



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of May 7, 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, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, City Engineer Ed Ferris, Engineer Mike Barker, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemec, Human Resource Officer Lindsay Rasey, 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 April 16, 2019 regular meeting minutes and asked if they had any additions or corrections. Clerk Mason reported that she received three minor corrections from staff. Two were typos. Under the City Manager's Report, City Manager Stefanov let her know that the third building going up would not be apartments, so that section now read "...third building on Richmond Square." Council Member Briscoe noted a word tense correction for "receive" on page 3. Hearing no further changes, Mayor Spalding moved to adopt the April 16, 2019 regular meeting minutes as amended. Council Member Kist seconded and council voted with seven yes votes to approve the regular meeting minutes as amended.

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

City Manager Stefanov requested to remove O-13-2019 and R-27-2019 from the agenda. Mayor Spalding moved to amend the agenda to remove O-13-2019 and R-27-2019. Council Member Brisk seconded and council voted with seven yes votes to amend the agenda to remove those items.

### **HEARING OF VISITORS:**

Proclamation Recognizing Police Week and Peace Officer Memorial Day – Mayor Spalding read the proclamation recognizing Police Week as May 12, 2019 to May 18, 2019 as Police Week and May 15, 2019 as Peace Officer



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

Memorial Day. He presented the proclamation to Police Chief Greg Jones, Sergeant Strahler, Officer Persinger, Officer Klingler, and Dispatcher Allen. Council thanked them for their service.

Council Member Kist asked if there were any commemoration activities. Mayor Spalding replied that the city's flags were lowered to half-staff. Sometimes community members who participated in the Police Academy had brought in baked goods or organized an event. Mayor Spalding encouraged bringing the officers baked goods.

Founders Day Proclamation – Grand Marshals David and Ronda Anderson

Mayor Spalding observed that Founders Day was a long-standing tradition and the city appreciated the efforts the organizing committee undertook to make sure it was a special day in New Albany. Founders Day helped the community pay respects to its history. Mayor Spalding read the proclamation and presented it to David and Ronda Anderson.

Founders Day Proclamation – Community Connection Award: New Albany Theatre Boosters

Mayor Spalding talked about how the Community Connection Award honorees had gone the extra mile in New Albany, leading them to be recognized by the Founders Day Committee. Mayor Spalding read the proclamation and presented it to the New Albany Theatre Booster representatives. Mayor Spalding expressed appreciation for the talent behind the New Albany High School Productions and thanked the Boosters for everything that they did to support the program.

The Founders Day Committee of Beckie Knore, Linda Honaker, and Stacy Adkins (*Clerk's note: Jeff Steckler was not able to be present*) displayed the new Founder's Day banner which proclaimed it the "Dr. Glyde A. Marsh New Albany Founders Day" parade. Members of Dr. Marsh's family were present. Council shared their memories of Dr. Marsh and his love of the parade.

Swickard Woods Arboretum Proclamation – Mayor Spalding read the proclamation. He encouraged those present to visit and walk through the woods. Council Member Kist reported that the Arbor Day celebration was rainy, but successful. Several high school students planted 8 foot trees and striplings throughout Safety Town.

### **BOARDS AND COMMISSIONS:**

**PLANNING COMMISSION:** Mayor Spalding reported that the PC voted to reconsider an application from a homeowner who was seeking to build a fireplace that would encroach on side yard setbacks. The original meeting did not have the full board present, the reconsideration would allow a greater number of PC members to participate.

The PC heard an informal presentation on the zoning change proposed for 484 acres at Jug Street and Beech Road. There were around 20 members of the community present, including a Jersey Township Trustee and a member of the Jersey Township Planning Commission. Around ten persons came forward to give testimony. Tom Rubey, Development Director for The New Albany Company, and Aaron Underhill, attorney for applicant, and an EMH&T representative were present to help address the issues raised. The New Albany Company committed to hold a meeting on May 13<sup>th</sup> to further address issues and answer questions. Much of the focus was around traffic, screening, water run-off, street improvements, and the



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

nature of the development. Council Member Fellows asked and Mayor Spalding answered that the community meeting would be held at Innovate New Albany, 8000 Walton Parkway, starting at 6 p.m. Mr. Underhill told council he'd be sending out an email to interested parties that evening. Anyone was welcome to attend.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.

