



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 1, 2018

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of May 1, 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, 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 proposed April 17, 2018 meeting minutes and if they had any additions or corrections. Clerk of Council Jennifer Mason reported that Council Member Shull contacted her ahead of the meeting to let her know of a name assignment error on motion. She checked the recording and fixed the error. Mayor Spalding moved to adopt the April 17, 2018 regular meeting minutes as corrected. Council Member Shull seconded and council voted with seven yes votes to approve the meeting minutes as corrected.

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

NONE.

### **HEARING OF VISITORS:**

Mayor Spalding thanked the members of the Founder's Day Committee for celebrating members of the New Albany Community in a special way.

#### Proclamation for Founders Day Honoree: Grand Marshal Chief John Hoovler

Mayor Spalding noted that he could not envision New Albany without Chief Hoovler and thanked him for what he had done for the community. Mayor Spalding read the proclamation and presented it to Chief Hoovler. Chief Hoovler described the daily efforts of his staff and fire fighters. He told council it was an honor to serve New Albany and Plain Township.



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### Proclamation for Founders Day Community Connection Honoree: New Albany Food Pantry

Mayor Spalding recognized the New Albany Food Pantry as an important contributor and one that the city had recently begun to partner with. Mayor Spalding read the proclamation and presented it Angela Davis. Mayor Spalding offered to let her make a speech. She declined and Mayor Spalding noted she was always giving credit to her volunteers and supporters. He thanked her for her efforts.

### Proclamation Recognizing New Albany Plain Local Schools

Mayor Spalding read the proclamation and presented it to New Albany Plain Local School Board Chairman John McClelland. Mr. McClelland talked about education being central to a great community. He honored the community's dedication to safety and willingness to collaborate. After the Forum on School Safety, residents told him they didn't realize how integrated the district was with the city, police, township, and fire department. Mr. McClelland recognized the school resource police officers present and Chief Hoovler. He described the NAPLs' commitment to well-being. He looked forward to continuing the great community relationships. Mayor Spalding lauded the school's well-being initiatives, including inviting speaker Elizabeth Vargus for a Jefferson Series Talk about alcoholism, which was a good opportunity to coalesce around an issue and engage the students.

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB heard three applications for certificates of appropriateness for signs. All certificates for Johnson's Ice Cream, Rainbow Pediatrics, and The Columbus OBGYN were approved. There was some discussion around the height of the Johnson's Ice Cream sign arm. For Rainbow Pediatrics, the ARB talked about how there was only supposed to be one sign per elevation. Three out of the four signs were up and visually looked fine. The ARB would address any similar, future issues when they arose.

BOARD OF ZONING APPEALS: Council Member Brisk reported that the BZA held an organizational meeting, but she was unable to attend. Law Director Mitch Banchefsky swore in Sarah Briggs as the newest member.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: Mayor Spalding would report on the PRC meeting at the next council meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.



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### **SECOND 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 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 told council this ordinance was necessary for the issuance and sale of bonds for the Rose Run project. Rose Run was originally in the city's budget for \$17 million. The additional \$250,000 included bond issuance costs which were not in the budget, but later legislation would support transfers to cover that amount. She hoped the city would not need to use the maximum amount in the legislation. Bond council was unable to attend the council meeting, but offered to meet one-on-one with council members if they had technical questions.

Council Member Briscoe asked and Director Staats answered that she and bond council expected interest rates to be in the "high 2%" range, but the market changes.

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 Briscoe seconded and council voted with seven yes votes to approve Ordinance O-08-2018.

#### **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 the city exceeded its target of 60%-65% of ending cash balance over expenditures in the General Fund in 2017. The Finance Department asked to put off the usual, final 2017 transfers until the year was completed and to consider where to put the excess funds. The transfers in this legislation moved \$7.5 million total into the Severance Liability Fund, Infrastructure Replacement Fund, Capital Improvement Fund, Park Improvement Fund, and the Water and Sanitary Sewer Fund. This legislation also requested the necessary appropriations.

