



NEW ALBANY CITY COUNCIL MEETING MINUTES

December 19, 2017

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of November 28, 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 Banchevsky, 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	A
CM Glyde Marsh	P
CM Matt Shull	P

Clerk of Council Jennifer Mason reported that Council Member Fellows called her to let her know he would not be at the meeting due to work and requested to be excused. Mayor Spalding moved to excuse Council Member Fellows from the council meeting. Council Member Briscoe seconded and council voted with six yes votes to excuse Council Member Fellows from the meeting.

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the November 28, 2017 meeting minutes and asked if they had any proposed additions or corrections. Hearing none, Council Member Durik moved to adopt the November 28, 2017 minutes. Council Member Briscoe seconded and council voted with six yes to approve the regular meeting minutes.

Mayor Spalding asked if council had reviewed the December 5, 2017 meeting minutes and asked if they had any proposed additions or corrections. Clerk of Council Jennifer Mason reported that Council Member Shull requested one correction. Council Member Fellows seconded changing the December 5th agenda, not Council Member Shull as he was not at that meeting. Clerk Mason made that change to the original copy of the minutes. Council Member Shull moved to adopt the December 5, 2017 minutes. Council Member Brisk seconded and council voted with six yes to approve the regular meeting minutes.



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ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

Healthy New Albany Update – Patty McClimon, Chair of the Board of Trustees for Healthy New Albany and Vice President of Strategic and Facilities Planning for Nationwide Children's Hospital., introduced Bill Rusch, Healthy New Albany Board of Directors Member and co-owner of Anomatic, and Dr. Phil Heit, Executive Director of Healthy New Albany. She reminded council that Healthy New Albany (HNA) was a 501(C)(3) organization which partnered with The Heit Center, Nationwide Children's Hospital, The Ohio State University, and the City of New Albany to provide programming to the community and promote the "culture of health."

HNA had 550 volunteers, 8 part-time staff, 2 full-time paid staff including Dr. Heit who's salary was \$1. HNA provided classes and programs, meeting space, a community garden, Healthy New Albany magazine, the farmer's market, and a lecture series. Ms. McClimon listed out senior programming, prevention programming, family programming, cooking and lifestyle classes, and seasonal events.

The business community benefitted as well. Bill Rusch described how HNA helped businesses recruit and retain employees. HNA was an important, strategic part of growing Anomatic and growing the tax base in New Albany. He thanked council for their support.

Ms. McClimon described serving 17,000 participants, mostly from New Albany, 2,500 in the Walking Classic, and 14,000 shoppers on Farmer's Market days. During the Farmer's Markets, local businesses added staff to handle extra customers. HNA operated by making a profit on the Walking Classic and just about everything else utilized those monies. Charges for classes, vendors' fees, room rentals, and garden plot fees only paid for supplies or contributed minimally to costs.

In the future, HNA hoped to add to its partnerships, expand its programs as the budget allowed, do more research into what made a healthy community, and strengthen its economic impact in the area. HNA was proud of its significant impact on the community. Ms. McClimon thanked council for its ongoing support.

Council Member Durik asked and Ms. McClimon answered that the city could help support HNA by giving more feedback about requested programming and making suggestions. HNA also appreciated the city's support and services in the management of its events, including the new Chilly Chili Mile. Council Member Shull asked and Ms. McClimon answered that the HNA's website listed all of its events and programs, and HNA sent out a monthly email blast listing available classes. The New Albany Chamber of Commerce's community calendar carried HNA's big events. Council Member Brisk recommended spreading the word about the monthly email update and offered that the city and chamber of commerce may be able to help. Council Member Brisk asked about surveys and Dr. Heit answered that the HNA put out survey cards out.



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Most classes sold out. HNA did a formal, community-wide survey at the beginning, but had not done one since then. Ms. McClimon stated that senior programming was a particular area they were looking to expand.

ACKERLY FARMS AT STRAITS LANE TRAFFIC CIRCLE

Jon Gray, resident at 4440 Olmstead Road, addressed council regarding the Ackerly Loop traffic circle. He stated that all of the junior high and high school kids who could not take the bus, relied on their parents or walked to school. Currently, there was a two-way stop on Ackerly Loop and a stop sign on Straits Lane. If council chose to go through with installing the four-way stop, he asked that the city also put money aside to paint crosswalks and perhaps put in signage to alert drivers to pedestrians. Mr. Gray had observed drivers routinely ignoring the existing stop signs. Mr. Gray expected that kids would continue to cross the road and assume drivers would stop at the stop sign. Even putting in a crosswalk might not be enough to change drivers' behavior, but Mr. Gray wanted it to be very apparent that students routinely crossed that road to get to and from school. He thanked council.

