



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of February 6, 2018 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Administrative Services Director Adrienne Joly, Finance Director Bethany Staats, Law Director Mitch Banchefsky, Police Chief Greg Jones, Public Service Director Mark Nemec, City Engineer Ed Ferris, Community Development Director Jennifer Chrysler, Engineer Mike Barker, 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 Glyde Marsh	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the January 16, 2018 meeting minutes and asked if they had any proposed additions or corrections. Hearing none, Mayor Spalding moved to adopt the January 16, 2018 regular meeting minutes. Council Member Durik seconded and council voted with seven yes to approve the meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

NONE.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Mayor Spalding reported that PC approved a request for a zoning change for 72 acres of land subject to conditions in the staff report. The PC approved a Final Development Plan for the Nottingham Trace Clubhouse subject to conditions. There was a lot of discussions regarding parking. The PC approved a Final Development Plan for The Avenue assisted living development located near the northeast corner of Smith's Mill and Forest Drive. Its approval was subject to conditions. The PC approved



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

a rezoning of 5 acres of agricultural land on Beech Road. There was some public testimony regarding setbacks, buffers, landscaping, and sewer and water connections.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Brisk reported that the BZA heard and approved an application for a variance to construct a garage with a carriage house as a separate structure.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

Mayor Spalding spoke about emails with a resident who suggested that council consider snow and ice removal on the leisure trails. Mayor Spalding recommended that the matter be considered again as part of council's Capital Projects Workshop. Public Service Director Mark Nemec suggested that, if council favored path clearing, that perhaps the Parks and Trails Advisory committee recommend trails that should be prioritized to get a better handle on the cost. Mayor Spalding noted that council had declined to go forward in the past as clearing many miles of trails made it cost prohibitive. Council Member Shull agreed that it was good item to reconsider. Council Member Briscoe recalled that her concern was that, without camber to drain water like a road, the trails accumulated melt water and ice which was more dangerous than the snow. She felt it was safer to leave snow on them. Council Member Fellows and Council Member Briscoe observed that, when their homeowner's associations plowed the trails, they became icy. Council Member Durik wanted a better idea of how many residents wanted this to be a priority for the city. Mayor Spalding was interested in what Gahanna's experience was after plowing some of their trails.

Council Member Brisk reported to council that she'd exchanged emails and spoke on the phone with Dr. Harold Green who was opening up a medical practice in the Market & Main II building. The business would open up in April and Dr. Green was very concerned about lack of parking for pregnant patients. Expectant mother parking or short term parking would get his patients closer to the building. Dr. Green and his office manager were under the impression that there would be parking accommodations for the medical practice when the Market & Main II construction was completed. The city was looking into where communications were coming from, by whom representations were being made, and what options would be available for the Market & Main tenants in the short term and long term. Mayor Spalding asked Council Member Brisk for updates.



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

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 of the subject parcel. The rezoning did not change any proposed uses. Director Chrysler explained that the city received a request from the developer to put in street trees and do enhancements along Smith's Mill Road. That wasn't allowed under C-PUD without taking a Final Development Plan to Planning Commission for approval. Since the property did not yet have an end user, a Final Development Plan wasn't possible. The city discussed the city code with Law Director Mitch Banchofsky and realized that the only mechanism to allow for the landscaping was to rezone the area as I-PUD and create text to allow for those improvements. The other change proposed that if there was a retail/commercial use that would locate in the area, it would need to go to the Planning Commission for Final Development Plan approval, but any traditional general employment use, like an office, would go through the L-GE process which only required staff approval. Planning Commission discussed these zoning changes at length and agreed with the processes described in the zoning text. Aaron Underhill, attorney for applicant, was available to answer any questions.

Council Member Briscoe asked and Community Development Director Jennifer Chrysler answered that the Planning Commission did approve the text with conditions and the new provisions were now incorporated into the zoning text.

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 seven yes votes to approve Ordinance O-21-2017.

