



## NEW ALBANY CITY COUNCIL MEETING MINUTES

October 2, 2018

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of September 18, 2018 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, Administrative Services Director Adrienne Joly, Law Director Mitch Banchevsky, Police Chief Greg Jones, Finance Director Bethany Staats, City Engineer Ed Ferris, Community Development Director Jennifer Chrysler, Engineer Mike Barker, Public Service Director Mark Nemeec, 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	P
CM Michael Durik	P
CM Chip Fellows	A
CM Matt Shull	P

Clerk of Council Jennifer Mason told council that Council Member Fellows reported he was travelling for work and requested to be excused. Mayor Spalding moved to excuse Council Member Fellows from the council meeting. Council Member Shull seconded and council voted with five yes votes to excuse Council Member Fellows from the meeting.

### **ACTION ON MINUTES:**

Mayor Spalding asked if council had reviewed the proposed September 18, 2018 meeting minutes and had any changes. Clerk Mason stated that City Manager Joseph Stefanov found two "\$" ahead of population numbers and she corrected those errors on the original. Mayor Spalding moved to adopt the September 18, 2018 regular meeting minutes as corrected. Council Member Briscoe seconded and council voted with four yes votes and one abstention (Brisk) to approve the meeting minutes as corrected.

### **ADDITIONS OR CORRECTIONS TO THE AGENDA:**

NONE.

### **HEARING OF VISITORS:**

Proclamation –Stormwater Awareness Week – Mayor Spalding read the proclamation declaring October 7-13, 2018 Stormwater Awareness Week in New Albany. The proclamation was presented to Public Service Director Mark Nemeec.

### **BOARDS AND COMMISSIONS:**



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PLANNING COMMISSION: Mayor Spalding reported that the PC considered the rezoning of the acreage between Babbitt Road and Beech Road, south of State Route 161 and north of Morse Road. Approximately 18 members of the community attended and 4 persons addressed the PC, including the developer. PC carefully reviewed the zoning request and approved it with conditions. There was a lengthy conversation around a building exceeding the usual 65 foot height. PC ultimately approved that request, however, the developer would have to come back to PC and show that factors in the zoning text were met to building higher than 65 feet.

PARKS AND TRAILS ADVISORY BOARD: No report.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Brisk reported that the BZA approved a setback variance for the owner of 5739 Kitzmiller Road. There was a now a 250 foot setback requirement in that area which was not in place at the time the original home was built. The owner planned to raze the old residence and build a new one on a similar footprint.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CHARTER REVIEW COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: Clerk of Council Jennifer Mason reported that the CRAB met briefly to approve an old set of minutes, and from there toured the newly refurbished New Albany Cemetery. All of the stones that were located and identifiable were situated on the grounds. There were 12 more monuments to be constructed and erected. Council Member Durik toured with the CRAB and stated that the restoration company did an excellent job. Council and staff discussed Phase II of the restoration which would likely happen around extended Rose Run development.

CHARTER REVIEW COMMISSION: Mayor Spalding reported that the CRC reviewed the history of Home Rule and talked about the process of reviewing the charter articles. Law Director Mitch Banchevsky would be briefing council later about the charter sections governing the mayor and council to see if anyone had any recommendations. The next meeting was October 23<sup>rd</sup>.



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### CORRESPONDENCE AND COMMUNICATION:

Law Director Mitch Banchefsky reported that the city received approval from FEMA such that select insurance agents could start selling federal flood insurance in New Albany. It took 3 years to achieve this status involving engineering documents and many communications with FEMA. Mayor Spalding suggested putting the city's approved status on the website or otherwise spreading the news.

### SECOND READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

### FIRST READING AND PUBLIC HEARING OF ORDINANCES:

#### **ORDINANCE O-18-2018**

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 635.4 +/- ACRES OF LAND GENERALLY LOCATED EAST OF BABBITT ROAD, NORTH OF MORSE ROAD AND WEST OF BEECH ROAD FOR AN AREA TO BE KNOWN AS THE "COUNTY LINE ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT AND "L-GE" LIMITED GENERAL EMPLOYMENT DISTRICT TO "L-GE" LIMITED GENERAL EMPLOYMENT DISTRICT AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.

