# NEW ALBANY CITY COUNCIL
# MEETING MINUTES

## May 3, 2016

## CALL TO ORDER:

Colleen Briscoe, Council President *Pro Tem,* called to order the New Albany City Council Meeting of April 5, 2016 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Deputy City Manager Debra Mecozzi, Police Chief Greg Jones, Finance Director Chad Fuller, Law Director Mitch Banchefsky, Community Development Director Jennifer Chrysler, Deputy Community Development Director Adrienne Joly, City Engineer Ed Ferris, Public Service Director Mark Nemec, Public Information Officer Scott McAfee, and Clerk of Council Jennifer Mason.

President *Pro Tem* Briscoe led the assemblage in the Pledge of Allegiance.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

| | |
|---|---|
| Mayor Spalding | A |
| CM Colleen Briscoe | P |
| CM Chip Fellows | P |
| CM Glyde Marsh | P |
| CM Michael Mott | P |
| CM Steve Pleasnick | P |
| CM Matt Shull | P |

President *Pro Tem* Briscoe moved to excuse Mayor Spalding. Council Member Mott seconded and Council voted with six yes votes to excuse Mayor Spalding from attending the meeting.

## ACTION ON MINUTES:

President *Pro Tem* Briscoe asked if Council had reviewed the April 19, 2016 minutes and if they had any proposed additions or corrections to the proposed meeting minutes. Clerk of Council Jennifer Mason stated that, since Council received their draft, some typos had been corrected and one addition had been made to Council Member Shull's ARB report. Those changes were already in the official proposed minutes and no amendments were necessary. Council Member Marsh stated that his preference was for more abbreviated minutes. President *Pro Tem* Briscoe moved and Council Member Shull seconded the motion to approve the minutes. Council voted with six yes votes to approve the April 19, 2016 minutes.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

President *Pro Tem* Briscoe asked if Council or Staff had any additions or corrections to the agenda. No additions or corrections were requested.

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## HEARING OF VISITORS:

NONE.

## BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB would be meeting on Monday, May 9th.

BOARD OF ZONING APPEALS: Council Member Mott stated that the BZA met the prior week and that the only case was tabled.

BOARD OF CONSTRUCTION APPEALS: No meeting.

CEMETARY RESTORATION ADVISORY BOARD: Council Member Mott reported that CRAB would meet the following Wednesday, May 11th.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

## CORRESPONDENCE AND COMMUNICATIONS:

NONE.

## SECOND READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

## INTRODUCTION AND FIRST READING OF ORDINANCES:

**ORDINANCE O-09-2016**

President *Pro Tem* Briscoe read by title AN ORDINANCE TO AMEND THE SMITH'S MILL ROAD, SMITH'S MILL ROAD NORTH AND BEECH ROAD DEDICATION AND EASEMENT FINAL PLAT TO REMOVE THE RECORDED 8.531 EASEMENT LOCATED ON THE EAST SIDE OF BEECH ROAD, SOUTH OF INNOVATION CAMPUS WAY AND TO AMEND THE INNOVATION CAMPUS WAY WEST FINAL PLAT TO REMOVE THE RECORDED 3.389 ACRE EASEMENT, THE 0.726 ACRE EASEMENT AND THE 0.3 ACRE EASEMENT AND TO VACATE A 0.304 ACRE EASEMENT AND A 0.031 ACRE EASEMENT LOCATED ON THE WEST SIDE OF BEECH ROAD AS REQUESTED BY THE NEW ALBANY COMPANY AND TO DECLARE AN EMERGENCY.

Deputy Community Development Director Adrienne Joly explained that ordinances O-09-2016, O-10-2016, and O-11-2016 dealt with the same piece of land. The purpose of this ordinance was to clean up the encumbrances on the property. She stated that there were two development sites at the Personal Care and Beauty Campus on Beech Road and some of the existing easements pre-dated when Beech Road was reconfigured. As examples, both sites had drainage easements and one property had a sanitary easement with no facility located there. Vacating the easements would allow for greater flexibility for development on the sites. Director Joly clarified that staff was requesting a second reading of this ordinance at the subsequent council meeting, but asked that an emergency be declared at that time to waive the 30 day waiting period before the ordinance became effective.

