



Council Minutes – Regular Meeting

September 21, 2021

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of September 21, 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, Sergeant Garrett Fernander, Development Director Jennifer Chryslar, Public Service Department Director Mark Nemec, Deputy Public Service Director Mike Barker; Economic Development Manager Michael Loges, Human Resource Officer Lindsay Rasey; Chief Communications Officer and Marketing Director Scott McAfee, and Clerk of Council Jennifer Mason.

Mayor Spalding reminded everyone of the Franklin County Public Health guidance regarding masks and social distancing. Masks were available at the back of Council Chambers.

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	A
CM Matt Shull	P

Clerk Mason reported that Council Member Kist was absent due to a family obligation and requested to be excused. Mayor Spalding moved to excuse Council Member Kist from the meeting. Council Member Shull seconded and council voted with 6 yes votes to excuse Council Member Kist from the meeting.

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed 8/24/2021 special meeting minutes and asked if there were any additions or corrections. Hearing none, Mayor Spalding moved to adopt the 8/24/2021 minutes. Council Member Briscoe seconded and council voted with 6 yes votes to approve the 8/24/2021 special meeting minutes. Clerk Mason told council that the resident emails had not yet been added. She would post the minutes without the emails, and then re-post the minutes with the emails once they had been printed.

Clerk Mason reported that the 9/7/21 minutes were not yet prepared, but would be available at the next council meeting.

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ADDITIONS OR CORRECTIONS TO THE AGENDA:

Staff requested that Resolution R-49-2021 be moved to right after the Executive Session. Mayor Spalding moved to amend the agenda to move R-49-2021 until after the Executive Session. Council Member Briscoe seconded and council voted with 6 yes votes to move R-49-2021 to after the Executive Session.

HEARING OF VISITORS:

Proclamation of September as Hunger Action Month Mayor Spalding noted the city was lucky to have such dedicated members of the community that had put a lot of heart soul into the Healthy New Albany Food Pantry, especially during this pandemic. Mayor Spalding read the proclamation. Regina Valentini, Healthy New Albany Food Pantry Treasurer, stated they were lucky to part of this continually supportive community.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Shull reported that the PC approved the Woodhaven Final Development Plan. Most discussion surrounded storm water and the conservation of trees. A setback was increased to save trees. Council Member Fellows asked and Council Member Shull replied that one Upper Clarenton resident was present and was primarily interested in the tree preservation. The developer said they would work with the residents regarding the southwest corner where the stormwater basin would be. There would be 60 homes in Woodhaven – 22 age-restricted and 38 single-family.

The PC approved a conditional use application to allow an industrial manufacturing and assembly use for Savko’s concrete batch plant. Usual conditions were applied. One unusual condition was to limit the use to 5 years. After that, the matter would need to be reviewed again.

Several companies requested both Final Development Plan approval and some variances – Aldi, Express Oil Change, Dunkin Donuts, and Popeyes – all in the same area. The plans were well done, everything passed. The only variance that garnered more conversation was Dunkin Donut’s digital display in their drive-thru. Care was taken to be sure it wouldn’t be disruptive, including motion percentage restrictions and dimmers at night. The store design was based on a new prototype, only 5 or 6 others in the country.

Council Member Brisk asked and Aaron Underhill, attorney for applicant, replied that The New Albany Company owned the land Aldi’s was being built on, but Aldi’s developer was building there.

The PC approved a Preliminary Development Plan for a warehouse and distribution center in the Blacklick District subarea. There were no users yet for the space.

PARKS AND TRAILS ADVISORY BOARD: Council Member Shull reported that PTAB unanimously approved Woodhaven’s Final Development Plan with the condition that more active-

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play amenities be added in the parkland area. The PTAB also heard a Rapid 5 trail project presentation by Bill Resch. The PTAB heard an update on Veteran’s Memorial Park.

ACHITECHTURAL REVIEW BOARD: Council Member Durik reported the ARB approved a sign for McHenry Advisors. The ARB requested clarification as to what their role would be in terms of review of hamlets – what may or may not fall under their purview.

BOARD OF ZONING APPEALS: No report.