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 meeting was rescheduled to May 21<sup>st</sup> at 4:30 p.m. due to lack of quorum.

CHARTER REVIEW COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD. No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

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

#### **ORDINANCE O-09-2019**

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 12.47 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF AND ADJACENT TO U.S. 62/JOHNSTOWN ROAD, SOUTH OF AND ADJACENT TO BEVELHYMER ROAD, AND EAST OF AND ADJACENT TO WALTON PARKWAY FOR AN AREA TO BE KNOWN AS THE "WALTON-62 COMMERCE DISTRICT" FROM ITS CURRENT ZONING OF "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AND "R-1" RESIDENTIAL DISTRICT TO "I-PUD" INFILL PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY LLC C/O AARON UNDERHILL, ESQ.

Community Development Director Jennifer Chrysler described the property location. There subject area contained approximately 5.9 +/- acres that was already zoned commercial. The underlying commercial uses were part of the C3 District. The zoning proposed in the ordinance expanded the area to include an additional 6.57 +/- acres and did not change the uses. The new text added in some best practices that staff



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

had learned from the nearby development with respect to signage, setbacks, landscaping, screening, and overall layout. Staff recommended the zoning text as being in the best interests of the overall development.

In the proposed text, the height limitation for a hotel use would be increased to match the limitation in the Trust Corp. District, making the two areas consistent. Aaron Underhill, attorney for applicant, and Tom Rubey, Development Director for The New Albany Company (NACO), were present to give more detail as requested by council at the prior reading.

Mr. Rubey told council that the request for a hotel height increase was limited to the area adjacent to Bevelhymer Road. The other text change from the existing zoning allowed for the gas station to be moved anywhere along the State Route 62 frontage rather than being limited to the corner. This flexibility came from a recommendation from NACO's consultants regarding the most efficient ways to handle the traffic. The depicted, conceptual hotel was 54 feet high as requested in the zoning text. Mr. Rubey showed some general maps of the anticipated development on the out-lots on State Route 62.

Council Member Brisk asked and Mr. Rubey answered that the height restriction for the property immediately west of the subject area was 45 feet plus mechanicals. Council Member Fellows asked and Mr. Rubey replied that the neighboring lot was owned by the company that used to be Tween Brands. Director Chrysler added that that lot had been on the market for about six months. Some of the renderings staff had seen from interested parties looked like the Water's Edge development. The neighboring lot was 40 acres divided by a wetland area and office use was permitted.

Council Member Fellows asked and Mr. Rubey answered that primary access to the hotel would likely be from a shared drive connected to State Route 62, per city staff recommendation. Access to the hotel would be from State Route 62, right-turn only in and out of Walton Parkway, and back access from Bevelhymer. Council Member Fellows observed that Bevelhymer wasn't a wide road and did not accommodate a lot of traffic. If staff assumed that the majority of the hotel patrons would be traveling towards State Route 161 or other parts of the community, City Manager Stefanov didn't not think there would be an immediate impact to Bevelhymer Road to the north. He expected there would eventually be a need or desire to improve Bevelhymer Road. Mr. Rubey said that a traffic analysis would accompany a Final Development Plan when it was submitted to the Planning Commission. The traffic study would address issues such as roadway improvements and contain a more comprehensive access plan and anticipated circulation around the site.

Council Member Fellows asked and Mr. Rubey answered that a shared access road along State Route 62 would connect to a traffic signal. Council Member Durik asked and Mr. Rubey said that he didn't know if access to Bevelhymer Road was necessary. He expected traffic would be analyzed when there was a more concrete plan. Council Member Fellows asked and Mr. Rubey replied that the hotel was placed away from State Route 62 to mimic development on the other side. There would be smaller single-story out-lots fronting State Route 62, like the Dairy Queen on the other side. The taller hotel use was placed behind the out-lots.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

Mayor Spalding asked and Mr. Rubey confirmed that the underlying zoning for the neighboring lot to the west on Walton Parkway was approved. It was zoned as a Planned Unit Development (PUD), so any final designs would have to go before the Planning Commission.

