additions or corrections were requested.

HEARING OF VISITORS:

Proclamation Recognizing March As National Athletic Trainers Month – Meredith Koehler and Todd Peterson, representatives for Nationwide Children's Hospital Department of Sports Medicine were



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present to accept the proclamation. Mayor Spalding read the title and body of the proclamation aloud and gave it to Ms. Koehler who explained how athletic trainers work with Nationwide Children's Hospital's physicians, as well as other local organizations, to promote healing and health.

Proclamation Recognizing Community Partners for Promotion of Youth Health Initiatives and Offering Healthful Foods at Concession Stands - David Wharton and Brian Smith, representatives for New Albany Parks and Recreation, Kate Edwards and Dr. Phil Heit, representatives for Health New Albany, and Jessica Buschmann, representative for Nationwide Children's Hospital, were present to accept the proclamation. Mayor Spalding read the title and body of the proclamation aloud and gave it to the recipients. Council Member Fellows asked the recipients about the changes being implemented. Brian Smith responded that snacks with carbs and proteins rather than fats and sugars as the main ingredients were being added to the available foods at concession stands, and that they were looking to phase out the less healthy foods. In addition, they plan to hand out information to parents regarding healthy snacks.

COUNCIL SEAT INTERVIEWS:

Mayor Spalding invited Kasey Kist to step up to the podium for his interview. Council Member Fellows thanked Mr. Kist for his service on the Rocky Fork Blacklick Accord. Council Member Fellows asked for some background and what was driving Mr. Kist's interest in council. Mr. Kist gave a brief description of his and his family's history with New Albany. He spoke about how he ran a small business in New Albany, coached for New Albany Parks & Recreation and elsewhere, and had volunteered for various charitable organizations locally. Mr. Kist expressed an interest in being more active in the community which drove his application for the open council position.

Council Member Fellows asked and Mr. Kist described his top three priorities as: working with the schools, continuing to expand the business park and attracting new businesses, and continuing to regulate residential construction with the goal of reducing the impact on the schools. He stated that he would like New Albany to continue to innovate and be one of the best places in America. Council Member Fellows asked what Mr. Kist would like to see changed or improved upon. Mr. Kist responded that he was a supporter of roundabouts, and New Albany traffic was getting to a point where larger thoroughfares and new infrastructure would have to be a top priority to maintain ease of access and navigation. Council Member Fellows asked Mr. Kist his view of the role of city government. Mr. Kist answered that the role was one of a facilitator and emphasized connecting with and supporting the talent that already existed in New Albany.

Mayor Spalding asked Mr. Kist who, in addition to representing the city at large, Mr. Kist felt would be his constituency. Mr. Kist responded that he had school age kids and was aware of those issues. He described his involvement with Healthy New Albany and other health and fitness-related organizations as putting him in touch with the active citizens. He also spoke about running his small business and understanding those issues. Mayor Spalding asked Mr. Kist to talk about the Kist Family Turkey Trot. Mr. Kist explained how it started 4 years ago with about 30 people, family and friends, on Thanksgiving



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morning who donated a can of food and ran. The next year was 70, then 125 participants. In 2014, it grew to approximately 250 participants. This past November, it was officially organized and called the First Annual Thanks For Giving 4-Miler and started and finished around Fenway. There were approximately 2,000 runners and over \$50,000 was raised for Life Care Alliance, Mid-Ohio Food Bank, and a new Thanksgiving Fund with the New Albany Community Foundation. He expressed hope that it would be a tradition for years to come. Mayor Spalding congratulated him on the event's success.

Council Member Mott asked Mr. Kist if he'd ever considered being on the school board. Mr. Kist expressed that he did consider that option, but chose to support a number of his friends who did run.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: Council Member Pleasnick reported that a meeting was scheduled for the following Monday.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Mott reported that the BZA met last Monday. He was unable to attend. There were three cases considered, all involving variances. One was for a residence on a cul-de-sac for a recreational outbuilding. It was approved. A variance was requested for single family home on Johnstown Rd. without adequate frontage due to it there being two properties on a shared driveway. It was approved with the provision that both houses have the required 150 ft on the private access driveway. The third variance was for a pavement setback on Beech Rd. The neighbor to that construction did not have a problem with the request and was present to speak in favor of the request. That variance was also approved.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No report.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATIONS:

NONE.



