



## **NEW ALBANY CITY COUNCIL MEETING MINUTES**

**April 17, 2018**

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of April 17, 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, Community Development Director Jennifer Chrysler, City Engineer Ed Ferris, 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	A
CM Glyde Marsh	P
CM Matt Shull	P

Clerk of Council Jennifer Mason told council that Council Member Fellows was travelling for business and requested to be excused. Mayor Spalding motioned to excuse Council Member Fellows from the council meeting. Council Member Shull 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 April 3, 2018 meeting minutes. Hearing none, Council Member Marsh moved to adopt the April 3, 2018 regular meeting minutes. Council Member Durik seconded and council voted with five yes votes and one abstention (Shull) to approve the meeting minutes. The minutes were adopted.

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

NONE.

### **HEARING OF VISITORS:**

Mayor Spalding acknowledge a boy scout who was present to fulfill a badge requirement.

### **BOARDS AND COMMISSIONS:**

**PLANNING COMMISSION:** Mayor Spalding reported that the PC considered an application for conditional use by Ralph Fallon Builders (RFB) for 5780 Zarley Street. RFB wanted some changes to the limited uses in the Industrial Zoning Text. PC granted the application with conditions. The PC considered an application



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for conditional use by Pulte Homes in the Nottingham Trace subdivision. The application was to use three lots for a model home and parking lot for three years from the date of occupancy. Pulte indicated they would likely re-apply for an extension once the three years expired because the subdivision was being constructed in stages. The PC also heard several modifications to the Nottingham Trace plan related to landscaping, sign lighting, and a flag pole. The PC granted the application with conditions. The PC considered a final development plan and some variances for Feazel Roofing's new corporate office on New Albany-Condit Road, north of State Route 161. Most of the discussion centered on a turn-off into the facility from State Route 605 and an entry from Walton-Parkway. After much discussion with Feazel Roofing's architect, the request for the curb cut and entry off of State Route 605 was denied. A traffic study will take place to determine the needs of the area.

The PC held its organizational meeting. All officers from 2017 were reappointed.

PARKS AND TRAILS ADVISORY BOARD: No report.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Brisk reported new BZA member Sarah Briggs completed her orientation. The BZA would hold its organizational meeting the following week.

BOARD OF CONSTRUCTION APPEALS: Council Member Marsh reported that the BCA re-elected their same leadership.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

### **SECOND READING AND PUBLIC HEARING OF ORDINANCES:**

NONE.

### **FIRST READING AND PUBLIC HEARING OF ORDINANCES:**

#### **ORDINANCE O-08-2018**

Mayor Spalding read by title AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$17,250,000 FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S RECREATION FACILITIES, INCLUDING IMPROVING ROSE RUN PARK AND RELATED IMPROVEMENTS TO DUBLIN-GRANVILLE ROAD BETWEEN CERTAIN TERMINI, BY RECONSTRUCTING, GRADING, CURBING, PAVING, RELOCATING UTILITIES, CONSTRUCTING SIDEWALKS AND INSTALLING RECREATION PATHS, CONSTRUCTING A



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PEDESTRIAN BRIDGE, A LIBRARY GARDEN, AND A PARK AREA, EACH WITH RELATED AMENITIES, AND ACQUIRING ANY NECESSARY INTERESTS IN REAL PROPERTY, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO.

Finance Director Bethany Staats explained that this ordinance authorized the city to issue bonds for the Rose Run project which was expected to cost around \$17 million. The additional \$250,000 in the legislation was to cover bond issuance costs. Residential TIFs would be used to repay the debt. Staff's analysis showed that the TIFs could cover the debt, although it would be tight. Another piece of legislation would transfer additional funds to the Park Improvement Fund to pay the Construction Manager At Risk (CMR) portion, taking some financial stress off of the TIF funds. Should TIF money be left over after the bond debt was retired, it could be used for additional projects.

Director Staats noted bond counsel prepared this ordinance and would direct staff on the issuance of the bonds. The city also hired a municipal advisor. The city would be preparing a credit rating presentation for Moody's and Standard and Poor as part of maintaining the city's AAA bond rating. The closing date for the bonds was scheduled for July 11<sup>th</sup> so that the city would have funding in place to proceed with the project. City Manager Joseph Stefanov added that \$17 million covered most scenarios for costs and was a conservative approach. City Manager Stefanov stated he didn't want the city to be in a position where it was authorizing less bonding capacity and discover more was needed later. Director Staats stated that, while the authorization was for \$17,250,000, the actual amount in bonds could be determined later. Director Staats offered to invite the bond counsel to the second reading of the ordinance to answer any technical questions.

