



## Council Minutes – Regular Meeting

June 15, 2021

### **CALL TO ORDER:**

Council Member Briscoe, service as Council President *Pro Tem*, called to order the New Albany City Council Meeting of June 15, 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, Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Development Director Jennifer Chrysler, Public Service Department Director Mark Nemec, Deputy Public Service Director Mike Barker, Planning Manager Steve Mayer, Engineering Manager Ryan Ohly, Public Information Officer Joshua Poland, and Clerk of Council Jennifer Mason. Staff tele-present were Law Director Mitch Banchefsky, and City Engineer Ed Ferris.

Council Member Briscoe led the assemblage in the Pledge of Allegiance.

### **ROLL CALL:**

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	A
CM Colleen Briscoe	P – serving as Council President <i>Pro Tem</i>
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

Clerk Mason reported the Mayor Spalding could not attend due to travel and requested to be excused. Council Member Briscoe moved to excuse Mayor Spalding from the council meeting. Council Member Shull seconded and council voted with six yes votes to excuse Mayor Spalding from the council meeting.

### **ACTION ON MINUTES:**

Council Member Briscoe asked if council had reviewed the proposed June 1, 2021 regular meeting minutes and if there were any additions or corrections. Clerk Mason reported a typo correction on page 4 from “committee” to “committed” which had been hand-fixed on the original. Hearing no further changes, Council Member Briscoe moved to adopt the June 1, 2021 regular meeting minutes as corrected. Council Member Kist seconded and council voted with six yes votes to approve June 1, 2021 regular meeting minutes as corrected.

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

NONE.

### **HEARING OF VISITORS:**

Proclamations for OHSAA State Champion Boys Tennis Doubles Team – Council Member Briscoe read the proclamations for Devin Boyer and Ryan Mudre, Division I state champion boys’ doubles tennis team. Coach Marc Thomas praised the boys for being a huge part of the program for the past four years with

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their many successes. Council congratulated the boys on their accomplishments and thanked them for coming.

Laleh Loghavi, resident of Planter's Grove neighborhood, addressed council regarding the neighborhood basketball court. She and her neighbors had concerns and had raised those – about the traffic in Planter's Grove due to attendance at the basketball court. She knew a lot of her neighbors also wrote to city council about this issue. She wondered what the plans were for the residential area – that it was kept safe and clean. There were lots of young children - and they were concerned about the heavy traffic.

City Manager Stefanov reported that the basketball rims were removed the prior Friday after a complaint that one of the basketball players urinated in front of a parent and her child. The mayor, several council members, and he had been out to talk to the basketball players. Asked them to pick up after themselves. The city put up temporary No Parking signs on one side of James River Road. That seemed to address the congestion issue. There was still heavy traffic on different nights of the week. He was out a number of times when there were approximately 25 cars. For the time being, the rims had been taken down. Mayor Spalding had talked about holding a special meeting with the residents, perhaps out at Planter's Grove, to talk about future plans for the park.

Ms. Loghavi thanked council. She stated she had seen a change since the rims were removed. Traffic had been reduced a lot. She, personally, had lived in the neighborhood for five years. She had only seen this traffic in the last year, so she wasn't sure what had changed that would cause the traffic, trash, and all those things. *<unknown>* She wrote an email to council to request that we change this – an activity that attracts less of a crowd than basketball – there were definitely a lot of players so it attracted a big crowd. Perhaps a different type of sport, like tennis – that only has four players and would create less crowd and potentially less trash, less damage to the property. She understood the cost associated with converting this to another type of sport for the public, but as person in a residential area – residents really liked to keep the safety of their children - because of the heavy traffic in the area. She really appreciated the consideration that council was giving to this.

Council Member Fellows asked and City Manager Stefanov confirmed that signage had gone up to direct players to Thompson or Bevelhymer Park where there were courts with proper parking and facilities.

Ms. Loghavi observed that the James River Road Park still saw big crowds showing up, despite no bathroom facility. That's why, really – having a public park in a residential area – especially for that large a crowd – was going to cause potential issues.

