



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

### CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of August 7, 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, Law Director Mitch Banchevsky, Police Sergeant Garrett Fernander, City Engineer Ed Ferris, Community Development Director Jennifer Chrysler, Development Services Manager Stephen Mayer, Public Information Officer Scott McAfee, Human Resource Officer Lindsay Rasey, 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	A
CM Matt Shull	P

Clerk Mason explained that Council Member Marsh was working the polls for the special election and had requested to be excused. Mayor Spalding moved to excuse Council Member Marsh from the meeting. Council Member Shull seconded and council voted with six yes votes to excuse Council Members Marsh from the meeting.

### ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed July 17, 2018 meeting minutes and solicited any additions or corrections. Clerk Mason stated that Council Member Shull gave her one correction on page 8, the result of a typo, and she had interlineated the non-substantive change. Mayor Spalding moved to adopt the July 17, 2018 regular meeting minutes as corrected. Council Member Fellows seconded and council voted with four yes votes and two abstentions (Brisk, Briscoe) to approve the meeting minutes as corrected. Minutes were adopted.

### ADDITIONS OR CORRECTIONS TO THE AGENDA:

Clerk Mason informed council that Dr. Jolie Brams, original scheduled to address council under Hearing of Visitors, had called to reschedule to the August 21<sup>st</sup> meeting.

### HEARING OF VISITORS:

Dr. Jolie Brams – rescheduled to August 21<sup>st</sup> council meeting.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

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: No meeting.

CHARTER REVIEW COMMISSION: Clerk Mason reported that the initial, organizational meeting was scheduled for the end of August. *Clerk's note – August 30, 2018.*

### **CORRESPONDENCE AND COMMUNICATION:**

Mayor Spalding reported that council received an email from a resident regarding the Blacklick sewer trunkline extension and that staff was working on a response.

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

#### **ORDINANCE O-16-2018**

Mayor Spalding read by title AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. O-10-99 PASSED MARCH 16, 1999, AS AMENDED AND SUPPLEMENTED BY ORDINANCE NO. O-27-99 PASSED AUGUST 3, 1999, TO MODIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT MAY BE FUNDED FROM THE BLACKLICK TIF AND THE DISTRIBUTION OF SERVICE PAYMENTS FROM THE BLACKLICK TIF; AND AUTHORIZING AN AMENDMENT TO THE BLACKLICK TAX INCREMENT FINANCING AGREEMENT

Community Development Director Jennifer Chrysler explained that this legislation was a housekeeping measure. It modified the existing Blacklick TIF District by allowing the city to expand the list of public infrastructure projects that could be funded from the TIF proceeds. The original TIF ordinance primarily included debt service payments for the extension of the sewer infrastructure to serve the Abercrombie & Fitch campus. The expanded list in this ordinance was similar to the other TIF Districts' project lists. It included the projects with significant public purpose that were approved two years prior as part of the Abercrombie & Fitch economic development agreement and job growth incentive agreement. The ordinance also restructured the TIF to a form that was consistent with other TIF Districts in the Business Park.

Mayor Spalding set the ordinance for second reading at the August 21, 2018 council meeting.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

### FIRST READING AND PUBLIC HEARING OF ORDINANCES:

NONE.

### READING AND PUBLIC HEARING OF RESOLUTIONS

#### **RESOLUTION R-25-2018**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING SUCCESSOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE #9 REGARDING WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT FOR SWORN OFFICERS BELOW THE RANK OF SERGEANT

Lindsey Rasey told council that this resolution would approve a three-year contract with the Fraternal Order of Police. The contract was retroactive to the beginning of January of 2018 and would run through December of 2020. Important issues were resolved in negotiation without going to fact-finding.

Mayor Spalding stated that council had been briefed while the negotiations were on-going. He congratulated the negotiating teams on getting the contract done.

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

Council Member Durik moved to adopt the resolution. Mayor Spalding seconded and council voted with six yes votes to approve Resolution R-25-2018.