Public Service Director Mark Nemeč told council that the city had received calls from concerned residents about the Ackerly Farms traffic circle. The city asked that Joe Ridgeway and David Samuelson, traffic engineers with E.P. Ferris & Associates, to assess the situation and make a recommendation. Brian Strayer, the city's operations manager took the lead on the project and worked with the engineers. Director Nemeč personally witnessed drivers not yielding when entering the circle. The complaints the city received reported confusion about who had right-of-way in the circle, however, Mr. Gray's requests to mark pedestrian crossings could also be incorporated. Council and staff discussed where crosswalks could go as there were sidewalks on only two of the legs.

David Samuelson, traffic engineer at EP Ferris & Associates, was recommending a four-way stop at the circle.. Traffic circles were for low volumes and were designed as traffic calming measure to reduce speed. Yield signs were for roundabouts designed to handle a lot more traffic. Putting in an all-way stop would be consistent with other traffic circles in the city. Mayor Spalding asked and Mr. Samuelson answered that it would be normal to have crosswalks at a four-way stop. Technically, crosswalks existed at all intersections, even if they were not striped. Adding striping would help to delineate where a motorist should stop and yield to pedestrians. Mr. Samuelson would need to talk to city staff to make sure there were no other issues with the placement of crosswalks at this intersection. Council and staff discussed other traffic circles in the Highgrove community. Council discussed the confusion of drivers going through the circle. Mr. Samuelson added that most roundabouts in central Ohio had splitter islands and yield control. Mr. Gray described nearly being hit in the circle and the difficult sight line. Council Member Brisk suggested doing more traffic enforcement in the area.

Council Member Shull asked how much it would cost to put crosswalks at that intersection. Director Nemeč replied that adding two stop signs and striping with thermoplastic, plus work time, would cost around \$2,000. Curb cuts and ramps were already in place. The stop signs would need to be pulled back to a position before the crosswalk. Mr. Samuelson added that the striping could not be done right now due to weather



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temperatures. Council Member Brisk asked about the relative safety of this circle versus a regular, four-way stop. Mr. Samuelson. Mr. Samuelson could not offer an opinion on the relative safety at this intersection. His research showed no accidents had been reported. Mr. Samuelson reiterated that the traffic circle was designed to reduce volume and slow down traffic. Council discussed sight lines. City Manager Joseph Stefanov offered that the stop signs and pedestrian controls could be an interim solution. If those didn't work, the city could look at other options, including removing the circle altogether. Director Nemec asked for clarification and council responded that the crosswalk striping should go in as soon as weather permitted.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Law Director Mitch Banchefsky reported that PC considered a rezoning on 72 acres as requested by MBJ Holdings. That application was tabled. PC also considered a conditional use request by Ralph Fallon Builders to utilize a building on Zarley Street for office purposes. The subject area was one of the few that was zoned "light industrial" in New Albany and where the cost was relatively inexpensive. Ultimately, the PC approved the requested conditional use for as long as the building continued to be utilized for office purposes.

PARKS AND TRAILS ADVISORY BOARD: No report.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB considered two applications from Freshii, one for signage and one for a patio. Both applications were approved.

BOARD OF ZONING APPEALS: No meeting.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-20-2017

Clerk's note – this item was considered after O-23-2017 so that the annexation occurred first and the rezoning occurred second.

ORDINANCE O-22-2017

Mayor Spalding read by title ANNUAL APPROPRIATION ORDINANCE



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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, 2018.

Finance Director Bethany Staats reminded council that this was the 2018 budget appropriation. Director Staats included amendments in response to council's input at the prior meeting. The changes from the first reading were highlighted in red. First, General – Council was increased to allow for a 2.5% cost of living salary increase. Council would need to pass additional legislation to institute an increase. Second, based on the feedback about the hotel bed tax and grant funding, that appropriation was increased to \$175,000. Third, under Administrative Services, a maintenance support contract was added back in, resulting in a small increase. Those were the changes after the first reading.

