



NEW ALBANY CITY COUNCIL MEETING MINUTES

November 5, 2019

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of November 5, 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, Finance Director Bethany Staats, Police Chief Greg Jones, City Engineer Ed Ferris, Engineer Mike Barker, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemec, Development Services Manager Stephen Mayer, 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 Kasey Kist	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed October 15, 2019 minutes and asked if they had any additions or corrections. Clerk Mason reported that City Manager Joseph Stefanov requested clarification on page 9. She added the line, "The documentation regarding the easement and city's authority was being provided to them," which information was in the audio recording. In the same paragraph "five foot" was changed to "five feet." These changes were made to the original minutes after their distribution to council. Council Member Fellows moved to adopt the October 15, 2019 minutes with the changes. Council Member Shull seconded and council voted with seven yes votes to approve the October 15, 2019 regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Mayor Spalding moved to advance Resolution R-52-2019 to a place right after Hearing of Visitors as many members of the public were present for that resolution. Council Member Fellows seconded and council voted with seven yes votes to amend the agenda to advance the resolution.

HEARING OF VISITORS:

NONE.



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RESOLUTION R-52-2019

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NEW ALBANY COMMUNITY FOUNDATION AND NEW ALBANY COMMUNITY AUTHORITY IN ORDER TO ACQUIRE OWNERSHIP OF THE PROPOSED AMPHITHEATER UPON THE COMPLETION OF ITS CONSTRUCTION AND MAKE A DONATION OF \$1,000,000 TOWARD ITS CONSTRUCTION.

City Manager Joseph Stefanov told council this was the result of a three-party agreement between the New Albany Community Foundation (NACF), the New Albany Community Authority (NACA), and the City of New Albany. The NACF's role was to raise funds for the project. The NACA's role was to build the facility. Upon completion of the construction, the ownership would be transferred to the city, free and clear of any encumbrance. The city would retain ownership and be responsible for the operation and management. The approximate base budget was \$5.4 million. The amphitheater would be built on property which had been leased from the school district, on the west side of the McCoy Center.

In exchange for the ownership, and in order to facilitate construction, the city's contribution would be \$1 million. The State of Ohio had also awarded the project \$1 million in a capital grant. If this legislation was adopted, when the city received the final cost estimate from NACA, the city would submit that to the state's controlling board in 2019. After approval by the state, the city would receive the grant money in 2020.

Council Member Fellows asked and City Manager Stefanov answered that he did not anticipate any problems with receiving the state grant. Timing was critical. It was important to go to the controlling board before the end of 2019. The grant had been extended once already, so he wanted to file the necessary paperwork in the appropriate time frame.

Council Member Durik asked for a breakdown of the \$5.4 million cost estimate. He wanted to understand where the money was coming from. City Manager Stefanov answered that the total cost estimate included the city's contribution. Council Member Durik stated, and City Manager Stefanov agreed, that council had not yet approved a \$1 million contribution. City Manager Stefanov told council that the amphitheater estimate assumed that the remainder of the private money was collected, that the city's contribution was approved, and that the state grant money was received. Council Member Durik asked for a breakdown of the other financial commitments. City Manager Stefanov said that the agreement attached to Resolution R-52-2019 contained an exhibit, on page C1 of 2, which broke down what had been committed and received. City Manager Stefanov noted that the wording in the resolution gave the city flexibility to make minor amendments to the agreement. The city was not locked in by the resolution.

J. Craig Mohre, New Albany Community Foundation President, introduced Lynne Smith, NACF Board Member. Mr. Mohre told council that the NACF was appreciative of the city's collaboration through the years. He recalled being in council chambers 11 years ago to approve the McCoy Center. Before the city joined the McCoy Center project, it wasn't going to be anything like it was today. The McCoy Center was transformative to the city and the schools. Mr. Mohre explained that the amphitheater was not a new idea. Mr. Mohre thought that, going back 20



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years, the city's Strategic Plan mentioned an amphitheater. The concept had gone through many different locations and iterations.