Council Member Durik stated that council understood and was taking action. They would look at what other things needed to be done to make sure it was really a neighborhood park as opposed to a destination park for other purposes. Council Member Kist stated a basketball court would not be an amenity in a pocket park. The city had a dearth of facilities that kids could use, especially during the pandemic, there were fewer options. James River Road Park got more use - but now there were hoops at the school, at Thompson Park, and at Bevelhymer Park in the newly opened court. Council could explore other uses for James River Road Park. Council Member Brisk confirmed that Mayor Spalding was interested in setting up a community meeting in Planters Grove to get community feedback and input. Council wanted to hear what the amenity

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ought to look like. She, personally, was leaning away from adult recreation because, with young adults, there were issues with trash which were less likely with families with smaller children. Council wanted to hear from people in Ms. Loghavi's neighborhood. This was a lesson learned for everyone. Council Member Shull liked the tennis court/pickleball idea. Council discussed noise-levels related to sports courts.

### **BOARDS AND COMMISSIONS:**

**PLANNING COMMISSION:** Council Member Fellows reported that the PC reviewed the Woodhaven Zoning District. Several residents attended and most comments were about traffic. Residents recommended a third street exiting on to Walnut Street to further disperse traffic so that Upper Clarenton would not get a lot of traffic through their neighborhood, to reduce congestion, and lessen their safety concerns. The PC informally reviewed the NoNA District. The PC approved the proposed poultry use in R-1 Zoning District.

**PARKS AND TRAILS ADVISORY BOARD:** Council Member Fellows reported that the PTAB approved the proposed parks and open space plan for the New Albany Country Club (NACC) Section 30.

**ACHITECHTURAL REVIEW BOARD:** Council Member Durik reported that the ARB approved standardized sign designs for 16 North High Street. The ARB discussed signage at the W Nail Bar. The ARB had previously rejected an application for second window sign. The W Nail Bar hung a second large sign on a wall just inside the window. The ARB was asking council to review the city's code and guidelines to prevent this situation happening. Law Director Banchevsky recommended going through the code enforcement process. He expected there were similar cases for this situation. Council Member Kist recommended pulling the building plans for that wall.

**BOARD OF ZONING APPEALS:** No meeting.

**ECONOMIC DEVELOPMENT COMMISSION:** No meeting.

**PUBLIC RECORDS COMMISSION:** No meeting.

**INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE:** Council Member Brisk reported that the IDEA Committee did not host a meeting, but participated in the New Albany Townhall sponsored by SOAR-AAPN, the African American Parents Network. It was a Q&A format. There were close to 100 attendees online. The next IDEA Committee meeting would be July 8. There would be a public input opportunity for that agenda and she invited council's input also.

**CEMETERY RESTORATION ADVISORY BOARD:** No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

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

**ORDINANCE O-19-2021**

Council Member Briscoe read by title AN ORDINANCE TO CREATE CHAPTER 137 “SUSTAINABILITY ADVISORY BOARD” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY.

Administrative Services Director Adrienne Joly told council this would create Chapter 137 establishing the Sustainability Advisory Board in the Codified Ordinances. The board would assist New Albany in defining and achieving its sustainability goals, and empower the community to live in a way that ensured a high quality of life for current and future generations. This updated ordinance set the membership at 9 members - 7 voting, 1 non-voting council liaison, and 1 student appointed by the school board who was a New Albany resident. Terms were set at 3 years, staggered.

Council Member Briscoe asked and Director Joly replied that she hadn’t discussed the student appointment in detail with the school board yet. The position was assigned non-voting status in case it was difficult to get a student each year. Council members liked the student addition.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Kist moved to adopt the ordinance. Council Member Fellows seconded and council voted with six yes votes to approve Ordinance O-19-2021.

**ORDINANCE O-20-2021**

Council Member Briscoe read by title AN ORDINANCE TO ACCEPT A RIGHT-OF-WAY DEDICATION OF 0.462 ACRES ON HARRISON ROAD AS REQUESTED BY MBJ HOLDINGS, LLC.