Added since the original the budget book were the payroll changes discussed at the ordinance's first reading and development economic incentives. Director Staats distributed supplemental pages for the budget book. Director Staats and City Manager Joseph Stefanov noted that cemetery restoration, which was budgeted for in 2017, had not yet been contracted. City Manager Stefanov explained that both of the contractors who had submitted proposals to the city were busy through the fall. Headstone bonding material was temperature sensitive. The contractors would not get the work done until the spring. Negotiations were ongoing. Administration expected to assess the final proposals in January. Director Staats requested a floor amendment to appropriate \$40,000 in the Land and Building Maintenance category of the General Fund in 2018 for cemetery restoration. Council Member Durik asked and Director Staats replied that, with the floor amendment, the 2018 Total Operating would be \$16,766,836.

Council Member Shull asked and Director Staats confirmed that the \$961,535 under General – Administrative Services – Operating and Contractual Services included the IT budget and the Tyler software and maintenance updates. Council Member Briscoe noted that appropriations had increased by over \$4 million since the ordinance's first reading. City Manager Stefanov explained that the increase contained \$1.2 million to the Park & Trail Improvement Fund and \$1.5 million of the increase went into the Economic Development Fund.

Mayor Spalding asked for broad summary of the 2018 Appropriations. Director Staats stated that the city's total revenues across all funds were predicted to be \$83.3 million, total expenditures were predicted to be \$76.5 million, making the predicted excess around \$6.8 million. Council Member Briscoe asked and Director Staats answered that the city was still predicting an 8% increase in revenues. Director Staats reminded council that the predicted 8% was an increase over the amended 2017 budget, and the prediction was conservative because 2017 revenues were already ahead of that projection. Mayor Spalding asked, if the 8% increase didn't happen, would the city expect a surplus or a deficit? Director Staats expected, with a \$6.8 million dollar surplus overall, the city would be close to breaking even. City Manager Stefanov added that, in the first and second quarters of the year, if revenues decreased, the city would be able to cut back on remaining expenditures.

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



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Mayor Spalding moved to amend ordinance O-22-2017 to include \$40,000 for the cemetery project as recommended by the finance director. Council Member Shull seconded and council voted with six yes votes to amend the ordinance.

Mayor Spalding moved to adopt the ordinance as amended. Council Member Durik seconded and council voted with six yes votes to approve Ordinance O-22-2017 as amended.

ORDINANCE O-23-2017

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1.97+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov reminded council that this property was one of several parcels along the Beech Road corridor around which most of the adjacent property had already been annexed. He described the location and said the purpose of annexing the parcel was to fill in the remaining gaps on that corridor. An Expedited Type I annexation gave the city all of the flexibility and capability of a traditional annexation with greater speed. Mayor Spalding asked and City Manager Stefanov confirmed that the annexation was approved by the Licking County Commissioners.

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 Marsh seconded and council voted with six yes votes to approve Ordinance O-23-2017.

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 told council that this rezoning accompanied ordinance O-23-2017 approving annexation. This legislation would rezone the property to L-GE which was consistent with the zoning in the rest of the business park. The zoning text was consistent with the adjacent sub-area texts. The Planning Commission reviewed and recommended approval of the rezoning at their November 20, 2017 meeting. The applicant was present to answer any specific questions.

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



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with six yes votes to approve Ordinance O-20-2017.

ORDINANCE O-24-2017

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 2.4+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov stated this parcel, like the parcel in O-23-2017, was surrounded by property which had already been annexed to the city. He described the location. The city was cleaning up the remaining unincorporated areas of the Beech Road corridor. The reasons for going with an Expedited Type I annexation were the same as in O-23-2017. The Licking County Commissioners had approved the annexation request.

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 Brisk seconded and council voted with six yes votes to approve Ordinance O-24-2017.

ORDINANCE O-25-2017

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 5.2+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov told council that, like the properties in O-23-2017 and O-24-2017, this parcel was another "missing tooth" on the Beech Road corridor. It was surrounded by parcels already annexed by the city. The legislation called for an Expedited Type I annexation and had been approved by the Licking County Commissioners.

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 Durik seconded and council voted with six yes votes to approve Ordinance O-25-2017.

ORDINANCE O-26-2017

Mayor Spalding read by title APPROPRIATION AMENDMENT ORDINANCE
AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017.