The amphitheater became more real when the Hinson family - in the audience were Char, Alan, and Lisa - made a \$500,000 leadership gift five to six years ago. The NACF began to start raising money and adding to the amphitheater fund. The NACF looked at potential locations. Mr. Mohre described the area where the amphitheater would be located and the amenities surrounding it. Being next to the McCoy Center was not just practical for sharing parking and dressing rooms, it opened a lot of opportunities from a programmatic standpoint to use to the McCoy's two theaters in addition to the amphitheater. The schools would have access to the new facility. Mr. Mohre displayed a list of potential uses, including community and school events.

Mr. Mohre told council that gifts toward the amphitheater, to date, included \$2,160,000, of which \$1,875,000 was in-hand. Gifts were received from the Hinson family, Abercrombie & Fitch, the NEA, the Columbus Foundation, the Ralph Johnson Fund, Facebook, and more in smaller denominations. Council knew about the state grant and, hopefully, the city would approve \$1 million which would bring the total to \$5.4 million. There was an additional outstanding gift which the NACF hoped would be realized which would bring the total to \$5.9 million. Council Member Durik asked and Mr. Mohre answered that the outstanding gift was for naming rights and would go toward the amphitheater. Council Member Durik asked and City Manager Stefanov answered that there hadn't been a formal commitment by the city to add a name. Council Member Durik stated that this was a city property being named and he thought that council should have the authority say where the money would go. City Manager Stefanov stated a resolution would be brought to council for this purpose.

Mr. Mohre said \$5.4 million or \$5.9 million would be the budget, and the project would be value-engineered to that amount. The NACF had retained DLR Group which had designed the McCoy center and was familiar with New Albany. DLR Group had worked closely with CAPA, MKSK, and city staff. The NACF appreciated the input it had received from all of those organizations. The city's Architectural Review Board approved the project in October of 2019. Through a competitive process, the NACF had retained Corna Kokosing to build the amphitheater. The NACF engaged the NACA to enter into an agreement with both DLR Group and Corna Kokosing, the same way the McCoy Center was brought about. It was important to the NACF that the project show up as a grant, not an expense. Andrew Walther, attorney, had donated his services as the owner/rep. Two weeks prior, DLR Group provided construction drawings to Corna Kokosing, after which Corna Kokosing solicited bids from subcontractors. The NACF should have construction estimates coming in soon. They were prepared to begin underground work and earth-moving as early as November of 2019. A substantial portion of the construction of the structure would begin in the spring of 2020. The first season for the amphitheater would be summer of 2021. Several local arts organizations were present at this council meeting. They were excited to contribute to programming at the facility. Restaurant and shop owners were also excited. The NACF was planning a benefit event for the summer of 2020. They had underwriting to raise money, both toward the programming and retiring its debt.

Council Member Durik asked and Mr. Mohre told council that the NACF would be borrowing \$1 million and would be responsible for paying that back. Council Member Durik asked and Mr. Mohre responded that there was no



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lien on the property for the NACF loan. Council Member Briscoe asked and Mr. Mohre confirmed that the NACA was being used as a conduit and no money was coming from the NACA for the amphitheater. The NACF was responsible for raising the money. It would then turn over ownership of the facility to the city. Council Member Briscoe asked and Mr. Mohre agreed that the NACF had already completed documents with the authority stating that the NACF was financially on the hook. Council Member Briscoe asked if mechanicals and everything needed to be ready to go were included in the total budget. Mr. Mohre anticipated there would be value-engineering. In the original cost estimate, there was \$600,000 marked for equipment, which was CAPA's strong recommendation. Equipment could be rented for performances which could be the facility's or the renter's responsibility. That was an item which, if it had to be cut, could be cut. Same for the ticket office and other items which didn't impact the overall design of the project. The NACF would know more when the bids came back to Corna Kokosing. Council Member Briscoe asked and Mr. Mohre confirmed that they were anticipating having an amphitheater that was performance ready.

Mayor Spalding stated and Mr. Mohre confirmed that Plain Township voted on and approved a \$250,000 commitment over five years. They started paying in 2019. Mr. Mohre did not count the full commitment in the total. Any gifts which would be received beyond 2019 were not counted. Council Member Durik asked what would happen if the expense went beyond the \$5.4 million. Mr. Mohre answered that they would cut the design to keep it within the budget. Council Member Durik asked if the design would have to go back to the city's Planning Commission. Mr. Mohre replied that it would depend on how much was cut. Council Member Kist asked and Mr. Mohre answered that the "not to exceed" number did not include the gift that could bring the budget to \$5.9 million. Council Member Kist stated he had seen some cost estimates in the \$7 million range. He asked if Mr. Mohre felt comfortable that the product would still be one he felt good about if it had to be value-engineered. Mr. Mohre expressed that it would still be a nice venue. Council Member Kist suggested phasing the project so that there was an option to add more later. Council Member Shull noted that it would be the city adding more in the future as the owner. Mr. Mohre agreed it would be up to the city if they wanted to do it.

