



## NEW ALBANY CITY COUNCIL MEETING MINUTES

September 3, 2019

### **CALL TO ORDER:**

Mayor Sloan Spalding called to order the New Albany City Council Meeting of September 3, 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 Banchevsky, 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, 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	A
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

Clerk Mason told council that Council Member Briscoe was traveling and asked that she be excused. Mayor Spalding moved to excuse Council Member Briscoe from the meeting. Council Member Brisk seconded and council voted with six yes votes to excuse Council Member Briscoe from the meeting.

### **ACTION ON MINUTES:**

Mayor Spalding asked if council had reviewed the proposed August 6, 2019 and August 20, 2019 meeting minutes and asked if they had any additions or corrections. Council and staff did not propose any additions or corrections.

Mayor Spalding moved to adopt the August 6, 2019 regular meeting minutes. Council Member Shull seconded and council voted with five yes votes and one abstention (Durik) to approve the August 6, 2019 meeting minutes. Minutes were adopted.

Mayor Spalding moved to adopt the August 20, 2019 regular meeting minutes. Council Member Shull seconded and council voted with six yes votes to approve the August 20, 2019 meeting minutes.

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

NONE.

### **HEARING OF VISITORS:**

Proclamation – Hunger Action Month - Mayor Spalding read the proclamation declaring September as Hunger Action Month and presented it to Angela Douglas, Director of the New Albany Food Pantry (NAPF).



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Ms. Douglas told council that the summer meals program was very well received this year, serving families breakfast and lunch every day of the week. She talked about increased awareness and less stigma related to their programs, so people were participating more. Mayor Spalding asked and Ms. Douglas answered they did need more space and they had a few people scouting. She felt the NAPF was moving in the right direction and the partnership with Healthy New Albany was working well. She introduced Jennifer Wilcoxon, the Pantry Manager. Ms. Douglas talked about the Pantry growing and making new partnerships. She thanked council.

Mayor Spalding asked and Clerk Mason confirmed that Village Hall outdoor lights would be wrapped in orange covers for Hunger Action Month. There would also be collection boxes in the lobby for food pantry donations.

### **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: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

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

#### **ORDINANCE O-27-2019**

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ACCESSORY STRUCTURE REGULATIONS FOUND IN CHAPTER 1165 "GENERAL DEVELOPMENT STANDARDS", OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES.



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Staff respectfully requested that the ordinance be tabled to the September 17<sup>th</sup> council meeting, as they were making further changes based on the discussions at the first reading.

Mayor Spalding moved to table Ordinance O-27-2019 for second reading and public hearing at the September 17, 2019 council meeting. Council Member Brisk seconded and council voted with six yes votes to table Ordinance O-27-2019 to the September 17, 2019 council meeting.

### **ORDINANCE O-29-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 3.730 ACRE TRACT OF LAND ALONG JUG STREET AND 4.932 ACRE TRACT OF LAND ALONG BEECH ROAD FROM MBJ HOLDINGS LLC FOR THE PURPOSE OF PUBLIC RIGHT OF WAY.

Engineer Mike Barker described the location of the right-of-way. This legislation followed up the recent annexation of this area. It enabled the city to accept public right-of-way along this frontage. Right-of-way would allow the city to improve the roadway, at such time as it became necessary, to make it consistent with the street typologies in the business campus.

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 Durik seconded and council voted with six yes votes to approve Ordinance O-29-2019.

### **ORDINANCE O-30-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT UTILITY AND STREETScape EASEMENTS OF 4.898 ACRES ALONG BEECH ROAD AND 4.312 ACRES ALONG JUG STREET AS REQUESTED BY MBJ HOLDINGS, LLC.

Engineer Mike Barker told council this legislation was similar to Ordinance O-29-2019. This ordinance added streetscape and utility easements beyond the right-of-way. These easements would accommodate full streetscape improvements in the future, including leisure trails, storm sewers, and other appurtenances.

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 Brisk seconded and council voted with six yes votes to approve Ordinance O-30-2019.