President *Pro Tem* Briscoe solicited comment on the proposed ordinance. Hearing none, she set the ordinance for Second Reading and Public Hearing on May 17, 2016.

**ORDINANCE O-10-2016**

President *Pro Tem* Briscoe read by title AN ORDINANCE TO VACATE A 0.255 ACRE AND A 0.622 ACRE PORTION OF PUBLIC RIGHT OF WAY LOCATED ALONG THE WEST SIDE OF BEECH ROAD, NORTH AND SOUTH OF INNOVATION CAMPUS WAY WEST, AS REQUESTED BY MBJ HOLDINGS, LLC AND TO DECLARE AN EMERGENCY.

Deputy Community Development Director Adrienne Joly stated this ordinance related to the same property as the prior ordinance. She reminded council that Beech Road used to have a 90 degree turn that was no longer needed and, as a result, there was excess right-of-way in that area. Director Joly told council that the city had been working with the Ohio Department of Transportation (ODOT) since the end of 2015 to deal with this property. The city only received the deed to the property last week and there was interest in developing in the property. The vacation would allow for the land not needed for right-of-way to revert back to the adjacent property owner, MBJ Holdings. Director Joly requested a second reading of the ordinance, but then asked to declare an emergency at that time to waive the 30 day waiting period.

President *Pro Tem* Briscoe solicited comment on the proposed ordinance. Council Member Marsh asked and President *Pro Tem* Briscoe replied that a vote by council at the present meeting was not necessary as staff was requesting the waiver of the 30 days for the ordinance to become effective, but not a waiver of the

Second Reading. President *Pro Tem* Briscoe set the ordinance for Second Reading and Public Hearing on May 17, 2016.

**ORDINANCE O-11-2016**

President *Pro Tem* Briscoe read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 35.45 +/- ACRES OF LAND GENERALLY LOCATED SOUTH AND NORTH OF INNOVATION CAMPUS WAY WEST AND WEST OF BEECH ROAD FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL AND "L-GE" LIMITED GENERAL EMPLOYMENT TO "L-GE" LIMITED GENERAL EMPLOYMENT AS REQUESTED BY MBJ HOLDINGS C/O UNDERHILL & HODGE LLC AND TO DECLARE AN EMERGENCY.

Deputy Community Development Director Adrienne Joly reminded council this ordinance pertained to the same sites as the previous two ordinances. This ordinance related to the vacation ordinance O-10-2016 as the property could not be rezoned until the right-of-way was vacated and reverted back to the adjacent property owner. Director Joly stated that staff had planned well in advance to take care of the encumbrances on the property, but due to ODOT's delay, staff was handling both the vacation and re-zoning at the same time. Director Joly stated that less than an acre needed re-zoning to LG-E as the adjacent property was already zoned LG-E, however, staff was requesting the entire property be re-zoned to reduce paperwork, administrative time, and source materials. Director Joly confirmed that Planning Commission recommended the re-zoning in January of 2016.

President *Pro Tem* Briscoe solicited comment on the proposed ordinance. Hearing none, she set the ordinance for Second Reading and Public Hearing on May 17, 2016.

**ORDINANCE O-12-2016**

President *Pro Tem* Briscoe read by title AN ORDINANCE TO AMEND CHAPTER 1173 "PRIVATE SWIMMING POOLS" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES.