Finance Director Bethany Staats stated that this appropriations amendment contained the year-end 2017 adjustments for budgetary reasons. Director Staats had reviewed some of the amendments at the last council meeting. After the first reading, the Finance Department added a Then and Now related to the final payment of the debt refinanced during 2016 Advanced Refunding in the fall of 2016. In other cities, debt payments did not



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require a purchase order, so Then and Nows would not be needed. In this case, the payment date came before the purchase order date, so a Then and Now certifying the funds were available at the time of the invoice had to be approved by council.

In Section 2, there were more reductions to appropriations where funds were not going to be used in 2017. In Section 6, staff added the Hotel Excise Tax fund to allow Director Staats the ability to adjust the appropriations to match receipts. The Hotel Excise Tax fund was a "clearing fund" and anything received into that fund must be paid out. Thus, the amount of the appropriations had to exactly match receipts.

Council and staff discussed the frequency and size of appropriations amendments in coming years. Finance Director Bethany Staats anticipated fewer amendments, which would take place on a set schedule, and less to adjust with the new structure and finance software. When large projects came in, appropriations adjustments could be made in the ordinances approving the project.

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 Brisk seconded and council voted with six yes votes to approve Ordinance O-26-2017.

ORDINANCE O-27-2017

Mayor Spalding read by title AN ORDINANCE TO AMEND FINANCIAL POLICY 4.20 "INVESTMENTS & DEPOSITS OF FUNDS POLICY" AND CHAPTER 157 "INVESTMENT POLICY" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES.

Finance Director Bethany Staats explained that this ordinance updated the city's investment policy last approved in 2009. The ordinance changed New Albany's designation from "village" to "city." Where the city's policy did not specify, it would fall back on the Ohio Revised Code (O.R.C.). The policy didn't not substantially change the way the city handled investments or what the city could invest in. It did change where interest earned off of funds was allocated. It was not required for interest earned to be placed back in Tax Increment Finance (TIF) funds. Any interest attributed to the TIF balances would now go back to the General Fund. A few exceptions were delineated including gas tax interest. The city could not invest in derivatives. City Manager Joseph Stefanov told council that the policy change gave the city some flexibility when depositing funds. This policy was consistent with the O.R.C. and other cities' practices.

Mayor Spalding asked and Director Staats explained that sweeping the qualifying TIF interest into the General Fund would happen monthly based on cash balances of the individual funds. Council and staff discussed the wording of the policy and levels of discretion allowed when the words "will" and "shall" became "should" and "may." City Manager Joseph Stefanov stated that the greater flexibility in the language was often related to time-frame issues and was intended to keep the city in compliance. Council expressed concern about the proposed language being too vague and lacking in direction.



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Council Member Briscoe moved to table the ordinance to the next regular council meeting. Council Member Marsh seconded and council voted with six yes votes to table ordinance O-27-2017 to the next regular council meeting.

FIRST READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-28-2017

Mayor Spalding read by title AN ORDINANCE TO REPEAL SECTION 505.14 OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES, ENTITLED "DANGEROUS AND VICIOUS DOGS" DUE TO THE FACT THAT THIS SECTION HAS BEEN PREVIOUSLY UPDATED AND SUPERSEDED BY SECTION 505.01 ENTITLED "DOGS AND OTHER ANIMALS RUNNING AT LARGE; NUISANCE, DANGEROUS AND VICIOUS DOGS".

Law Director Mitch Banchefsky explained that the city's existing codified ordinance 505.14 characterized dogs as vicious, in part, based upon their breed. All pit bulls or American pit bull terriers were categorized as vicious in the city's ordinance. A recent Fifth District Court of Appeals decision determined that breed-specific ordinances were an unconstitutional use of "home rule" power. The Fifth Appellate District included Licking County which contained portions of the City of New Albany. The Tenth District Court of Appeals, which encompassed the Franklin County portion of New Albany had not yet ruled on this issue. Until the Ohio Supreme Court issued a uniform law throughout the state, the city would have to address the Fifth District ruling. Staff recommended repealing New Albany Codified Ordinance 505.14 which contained the breed-specific language. Codified Ordinance 505.01, already in place, defined nuisance, dangerous, and vicious dogs without naming breeds. Violations of the code had penalties running from a minor misdemeanor to a fifth degree felony, and contained other available measures to deal with problem dogs and dog owners. Law Director Banchefsky noted that the attachment to the proposed ordinance was wrong and would be replaced at the second reading.

Mayor Spalding asked and Law Director Banchefsky confirmed that in repealing C.O. 505.14, the city still maintained all of the methods of dealing with vicious animals.