Mayor Spalding noted that council had discussed these items after the first reading. Council Member Shull asked if the transfers brought the city's General Fund balance to the 60%-65% reserve target. Director Staats answered that the city would still be slightly above the 65% for 2017. Council Member Shull asked and Director



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Staats answered that it wasn't detrimental to be above the target, but it was good to transfer and make excess funds available for planned city projects. City Manager Joseph Stefanov stated that the city arrived at the 65% target based on an expert's analysis of the city's worst case scenario for decreased revenue and committed expenses.

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. Mayor Spalding seconded and council voted with seven yes votes to approve Ordinance O-10-2018.

### FIRST READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

### READING AND PUBLIC HEARING OF RESOLUTIONS

#### **RESOLUTION R-13-2018**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH FAITH LIFE CHURCH INC.

Community Development Director Jennifer Chrysler told council that staff reviewed a map of the community with a focus on the unincorporated, in-fill parcels. Staff worked proactively to established standards and anticipate what infrastructures the city would need in order to support development for future annexations. The purpose of the pre-annexation agreement was to establish expectations for the potential new resident of the city in terms of upcoming development. Community Development Director Jennifer Chrysler described the typical progress and approval process of land being annexed, rezoned, and reaching a Final Development Plan.

Faith Life Church was located on the land to be annexed. A lot of acreage was still available for development and the church had shown the city concepts for its development plans. Staff felt the plans were workable. The city knew that it would want some road infrastructure to support the growth of Faith Life Church and the surrounding area. The pre-annexation agreement made sure the applicant for annexation understood what the city's intentions were before moving forward.

The applicant wanted the annexation and rezoning to be heard by council on the same night. Faith Life Church's rezoning application had been submitted and the Planning Commission would be heard before the annexation and rezoning came before council. Director Chrysler stated that there was still some unknowns about where the right-of-way for a city road would be needed and some clarification would be needed in the Pre-Annexation Agreement about the timing of the Final Development Plan.

The pre-Annexation agreement provided that, if council opted not to vote on the applicant's rezoning at the time of the annexation, the applicant had the right to withdraw their annexation request. The applicant wanted to make sure they could get rezoning as Infill-Planned Urban Development (I-PUD). Conversely, if the applicant did not



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want to grant the city right-of-way for a road, the city would not have to accept the annexation. Director Chrysler noted that there was some additional language that referred to the Final Development Plan that could be removed to make right-of-way dedication conditioned upon annexation and rezoning.

Council Member Marsh asked and Director Chrysler answered that a property tax study hadn't been done, but that she anticipated that the entire site was exempt from real estate taxes because of its affiliation with the church. Annexation to the city wouldn't change that. Director Chrysler added that the church had employees who would pay income taxes to the city, if annexed.

Council Member Briscoe asked if the development plan was far enough along to determine if all parties' wishes would work out. Council Member Briscoe also asked and Director Chrysler replied that the pre-annexation agreement became null and void if all of the steps weren't approved along the way. Faith Life Church would be presenting an initial development plan and specific uses were being written into I-PUD text. If the Planning Commission didn't recommend the zoning to council, and if council wasn't satisfied with the uses, then council could decide not to accept the annexation. Council Member Briscoe suggested tabling the resolution until the next meeting so she could understand more of what was going to happen on the property.

Aaron Underhill, attorney for applicant, addressed council about what a pre-annexation agreement could or could not legally accomplish. A pre-annexation agreement was closer to a Memorandum of Understanding or Letter of Intent. He understood council's concerns about timing of agreements, zoning, and annexation. His client was willing to dedicate the road right-of-way very early in the process. There were engineering plans and details that needed to be considered. Most of that would happen after the rezoning. The pre-annexation agreement did not commit council to rezone the property per the applicant's wishes. It allowed for the city to not annex if they didn't get the road right-of-way, and allowed the applicant to detach from the city if they didn't get the rezoning. The rest of the agreement was outlined the parties' expectations, but was not legally binding.

