



NEW ALBANY CITY COUNCIL MEETING MINUTES

October 23, 2018

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of October 23, 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, 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	P
CM Michael Durik	P
CM Chip Fellows	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed October 2, 2018 meeting minutes and had any changes. Clerk Mason stated that Council Member Brisk gave her changes to a sentence on page 8 under the New Albany Plain Local Schools report. The corrected sentence now read, "They spent \$1,400 less per student per year than the average of the top 25 schools in the state." Mayor Spalding moved to adopt the October 2, 2018 regular meeting minutes as amended. Council Member Durik seconded and council voted with five yes votes and one abstention (Fellows) to approve the meeting minutes as amended. Minutes were adopted.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

NONE.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Mayor Spalding reported that the PC approved a variance for a pergola which had already been constructed. Members of the PC were clear that contractor needed to abide by city's the permitting requirements in order to continue working in New Albany. The pergola did not encroach on any side yards or rear setbacks. The PC heard the Final Development Plan for Faith Life Church. Only one member of the public attended and that person commented that he was satisfied with Faith Life Church's concessions. PC approved the Final Development Plan with a few modifications left to staff's oversight.



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The PC approved the Harrison Road Area Plan Amendment to the New Albany Strategic Plan. The area that would be annexed along Harrison Road was slated for commercial development, conforming with the land to the east. PC expressed concerns about increased traffic on Harrison Road and eventual spillover on to Mink Road.

PARKS AND TRAILS ADVISORY BOARD: Council Member Fellows reported that the PTAB did not meet. The Leisure Trail Master Plan Steering Committee did meet was working on a new draft plan of the leisure trails. The last master plan was approved in 2006. There would be three meetings between now and the end of the year, after which, the Steering Committee would make a presentation to council. Mayor Spalding noted the city's progress on completing path circuits. As the paths aged, he was concerned about sufficient maintenance. Council Member Fellows stated that the Steering Committee was discussing the grade of the trails and keeping them level and safe.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB approved a Certificate of Appropriateness for a new sign for Columbus OBGYN. The ARB approved a window sign for Board & Brush. There was some discussion about whether this would set a precedent. The ARB approved with conditions a Certificate of Appropriateness and waivers for All About Kids daycare which would be in a new building off of State Route 605 and a future extension Miller Ave. This was their second time before the ARB. The ARB approved portions of the Faith Life Church construction. There was a lot of discussion of lighting, particularly around the tower, which must be regulated and may be put on a dimmer. Other issues included photometric plans and landscaping.

BOARD OF ZONING APPEALS: Council Member Brisk reported that the BZA heard a variance application for a spa that would be approximately 80 feet wide and installed flush with a deck. The BZA approved the variance with the condition that the applicants plan for significant landscaping or install fencing.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CHARTER REVIEW COMMISSION: Council Member Shull reported that the CRC covered sections III, IV, and V of the charter. The CRC discussed changing the description of the city's form of government from "Mayor-Council-City Manager" to "Council-City Manager," as New Albany had a weak mayor structure. Mayor Spalding did not object to the change. The CRC discussed how the mayor could appoint a council member to preside over Mayor's Court, and what made a council member eligible for appointment. The CRC wanted council's feedback on whether the President *Pro Tem* should be selected every year or every two years. The CRC also wanted to know whether language about city council meeting every month should be more flexible. The language could allow for one month per year to not meet and require a super-majority vote to pass. The CRC observed that the Columbus City Council took the month of August off and considered that some kinds of emergencies could make assembling a quorum difficult. The CRC discussed



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at length the charter's requirements around council member meeting attendance and the number of unexcused absences which could lead to forfeiture of office. The CRC debated whether excused or unexcused absences should be considered and whether absences had to be consecutive in a given year. The CRC ultimately decided to recommend that excused absences would be better dealt with and defined in Council Rules of Procedure and not in the charter. Council Member Shull welcomed feedback on all of the described items.

CORRESPONDENCE AND COMMUNICATION:

Council Member Shull reported receiving an email from Dr. Tricia Bhat regarding the Joint Parks and Recreation Board's plans for more baseball fields. She was concerned about tax money being paid to convert fields to Little League Baseball diamonds and whether softball fields were being included. Council Member Shull communicated with her and directed her to New Albany Parks & Recreation Director David Wharton. Council Member Shull understood Parks & Recreation was following up on the success of the local Little League teams and was hoping to generate more interest and attract tournaments. There would potentially be opportunities for softball also.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

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 told council that this ordinance would permit the city to go to the Ohio Water Development Authority (OWDA) and ask to expand the scope of the original loan to include the Blacklick Creek Trunk Sewer Project Phase I. Changing the scope would allow any original loan proceeds to be used for the sewer project. The city also planned to request an additional \$5 million at 3% interest for the project, which was better than the city could do via bonds.

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 Durik seconded and council voted with six yes votes to approve Ordinance O-19-2018.