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SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-05-2016

Mayor Spalding read by title AN ORDINANCE APPOINTING AND CONFIRMING THE PRESIDENT PRO TEMPORE TO PRESIDE IN THE CITY'S MAYOR'S COURT AND ESTABLISHING THE ADDITIONAL SALARY FOR DOING SO.

Mayor Spalding moved to amend this ordinance to add the word "current" before President *Pro Tem* and read "AN ORDINANCE APPOINTING AND CONFIRMING THE *CURRENT* PRESIDENT PRO TEMPORE TO PRESIDE IN THE CITY'S MAYOR'S COURT AND ESTABLISHING THE ADDITIONAL SALARY FOR DOING SO." (*emphasis added*) Mayor Spalding explained that the purpose of the amendment was to clarify that this appointment only existed for council's current President *Pro Tem* and, during the next organizational meeting, should council decide to appoint a different President *Pro Tem*, they would have to revisit the appointment to Mayor's Court. Council Member Pleasnick seconded the amendment and Council voted with five yes to approve the amendment.

Law Director Mitch Banchefsky explained the he didn't have much to add to his presentation at the first reading. He stated that the ordinance was written to avoid any argument that New Albany did not have a properly appointed Magistrate to handle Mayor's Court. The ordinance authorized the President *Pro Tem* to preside and set the compensation.

Mayor Spalding clarified that he expressly requested Council Member Briscoe take these duties as he believed he had a conflict that would complicate him presiding over Mayor's Court. In addition, Council Member Briscoe had years of experience with Mayor's Court and her office was now convenient to Village Hall. He supported the additional salary going towards her efforts.

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

Mayor Spalding moved to adopt the ordinance. Council Member Pleasnick seconded and Council voted with five yes votes to approve Ordinance O-05-2016.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-06-2016

Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 373 OF THE NEW ALBANY CODIFIED ORDINANCES ENTITLED "BICYCLES AND MOTORCYCLES" SO AS TO REQUIRE CHILDREN RIDING BICYCLES AND OTHER CHILDREN'S VEHICLES TO OPERATE THOSE VEHICLES SAFELY AND TO WEAR AN APPPROVED HELMET - ALTERNATIVELY TITLED THE "NEW ALBANY CHILD HELMET SAFETY ACT"



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Mayor Spalding stated that Mayor Ferguson was approached last August by several physicians at Nationwide Children's Hospital who were interested in having the city adopt an ordinance requiring children operating bicycles or motorcycles to wear helmets. That proceeded through the information gathering phase. After Mayor Spalding took office, drafting began involving the city's partners at Healthy New Albany and Nationwide Children's Hospital.

Clerk of Council Jennifer Mason explained that the ordinance built on Chapter 373 of New Albany's existing codified ordinances. The ordinance expanded coverage of that Chapter to include children's vehicles which were defined in section 373.01. The ordinance called for anyone under 18 years-old operating a bicycle or children's vehicle to wear a helmet that met U.S. Consumer Product Safety Commission (CPSC) standards and the same applied to passengers over one year, but less than 18. Clerk Mason explained there would be a six month phase-in of the law when only verbal warnings would be issued. After that, the minor and parent could be given a written warning and then fined.

Law Director Mitch Banchefsky added that he spoke with Police Chief Greg Jones regarding potential training issues and Chief Jones expressed approval of the language in the ordinance. Mayor Spalding stated that this was a safety/educational ordinance and that it was not intended to be law enforcement-focused. Council Member Fellows asked and Chief Jones answered that Nationwide Children's Hospital and Dairy Queen still provided coupons to the police officers to give out to kids who were wearing helmets as a positive incentive. He stated that program had been very effective and would start again around Memorial Day and last through the summer.

