



NEW ALBANY CITY COUNCIL MEETING MINUTES

October 1, 2019

CALL TO ORDER:

Council Member Briscoe, serving as President *Pro Tem*, called to order the New Albany City Council Meeting of October 1, 2019 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, Law Director Mitch Banchefsky, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, City Engineer Ed Ferris, Engineer Mike Barker, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemec, and Clerk of Council Jennifer Mason.

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

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	A
CM Colleen Briscoe	P
CM Marlene Brisk	A
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P/A – departed around 6:45 pm
CM Matt Shull	P

Clerk Mason told council that Mayor Spalding and Council Member Brisk requested to be excused as they were attending a local event. Council Member Briscoe moved to excuse Mayor Spalding and Council Member Brisk from the meeting. Council Member Shull seconded and council voted with five yes votes to excuse Mayor Spalding and Council Member Brisk.

ACTION ON MINUTES:

Council Member Briscoe asked if council had reviewed the proposed September 17, 2019 meeting minutes and asked if they had any additions or corrections. Hearing none, Council Member Fellows moved to adopt the September 17, 2019 meeting minutes. Council Member Durik seconded and council voted with five yes votes to approve the September 17, 2019 meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

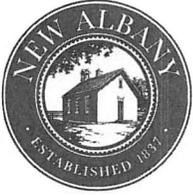
NONE.

HEARING OF VISITORS:

NONE.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Community Development Director Jennifer Chrysler reported that the PC heard testimony by the city's subject matter expert on telecommunications. The expert talked about



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telecommunication towers and ranges, and specifically addressed the application that was submitted by Verizon for installation of a cell tower on the Temple Beth Shalom property. Based on the expert's testimony, staff recommended denial of Verizon's Conditional Use application as it did not meet the city code's technical requirements to grant the use. PC agreed and unanimously turned down the application. The related setback variance application was withdrawn from the Board of Zoning Appeals.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No report.

BOARD OF ZONING APPEALS: No report.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:
NONE.

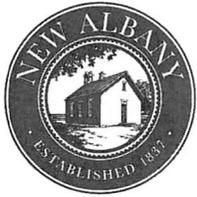
SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-34-2019

Council Member Briscoe read by title AN ORDINANCE TO ABOLISH THE BOARD OF CONSTRUCTION APPEALS AND AMEND CODIFIED ORDINANCE CHAPTER 1305 "BUILDING ADMINISATION" AND CODIFIED ORDINANCE CHAPTER 1330 "INTERNATIONAL PROPERTY MAINTENANCE CODE" AS REQUESTED BY THE CITY OF NEW ALBANY.

Community Development Director Jennifer Chrysler referenced Development Services Manager Stephen Mayer's thorough explanation at the first reading why the staff was recommending, with the support of the Board of Construction Appeals (BCA), to abolish the BCA. The Architectural Review Board (ARB) and Board of Zoning Appeals (BZA) could take up the responsibilities that the BCA previously held. This legislation officially changed the city code sections that were necessary to abolish the BCA and appoint the specific duties of the BCA to the ARB and BZA.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.



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Council Member Kist moved to adopt the ordinance. Council Member Briscoe seconded and council voted with five yes votes to approve Ordinance O-34-2019.

ORDINANCE O-35-2019

Council Member Briscoe read by title AN ORDINANCE TO ACCEPT A 0.923 ACRE TRACT OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF JUG STREET AND BEECH ROAD FROM MBJ HOLDINGS, LLC, TO SERVE AS THE FUTURE LOCATION OF A WATER BOOSTER STATION.

Engineer Mike Barker told council that this legislation authorized the city manager to accept a donation of land upon which the city would build a water booster station. Engineer Barker described the location. Currently, in New Albany, there was a single water pressure district that was providing service to the entire municipality, including the growing business campus.

The city was reaching the outer limit of what could be feasibly served by the New Albany Pressure District. Staff was proposing to expand the existing system and introduce the Mink Pressure District. The project would extend a 24 inch main waterline up Beech Road to service the new booster station. The line would be pressurized and extend from the station east and south, eventually completing a loop at Innovation Campus Way. Engineering plans were nearly complete and the project would be bid in 2019 with council's approval. City Manager Stefanov added that this project was included in the 2019 budget and estimated to cost \$5.5 million. Staff believed it would come in a little higher now because some of the infrastructure had been up-sized. The current estimated cost was around \$6 million. The money for the project was available in the city's capital funds.

Council Member Kist asked and Engineer Barker answered the \$6 million estimate included the booster station and the distribution main, which would cost roughly \$3 million each.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she 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-35-2019.

INTRODUCTION AND FIRST READING OF ORDINANCES

NONE.