### 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.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

### REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Joseph Stefanov reported that he and Mayor Spalding met with MORPC Executive Director William Murdock and a few others. The meeting was to talk about the needs of New Albany and get feedback on MORPC's performance. Mayor Spalding added that MORPC was very complimentary of City Manager Stefanov's participation in their organization.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Joint Parks Board discussed the New Albany 12U Little League Baseball team who were playing in the Little League tournament. 2019 would mark the Joint Parks and Recreation's 20<sup>th</sup> year in New Albany and the organization was considering a celebration to mark the event.
- 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: Mayor Spalding reported meeting with COSI representatives. COSI would be hosting a large-scale science festival in 2019. COSI was asking the suburban communities to host science fairs on the Wednesday, Thursday, and Friday leading up to COSI's weekend event. COSI would be reaching out to the local school district and Marburn Academy. They were asking cooperation from the city and the Chamber of Commerce to put on the local fair. Battelle was a major sponsor and donor for the prospective event.

Mayor Spalding praised Public Service Department staff and New Albany police officers for their work on the Pelotonia event. Three separate Pelotonia routes finished in New Albany. The city performed well with the larger crowd, and local businesses benefitted.

- B. Clerk of Council: The Mayor's Court payout to the city for June 2018 was \$10,405.50. Clerk Mason also reminded council that the Council Retreat and Capital Projects Workshop was rescheduled to September 14th.
- C. Finance Director: Finance Director Bethany Staats stated that, as of July 31<sup>st</sup>, income tax collections in the General Fund were tracking ahead for the year and the city's expenditures were also tracking well. She offered to distribute a report from the MUNIS system at the end of the meeting.

Director Staats also reported that city's audit was certified by the state. The city received the Auditor of State Award of Distinction which it had not received since 2012. The award was given to entities that had a clean audit and no substantial issues in their Management Letter.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

- D. City Manager: City Manager Joseph Stefanov reported meeting with SWACO Executive Director Ty Marsh to hear the update on SWACO's strategic goals. City Manager Stefanov received a note from Plain Township Trustee Ben Collins stating that the township's Insurance Service Office (ISO) rating had increased to a Class 2 which should support reducing property insurance rates. The excellent ISO rating was related to the fire department's response times and equipment, as well as water line and fire hydrant availability. City Manager Stefanov further reported meeting with the Jersey Township Trustees who approved the Dodderer Annexation Agreement.
- E. City Attorney: Law Director Mitch Banchefsky updated council on his prior memorandum regarding political activity at the library. He told council that his memo stated that the grassy area around the library was privately owned. That was inaccurate. The grassy area was owned by the library, the road that surrounded the library was private. The remainder of that memo was accurate.

### POLL FOR PUBLIC COMMENT:

NONE.

### POLL FOR COUNCIL COMMENT:

NONE.

### OTHER BUSINESS:

Rose Run Construction Update - Administrative Services Director Adrienne Joly told council that the kick off for the Rose Run project would be October 1<sup>st</sup>. Staff would talk about (1) the construction update, (2) traffic impact modelling and analysis for the area during construction, and (3) the city's communication and outreach strategy to residents and businesses.

Administrative Services Director Adrienne Joly displayed and discussed changes to the McCoy drop-off loop at the New Albany Plain Local Schools. The change would start on August 16<sup>th</sup> at the beginning of the school year. Director Joly described many meetings over the summer to address school traffic. The McCoy loop had existing issues. School Superintendent Michael Sawyers requested the change which could be permanent if it sufficiently improved circulation. The western access/egress of current McCoy loop would be closed. Traffic would enter via the eastern driveway, loop around, and leave via that same driveway. Currently, the driver could only turn right when exiting (Exhibit A). That would remain in place until Dublin-Granville Road was closed for construction, at which point, the exit would be left turn only. Quick Curbs would be installed to direct traffic. The School Resource officer, DARE officer, and school officials had talked about bringing in private security to help with the flow of cars during peak hours. Special Needs buses would be dropping off students at the parking lot closest to the tennis courts where ADA accessible ramps were already installed. Electronic Reader Boards would be placed alerting passers-by of the October 1<sup>st</sup> construction.

Council and Director Joly discussed barrier placement closer to Dublin-Granville Road and existing drop-off issues. Council and Director Joly talked about road closure dates for Dublin-Granville Road and Village Hall



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

Road. Director Joly added that the pedestrian bridge by the Heit Center would remain open through construction so that parents who wanted to drop off their kids on Village Hall Road could do so. Council Member Durik asked and Director Joly answered that the city would be monitoring and changing traffic lights as needed to improve flow in the area.

Director Joly explained that the first phase of construction would include burying utilities and doing foundational work on the new pedestrian bridge. The construction trailer would likely be located on a piece of land west of Rusty Bucket and council would see construction vehicles enter and exit Village Hall Road. The fire department and police had been consulted about emergency access during construction. The fire department left the meeting saying they felt the most informed at the earliest point they'd ever been with a city project.