Community Development Director Jennifer Chrysler described the area to be rezoned. Planning Commission (PC) had approved the text with conditions the prior night. Limited Overlay text took the usual zoning text for Limited General Employment (L-GE) and enhanced the standards for design purposes and to set development expectations. The uses in the proposed text were consistent with other uses approved in the area. The proposed development standards increased the best uses in the Licking County business park, protected the adjacent residents, maintained the rural corridor of Morse Road, and made Beech Road the primary access for the site capitalizing on the recent infrastructure improvements.

Director Chrysler told council that the newest feature of the zoning text allowed a building height of up to 85 feet, but anything higher than 65 feet would require secondary review from PC. PC would hold a public hearing and a Certificate of Appropriateness would have to be issued. There were additional elements in the zoning text regarding screening and tree preservation. The text allowed for above-ground utilities from any electric substation, but also set forth that any above ground utility would have to be located 500 feet from the right-of-way and completely screened. The site was in both Franklin and Licking Counties. It was approved by the Rocky Fork Blacklick Accord (RFBA). The RFBA only had purview over the Franklin County portion, but staff presented the entire site to the Accord. The Accord noted that the city was doing what it said it would do by identifying pieces of property that were slated as residential, finding out ways to minimize the impact to the schools, and turning them into revenue generating properties for the community.

Aaron Underhill, attorney for applicant, and Tom Rubey, Development Director for The New Albany Company, were present to answer questions.



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Mayor Spalding stated that Planning Commission (PC) asked the developer why they wanted a building over 65 feet tall. The response was that, from time to time, they put in a bid for a project and there was a checkbox that asked if buildings over 65 feet were allowed. The new zoning text presented the opportunity to bid on projects where a portion or all of the building could exceed the standard height. Additionally, the developer committed to not making any curb cuts on Babbitt Road addressing the concerns of residents on that street. Residents on Morse Road voiced concerns about increased traffic. Many who attended were not aware of the roundabout being built on Kitzmiller Road which could discourage truck traffic. The city had built a robust road system from State Route 161 along the Beech Road corridor encouraging traffic to use those arterials instead of Morse.

Council Member Shull asked and Director Chrysler answered that the Facebook building was 65 foot tall. She added that one of the taller buildings in the area was the AEP transmissions facility and any appurtenances above the roofline, including mechanicals, were already allowed above the standard height. She told council that setbacks mattered to sightlines and the city's architect, David Bullock, offered that some existing buildings were too squat and there could be some depth and better design if the city allowed for additional height in the business park. Community Development Director Jennifer Chrysler hoped for better product and more creative designs, but, ultimately, it would be up to the Planning Commission to review and approved additional height.

Mayor Spalding set the ordinance for second reading at the November 6th council meeting.

### **ORDINANCE O-19-2018**

Mayor Spalding read by title AN ORDINANCE AUTHORIZING THE AMENDMENT OR MODIFICATION OF OR SUPPLEMENT TO A LOAN AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY TO WAIVE THE THIRTY-DAY WAITING PERIOD.

Finance Director Bethany Staats reminded council that the city entered into a \$19.9 million loan agreement with the Ohio Water Development Authority (OWDA) for the Beech Road infrastructure improvements. A year of construction had occurred, the city now had better estimates, and Phase I was done. The city estimated there would be approximately \$4 million of loan proceeds available from the original loan after the initial projects were completed. Staff was proposing to approach the OWDA board to request that the original loan be adjusted to include the new Blacklick trunk project. The ordinance would also authorize adding a supplemental \$5 million loan to cover the remaining costs of the Blacklick sewer project. Staff made sure the terms of the agreement would be similar or the same, a 30 year loan, and would follow the same schedule.

City Manager Joseph Stefanov stated there would still be no prepayment penalty on the additional loan amount. Phase I of the Blacklick Creek Trunk Sewer project, located along Morse Road between Reynoldsburg New Albany Road and the Pineview Subdivision, was initially estimated to cost approximately \$10 million. It was the deepest section of the sewer and was constructed by tunneling. Along with the modified loan amount, the city could have to pay approximately \$1 million from local funds for the project. Director Staats added that, when the city evaluated its financial position for the original loan,



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the city determined it had the capacity to repay the OWDA \$5 million with the revenues from the Facebook project. The city projected having \$9 million left from Facebook after the \$19.9 million was repaid. Adding \$5 million to the existing loan agreement would still leave close to \$2 million remaining from Facebook.