Deputy Community Development Director Adrienne Joly stated that, in the last 2 years, the city had received approximately four variance requests to allow a property owner to install a pool cover in lieu of a barrier or fence around their property. Noting the increasing number of requests, the Community Development Department reviewed the city's zoning code, compared it to similar communities including Columbus, Dublin, Grandview, Groveport, Hilliard, Powell, Upper Arlington and Westerville, and found that New Albany had the tallest fencing height requirement at five feet, with most cities requiring a four foot barrier. Staff did not find a community that allowed a pool cover in lieu of a barrier. The information gathered generated a lot of discussion at the city's boards and commissions. Planning Commission (PC) recommended to council the amendments set forth in ordinance O-12-2016. The barrier height would be reduced to four feet, clarifying

language was included to set forth the intent of the barrier, the property owner would be responsible for the barrier, and cross references to the city's maintenance code were proposed.

Council Member Shull asked and Director Joly replied that a "barrier" was specifically a fence or wall designed in a manner to prevent a child from going under or through it. Council Member Shull confirmed that these changes were not meant to address whether a pool cover was sufficient or whether a fence was required in addition. Director Joly replied that PC had addressed that issue at two meetings and PC did not recommend including an option to use a pool cover in lieu of a fence.

President *Pro Tem* Briscoe solicited further comment on the proposed ordinance. Hearing none, she set the ordinance for Second Reading and Public Hearing on May 17, 2016.

## RESOLUTIONS

### RESOLUTION R-19-2016

President *Pro Tem* Briscoe read by title. A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH PIZZUTI/NW MTB II LLC OR ONE OF ITS AFFILIATES RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA.

Community Development Director Jennifer Chrysler reminded council that it had already approved this package of incentives on February 2, 2016. Subsequent to that approval, the owner moved the project to a new site on the east side of Beech Road immediately adjacent to the existing multi-tenant facility. The project grew to 266,000 square feet and was expected to be an investment of $11.8 million dollars, accommodate three to five individual tenants, and attract 175 new employees with an annual payroll of at least $5 million dollars within three years of the commencement of the agreement.

President *Pro Tem* Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Pleasnick moved to adopt the resolution. President *Pro Tem* Briscoe seconded and Council voted with six yes votes to approve Resolution R-19-2016.

### RESOLUTION R-20-2016

President Pro Tem Briscoe read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH HENDERSON TRUCK EQUIPMENT FOR THE PURCHASE OF SNOW AND ICE HANDLING EQUIPMENT WITH RELATED ACCESSORIES, SERVICES AND SUPPLIES AS SET FORTH IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA) COOPERATIVE CONTRACT NUMBER 080114 FOR A PRICE NOT TO EXCEED $91,000.00 FOR

THE PURPOSE OF MAINTAINING CITY STREETS FREE FROM SNOW AND ICE BY THE PUBLIC SERVICE DEPARTMENT.

Public Service Director Mark Nemec reminded council of the prior resolution it approved to purchase the cab and chassis for a large truck to replace a smaller truck in the city's fleet. This resolution was for the rest of the build of the truck. Henderson Truck Equipment typically offered their products under ODOT contract, but this time the products were on the National Joint Powers Alliance (NJPA) contract. This resolution dealt with everything that would be built on the cab and chassis – the stainless steel dump body, salt spreader, pre-wetting system, hydraulics, the hitch and plow for the front, and the additional wing plow which allowed for a single plowing pass down a wide road instead of two passes.

Council Member Pleasnick asked how the 30% discount was procured and Director Nemec replied that that was the NJPA pricing. Director Nemec stated that this equipment was the same as the city's previous trucks. Director Nemec acknowledged that pricing had risen since the city started purchasing its own vehicles and that the city now utilized additional equipment like the pre-wetting system which helped the salt to activate more quickly. Director Nemec expected, with the approval of the resolution, to have the truck in the fleet for this coming winter.

President *Pro Tem* Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Pleasnick moved to adopt the resolution. Council Member Shull seconded and Council voted with six yes votes to approve Resolution R-20-2016.

**RESOLUTION R-21-2016**

President Pro Tem Briscoe read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE TOWNSHIP OF JERSEY, LICKING COUNTY, OHIO FOR THE MAINTENANCE OF LUCILLE LYND ROAD.