On October 1, 2018, the western portion of Dublin-Granville Road leading to Fodor Road would be closed (Exhibit A). Around the end of June 2019, the closed portion would re-open and the eastern section leading to Main Street would close. Staff would continue to update council on construction progress and would give more detail about the eastern closure.

Staff and city engineers had modeled and studied what traffic would do during construction. To alleviate congestion, the city was looking at changing signal timing, detouring through traffic away from Village Center, and monitoring traffic generally.

David Samuelson, traffic engineer with E.P. Ferris & Associates, displayed several computer models showing traffic flow, currently and once construction started, to analyze patterns. Models showed traffic at the morning peak of 7:30-8:30 am, then with detours, and with the afternoon peak of 5:00-6:00 pm, and then with detours. Afternoon school pick-up was not a peak time because the volume in the afternoon was spread out by sports, latch-key, and other activities. Addressing Council Member Durik's earlier question, Mr. Samuelson said about 450 cars entered the two school driveways in the morning and about 400 left. The afternoon showed 33% of the morning traffic. Late afternoon showed about 100 cars entering and exiting. Council and Mr. Samuelson discussed the predicted back-up of cars during peak hours once Dublin-Granville Road had been closed.

Council Member Briscoe asked and Director Joly replied that the marked detour to keep through traffic away from the Village Center would direct eastbound Morse Road traffic through the roundabout to State Route 605 to go north and for traffic to return that way also. City Manager Joseph Stefanov stated that staff hoped that local traffic from the Country Club area would take Fenway Road to State Route 605 to head north to the highway instead of going up State Route 62. Council Member Briscoe expressed concern about the left turn from Fenway Road and Market Street north onto State Route 605.

Mayor Spalding asked and Mr. Samuelson answered that the models did not take into account parallel parkers on Market and Main Street. Council Member Durik asked and Director Joly replied that the model assumed that 20% of traffic volume would take the recommended detours and acknowledged that traffic would be worse if no one detoured. Mr. Samuelson expected the first week of the Dublin-Granville closure



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

would be challenging as people learned new routes. Snow or bad weather would exacerbate issues. Council discussed how local traffic might move to Harlem Road. Council Member Fellows asked and Administrative Services Director Adrienne Joly replied that staff estimated a portion of Dublin-Granville Road would be shut down from October 1, 2018 to until October 31, 2019, so about a year. Council and staff discussed where utilities would be buried as part of this project. The pole at the Duke & Duchess would not be buried. Council Member Shull was concerned that, while utilities were being buried, there would be frustration because of so little visual progress. Director Joly noted that the school had other drop-off loops besides the McCoy.

Director Joly reviewed the many methods the city would be communicating, including a joint mailing from the city and school district to residents that went out on August 7<sup>th</sup>, a guest column in This Week New Albany, a second mailer in mid-September, signs, two new pages on the city's website with updates, and updating the interactive map on the city's website. As part of the digital marketing strategy, there would be postings on The List, the NEXT e-news, Facebook, Twitter, and Nextdoor. There would be stakeholder communications – the school utilized Peachjar. The city would send out merchant letters to all business in the area and would be hosting an Open House for them in mid-September to take them through the construction schedule. Plus, there would be additional meetings with the owners of Bungalo Home and The Cottage Salon. Mayor Spalding asked and Director Joly agreed to add the Duke & Duchess to that list.

There would be general marketing in Healthy New Albany magazine. There would be informational pamphlets left at the library, the Heit Center, and other strategic locations. There would be a printed scrim on construction fencing. Council Member Brisk wanted to see pictures on the fencing. Staff was working on organizing a groundbreaking event. It was important to remind people what the final product would be.

Director Joly told council there would be a direct phone line just for the Rose Run project which would be widely published. The line would be staffed initially by a former city employee. The number would also have a voicemail box. Council and staff discussed the length and content of messages on the signs. Council Member Durik recommended that city "staff up" to handle questions and have all staff be prepared to take calls. Council Member Brisk suggested a dedicated email address also. Director Joly said that there would be meetings with city staff and they would get talking points. Council Member Shull suggested artist renderings on construction fencing where it was more visible to the public. Council Member Shull asked and Director Joly answered that the mailings went out to the school district's mailing list.

Staff wanted to make sure council had plenty of tools to help residents. If council saw gaps in communication, Director Joly asked them to let her know. Director Joly offered to meet with council members individually to answer questions at any time.