Council Member Briscoe asked and Director Staats agreed that the terms of the loan were favorable. This was an action the city needed to do quickly and staff was requesting to waive the 30 day waiting period. If the ordinance was adopted on October 23<sup>rd</sup>, staff would go to the ODWA meeting on October 25<sup>th</sup> to request approval of the change in scope and for the supplemental amount.

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

### READING AND PUBLIC HEARING OF RESOLUTIONS

#### **RESOLUTION R-33-2018**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP TO PROVIDE FOR THE ANNEXATION OF 357.2 +/- ACRES LOCATED ADJACENT TO HARRISON ROAD.

City Manager Joseph Stefanov told council that the Jersey Township trustees approved the 357.2 acre annexation agreement on October 1<sup>st</sup>. City Manager Stefanov described the location. The annexation area was inside the city's water and sewer area, of which Harrison Road was the eastern limit. City Manager Stefanov said this was as far east as the city planned to go at this time. This annexation agreement gave the city the ability to develop commercially in the area. The terms of the Expedited Type I annexation agreement were identical to the prior terms of the Facebook parcel and the area west of Beech Road. This type of annexation contained all of the elements of a traditional annexation, allowed the city to conform boundaries should it choose to do so, and established the terms for revenue sharing with the township in the event of a tax abatement to cover fire and EMS services.

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

Council Member Shull moved to adopt the resolution. Council Member Brisk seconded and council voted with five yes votes to approve Resolution R-33-2018.

#### **RESOLUTION R-34-2018**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF A SECTIONS OF WORTHINGTON ROAD AND HARRISON ROAD.

City Manager Joseph Stefanov described the area. He explained that the area proposed for annexation in R-33-2018 extended to the centerline of Harrison Road and Worthington Road. Rather than have the Service Department maintain a disconnected section of Harrison Road, it made sense for the city to pick up



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an additional section of Worthington Road which completed a driving loop going east-west. City Manager Stefanov proposed this trade-off to the county but had not yet received approval. The county engineer seemed to be agreeable.

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

Council Member Shull moved to adopt the resolution. Council Member Durik seconded and council voted with five yes votes to approve Resolution R-34-2018.

### **RESOLUTION R-35-2018**

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR FRANKLIN COUNTY.

Community Development Director Jennifer Chrysler acknowledged the contributions of Economic Development Specialist Angie Hobart to the preparation of TIRC reports, facilitation of the Franklin and Licking County TIRC meetings, and the written summary for the council presentation.

In Franklin County, 16 companies received incentives. The Franklin County TIRC approved and recommended all of them for continuance. The total full-time employees represented by all companies was 4,735 with a total investment of around \$700 million. Some highlights of the TIRC discussions regarded the Central College Community Reinvestment Agreements (CRA), specifically, the Nationwide project. Nationwide was planning on putting their data center up for sale and would sign a lease-back agreement from the new owner. Nationwide would likely be asking to amend their CRA in the future and they were currently in compliance. The other point of discussion was the AEP data center. AEP was in still in their ramp-up period in 2017 and they were technically in compliance, but the data center did not meet the payroll benchmark. The TIRC considered the fact that the AEP data center was related to the AEP mission critical facility and AEP transmission operations office. Each building was covered by a different CRA agreement, however, AEP submitted aggregate employment numbers. The city was working out how to measure employment for each facility or amend the AEP agreements to better compute compliance for the whole campus. Director Chrysler added that some building valuations weren't matching up to auditor's numbers and that was also being sorted out. Director Chrysler reported that Mayor Spalding had asked staff to show data on how the companies had performed throughout the incentive period, in addition to the one year snapshots in the reports.

Mayor Spalding added that AEP, as an employer in the City of New Albany, was contributing to the tax base, and one underperforming building should be considered in the context of the contributions of the entire company. Director Chrysler offered that amending the CRA agreement for all of the buildings on a given campus could help the TIRCs see the bigger picture. The challenge was having separate buildings in different counties and school districts, and, sometimes employees worked in two or more campus buildings. Different formulas or agreements could be useful in tracking payroll.