Engineering Manager Ryan Ohly stated this legislation accepted 0.462 acres as public right-of-way. The property currently extended to the centerline of Harrison Road and had historically been served by a highway easement. The city’s subdivision regulations required that right-of-way be dedicated at the time of project development. The dedication would accommodate a swale and additional stormwater management features, a leisure trail, and a four-rail horse fence.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Briscoe moved to adopt the ordinance. Council Member Brisk seconded and council voted with six yes votes to approve Ordinance O-20-2021.

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**INTRODUCTION AND FIRST READING OF ORDINANCES:**

**ORDINANCE O-21-2021**

Council Member Briscoe read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 38.09+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov told council this legislation was the final phase of the annexation process for this property known as the Woodhaven parcel. The Franklin County Commissioners approved the Expedited Type 1 Petition on April 9, 2021. Sixty days had passed and council could now consider the annexation petition.

Council Member Fellows noted that residents brought up concerns at Planning Commission (PC) about having an exit out to Walnut Road. He also wanted council to review whether an exit/entrance from Walnut was advisable based on traffic studies. City Manager Stefanov confirmed that staff had researched that option.

Council Member Briscoe stated that, since council wasn't voting on the matter at this meeting, there wasn't an official public hearing. However, if any member of the public wished to comment, she would give them an opportunity now. Clerk Mason solicited public comment, none was given.

Council Member Briscoe set the ordinance for second reading at the July 6, 2021 regular council meeting.

**ORDINANCE O-22-2021**

Council Member Briscoe read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 38.09 +/- ACRES OF LAND LOCATED AT 7555 BEVELHYMER ROAD AND 7325 WALNUT STREET FOR AN AREA TO BE KNOWN AS THE "WOODHAVEN ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY ALTO REAL ESTATE, LLC C/O PATRICK FISHER.

Planning Manager Steve Mayer stated this was the same parcel as described in Ordinance O-21-2021. The applicant was proposing to rezone the property to allow for a total of 60 lots on 38 acres – 38 traditional single family units and 22 age-restricted units. The city's strategic plan recommended a density of 1 unit per acre, or 3 units per acre for age-restricted units. This development exceeded the density recommendation. The strategic plan also stated that higher density may be allowed if additional land was purchased and deed-restricted. The applicant stated that they were unsuccessful finding land in the area to dedicate to the city to offset the density and were proposing to pay a fee of \$150,000 to the city to use towards parkland or additional Metro Park land purchasing. The payment equated to just under \$21,000 per acre. City staff reached out to the Metro Parks and found the payment was consistent with other Metro Park land purchases.

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This subdivision had two connections – one to a road stub in the Upper Clarenton subdivision and one to Bevelhymer Road. There was also a stub on the south side that could connect into the Millbrook subdivision if adjacent property was redeveloped. The text required that a traffic study be completed with the filing of the Final Development Plan to see if improvements were needed at the Walnut Street and Bevelhymer Road intersection and, based on public comment, the Planning Commission (PC) added a new condition that the study include an evaluation of an additional connection to Walnut Street. The proposal met the required park space and open space within the development. Instead of a traditional playground, the applicant was proposing to provide a mixture of amenities such as community gardens, pavilions, picnic tables, benches, and bocce ball courts. Those would be reviewed and approved by the PC with the Final Development Plan. The applicant was providing sidewalk connections to Upper Clarenton and sidewalk and leisure trail stubs, and leisure trail across the frontage on Bevelhymer Road and Walnut Street. The PC added the condition that leisure trail access to Bevelhymer Park be considered.

The zoning text required Craftsman-style architecture and the single family homes would follow the city's requirements. The age-restricted units were allowed some deviations, including garage set-backs similar to other city age-restricted developments. Four-sided architecture and quality materials were required and would be reviewed with the Final Development Plan. The plan matched the land use recommendation found in the city's strategic plan and met many of the development standards including connectivity, setbacks, architecture, and open space. The Rocky Fork Blacklick Accord reviewed and recommended approval in May 2021. The PC positively recommended this with conditions, including the traffic study, enforceable tree preservation language, and opacity requirements. Neighbors within 200 feet would be notified of the Final Development Plan and have the opportunity to comment at the PC public meeting. Staff recommended approval.