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

READING AND PUBLIC HEARING OF RESOLUTIONS

RESOLUTION R-60-2017

Mayor Spalding read by title A RESOLUTION TO AMEND, RENEW, AND EXECUTE THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER FOR 2018.

Council Member Briscoe moved to table R-60-2017 until after the Executive Session. Mayor Spalding seconded and council voted with six yes votes to table R-60-2017 until after the Executive Session.



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RESOLUTION R-63-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SIEKMAN AND SIEKMAN, LLC FOR GOVERNMENT RELATIONS SERVICES.

City Manager Joseph Stefanov told council that the city first engaged in lobbying in July of 2014. The city went through a Request for Proposals process. The city contracted with The Strategy Group which employed Pam and Dwayne Siekman. At the end of 2016, the Siekmans broke off and formed their own business. The city continued its contract with them into 2017. Working with Siekman and Siekman, the city had been able to develop relationships its legislators at the state level and had also had some successes in working with its federal delegation. Staff was proposing to continue with Siekman and Siekman in 2018.

Council Member Briscoe asked and City Manager Stefanov answered that there was no significant change in the terms of the contract. The rate increased to \$66,000. Prior to that, rates had stayed the same since July of 2014. Council Member Shull asked and City Manager Stefanov answered that the city would defer to council's wishes, but would normally rebid this service around every five years. Staff did not recommend changing service providers at this time while the city was building on existing relationships. Mayor Spalding supported competitive bidding but added that consistency and excellent service were also important. Mayor Spalding he had personally observed the Siekmans represent the city and was aware of their good reputation with the members of the General Assembly. The Siekmans were also residents of New Albany and gave back to the community. Council Member Briscoe asked and City Manager Stefanov answered that there was a 30 day termination provision in the contract.

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

Council Member Marsh moved to adopt the resolution. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-63-2017.

RESOLUTION R-64-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY WITH MITCHELL BANCHEFSKY TO PROVIDE LEGAL SERVICES TO THE CITY.

City Manager Joseph Stefanov explained that the contract with Law Director Mitch Banchevsky was a personal services contract with a 30 notice to terminate provision. Mr. Banchevsky had served as the city's law director for 21 years. The city sent out a Request for Proposals 3-4 years ago. The city chose Frost Brown Todd LLC, where Mr. Banchevsky practiced law at the time. Following Mr. Banchevsky's retirement from Frost Brown Todd in 2015, the city continued its contract with Mr.



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Banchefsky directly. The only change to the language in the contract was the retainer amount, everything else remained the same.

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

Council Member Marsh moved to adopt the resolution. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-64-2017.

RESOLUTION R-65-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP.

City Manager Joseph Stefanov described the location as west of Beech Road and east of the Franklin County Line. The entire property was located between Abercrombie & Fitch to the west and AEP to the east. The city was requesting an Expedited Type I annexation which applied the terms and conditions of a traditional annexation but on a shorter time frame.

The Annexation Agreement with Jersey Township for that parcel contained similar language to agreements which council had approved for other parcels in Licking County. One variation concerned Tax Increment Financing (TIF). The Jersey Township Trustees requested that the city modify its TIF reimbursement to reimburse for the full amount of the property tax the township would have received if not for the TIF. In prior agreements, the city only reimbursed for fire and EMS services. City Manager Joseph Stefanov was not sure a TIF would make sense on the subject property. Other financial mechanisms included the Community Authority which could possibly help finance infrastructure to the area.

The Jersey Township trustees were familiar with the other agreements which the city had with Plain Township and wanted the same treatment. The parcels that the trustees referenced were governed by an annexation agreement that was a component of the Metropark Agreement which was entered into around 2007. City Manager Stefanov was having discussions with the Plain Township Administrator about possible modifications to the Metropark Agreement. Another nearby parcel was annexed before annexation agreements were required. City Manager Stefanov stated his desire to create consistent conditions among the adjacent parcels in the area.

If the city were to TIF the 108 +/- acres, it would create a fund which would capture the incremental difference in a parcel's value. The difference would be calculated by subtracting the value of the parcel in its undeveloped condition at the time of annexation to New Albany from fully developed condition with commercial zoning and parcel access to public utilities. That TIF fund would be used to pay for public improvements. Under the proposed agreement, the city would pay Jersey Township the full amount it would have received from property taxes including the increase in value



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after the city and/or developer had paid to improve the property. After all of the reimbursements very little money would be left to help pay for infrastructure.

