



## NEW ALBANY CITY COUNCIL MEETING MINUTES

November 8, 2017

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of November 8, 2017 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, Finance Director Bethany Staats, Public Service Director Mark Nemecek, Law Director Mitch Banchefsky, Police Chief Greg Jones, City Engineer Ed Ferris, Community Development Director Jennifer Chrysler, Engineer Mike Barker, 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 Glyde Marsh	P
CM Matt Shull	P

### **ACTION ON MINUTES:**

Mayor Spalding asked if council had reviewed the October 17, 2017 meeting minutes and asked if they had any proposed additions or corrections. Hearing none, Council Member Durik moved to adopt the October 17, 2017 minutes. Mayor Spalding seconded and council voted with six yes and one abstention (Briscoe) to approve the regular meeting minutes.

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

NONE.

### **HEARING OF VISITORS:**

Mayor Spalding acknowledged residents present who were interested in the city's boards and commission.

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: No meeting.



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BOARD OF ZONING APPEALS: No meeting.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: Mayor Spalding reported that the PRC met and approved two requests for destruction of documents in accordance with the city's retention schedule. Both requests were approved by the PRC. The next meeting was set for May 1, 2018.

### CORRESPONDENCE AND COMMUNICATION:

NONE.

### SECOND READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

### FIRST READING AND PUBLIC HEARING OF ORDINANCES:

#### **ORDINANCE O-19-2017**

Mayor Spalding read by title AN ORDINANCE ENACTING SECTION 1105.02 (jjj); AND SECTION 1127.02 (j) OF THE CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY TO DEFINE MEDICAL MARIJUANA AND PROHIBIT THE CULTIVATION, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA IN ANY ZONING DISTRICT WITHIN THE CITY.

Law Director Mitch Banchevsky reminded council about the memorandum that staff prepared and distributed as additional background. He explained that the State of Ohio allowed for the cultivation, processing, and retail dispensing of marijuana for medical purposes, but gave municipalities the ability to opt out. Council previously enacted a moratorium which was extended twice, primarily because the state was still in the process of adopting rules and regulations. This legislation specifically defined and prohibited marijuana-related activity in the zoning code. The ordinance was written so that city code section 1127.02 subsection (j) would provide that that cultivation, processing, or dispensing of medical marijuana as defined in section (jjj) would not be permitted in any zoning district in the city. Marijuana was still illegal according to federal law and was considered a Schedule 1 Controlled Substance, meaning that it had a high potential for abuse. Other drugs classified as Schedule 1 included hydromorphone, methadone, oxycodone, and fentanyl. While the federal government appeared to be turning a blind eye to states where marijuana was legalized, it could start enforcing its law at any time. This legislation would not prohibit research and testing because there was a provision in the state statute which said research and testing done by an approved laboratory could not be prohibited.

Administrative Services Director Adrienne Joly displayed map showing where marijuana-related businesses could locate in the city without a ban in place. Law Director Banchevsky explained that banks and financial institutions like credit card companies could not handle transactions generated as a result of federally



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prohibited activity. Large amounts of cash and associated crime were a potential detriment to allowing marijuana-related businesses. Law Director Banchefsky understood the State of Ohio Department of Commerce was establishing a method of payment through its system, but he did not have further information on that at this time. Other communities in central Ohio, including Worthington and Dublin, had passed prohibitions.

Council Member Brisk asked and Law Director Banchefsky answered that an indefinite moratorium was more vulnerable to challenge and that there was specific case law addressing zoning moratoriums. Council Member Briscoe asked and Clerk of Council Jennifer Mason replied that she took weekly calls from persons asking about the status of New Albany's moratorium, some from businesses wanting to locate and some from advocacy groups. Council Member Shull asked and Director Joly answered that cultivation could arguably happen in agriculturally zoned districts, but based on the city's zoning code, the city's position would be that it would not be allowed. However, it was legally risky for the zoning code to be silent on the matter. Council Member Shull asked and Director Joly replied that LI and GE were zoning areas where processing could potentially take place and those areas comprised a large amount of New Albany's east side. Council Member Shull stated his biggest concern was the dispensing piece which Director Joly described as most like a retail operation. She noted that, due to the concentration of protected-use areas in the Village Center, much of the city's land which was zoned for retail already excluded marijuana dispensaries because of nearby churches, daycares, and schools. Mayor Spalding appreciated Law Director Banchefsky's legal advice to pass the ordinance acknowledging the fact that the federal government still viewed marijuana as a serious and illicit drug. If the government's stance changed, Law Director Banchefsky offered that council could amend its law if it chose. Law Director Banchefsky added that since this legislation amended zoning code, it would have to go to the Planning Commission for review.