Council Member Briscoe stated that her long-standing position on density was that, if the developer couldn't meet the density requirement, she'd prefer they pay a fee comparable with land inside the school district. This proposed fee was based on land outside the school district.

Council members asked why the developer wouldn't make the connection to Walnut Street regardless of the traffic study. Manager Mayer responded that the city traffic engineer stated, in addition to vehicle numbers, the traffic study would need to look at the proximity of the Bevelhymer/Walnut intersection. Council and staff discussed two existing lots which would be included in the project, one of which fronted on Walnut.

Council Member Fellows felt strongly, if they were funneling a lot of traffic through Upper Clarenton without having that access onto Walnut – Upper Clarenton had access to Walnut, The Links had access to Walnut in two places – he thought it important, along with the traffic study and addressing safety concerns - that the city find a way to have access to Walnut Street. Council Member Durik suggested working through one of the two additional lots.

Council Member Kist asked and Manager Mayer replied that the traffic study would determine whether the city needed to improve or widen Bevelhymer Road. City Manager Stefanov added, when the

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Millbrook subdivision was done, Bevelhymer was widened without adding a lane. Council and staff discussed general road improvement, Council Member Kist recommended widening.

Larry Canini and Linda Maneri, Canini & Associates, praised the Engage Strategic Plan and working with staff. The project received a 96% score with the Rocky Fork Blacklick Accord and met requirements of the strategic plan. They heard the neighbor's traffic concerns. He was working on connecting directly with some residents. They were trying to understand the boundaries needed for stormwater management which was critical to the development, the area, and the city. The stormwater issue could harm the tree lines, so they were studying that. Ms. Maneri displayed pictures of the site from her computer. Mr. Canini described the boundaries and pointed to existing trees. They were striving to protect the woods and thick foliage by keeping the storm systems away. They offered to walk the area with residents and fill in gaps with landscaping to reduce opacity. Some areas were already protected as park space.

Mr. Canini appreciated the traffic concerns regarding the connection to Tournus Way. It was not the developer's choice, but they knew the strategic plan required connections to be made. He would let the neighbors speak to that. The stub for the extension to Walnut - the developer would refer to the traffic study to determine what made sense, and if a Bevelhymer connection was warranted. It could be handled a lot of different ways. They were prepared to do what the engineers recommended. They were open to any resolution.

Council Member Briscoe reminded the public that the matter was not set for a public hearing, however, she invited meeting attendees to comment.

Brian Dishong, 7441 Bevelhymer Road, which property abutted the southern end of the proposed development. He appreciated Mr. Canini's comments about the tree line preservation. Mr. Dishong felt that was very important. He and his wife were not opposed to development of the property in general. Their biggest complaint or reservation was the proposed density. The city's master plan said one home per acre. All properties to the east and south of this property matched that same density. To the north were Rocky Fork and the Metro Park. This area was very low density and this proposal increased the per acre density quite a bit just with fudging some math and having some age-restricted homes. They were opposed to the over-development of this site.

Eric Duerksen, homeowner in Upper Clarenton, wanted to underline a few things that hadn't been brought up. He appreciated Mr. Canini's comments around tree preservation. He thought that would make the Upper Clarenton neighbors happy, and make the residents of the new property very happy to have mature trees. As council members brought up – underlining neighbors' primary concern – it really was about traffic. He appreciated the city engineers - specific point to do a traffic study of the neighborhood. One of the things that was unique, one of their two main entrances was an intersection for Rocky Fork Metro Park – which they absolutely loved – but if that was open, traffic would increase significantly throughout the neighborhood. In fact, they asked the New Albany Police Department to conduct a study in 2019 – actually three separate studies. They found, on average, about 700 cars were coming through the neighborhood daily. Like many other New Albany neighborhoods, they had

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young families, young kids running around. They were extremely concerned about another access point through their neighborhood. They absolutely agreed that an access point up to Walnut would be ideal. It would be consistent – every other neighborhood abutted up to Walnut.

