



Council Minutes – Regular Meeting

June 2, 2020

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of June, 2020 at 6:32 pm at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Police Chief Greg Jones, and Clerk of Council Jennifer Mason. Staff tele-present were Administrative Services Director Adrienne Joly, Law Director Mitch Banchefsky, Finance Director Bethany Staats, Engineers Ed Ferris and Jay Herskowitz, Community Development Director Jennifer Chrysler, Deputy Development Director Mike Barker, Public Service Director Mark Nemece, and Chief Communications and Marketing Officer Scott McAfee.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P
CM Colleen Briscoe	P
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed May 19, 2020 regular meeting minutes and asked if there were any additions or corrections. Hearing no changes, Council Member Shull moved to adopt the May 19, 2020 regular meeting minutes. Council Member Brisk seconded and council voted with seven yes votes to approve the May 19, 2020 regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

Pristell Dogins, a member of the community, greeted council via GoToMeeting.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Law Director Mitch Banchefsky reported a homeowner in the Tidewater division had requested a reconsideration of a variance denial regarding a patio that was constructed without permits and extended into a preservation zone. That application was ultimately denied. The PC considered a spa variance. It was agreed that the spa should be built into and flush with the deck. The PC approved a swimming pool fence variance at Landon Park. The PC approved a conditional use application for development adjacent to Turkey Hill to include a car wash, an IHOP restaurant, and another unnamed restaurant. The PC approved a Final Development Plan to allow



Council Minutes – Regular Meeting

June 2, 2020

two tenants to locate on the aforesaid property. The PC considered and approved other expansion-related items including pavement setbacks and signage requirements.

PARKS AND TRAILS ADVISORY BOARD: No meeting

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Brisk reported that one agenda item regarding a detached garage was tabled. The BZA approved a variance application for a property west of Beech Road and south of State Route 161 zoned L-GE to eliminate the 65 foot height requirement. Aaron Underhill, attorney for applicant, told council that, ultimately, the city’s height limitation was removed which would make the fire department’s limitation of 100 feet the controlling factor.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-08-2020

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 63.5+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov described the location of the subject parcel. This was an Expedited Type I annexation which incorporated all of the provisions from the Ohio Revised Code relative to a traditional annexation in the Annexation Agreement. The Annexation Agreement was signed with Plain Township in 2008. In 2019, city council approved the Road Maintenance Agreement with Franklin County. The city already managed both sides of the road under existing agreements.

This area was originally purchased by Homewood back in the early 2000s with the intention of doing some type of residential development. They were unable to obtain sewer and water service. Tidewater, west of this area, was the last subdivision able to get sewer and water in the Rocky Fork Sugar Run subtrunk. Homewood had requested that City of Columbus extend the Sugar Run subtrunk to serve their property but Columbus declined. As such, Homewood would have to wait until the Blacklick Trunk sewer line was built and extended. As a result of the construction of the Blacklick Sewer and a water line from the tower at Beech Road, utilities were closer to the property. The utilities had been put in for commercial development which provided value to the community through income and property tax revenues. The city’s past practice had been to require residential development to pay for its infrastructure costs. Any

June 2, 2020

infrastructure associated with the interior development of the property would be the obligation of the developer. Because the city was paying for the Blacklick Trunkline, there had been a discussion, both internally and with the developer, about a fee that would be charged to compensate the city for a percentage of the value of the sewer. City Manager Stefanov stated there were no existing utilities immediately adjacent to this property and the city made no commitment about when water and sewer would be extended here. The developer could choose to pick up the extension cost on their own.

The city was in the process of extending sanitary sewer from the south side of State Route 161 to Innovation Campus Way to further serve that commercial development. Completing that portion would eliminate the diversion currently going into the Rose Run subtrunk.

The city would benefit from the annexation because the property was within the city's growth area, it would give the city the ability to manage the type of development and control density. If annexed, the default zoning would be Agricultural. There would need to be a discussion about whatever the developer proposed, which would go through the Rocky Fork Blacklick Accord, Planning Commission, and Council. There would be plenty of opportunity for public hearings and public input. The Strategic Plan update was in progress and the subject area would likely be addressed.

Aaron Underhill, attorney for applicant, told council that this request for annexation was a proactive measure. The owner had held the property for at least 15 years. Homewood understood, coming to it with eyes wide open, that utilities were not there today, and there may be some waiting time for that. The intent here would be to present a development that was either neutral or beneficial to the schools. The best way to do that would be to present an empty-nester project. Jim Lipnos, President of Homewood, was also present if council had specific questions.