ORDINANCE O-01-2018

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 5.2 +/- ACRES OF LAND GENERALLY LOCATED AT 1254 BEECH ROAD, SOUTH OF STATE ROUTE 161 FOR THE AREA KNOWN AS "BUSINESS PARK SOUTH PHASE 2 EXPANSION ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL DISTRICT TO "L-GE" LIMITED



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

GENERAL EMPLOYMENT AS REQUESTED BY MBJ HOLDINGS, LLC C/O AARON L UNDERHILL, ESQ.

Community Development Director Jennifer Chrysler stated this legislation rezoned one of the properties that was recently annexed to the city. The new zoning was consistent with the zoning in the surrounding area and was consistent with the city's Strategic Plan.

Council Member Briscoe asked and Director Chrysler responded that when the city annexed property, it was required in city code that it become part of the New Albany East Community Authority or New Albany Community Authority.

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

Council Member Brisk moved to adopt the ordinance. Council Member Durik seconded and council voted with seven yes votes to approve Ordinance O-02-2018.

ORDINANCE O-02-2018

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 2.4 +/- ACRES OF LAND GENERALLY LOCATED AT 1526 BEECH ROAD, SOUTH OF STATE ROUTE 161 FOR THE AREA KNOWN AS "BUSINESS PARK SOUTH PHASE 3 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 piece of land was, similar to the land in O-01-2018, recently annexed to the city. She described the location. The proposed zoning was L-GE which was similar to the surrounding zoning in the area. The new zoning was consistent with the city's Strategic Plan and the property was added to the New Albany East Community Authority.

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 Briscoe seconded and council voted with seven yes votes to approve Ordinance O-02-2018

ORDINANCE O-04-2018

Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 181 OF THE CITY INCOME TAX CODE TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY WAIVING THE THIRTY-DAY WAITING PERIOD.



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

Law Director Mitch Banchefskey told council that this legislation was designed to bring the city into compliance with State of Ohio House Bill 49 which required the city to authorize the state to collect municipal income tax from businesses. At the time HB 49 was passed, the City of New Albany joined a consortium of 137 other municipalities and was currently in litigation challenging state-run centralized collection. As an update, 22 more central Ohio communities joined the Franklin County lawsuit. Judge Cain imposed a stay on HB 49 through February 24th and set hearings on February 12th and 13th. Law Director Banchefskey proposed that council continue the matter to the next regular council meeting to learn the outcome of the court hearings.

Mayor Spalding moved to table Ordinance O-04-2018 to the February 20th council meeting. Council Member Shull seconded and council voted with seven yes votes to table Ordinance O-04-2018 to the February 20, 2018 council meeting.

ORDINANCE O-05-2018

Mayor Spalding read by title AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL".

Mayor Spalding told council he asked the council clerk to prepare this legislation. It had been several years since council's last pay increase. In the past years, city staff had received a 2.5% increase in pay and council had lagged behind. This legislation increased council's pay by 2.5%.

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 ordinance. Council Member Shull seconded and council voted with seven yes votes to approve Ordinance O-05-2018.

FIRST READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

READING AND PUBLIC HEARING OF RESOLUTIONS

RESOLUTION R-05-2018

Mayor Spalding read by title A RESOLUTION TO ACCEPT A 0.114 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF BEECH ROAD AND NORTH OF MORSE ROAD FROM MBJ HOLDINGS LLC FOR THE PURPOSE OF PUBLIC RIGHT OF WAY.

Community Development Director Jennifer Chrysler stated that staff realized that when the city accepted annexation there were often highway easements on adjacent roads. When the land came into the city, the highway easements were not automatically converted into right of way for the city. Staff was altering its internal



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

process to do right of way legislation alongside the annexations to take care of this. The proposed right of way in this legislation was part of the Beech Road project.

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

Council Member Briscoe moved to adopt the resolution. Council Member Brisk seconded and council voted with seven yes votes to approve Resolution R-05-2018.