READING AND PUBLIC HEARING OF RESOLUTIONS

RESOLUTION R-50-2019

Council Member Briscoe read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A NON-BINDING MEMORANDUM OF UNDERSTANDING WITH THE COLUMBUS ASSOCIATION



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FOR THE PERFORMING ARTS (CAPA) IN ORDER TO ESTABLISH THE PARAMETERS FOR THE MANAGEMENT OF A COMMUNITY AMPHITHEATER.

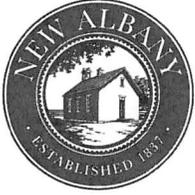
City Manager Joseph Stefanov told council that this was the second piece of legislation in a series of resolutions to support the creation and construction of an amphitheater. The first piece was the resolution authorizing the lease agreement with the school district for the parcel west of the McCoy Center. This legislation authorized him to sign a preliminary agreement with CAPA which would allow them to look at potential programming opportunities and management. This memorandum of agreement (MOU) was temporary. The estimated cost for operating the amphitheater would be approximately \$72,000-\$80,000 annually, which was a gross number. City Manager Stefanov anticipated there would be some revenue to offset the costs from ticket, event, or vendor fees. Once the facility was up and running, and the city better understood what the actual on-going costs and programming management needs were, the city would be in a position to refine and enter into a longer term agreement, as had been done with the McCoy Center. The McCoy owners and board were happy with the CAPA arrangement, so it made sense to continue with CAPA for the amphitheater. City Manager Stefanov told council that the agreement with CAPA was subject to the amphitheater facility being built.

Council Member Fellows stated he was not suggesting this route, but he asked, and City Manager Stefanov stated that he would consult with Law Director Mitch Banchefsky about local taxes on tickets to offset costs. Council Member Kist asked and City Manager Stefanov replied that the amphitheater, with the abbreviated season, would roughly recoup 40%-60% of its costs. The McCoy recouped more than that as it operated year-round. Council Member Durik asked and City Manager Stefanov answered that the city's contribution to the McCoy for the operations was \$20,000 annually. Council Member Fellows asked and City Manager Stefanov answered that the city was co-owners of the McCoy with the township and the school district. The city would be the sole owner of the amphitheater and would be solely responsible for the operating costs. Council Member Fellows asked and City Manager Stefanov confirmed that the city could be "all in" at roughly \$90,000 in costs for operating both facilities. The city also made a capital contribution to the McCoy. Council Member Durik asked and City Manager Stefanov replied that he would have to look up what was paid to CAPA to manage the McCoy Center. Council and staff talked about effective ways to clean and maintain the facility, whether that be through contractors or city staff.

Council Member Fellows asked and City Manager Stefanov replied that CAPA's recommendation was to put up a gate around the amphitheater. There could be an opportunity to open up the facility during certain periods of the day for community use. That would impact the cost.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Kist moved to adopt the resolution. Council Member Durik seconded and council voted with five yes votes to approve Resolution R-50-2019.



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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 meeting.
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: No report.

REPORTS OF CITY OFFICIALS:

- A. Mayor: No report.
- B. Clerk of Council: No report.
- C. Finance Director: No report.
- D. City Manager: No report.
- E. City Attorney: Law Director Mitch Banchevsky told council that they, and all of the registered voters in their households, should have received the proposed charter changes in the mail. Council confirmed this. Law Director Banchevsky reminded council that multiple copies went out because that was required by law. Clerk Mason had taken a question about why New Albany was changing from a "village" to a "city," which definition was contained in the Ohio Revised Code.



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Law Director Banchefsky updated council on the net profits tax case, wherein the State of Ohio provided another option for collecting commercial net profit taxes. The municipalities were unsuccessful at the trial and appellate court levels, but the Ohio Supreme Court agreed to hear the case. Law Director Banchefsky was asked to serve as local council for the Local Government Law Professors, the International Municipal Lawyers Association, and the International City/County Management Association in submitting an *amicus* brief to the Supreme Court on September 30th. The state would be filing a response, then the plaintiffs would have another 15 days to reply. The case was then turned over to the court for consideration. He expected the justices would want to hear oral arguments. Law Director Banchefsky told council it was a big win when the Supreme Court granted *certiorari* on this matter.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.

EXECUTIVE SESSION:

Council Member Briscoe 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 official or employee. Council Member Briscoe reserved the right to take action after. Council Member Shull seconded and council voted with four yes votes to go into executive session at 6:51 pm.

Council Member Fellows moved that council come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with four yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 7:16 pm.

OTHER BUSINESS:

Council Member Fellows moved to appoint Amanda Bailey to the Community Reinvestment Area Housing Council (CRAHC) for the term 6/30/2019 to 12/31/2019; and a new, full term of 1/1/2020 to 12/31/2022. Council Member Durik seconded and council voted with four yes votes to appoint Amanda Bailey to the CRAHC for the aforementioned terms.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Shull moved and Council Member Durik seconded to adjourn the October 1, 2019 Regular Council meeting at 7:17 pm.



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ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

10 OCT 19

Date