Mayor Spalding stated that the ordinance was referred to the Planning Commission for their November 20<sup>th</sup> meeting and would be scheduled for a second reading and public hearing on November 28, 2017.

### **ORDINANCE O-20-2017**

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 1.97 +/- ACRES OF LAND GENERALLY LOCATED AT 1451 BEECH ROAD, SOUTH OF STATE ROUTE 161 FOR THE AREA KNOWN AS "BUSINESS PARK SOUTH 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 L UNDERHILL, ESQ.

Community Development Director Jennifer Chrysler described the area on Beech Road south of State Route 161. This parcel was currently in the process of annexation from Jersey Township into the City of New Albany. It was surrounded by existing, commercially-zoned land known as the Business Park South District. The new area would be known as the Business Park South Expansion District. It would be zoned Limited General Employment (L-GE) which was consistent with the city's Strategic Plan. The L-GE limitation text agreed with the limitation text of the surrounding areas and also with what was described in



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the city's Strategic Plan Office District. L-GE zoning permitted general office activities, warehouse distribution, off-premises signs, and research and production uses. Conditional uses included car and truck fleet parking and manufacturing and production. The limitation text contained a full list of prohibited uses. The Planning Commission would review the rezoning application at its November 20<sup>th</sup> meeting and the ordinance could be set for second reading and public hearing on December 19<sup>th</sup>.

Council Member Durik asked if the city would be going down a similar path with some of the other, nearby parcels. Community Development Director Jennifer Chrysler replied that that would align with the vision Strategic Plan, but it would ultimately be up to the property owners if they wished to annex their property and rezone it.

Mayor Spalding set the ordinance for second reading and public hearing for December 19, 2017.

### **ORDINANCE O-21-2017**

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 72.25 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF STATE ROUTE 161, WEST OF BEECH ROAD, AND SOUTH OF SMITH'S MILL ROAD FOR THE AREA KNOWN AS "BEECH/161 NORTHWEST QUAD ZONING DISTRICT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AS REQUESTED BY MBJ HOLDINGS, LLC C/O AARON L UNDERHILL, ESQ.

Community Development Director Jennifer Chrysler described the location north of State Route 161 and south of Smith's Mill Road. The property was comprised of two subareas. Subarea 1 permitted retail uses and out-lot activities, including hotel and motel, quick serve, and sit down restaurants. Subarea 2 permitted a mixture of commercial uses that generally came from the General Employment districts, including office and non-retail related uses. This rezoning didn't propose to change any of the current uses, but set up a different process for evaluating Final Development Plans in those subareas. With the rezoning, if the proposed use was within the Limited General Employment (L-GE) category, staff could approve the Final Development Plan. If the activity fell within the personal service uses, as could happen in Subarea 2, that Final Development Plan would go to the Planning Commission for approval. This change would allow the city to expedite L-GE-type applications and not go through a lengthy process to get a typical office development approved. More complicated uses, like retail and out-lots, would still need additional review and Planning Commission approval. This ordinance would go to the Planning Commission on November 20<sup>th</sup> for review and could come back to council on December 19<sup>th</sup>.

Mayor Spalding appreciated that the property owner wanted similar zoning requirements as nearby parcels to make it more marketable. Director Chrysler added that the L-GE limited overlay text contained a very strict set of standards that the city put on top of the GE zoning to get the type of requirements the city wanted, including landscaping, setbacks, and mounding. Staff was asking, as long as the use fell within that L-GE overlay text where the standards were already in place, that the approval process be the same



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as bordering L-GE parcels. Retail uses not within the L-GE category would still get more scrutiny by the Planning Commission. Council Member Durik asked and Director Chrysler answered that there was no particular project driving this change. It would help to have timeline shortened to land on a list and get a project. Tom Rubey, Development Director for The New Albany Company, added that the rezoning would allow them to go in and install landscaping and grading around the perimeter of the site, including street trees and horse fencing, which items could then be modified for an end user.