### **ORDINANCE O-31-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR THE COURTYARDS AT NEW ALBANY, PHASE 1B, AS REQUESTED BY EPCON COMMUNITIES.



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Engineer Mike Barker told council that this legislation allowed the city to accept all of the public infrastructure improvements for Phase 1B of the Epcon Communities development. He described the location. Engineer Barker pointed out the new connections to Souder Road and Jersey Drive. Council previously accepted infrastructure in Phase 1A. All of Phase 1B was now complete, including roadways, storm sewer improvements, water line improvements, and sanitary sewer. Construction at the development was well underway. The model home was going up along with a few other homes. Jason Coffee, Business Development Manager at Epcon Communities, was present to answer questions. Engineer Mike Barker told council that Epcon had been a great partner to the city and very responsive to concerns.

Mayor Spalding asked and Mr. Coffee answered that the model home and a few other homes had been started. They were working their way through the building permit processes. Epcon had 16-18 homes in contract. They were pleased with the interest in their homes and excited to be in the community. Mayor Spalding thanked Epcon for their commitment to New Albany.

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 ordinance. Council Member Durik seconded and council voted with six yes votes to approve Ordinance O-31-2019.

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

#### **ORDINANCE O-32-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 1.803 ACRE TRACT OF LAND ALONG JUG STREET AND A 1.156 ACRE TRACT OF LAND ALONG HARRISON ROAD FROM MJB HOLDINGS, LLC FOR THE PURPOSE OF PUBLIC RIGHT OF WAY.

Engineer Mike Barker described the location of the right-of-way which extended further east along Jug Street and on Harrison Road. This legislation allowed the city to obtain the public right-of-way on land that was recently annexed. The city already had a streetscape easement in place in the area, so no additional legislation was needed for that.

Mayor Spalding asked and Engineer Barker replied that Harrison Road, heading south, transitioned into a residential area, then turned into Cobbs Road which ended with a cul-de-sac.

Mayor Spalding set the ordinance for second reading at the September 17, 2019 council meeting.

#### **ORDINANCE O-33-2019**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 51 +/- ACRE CONSERVATION EASEMENT AS REQUESTED BY MJB HOLDINGS, LLC.



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Engineer Mike Barker described the location of the 51 +/- acre conservation area contained in recently annexed property. This legislation was part of an on-going wetland permitting process that The New Albany Company (NACO) was undertaking with the Army Corps of Engineers (ACE). Typically, the conservation area had to be encumbered within an easement which provided restrictions on development. ACE preferred that the easement be in the name of a municipality so that it couldn't be terminated by a private entity. The conservation easement prevented development or impact on environmentally sensitive areas on the site. This legislation allowed the city to accept the conservation easement in perpetuity. City Manager Joseph Stefanov added that the city had acquired a handful of conservation easements over the years.

Council Member Durik asked and Engineer Mike Barker answered that ACE was unlikely to change the site or dimensions of the proposed easement. The city's acceptance of the easement was part of the permitting process and the permit was not yet final. However, Engineer Barker had not seen a situation where ACE had changed an easement.

Mayor Spalding asked and Engineer Mike Barker said that the conservation easement meant that the developer was not allowed to clear trees or impact the protected land. Passive uses were allowed. A trail could be built, but it would have to be made of natural materials, not paved. No fertilizers were allowed. It was intended that the area be left as natural as possible.

Council Member Shull asked and Engineer Barker replied that, if council did not accept the conservation easement, he expected another conservation area would have to be found elsewhere. The conservation area served to mitigate the development impact on other areas. City Manager Stefanov added that the developer could potentially find another public entity to hold the conservation easement. He stated that the city's position was that local control was better than an outside public entity holding the easement. Mayor Spalding recalled that this conservation area was also created by the developer in concert with other concessions made to surrounding homeowners.

Council Member Kist asked and Engineer Barker answered that the upper triangle on the map of the 484 +/- acres represented an area of no development. There were building height restrictions in the zoning text closer to that triangle.