FIRST READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-20-2018

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1.0+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY, AND DECLARING AN EMERGENCY TO WAIVE THE THIRTY-DAY WAITING PERIOD.



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City Manager Joseph Stefanov described the location and prior ownership of the subject property. Annexing this property would complete acquisition in the area such that there were no individual, unincorporated properties. Expedited Type I annexations sped up the process of annexation, but provided all of the benefits of a traditional annexation.

Mayor Spalding set the ordinance for second reading at the November 6, 2018 council meeting.

ORDINANCE O-21-2018

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 374.2+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY AND FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY, AND DECLARING AN EMERGENCY TO WAIVE THE THIRTY-DAY WAITING PERIOD.

City Manager Joseph Stefanov described the area to be annexed and its proximity to the parcels in O-20-2018. The property was divided by Franklin and Licking County lines. When a property straddled two counties, the applicant could file a single annexation petition in the county containing the larger portion. In this matter, the larger area was in Franklin County. The Franklin County Commissioners had approved the annexation subject to an annexation agreement. The annexation agreement for the Licking County land had recently been approved by the city and Jersey Township Trustees. The annexation agreement with Plain Township had been executed as part of an early agreement involving the Metroparks approximately 10 years prior.

Council Member Durik asked and City Manager Stefanov answered that there was a timing issue related to the counties reassigning parcel numbers. Waiving the 30 day waiting period would allow them to begin sooner and get the property ready to be marketed and sold. City Manager Stefanov understood it would take three to four weeks to do the parcel work. Aaron Underhill, attorney for applicant, explained that MBJ Holdings owned property around the property to be annexed, all of which be combined into a single tax parcel. Shrinking a sixty day process down to a twenty to thirty day process would get the property very quickly to market. Additionally, numerous tax parcels resulted in zoning and setback issues. The developer was pursuing pending projects and it was important to have the land available. Mayor Spalding stated that government needed to move at the speed of business to get the deal done, and there were likely tax ramifications at the end of 2018. Mayor Spalding asked and Mr. Underhill answered that a larger area of 635 acres, including the pending annexations, would be rezoned in order to provide uniform regulations on the property.

Mayor Spalding set the ordinance for second reading at the November 6, 2018 council meeting.

ORDINANCE O-22-2018

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



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APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE LICKING HEIGHTS LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, THE NEW ALBANY PLAIN LOCAL SCHOOL DISTRICT AND THE EASTLAND-FAIRFIELD CAREER & TECHNICAL SCHOOLS OF FRANKLIN 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.

Administrative Services Director Adrienne Joly told council that this ordinance would create a TIF District out of approximately 35 parcels in the designated area, spanning Franklin and Licking Counties. The school districts, including Licking Heights, New Albany Plain Local Schools, and the vocational schools, would be reimbursed at the rate they would have received without the TIF. There were also provisions for EMS services with the applicable fire districts. The city's philosophy to move at the speed of business was exemplified by rezoning and establishing incentive districts ahead of time, so that the city could be ready if there was an economic development opportunity.

Mayor Spalding asked and Administrative Services Director Adrienne Joly along with Attorney Aaron Underhill answered that existing businesses in an incentive district were benchmarked at that time the TIF was created and any incremental increase in property value would be captured by the TIF Fund.

Mayor Spalding set the ordinance for second reading at the November 6, 2018 council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS

RESOLUTION R-37-2018

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO RENEW THE AGREEMENT FOR ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO.

Public Service Director Mark Nemec reminded council of his prior presentations on solid waste, recycling, collection, and processing. He told council that he would present on Resolutions R-37-2018, R-38-3018, and R-39-2018 together.

Director Nemec reviewed the existing recycling contract which was free to residents, however, that deal would go away after the remaining contract extension. Director Nemec was asking council to approve the recycling processing extension as part of R-37-2018. After 2019, the cost of recycling would increase. If the market for recyclables improved, the city could see a rebate. Council discussed the reduced value of recyclables in the current market.

Public Service Director Nemec went through the bid results as requested and structured by the city and as alternatively proposed by Rumpke. Rumpke was the only company to respond to the bid request. The existing



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contract for collection had residents paying \$17.02 including the billing fee. Renewing the contract for five years would increase the cost to \$19.39. Rumpke did not favor long contracts. Contract and cost variables included collection days, cart rental, cart limitations, bulk pick up, and carry-out service. Council Member Brisk asked about the difference between the cost for carry-out services between Bexley residents and New Albany residents. Public Service Director Nemec expected that was related to the density of the homes and narrowness of the alleys in Bexley, and the fact that they'd received that service for many years.