Mayor Spalding referred the ordinance to the Planning Commission and set the ordinance for second reading and public hearing at a December council meeting.

### **READING AND PUBLIC HEARING OF RESOLUTIONS**

#### **RESOLUTION R-57-2017**

Mayor Spalding read by title RESOLUTION OF COMMITMENT TO SUSTAINABLE2050.

City Manager Joseph Stefanov reminded council that the city was one of the founders of the Central Ohio Green Pact about 10 years prior. That group was being renamed "sustainable2050." It was still under the leadership and guidance of the Mid-Ohio Regional Planning Commission (MORPC). MORPC was asking the communities to re-commit to the program. There were new goals, including reducing energy consumption, detecting natural resources, retaining economic opportunities, creating sustainable neighborhoods, and collaborating relative to educational opportunities and innovative sustainability solutions. The city was already working on about a dozen of the objectives underneath those goals in various ways. The city had adopted the standard of complete streets which incorporated leisure trails and sidewalks. The city promoted alternative forms of transportation with its shuttles in the business park and its relationship with the Central Ohio Transportation Authority. Many city buildings were transitioning to LED light fixtures and council had prioritized moving street lights to an LED format. The organizers asked that the city appoint a "local champion" for the sustainable2050 goals. That person would typically be a member of city staff who would participate in the MORPC-sponsored meetings. A positive vote would continue the city's participation in the re-branded program. As a member, the city would have the ability to access the latest information and expertise on various sustainability programs, and MORPC was rolling out a series of energy consumption studies in the area for early adopters at no charge.

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 and give the city manager the authority to select the city's "champion." Council Member Briscoe seconded and council voted with seven yes votes to approve Mayor Spalding's motion and Resolution R-57-2017.



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### RESOLUTION R-58-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE NEW ALBANY JOINT PARK DISTRICT IN ORDER TO FACILITATE THE CONSTRUCTION AND OPERATION OF THE MIRACLE LEAGUE BASEBALL FIELD AND PLAYGROUND.

City Manager Joseph Stefanov told council he and Law Director Mitch Banchefsky had been working with David Wharton and the Joint Parks District (JPD) Board on a lease agreement that would set the JPD up as the Lessee, which would in turn, sublease property to the Miracle League, which was a 501(C)(3) organization. The property was 5-6 acres, located on Swickard Woods Boulevard on the north side. City Manager Stefanov distributed a drawing created by MKSK which showed the field, a potential playground, and some additional parking. City Manager Stefanov understood there were additional conceptual sketches that the city could consider as they finalized the project. The subject property was donated by The New Albany Company to the city, township, and school district years ago. It was originally slated for high-density residential development The New Albany Company donated it for public use. The city received approximately 7 ½ acres. A portion of that was developed as the Wexner Pavilion and deeded by the city to the JPD. The proposed lease was a "zero-dollar," 10 year lease. The JPD could work with the Miracle League on scheduling and maintenance. The Miracle League put on an exhibition game at the site which was well-attended. In addition to New Albany families, this field could draw residents from Westerville and Gahanna. Other, similar fields were situated in Dublin and Grove City. The planned field also opened up the opportunity for more programming from outside central Ohio. Council watched a 10 TV news clip about the exhibition game.

Council Member Durik told council he attended the game and anything council could do to support the Miracle League was worth the time and effort. Mayor Spalding added it was a great day and thanked staff who attended.

Mayor Spalding opened the Public Hearing.

Mike DiBlasi, a new member of the New Albany Miracle League, addressed council. He added that he was a board member of the Grove City Buddy Ball League. He praised Dr. Kevin Klingele, Tom, and others who gave their time. He told council that the Miracle League was a great project and would love council's support. Some of the players at the exhibition game lived in New Albany but had been driving to Dublin's field. Those families didn't have many opportunities and the Miracle League wanted to create opportunities for them. The field would be a tremendous asset to New Albany. Mr. DiBlasi described the all-access playground that the Miracle League wanted to construct nearby so that kids who had disabilities could play side-by-side with kids that didn't. Parents and grandparents with disabilities also couldn't play at most parks, but could at these facilities. He thanked council for their support.

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



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Mayor Spalding moved to adopt the resolution. Council Member Durik seconded and council voted with seven yes votes to approve Resolution R-58-2017.