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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 resolution. Council Member Durik seconded and council voted with six yes votes to approve Resolution R-35-2018.

### **RESOLUTION R-36-2018**

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR LICKING COUNTY.

Community Development Director Jennifer Chrysler reported that 14 companies received incentives and all were approved by the Licking County TIRC. Some companies were in their ramp-up period related to recent expansions. 10 of the 14 companies had expanded, which was testament to New Albany creating an environment where a company could grow. KDC, Inc. started as a manufacturing facility and had subsequently moved their U.S. headquarters from Lynchberg, VA to New Albany. Axiom Plastics and Anomatic had similar stories. The total number of full-time employees represented by all of the companies was 3,689 with a total capital investment of around \$700 million. The LBrands agreement garnered the most discussion. Council had already approved amending that CRA, but the amendment didn't start until tax year 2018. Finance Director Bethany Staats did a remarkable job collecting specific numbers for the revenue sharing amount the various schools districts.

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

Council Member Brisk moved to adopt the resolution. Mayor Spalding seconded and council voted with five yes votes to approve Resolution R-36-2018.

### **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.



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### REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the JPD discussed smoke- and tobacco-free zones. He understood they were planning to put a proposal together for the city. The JPD also discussed areas where expansion of the parks could occur and a potential bond issues in 2023.
- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk reported that New Albany-Plain Local Schools rose to #19 out of 608 schools in Ohio. The school board talked about their plans to keep moving up in the state rankings. Their goal was to be in the top ten by 2023. They spent \$1,400 less per student per year than the average of the other top 25 schools in the state. They reduced spending by \$609,000 for Fiscal Year 2018. For Fiscal Year 2019, they hoped to reduce spending by \$627,000.
- D. Council Representative to Plain Township: No report.

### REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported that he and City Manager Joseph Stefanov would be attending an Age-Friendly Franklin County meeting with Bonnie Burman.
- B. Clerk of Council: Clerk of Council Jennifer Mason reported that the Mayor's Court payout to the city for August of 2018 was \$14,857.05.

Clerk Mason reminded council that she sent them an Ohio Department of Liquor Control form asking if the city wanted a hearing on Noah's Event Center's request for a D 51 permit. As she understood it, a D 51 permit would allow a restaurant business to sell alcohol by the glass or bottle until 2:30 a.m. Mayor Spalding asked and Police Chief Greg Jones stated he had no concerns, and Noah's had been hiring special duty officers when alcohol was served. Council did not request a hearing.

- C. Finance Director: Finance Director Bethany Staats told council she had distributed the city's 2017 Comprehensive Annual Financial Report (CAFR). Additionally, she wanted council to be aware that the Regional Income Tax Authority (RITA) had started their subpoena program. They'd sent out mailers to non-tax-filers a few weeks prior. The program would go forward October 29-30.
- D. City Manager: City Manager Joseph Stefanov told council that Public Service Director Mark Nemec and Engineer David Samuelson would be making a presentation about creating a four-way stop at Central College and Bevelhymer Road where there had been an increased number of accidents. Residents had requested something be done to improve traffic safety.



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Public Service Director Mark Nemeč told council that staff was recommending changing the two-way stop to a four-way stop at the intersection of Central College and Bevelhymer Road. Since 2011, the city had been tweaking the intersection to improve visibility of the existing stop signs, including adding signs that said "cross traffic does not stop," adding reflectors, and adding an overhead streetlight. However, the intersection continued to see accidents. In 2017, the city started receiving complaints from residents. Traffic was much heavier on Central College than it used to be. The Service Department asked Traffic Engineer David Samuelson to do a traffic study.

Engineer Samuelson presented the attached slide to Council. (Attached as Exhibit A.) E.P. Ferris & Associates studied numerous criteria including crash and volume data to see whether an all-way stop or a traffic signal was warranted. There had been an uptick in accidents, almost all of which were angle crashes. Many were severe and included injury crashes. The sight distances well exceeded sight distance criteria. Timing and weather did not appear to be a significant factor, many accidents happened on clear days. There were only two evening crashes. Traffic going northbound on Bevelhymer tending to be faster than the posted speed, nearly 45 miles per hour approaching the stop sign.