Council Member Fellows was not comfortable with the proposed placement of the hotel. The least amount of traffic the city could manage on Bevelhymer, the better. There were a lot of residents to the north. He understood that would all be developed up there are some point. His preference would be for the hotel to be placed closer to State Route 62, and not back on Bevelhymer, keeping traffic off of Bevelhymer, thereby maintaining more of a rural character. Council Member Shull understood Council Member Fellows' concern. If the city could limit the access to Bevelhymer that might help. Council Member Durik agreed. Council Member Kist noted that most of the people staying in the hotel were likely not traveling north on Bevelhymer Road, unless they were in New Albany for a soccer or baseball tournament, in which case, they were going to use Bevelhymer Road anyway. Council Member Kist expected that the fire department would want access to the back of the building. Mr. Rubey agreed and said there were ways to deal with that if it became an issue.

Council Member Kist thought the placement back from State Route 62 made the most sense for the area. Mayor Spalding asked and Mr. Rubey brought up the view of the hotel drawing with a person was facing south on Bevelhymer Road. Council and staff discussed existing trees and sight-lines on Bevelhymer. Council Member Fellows reiterated his preference to have the hotel closer to State Route 62.

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 six yes votes and one no vote (Fellows) on the motion to approve Ordinance O-09-2019. The ordinance as adopted.

### **ORDINANCE O-12-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 484.4 +/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov described the location of the property. Licking County Commissioners approved the annexation by resolution on January 31, 2019. There were Road Maintenance Agreements in place with Jersey Township for the maintenance of Beech Road and Licking County for the maintenance of Jug Street. The city had an Annexation Agreement in place with Jersey Township defining the revenue sharing with the township to support fire and EMS services. The 60-day waiting period had lapsed, therefore, council was able to vote on the annexation at this meeting. Since the last Legislative Report, the city had added to the time-table because the applicant had submitting a zoning application. The zoning was independent of the annexation being considered at this meeting.

Mayor Spalding opened the Public Hearing.





## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

Gwendolyn Bando, 13094 Jug Street, said she was wondering what was going to be built next door to them. Mayor Spalding stated the city was wondering the same. If the land owner was going to do wetland mitigation on their property, they were required to supply the Army Corps of Engineers with a possible design. The applicant did that and mailed it out, as required, to certain residents. Mayor Spalding did not believe the developer had any intention of building what was submitted to the Army Corps of Engineers. The application showed what could possibly be done with a development. Council Member Kist clarified it was the maximum of what could be developed. Ms. Bando asked if it would devalue their property. Mayor Spalding stated that many similar questions were posed at Planning Commission (PC) and he thought the PC's response was appropriate – city staff were not real estate agents and did not know what property valuations would be. One conversation at the PC meeting concerned the Tidewater community behind Abercrombie & Fitch (A&F). Those homes seemed to be selling and turning over at a fairly substantial rate. A&F's presence did not seem to diminish the value. That was just one example. The reality was that it would depend on what the project was and who might want to purchase Ms. Bando's property for residential or other use.

Ms. Bando asked if it would all be commercial property and asked about screening. Mayor Spalding responded that he believed it would all be commercial development. There was no intention for residential development. As for mounding, screening, and setbacks, at the PC meeting, the owner made the commitment to the same sort of requirements that existed further down on Beech Road with the Facebook and Google projects. Where commercial land abutted residential property, there would be screening and mounding requirements. Council Member Shull speculated that the developer-hosted meeting on Monday would likely be one Ms. Bando would want to attend. Ms. Bando and Mr. Rubey exchanged information.

Mayor Spalding asked if there were any further comments or questions from the public. Hearing none, he closed the Public Hearing.

Council Member Briscoe moved to adopt the ordinance. Council Member Shull seconded and council voted with seven yes votes to approve Ordinance O-12-2019.

### **INTRODUCTION AND FIRST READING OF ORDINANCES**

#### **ORDINANCE O-13-2019**

Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 351.03 OF THE CODIFIED ORDINANCES ENTITLED "PROHIBITED STANDING OR PARKING PLACES."

*Clerk's note: this ordinance was removed under ADDITIONS OR CORRECTIONS TO THE AGENDA.*

#### **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.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

Development Services Manager Stephen Mayer reminded council that the state legislature passed House Bill 478 allowing small cell facilities to be located within public right-of-ways. The city responded by creating design guidelines and requirements for public property. The city updated city code Chapter 907 as it related to right-of-way. The next step was to update Chapter 1179 which addressed private property. By law, the city had to remove language that said small cell facilities could not be installed in the right-of-way.