City Manager Joseph Stefanov explained to council that Licking County required the city to enter into a Road Maintenance Agreement (RMA) whenever jurisdictional boundaries were split on a particular roadway and, for Lucille Lynd Road, jurisdiction would be shared with Jersey Township. The Road Maintenance Agreement permitted the New Albany Company go forward with the Annexation Application which would come back to council in about 60 days. President *Pro Tem* Briscoe recalled and City Manager Stefanov agreed that the RMA did not ask the city to do anything it wouldn't already do.

President *Pro Tem* Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Pleasnick moved to adopt the resolution. President *Pro Tem* Briscoe seconded and Council voted with six yes votes to approve Resolution R-21-2016.

**RESOLUTION R-22-2016**

President Pro Tem Briscoe read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP.

City Manager Joseph Stefanov told council that the subject parcel was located on Harrison Road, just north of what would be the Innovation North Campus Road extension which was expected to connect to Harrison Road by the end of 2016. The parcel was rectangular, contained 18 acres, and consisted of properties with 3 previous owners that the New Albany Company (NACO) would combine into 1 parcel. It was expected to be an extension of the Personal Care and Beauty Campus. City Manager Stefanov explained that this would be an Expedited Type I Annexation, and that the Annexation Agreement was drawn up to match the terms and conditions of a regular annexation under the Ohio Revised Code which gave the city the ability to conform boundaries, although the city had never exercised that right. The Agreement also stipulated the manner in which the township would be compensated if the city were to choose to conform boundaries. City Manager Stefanov stated the Expedited Type I annexation was quicker compared to a regular annexation and could be completed in two to three months. City Manager Stefanov reported that the Jersey Township Trustees met about the Annexation Agreement but had not yet taken action on it. He told council that the Annexation Agreement was very similar to previous agreements. The only addition in this Agreement was a provision that would compensate the township for fire service in the event the city would ever apply Tax Increment Financing (TIF) to the property, which language was similar to agreements the city had with Plain Township.

President *Pro Tem* Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

President *Pro Tem* Briscoe moved to adopt the resolution. Council Member Pleasnick seconded and Council voted with six yes votes to approve Resolution R-22-2016.

**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.

F. Administration Committee: No report.

G. Grants and Non-Profit Funding: No report.

**REPORTS OF REPRESENTATIVES:**

A. Council Representative to MORPC: City Manager Joseph Stefanov reminded council about the MORPC State of the Region luncheon taking place on Friday, May 6th.

B. Council Representative to Plain Local Schools: No report.

C. Council Representative to Plain Township: No report.

**REPORTS OF VILLAGE OFFICIALS:**

A. Mayor: No report.

B. Clerk of Council: Clerk of Council Jennifer Mason reminded council that their Ohio Ethics Commission submissions were due by May 17th.

C. Finance Director: No report.

D. City Manager: No report.

E. City Attorney: Law Director Mitch Banchefsky reported to council that the Ohio Supreme Court heard a case involving the Olentangy City School District in Delaware County and ruled that O.R.C. 121.22 prohibited any prearranged discussion of public business by a majority of the members of a public body regardless of whether the discussion occurred face to face, telephonically, by video conference, or electronically by email, text, tweet, or other communication. Law Director Banchefsky stated that the city already advised about electronic communications being used in this fashion. Council Member Shull asked if one on one emails were still acceptable. Law Director Banchefsky stated he was still reviewing the decision, but that he believed that one on one communication did not constitute a public meeting; however, expanding that communication to more recipients increased the likelihood that it could be considered an improper public meeting.

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**OTHER BUSINESS:**
NONE.

**POLL FOR PUBLIC COMMENT:**
NONE.

**POLL FOR COUNCIL COMMENT:**
NONE.

**ADJOURNMENT:**
With no further comments and all scheduled matters attended to, President *Pro Tem* Briscoe moved and Council Member Mott seconded to adjourn the May 17, 2016 Regular Council meeting at 7:03 p.m.

**ATTEST:**

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|---|---|---|
| Jennifer H. Mason, Clerk of Council | Sloan T. Spalding, Mayor | 17 May 16<br>Date |