Council Member Briscoe asked if the township would be helping to provide infrastructure to the property with the TIF reimbursement money it received. City Manager Stefanov thought that was unlikely for the extension of Innovation Campus Way. He noted Jersey Township was a participant in a Transportation Improvement District (TID) with Licking County and the TID had been working with the city to find grants and county funds to improve Jug Street. So, while the township would not be contributing directly to the extension of Innovation Campus Way, it would contribute something to the improvement of Jug Street. He reminded council the Community Authority would still be in a position to assist. City Manager Stefanov offered that council could decline the proposed agreement and make a counterproposal instead.

Council Member Briscoe did not see the purpose of doing a TIF if the city fully reimbursed the township as there would be very little left. Without funding, that property would be slow to develop. Council and staff discussed whether a precedent would be set by this agreement. Council and staff talked about potential changes to the annexation agreement to clarify why this deal would be made on this agreement. Council and staff discussed amending the neighboring Metropark annexation agreement as development plans had changed in the area. City Manager Stefanov offered to go back to Jersey Township trustees to find ways to get more for Jug Street and other road infrastructure faster.

Jack Reynolds, attorney with Smith & Hale, addressed council. He represented the potential purchaser of the property, Power Grid LLC. Mr. Reynolds emphasized the importance of TIF money to fund Innovation Campus Way which would access the property. He encouraged council to re-examine the annexation agreement.

City Manager Stefanov recommended that council approve the resolution with the stipulation that the city revert to the terms of prior agreements, limiting revenue sharing with Jersey Township to fire and EMS only. Council Member Marsh supported leaving any final decisions up to the city manager. City Manager Stefanov informed council that if the township rejected new terms, the city had the option to pursue an Expedited Type II annexation, which had the same time frame as an Expedited Type I but tied the city's hands when it came to conforming boundaries. Mr. Reynolds added that, in a Type II annexation, the township would still get some of the property income tax, the inside millage. Council and staff discussed restored TIF monies possibly going towards Jug Street improvements.

Council Member Briscoe moved to adopt resolution R-65-2017 with the condition that paragraph three, Tax Increment Financing, in the Annexation Agreement be modified so that it reflected prior agreements limiting revenue sharing to fire and EMS services. Council Member Shull seconded and council voted with six yes votes to adopt the resolution with the above stated condition.



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Council not being certain whether the public hearing had occurred, Council Member Briscoe withdrew her motion. She moved to reconsider her motion to adopt R-65-2017. Mayor Spalding seconded and council voted with six yes votes to reconsider R-65-2017. Mayor Spalding solicited further questions from council. Council had none.

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 resolution R-65-2017 with the condition that paragraph three, Tax Increment Financing, in the Annexation Agreement be modified so that it reflected prior agreements limiting revenue sharing to fire and EMS services. Council Member Brisk seconded and council voted with six yes votes to adopt Resolution R-65-2017 with the above stated condition.

RESOLUTION R-66-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY, OHIO WITH ARCHITECTURE!OHIO, INC. TO PROVIDE COMMERCIAL AND RESIDENTIAL PLAN EXAMINATION AND INSPECTION SERVICES TO THE CITY.

Community Development Director Jennifer Chrysler explained that Architecture!Ohio provided the city with primary commercial plan review services, electrical inspector services, and now chief building official services as of the adoption of the 2018 budget. It had been four years since the city had last bid out these services. In October of 2017, the city did a Request for Proposals from qualified firms who did plan review and chief building inspector services. They received three proposals from qualified firms in central Ohio. Staff selected Architecture!Ohio for primary service and another company, in a later resolution, for back-up services. The proposed contract contained two unique provisions. First, the contract called for completing plan review in 14 days instead of 30. Second, it called for a commercial walk-thru service which most communities had for residential services, but not commercial services. The proposed rate was consistent with 2017 rates and was the lowest cost proposal that the city received. Staff felt that were going with the best and lowest bidder.

Director Chrysler added that the city had not changed its commercial plan review fees in two years. In 2018, staff was looking to do a review of the overall fee structure. Staff surveyed other communities and found the city's fees were at about the mid-point in comparison with other communities.

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



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Council Member Briscoe moved to adopt the resolution. Council Member Durik seconded and council voted with six yes votes to approve Resolution R-66-2017.