Another idea a few of the property owners came up with regarding the density concerns – he loved the comment earlier about making sure that that was spent within the school district – another idea was to possibly use the access point at Tournus Way – rather than making it vehicular connection, make it a bicycle and pedestrian connection. That would give access up to their neighborhood, New Albany Links, up to the park, and perhaps – again to address the density concerns – perhaps the developer could build some sort of preserve interconnection between the new neighborhoods. That would eliminate the safety risk, but also enhance both neighborhoods.

Patrick Limpach, 7522 Bevelhymer Road, stated he'd looked at some of the published plans. His driveway was adjacent to the proposed access point on Bevelhymer Road. From a personal standpoint, he didn't like that, but he also saw three or four driveways coming out at that same point, so he thought that would cause some traffic issues - with that level *<unknown>* traffic that did travel down Bevelhymer with access to the park.

Council and staff discussed driveways in the areas. Council Member Fellows reported that, at the presentation to the PC, they made the point that they wanted to align it so that when traffic was coming out of the development onto Bevelhymer – that there would be no headlights shining into the front of somebody's home, and also, for future development, if at some time the Smucker property was developed – that would be a good intersection alignment.

Council Member Briscoe set the ordinance for second reading at the July 6, 2021 regular council meeting.

#### **ORDINANCE O-23-2021**

Council Member Briscoe read by title AN ORDINANCE TO ADOPT A TAX BUDGET FOR THE CITY OF NEW ALBANY, OHIO FOR FISCAL YEAR ENDING DECEMBER 31, 2022.

Director Staats told council that the tax budget was a requirement of the Franklin County Budget Commission each year. Franklin County used it as a tool to establish the local need for the property tax revenue, and also looked at the inside millage. The tax budget enabled the city to remain compliant with ORC Section 5705.30 as applied by Franklin County. The ordinance would be updated for second reading. The additional millage represented approximately \$515,000 for the General Fund in 2022. Tax Budget revenue and expenses shown were highly conservative, with consideration for the pending litigation and legislation related to COVID-19 and working from home, plus net profit refunds from 2020. The city would continue to look at and update analysis when preparing the 2022 budget program. She reviewed Schedule A with council.

Council Member Briscoe set the ordinance for second reading at the July 6, 2021 regular council meeting.



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**ORDINANCE O-24-2021**

Council Member Briscoe read by title AN ORDINANCE TO AMEND CHAPTER 1131 “R-1 RESIDENTIAL ESTATE DISTRICT” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Steve Mayer reminded council that this started with a code enforcement case where the property owner petitioned council. At council’s request, staff researched adding chickens as an allowable use within R-1 Residential Districts. Staff was recommending changes to code which would allow for poultry – the grazing, sheltering, or feeding of poultry as a conditional use. R-1 District homes were typically larger lots not in subdivisions. The term “poultry” was the same as used in the Agricultural District. It also applied to a similar range of animals for which the city had received requests. As a conditional use, an applicant would have to go before the Planning Commission (PC). Neighbors with 200 feet would be notified. The PC would review the application and allow neighbors to provide comments and feedback to the PC to determine if poultry was an appropriate use on a specific property. The PC had the ability to add conditions.

Council Member Kist asked and Council Member Fellows replied that PC was open to this process. The originating resident was present for that PC meeting and provided feedback.

Council Member Briscoe asked and Planning Manager Steve Mayer confirmed that the PC could address drainage issues.

Council Member Briscoe solicited public comment, none was given. She set the ordinance for second reading at the July 6, 2021 regular council meeting.

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

**RESOLUTION R-29-2021**

Council Member Briscoe read by title A RESOLUTION TO REQUEST THE FRANKLIN COUNTY BUDGET COMMISSION TO GRANT THE .74 MILLS IN AVAILABLE INSIDE MILLAGE TO THE CITY OF NEW ALBANY.

Finance Director Bethany Staats told council that this resolution was a companion to Ordinance O-23-2021. It was required by the county in order for New Albany to receive the additional .74 inside millage. The city had had the .74 millage for over 20 years. It was projected to generate approximately \$515,000 in the General Fund in 2022.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Kist moved to adopt the resolution. Council Member Briscoe seconded and council voted with six yes votes to approve Resolution R-31-2021.