### **STANDING COMMITTEE REPORTS:**

- A. Finance Committee: No report.
- B. Safety Committee: No report.
- C. Public Utilities: No report.
- D. Service and Public Facilities Committee: No report.
- E. Planning and Economic Development Committee: No report.
- F. Administration Committee: No report.
- G. Grants and Non-Profit Funding: No report.

### **REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No meeting.
- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk congratulated the NA-PLs on the passage of their levy.
- D. Council Representative to Plain Township: Council Member Marsh stated that the Township went into executive session on a personal matter, so he had no report.

### **REPORTS OF CITY OFFICIALS:**

- A. Mayor: Mayor Spalding praised the New Albany Chamber of Commerce on their C-Suite Series in which he participated. Alex Fischer, the speaker from the Columbus Partnership shared their history and its interaction with Columbus2020 and Jobs Ohio. Mr. Fischer complimented New Albany and its economic development staff.
- B. Clerk of Council: Clerk of Council Jennifer Mason reminded council that the Budget Workshop was scheduled for November 14<sup>th</sup> at 6:30 p.m. and that council met again for its regular meeting on November 28<sup>th</sup>, skipping Thanksgiving week. She also confirmed a quorum for the December 5<sup>th</sup> meeting.



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- C. Finance Director: Finance Director Bethany Staats distributed draft budget books, supplemental materials, annual and monthly reports, and a draft appropriations ordinance to council. As an update, she told council that 3/4s of the year had passed and the city had a positive, \$5.7 million in revenue over expenditures, and the city's expenditures were 63% of revenues. Income tax collections through September were about 4% higher and expenditures were .5 percent ahead of 2016. She anticipated the Finance Department would come to council with a final Appropriations Amendment at the end of November to be passed in December.

Director Staats described the differences in the annual budget program from prior reports. Many of the changes were due to the pending switch to new financial software. She also wanted to offer more narratives and general overviews. Director Staats thanked the other city departments for their assistance. She invited council to call or contact her as they had questions or wanted more information.

- D. City Manager: City Manager Stefanov asked council to consider and approve the parking rules and regulations that staff drafted following the passage of Ordinance O-13-2017. He stated that some parking was prohibited unless special permission was granted for things like overnight parking of vehicles, motorhomes, storage, boats, trailers, or using the parking lot as a campground. The city had not historically had problems with these items, however, they attempted to anticipate issues. He drew council's attention to the second rule which stated the city could impose time limitations, use limitations, or other restrictions as posted on signs, including but not limited to, two-hour parking, customer parking only, or student parking, as examples. Once the parking policy was approved, the city could begin to implement some restrictions.

Council Member Brisk told council that she was approached by a business owner who talked to her about the impact of new businesses in the Market Square area. Mayor Spalding asked about the city's education strategy. City Manager Joseph Stefanov answered that staff planned to use the schools' communication mechanisms to reach the students. Emails, newsletters, and social media could connect with the community throughout December. The city would also put up signage. No enforcement would begin until after the first of the year. The delay would give students the opportunity to get annual or semester permits which were \$25 per semester or \$50 per year. Superintendent Michael Sawyers stated there was plenty of parking available. The city could provide on-site, verbal and possibly written warnings to students. From there, citations could be issued which would likely start in February. Council and staff discussed the focus on students at the beginning. Employees could require some time of permitting or sticker if parking started to become a problem for the business. Council and staff talked about wording of the restriction signs, hardship waivers, other types of users, and reconfiguration of the Market and Main/Heit Center lot. Council, staff, and Tom Rubey of The New Albany Company, discussed future parking options.

Council Member Brisk moved to approve the proposed parking policy as submitted to council (Exhibit A). Council Member Fellows seconded and council voted with seven yes votes to approve the parking policy.





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E. City Attorney: No report.

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

NONE.

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

Council Member Fellows reminded council that they budget \$10,000 for holiday lighting in 2016. He was looking to increase that amount for 2017. He reported to council that he spoke to representatives from The New Albany Company and they had pledged to match \$5,000 towards holiday lighting if the city increased its expenditure by \$5,000. Council and staff discussed areas where holiday lighting could be expanded. Mayor Spalding asked for a vendor's proposal on what could be lit with this budget. Council clarified that the city would be providing \$15,000 and could accept the \$5,000 match for a total of \$20,000 spent. Mayor Spalding asked that staff evaluate when or if it would be appropriate for staff to do the lighting versus a contractor.

