



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 21, 2019

### CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of May 21, 2019 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, Law Director Mitch Banchefsky, Finance Director Bethany Staats, Police Chief Greg Jones, Engineer Mike Barker, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemecek, Development Services Manager Stephen Mayer, 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 Kasey Kist	P
CM Matt Shull	P

### ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed May 7, 2019 regular meeting minutes and asked if they had any additions or corrections. Clerk Mason reported that she received a typo correction from City Manager Joseph Stefanov on page 9 and, under the City Manager's Report, the Rose Run presentation was supposed to be in June, not July. Those corrections were made to the original minutes. Hearing no further changes, Mayor Spalding moved to adopt the May 7, 2019 regular meeting minutes as corrected. Council Member Shull seconded and council voted with seven yes votes to approve the regular meeting minutes as corrected.

### ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

### HEARING OF VISITORS:

#### Proclamation - New Albany Girls Swimming 400 Yard Freestyle Relay Team State Champions

Mayor Spalding read the proclamation recognizing the 2019 Division I Girls Swimming Freestyle Relay Team State Champions – Ava Lachey, Mia Lachey, Olivia Hovorka, and Alexis Elkovitch. Coach David Wharton spoke about the team's athletic and academic achievements which earned them the designation of All-American.

#### Proclamation - Make Kindness Contagious Day

Mayor Spalding read the proclamation naming May 26, 2019 as Make Kindness Contagious Day. A group of kids told council that "MKC" stood for Make Kindness Contagious and introduced Kristen Foley. Ms. Foley explained



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that there would be a Scavenger Hunt on Sunday, May 26<sup>th</sup>. People would discover rocks with kind messages. The MKC organization partnering with Healthy New Albany to celebrate kindness throughout New Albany. 150 kids were pre-registered for this free event. Ms. Foley and the kids passed out small cards with and painted rocks with positive words.

Council Member Shull asked and Ms. Foley answered that the Scavenger Hunt would be taking place throughout the Market Square and Community Garden area. There would be activities like making care kits for homeless shelters, and writing thank you notes to teachers and firefighters. Council Member Brisk asked and Ms. Foley answered that there was no age limit to participate. Council members thanked Ms. Foley and the MKC volunteers.

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: Mayor Spalding reported that the PC met and around 20 members of the public were present. The PC heard and approved a variance request for an outdoor fireplace at 7030 Hanby's Loop. The PC heard several proposals regarding relocating the Duke and Duchess gas station from downtown up to an area north of the fire station along Theisen Road and State Route 62. Most conversation centered on entrance and exit to the station along State Route 62. The developer would need permission from ODOT to use a portion of State Route 62. Mayor Spalding passed around some concept drawings. The conditional use, development plan, variances, and zoning change were all approved. The PC considered and approved a conditional use application on Zarley Street. JD Equipment was previously granted a conditional use approval at that location. It had been bought. The new owner was required to go to PC to get the same variance.

The PC heard and approved a Final Development Plan modification for one lot in the Oxford subdivision. Two lots at the entry of the neighborhood were required to face and line up with State Route 62. This orientation didn't make sense in the context of the other houses in the neighborhood. The PC application was only for one of the lots. Once a design was in place, the developer would have to come back for approval on the second lot.

The PC spent considerable time hearing the rezoning application for the 484 +/- acres at Jug Street and Beech Road. The developer had met with nearby residents and interested parties and made some commitments to lessen their concerns. The PC supported the efforts of The New Albany Company and others to address the neighbors' issues. The owner committed to 185 foot setbacks from the centerline of Beech Road for pavement and building, and 200 foot setbacks from Jug Street. Of the 484 acres, 51 acres would be set aside as a preservation zone, creating a green amenity. The developer made other commitments for mounding and plantings, restrictions on turn-ins and turn-outs to the site, and also, once development was further laid out, if there was going to be an internal public street network, it would have to go back to the PC. The PC ultimately voted approve the application.

PARKS AND TRAILS ADVISORY BOARD: No meeting.



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ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB met and approve two applications for signs. The sign at First & Main Senior Living would be moved from the back of the building to the northwest corner and the gooseneck lighting would go with the sign. The sign for Busch Tax Company at 15 N. High Street met all of the ARB's requirements and was approved.