RESOLUTION R-67-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT ON BEHALF OF THE CITY OF NEW ALBANY, OHIO WITH THE ENGINEERING FIRM OF E. P. FERRIS & ASSOCIATES TO PROVIDE ENGINEERING SERVICES TO THE CITY.

Community Development Director Jennifer Chrysler reminded council that E.P. Ferris & Associates had been working for the city for many years and providing exceptional service. The contract amount was the same in 2018 as in 2017. The contract included the review and approval of private site development plans, design and preparation of construction documents for select capital projects, attendance at public meetings, and helping the city to trouble shoot city issues as they arise. Staff was thankful for the people at E.P. Ferris who worked well with the various city departments. Mayor Spalding echoed staff's comments and thanked Ed and Matthew Ferris, who were present, for their service to the city.

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 Shull seconded and council voted with six yes votes to approve Resolution R-67-2017.

RESOLUTION R-68-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY, OHIO WITH FEINKNOPF MACIOCE SCHAPPA ARCHITECTS TO PROVIDE BACK UP COMMERCIAL AND RESIDENTIAL PLAN EXAMINATION AND BACK UP CHIEF BUILDING OFFICIAL SERVICES TO THE CITY.

Community Development Director Jennifer Chrysler told council that this firm was doing similar work as described in Resolution R-66-2017 and was one of the firms that responded to the city's Request for Proposals. The firm had provided very good service to the city for the past four years. Their back up service had been needed since there had been a large volume of commercial plans to review. The city currently had 1.8 million square feet of commercial property in some stage of development.



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Mayor Spalding asked and Director Chrysler answered that city staff did not do the first review of commercial plans. All commercial plan review was done by a certified or register architect or engineer as required by law. Council and staff discussed how plans were submitted by the different trades at different times. Staff was implementing a new intake review process so they could see what plans had been submitted and what stages had been completed. Council Member Shull asked and Director Chrysler answered that the city sent out a Request for Proposals to twelve firms and received bids back from three. Firms that could meet all the requirements for commercial plan review and related services were rare.

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

Council Member Shull moved to adopt the resolution. Council Member Marsh seconded and council voted with six yes votes to approve Resolution R-68-2017.

RESOLUTION R-69-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY, OHIO WITH THE FIRM OF MKSK, LLC TO PROVIDE PLANNING AND DESIGN SERVICES TO THE CITY.

Community Development Director Jennifer Chrysler reminded council that MKSK, formerly MSI, had been a village planner, and then city planner, for many years. Their contract was divided into several sections. MKSK did planning and design, including smaller scale projects and studying and resolving issues. MKSK did design review on commercial and some residential applications, including assisting the city with the Pulte Homes development from initial drawings to a project garnering a high score with the Rocky Fork Blacklick Accord. MKSK worked on special projects including several capital improvement priorities. Special project monies that were not utilized were returned to the city's General Fund. Chris Hermann, a principal at MKSK, was present to answer questions.

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 Durik seconded and council voted with six yes votes to approve Resolution R-69-2017.

Clerk's note - Council took a twelve minute break.



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RESOLUTION R-70-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY, OHIO WITH PENTELLA UNLIMITED, TO PROVIDE ECONOMIC DEVELOPMENT MARKETING SERVICES TO THE CITY.

Community Development Director Jennifer Chrysler played a video created by Pentella Unlimited as part of the city's efforts to attract businesses. The city had been working with Pentella since 2006. Pentella walked staff through their processes, came up with lists of projects for staff to review, helped to benchmark the city among other communities locally and across the country. Director Chrysler was looking forward to working with Pentella on industry fact sheets, more retention-oriented tools, and continuing the city's digital marketing campaigns, including the NEXT e-newsletter and e-blasts.

Council Member Briscoe asked and Director Chrysler answered that she did not have the answer to how many hours Pentella spent on New Albany projects. Pentella spent ongoing time on basic digital marketing, plus additional hours for specific projects. Council Member Briscoe noted the trend toward flat rate billing versus retainers for hours worked. Director Chrysler told council that the city's contract could be adjusted monthly depending on the projects. Council and staff discussed how Pentella's contract worked in practice, and various fee structures of the other firms the city worked with. Director Chrysler stated that staff had no problem with revisiting the contract. Council Member Durik suggesting asking for a report of hours worked at the end of the year going forward. Council Member Briscoe also requested a 30 day termination provision as with other personal service contracts. Director Chrysler offered to modify the contract to comport with council's requests.

