



Council Minutes – Regular Meeting

November 2, 2021

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of November 2, 2021 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 Sergeant Garrett Fernander, Development Director Jennifer Chrysler, Public Service Department Director Mark Nemec, Deputy Public Service Director Mike Barker; Deputy Finance Director Drew Turner, Economic Development Manager Michael Loges, Engineering Manager Ryan Ohly, Chief Communications Officer and Marketing Director 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:

Council adopted the November 10, 2020 Budget Workshop minutes, without changes, by unanimous consent.

Council adopted the October 19, 2021 regular meeting minutes, without changes, by unanimous consent.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Staff no longer needed the executive session for economic development purposes. Mayor Spalding moved to remove the executive session pursuant to New Albany Charter 4.03(E). Council would still meet in executive session for personnel purposes. Council Member Shull seconded and council voted with 7 yes votes to amend the agenda to remove the executive session pursuant to New Albany Charter 4.03(E).

HEARING OF VISITORS:

NONE

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.



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ARCHITECTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Shull reported that the BZA approved a variance to allow a new storage building to encroach 16 feet into rear yard setback on Zarley Street.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: No meeting.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the first SAB meeting would be held that Wednesday evening.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE

PUBLIC HEARING

DORA - Designated Outdoor Refreshment Area - Administrative Services Director Adrienne Joly reviewed the DORA process leading up to this required public hearing. At the next meeting, council would vote on a resolution and the application would go onto the State of Ohio.

Council had the ability to change or extend the DORA boundaries in the future. Rose Run 2 was not included at this time because there were requirements to put signage at the boundaries and Rose Run 2 would likely be under construction. Council agreed it was a long term goal to include Rose Run 2.

Mayor Spalding asked and Director Joly replied that the east Market Street section going to Reynoldsburg-New Albany Road was for events like Oktoberfest. It only included the city right-of-way. Law Director Banchevsky confirmed that the city could set time duration and dates for parts of the DORA. Council discussed using the Market Street extension only for community-supported events. Council and staff discussed DORA time frames and narrowed locations. Director Joly recommended reviewing the city's event calendar on an annual basis. The geographic boundaries couldn't be expanded without further application. The city manager or designee could adjust times.

Council and staff where signage could be put in permanently and temporarily. Staff was working on the signs. Director Joly thought some would be permanent if mounted on existing posts. There would also be temporary signage on the nights of the DORA.

Council Member Kist asked and Director Joly replied that staff was working on the DORA cups and considering sustainable options. A number of other jurisdictions had looked into compostable cups,

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but not found a workable solution. Some municipalities had merchants purchase the cup through a third party, other municipalities ordered the cups and provided them to merchants. Council Member Kist liked the idea of a reusable tin cup.

Neil Kirby, 4653 Reynoldsburg-New Albany Road, addressed council as the Planning Commission Chair and a resident who was directly affected by the DORA. He asked the reason for the boundary extending all the way to SR 605. Council Member Fellows replied it was for Oktoberfest and similar events. Mr. Kirby observed that his property abutted the city's right-of-way on Market Street. For Oktoberfest, the barriers were set partway into Market Street. Council, staff, and Mr. Kirby discussed the set-up of Oktoberfest including the barriers on the east side. Oktoberfest may be moved off of Market Street in the future. Mr. Kirby expressed concern about the city's public events being on people's front doorstep and noted that Keswick residents experience similar hardships. His neighbors had young children. There were no businesses selling alcohol this far down Market Street. It was all residential there. His home was in the Village Center, but no longer commercially zoned.

When the Market Street extension was constructed, Mr. Kirby negotiated with the city regarding his driveway which was only 85 feet to the corner of Market Street and SR 605 - 2 seconds or less at the speeds people traveled on SR 605. Mr. Kirby and Ms. Kempker were safer pulling out on to Market Street. This DORA would cover up their driveway on Market at a time when traffic was busier on SR 605 due to the Market Street closure. They requested that the DORA line be backed up to west of their driveway – 135 feet from the corner.

Council and staff agreed to pull the DORA line west, off of SR 605, and make the signs contiguous with the boundary. Council and staff discussed further adjustments possible in the future, including widening the DORA boundary further north depending on development.