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**RESOLUTION R-30-2021**

Council Member Briscoe read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE MCDANIEL'S CONSTRUCTION CORPORATION INC FOR THE REPLACEMENT OF WOOD SIDING ON THE SALT BARN AT THE PUBLIC SERVICE FACILITY AS SET FORTH IN THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM CONSTRUCTION CONTRACT No. OHGCOAGCMBMBA-022718-MCC AT A PRICE NOT TO EXCEED \$110,000.00.

Public Service Department Director Mark Nemec told council that the city's salt barn was constructed with heavy timber in 2006. Since the construction, the 2x8 tongue and groove wood siding on the south-facing gable end had deteriorated. An alternate siding material was considered, however after consulting with the architect, staff learned that the 2x8 wood siding served as a structural component, providing lateral support and rigidity. Therefore, replacement of the wood siding was the only option. The building had been repainted at least 3 times, but was still deteriorating

Staff obtained competitive pricing from McDaniel's Construction Corporation Inc. through the Sourcewell Cooperative Purchasing Program. Replacing the wood and repainting would cost \$98,450.54. The not-to-exceed price was set in case they found something else had to be repaired along the way.

Council Member Fellows asked and Director Nemec answered that the south-facing wood had rotted and could not be over-layed. The rotting had occurred in the last five to eight years. The tongue and groove wood was part of the structural integrity and couldn't be changed out for something else. The city could apply Rhino Shield, which could not be purchased through a Sourcewell contract. If the city put up vinyl, it would have to go through the Planning Commission. Council Member Briscoe asked and Director Nemec replied that the timber was heavy and treated, salt was a preservative and not causing the issue. Council and staff further discussed ways of extending the life of the barn. Council and staff discussed lumber pricing and availability.

Council Member Shull asked and Director Nemec replied \$75,000 of the funding for this repair was approved in the 2021 budget. Finance Director Bethany Staats stated that cash was available and the remainder of the funding would be addressed in the mid-year appropriation ordinance.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Briscoe moved to adopt the resolution. Council Member <sup>Briscoe</sup>~~Briscoe~~ seconded and council voted with six yes votes to approve Resolution R-30-2021.

**RESOLUTION R-31-2021**

Council Member Briscoe read by title A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOTOROLA SOLUTIONS INCORPORATED FOR THE PURCHASE OF A DISPATCH

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**RADIO CONSOLE TO IMPROVE THE RELIABILITY OF RADIO TRANSMISSIONS BETWEEN NEW ALBANY POLICE DISPATCHERS AND POLICE OFFICERS.**

Police Chief Greg Jones reminded council that the police department used the State of Ohio's MARCS radio system to communicate between the radio room and officers. The radio room had two dispatcher stations with radios to communicate with the officers. Initially, wireless radios communicated through towers back to the police cruisers. In the past few years, with the growth of the area and increased demands on the MARCS system, dispatchers had trouble hearing officers. The city learned that the dispatchers' radios were searching for free towers. Dispatchers couldn't hear officers while the signal was jumping towers. Motorola advised a hard-wired connection to the MARCS systems. Dispatch Station 1 was hardwired and did broadcasting. Dispatch 2 was assigned as the call taker. The wireless radio at Station 2 had reached the end of its serviceable life.

Staff was asking approval to replace the radio at Station 2 with the same setup as Station 1. This would approve communications with all traffic and stop feedback noise at Station 2. The purchase would be made through state cooperative purchasing contract. Motorola built and maintained the MARCS radio system. Only Motorola products were allowed to be hardwired to the MARCS system.

The police department had also been having trouble with radio communications between officers in buildings and cruisers due to the city's distance from the MARCS towers. The city had been working with MARCS extensively and hoped to come back to council this year with a solution.

Council Member Fellows asked and Chief Jones responded that the tower near SR 310 and SR 161 was probably used the most by police. Another was just inside Delaware County. New Albany had more difficulty due to it being in a geographically low area.