Mayor Spalding set the ordinance for second reading at the September 17, 2019 council meeting.

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

NONE.

### **STANDING COMMITTEE REPORTS:**

A. Finance Committee: No report.

B. Safety Committee: No report.



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

### **REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No meeting.
- 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 receiving a few communications from COTA in recent weeks and passed out some materials. COTA was moving forward with their Strategic Plan 2019-2024. He praised COTA CEO Joanna Pinkerton. COTA was hosting their Annual Meeting later in the year. Mayor Spalding was unable to attend and offered an invitation to interested council members.
- B. Clerk of Council: Clerk of Council Jennifer Mason polled council about their attendance at the October 1, 2019 council meeting as it took place at the same time as the Jefferson Series talk. It appeared there would be a quorum. Clerk Mason also reminded council of the Council Retreat and Capital Projects Workshop taking place on Friday, September 13th.
- C. Finance Director: No report.
- D. City Manager: City Manager Joseph Stefanov reminded council that AEP funded a portion of the conversion of the city's streetlights to LED. As a result, the city eliminated almost 20 tons of CO<sub>2</sub>, which was the equivalent of 130 seedling trees grown for 10 years or taking four cars off the roads. AEP presented the city with a certificate.

City Manager Stefanov met with New Albany Schools Superintendent Michael Sawyers. Superintendent Sawyers wanted to know if the city was interested in partnering with the school district to replace some of their old playground equipment between the middle and elementary schools, and





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making it more of a community park. City Manager Stefanov said Council could further discuss this at the September 13<sup>th</sup> workshop. The school's timetable was to get the process started in the fall of 2019, and start construction in the summer of 2020. Council Member Shull asked if the schools had approached the Joint Parks District about the park. City Manager Stefanov answered that the JPD hadn't come up, but he would bring that up with Superintendent Sawyers. The school was open to partnerships.

Staff had been discussing the structure of the Council Retreat. The current structure had worked out well and City Manager Stefanov solicited suggestion for changes from council. City Manager Stefanov and Director Joly introduced a preliminary exercise whose purpose was try to capture council's big picture visions. This software had been used at the Strategic Plan Update community meetings. Menti.com accepted an access code on council members' smartphones, gathered council's responses to "What are the top 3 priorities the city should focus on in the next 5 years?", and posted the answers in a "word cloud" format. Council's word cloud responses are attached hereto. Director Joly talked about using council's responses to help create city priorities and the 2020 budget. City Manager Stefanov told council he expected to focus less on dollars and more on bigger picture, key initiatives for the next three to five years. Staff could bring cost information back to council as the priorities were drilled down.

Council Member Durik asked and City Manager Stefanov answered that he anticipated slight increases in available capital dollars, based on increased income tax revenues, for the next three to five years. The city's existing debt was primarily leveraging TIF revenue. If debt or community obligations dropped off, it would be from school district debt being retired or community authority millage either being scaled back or being retired in the future. The city's General Fund revenue should increase if it followed trends from the last three to four years.

City Manager Stefanov reported to council that the sidewalk condition rating report was done. The city was waiting on the consultant to finish the trail condition rate. Staff expected to present those reports, along with the park condition ratings, after the big picture discussion at the September 13<sup>th</sup> meeting. The meeting would close with the sticky note exercises.

- E. City Attorney: Law Director Mitch Banchefsky reported that proposed House Bill 228 scaled back eminent domain, particularly as to leisure trails, bike paths, and recreation-type uses. HB 228 was pending before the state's Civil Justice Committee. It was designed to eliminate eminent domain for certain uses, including hiking, biking, horseback riding, ski touring, canoeing, and other non-motorized recreational travel. Law Director Banchefsky told council he thought this bill was another assault on "home rule." The city would be talking with its lobbyists. Law Director Banchefsky read a portion of HB 228's Committee Report to council. Mayor Spalding asked and Law Director Banchefsky replied that bill's language did not include sidewalks.

### POLL FOR PUBLIC COMMENT:

NONE.