Theresa Kempker, 4653 Reynoldsburg-New Albany Road, described where the orange barriers for Oktoberfest were put up – lined up with the west edge of their property. She described the chicane that many members of the public decided to go through, despite the "Road Closed" sign. She expressed concern for people milling about in the same area that drivers were attempting to enter. Council and staff discussed the location of a dump truck parked as a barrier. Police Chief Jones explained that the chicane was to allow Oktoberfest deliveries. That area also allowed someone lost to turn around safely. Ms. Kempker stated if the DORA boundary were left at the SR 605 line, it would be a mess.

Mayor Spalding asked and Director Joly agreed that staff had enough information to reset the boundary line. He solicited any further concerns from Mr. Kirby and Ms. Kempker. Mayor Spalding understood the Market Street DORA area would be for specific events, not weekly.

Mayor Spalding solicited further comment from the public. Hearing none, he closed the public hearing.

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Council Member Kist asked and Director Joly replied that staff was working on name options for the DORA, along with tag lines, logos, signage, etc. The city was also considering a launch event.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-38-2021

Mayor Spalding read by title AN ORDINANCE TO APPROVE THE FINAL PLAT FOR 60 SINGLE FAMILY LOTS ON 35.7+/- ACRES AND ACCEPT RESERVES “A”, “B”, “C” AND “D” FOR THE WOODHAVEN SUBDIVISION LOCATED AT 7555 BEVELHYMER ROAD AND 7325 WALNUT STREET AS REQUESTED BY BOB WEBB GROUP C/O BRANDON BELLI.

Community Development Director Jennifer Chrysler referred to Planning Manager Stephen Mayer’s presentation at the first reading. This Final Plat was in compliance with the Final Development Plan. It contained 4 “Reserve” areas for a total of 11.8 acres for passive space and parkland. The reserves would be owned by the city and maintained in perpetuity by the Home Owners Association. The Final Plat dedicated right-of-way on Bevelhymer Road and Walnut Streets. Planning Commission recommended approval at the September 20, 2021 meeting. Larry Canini and Brandon Belli with Bob Webb Group were present to answer questions.

Council Member Fellows asked and Mr. Canini replied that most of the fieldwork was done and that the project was moving into engineering. He agreed there were many nice trees on the property. Most of the tree line preservation was related to stormwater planning.

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 7 yes votes to approve Ordinance O-38-2021.

ORDINANCE O-39-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERE TO FOR NOTTINGHAM TRACE, PHASE 2B, AS REQUESTED BY PULTE HOMES.

Engineering Manager Ryan Ohly stated this ordinance accepted infrastructure improvements and appurtenances for Nottingham Trace Phase 2B. The developer had submitted a 2-year maintenance bond, an engineering and inspection fee deposit, and a 5-year settlement bond. Nottingham Trace Phase 2B consisted of 30 single-family residential lots. The subdivision was accessed off of SR 605 would have 240 total single-family lots. All infrastructure was targeted to be finished by June of 2024. With the adoption of this ordinance, the city would accept Phase 2B subdivision streets, water main, fire hydrants, sanitary sewer, and storm sewer.



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Council Member Fellows asked and Manager Ohly confirmed that the developer was making progress on Phase 1 - there were 57 parcels and 40 homes constructed.

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 7 yes votes to approve Ordinance O-39-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-40-2021

Mayor Spalding read by title AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2021 AND TO ESTABLISH THE COURT SPECIAL PROJECTS AND THE CLERK'S OFFICE COMPUTER FUNDS.

Director Staats told council that the primary purpose of the legislation was to amend certain appropriations in 2021 and establish necessary funds in Mayor's Court.

The Permissive Tax Fund was being decreased by transfer because the city would use those funds in 2022 for the SR 161/SR 62 project. The Economic Development NACA Fund and Special Revenue Fund were getting increases related to the business park and to reimburse permit fees per economic development agreements. The Village Center 2 TIF was being decreased to match the revenue received. All other TIF Special Revenue Funds listed for adjustments were increased to match the revenue received, sharing that revenue, and in the Auditor and Treasurer fees that tracked with the revenue. The Water and Sanitary Sewer Capital Fund was being increased for the second phase of Worthington Road watermain and sanitary sewer extension. The Economic Capital Fund was being increased to accommodate change orders related to Ganton Parkway.