Council Member Marsh asked and Mr. Underhill answered that the annexation had been approved at the county-level a month ago. The annexation had to be accepted by the city within 120 days of the county's approval. Mr. Underhill and Council Member Marsh discussed tax revenue. Mr. Underhill stated the applicant expected there to be 100 employees and a payroll of approximately \$4.6 million within 3 years of their expansion. Council, Mr. Underhill, and staff discussed Faith Life Church's concepts for the property. Mr. Underhill stated his client was willing to file for rezoning promptly, and did not require the pre-annexation agreement to go forward. Council Member Briscoe did not want to go forward with an agreement that might not be able to be honored and, by its mere existence, cause the whole deal to collapse.

Mr. Underhill wanted to make sure there was some way of handling the annexation and zoning together so that both parties were in agreement about their biggest requirements. Law Director Mitch Banchevsky told council there was an advantage to having the annexation and rezoning hearings on the same night as, by law, the city had less control over the uses on a church-owned property. Mayor Spalding reiterated that neither party was zoning by contract, but that it was difficult for council to approve an agreement without knowing the uses the church was projecting. Mr. Underhill expected to have copies of the application for rezoning by the next council meeting. Several members of council were in favor of tabling the matter.





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Mayor Spalding opened the Public Hearing.

Mayor Spalding offered John "Jay" Luebbe, III, 401 Apple Blossom Road, Pataskala, Ohio, the opportunity to speak as he had filled out a speaker card for this matter. Mr. Luebbe declined.

Ron Parker, 2407 Beech Road, New Albany, Ohio thanked council for working with Faith Life Church. He stated the church was not changing their mission from what it had been for the last 25 years, which was people helping people. He thanked council for their consideration.

Council Member Briscoe moved to table the resolution to the next regular meeting. Council Member Brisk seconded and council voted with seven yes votes to table Resolution R-13-2018.

### **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.

### **REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk stated that Mayor Spalding had covered the important information during his presentation of the proclamation to NAPL School Board Chair John McClelland. She had no further to report.
- D. Council Representative to Plain Township: Council Member Marsh deferred to Chief Hoovler. Chief Hoovler stated that the township was in the process of replacing its 21 year old firetruck. The township expected the new truck to cost around \$1.3 million. Mayor Spalding asked and Chief Hoovler stated the typical life of a ladder truck varied based on usage, but usually lasted around 15 years.



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

A. Mayor: No report.

B. Clerk of Council: Clerk of Council Jennifer Mason reminded council that their Ohio Ethics Commission (OEC) Financial Disclosure filings were due on May 15th. Mayor Spalding suggested that council members email in their OEC receipts to Clerk Mason. Clerk Mason polled council members to see who would be attending the Founder's Day parade and gave them details.

C. Finance Director: Finance Director Bethany Staats told council she would put the March report in their council inboxes. The city was tracking about \$900,000 ahead in income tax collection compared to 2017, and was at 27% of the city's budget. Expenditures were at 22% of the budget, 1% higher than 2017.

Director Staats reported that the Finance Department had a temporary employee and she had transferred \$10,000 from Personnel Services to Operating and Contractual Services within the Finance Department to cover that employee. She would be doing the same in the second quarter.

D. City Manager: No report.

E. City Attorney: No report.

### **MOTION TO AMEND THE AGENDA**

Mayor Spalding moved to amend the agenda to move the Village Center/Market and Main Parking discussion to be the next item on the agenda. Council Member Fellows seconded and council voted with seven yes votes to amend the agenda.

### **VILLAGE CENTER/MARKET AND MAIN PARKING**

Community Development Director Jennifer Chrysler told council that staff identified some parking solutions based on input from the tenants, council members, and the engineers at MKSK. All agreed that the shrubbery and walkways needed to be redone. Some areas where there was dirt and mulch would become pavement. The city also looked at short-term parking for the retailers. See Exhibit A.