The ARB also heard an informal, preliminary presentation regarding the Englefield gas station, also known as the Duke and Duchess. The ARB wanted more design details. The main discussion point centered on the curb cuts on Theisen Road. One Windsor subdivision resident at the ARB meeting was in support of the station, but was concerned about traffic. The ARB voiced some of the same concerns as the Planning Commission. There was no vote on the matter. Council Member Kist asked and Mayor Spalding answered that Englefield's conceptual designs were generated by Englefield Oil's representative.

BOARD OF ZONING APPEALS: No meeting.

BOARD OF CONSTRUCTION APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: Mayor Spalding reported that the PRC met and approved several records destruction applications. The next meeting was set in November. The PRC also held its Organizational Meeting. Mayor Spalding was elected as chair, Law Director Mitch Banchevsky was elected as Vice Chair, and Finance Director Bethany Staats was elected as Secretary.

CHARTER REVIEW COMMISSION: Council Member Shull reported that the CRC met to look at the final draft of the recommended charter changes. The first reading at council would be June 4<sup>th</sup>. Council would be receiving an electronic copy soon. Law Director Banchevsky would be providing a summary and report.

CEMETERY RESTORATION ADVISORY BOARD. Clerk of Council Jennifer Mason reported that the CRAB met to discuss historical signs and the time frame around a possible Rose Run 2 development. The CRAB only had a quorum for 30 minutes. The CRAB was made up of four voting members plus three non-voting members who could be residents. The CRAB was proposing reorganizing to have seven voting members all required to be residents. Council Member Fellows was in touch with Chair Brian Zets regarding the proposal. Council Member Briscoe asked and Clerk Mason confirmed that the CRAB would need four members present to have a quorum, and that there were be more members from which to draw a quorum. Council Member Fellows told council that a resolution would be forthcoming.

### **CORRESPONDENCE AND COMMUNICATION:**

Council Member Fellows reported to council that he had received an email from a resident on Harlem Road. A mailbox had been wiped out because of increased traffic. Construction in Columbus had closed or would be closing a portion of old State Route 161. The Harlem Road resident asked about the status of a leisure trail on Harlem. City Manager Joseph Stefanov said that efforts to obtain right-of-way were ongoing, but responses to the city's requests had not changed. The options were to proceed with construction



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methods that would not require additional right-of-way or pursue eminent domain. Council Member Kist asked to see more detail on the options to get an idea of which direction to go. Tom Rubey, Development Director for The New Albany Company, said there was a 20 acre parcel on the west side of Greensward Road in the City of Columbus along Tensweep. Part of that project would include a leisure path. Council and Mr. Rubey discussed the extent of a planned path and what it would take to connect it to Harlem Road. City Manager Stefanov told council that the current trail made it to the intersection of Dublin-Granville Road and Harlem Road. Council Member Fellows confirmed that leisure trail could be constructed right next to the road using a guardrail as was done on Thompson Road. City Manager Stefanov said that gaps would have to be created in guardrail for mailboxes and pedestrians.

Council Member Shull asked and Mr. Rubey answered that The New Albany Company was looking into installing a leisure trail on old State Route 161 from the creek up to the entrance to New Albany. It would be a cost consideration, but the opportunity was there. Council and staff talked about where various trails could connect. City Manager Stefanov said he should have more information by the next council meeting.

Council Member Brisk reported that she was introduced to a charitable organization called Bridges, which was gaining traction in New Albany. Richard Bannister, who started the organization, contacted her for a meeting. Bridges was partnering with the New Albany Food Pantry and school counselors. Bridges solicited needs, posted those needs on their website or social media, and to tried to match up people to fill those needs. Bridges did not keep any inventory. Council Member Brisk gave an example of how a student needed a bike for work, and a bike was waiting for that student that afternoon in the school lobby. Mayor Spalding recalled Mr. Bannister's work in the Westerville school system, how Mr. Bannister employed crowd-sourcing, and how it grew organically in local communities including New Albany.

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

#### **ORDINANCE O-14-2019**

Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 1179 "TELECOMMUNICATION FACILITIES", OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES TO ALIGN WITH THE RECENT UPDATES TO CHAPTER 907 RELATING TO SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES.