Council Member Briscoe asked and Chief Jones confirmed this item was in the budget.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Shull moved to adopt the resolution. Council Member Durik seconded and council voted with six yes votes to approve Resolution R-31-2021.

**RESOLUTION R-32-2021**

Council Member Briscoe read by title A RESOLUTION AUTHORIZE THE CITY MANAGER TO ENTER INTO ANY AND ALL CONTRACTS FOR THE PURCHASE AND OUTFITTING OF A ONE-TON TRUCK AT A COST NOT TO EXCEED \$125,330 AND TO WAIVE THE COMPETITIVE BIDDING REQUIREMENT AS SET FORTH IN SECTION 9.04 (C) OF THE NEW ALBANY CHARTER.

Deputy Public Service Director Mike Barker stated the Public Service Department needed to replace a 2008 Ford F550 which was used almost on a daily basis, including snow removal, and nearing the

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end of its useful life. Staff would purchase the chassis from Byer's Ford through the City of Columbus purchase contract for \$53,351, the lowest price provided. The dump bed, hydraulics, snow plow, salt spreader, and driver cameras would be outfitted for \$71,979, which was cheaper than the price obtainable through the Sourcewell cooperative purchasing contract. Funding for this was included in the 2021 Capital Equipment Replacement Budget and provided in the annual appropriations ordinance.

Council Member Kist asked and Deputy Director Barker answered that the city would continue to operate the old truck until the maintenance cost made it cost prohibitive - probably for six months to a year. At that point, the truck would be listed for sale on GovDeals. The value was estimated around \$15,000 based on similar sales. Council and staff discussed the 1 ton trucks being used in neighborhoods and pricing and delivery trends due to microchip scarcity.

Council Member Briscoe opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Briscoe moved to adopt the resolution. Council Member Fellows seconded and council voted with six yes votes to approve Resolution R-32-2021.

**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 that MORPC recognized former county commissioner Marilyn Brown for her years of public service. MORPC announced the continuation of a \$1,000 scholarship program through Ohio University for employees of member governments who chose to pursue an executive or online MBA. Ohio would be receiving its 2020 Census data on August 16<sup>th</sup>. There was a presentation on the long- and mid-term impacts of COVID-19 on public policy. MORPC was partnering with ODOT to study a "free-flow" traffic solution between Toledo and Columbus. Public engagement would begin in July. More information would be available on their website.

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- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that Council Member Kist and he attended the Lucey Basketball Court dedication. Close to 200 people attended. The dedication was heart-felt. Council Member Kist mentioned the support of the schools for this project and praised Brian Smith at the Joint Parks. Council Member Shull reported that the Miracle League was anticipating the first throw in the fall. They were hoping for an abbreviated season. Abbey Brooks was named as a new board member.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported that school had let out for the summer, having run later due to the delayed start during COVID. The school held a townhall available on YouTube. He reported on high school sports teams' season finishes, including the State Champion Division I Boys Baseball Team who won the second title in New Albany High School boys baseball history.
- D. Council Representative to Plain Township: Council Member Durik reported that township trustees agreed to eliminate COVID-related restrictions on pool visits. There was still a limited deck furniture to facilitate social distancing. Council Member Durik described a small subdivision of 12 homes on 2.5 acre lots on Walnut Street east of SR 605 approved by the Franklin County Planning Commission. It would have trail connection.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: No report.
- B. Clerk of Council: Clerk Mason discussed Independence Day parade plans with council.
- C. Finance Director: Finance Director Bethany Staats reviewed the May financial report with council. Revenues were up compared with 2020, however, there was uncertainty due to the delay in tax filings due to COVID. Tax estimates could change with the filing of returns. RITA was preparing a report to help with more analysis. Expenditures were down, particularly for council who made a large donation in 2021 for the playground pavilions at the school. Investment interest remained small. She reviewed fund balance information and what could change with mid-year appropriations.

Director Staats stated she was the city's delegate to the RITA Council, but RITA was requesting that New Albany City Council approve City Manager Stefanov's appointment of an alternate delegate. Staff recommended Assistant Finance Director Drew Turner.