E.P. Ferris & Associates recommended putting in an all-way stop due to the crash history. To warrant the all-way stop, there had to be five crashes in a 12 month period that were susceptible to correction by the all-way stop. That had happened for two years. He recommended adding and re-striping stop lines, putting "STOP AHEAD" markings on the pavement of Central College and on signage, continuing to prune trees to make sure all signage and markings were visible, and monitoring the intersection. City Manager Joseph Stefanov asked and Engineer Samuelson answered that his firm's analysis of the intersection anticipated some increased delay on Central College due to the all-way stop, but it was considered an acceptable delay condition.

Council and staff discussed how much distance there was between these stop signs and other stop signs on the subject roads. Mayor Spalding asked and Engineer Samuelson confirmed that an all-way stop was like a traffic signal in that, when you introduced the stop condition, rear-end crashes were more likely. Rear-end crashes tended to be less severe than angle crashes. Council Member Brisk asked and Director Nemeč answered that the Service Department would put up electronic signs about the intersection change two weeks in advance, and would continue to warn residents after the all-way stop work was completed for a longer period.

Council Member Briscoe moved to turn the intersection of Bevelhymer and Central College into a four-way stop with all the required signage and warnings. Council Member Brisk seconded and council voted with five yes votes to approve the motion.

- E. City Attorney: Law Director Mitch Banchefsky reported to council that the Charter Review Commission (CRC) would be going over Articles III, IV, and V regarding Mayor, Council, and Elected Officials. He had sent council an email including those provisions. He knew some modifications had been requested



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regarding appointing a magistrate. If council had any questions or suggested changes, Law Director Banchefsky asked council to let him know. They could also attend the CRC meeting. Law Director Banchefsky explained the CRC's review and recommendation process. Mayor Spalding asked and Law Director Banchefsky confirmed that council could send him individual recommendations by October 16<sup>th</sup> which we could incorporate into his memorandum to the CRC. Mayor Spalding noted that the time period to appoint to a vacant seat in council was 60 days in the city's charter. If council wanted to expand that time, it could be considered.

### **POLL FOR PUBLIC COMMENT:**

NONE.

### **POLL FOR COUNCIL COMMENT:**

Council Member Shull reported that he, his wife, and Council Member Brisk attended Franklin Church's Faith and Freedom Worship Service on September 23<sup>rd</sup> to recognize those who died in the line of duty. The service was well-attended and he appreciated the service. Council Member Brisk added that the church honored the families of the fallen officers and some family members were represented there.

Mayor Spalding reported receiving an email from the campaign manager of Friend For Parks, Steven Post. The campaign was seeking to increase the Franklin County Metroparks levy from .75 mils to .95 mils. Mr. Post was asking municipalities to pass resolutions endorsing the levy. Council discussed its long history where individual council members were welcome to make endorsements but council, as an entity, had not traditionally endorsed tax levies. Mayor Spalding noted that the city had supported Metroparks, but agreed to stick council's tradition.

### **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 Shull seconded and council voted with five yes votes to go into executive session at 7:36 p.m.

Council Member Briscoe 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 7:57 p.m.

### **OTHER BUSINESS:**

#### **Board and Commission Appointments**

NONE.

#### **New Albany City Council Seat**

Mayor Spalding moved that council authorize the clerk to publish and announce the process for the appointment of a new council member to take the vacant seat left by Dr. Marsh's passing. The application



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period would begin Wednesday, October 3<sup>rd</sup>, or Thursday, October 4<sup>th</sup>. The application submissions would be due to the clerk either electronically or in person on October 15, 2018 by 5 pm. The Clerk would transmit all submitted applications to council members by October 16, 2018. On October 23<sup>rd</sup>, council would meet in executive session to determine which candidates would receive an interview. Council anticipated holding live interviews for the selected applicants and possibly making a recommendation for appointment that evening. Council Member Shull seconded and council voted with five yes votes to approve the motion.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Briscoe seconded to adjourn the October 2, 2018 Regular Council meeting at 7:59 pm.