Mayor Spalding asked and Director Staats answered that the city would not be using a bonding authority. Council Member Briscoe asked and Director Staats replied that the municipal advisor would assist the city in going to the market for a competitive bid, instead of a bank placement as the city had done with smaller amounts. The municipal advisor had expertise and could give direction on how the bonds should be set up. City Manager Stefanov stated that city had hired consultants in the past. It had been seven to eight years since the last time the city had this large of a bond issue. Council Member Briscoe expressed concern about the CMR knowing the upper limits of cost of the project and pricing its bid accordingly. City Manager Stefanov explained that the city would be able to do a detailed review of the bases for the CMR's cost estimates. If the city determined that the CMR price was too high, it could reject the CMR proposal and take the project out for a competitive bid. Administrative Services Director Adrienne Joly added that, if the city accepted the CMR's pricing, the CMR's Guaranteed Maximum Price (GMP) would be locked in and the CMR's fee would be locked in. Even in a traditional bid scenario, the contractor could see the city engineer's estimate, bid the work, and know that, if they won, they might make more profit based on the engineer's estimate. Council Member Briscoe offered to meet with staff to better understand the CMR benefits.

Mayor Spalding had similar questions for what incentivized the chosen CMR to minimize the cost by maximize the quality of the project. Administrative Services Director Adrienne Joly told council that the city be able to scrutinize all of underlying costs which made up the CMR's bid. The city could assess the quality



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that was being offered both during the bidding process and later during construction. The costs were locked in early in the construction timeline. Director Joly added that the city was making the aesthetic choices and the CMR couldn't change out those materials, so the CMR entered into the contract knowing what workmanship and materials the city expected. City Manager Joseph Stefanov stated that, with the CMR involved earlier than a regular contractor, both parties could do realistic value engineering before the design was complete. City Manager Stefanov reiterated that if the CMR's GMP was too high, it could lose the project to another company. Law Director Mitch Banchefsky noted many municipalities and the State of Ohio were building projects using the CMR process.

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

### **ORDINANCE O-09-2018**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 108.8+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

Community Development Director Jennifer Chrysler told council this legislation would accept the annexation of 108.8 acres in Licking County. An annexation agreement had already been approved by council. This was one of the few properties in Licking County that was also in the New Albany Plain Local School District. Once annexed, the city's Strategic Plan called for the area to be rezoned to become part of the business park. Director Chrysler described the location. Jack Reynolds, attorney for the application, was present to answer questions.

Mr. Reynolds noted that this was an Expedited Type 1 annexation. There was an adjacent property pending annexation in Plain Township and Mr. Reynolds was working with city staff on the timeline to rezone both properties. He expected to be back in front of council with the rezoning this summer.

Mayor Spalding asked and Mr. Reynolds answered that he wasn't aware of any current users for the property, however, there was interest in the site. Community Development Director Jennifer Chrysler added that this was an important annexation for the city because the property owner was agreeable to dedicating right-of-way for the Innovation Campus Way road extension. Council Member Shull asked if adjacent properties being annexed would be marketed together or separately. Director Chrysler speculated that the pieces would be marketed together. Council Member Brisk asked and Director Chrysler replied that she believed that the properties would be zoned Limited – General Employment (L-GE) consistent with the zoning in the business park. Mayor Spalding noted that, since the combined parcels crossed the county line, some clarifications would be needed to deal with required setbacks and taxing authorities in each county.

Mayor Spalding set the ordinance for second reading at the June 5, 2018 council meeting.



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### **ORDINANCE O-10-2018**

Mayor Spalding read by title AN ORDINANCE TO TRANSFER FUNDS FROM THE GENERAL FUND AND TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018.

Finance Director Bethany Staats told council that the city finished the 2017 fiscal year with an excess over the 60%-65% threshold for operating costs that the city maintains in reserve. Previous uses for the excess included adding it to the Severance Liability Fund, the Fixed Asset Infrastructure Replacement Fund, and the Capital Equipment Replacement Fund. Council had already approved 2018 projects in the Capital Budget which this money would go towards. This ordinance would transfer \$7,500,000 from the General Fund into the following funds: Severance Liability, Infrastructure Replacement, Capital Improvement, Park Improvement, Water & Sanitary Sewer. In addition to the approval of the transfers above, the ordinance also requested the appropriation of the transferred amounts out of the destination fund, to be applied the intended projects. City Manager Stefanov added that, while this legislation included \$1 million for parking in the Village Center, the project was not defined and still subject to future council approval.