Council Member Brisk asked, if the city wanted to do a performance, would it need to rent a lot of equipment. Mr. Mohre answered that if the \$600,000 for equipment had to be cut, the equipment would have to be rented. Council Member Shull stated that the New Albany Community Events Board rented from a company for the Fourth of July and Oktoberfest events. Council Member Durik asked and Mr. Mohre answered that the McCoy Center also had to be value-engineered. The shell, grand piano, and line sets were added later. CAPA was good about supporting the programming.

Council Member Fellows said that it was a wonderful project and there was a lot of time and energy behind it. He thought it would be a great community attribute. Mr. Mohre said that they thought it would be another jewel to the town center, another gathering place, and it opened up a lot of exciting programming possibilities. Council Member Shull added that it was a good location. Council Member Fellows stated it would make the Village Center very dynamic during the summer months.

Council Member Durik asked if construction would be started at a time when the city was just completing Rose Run construction. Some council members stated they understood that construction had to start in 2019 to receive



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the grant. Mr. Mohre stated that they would move earth but, because of the winter weather, the actual structure with cement, would have to be done in 2020. Council Member Briscoe asked and Mr. Mohre confirmed that construction would not close Dublin-Granville Road. Council Member Fellows asked if the school had studied the parking situation and flow, and if they knew how to adjust as a result. Council Member Brisk told council she was present at the school board meeting where the amphitheater was presented. The school board seemed very comfortable with the discussions around any traffic disruptions and sharing space for construction staging. Council Member Brisk asked, if the ground breaking happened before winter started, would that create more construction mess. Mr. Mohre opined that the underground work should be done in the winter. Council Member Brisk expressed concern about the area being clean enough and leaving space for the kids to go by. Mr. Mohre stated that Corna Kokosing was aware of what everyone expected in terms of minimizing disruptions.

City Manager Stefanov stated that the most critical step was to get the funding approved by the state controlling board. Once that happened, he thought it was important that construction move forward. Council Member Fellows asked if it was possible for the state funding not being approved, even if everything was done in a timely manner. City Manager Stefanov responded, if the state did not approve the funding, then it became more difficult to build a \$4.4 million facility. Council Member Fellows stated and City Manager Stefanov agreed that that the state grant had been awarded and it was safe to assume the money would be approved. City Manager Stefanov said that, if the state's money was received by December, rather than November, and construction was started shortly after that, maybe work would begin in early January, but it could still be done. It was very important to get to the controlling board in 2019.

Council Member Durik stated that he supported the arts, he contributed to the Jefferson Series, the symphony, and in Columbus, as well. He asked what kind of work had been done to look at the financial projections once the facility was operating. How many seats, what kind of performances, and would it pay for itself on an on-going basis - or would the city have to subsidize the amphitheater the way the city subsidized the McCoy Center? Mr. Mohre answered that the amphitheater would seat between 800-1,000 attendees, depending on how the terrace was utilized. Council Member Durik asked and Mr. Mohre answered that seating was contained within the site. Council Member Durik noted that anyone could pull out a lawn chair and listen to a concert without a ticket. Mr. Mohre answered that the area was contained, there would be gates. Council Member Brisk stated, as an outdoor facility, people would be able to hear the music. Council Member Shull added that someone could sit on the steps of the McCoy and hear a concert. Mayor Spalding asked for council comments one at a time.

Council Member Kist asked if students would have access to the facility during the day - perhaps go have lunch there. Mr. Mohre believed those were decisions to be made by the city and the school district. He did not think one would want people in the facility unsupervised, but it could be nice to open it up for the July 4th. Council Member Fellows expected the school to use the amphitheater the way it used the McCoy for school activities. Council Member Briscoe said that it would be going in with eyes closed if council thought the city wouldn't have to subsidize the amphitheater. It would be up to the city to come up with a good management scheme that minimized the city's exposure and allowed local community organizations to use the amphitheater without overcharging for access. It was a complicated road. If the city thought the amphitheater was going to be a money-maker, then it wasn't going into it correctly.