Council Member Briscoe moved to budget \$20,000 for holiday lighting on the condition that the city received a \$5,000 match from an outside organization and that the city solicit bids to do the work. Council Member Fellows seconded and council voted with seven yes votes to approve the motion.

### **EXECUTIVE SESSION:**

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official and pursuant to Ohio Revised Code 121.22(G)(3) for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Council Member Brisk seconded and council voted with seven votes to go into executive session at 7:54 p.m.

Council Member Fellows moved to come out of executive session and resume the regular meeting. Council Member Briscoe seconded and council voted with seven yes votes to come out of executive session at 8:14 p.m.

### **OTHER BUSINESS:**

Council Member Fellows moved to reappoint Brian Zets to the Income Tax Review Board for the term 1/1/2016 to 12/31/2017. Council Member Shull seconded and council voted with seven yes votes to approve the motion. Motion passed.

Council Member Fellows moved to reappoint David Wallace to the Income Tax Review Board for the term 1/1/2017 to 12/31/2018. Council Member Briscoe seconded and council voted with seven yes votes to approve the motion. Motion passed.



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**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the November 8, 2017 Regular Council meeting at 8:15 p.m.

**ATTEST:**

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

28/Nov/17

Date



Memorandum

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TO: Joe Stefanov

FROM: Adrienne Joly

DATE: October 19, 2017

RE: Proposed Market Square Parking Rules and Regulations

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On September 5, 2017, city council approved O-13-2017 that amended codified ordinance 351.13. The amendment gives the city manager the ability to adopt rules and regulations in regard to public parking lots, subject to city council approval. The city currently owns a lot with 451 parking spaces near the Heit Center in the Village Center. The lot was built in order to facilitate the development of restaurants, shops and offices in the Village Center by providing centralized parking. The demand for the spaces is expected to increase as business continue to locate in the Market Square development. The rules and regulations proposed below are intended to regulate the use of city parking lots to ensure availability of spaces.

Purpose:

The rules and regulations have been developed to regulate parking for persons using city owned parking lots to ensure adequate availability for businesses and customers.

Rules:

It is unlawful for any person to park any vehicle or otherwise occupy or use a City parking lot in violation of any of the following provisions:

- 1) City owned public parking lots shall be available solely for the temporary parking of vehicles by members of the public while patronizing or employed at adjacent businesses or while attending permitted special events.

- 2) The city may impose time limitations, use limitations and other restrictions as specified on posted signs (including but not limited to, two-hour parking, customer parking only or no student parking).
- 3) Users shall adhere to any posted restrictions, including temporary restrictions, seasonal regulations and temporary closures
- 4) No vehicle shall be parked in any city parking lot for more than twenty-four hours, unless authorization has been granted by the City Manager or designee to allow such vehicle to park in the City lot on a temporary basis for a specified purpose.
- 5) Storage of motorized vehicles or the storage for any length of time of trailers, boats, equipment, building materials or other merchandise in a City parking lot is prohibited, unless authorization has been granted by the City Manager or designee to store such in the City lot on a temporary basis for a specified purpose.
- 6) Use of a City parking lot as a campground or otherwise occupied by any automobile, recreational vehicle, truck, truck with camper shell, or trailer while said vehicle is utilized as a daytime and/or nighttime place of residence is prohibited.
- 7) Unless in conjunction with a permitted special event, use of such lots by person(s) loitering or engaging in any games, vending of merchandise or services, consumption of alcoholic drink, or other activities not directly associated with and necessary for the parking of vehicles, is prohibited. Littering, depositing trash or waste materials, abandoning any vehicle or equipment in a City parking lot, or purposely defacing or damaging any part of a City parking lot is prohibited.

Signage:

The city shall have the duty to adequately and appropriately sign all lots with clearly visible information to all users of the parking lot regarding hours of operation, time limits, and applicable sections of the City's parking code. The city shall post any time restrictions, use restrictions or closures on signage at prominent locations within the city owned and operated parking lot. Signage shall meet the specifications depicted on Exhibit A.

Enforcement:

Enforcement shall be performed by the New Albany Police Department, which has the authority to manage and supervise all parking of motor vehicles in city owned parking lots. Violators shall be subject to penalties set forth in Chapter 351 of the New Albany Codified Ordinances. .