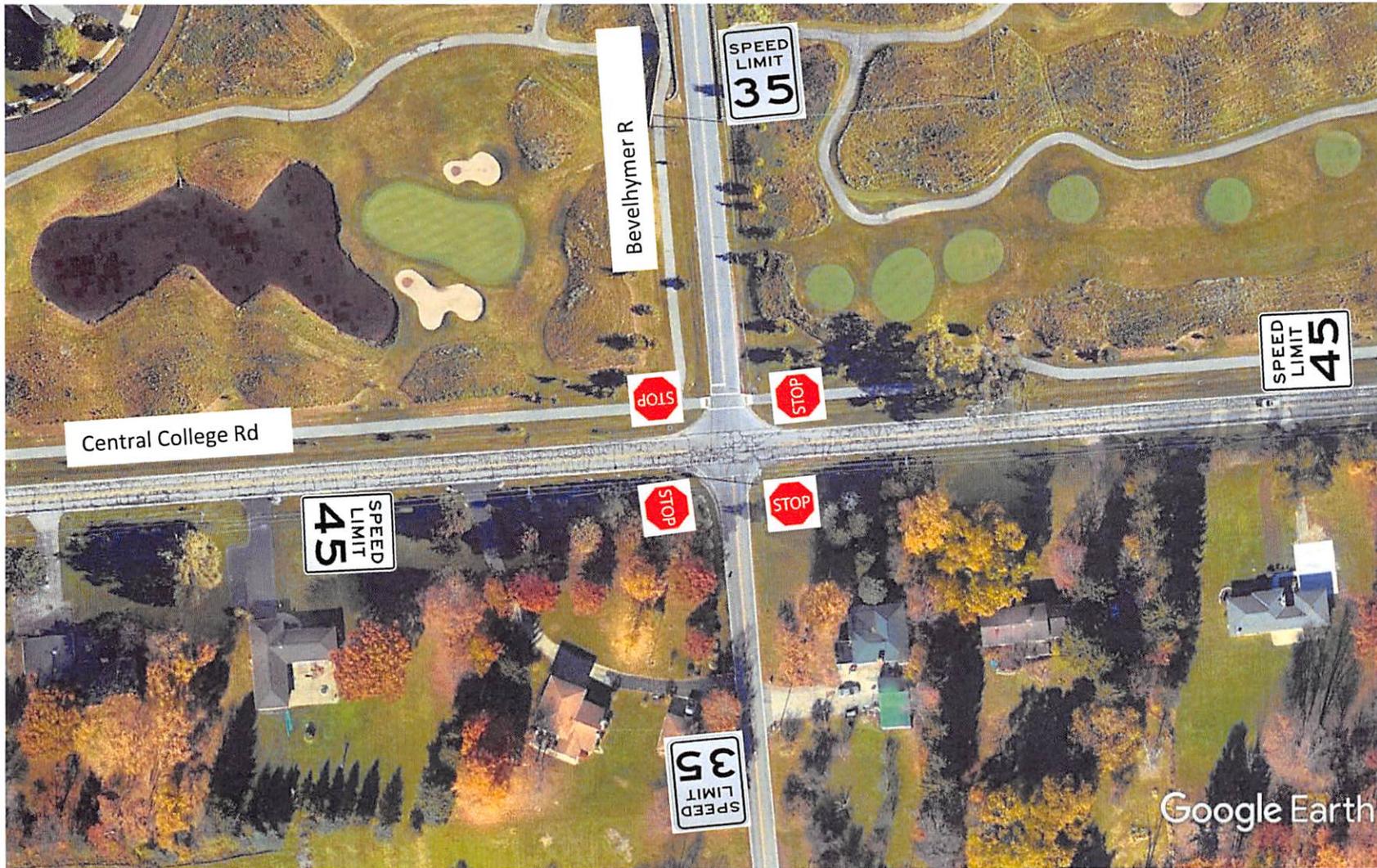
**ATTEST:**

  
\_\_\_\_\_  
Jennifer H. Mason, Clerk of Council

  
\_\_\_\_\_  
Sloan Spalding, Mayor

23 OCT 18  
Date

Exhibit A - Council Minutes 10-2-18



Central College Road at Bevelhymer Rd-  
Recommended All-way Stop Signing