### Small Cell Update:

Chris Miller, attorney with Ice Miller LLC, told council that his firm had worked with the city before on telcom, fiber, and right-of-way issues. Mr. Miller gave a brief history of the State of Ohio's small cell legislation, including the original bill which passed as part of a piece of anti-puppy mill legislation, to litigation by the municipalities - who prevailed, to negotiations between the municipalities and telcom industry, to the current



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

law which went into effect on August 1<sup>st</sup>. The new law allowed local control to significantly impact where small cell structures could be located, how they looked, how many there could be.

Mr. Miller explained that New Albany would need to update parts of its codified ordinances, including Chapter 907, which regulated right-of way, and Chapter 1179, the wireless zoning code. Under current law, zoning no longer applied to small cell facilities in the right-of-way. Mr. Miller told council that no small cell structures would be taller 40ft. Each city could have unique set of rules and regulations on how telecoms would use and occupy the right-of-way pursuant to state law, and there could be parameters on the deployments telecoms wanted to make. The city would need to create design guidelines.

Mayor Spalding asked and Mr. Miller answered that the City of Dublin had created guidelines which many municipalities were adopting. Worthington and Hilliard were working on their guidelines. Mr. Miller stated that the guidelines should be community specific. Mr. Miller stated that the technology had not reached a stage where it could be completely buried underground.

Development Services Manager Stephen Mayer directed council to a draft of the guidelines for small cells. Staff was working with Mr. Miller to determine what they could and could not regulate. They were currently focused on location for small cell installations. Staff expected initially most towers would be in the Village Center. The drafted guidelines for the Village Center pushed towers to magenta-colored areas on the map shown to council (Exhibit B). As a second choice, towers could go within the right-of-way on existing poles, set back 100 ft from intersections, lessening the impact on public streets. As a third choice, a telcom could install a new pole, but it would also have to be away from the intersections. For residential areas, guidelines preferred poles on shared lot-lines between homes. Development Services Manager Mayer told council that the guidelines were still being worked on and asked council to review their copies and to address any questions to him or to City Manager Joseph Stefanov.

Mayor Spalding asked and Development Services Manager Mayer confirmed that the city could require new telcom poles to be the city's preferred green color, be located in line with other utilities, and match existing poles. Staff was working with engineering firm MKSK to identify best practices and was reviewing other municipality's small cell regulations. Council Member Briscoe asked and Mr. Miller answered that the telcom industry wanted these small cell towers because texting took more network use than phone calls, because people were increasing their use of downloaded movies and videos, and because telecoms were upgrading to 5G technology and moving away from hard wiring. Telecoms anticipated customer use multiplying tenfold as the household appliances and other things were connected to the internet.

Council Member Briscoe asked what kept telecoms from putting numerous towers in residential areas, particularly given that the city could only ask the company to move the pole 100 feet. Mr. Miller said the city could regulate to an extent and could incentivize the company to locate towers in preferred areas. Mr. Miller noted that most homes had easements in the backyard, the city could make public property less expensive to locate on than residential property, and the city could require more strict standards and studies for poles being located on residential property. The municipality could build in alternatives and solutions which were more attractive to telecoms and would assist them in getting to the market faster.



## NEW ALBANY CITY COUNCIL MEETING MINUTES

August 7, 2018

Council Member Durik commented that the demand for data would grow and asked how many media companies could build in the city. Mr. Miller explained that the new law stated that the telcom had to have a federal license to distribute signal in order to put up a tower. Currently, that was primarily AT&T, Verizon, T-Mobile, and Sprint. Other tower companies wanted to get in the business and could acquire the license for a frequency in the future. Contracting companies who only built towers would have to come in under the auspices of a licensed telcom. Mr. Miller told council to expect towers in the Village Center first. He didn't anticipate companies moving into residential areas until later. Big cities with more density were more attractive to telcoms than suburbs. Suburbs where there was already high speed broadband would be less valuable to telcoms than areas that didn't have it and where that resource would be in higher demand.

Council Member Shull asked and Mr. Miller answered that City of Columbus would write its own guidelines controlling areas adjacent to New Albany. Mr. Miller and staff suggested that New Albany may be able to sway Columbus into creating a design district around New Albany. Staff suggested making contacts through the Rocky Fork Blacklick Accord. Council agreed it would be a good idea to have those conversations.