City staff recommended the Rumpke Alternate 2 bid which was a 3 year contract with small increases. Staff proposed that the city absorb the cost of collecting and processing of the recycling – approximately \$37,000-\$40,000 in additional cost. Council Member Fellows asked and Director Nemec replied that the city would offer to cover the cost of the recycling promote recycling among residents, and this was an easy way to benefit a large number of residents. Council Member Briscoe expressed interest in knowing whether the city accepting a single bill for recycling would be more attractive to contractors and hopefully cheaper. Director Nemec did not know if less administrative work would change the cost. He explained how any rebate would be determined by the recyclable market for the previous six months. This was a new way of doing business. City Manager Stefanov thought it was possible that additional savings for billing could be considered as everyone figured out how it would work. Director Nemec added that the city's cost for services to its buildings would also be pulled out and billed separately to the city.

Director Nemec told council that, after the city's adjustments, the cost to residents would be \$16.26 for 2019, which was cheaper than the current charge, \$17.43 for 2020, \$18.68 for 2021. Three years down the road, the city would look at the market again, determine whether it wanted to stay in the consortium, and see how the recycling fees had changed.

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 resolution. Council Member Briscoe seconded and council voted with six yes votes to approve Resolution R-37-2018.

RESOLUTION R-38-2018

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO FOR THE YEARS 2020 TO 2023.

Clerk's note – see staff presentation and council discussion under R-37-2018.

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

Council Member Fellows moved to adopt the resolution. Council Member Shull seconded and council voted with six yes votes to approve Resolution R-38-2018.



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RESOLUTION R-39-2018

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE COLLECTION, TRANSPORTATION, AND DELIVERY FOR DISPOSAL OR PROCESSING OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO.

Clerk's note – see staff presentation and council discussion under R-37-2018.

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 resolution. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-39-2018.

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.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Joseph Stefanov reported that the Regional Data Agenda had been published and was available for comment on the MORPC website. The Metro Transportation Plan goals were also published and available for comment. The annual population estimates were approved at the last meeting. MORPC considered comments regarding the proposed numbers. MORPC had over-estimated New Albany's Licking County-based population. The city received and sent out MORPC's Annual Return on Investment Statement on October 22nd.
- B. Council Representative to Joint Parks and Recreation: No meeting.



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C. Council Representative to New Albany Plain Local Schools: Council Member Brisk reported that New Albany-Plain Local Schools hosted their State of the Schools Meeting on October 22nd. She was in a Board of Zoning Appeals meeting when that took place. She would supplement her NAPLs report at the next council meeting.

D. Council Representative to Plain Township: No report.

REPORTS OF CITY OFFICIALS:

A. Mayor: Mayor Spalding reported that he was in touch with the Vice Chair of the Central Ohio Transportation Authority (COTA) Board. Westerville Mayor Craig Treneff invited nominations for the COTA board position. Mayor Spalding stated that the city had identified a candidate and there seemed to be interest from both sides.

B. Clerk of Council: No report.

C. Finance Director: Finance Director Bethany Staats told council she had distributed a financial report that updated the city's data as of September 30, 2018. The report would help council understand the city's current position as it entered the 2019 budget season. The city was at 63.7% of actual expenditures after completing 75% of the fiscal year. The General Fund Income Tax showed \$15.2 million in collections through the end of September. The city's amended budget anticipated \$18 million in income tax collection. If the city continued on current trends, it would finish over the \$18 million mark.

D. City Manager: City Manager Joseph Stefanov reported that Dennis Kessee, owner of Eagle's Pizza, working with the Historical Society, spear-headed a memorial for the World War I (WWI) Centennial event. Thirty-one New Albany residents served in WWI. The Historical Society planned to host an event at Noah's Event Center, produced a poster which they had asked the city to hang at Village Hall, and created poppy-themed yard signs which they wanted to put up at Village Hall, one for each member of the community who had served in WWI. Council Member Fellows asked and City Manager Stefanov replied that the yard signs would be displayed for about two weeks - until Veterans Day. Council agreed to the postings.

E. City Attorney: Law Director Mitch Banchevsky reported that the 10th District Court of Appeals heard oral arguments on the lawsuit concerning the centralized collection of municipal income tax by the State of Ohio. Attorneys representing the municipalities noted the active questioning by the court, but did not have any predictions as to which way the court was leaning, and expected a decision in several months. Mayor Spalding asked and Law Director Banchevsky replied that the panel consisted of Judges Klatt, Sadler, and Tyack.



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POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.

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 six yes votes to go into executive session at 7:41 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 8:21 p.m.

OTHER BUSINESS:

Board and Commission Appointments

Council Member Brisk moved to appoint Kerri Mollard to the Board of Zoning Appeals to serve out the unexpired term ending 12/31/2020. Mayor Spalding seconded and council voted with six yes votes to appoint Kerri Mollard to the BZA for the term specified.

New Albany City Council Seat

Clerk's note – no report.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Briscoe seconded to adjourn the October 23, 2018 Regular Council meeting at 8:23 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan Spalding, Mayor

11/6/18
Date