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Mr. Mohre stated that the amphitheater was an asset, and, like any other asset it would have to be maintained. The NACF was planning to do programming in the amphitheater, which it would raise money to support. He assumed other groups would want to use it. He said many of those groups were present at this council meeting.

Mayor Spalding asked if events would be ticketed, similar to the McCoy center, where there would be a maintenance fee for every ticket sold. Mr. Mohre stated that NACF tickets would be done such that some revenue would be coming back for maintenance. Council Member Durik asked if organizations would be paying upfront to use the amphitheater. Mr. Mohre assumed there would be a schedule for renting the facility, similar to the McCoy Center. City Manager Stefanov told council that the Memorandum of Understanding with CAPA included scheduling and event management. Based on CAPA's preliminary estimates, the city anticipated that the operation and maintenance expense that the city would bear would be somewhere between \$70,000-\$80,000 per year. That amount did not take into account additional revenues. If the event attracted food trucks or other vendors, some of that expense could be offset. Council Member Durik asked and City Manager Stefanov confirmed that the \$70,000-\$80,000 estimate included CAPA's fee.

Council Member Brisk asked and Mr. Mohre replied that he did not know yet whether the design approved by the city's boards would have to be changed. When the bids came in to Corna Kokosing, they would know if changes would be made to stay within budget. Council Member Durik questioned approving something before council knew what it was really going to cost and what it going to look like. Mr. Mohre stated that the cost was known. Council Member Durik stated that council was approving \$1 million, but didn't know what the cost would be. Mr. Mohre said the cost would be \$5.4 million or \$5.9 million. Council Member Durik stated that if the design was cut, council didn't know what the design would look like - and whether it was appropriate. Council Member Kist stated that he felt comfortable that, whatever the design was, it would be substantially what the city had seen. Whether there would be enough equipment or if a concession stand had to be added at a later date, he still thought a usable facility would be built for the amount that was raised. Mr. Mohre offered that he wasn't an architect. He thought taking off a separate building was easy - going from a tiered bowl into a sloped bowl would save money - eliminating some of the landscaping, potentially - there were things that could bring the cost down. Council Member Brisk stated changes would go back through the city processes for approval anyway.

Council Member Fellows observed these were all the same discussions council had when the city was doing the McCoy Center. The McCoy turned out to be a tremendous success. Council Member Briscoe stated she was confident that the folks involved would work with city staff and the city would have a design it was satisfied with, even if some things had to be cut out of it. She was not worried about that. The NACF couldn't come to the city asking for \$1 million if it didn't present a design ahead of the ask - not entirely knowing what it would end up being. She was satisfied with the process. Mayor Spalding stated that other projects had been approved by the ARB and the PC, gone through the same process - and gone back to the various boards and commissions once they had a better understanding of what they could afford. In fact, one was on the agenda for the next PC meeting.

City Manager Stefanov stated that the \$5.4 million cost was addressed in the resolution in two places. The resolution authorized him to enter into an agreement substantially similar to the one that was attached. If, for



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some reason, the NACF wasn't able to value-engineer the project down to the \$5.4 million, or potentially the \$5.9 million, there was no obligation for the city manager to execute that contract. He could come back to council, point out a substantial change, and ask for council's direction. The city stipulated there would be certain requirements and the \$5.4 million was one of those.

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 Briscoe seconded and council voted with six yes votes and one no vote (Durik) to approve Resolution R-52-2019. Resolution was adopted.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: The PC approved a zoning change for a potential retail center at Smiths Mill and Beech Road. There was a limitation on auto retail, limitations on placement, and there would likely be fast food-type restaurants. The PC approved a Final Development Plan for a road extension and private drive at Smiths Mill and Beech Road to provide access to a speculation manufacturing facility. The PC approved a variance to a front light post requirement in the Ealy Crossing PUD zoning text. The PC approved a variance for Feazel Roofing for a wall sign on their building, similar to other buildings in the area.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Development Services Manager Stephen Mayer reported that the BZA approved a variance to allow for more colors on Google's sign along Beech Road. The BZA approved a variance on the landscaping requirements for Alene Candles at Harrison Road and Innovation Campus Way. The land surrounding the business was now all commercially zoned. The applicant requested to move landscaping to different areas on its site. The BZA approved a variance request for Van Trust on Innovation Campus Way. The Van Trust site was adjacent to a residentially-zoned property. That property had an 800 foot-wide forested area and there was an 150 foot-wide AEP easement. Given the existing conditions, the BZA allowed Van Trust not to install landscaping there. Finally, the BZA granted a variance to allow address number signage only to be larger than city code allowed on a new multi-tenant building.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.