The city wanted to disperse the short-term parking and put it adjacent to the retail uses. Staff proposed 30-minute restricted parking for shopping and food carry-out. Staff further proposed to spread out the handicapped parking spaces and include several, expectant mother parking stalls. Council discussed whether expectant mother parking should be permanent or just during the medical provider office hours. Council Member Brisk asked and Director Chrysler replied that the time-restricted parking in the main lot would be only Monday through Friday, 8 am to 5 pm.



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Director Chrysler told council that staff was also proposing changes to on-street parking. There were 125 parking spaces that staff recommended to make 2-hour only. Keswick Crescent was not included in the restricted parking. See Exhibit A, page 2.

Director Chrysler presented an option for a full re-design of the surface lot at Market & Main. See Exhibit A, page 3. If council chose to go forward with this design, staff would work with MKSK on construction design drawings. The purpose of the design was to make practical changes to the landscaping and orientation of some stalls, implement a more user-friendly layout, better disperse handicapped parking, and provide more short-term parking opportunities during peak hours. This layout would manage the capacity better.

Council Member Fellows asked and Director Chrysler answered that the offices in Market & Main II were fully occupied. The Wallick group was the major employer in that building with 90 employees. Mayor Spalding recalled that Tom Rubey, Development Director for The New Albany Company, offered to communicate expectations to office tenants to park in areas that would not deprive the retailers of parking spots, as a courtesy.

Staff conducted a survey and found most communities enforced restricted parking on a complaint basis, which was how staff proposed starting. Other common methods including chalking tires. For more robust enforcement, some communities used their code enforcement staff and others used police. Staff was looking at options for temporary parking while the main lot was being re-aligned.

Council Member Fellows asked and Director Chrysler stated that the city would erect signs informing the public of the new, restricted parking. Council Member Briscoe expressed concern about so many restricted stalls up against Mellow Mushroom and recommended spreading those out more. Mayor Spalding recommended starting with a few restricted spots and adding more later. Mayor Spalding asked and Director Chrysler replied she not sure if the restricted stalls would be visually striped. The stalls would only be restricted during peak hours, so permanent striping could be confusing. Mayor Spalding expressed concerned about sign proliferation.

Craig Brown, Regional Manager for Mellow Mushroom located in the Market & Main I building, and a resident of New Albany for 12 years, addressed council. He observed that Monday through Friday by 9 am the first four rows of parking behind the restaurant were full. None were restaurant customers. His request, on behalf of the restaurants, was 2-hour restricted parking in designated stalls. Mr. Brown understood David Long would talk to tenants about employees not parking close to retail, however Mr. Long later told Mr. Brown that it was public parking so he couldn't tell people where not to park. The Hudson 29 and Mellow Mushroom employees were instructed to park further away. Mr. Brown felt 30-minute parking was too short for restaurant parking, but favored two 30-minute spots for carry-out. Many carry-out users just pulled up to the curb and turned on their flashers. Mr. Brown reported that his lunch business had declined since Market & Main II opened.

Mr. Brown stated retail businesses relied on foot traffic for their livelihood. When office users occupied the closest parking, there was nothing the retail businesses could do.





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Kasey Kist, owner of Freshii located in the Market & Main II building, and longtime resident of New Albany, told council he'd been watching the evolution of the parking lot. He listed additional business which were still in the process of moving in, including 3 Minutes Fitness and Nosh. He asked council to keep this in mind when considering the current parking numbers. Mr. Kist stated that 30-minute parking would likely be adequate for Freshii, but he expected the other retail users to get more benefit out of 1-hour parking. Mr. Kist, council, and staff discussed patrons' willingness to walk greater distances. Mr. Kist noticed that business declined when it rained and that was partly due to lack of close parking.

Council Member Brisk asked and Mr. Kist replied that he though 1-hour parking was a "sweet spot" for most retailers in the space. Craig Brown from the Mellow Mushroom offered that he could make 1-hour work.