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

Council Member Kist told council that he and City Manager Stefanov had participated in several meetings with AEP. AEP offered a free Community Energy Savers Program (CESP). It was a step toward the goal of creating sustainability. If the city participated, AEP would handle all of the advertising, marketing, and costs of administering the program. The campaign would last from September 15-December 15. AEP set a community baseline of 95 points. New Albany AEP customers could earn points by lowering their energy bill. AEP would put a monitoring device on the homeowner's meter so that the owner could read the device from their smartphone. Just installing the device earned points. Not only did the device get people to think about using less energy, there was a grant opportunity. Council Member Kist was not aware of any community that had not met the threshold of the grant, which was 3x the point baseline. For New Albany, that would equal 285 points resulting in a \$28,500 grant. 5x of the baseline would equal a \$50,000 grant for the city. Council Member Kist was not aware of any expenses or downside for participating in the program. Council Member Kist suggested that the city do some advertising on its website. The program was a good launch point to talk more about sustainability and other activities which would dovetail into the city's strategic planning.

Council Member Kist stated it would be up to the city to participate in the CESP. Staff was brainstorming ideas of what to spend grant money on. The city had already changed out its lighting to LED. Council Member Kist thought it would be a good program for the city to participate in.

Council Member Brisk asked and Council Member Kist replied that all council had to do was approve the city's participation. City Manager Stefanov said the city would endorse the program as a co-sponsor, using the website to promote it. There was no significant time commitment on the city's part. Council Member Kist added that AEP had staff that ran the CESP. Once the city met one-half of its baseline goal, AEP could bring in consultants to put a sustainability program together for New Albany at no charge.

Council Member Brisk asked if an AEP representative would be calling residents and saying they were doing so on behalf of the city. City Manager Stefanov answered that one way AEP did resident outreach was by sending a representative out to a football game or, perhaps, Oktoberfest, and put up a booth with handouts. Residents could return an old refrigerator or freezer to earn points for the city. Council Member Brisk asked and Council Member Kist confirmed that AEP would not be telemarketing to residents.

Council Member Kist told council that they defined the customer list which included the school district and Plain Township. He imagined some sort of message would be included in residents' electric bills. Council Member Brisk asked and Council Member Kist stated the program hadn't been released yet. Council would need to approve the city's participate.

Council Member Shull asked and Council Member Kist answered that AEP wanted the city to use grant funds on sustainability projects, however, there were no restrictions on the grant monies. Council Member Kist offered that the funds could be used towards an electric vehicle charging station. He wanted to use the funds towards something that would engender passion. Council Member Fellows and Council Member





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Brisk asked if the money could be used towards the city's electric bus. Council Member Kist told council he understood that putting grant money toward the bus was a fallback position.

Mayor Spalding understood that Columbia Gas had a similar energy savings program. The City of Columbus had generated almost \$40,000 in grant money. Mayor Spalding asked if New Albany would be interested in doing both at the same time to maximize the city's benefits. Council Member Kist stated he had not talked to Columbia Gas. The AEP program was something that came up during other discussions. The CESP seemed like a "no-brainer."

City Manager Stefanov suggested a motion from council to support its participation in AEP's CESP. From there, he would contact AEP to tell them to move forward.

Council Member Kist moved to authorize the city manager to enter into an agreement with AEP for the City of New Albany to join the Community Energy Savers Program. Council Member Fellows seconded and council voted with six yes votes to approve the motion.

### **EXECUTIVE SESSION:**

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22 (G)(1) to consider appointment, employment, promotion or compensation, discipline, demotion or dismissal of a public official or employee at 7:22 pm. Council Member Brisk seconded and council voted with six yes votes to go into executive session.

Council Member Fellows moved that council come out of executive session and resume the regular meeting. Council Member Kist seconded and council voted with six yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 7:35.


### **OTHER BUSINESS:**

NONE.

### **ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Durik seconded to adjourn the September 3, 2019 Regular Council meeting at 7:35 pm.

ATTEST:

  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

17 SEP 19  
Date

# What are the top three priorities the city should focus on in the next five years?