Development Services Manager Stephen Mayer reminded council that the Ohio legislature passed a bill that allowed small cell facilities to be installed in public right-of-way. Staff began updating New Albany code and creating Design Guidelines and Requirements. New Albany code section 907 regulated cellular devices in public right-of-way. Council adopted a modification to that section in December of 2018. New Albany code section 1179 regulated cell facilities on private property. This ordinance would update section 1179 to make it consistent with section 907. The vast majority of the updates were to terms and definitions. Staff added some clarifications to where cell towers were permitted and conditional uses. A new item in section 1179 required ground equipment to be screened by landscaping or within a shelter in residentially zoned properties.



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Council Member Briscoe asked and Manager Mayer answered that there was no formula for a fee to locate a cell tower on private property.

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 Shull seconded and council voted with seven yes votes to approve Ordinance O-14-2019.

### INTRODUCTION AND FIRST READING OF ORDINANCES

#### **ORDINANCE O-15-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT TWO LEISURE PATH EASEMENTS OF 0.014 ACRES AND 0.046 ACRES, A SANITARY EASEMENT OF 0.020 ACRES, A DRAINAGE EASEMENT OF 1.460 ACRES, AND RIGHT OF WAY DEDICATION OF 0.184 ACRES AS REQUESTED BY CANINE COMPANIONS FOR INDEPENDENCE, INC.

Engineer Mike Barker told council that the Canine Companions For Independence, Inc. development plan required right-of-way dedication to the city along State Route 605. This legislation also accepted dedicated easements for a future leisure trail system extension and sanitary sewer on to the property. Engineer Barker described the land which would be accepted by the city.

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

Mayor Spalding set the ordinance for second reading at the June 4, 2019 council meeting.

### READING AND PUBLIC HEARING OF RESOLUTIONS

#### **RESOLUTION R-27-2019**

Mayor Spalding read by title A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED COMMUNITY REINVESTMENT AREA AGREEMENT, AN AMENDMENT TO A TAX INCREMENT FINANCING AGREEMENT AND AN AMENDMENT TO A DEVELOPMENT AND SUPPLY AGREEMENT, ALL WITH SIDECAT LLC.

Community Development Director Jennifer Chrysler told council that this legislation authorized an amendment to the original agreements to include an additional 279.6 +/- acres to the east of the existing Sidecat LLC site and, potentially, another 133.6 +/- acres south of the site. The only modification in the restated agreements was to the language in the lien section. Staff mirrored some of the language from the lien section in the penalties section to make it more consistent. All of the rest of the terms remained the same, but were being amended to include the additional ground.



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Council Member Briscoe asked and Director Chrysler confirmed that the city required minimum payments totaling \$700,000 annually starting in 2021 and \$1.4 million starting in 2023 as part of the original agreement. As of 2021, the city would be receiving \$1.11 for each square foot built after the first 900,000 square feet. Council Member Briscoe asked and Director Chrysler confirmed that Sidecat would pay the additional square footage payments after the 900,000 square feet were built, and that footage minimum included the first two buildings. For each additional square foot that Sidecat LLC built on the property, including the new ground addressed in this legislation, after the initial 900,000 square feet, the qualified payment would go up by \$1.11 for each square foot. Council Member Briscoe asked if \$1.11 was the dollar point on the first phase and Director Chrysler concurred that it was the same amount. Council Member Briscoe asked and Director Chrysler answered that the first two buildings of the project were planned for construction on the original parcel of land. Director Chrysler asked council to keep in mind that the qualified payments were in place until 2047, which was past the 15 year term for each development phase. Council Member Briscoe asked and Director Chrysler confirmed that the qualified payments outlined in the agreements were minimums.

Council Member Shull asked and Director Chrysler answered that the way that the existing buildout scheme was shown in concept plans, the original parcel could support 3 "H"-shaped buildings. The city did not know, especially with the additional grounds being added, if that was how the land would be developed. Staff would be working with Sidecat LLC on site plans as the company continued to move forward. Two "H"-shaped buildings were already under construction, and an additional, approximately 500,000 square foot facility was also under construction.

Council Member Shull asked and Director Chrysler replied that a solar energy field, once discussed, was not in the plans on the three parcels. There could be some opportunities to work with the company as they continued to build out their site plans. The city's Strategic Plan had sustainability as a big component. Staff was hoping to flesh out more ideas around sustainability as part of the Strategic Plan update.

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

Council Member Kist moved to adopt the resolution. Council Member Durik seconded and council voted with seven yes votes to approve Resolution R-27-2019.

### **RESOLUTION R-29-2019**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE FRANKLIN COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF A SECTION OF CENTRAL COLLEGE ROAD BETWEEN EVANS ROAD AND THE FRANKLIN COUNTY LINE.