Council and Mr. Kist discussed office employee parking practices. Council Member Durik offered that, in many places, walking further for an office job was common practice. Council Member Briscoe did not want office users to walk by empty spaces all day except during the lunch hour. Council Member Brisk stated that the city could not just tell certain businesses to change their employees' behaviors. It could restrict parking universally, and should go forward with that.

Director Chrysler offered that, with council's approval, the city could implement a solution now and commit to meet again with the current team and anyone who'd since moved in and wanted to attend, talk with staff. Staff could then report back to council. It could make sense to meet several times to take into account changing seasons and schedules. Council discussed implementing now and reevaluating with new feedback.

Mayor Spalding moved that council recommend to staff to move forward with a temporary parking solution in the municipal lot behind the Heit Center that would include the following five elements:

- (1) remove the shrubbery and install mulch and pavers in the current vegetated areas in the islands,
- (2) create a short term parking, 1-hour limit, between the hours of 8 am and 5 pm, Monday through Friday,
- (3) re-align the handicapped parking per the diagram on Exhibit A,
- (4) add expectant mother parking per the diagram on Exhibit A, and
- (5) create 2-hour parking limits on city streets at Market & Main.

Council Member Fellows seconded and council voted with five yes votes and two no votes (Briscoe, Shull). Motion passed.

Mayor Spalding invited council members who voted no to explain their reasoning for the record. Council Member Shull explained that he believed there should be additional, restricted spaces. Council Member Briscoe did not have anything more to add to her prior statements.

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

NONE.



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### POLL FOR COUNCIL COMMENT:

Council Member Shull told council that he presented a proclamation at the Wexner Pavilion for Arbor Day. He wanted to recognize Public Service Director Mark Nemec and his employees for their outstanding service, especially Chris Elwood, the city's arborist. Director Nemec told council that Mr. Elwood had been with the city for six months and was very knowledgeable. Mr. Elwood had an environmental sciences degree and great people skills. Council Member Shull asked and Director Nemec answered that the kids and adults at the event threw 3-400 mud balls with seeds in them into the woods and planted around 75 trees.

### 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 possibility of taking action afterwards. Council Member Shull seconded and council voted with seven yes votes to go into executive session at 8:43 p.m.

Council Member Briscoe moved that council come out of executive session and resume the regular meeting. Mayor Spalding seconded and council voted with seven yes votes come out of executive session and resume the regular meeting at 9:09 pm.

### OTHER BUSINESS:

#### Board and Commission Appointments

Council Member Fellows moved to re-appoint Tammy Krings to the New Albany East Community Authority for the term of 5/18/2018 to 5/17/2020. Council Member Shull seconded and council voted with seven yes votes to appoint Tammy Krings to the New Albany East Community Authority.

Council Member Fellows moved to appoint Dean Cooper to the Rockfork Blacklick Accord for the unexpired term ending 6/30/2018, and to serve a new, full-term from 7/1/2018 to 6/30/2021. Council Member Brisk seconded and council voted with seven yes votes to appoint Dean Cooper to the Rockfork Blacklick Accord.

#### Clerk of Council Bonus:

Council Member Fellows moved to award Clerk of Council Jennifer Mason, based on her excellent performance in 2017 into 2018, with a \$1,000 performance bonus. Council Member Durik seconded and council voted with seven yes votes to approve the performance bonus.

### ADJOURNMENT:


With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Brisk seconded to adjourn the May 1, 2018 Regular Council meeting at 9:12 pm.