City staff worked with Law Director Mitch Banchefsky and attorney Chris Miller to make the proposed code changes. Most were to update definitions so that they were consistent with Chapter 907. Staff also added some clarifications on where towers were permitted as a conditional use or not permitted in residential, commercial, and institutional-type uses. Staff included more screening requirements for equipment. This made Chapter 1179 agree with the city's landscaping code section which called for 75% capacity screening.

Council Member Shull asked and Manager Mayer answered that the screening was for large equipment shelters. The city wanted equipment sheds either enclosed on four sides or more landscaping installed so the equipment boxes were less visible from the roads and residential properties. Council Member Shull asked and Manager Mayer confirmed that poles would still be visible.

Council Member Shull asked and Manager Mayer clarified that any kind of cell facility could be attached to a building, within limitations. The city set a 50 foot height limit after which there would be additional restrictions. Chapter 1179 contemplated attaching antennae units onto buildings. If an antennae device was attached to an apartment or other multi-family unit, the city considered that a conditional use which the Planning Commission would have to approve. Council Member Shull expressed that he did not want to see a cell facility attached to the downtown apartments. City Manager Stefanov described a series of antennas on the Police Department's widow's walk on the roof with screening around it. The police building functioned as the tower and the antenna was located on the roof. Law Director Banchefsky added that antennas could be designed to be the same color as the building or put in areas where they were not as visible from the ground. Manager Mayer said the PC could evaluate whether an antenna was appropriately placed on a building and review the type of screening.

Council Member Durik asked and Manager Mayer confirmed that the changes to Chapter 1179 brought the city into compliance with the state regulations. Council Member Briscoe asked if the proposed language was as restrictive as the state allowed. Manager Mayer answered he didn't have that answer. City staff tried to be practical while achieving the goals of the community. Law Director Banchefsky opined that the city was as restrictive as it could be and the city had seen some pushback from the industry over its standards.

Council Member Kist asked and Manager Mayer replied that the city had received some applications to build small cell facilities. One was for a location on Thompson Road at the end of Lansdowne. Council Member Brisk asked and Public Service Director Mark Nemec answered that Crowne Castle was building that tower. Director Nemec said the city had received 5 applications from Mobility, however, if those were ever built, they would be attached to city's 30 foot tall street lights. Director Nemec described how these companies would approach the city with some urgency, work hard, meet the city's requirements in their plans, then the city wouldn't hear from them for a while. Council Member Durik asked and Director Nemec answered that he believed there was a 12



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

month limit for building after an application was approved. After a permit expired, the company would have to apply again.

Council Member Kist asked and Director Nemec answered, for a light pole installation, the cell equipment cabinet would be painted the same color as the pole and antenna colors were restricted. Manager Mayer added that the city's preference was to have the equipment box on the ground and the wires were run through the poles instead of being attached outside, keeping the poles as clean as possible.

Mayor Spalding set the ordinance for second reading on May 21, 2019.

### **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.

*Clerk's note: this resolution was removed under ADDITIONS OR CORRECTIONS TO THE AGENDA.*

#### **RESOLUTION R-28-2019**

Mayor Spalding read by title A RESOLUTION OF SUPPORT AUTHORIZING THE CITY MANAGER TO ENTER A GRANT APPLICATION FOR FUNDS THROUGH THE FEDERAL TRANSIT ADMINISTRATION DEPARTMENT OF TRANSPORTATION FOR THE LOW OR NO EMISSION GRANT PROGRAM.

City Manager Joseph Stefanov introduced Economic Development Specialist Angie Hobart who had done much of the work preparing the grant application, communicating with the bus company, and meeting with potential partners at the Mid-Ohio Regional Planning Commission (MORPC).

Development Specialist Hobart told council that she and City Manager Stefanov had met and worked with Proterra, Inc., met with MORPC, and garnered support from the Central Ohio Transportation Authority (COTA). City staff was writing a grant application seeking funds for two electric 40 foot buses. The city's current shuttles carried 15 passengers. The buses staff was looking at carried 40 passengers. As part of the grant application, staff needed to include a signed resolution from city council demonstrating their support.

If council chose to go forward with the project, the city would lease the buses' batteries as part of its local match for the grant. Using electric buses would decrease the city's fuel costs and capital equipment replacement cost. The grant application would be awarded at the end of 2019. If funded and with council's approval, staff would start working with Proterra in 2020 and would like to roll out the buses in 2021.