Council Member Shull asked and Manager Ohly replied that the \$2.25 million in potential change orders was to extend sewer and water along Worthington Road. Phase 1 contained 2 contracts. Phase 2 had not commenced construction. All but 90%-95% of the items in the \$2.25 million were competitively bid under the Phase 1 contracts. Phase 2 would be contract extensions. City Manager Stefanov added that these projects were approved by council, but previous budget amendments did not include the funding for them. This legislation appropriated the money to fund them. Mayor Spalding encouraged contracting new construction as soon as possible given all the sewer and water work going on in Ohio.

Director Staats explained that the city had adjusted its Mayor's Court Fee Schedule, since sharing court services with Gahanna, to match Gahanna's fees for court special projects and a Mayor's Court Clerk's computer, both allowed by the Ohio Revised Code. This legislation established those funds for this year.

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Mayor Spalding set the ordinance for second reading at the November 16, 2021 council meeting.

ORDINANCE O-41-2021

AN ORDINANCE TO AMEND FINANCIAL POLICY 4.20 “INVESTMENTS & DEPOSITS OF FUNDS POLICY” AND CHAPTER 157 “INVESTMENT POLICY” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY AND DECLARING AN EMERGENCY TO WAIVE BOTH THE SECOND READING AND THE THIRTY DAY REFERENDUM PERIOD.

Finance Director Bethany Staats told council this ordinance amended New Albany’s investment policy and applicable city code Chapter 157 - primarily to allow the city to purchase the New Albany-Plain Local Joint Park District’s (JPD) Series 2021 Refunding Bonds. In October of 2021, the district approached the city regarding the purchase. Staff determined the purchase would be mutually beneficial to each entity and, therefore, New Albany residents. The refinancing in the current market would save the district on interest costs for the terms of the bonds. The city’s investment would return a higher interest rate than the city would receive for a similar security in the investment market. The district previously sought and received less-than-favorable bids. The district was requesting an interest rate of .75%. This would save the district approximately \$4,000 in additional interest costs and net the city approximately \$9,500 in interest, which was more when compared to similar municipal securities.

Currently the city’s existing Investment Policy language, which referred to the Ohio Revised Code (ORC), did not allow this type of investment. The ORC, in regards to municipal bonds, had requirements that the city would need to follow for this type of investment. The bonds would need to be rated in the top 3 categories by one of the accredited credit rating agencies. The JPD did not want to spend the money to get the bonds rated in this type of market, and Director Staats agreed it wouldn’t be prudent to spend the money. The current bonds that the JPD was refinancing were rated AA3, the second-to-highest rating. The second ORC issue was that the treasurer of the governing board was not the sole purchaser of the bonds or other obligations of that original issuance. It was unclear whether this criteria was met because this was a refinancing, but the city wanted to be able to invest without needed to follow that requirement, if it was applicable.

The proposed amendment to the Investment Policy would add language permitting investments to deviate from the ORC should proper due diligence find the investment was beneficial to the city, after ensuring that credit worthiness was at the highest standards and the full payment could be expected. The proposed policy language required that any such investment be submitted to city council for approval and this, in turn, would allow the city to take advantage of investment in the JPD.

Staff performed and provided a credit analysis of the JPD to council. The city’s investment team assisted in the analysis preparation. They recommended the investment as being of the highest standard. Due to timing, staff was requesting to waive the second reading and 30 day referendum period. City Manager Stefanov added that waving the 30 days was to meet the JPD’s refunding schedule.

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Council Member Briscoe asked and Director Staats replied that she'd reached out to the city's auditor and received positive feedback. Council Member Kist asked and City Manager Stefanov replied that this city hadn't done this before, although a northeast ohio municipality had. City Manager Stefanov saw it as an opportunity to help the JPD and make more money for the city on the investment end. The city had an Infrastructure Replacement Fund which was set up to address the city's long term financing needs for infrastructure. There was no an immediate need for that money. The term of the JPD bond repayment window gave the city the ability to invest for up to 3 years and make more money than it could in the regular market. This was not income tax based – it was based on bond levy. Council members expressed approval for the plan.

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. Council Member Briscoe indicated council would need to declare the emergency first. Council members discussed procedure. Council Member Shull withdrew his motion and Council Member Brisk withdrew her second.

Mayor Spalding moved to declare an emergency for O-41-2012, waive the second reading, and waive the 30 day referendum period. Council Member Kist seconded and council voted with 7 yes votes to declare an emergency and waive the second reading and referendum period.