Mayor Spalding asked and City Manager Stefanov answered that the city had done annexations in the past where utilities were not immediately expected. He recalled examples around Smiths Mill Loop, area south of State Route 161 along Beech Road, and the Winding Hollow Golf Course, where the city annexed without specific knowledge of the type of development. Based on the Strategic Plan, the city had a high level of certainty that the Homewood property would be developed as residential, but the city didn't know the specifics. Mayor Spalding was concerned about getting the cart before the horse with this annexation. City Manager Stefanov stated that the Millbrook Farms area was annexed without a specific land use plan. There was a density issue with Tidewater and the developer had to purchase additional land.

Mayor Spalding opened the Public Hearing.

Pristell Dogins asked to put questions to Council Member Briscoe as he believed she was once on a committee of racial profiling and currently served on the Professional Ethics Committee. Mayor Spalding clarified that this particular public hearing was for the ordinance. Issues outside the ordinance could happen at a more appropriate spot on the agenda. Mayor Spalding solicited further public comment.

Hearing no further comments or questions from the public, he closed the Public Hearing.

June 2, 2020

Council Member Durik moved to adopt the ordinance. Council Member Kist seconded and council voted with six yes votes and one no vote (Spalding) to approve Ordinance O-08-2020. The ordinance was adopted.

ORDINANCE O-09-2020

Mayor Spalding read by title AN ORDINANCE TO AUTHORIZE THE CITY MANAGER OR DESIGNEE TO ACCEPT SPECIFIED EASEMENTS.

Law Director Mitch Banchefsky told council that New Albany took on a high volume of easements and hadn't established a consistent methodology to handle them. Some were accepted by common law and others were accepted statutorily. Easements that required individualized ordinances included public right-of-way, conservation easements, and plats. Other easements, the majority of temporary and permanent easements including for construction, utilities, drainage, streetscapes, leisure trails, sidewalks, and other easements for infrastructure and related maintenance, could be accepted administratively by the city manager or his designee via home rule authority under this ordinance. On occasion, the city would pay to acquire easements. This ordinance provided that easements could be accepted administratively if the cost were previously budgeted or the price was below \$50,000. The ordinance also provided that the city manager would report to council annually listing all easements acquired pursuant to this ordinance.

This ordinance formalized the process of accepting easements and allowed the city to move more quickly on a lot of these easements for construction and infrastructure. Passing individualized legislation for each easement, including two readings and a 30 day waiting period, would not be beneficial.

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

Council Member Briscoe moved to adopt the ordinance. Council Member Fellows seconded and council voted with seven yes votes to approve Ordinance O-09-2020.

INTRODUCTION AND FIRST READING OF ORDINANCES

NONE.

READING AND PUBLIC HEARING OF RESOLUTIONS

NONE.

STANDING COMMITTEE REPORTS:

A. Finance Committee: No report

B. Safety Committee: No report.

C. Public Utilities: No report.

June 2, 2020

- 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: Council Member Shull told council that the softball, tee-ball, and most baseball leagues were canceled with the exception of Little League Baseball. The National Little League organization voted not to move forward with their national tournament and would leave it up to the individual Little League organizations across the country to make their own decisions. The local Little League decided to host an abbreviated season within the appropriate guidelines.

The Lacrosse America Tournament was moved from June 7, 2020 to July 24, 2020. Pelotonia was re-envisioned as a virtual event and would not be located specifically in New Albany. The Joint Parks Board would be going forward with their Summer Movie Series - June as a drive-in event at Bevelhymer Park, July at Thompson Park, and August at Windsor.

The tennis bubble at Thompson Park would remain up. It took 30 people to take it down, not possible with social distancing, and the people who worked on the tents came from Canada and could not currently travel to the US. The two indoor courts would be open to the public via reservation. Bevelhymer Park would have two outdoor courts available for reservation.

The Joint Parks would be reviewing their finances at the next meeting. Revenues had taken a significant hit due to the lack of spring and summer sports.

- C. Council Representative to New Albany Plain Local Schools: No meeting.
- D. Council Representative to Plain Township: Council Member Durik reported that the township opted not to open the pool primarily based on financial projections along with the operating complexities. The fire department had closed their auxiliary station. The main station was still closed to the public. The fire department anticipated announcing the new fire chief in early July.

June 2, 2020

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding noted that 2020 had been challenging – starting with COVID-19. This week, with the death of George Floyd and the issues in Minneapolis, the United States faced a long-needing-to-be addressed issue. Mayor Spalding would be working with Public Information Officer Scott McAfee and City Manager Joseph Stefanov to prepare a statement on behalf of the city on Wednesday to make sure the community understood New Albany's position.
- B. Clerk of Council: Clerk Mason reminded council that she had circulated date options for the Council Retreat and Capital Projects Workshop. She had also polled council about their attendance at Taste of New Albany. She further polled council about potential ways of organizing who would show up in person while still keeping under the 10 person limit for meeting. Council members offered to be flexible, and generally favored having all council members present and a few staff to make up the difference.