City Manager Joseph Stefanov told council that staff would be following up with legislation for council's consideration in two to three months. Council Member Brisk asked and Mr. Miller replied that Crown Castle was not currently a service provider, so it would have to work for a licensed company. At the time Crown Castle acquired their own frequency and became a service provider, they would be entitled to build for themselves. Mr. Miller explained how tower construction companies led to companies being willing to share poles. City Manager Joseph Stefanov said the city would be encouraging co-location, the construction of underground vaults for hardware boxes, and locating along the wood line. Law Director Mitch Banchevsky added that the city's guidelines would not stop the Ohio Department of Transportation from allowing the erection of 250 foot towers in its right-of-way. He promised further discussion when staff brought the final guidelines back to council.

### **ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Fellows seconded to adjourn the August 7, 2018 Regular Council meeting at 8:25 pm.

### **ATTEST:**

Jennifer H. Mason, Clerk of Council

Sloan Spalding, Mayor

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Date

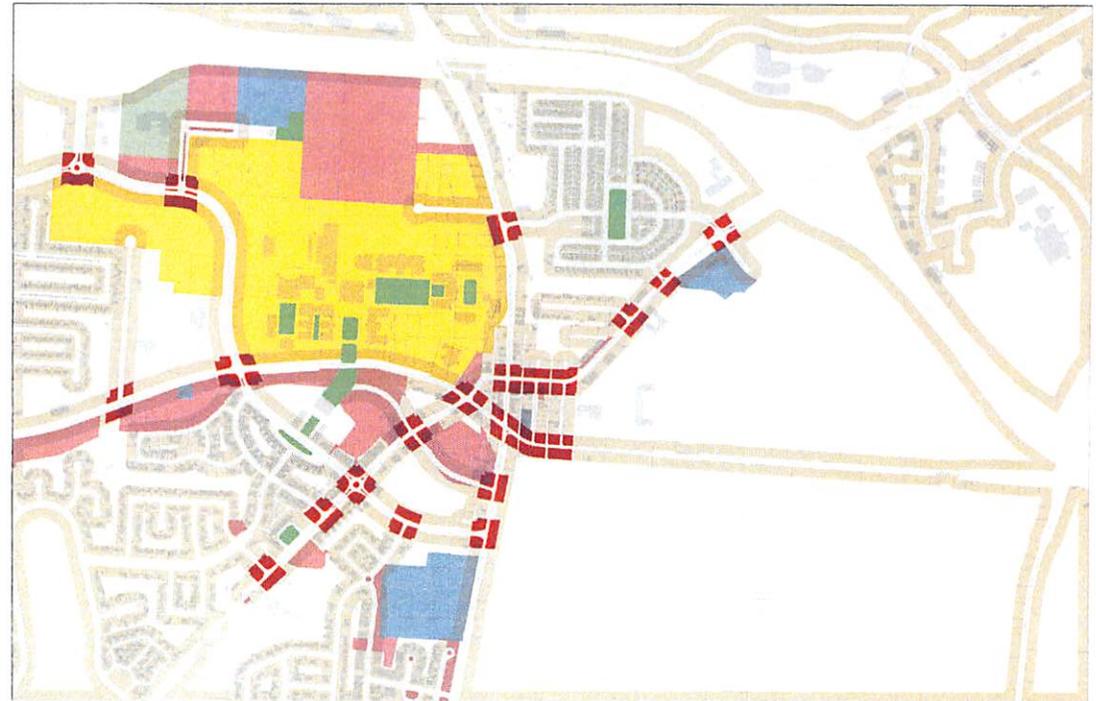
Exhibit A - Council Minutes - 8-7-18





## NEW ALBANY

8. Placement Prioritization. For any major modification or new pole, the location prioritization is as follows:
  - a. Installation of small cell facility on an existing wireless support structure on publicly owned lands, with the exception of formalized public space, green space, and scenic vistas;
  - b. Installation of small cell facility on existing poles within the public right-of-way, but not more than 100' setback from the right-of-way; and
  - c. Installation of a new wireless support structure on publicly owned lands or within the public right-of-way, which shall be aligned with existing street lights and street trees along the tree lawn.



<i>Preferred Locations</i>	<i>Discouraged Locations</i>
City-owned property	100' from intersections
School-owned property	Within public greens
Township-owned property	
100' setback from ROW	

Preferred and discouraged location map for major modifications and new wireless support structures within the Village Center.

Exhibit B - Council Minutes - 8-7-18