City Manager Stefanov said that Council Member Kist got credit for introducing the above concept. Staff had some preliminary work identifying potential alternative fuel vehicles and determined the cost was too





## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

high for the city's purposes. As the result of Council Member Kist's efforts, staff was able to make contact with Proterra, which was one of two electric bus companies in North America. The city was originally looking at replacing one shuttle with a larger diesel-powered bus. The two existing gas-powered shuttles were in full use and the city supplemented a third route with a shuttle supplied by the same company that supplied the city's shuttle drivers. When the city was looking at replacement vehicles, it made sense to buy a 35-40 passenger bus. With the larger capacity bus, the city would no longer have to contract for the third vehicle and the city could save on fuel with fewer trips.

Instead of permanently retiring the gasoline shuttle, the city could platoon that shuttle with the other and extend the life expectancy of the second one. When the city talked to Proterra about the federal grant, the city learned there could be another opportunity, inside a small window of time, to apply for two electric buses. That would be a significant grant and would potentially apply to 85% of the cost of the bus. New Albany would be the first community in Ohio to experiment with this service. Other communities throughout the U.S. were implementing electric buses. Proterra liked the city's chances for the federal grant based on their prior experiences with other entities. First and last mile transportation to the business community and jobs was a compelling purpose.

City Manager Stefanov stated the benefit of leasing the bus batteries was both financial, in that it increased the cities points on the grant application and it gave the city the ability to obtain fresh batteries for the term of the lease. The bus would have to remain in service for 12 years and the bus was guaranteed to have a battery life of at least 80% for the first six years of the life of the battery. After that, the city was able to switch out batteries for a fresh set. Purchasing batteries would mean also purchasing replacements, increasing the cost. The city reached out to AEP, one of the entities in the Ohio which had access to federal funds. By virtue of grant through AEP, the city would keep a diesel fuel vehicle off of the street. The AEP grant could amount to \$200,000 to \$250,000 which the city could apply towards it local match for this project.

City Manager Stefanov said the staff was still working through all of the financial details to make sure proceeding with electric buses made sense. At this time, staff believed it was worth it in fuel savings if the batteries could be leased and if the city received the AEP grant. Staff was looking at two buses instead of one because, by the time the buses were purchased, manufactured, and operating, staff anticipated needing the second vehicle. In the meantime, staff's goal would be keeping the current shuttles on the road until the buses were delivered.

Council Member Durik asked and City Manager Stefanov answered that, if the grants came through, the timeline to acquire the buses would be 2021. Council Member Kist added that, once an order had been placed with Proterra, it was about 12 months before the city would have the standard bus. If the city wanted any custom options, that would extend the delivery date.

Council Member Durik asked and City Manager Stefanov confirmed that council was only voting at this time to allow him to pursue the grant. If the city was awarded the grant, council could see the financials at that time and determine if it wanted to go forward. Council Member Fellows asked and City Manager Stefanov



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

answered that, when the city researched compressed natural gas vehicles, it had trouble with refueling locations. The nearest fueling location would be the SWACO transfer station on Morse Road. In the alternative, the city could build a compressed natural gas station, retrofitting electrical outlets also to deliver the natural gas which also came with risks. If the city were going to convert its entire fleet, building a natural gas facility made sense.

Council Member Brisk supported trying for the grant. She also wanted to know more about Proterra, particularly, their track record and warranty. She didn't want New Albany to have the first state-of-the-art buses that didn't turn on in the winter. Council Member Kist stated that he believed Proterra had put buses on the road for the last five years, some campuses and cities had switched over, including Clemson University. The company was based in California and had a production facility in South Carolina. According to Proterra, cold weather did not have a significant impact on the batteries. Council Member Brisk wanted to hear about prior customers' satisfaction rates and what Proterra's warranties were versus a standard vehicle. Council Member Kist told council that the most significant piece was the battery and leasing the battery put it under warranty indefinitely. Council Member Briscoe added that leasing also meant returning bad batteries rather than having to dispose of them. Council Member Shull asked if \$420,000 covered one battery. City Manager Stefanov answered that amount was for multiple batteries for two buses. City Manager Stefanov estimated that the annual cost of the batteries would be about \$32,000 a year. Staff would be providing more data, further broken down.