Council Member Durik asked about the possibility of council members attending remotely in the future as that could improve council participation while people are traveling. Council discussed the current rules under the state of emergency that allowed for electronic participation. Mayor Spalding suggested reaching out to the Ohio Municipal League and Central Ohio Mayors and Managers Association (COMMA) to see if some extension of electronic participation could be allowed where perhaps a quorum was present at the physical location. Mayor Spalding or City Manager Stefanov could bring it up on a COMMA call.

- C. Finance Director: No report.
- D. City Manager: City Manager Stefanov reported the New Albany library branch would be reopening that week for curbside pick-up and drop-off.

Construction projects

The bids for the Harlem Road Leisure Trail were open. Columbus Asphalt was the low bidder at just under \$402,000. City Manager Stefanov would be approving a Purchase Order for that amount plus \$40,000 as a contingency fund. This was a close to a half mile of trail. The original budget for the project was in the \$380,000 range. Council Member Shull asked and City Manager Stefanov confirmed the Harlem path would be 5 feet wide. City Manager Stefanov stated that the construction of this trail would require drainage improvements. The city was working on obtaining the last easement.

City Manager Stefanov told council that, for the Street Improvement Project, the low bid was within the engineers estimate. Law Director Banchevsky reported Decker Construction came it at \$856,221 with alternates that brought the total to \$1,069,287.

June 2, 2020

Council Member Fellows asked and Deputy Development Director Mike Barker answered that city was waiting on a last easement and, once that was received, he could schedule the crews to bury the poles outside of Village Hall. The work schedule would be ready within the next two weeks and the work would take four to six weeks.

Council Member Kist observed the leisure path under Rose Run Bridge and at Fenway Pond were still dangerous. Director Joly replied that city had settled on a design solution for under the Rose Run Bridge to fix the path and not run into the same situation again. The city was up 10 inches of rainfall over normal. She expected to have pricing back on the design solution that week and could quickly mobilize the contractors to make the fix.

Council Member Fellows asked and City Manager Stefanov answered that New Albany didn't have any major road closures planned. Most paving happened under open conditions with flaggers. Franklin County's project to redo the bridge on Dublin-Granville Road nearer to Target was scheduled later this year or early next year.

July 4th Celebrations

City Manager Stefanov told council that the Community Events Board (CEB) was gathering input and working on a neighborhood "micro-parade" for July 4th. They were soliciting participants and working on a route. The budget would be around \$10,000 which was consistent with regular parades. The CEB also considered a "reverse parade" where the usual participants in the parade were on the side and the observers drove through. However, traffic tie-ups and congestion could be difficult to manage. The micro-parade could cover most neighborhoods. The risk was resident migration to the parade route without social distancing. The neighborhoods were small enough to minimize that risk. Staff working the parade routes could guide and encourage adequate social distancing.

Lighting in Village Center

Plans were in the works to light the trees at the roundabout, Keswick Crescent, and Rose Run Park. The budget was roughly \$30,000. An alternative could be uplighting each of those areas in red, white, and blue, and perhaps leaving those fixtures for the second half of the year. If the city purchased LED lights, then it could change the color for the holiday. The cost for 90 lights would be around \$40,000. LED bulbs would cost between \$49-\$53,000. City Manager Stefanov could check to see if the lights could be left up for an extended period, perhaps for the remainder of the year, or for several years.

Council Member Fellows was in favor of doing something downtown to celebrate July 4th, lighting or flags. Council Member Brisk loved the idea of having the lights year-round. The lights could indicate a concert or festival. Council supported making the lights permanent versus spending the money every year. Several council members supported LED lighting with hardwiring so the colors could be changed out. Council Member Kist asked and City Manager Stefanov confirmed the uplighting was in lieu of decorating the trees. Council Member Kist wanted to understand how that would look. Given that it didn't get dark until 9:30 pm, he didn't know that there would be

June 2, 2020

much impact from the lighting during the summer. City Manager Stefanov offered to do a small demonstration. Council was concerned that July 4th wasn't far away. Mayor Spalding suggested at least uplighting Village Hall if there wasn't time. Council Member Fellows asked and City Manager Stefanov replied that the city had replaced the older, faded Ohio flags with new ones.

Chief Jones policing presentation

Chief Jones told council, over the last few days, he had received questions from the public about training and the city's approach to policing in general. The city offered the most professional services to the community possible. He had brought up the following items in person or in emails.