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PUBLIC RECORDS COMMISSION: Mayor Spalding reported that the PRC heard and approved a request for destruction of records from the Development Department and additions to the retention schedule from the Police Department to meet the requirements of its national certification efforts.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-36-2019

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1.2 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov told council that this parcel was a "missing tooth" of a much larger 484 acre annexation. It was acquired later by MBJ Holdings. He described the location on Beech Road. It was surrounded by an area that had already been annexed and zoned. The economic development incentives had been approved by council. The Road Maintenance Agreement and Annexation Agreement had been previously approved by all parties. Licking County had approved the annexation in June of 2019, so the 60 day waiting period had expired. Council could take action at this meeting.

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 Fellows seconded and council voted with seven yes votes to approve Ordinance O-36-2019.

ORDINANCE O-37-2019

Mayor Spalding read by title AN ORDINANCE TO APPROVE THE FINAL PLAT FOR 37 AGE RESTRICTED SINGLE FAMILY LOTS ON 10.332 +/- ACRES AND ACCEPT RESERVES "I," "J," "K," AND "L," FOR PHASE 2 OF THE "COURTYARDS AT NEW ALBANY" SUBDIVISION LOCATED EAST OF STATE ROUTE 605, WEST OF THE WENTWORTH CROSSING SUBDIVISION, AND GENERALLY SOUTH OF NEW ALBANY ROAD EAST, AS REQUESTED BY EPCON COMMUNITIES.

Engineer Mike Barker described the location of the site. There were 37 lots in Phase 2, generally in the northern portion of the development. All of the infrastructure was completed and accepted with Phase 1 of construction. There were a total of 105 lots in the development. The zoning text included a 100% age restriction. All units were required to have at least one occupant 55 years old or older. The applicant further committed to prohibiting permanent residents who were under 21 years old. The plat extended four public roadways and dedicated four reserve areas. The reserves, totaling 2.5 acres, would be owned by the city.



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and maintained in perpetuity by the home owners' association. The Planning Commission approved the Final Plat on September 16, 2019.

Council Member Fellows asked and Jason Coffee, Business Development Manager for Epcon Communities, answered that the homes were 1,600 to 2,100 square feet and most were selling for between \$400,000-\$500,000. Council Member Kist asked and Mr. Coffee answered that the reserves along State Route 605 had retention basins for stormwater, a smaller reserve was for trails, and there was a center park area with a community garden and a possible dog park. Council Member Fellows asked and Mr. Coffee confirmed that there was a community clubhouse which would contain office area, a gallery, a kitchen, a workout facility, a pool, and restroom facilities. Council Member Kist asked and Mr. Coffee answered that there would be sidewalks on both sides of the streets. Council Member Fellows complimented the design of the community.

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 ordinance. Council Member Fellows seconded and council voted with seven yes votes to approve Ordinance O-37-2019.

INTRODUCTION AND FIRST READING OF ORDINANCES

ORDINANCE O-38-2019

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 16.62 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF STATE ROUTE 161, WEST OF BEECH ROAD AND SOUTH OF SMITH'S MILL ROAD FOR AN AREA TO BE KNOWN AS THE "NORTHWEST BEECH INTERCHANGE ZONING DISTRICT" FROM ITS CURRENT ZONING OF "I-PUD" INFILL PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY LLC C/O AARON UNDERHILL, ESQ.

Development Services Manager Stephen Mayer described the location of the property. The applicant was requesting to modify the zoning text to add restrictions on uses, reduce setbacks, add requirements for a private road, and set a cap on hotel height. In specified areas, the applicant proposed to remove retail and personal service uses. Hotels would continue to be a permitted use and would have a maximum height of 65 feet, consisted with other building heights in the area. Further, the zoning text added requirements for the contemplated private street. The street had to be built to public specifications and be publicly dedicated at any time in the future if the city requested.