Council Member Shull moved to adopt the ordinance. Council Member Brisk seconded and council voted with 7 yes votes to approve Ordinance O-41-2021.

Mayor Spalding moved, pursuant to the city's recently revised policy, under Financial Policy 4.20 and pursuant to Chapter 157.06 of the city's codified ordinances, that the city approve this investment opportunity with the Joint Parks District. Council Member Kist seconded and council voted with 7 yes votes to approve the motion. Motion was adopted.

ORDINANCE O-42-2021

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022

Finance Director Bethany Staats stated that she had delivered council's 2022 budget books for their review. Council's Budget Workshop was scheduled the following Tuesday. In the meantime, she offered to answer council's questions however they wanted to contact her.

Mayor Spalding set the ordinance for second reading at the December 7, 2021 council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:



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NONE

REPORTS OF STANDING COMMITTEES:

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

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Stefanov reported the MORPC stated its return on investment was \$221 for every \$1 spent for their services. The MORPC letter contained the list of benefits and associated costs and provided a list of accomplishments.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Trunk or Treat event went very well – around 1,000 people attended. 35 businesses participated. They hoped to expand next year. Sports activities were back to pre-COVID registration levels. The board was starting to do site visits to municipal fieldhouses. They had already visited Mt. Vernon - next up was Logan and Tiffin University. Beginning next year, they expected to start taking community input. There could be partnership opportunities with the city.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported that the board met to discuss implementing the new Ohio House Bill regulations regarding quarantining and amount of time to miss school. Quarantines were down. There was limited discussion on the mask mandate. It stayed in place for grades 6 and under. He anticipated, once vaccines were available to all students, the school would go to mask-optional.
- D. Council Representative to Plain Township: Council Member Durik reported that the township trustees were interviewing assistant fire chief candidates. They were still in process of getting pool repair costs. There was a raccoon invasion at the drained pool. A barrier was built on the slide ladder as there was evidence the raccoons were riding down it.

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REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reminded council of the tree lighting ceremony on November 21st. The Chamber of Commerce Delta Awards was coming up on December 8th. There would be a segment recognizing Council Member Briscoe's contributions to the community of the eve of her retirement.
- B. Clerk of Council: Clerk Mason reminded council about the November 9 at 1:30 pm Budget Workshop at the Public Service Department. She asked council to save December 14, 2021 for a possible second December council meeting. The December 21st regular meeting had been previously canceled by council.
- C. Finance Director: No report.
- D. City Manager: No report.
- E. City Attorney: Law Director Banchefsky reported that the New Albany's second Mayor's Court session was held in Gahanna. Thanks to both city's staff's hard work, things had gone smoothly.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Kist noted that Trick-or-Treat had been held 2 years running on a Sunday due to weather. Council members discussed whether to officially move Trick-or-Treat to Sunday. Council liked having a weekend option open in case of rain. Council Member Brisk observed people on social media favored Sunday afternoon because it was daytime and not a school night. Council members saw police officers and firefighters handing out candy. City Manager Stefanov reminded council that the city had followed the MORPC policy which would place Trick-or-Treat on October 31st, a weekday, for the next 3 years. Council considered changing to the Sunday before Halloween and using October 31st as the back-up date.

Chief Communications and Marketing Officer Scott McAfee stated that there had been around 85% support for Sunday Trick-or-Treat, slightly less than in 2020, with some complaints about kids having sports conflicts on Sunday. Council Member Durik noted kids were less likely to have activities on Halloween night, making it a better fall-back. Mayor Spalding observed that many of the conflicting sports activities were canceled due as parks were still flooded. Council Member Shull experienced a higher number Trick-or-Treaters this year, likely from other communities. Staff stated that resident's Trick-or-Treat questions came in many months ahead. There were many social media shares of the city's Trick-or-Treat posts.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment of a public official to the Architectural Review Board. Council Member Briscoe seconded and council voted with 7 yes votes to go into executive session at 7:34 pm. Council did not anticipate taking action afterwards.



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Staff present in executive session: City Manager Stefanov, Law Director Banchefsky, Clerk Mason.

Council Member Briscoe moved that council come out of executive session and resume the regular meeting. Council Member Durik seconded and council voted with 7 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:04 pm.

OTHER BUSINESS:

NONE.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the November 2, 2021 regular council meeting at 8:04 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor

11/2/21

Date