City Manager Stefanov asked and Development Specialist Hobart stated that the grant application had to be in by May 14<sup>th</sup>. In applying, the city was not making a commitment to the project. Council agreed that, if staff was willing to do the work, they would support the application.

Council Member Fellows asked the range of the electric buses. Mayor Spalding told council that he was looking at a story that reported that the Central Ohio Transit Authority (COTA) was buying ten Proterra electric buses. Mayor Spalding recommended following up with COTA. If the city moved forward with purchasing, he wanted to talk to COTA about a service agreement. It might be possible to use their contracting authority. Council still wanted to see the total cost and detailed financials. Council Member Kist told council, that without a significant grant award, this program would be too expensive. The Mid-Ohio Regional Planning Commission (MORPC) had agreed to submit a letter in support of New Albany's grant application.

Mayor Spalding wanted the city to be as green as it could possibly be, but stated it also had to make sense financially. Council thanked city staff and Council Member Kist for their efforts.

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 Brisk seconded and council voted with six yes votes to approve Resolution R-28-2019.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

### 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:

### REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Joint Parks Board held a special meeting to work on their strategic plan for the next five, ten, and fifteen years. They were noting when bonds came off in 2022 and 2023. Mayor Spalding asked and Council Member Shull said they were discussing a future bond opportunity.
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: No report.

### REPORTS OF CITY OFFICIALS:

- A. Mayor: No report.
- B. Clerk of Council: Clerk of Council Mason reminded council about Founders Day preparations and said she would email out details. She confirmed she had all council members confirmed as filing their Ohio Ethic Commission forms. She told council she would be out May 29<sup>th</sup> and 30<sup>th</sup> as part of the long weekend. Council discussed polo shirts with the new city logo.
- C. Finance Director: Finance Director Bethany Staats distributed the March financial report to council members. The city had received around \$6 million in revenue to date and had spent about \$4.4 million in expenses. The city was at about a 4.4% increase in revenues which included a 3% increase in income taxes received. Staff had been holding off transferring a large balance with Star Ohio to its U.S. Bank accounts until the city's Redtree contract was in place.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

- D. City Manager: City Manager Joseph Stefanov acknowledged Development Specialist Hobart's work on the alternative fuel grant and a greenspace preservation grant application. If the city was able to reach a deal, it would use those grant monies to acquire the Taylor farm. Staff learned that the city was rated the #1 project for CleanOhio funds in the region. Development Specialist Hobart worked closely with the environmental specialist at EMH&T. They identified a total project cost of \$1.9 million. The city's greenspace grant request was for \$857,250 and the city could receive its full request.

The city put out a bid request for the Miller Avenue extension project. Development staff created the Brick Street Policy and Design Guidelines which was provided to council. It would cost \$52,000 more to extend Miller Avenue using brick. Applying that cost throughout the Historic Village Center, based on Engineer Mike Barker's estimate, it would cost around \$500,000 more to install brick streets versus traditional pavement. Third Street was long and there was potential for a Third Street extension. Council would need to weigh the cost, the aesthetic, and the environmental differences between asphalt and brick streets. City Manager Stefanov asked for direction from council as staff wanted to hold a pre-construction meeting with the contractor later that week.

Council Member Fellows stated he was in favor of brick. Mayor Spalding asked and City Manager Stefanov confirmed that the meeting with the contractor was only about paving Miller Avenue. Council Member Durik asked and City Manager Stefanov confirmed that going forward with brick on Miller did not obligate the city to use brick elsewhere. Mayor Spalding observed that the cost to go back and re-do any street would be prohibitive.

Mayor Spalding moved to authorize the city manager to negotiate a contract to include brick street paving for the Miller Road extension project. Council Member Fellows seconded and council voted with seven yes votes to approve the motion. Motion passed.

City Manager Stefanov told council that the City of Columbus was interested in obtaining support for a federal grant for the Interstate 71/Interstate 70 split. The City of Columbus provide a template for other public entities to express their support with a deadline of May 10, 2019. Council Member Fellows asked and City Manager Stefanov explained that the work on the Columbus Crossroads Project was in Phase 4. The federal grant would fund \$40 million of the \$200 million cost. Traffic studies showed that, in that section of road, traffic capacity was exceeded by 50,000 vehicles a day, and represented 6% of Columbus freeway system traffic, but 25% of freeway crashes. Council Member Briscoe asked and City Manager Stefanov answered the target area was by Long, Front, Third, and Fourth Streets and around Nationwide Children's Hospital. Council Member Kist asked and City Manager Stefanov confirmed that Columbus was asking for a letter and no monetary contribution. Council expressed its support.