Mayor Spalding stated that the city was also coordinating with Plain Local Schools since, with reduced busing, there were more kids riding bikes to school and, based on observation, only half of them were wearing helmets. The goal was to increase helmet usage as much as possible. Also, the drafters worked to mirror many of Columbus' requirements knowing that many school district residents lived in Columbus. Mayor Spalding anticipated advocate testimony in support of the ordinance at the next council meeting and also anticipated to testifying, himself, in support.

Council Member Marsh expressed interest in amending the ordinance regarding approval of the children's helmets. He was not familiar with the U.S. CPSC, did not know of their qualifications, and felt the police department should inspect and approve helmets. Clerk Mason volunteered to provide Council Member Marsh with more background on the U.S. CPSC and their regulations. She stated that many municipalities, including Columbus, cited them as setting the approved standard and that helmets could be purchased from the store with the U.S. CPSC stamp. Council Member Marsh remained concerned about naming one organization as setting the standard without knowing its qualifications. Council Member Marsh asked and Clerk Mason agreed to send information on the U.S. CPSC to all council members.



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Mayor Spalding set this ordinance for second reading and public hearing at the March 15, 2016 council meeting.

RESOLUTIONS

RESOLUTION R-11-2016

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE A CONTRACT(S) OR TO PARTICPATE IN A STATE CONTRACT OR OTHER COOPERATIVE NEGOTIATIONS FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) AND TO ENTER INTO SUCH AGREEMENT AS THE MANAGER DEEMS IN THE BEST INTERESTS OF THE CITY.

Public Service Director Mark Nemec presented a graphic showing the number of winter weather events and amount of rock salt used in the past few years. The graphic showed 14 events thus far this winter and 37 events in the 2013/2014 winter season. Direct Nemec anticipated 1-2 more events this season. Director Nemec explained that the resolution was written in a way so that the city could do an Ohio Department of Transportation bid, a swap 4G bid, or utilize other cooperatives, and further explained that rock salt prices changed depending on the time of the bidding and amount of demand.

Council Member Fellows asked and Director Nemec answered that the city currently had a little less than half of its rock salt left in storage. Council Member Fellows asked and Director Nemec answered that the city did not have to re-supply during this winter season.

Council Member Marsh asked and Director Nemec confirmed that delivery was included in the cost of the rock salt. Director Nemec stated the only expense not included in the rock salt price was the cost of piling which usually ran a few dollars per ton and was performed as part of the final rock salt delivery. Director Nemec stated that the city's excess rock salt could be re-sold to the school district and/or township at cost.

Council Member Marsh asked and Director Nemec responded that the city did not own a piler, that they are large, expensive, must be stored, and are not frequently used. Council Member Marsh expressed interest in the city possibly saving money by purchasing a piler. At Council Member Marsh's request, Director Nemec agreed to look into the purchase of a piler.

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

Council Member Pleasnick moved to adopt the resolution. Council Member Mott seconded and Council voted with four yes votes and one no vote (Marsh opposed) on the motion to approve Resolution R-11-2016. Motion carries.



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RESOLUTION R-12-2016

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. (QCI) TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE CITY OF NEW ALBANY ON SELECT PROJECTS.

Public Service Director Mark Nemec explained that the city had been working with Quality Control Inspection, Inc. (QCI) to do construction inspections for 13 years. In the past, City Manager Joseph Stefanov had stated that it was wise, when E.P. Ferris' office engineers did a particular project, for the city utilize a separate company to do the inspection. Director Nemec stated that QCI had been cost effective, had performed well, and had worked with other municipalities in the area. Council Member Fellows asked and Director Nemec has stated he had not had problem with their service. Director Nemec told council that he once had an issue with a particular inspector on the Beech Road widening project, however that issue was worked out satisfactorily with the contractor. Director Nemec stated that incident was the only time he had had a problem with QCI's work, and they had otherwise done an outstanding job, regularly come in under bid, and charged reasonable rates as measured by comparison to other municipalities.