Council Member Shull asked and Director Staats answered that the \$2 million being transferred to the Capital Improvement Fund did not have to be spent immediately. Council Member Durik asked and Director Staats answered that once the funds were allocated, they could not be removed, but they could be spent on any fund-appropriate project. Council Member Durik asked and City Manager Stefanov replied that the risk of putting monies into these funds was minimal due to the city maintaining the approximately 60% operating cost reserve and the good outlook for 2018 thus far. Council Member Briscoe noted there would always been capital improvement projects in the pipeline, so she didn't see it as a risk to transfer some excess funds there.

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

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

#### **RESOLUTION R-11-2018**

Mayor Spalding read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE PURPOSE OF CONSTRUCTING THE ROSE RUN PARK PROJECT.

Administrative Services Director Adrienne Joly reminded council of Frost Brown Todd LLC attorney Steve Withee's presentation on the Construction Manager at Risk process on January 16th. The benefits of the CMR process included value engineering and bringing a contractor on board earlier in the design process to help the city solve problems. Council authorized staff to go forward with the CMR delivery method in Resolution R-02-2018.

The city put out a Request for Qualifications (RFQ) and received three responses. Staff created a selection team to review the RFQs responses and all companies qualified for the next step. The city created a Request for Proposal (RFP) and allowed the companies three weeks. The city asked for a technical proposal, outlining the approach and the team who would be assigned to the project, and a fee proposal. Messer Construction and Corna Kokosing Construction submitted responses. Ruscilli Construction did not respond to the RFP. The city's





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selection team reviewed the technical proposals, met with each firm in March, and ranked the firms. Director Joly described the ranking criteria to council. After the ranking was completed, the city's project engineer and Director Joly opened the fee proposals. The city weighted the selection team's ranking at 60% and the fee at 40%. Director Joly stated that the quality of the firms who showed interest was excellent and the final scores were extremely close. Messer ranked #1. Law Director Mitch Banchevsky subsequently worked with Messer and staff was asking council for authorization to contract to start pre-construction services. Staff would be coming back to council once the design plans were 90% completed, and Messer had submitted its Guaranteed Maximum Price (GMP), for authorization to proceed into a GMP amendment to the construction contract.

Council Member Briscoe asked and Director Joly answered that the city would pay Messer an hourly rate for their work until it was time to do the GMP amendment. Law Director Banchevsky told council that the final issues in the pre-construction contract were resolved and Mr. Withee would likely have the finished contract later that week. He offered to provide a copy of the contract to any interested council members. Council Member Briscoe asked and Law Director Banchevsky confirmed that the city would pay Messer at their hour rate until the GMP presented. If the city wasn't happy with the GMP, the city could reject further services without liability.

Director Joly told council that two individuals on Messer's team were also New Albany residents. They already understood the traffic and had considered many aspects of the project. Messer built the Scioto Mile and the new, residential towers in Columbus. For Rose Run, access and sensitivity to the schools and Village Center were important. Messer was used to constructing in tight spaces and around sensitive populations. Law Director Banchevsky reported that, according to Mr. Withee, the Messer team was very accomplished. This was their "A Team."

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-11-2018.

### **RESOLUTION R-12-2018**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE A BID AS PART OF A CONSORTIUM FOR THE ACCEPTANCE OF AND PROCESSING OF RESIDENTIAL RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF NEW ALBANY, OHIO.

Public Service Director Mark Nemec reminded council that the city had been part of a waste/recycling consortium, totaling approximately 55,000 residential units, since 2004. The purpose of the consortium was to take advantage of pricing benefits based on volume. Currently, Rumpke hauled away the city's recyclables at rate of \$17.02 per household. The city had the option to extend the contract one more year for an increase of 49 cents per household per month. New Albany's collection day was Thursday and Rumpke provided a 95 gallon cart for recycling. Currently, there was unlimited collection and bulk pick-up.

The Solid Waste Authority of Central Ohio put out a Request For Information to the hauling industry to find out why the consortium's bid last year only received one response. It learned that the consortium was



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asking for too many bid options, the consortium was too large with the optimal size being less than 15,000, the consortium members were asking for different services, and the consortium members had different positions on changing their pick-up day. SWACO met with the communities and recommended subdividing the consortium groups by commonalities. New Albany's new grouping, including Bexley, Mifflin, and Plain, had 9,100 residential units and similar service needs. The next step was to determine the cost of recycling, then price the cost of hauling from various providers. This legislation would authority the city to go out and bid for recycling. The collection part would come later.