Council Member Briscoe moved to approve City Manager Joseph Stefanov's appointment of Drew Turner as the alternate delegate to the RITA Council. Council Member Shull seconded and council voted with six yes votes to approve the motion. Motion carried

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- D. City Manager: Administrative Services Director Adrienne Joly reported that the city successfully acquired the 96 acre Taylor Farm.
- E. City Attorney: Law Director Banchefsky reported that that State of Ohio General Assembly (GA) added an amendment to the state budget which would force municipal broadband systems in the State of Ohio to shut down, with very few exceptions. As proposed, the amendment would apply retroactively, and directly impact the city by forcing it to cease operations of New Albany Net, which council had funded for years. New Albany Net was a major component of the city's economic development strategy. It was created in cooperation with AEP and WOW Business. Current users included all city buildings, the police department data center, the city's traffic signal network, Plain Township Fire Depart, New Albany Plain Local Schools, and major local businesses and employers. The bill amendment also prohibited COVID funding or any municipal revenue to subsidize municipal broadband systems. Law Director Banchefsky described similar GA bills regarding municipal right-of-way. There were many potential grounds for legal challenges including state constitutional violations, single subject rules, home rule authority, and numerous existing contract laws.

City Manager Stefanov submitted a letter to, and left messages with the GA senate president, copied to the city's elected representatives. The city's lobbyists recommended a motion in opposition.

Council Member Briscoe moved that council agree to an opposition to the municipal broadband amendment that was added by the Ohio Senate to HB 110 on the grounds that it would usurp the ability of local governments to provide infrastructure in support of economic development, undermine local public and private partnerships, invalidate existing contracts, and violate the Home Rule authority of municipalities. Council Member Shull seconded and council voted with six yes votes to approve the motion in opposition. Motion carried.

Law Director Banchefsky stated that this was the last meeting that council could constitute a quorum remotely. Council Member Kist recommended that the public continue to get access via streaming to follow along, but that, to participate, they come to the meeting in person. Council and staff discussed meeting broadcasting. Law Director Banchefsky confirmed that broadcasting only was fine so long as Village Hall and council meetings were open to the public. If council passed an ordinance, the city's charter provided the flexibility to allow council to participate virtually. Council and staff discussed various virtual meeting considerations. Council agreed that they wanted to look at this further.

**POLL FOR PUBLIC COMMENT:**

NONE.

**POLL FOR COUNCIL COMMENT:**

Council Member Kist stated it was nice to be back in person and see everyone.





## Council Minutes – Regular Meeting

June 15, 2021

### OTHER BUSINESS:

#### Board and Commission Appointments:

Council Member Kist reported to council that Kyle Sellers and Patrick Weyers, both of whom had been appointed to complete partial terms on their respective boards, were now willing to be appointed to full terms.

Council Member Kist moved to reappoint Kyle Sellers to the Rocky Fork Blacklick Accord for the term ending 6/30/2024. Council Member Briscoe seconded and council voted with six yes votes to reappoint Kyle Sellers to the RFBA for the term ending 6/30/2024.

Council Member Kist moved to reappoint Patrick Weyers to the New Albany East Community Authority for the term ending 5/17/2023. Council Member Shull seconded and council voted with six yes votes to reappoint Patrick Weyers to the NAECA for the term ending 5/17/2023.

Council Member Kist moved to reappoint Council Member Durik as the local government representative to the New Albany East Community Authority for the term ending 5/17/2023. Council Member Shull seconded. Council voted with five yes votes, and one abstention (Durik) to reappointed Council Member Durik as the local government representative to the NAECA for the term ending 5/17/2023.

### ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Briscoe moved and Council Member Fellows seconded to adjourn the June 15, 2021 regular council meeting at 8:45 pm.

ATTEST:

A blue ink signature of Jennifer H. Mason, Clerk of Council.

Jennifer H. Mason, Clerk of Council

A green ink signature of Sloan Spalding, Mayor.

Sloan Spalding, Mayor

A green ink date stamp reading "06/15/21".

Date