City Manager Stefanov told council that, around 2002, the Homewood development company purchased a parcel on the far eastern end of Franklin County near the Licking County line. Homewood recently decided it wanted to annex to New Albany. Homewood understood there were no utilities in the area, but still wanted to proceed. A



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Road Maintenance Agreement (RMA) was precondition of annexation when responsibility for a road would be divided between two political jurisdictions. New Albany had executed a similar agreement with Franklin County for Babbitt Road and the same conditions were incorporated in this RMA. The RMA had been sent to the Franklin County Engineer for review and approval. City Manager Stefanov described the area and noted some unincorporated parcels. As part of the RMA, the city would be responsible for the pavement, including striping, asphalt, and signage for the specified section. Franklin County would be responsible for the drainage, including ditches and anything related to the Haines Ditch which crossed Central College.

City Manager Stefanov said that the city would have to decide at some point in the future how it wanted to handle the hard "S" curve connection between Central College and Jug Street. As the land around the roads developed, the city would want to look at the cost of infrastructure and other related development costs. This RMA was a preliminary step in preparing to annex the ground.

Council Member Briscoe asked and City Manager Stefanov confirmed that the RMA would not go into effect unless and until the land was annexed. Council Member Briscoe expressed concern about the poor condition of the road. Council Member Briscoe asked if Franklin County would be bringing the road up to any kind of standard. Council Member Kist asked and City Manager Stefanov confirmed that the city had responsibility for Jug Street from the Licking County line to Beech Road. Council Member Briscoe stated that the biggest issue with this portion of Central College was drainage and she would be interested to see what the county would do about that. City Manager Stefanov stated, for the area east of the county line, Public Service Director Mark Nemec put down a paving product which seemed to significantly extend the life of the road and was relatively inexpensive. The city could ask the county to consider that paving product for this section of Central College. City Manager Stefanov recommended waiting to see how the area developed out before determining a long-term paving solution.

Council Member Briscoe noted how wet the land was on both sides of Central College. She didn't see how any development could go in there. Similarly, if the city wanted to smooth out the connecting curve, it would likely have to deal with wetlands. City Manager Stefanov stated, around three years ago, council authorized the city to work with Franklin County to clear Haines Ditch to Blacklick Creek. The county cleaned the area around the Abercrombie & Fitch campus, but had been having problems getting access to some private properties. If the remainder of the ditch was cleaned, City Manager Stefanov thought that would relieve some of the flooding. In years past, the county had talked to the city, along with the Jersey Township Trustees and Licking County Engineer, about some other larger-scale drainage improvements to the area.

Council Member Shull asked and City Manager Stefanov answered he was not aware of any other developers interested in the land to potentially be annexed. Mayor Spalding asked and City Manager Stefanov replied that the land was in the New Albany-Plain Local Schools district. Mayor Spalding asked what the advantage was to the city to agree to the annexation. Council Member Kist asked if it could be assumed that no one would want to develop the land as residential. City Manager Stefanov stated that Homewood was a residential developer.

City Manager Stefanov told council that he had not yet received confirmation from Franklin County that the terms of the RMA were agreed upon. In a phone call, the county indicated that the concept seemed agreeable. If there



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were any significant changes requested by Franklin County, City Manager Stefanov would bring those back to council for approval.

Council Member Shull asked and City Manager Stefanov replied that he would have come back with what it would cost to bring that portion of Central College up to the city's standards. Staff would need to evaluate the road base to see if it was adequate or if repair was needed before an overlay was put down. City Manager Stefanov thought he could have an estimate by the June 4<sup>th</sup> council meeting. City Manager Stefanov reiterated that the RMA only kicked in if the land was annexed. Council Member Briscoe stated there was no point in fixing the road until the drainage was dealt with.

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 resolution. Council Member Kist seconded and council voted with five yes votes and two no votes (Spalding, Briscoe) to approve Resolution R-29-2019. The resolution was adopted.

### **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 MORPC board adopted the Smart Streets Policy. The policy was the first of its kind in the country and was created to set the stage for the use of technology and the internet of things in road infrastructure projects. The annual MORPC Commuter Challenge would take place from June 3-6, 2019. The Challenge encouraged commuters to use alternative forms of transportation to get to work, school, and recreational activities. MORPC had created links so Central Ohio members could access the Paving the Way website and plug in information about their construction projects in real time. Users of the website could then access up-to-date information.