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**ATTEST:**

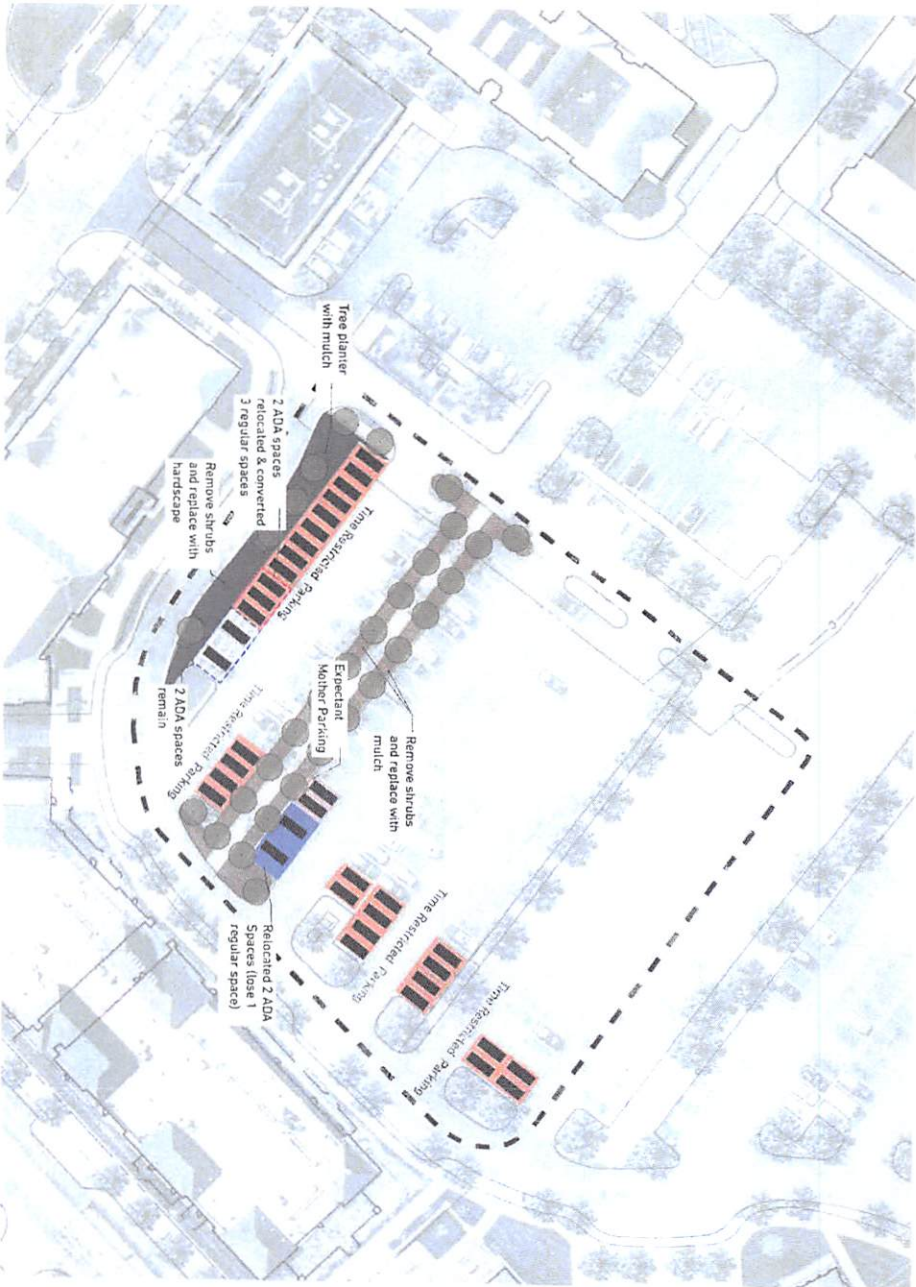
  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

  
Date

# Market Square Parking

## Short Term Parking



### Short Term Parking

- Remove shrubs and replace with concrete walk (trees remain in planters)
- Tree planter with brick, siding around existing trees, remove shrubs and match area to facilitate car through walkers)
- 30 minute time restricted parking (mark and sign)
- Add expectant mother parking (mark and sign)
- Relocated ADA spaces (serve Market and Main III)
- Market and Main Area

### Market and Main Area:

- Total nearby parking - 197 Spaces
- Time restricted parking - 35 Spaces
- ADA - 4 Spaces
- Expectant mother parking - 2 Spaces
- Entire Lot:**
- Total parking - 421 Spaces