Council Member Durik asked and Manager Mayer answered that the non-retail space would be zoned as office, data center, warehousing and distribution, and research and production, similar to the surrounding area. Council Member Fellows asked and Manager Mayer confirmed that retail was moving up to Beech Road at the corner. The applicant was requesting a reduction in the setbacks to allow more flexibility for the



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retail and personal service uses and to bring them closer to the corner. This plan was consistent with other successful retail areas in New Albany. The 15 foot street setback still allowed for adequate space for street trees and sidewalks. The proposed text matched the 2014 Strategic Plan land use recommendations. The Planning Commission reviewed and recommended approval at their October 2019 meeting. Council Member Kist asked and Manager Mayer answered that the Planning Commission didn't have any comments, but requested clarification about the private road amenities. Council Member Fellows stated that the many employees out there certainly needed retail options.

Council Member Shull asked and Manager Mayer answered that the 75 foot building and 40 foot pavement setbacks exceeded or matched those of other retail areas, including Dairy Queen, Turkey Hill, and the shops at Smiths Mill Crossing.

Mayor Spalding set the ordinance for second reading at the November 19, 2019 council meeting.

ORDINANCE O-39-2019

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 1.2 +/- ACRES OF LAND LOCATED AT 3180 BEECH ROAD FOR AN AREA TO BE KNOWN AS THE "JUG STREET NORTH EXPANSION ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT TO "L-GE" LIMITED GENERAL EMPLOYMENT AS REQUESTED BY MBJ HOLDINGS LLC C/O AARON UNDERHILL, ESQ.

Development Services Manager Stephen Mayer stated the area was being annexed and rezoned to Limited General Employment (L-GE), the same as the zoning to the north, east, and south. It required all of the same screening and setbacks. It matched the recommendations in the city's 2014 Strategic Plan as transitional office area. The zoning also matched the land use and design recommendations found in the Western Licking County Accord. The application was recommended for approval by the Planning Commission at their October 2019 meeting.

Mayor Spalding set the ordinance for second reading at the November 19, 2019 council meeting.

ORDINANCE O-40-2019

Mayor Spalding read by title ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.

Finance Director Bethany Staats told council that this legislation accompanied the 2020 Annual Budget Program binder that she distributed. Council's Budget Workshop was scheduled for November 14, 2019 to discuss the operating side. At the next council meeting, staff would go through the remaining items not covered on November 14th. She encouraged council to read the summary letter by City Manager Joseph Stefanov at the beginning.



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Mayor Spalding set the ordinance for second reading at the first council meeting in December.

READING AND PUBLIC HEARING OF RESOLUTIONS

RESOLUTION R-52-2019

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NEW ALBANY COMMUNITY FOUNDATION AND NEW ALBANY COMMUNITY AUTHORITY IN ORDER TO ACQUIRE OWNERSHIP OF THE PROPOSED AMPHITHEATER UPON THE COMPLETION OF ITS CONSTRUCTION AND MAKE A DONATION OF \$1,000,000 TOWARD ITS CONSTRUCTION.

Clerk's note – this item was moved to after Hearing of Visitors on the agenda and in these minutes.

RESOLUTION R-53-2019

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH AMAZON DATA SERVICES, INC. TO PROVIDE INCENTIVES FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA.

Community Development Director Jennifer Chrysler explained that this legislation authorized the city manager to enter into agreements related to Amazon Data Services, Inc. which was situated on 104 acres located on the east side of Harrison Road, north of Innovation Campus Way. The potential project could initially contain approximately 170,000 square feet upon completion. The estimated project investment was around \$400 million. The Community Reinvestment Area (CRA) agreement required that Amazon Data Services generate a minimum of \$250,000 in annual revenue for the city beginning in 2022 and \$500,000 annually in 2024. The city was offering a 100% real property tax abatement for 15 years for the project. The Johnstown-Monroe School District and Licking Heights School District would receive an estimated \$125,000 annually in aggregate annual payments from the project during the tax abatement period. The minimum payment amounts would go up by \$1.11 per square foot for every square foot built after 170,000 square feet are completed.