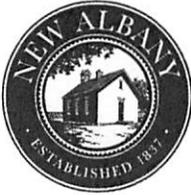
Council Member Pleasnick asked and City Engineer Ed Ferris confirmed that he was comfortable with QCI inspecting the projects that his office has designed. Mayor Spalding stated he appreciated QCI's good service and relationship with the city, but also expressed an interest in bidding out the service more frequently in the future as a policy of good government.

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

Council Member Pleasnick moved to adopt the resolution. Council Member Mott seconded and Council voted with five yes votes to approve Resolution R-12-2016.

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.



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- F. Administration Committee: No report.
- G. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No report.
- B. Council Representative to Plain Local Schools: No report.
- C. Council Representative to Plain Township: No report.

REPORTS OF VILLAGE OFFICIALS:

- A. Mayor: Mayor Spalding reported that he would be meeting with Doug Ulman, the executive director for Peletonia later in the week. He stated that Peletonia was scheduled for August 6th-7th and there will be 4 stops or starts in New Albany. He told Council he would pass on any information he received from Mr. Ulman.
- B. Clerk of Council: No report.
- C. Finance Director: Finance Director Chad Fuller reported that the city received notice from the Regional Income Tax Authority (RITA) last week that a company made a large Net Profit Refund Request for approximately \$1.7 million dating back to estimated Net Profit taxes that it paid in 2008. The city reached out to the director of corporate tax, explained the impact a lump sum repayment would have on the city, and worked with the company to reduce said impact. Director Fuller stated that the company had been open to working with the city to mitigate the impact. The discussion revolved around the city making a payment of around \$100,000 each month through December 31, 2017. As a result of the refund, Director Fuller anticipated little to no contribution to the city's Infrastructure Replacement Fund in 2016 and expected to reevaluate the city's budget in 2017 keeping the tax repayment in mind. Director Fuller reiterated that the company had been amenable to working with the city and wanted to arrive at a solution that benefitted both parties.

Council Member Pleasnick asked and Director Fuller confirmed that the Refund Request would affect other entities. Director Fuller explained that this was revenue that the city shared with the New Albany Community Authority and school district, so it would have a negative impact on them as well.

Mayor Spalding asked if the city should expect to see more Net Profit Refund requests. Director Fuller replied that he anticipated this would be a one-time occurrence and was based on this particular company's overestimation of the tax in 2008. He explained that the company kept the



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overpayment on their account with RITA expecting to owe more tax and offset that from the credit. When time ran and they could no longer carry the credit with RITA, they requested the refund.

- D. City Manager: Deputy City Manager Debra Mecozzi invited Public Service Director Mark Nemec to make a report to Council.

Director Nemec reminded council of Resolution R-41-2013 which approved the construction of the Beech Road water tower and associated building. The resolution included funding for a lift station to handle the restroom's sanitary line and connect it to the public main system, a fence, and other items. After bidding, some items were not contracted for due to cost. Director Nemec expected the tank to be finished this June and stated it was time to re-open bidding for the lift station. Director Nemec consulted Law Director Mitch Banchefsky and it was determined that the 2013 resolution was still in effect and that, procedurally, a new resolution was not needed. Director Nemec gave this report to inform council and to have a record made containing the next steps in the construction.

Council Member Fellows questioned Director Nemec regarding the \$50,000 cost for running a sanitary line for one restroom. Director Nemec explained that nearest public main was 1,500 feet down the road from the new building and a grinder pump was necessary to make that connection. Law Director Mitch Banchefsky added that the building was designed for multiple possible uses, including a garage or satellite fire station, and the sanitary line was anticipated to support more occupants.

- E. City Attorney: No report.

OTHER BUSINESS:

Grants and Non-Profit Funding Standing Committee – Mayor Spalding noted that there was now a vacancy on this committee and that it may be filled by the new Council Member.