4/18/2018



# On-Street Parking Phase 1

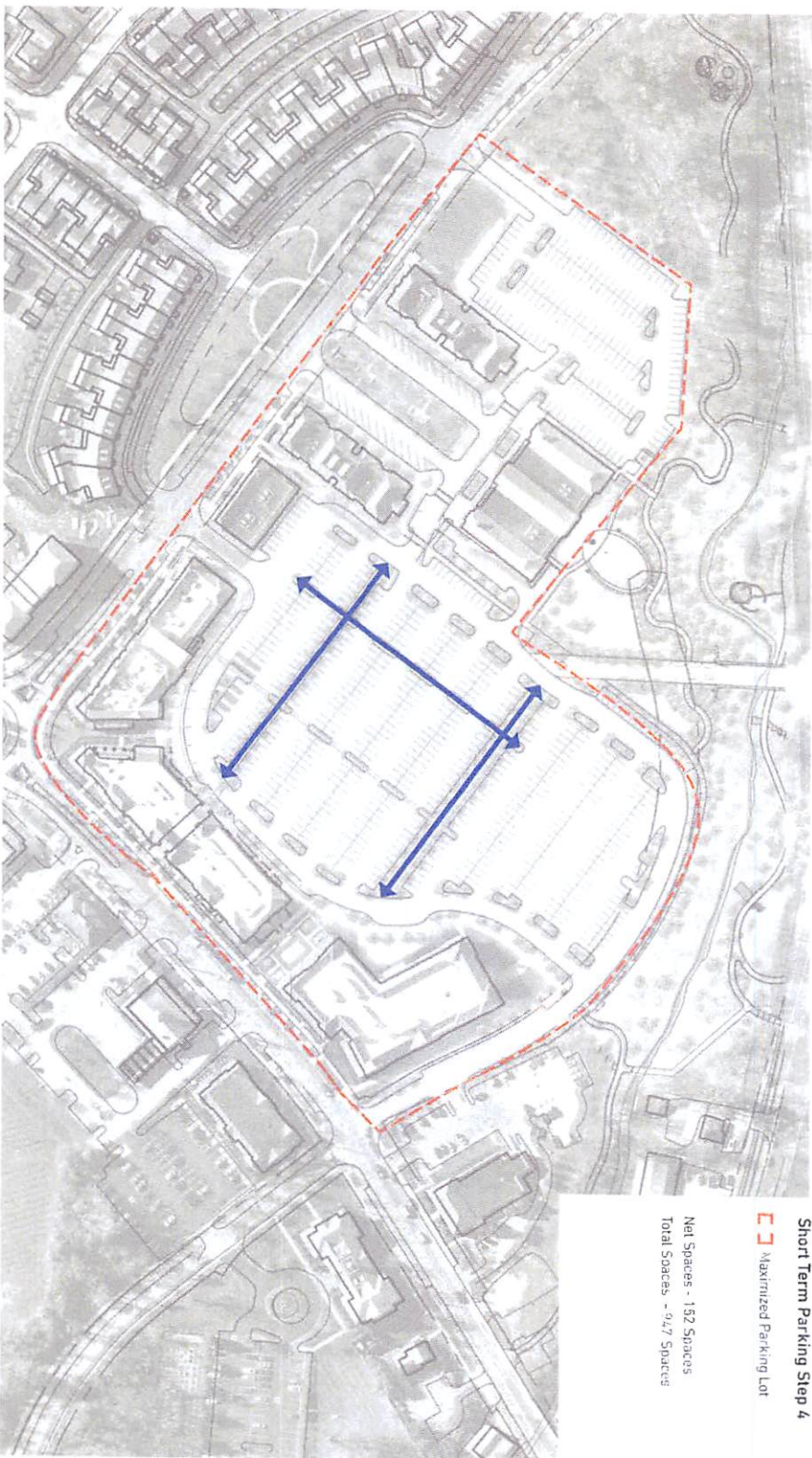
## Short Term Parking





# Maximize Parking Option

## Short Term Parking



4/18/2018