Director Chrysler told council that this project would further diversify the city's industry clusters and the types of revenue generated by the business park. The negotiated fee scheduled would generate a minimum equivalent to a company with 500 employees and a payroll of \$25 million. Because the city's revenue was not tied to income tax, the city would not be impacted by job losses during economic downturns. The on-file version of the CRA agreement also included a lien notice which would be filed and run the life of the property, guaranteeing the minimum payments for as long as that obligation existed.

Council Member Fellows asked and Director Chrysler replied that, at this time, the company had only committed to one phase of 170,000 square feet. The CRA agreement had a built-in benchmark where any square footage beyond the 170,000 would increase the minimum payments. Council Member Fellows asked and Director Chrysler answered that the company estimated it would have 35 direct employees with



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a payroll of \$2.4 million. This count did not include indirect employees or the construction jobs created by the project.

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 Durik seconded and council voted with seven yes votes to approve Resolution R-53-2019.

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: Council Member Shull reported that the Thompson Road parking lot path had been installed. He thanked Public Service Director Mark Nemec and staff. There were stop signs and a striped crosswalk. It was a good safety feature.
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: Council Member Durik reported that the township approved the contract for roofing repairs at the fire station which work was underway.

REPORTS OF CITY OFFICIALS:



NEW ALBANY CITY COUNCIL MEETING MINUTES

November 5, 2019

- A. Mayor: Mayor Spalding reported that both Google and Facebook announced available grant programs in the community. Google's \$1 million Impact grant applications opened that day. Facebook's grant focusing on science and STEM projects was also open. It was great to see these companies coming to the community and, before even opening their doors, already giving back to New Albany and Ohio.

Mayor Spalding congratulated Council Member Kist, Council Member Durik, and Council Member Brisk on their reelection. Council returned those congratulations to Mayor Spalding.

- B. Clerk of Council: Clerk Mason reminded council that the Budget Workshop was taking place Thursday, November 14th at 2:30 pm. She polled council about attending the Economic Development 411 program on December 6th. Director Chrysler told council she was expecting more education and less group discussion this year. New Albany would be hosting one of the breakout sessions.

Clerk Mason noted that the regular, first council meeting in December conflicted with Remarkable Evening at the McCoy Center. To maximize the number of council members who could attend that meeting, which notably contained the second reading and approval of the 2020 budget, council opted to move its regular meeting one day back to Monday, December 2, 2019.

- C. Finance Director: No report.

- D. City Manager: City Manager Joseph Stefanov reported that the New Albany Chorus had dissolved earlier in 2019, after 25 years in the community. They had vacated their space on Third Street which they were sharing with the New Albany Winds. The chorus donated their sheet music to another non-profit singing group. City Manager Stefanov attended the Columbus Public Library's annual meeting. Patrick Losinski, CML CEO, told attendees that the first phase of the library's redevelopment program had been completed and they had started on phase two. Their programming emphasized reading and learning opportunities for pre-elementary and elementary-age students, adult computer literacy skills, and life skill building. Beyond books, they were pushing to be community asset going into the 21st century. Mayor Spalding complimented their new buildings.

- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Fellows asked after the status of the signage for Stefanov Circle. It had been three months since the last time that council had discussed it, council had moved and voted on the naming. City Manager Joseph Stefanov stated it would be coming. Council Member Fellows stated he would bring it up again in three months.



NEW ALBANY CITY COUNCIL MEETING MINUTES

November 5, 2019

OTHER BUSINESS:

Ordinance O-17-2019 Exhibit A –Text Correction

Law Director Mitch Banchefsky told council this ordinance address the zoning text in the Jug Street North Zoning District. In the limitation zoning text, there were two sentences inadvertently left out of a very long document. Staff was asking council to re-insert the language. What was left out had been previously requested and approved by the Planning Commission. It was discussed at the council meeting. The first item had to do with the expansion of a pre-development traffic study. If certain conditions were met in the study, an enhanced traffic study would be required. The second item was inclusion of screening requirements for above ground equipment and utility infrastructure.

Mayor Spalding moved to add the two previously approved conditions to the Jug Street North Rezoning District Limitation Text included in Ordinance O-17-2019. Council Member Briscoe seconded and council voted with seven yes vote to approve the motion.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Shull moved and Council Member Briscoe seconded to adjourn the November 5, 2019 Regular Council meeting at 7:47 pm.

ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

11/19/19
Date