The New Albany Police Department (NAPD), after undertaking a long process, was accredited by Commission on Accreditation for Law Enforcement Agencies (CALEA) in 2019. CALEA made sure the department was accountable and was implementing best practices. The people that the NAPD hired were a good fit and their value base was very important. The city spent a lot of time on hiring. The city sent officers to the City of Columbus and State Highway Patrol police academies, both of which were full-time, high quality institutions. Some candidates arrived with some schooling under their belts, but the city felt it was important to send them to the academies to represent the city and serve this community.

All officers were certified for the Crisis Intervention Team which identified persons in crisis, offered resources, and was trained in de-escalation. With the COVID-19 pandemic, all officer and dispatcher training had transitioned to Police One on-line training. Classes up now included handcuffing and violent space policing. Classes were repetitive and meant to reinforce officer training. Prior to COVID-19, officers had less-than-lethal options and training.

It came down to making sure that New Albany had a professional organization. A lot of things fell into place when that happened. It started with hiring good people and retaining the very good ones, providing excellent training, consistent and knowledgeable supervision, and maintaining best practices. At the core of NAPD, values were important and the employees had to live up to those. Culture was also important. Each police department was different. New Albany worked hard to maintain a very professional culture. Accountability was important for all employees, whether civilian staff, dispatchers, or officers.

Mayor Spalding asked and Police Chief Jones replied that the policies the NAPD already had in place were already part of best practices. For CALEA accreditation, the NAPD had to tweak some and make sure they were documenting them more. CALEA made sure that police were analyzing items including use of force, complaints, biased-based complaints, and who was the subject of their enforcement. The analysis that the NAPD completed for the last few years showed that the department was doing well in the CALEA defined categories. CALEA allowed for revisiting policies to make sure they did reflect best practices and measure to see if any changes were needed.

- E. City Attorney: Law Director Banchefsky told council that state legislature was trying to streamline the Designated Outdoor Refreshment Area (DORA) process. He understood that council liked

June 2, 2020

this for a long term option. Administrative Services Director Adrienne Joly and he had met virtually with The New Albany Company (NACO) representatives and were in the process of reaching out to the various liquor license holders to determine what their needs were and what the city could do to facilitate that. Director Joly came up with a proposed permit process that would allow restaurants to use outdoor areas owned by the city by making them a “minor environmental change” which could be approved administratively. This would be temporary and rules were being discussed. Director Joly added that the city was also looking at temporarily dropping the license agreement so it could use that with the businesses that would be expanding their patios onto city property. Council Member Kist stated, as soon as the process cleared up, he understood council still wanted to pursue the DORA path for the long term.

POLL FOR PUBLIC COMMENT:

Pristell Dogins asked, regarding police, if there were any sort of training to address any sort of implicit biases or anything that took into account the fight against systemic racism in Franklin County. Police Chief Jones replied that he could speak to the New Albany Police Department (NAPD) better. The NAPD, for years, had officers go through annual biased-based policing training which included overcoming inherent biases. Required ethics training was also covered biases.

Chief Jones understood that the training generally provided Central Ohio police departments was at a very high level. Many departments were accredited and many others had undertaken the Ohio Collaborative certification – kind of like a state-level accreditation process. The State of Ohio, now and in the past, had put a large emphasis on making sure departments were receiving regular training on the topics Mr. Dogins inquired about.

Mayor Spalding thanked the public for joining council virtually and looked forward to when council could take public input in person again.

POLL FOR COUNCIL COMMENT:

Council Member Kist told council that a Black Lives Matter peaceful march was being organized by a New Albany High School graduate. He understood the march was still tentatively scheduled for the coming Saturday at 2 pm. It would launch from the High School parking lot and do a four-mile loop. He offered to keep everyone updated.

Council Member Durik observed that a significant portion of the loop took place in the City of Columbus and could impact traffic. Police Chief Jones said the march was to keep to the sidewalk which would be easier to manage. Depending on the size or other issues that might pop up, New Albany would certainly make sure Columbus was aware. If their assistance was needed, the NAPD would obviously work with them. Mayor Spalding stated that he was out of town or he would gladly attend the rally and offer support. If anyone else was interested, they should feel free to do so.

Council Member Kist wished Council Member Brisk a belated happy birthday.



Council Minutes – Regular Meeting

June 2, 2020

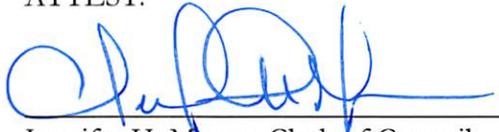
OTHER BUSINESS:

NONE.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Briscoe seconded to adjourn the June 2, 2020 regular council meeting at 7:44 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor



Date