Public Service Director Mark Nemec noted that the collection industry was going automated, with arms on the trucks doing the bulk of the labor. Council Member Shull asked and Director Nemec answered that the companies who provided feedback to SWACO were Local Waste, Gimli Companies, Red River Waste, Capital Waste, Republic Services, Waste Management, Ecube Waste Solutions, and Rumpke. Not all companies were active in Central Ohio. Council Member Shull asked if prices would decrease with more companies responding. Director Nemec answered that getting more bids would result in more competitive pricing.

Director Nemec asked council to observe their neighborhoods and think about options, including cart-only. Council Member Brisk asked and Director Nemec confirmed that a resident who had more trash could rent as many carts as needed. Mayor Spalding asked and Director Nemec answered that yard waste pick-up would not change.

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 Durik seconded and council voted with six yes votes to approve Resolution R-12-2018.

### **STANDING COMMITTEE REPORTS:**

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



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### REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Joseph Stefanov reported that the annual northeast regional meeting was scheduled for May 22<sup>nd</sup> in Blendon Township. MORPC was collecting data for the salary survey and reminded participating members to provide their information. MORPC was offering lunch forums applying for grants. The Columbus2020 and Columbus2050 Metropolitan Plan Update was being conducted and, as part of that, MORPC was incorporating new performance measures. A Trend Labs smart mobility workshop was being conducted on April 25<sup>th</sup>.

Mayor Spalding told council that he and City Manager Stefanov attended MORPC's electronic car demonstration. Mayor Spalding liked the idea of bringing a demo car to an event like Taste of New Albany. City Manager Stefanov stated he had reached out to the Chamber of Commerce about it. Finally, Mayor Spalding reported that City Manager Stefanov was reappointed to the MORPC Executive Committee.

- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Mayor Spalding told council that he, Council Member Brisk and other representatives from the city participated in the community school safety meeting. He particularly wanted to compliment Police Chief Greg Jones and his officers for doing a great job of answering everyone's questions. He noted that school safety was an ongoing process and the city was open to suggestions and modifications to safety plans. Many community members approached Mayor Spalding and were thankful of the city's continuing commitment to provide resource officers at the school. Not every community had that option, and New Albany had two, on-site officers.
- D. Council Representative to Plain Township: Council Member Marsh reported that nothing that impacted the city was discussed at the township meeting. The trustees were discussing supporting David Ferguson's run for state representative.

### REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported attending the American Regent's, f.k.a. Pharmaforce, kick-off to for expanded facility. Numerous American Regent, Columbus2020, and political representatives were present. Community Development Director Jennifer Chrysler noted that the 130,000-140,000 square foot facility would result in about 80 new jobs with higher salaries. The company was recently approved for another product line. American Regent was expanding their Hilliard facility and the investment in Central Ohio was the largest the parent company had made in its history. Community Development Director Jennifer Chrysler stated that this boded well for attracting and growing similar companies.
- B. Clerk of Council: Clerk of Council Jennifer Mason reminded council about the MORPC luncheon on April 19<sup>th</sup>. Clerk Mason reported that the March 2018 Mayor's Court payout to the city was \$12,751.10.





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She reminded council that two New Albany East Community Authority appointee terms were coming due and obtained council's permission to ask if the current members if they were willing renew.

- C. Finance Director: Finance Director Bethany Staats referred to a new February Finance handout which was amended to include investment information. The city's financial outlook continued to be good.
- D. City Manager: No report.
- E. City Attorney: Law Director Mitch Banchefsky reported that the Internal Revenue Service had extended their tax filing deadline by one day because their computers were sending out erroneous messages.

### POLL FOR PUBLIC COMMENT:

NONE.

### POLL FOR COUNCIL COMMENT:

Council Member Marsh suggested that the city do something to recognize Marian Shockey, a former council member who had recently passed away. Council Member Marsh felt she was very influential and made some major contributions in her time as council member. Council agreed that a proclamation would be appropriate and Clerk Mason offered to draft that document for a future council meeting.

### EXECUTIVE SESSION:

Mayor Spalding confirmed with council that an executive session was no longer needed. Clerk Mason reported that she did reach out the potential RFBA appointee and that he was still getting clearance from his employer.

### OTHER BUSINESS:

NONE.

### ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Brisk seconded to adjourn the April 17, 2018 Regular Council meeting at 7:45 pm.

### ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

01 May 18  
Date