New Albany Community Events Board Funding - Mayor Spalding stated that the Community Events Board (CEB) had asked council to consider their application for funding for Springfest. Mayor Spalding explained that, two years ago, Springfest had been a popular event held in the football stadium which had attracted about 5,000 attendees. Last year, Council was more conservative and did not contribute funding to the event. The CEB needed to know at this meeting what Council's level of funding would be as the event was scheduled for March 26th. Mayor Spalding reported that the CEB's application requested \$45,800 to coordinate their events, Springfest and the July 4th Parade, and to pay for their insurance and administrative items. The city had historically funded nearly 100% of the CEB's activities. Council Member Pleasnick asked if the \$45,800 amount included or did not include "in kind" contributions made by the city in the form of city services provided at these events. Public Information Officer Scott McAfee answered that the city no longer did "in kind" contributions, but instead granted



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the CEB money to pay for those services, and noted that the CEB had, at times in the past, requested waivers for those fees. The city's change in the manner of funding additionally helped simplify the budgeting process for the city departments providing services at those events. Council Member Fellows asked and PIO McAfee confirmed that the amount requested by CEB was designed to cover all costs.

Mayor Spalding suggested that the Springfest funding be given separate consideration due to the timing of the event and that Council consider the remaining amount when the full Grants and Non-Profits Funding Committee could meet. Council members agreed.

Mayor Spalding moved to approve funding to the CEB in the amount of \$11,500 to put on Springfest in 2016 and to consider the rest of the CEB's application alongside the applications of the other organizations seeking funding. Council Member Pleasnick seconded, and Council voted with 5 yes votes to approve this motion.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Pleasnick received information from the Franklin County Commissioner's office regarding Dr. Burton who was passionate about conservation and making a difference wildlife. The email Council Member Pleasnick received specifically addressed migrating birds. Council Member Pleasnick related to council how bright lights on tall buildings could disorient birds resulting in the birds flying into the buildings and dying, killing between 365,000,000 and 988,000,000 annually. Council Member Pleasnick stated that, to reduce the impact, residents and businesses could turn off exterior decorative lighting and unnecessary internal lighting, dim lobby lights, and pull shades on upper floor windows during peak migration times. Council Member Fellows noted that school parking lots were constantly lit, but that may not have an influence on migration. Council Member Marsh stated that he was Dr. Burton's advisor at The Ohio State University and that he did not believe New Albany had any buildings tall enough to affect migrating birds. Mayor Spalding told Council that Neil Kirby, the Chair of Planning Commission, was vigilant about the issue of light pollution. Council Member Fellows and Council Member Pleasnick agreed that these were important issues for conservation efforts.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to 121.22(G)(1) of the Ohio Revised Code for a discussion relating to the appointment of individuals to city council, boards, and commissions. Mayor Spalding stated he anticipated taking action after the session. Council Member Fellows seconded and Council voted with five yes votes to go into executive session at 7:46 p.m.



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Council Member Fellows moved that council come out of executive session and resume the regular meeting. Mayor Spalding seconded and Council voted with five yes votes to come out of executive session and resume the regular meeting at 8:07 p.m.

New Council Member – Mayor Spalding explained that council had had the opportunity to consider the applicants who interviewed. Mayor Spalding expressed his appreciation for everyone who applied as part of a very public process and commended the applicants for their considerable talent and willingness to serve. Council Member Fellows echoed Mayor Spalding's sentiments regarding the challenges of applying and the services provided by many of the applicants to the city. Council Member Fellows stated that, based on the interview process and council's review of the applications, it had come to a decision.

Council Member Fellows moved to name Matt Shull as the next council member. Council Member Pleasnick seconded and Council voted with five yes votes to appoint Matt Shull to the New Albany City Council.

Mayor Spalding thanked everyone for participating and congratulated Mr. Shull on his appointment. Mayor Spalding stated that Mr. Shull would be sworn in at the next council meeting.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Mott seconded to adjourn the March 1, 2016 Regular Council meeting at 8:12 p.m.

ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan T. Spalding, Mayor

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Date