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

Council Member Briscoe moved to adopt the resolution with the condition that a 30 day "escape clause" for everybody be added, and with the condition that staff monitor the time spent on the city's projects. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-70-2017 with the conditions listed in the motion.

RESOLUTION R-71-2017

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH QUALITY CONTROL INSPECTION, INC. (QCI) TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE CITY OF NEW ALBANY ON SELECT PROJECTS



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Engineer Mike Barker told council that this legislation authorized the city manager to enter into a contract for back-up and supplemental inspection services with QCI. Additionally, QCI would provide inspection services to the Public Service Department for the annual road maintenance and sidewalk program. The city solicited Requests for Proposals earlier in 2017 and received five responses. Mr. Barker, Public Service Director Mark Nemec, and City Manager Joseph Stefanov evaluated the responses and chose to continue with QCI which services were determined to be cost effective. QCI did not turn in the lowest bid, but the lowest bidding firm lacked the experience the city was looking for. The rate in the contract was the same rate as in 2017 so there would be no increase in 2018.

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

Council Member Shull moved to adopt the resolution. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-71-2017.

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: City Manager Joseph Stefanov reported that the Executive Director of MORPC was reappointed for 2018 and the MORPC budget was approved. MORPC announced two training workshops – The Transportation Improvement District conference on January 11th and the Electric Vehicle Workshop on January 25. The city was hoping to send a representative at the Electric Vehicle Workshop. Now that the city had over 10,000 residents based on MORPC's population estimates, under MORPC's by-laws, the city was permitted to have a



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second representative to the MORPC Board. Mayor Spalding expressed interest in serving on the MORPC Board in 2018.

- B. Council Representative to Joint Parks and Recreation: No report
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: Council Member Marsh reported no activity impacted the city.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding attended ribbon cuttings at Hayley Gallery's third location in the old butcher shop. He admired the restoration of the space. He also attended the ribbon cutting at The Estate at New Albany. Some landscaping was not yet complete, but he expected The Estate to be a welcoming space in the community. Council Member Durik introduced Representative Gonzales at that event.
- B. Clerk of Council: Clerk of Council Jennifer Mason polled council about what they wanted to do with the meeting on January 2nd. The intervening holidays meant staff wouldn't have much time to prepare legislation for council to approve. Council decided to have the Organizational Meeting only on January 2nd.
- C. Finance Director: No report.
- D. City Manager: No report.
- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.

EXECUTIVE SESSION:

Mayor Spalding moved to 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 with the intention of taking action afterwards. Council Member Briscoe seconded and council voted with six yes votes to go into executive session at 9:51 pm.



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Council Member Briscoe moved that council come out of executive session and resume the regular meeting. Council Member Durik seconded and council voted with six yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 10:32 pm.

OTHER BUSINESS:

RESOLUTION R-60-2017

Mayor Spalding read by title A RESOLUTION TO AMEND, RENEW, AND EXECUTE THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER FOR 2018.

Mayor Spalding reported that council discussed the city manager's performance in 2017 and they were all extremely satisfied with City Manager Joseph Stefanov. Mayor Spalding stated the city was lucky to have Mr. Stefanov's services and have him representing the city. Council looked forward to what Mr. Stefanov would do in the coming year. In recognition of Mr. Stefanov's outstanding year of service, council planned to increase City Manager Joseph Stefanov's base compensation by 2.5% and maintain all of the other features of his compensation package, and to authorize a one-time performance bonus in recognition of the city's accomplishments with economic development projects, large scale infrastructure projects, and personnel challenges that the city had worked through during the year.

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 to renew and execute the employment agreement with the city manager providing a 2.5% increase from the 2017 base compensation and awarding a one time performance bonus for another outstanding year. Council Member Briscoe seconded and council voted with six yes votes to adopt R-60-2017 with increase and bonus.

Mid-Ohio Regional Planning Commission – Second Representative

Council Member Briscoe moved to appoint Mayor Spalding to MORPC. Council Member Brisk seconded and council voted with five yes votes and one abstention (Spalding) to appoint Mayor Spalding to the MORPC Board.

Thanks to Council

Mayor Spalding thanked council for another great year and passed out picture frames with council's 2017 picture to council members.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Shull moved and Mayor Spalding seconded to adjourn the December 19, 2017 Regular Council meeting at 10:37 pm.



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ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

16 JAN 18

Date