City Manager Stefanov told council that presentations of the Rose Run 2 concept plan would likely happen on June 4<sup>th</sup> and the Leisure Trail Master Plan on June 18<sup>th</sup>. There would be additional legislation related to the Jug Street TIF which was pulled from the May 7, 2019 agenda. He would send an email out to council later in the week.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

City Manager Stefanov reported that Public Information Officer Scott McAfee had completed the Annual Report. Council confirmed receipt.

- E. City Attorney: Law Director Banchefsky reported that he and Clerk of Council Jennifer Mason met with the Franklin County Prosecutor's Office regarding ballot language. A final version of the recommended Charter was being pulled together and would be reviewed by the Charter Review Commission. After that, it would be submitted to council.

Ohio State Bill 228 was passed by the legislature in 2018, over the governor's veto, regarding firearms. The main portions of the bill became effective in March of 2019 and the preemption section, which would affect municipalities, would go into effect in December of 2019. The preemption section specified that local firearm regulations that interfered with individual rights to bear arms, inhibited individuals from protecting themselves, their families, or others from intruders or attackers or otherwise inhibited the legitimate use of firearms, were preempted by the State of Ohio. Law Director Banchefsky explained to council that the language of the bill could have the effect, due to overly-broad drafting, of creating a situation where New Albany's hunting and use of firearms ordinances illegal.

Law Director Banchefsky informed council that the City of Columbus had filed suit against the State of Ohio and filed for a restraining order and injunction. Law Director Banchefsky thought there was a good change that Columbus attorneys would succeed. The Ohio Municipal Attorney's Association (OMAA) had formed a committee and Law Director Banchefsky participated in the first meeting. The OMAA was working toward approaching the legislature to change the law. As written, the law created a cause of action whereby anyone impacted by local gun ordinances could sue for the imposition on their rights, time, energy, and missed work. Mayor Spalding asked and Law Director Banchefsky answered that attorney's fees could also be awarded to the Plaintiff.

Council Member Briscoe asked and Law Director Banchefsky confirmed that one of her neighbors could shoot at a deer in her yard and be protected by the firearms law as it was currently written. Law Director Banchefsky said the language also applied to a hypothetical target range in a subdivision back yard. This also clashed with the state's medical marijuana statute which contained gun restrictions. As written, a city that sent the police to respond to the sound of gunshots could be infringing on the gun owner's rights.

Mayor Spalding asked and Law Director Banchefsky replied that he expected the OMAA attorneys to file *amicus* briefs. Smaller cities would likely file a brief and bigger cities would likely file their own brief. Law Director Banchefsky would continue to update council.

### POLL FOR PUBLIC COMMENT:

NONE.





## NEW ALBANY CITY COUNCIL MEETING MINUTES

May 7, 2019

### POLL FOR COUNCIL COMMENT:

Council Member Kist reported that the Walk With A Doc event was a success. Dr. David Sabgir, a New Albany resident, founded the program. The doctor or doctors met with participants at a local park and the walkers could ask as many questions as they wanted. It was started over ten years ago and now took place in locations throughout the world.

Council Member Kist, Council Member Shull, Council Member Brisk, and Mayor Spalding all turned out for the Walk With A Doc event along with a few hundred walkers. It was the least invasive event Council Member Kist had seen in New Albany. It lasted all day and into the evening on New Albany's walking paths. Thirteen individuals walked 50 miles, starting at 6 am and finishing at 9 pm. Council discussed attendees and distances covered.

Council Member Shull told council that he'd had some issues with Rumpke not picking up his area's recycling or being late. Council Member Brisk reported similar issues in her neighborhood. Council Member Shull thanked the Public Service Department for their quick response. The next day, Rumpke was out to pick up the recycling bins. Council may want to discuss the matter further when the current recycling hauling contract was up.

### 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 7, 2019 Regular Council meeting at 8:15 pm.

### ATTEST:

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

2019/5/7  
Date