RESOLUTION R-06-2018

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO GRANT CONSENT AND COOPERATE WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE REGARDING THE MORSE ROAD AND KITZMILLER ROAD (PID 105623) IMPROVEMENT PROJECT.

Engineer Mike Barker explained to council that the Franklin County Engineer's office was proposing to install a roundabout at the intersection of Kitzmiller and Morse Road. Part of the proposed improvement was a rehabilitation and expansion to the bridge that spanned Blacklick Creek. This project would be managed and fully funded by the Franklin County Engineer's Offices and was estimated to cost \$3 million. The northeast corner of the project encroached some into city right of way. If passed, this legislation would grant consent to the county to overlap into the city's right of way to complete the construction project. Engineer Barker stated that the county planned to bid the project very soon and award the project such that they could begin in July of 2018. The initial construction phase would be limited. The bulk of the roadway improvements would happen in 2019.

Mayor Spalding asked and Engineer Barker answered that no private land in the city was being taken as part of this project. Tom Rubey, Development Director for The New Albany Company, added that he believed the county was reimbursing an amount for the right of way on the Gross property. Mayor Spalding asked and Engineer Mike Barker answered that there were no crosswalks planned for the roundabout. This roundabout would be similar in size to the Johnstown Road roundabout. Mayor Spalding asked and Engineer Barker answered that sight distance improvements were planned.

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 seven yes votes to approve Resolution R-06-2018.

STANDING COMMITTEE REPORTS:

- A. Finance Committee: No report.



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

- 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: Mayor Spalding told council that the Grants and Non-Profit Funding Subcommittee was planning on meeting soon.

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 reported that Assistant Superintendent Troyer had announced her retirement. The school had begun a search for a replacement. The board renewed Superintendent Sawyers contract for three years.

Council Member Brisk told council there was much discussion about difficulties with pick up/drop off and the closure of the high school/middle school cafeteria drop-off. Effective February 1st, the school would be trying the "express drop-off" method from 7-8:15 am. The school would reopen that circle for parents to drive through and drop off their kids. No prolonged stops would be permitted. Curbs would be painted yellow. Superintendent Sawyers and others still supported the general closure of that area as it has created a safer environment where the kids could use the green space there. Council Member Shull asked and Council Member Brisk answered that the city's Rose Run plans did not figure into the school boards decisions around the cafeteria drop-off. The school was trying to figure out the best and safest ways to get the kids in and out. The school still used the cafeteria drop-off loop for children with disabilities and that would continue.

Council Member Brisk related that the school commissioned a study by the Ohio Department of Education because someone challenged the busing policies. Some parents felt they were being denied busing services. The Ohio Revised Code (ORC) required that the school system provide busing to kids who were not in the public school system if they were within a 30 minute drive not on highways from the district. As a result of the study, two more schools would no longer get buses from Plain District because they were beyond the prescribed drive time. The district would give notice to affected parents



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

and continue to provide busing to kids who didn't qualify through the end of the school year. Next year, the district would follow the ORC provisions.

- D. Council Representative to Plain Township: No report.

REPORTS OF CITY OFFICIALS:

- A. Mayor: No report.
- B. Clerk of Council: Clerk of Council Jennifer Mason reported that council member's 2017 W-2s were in their mailboxes. She polled council who supported hiring the horse team and wagon for the Founder's Day and July 4th parades. The December Mayor's Court payout to the city was \$10,351.50. The Ohio Ethics Commission Financial Disclosure forms were due on May 15th. The city would be pre-paying council's filing fees.
- C. Finance Director: Finance Director Bethany Staats distributed the 2018 final budget with the actual 2017 numbers included. Council would be able to utilize this document throughout the year. She also distributed a chart on the General Fund which included a summary of the city's investments. Looking at the December year-end report, the city finished at 84% of budget, leaving a large carry-over balance in the General Fund. Council and staff discussed increasing transfers to city funds and income tax differentials from year to year. Director Staats stated that the city's auditors would be visiting in a few weeks. Council would be receiving a questionnaire from staff related to the audit and she asked that they fill it out and return it promptly. The new auditors would be Wilson, Shannon & Snow, Inc.
- D. City Manager: City Manager Joseph Stefanov reported that construction on the traffic signals at the Fodor school entrance and Harlem/Dublin Granville road would be delayed. Most of the underground work was done, however, the company that provided the mast arms had gone out of business. The city would need to locate a new manufacturer. It could be late spring before those traffic signals went in. This would likely impact projects at Theisen Road and State Route 62 and Beech Road and Worthington Road. The city did not lose any money to the closed business, nothing was paid in advance.