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- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Joint Parks Board met and approved field time for the FC614 soccer organization. FC614 would host 40 games starting in the fall. The board would be monitoring the fields to see if they had sufficient time to recover between scheduled activities. Mayor Spalding asked and Council Member Shull answered that the cost for using the fields was \$100 per game, consistent with the board's pricing scheme approved in 2016. All FC614 soccer games would take place at Bevelhymer Park on Tuesdays, Thursdays, and Saturdays. The board also discussed their 20-Year Celebration. Joint Parks would be distributing advertising for events on May 31<sup>st</sup> at The Links, June 21<sup>st</sup> at Hampstead, and July 26<sup>th</sup> at Thompson Park. The Junior Cup Soccer Tournament and Lacrosse America would be taking place at Bevelhymer Park the first weekend in June.

The Joint Parks Board was drafting a memo and planned on presenting it to City Manager Joseph Stefanov and asking for council to support no smoking on all park fields and areas. Council Member Briscoe asked and Council Member Shull said he would make a note to remind the board that the city could not regulate Thompson Park as it was not in New Albany. Council Member Shull added that the board was still struggling with issues raised by pets at the parks.

- C. Council Representative to New Albany Plain Local Schools: No report.

- D. Council Representative to Plain Township: Council Member Durik reported that the new firetruck would likely arrive the second or third week in June. The truck had to go back for radio installation.

### REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding thanked everyone who came to Founders Day which benefitted from great weather, and praised Clerk Mason on her stiltwalking. He heard great feedback from residents on the event. Mayor Spalding attended the May 19<sup>th</sup> Red Roof Inn BARKing Lot event supporting pet adoption. Next year, Red Roof Inn representatives would be reaching out to Animals Are Special to possibly coordinate a pet adoption event at the school. These events were part of Red Roof Inn's push to educate patrons that all of their hotels were pet friendly.
- B. Clerk of Council: Clerk of Council Mason reported that the Mayor's Court March 2019 payout to the city was \$9,923.30. Clerk Mason polled council and Police Chief Greg Jones on the New Albany Country Club's request to renew their D5 and D6 licenses. Council indicated that no hearing was needed on those licenses.
- C. Finance Director: No report.
- D. City Manager: City Manager Joseph Stefanov acknowledged the Police Department and Johnson's Ice Cream for the second year of giving free ice cream coupons to kids "caught" wearing bike helmets. The Rose Run 2 presentation to council was slated for June 4<sup>th</sup>.



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The city was contracting with Transmap Corp. to consult on the evaluation of the leisure trails. The assessment program should start in June and be completed in 30-45 days, and the information would be available at the Capital Projects Workshop.

Public Service Department staff was evaluating pocket parks in the city and preparing a report. Staff was engaging in community outreach to get feedback on types of equipment and uses of those parks.

The New Albany Country Club Homeowners Association had been sealing its leisure trails, especially along primary corridors. Council Member Kist noted that some trail had been pulled out and fully replaced. City Manager Stefanov told council staff would be presenting the Leisure Trail Master Plan on June 18<sup>th</sup>. The Prairie House leisure trail plans were being prepared and construction was anticipated later that summer. The bids for construction of Innovation Campus Way West should be in by early June.

E. City Attorney: No report.

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

NONE.

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

Council Member Shull stated that he and Mayor Spalding met with Hans Shull, Chair of the Community Events Board (CEB), to discuss Oktoberfest. Discussions revolved around holding the event at the end of the last weekend in September and potential locations. Once details were more locked down, the CEB would be approaching council for funds to support the event. Council Member Kist asked and Council Member Fellows answered that New Albany had hosted an Oktoberfest several times over the years. Council discussed how rain washed out the last Oktoberfest and how late September should provide dry conditions. Council Member Brisk asked and Council Member Shull answered that the CEB put on Oktoberfest, but that event was not in the CEB's earlier application for funding. Council discussed potential venues and location obstacles.

Mayor Spalding reported that Dr. Howard Jacob from Nationwide Children's Hospital, who was passionate about the issue of bike helmets, passed away in January of 2019.

### **OTHER BUSINESS:**

NONE.

### **ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Briscoe seconded to adjourn the May 21, 2019 Regular Council meeting at 7:48 pm.



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**ATTEST:**

  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

6/4/19  
Date