City Manager Stefanov complimented Law Director Mitch Banchefsky for drafting HB 49 legislation which was shared with other Central Ohio Mayors and Managers Association members.

- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.



NEW ALBANY CITY COUNCIL MEETING MINUTES

February 6, 2018

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 expectation to take action afterwards. Council Member Shull seconded and council voted with seven yes votes to go into executive session at 7:18 p.m.

Mayor Spalding moved to come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with seven yes votes to come out of executive session at 7:49 p.m.

OTHER BUSINESS:

Board and Commission Appointments

Council Member Fellows moved to reappoint all board and commission members as set forth on the memo provided to council (Exhibit A) dated February 6, 2018. Council Member Briscoe seconded and council voted with seven yes votes to reappoint the board and commission members on the February 6th memo. Clerk of Council Jennifer Mason told council she would contact the members about their new terms.

New Albany Community Events Board Funding

Council opted to address this item at the next meeting.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Shull moved and Mayor Spalding seconded to adjourn the February 6, 2018 Regular Council meeting at 7:52 pm.

ATTEST:

A blue ink signature of Jennifer H. Mason, Clerk of Council.

Jennifer H. Mason, Clerk of Council

A blue ink signature of Sloan Spalding, Mayor.

Sloan Spalding, Mayor

20 Feb 18

Date



Memorandum

TO: Council

FROM: Jennifer Mason, Clerk of Council

DATE: February 15, 2018

RE: Board and Commission Appointments

This memo details those willing to be reappointed to board and commission positions, as well as open seats. At council's direction, I reached out to standing members whose terms expired and the following are willing to be reappointed.

Architectural Review Board

3 year terms

- Jon Iten is willing to be reappointed to the term 1/1/18-12/31/20
- Lewis Smoot is willing to be reappointed to the term 1/1/18-12/31/20
- Open position to complete unexpired term 1/1/16-12/31/18

Board of Construction Appeals

3 year terms

- Mac Quillan is willing to be reappointed to the term 1/1/18-12/31/20

Board of Zoning Appeals

3 year terms

- Julie Kriss is willing to be reappointed to the term 1/1/18-12/31/20
- Kirk Smith is willing to be reappointed to the term 1/1/18-12/31/20

Community Investment Corporation

2 and 3 year terms

- Phillip Smith is willing to be reappointed to the term 1/1/18-12/31/19
- Open position for the term 1/1/18-12/31/19

Income Tax Board of Review

2 year terms

- Brian Zets is willing to be reappointed to the term 1/1/18-12/31/19
- Open position for the term 1/1/18-12/31/19 – *city manager apt.*

McCoy Center Board**3 year terms**

- Lynnda Davis is willing to be reappointed to the term 1/1/18-12/31/20

Planning Commission**3 year terms**

- Brad Shockey is willing to be reappointed to the term 1/1/18-12/31/20

Parks and Trails Advisory Board**3 year terms**

- Bill Resch is willing to be reappointed to the term 1/1/18-12/31/20
- Francis Strahler is willing to be reappointed to the term 1/1/18-12/31/20

Positions not filled include the Income Tax Review Board (currently inactive) (selected by the city manager), Personnel Appeals Board (currently inactive), and the Cemetery Restoration Advisory Board (currently inactive) non-voting position.