ECONOMIC DEVELOPMENT COMMISSION: No report.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: Council Member Brisk reported that the IDEA Committee discussed communications with a more diverse community. Chief Communications Officer Scott McAfee gave a remote presentation regarding his and Public Information Officer Josh Poland’s roles with the city and the many ways they reached out. Director Joly added that this discussion would be wrapped up at the October IDEA meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-33-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 58.179+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov explained the Expedited Type I process which contained the benefits of the traditional annexation process, but took less time. Council had previously approved the required Road Maintenance Agreements. Council approved the original annexation agreement back in 2015. Licking County Commissioners approved the annexation on June 3, 2021. The 60-day mandatory waiting period had lapsed and council could take action.

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 Fellows seconded and council voted with 6 yes votes to approve Ordinance O-33-2021.

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ORDINANCE O-34-2021

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 27.334 +/- ACRES OF LAND LOCATED WEST OF AND ADJACENT TO MINK STREET, SOUTH OF JUG STREET AND GENERALLY NORTHEAST OF INNOVATION CAMPUS WAY FOR AN AREA TO BE KNOWN AS THE “INNOVATION EAST ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., C/O AARON UNDERHILL, ESQ.

Director Chrysler stated this legislation would rezone 27.334 acres which were annexed into the city via O-33-2021. This was a limited overly zoning district. The additional text provided more guidance to help the city evaluate the project moving forward. The text was consistent with the overlay text in the Business Park. Aaron Underhill, attorney for applicant, was present to answer any questions.

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 Durik seconded and council voted with 6 yes votes to approve Ordinance O-34-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-35-2021

Mayor Spalding read by title AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN ENCROACHMENT EASEMENT PREVIOUSLY GRANTED BY THE VILLAGE OF NEW ALBANY FOR PROPERTIES LOCATED AT 3 AND 7 – 9 NORTH HIGH STREET AS REQUESTED BY RKM, LLC.

Director Chrysler explained that, in 2007, during High Street/Main Street intersection and streetscape improvements, staff discovered an encroachment of 1.8 feet of the subject building into the public right-of-way on the sidewalk. An encroachment agreement was signed, however there are no saved notes regarding the document’s intentions or details. There were 2 problematic elements in the original encroachment agreement. If the city needed access to the bricks, the owner would have to take down the building. This could hinder the sale of the building. If the building’s use would ever change, the city had the right to terminate the agreement, thus requiring the owner to take down the building.

Staff recommended, as long as the use of the building was consistent with the Village Center plans, codes, or Urban Center Code, that the provision to remove the building go away. Through an engineering review, the city determined there were no public utilities in the encroachment area. Staff recommended eliminating the provision requiring the owner to remove the building to access to the sidewalk bricks.

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Council Member Briscoe asked and Director Chrysler confirmed that, if the building were to come down, the encroachment agreement would go away. Deputy Director Barker expected many buildings from this era straddled property lines. Council and staff discussed the potential future and tenants of the building. Council Member Brisk asked for verification of the current tenants.

Mayor Spalding set the ordinance for second reading at the October 5, 2021 regular council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-44-2021

Mayor Spalding read by title A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE FRANKLIN COUNTY AUDITOR.

City Manager Joseph Stefanov explained that Resolution R-44-2021 and R-45-2021 were the annual resolutions passed by council accepting the annual county-determined tax rates. The rates hadn't changed in the 20+ years that City Manager Stefanov had been city manager.

Council Member Briscoe asked and Clerk Mason responded that Council Member Kist's name would be struck on the original legislation since he was not present. City Manager Stefanov stated he questioned and had confirmed this unusual legislation format.

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 resolution. Council Member Briscoe seconded and council voted with 6 yes votes to approve Resolution R-44-2021.

RESOLUTION R-45-2021

Mayor Spalding read by title A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE LICKING COUNTY AUDITOR.

City Manager Joseph Stefanov referenced his presentation for Resolution R-44-2021.

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 resolution. Council Member Durik seconded and council voted with 6 yes votes to approve Resolution R-45-2021.

RESOLUTION R-46-2021

Mayor Spalding read by title A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 58.179 +/- ACRES, CONFIRMING THE

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DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE.

Economic Development Manager Michael Loges stated this property was included in the annexed property in Ordinance O-33-2021. The property was surrounded by industrial development. By amending this Community Reinvestment Area (CRA), the city could attract investment. Amending the CRA did not, on its own, entitle a future development to a tax abatement. Each abatement was legislated separately by council.

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

Council Member Brisk moved to adopt the resolution. Council Member Briscoe seconded and council voted with 6 yes votes to approve Resolution R-46-2021.

RESOLUTION R-47-2021

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR FRANKLIN COUNTY.

Economic Development Manager Michael Loges referenced the 2 Tax Incentive Review Council (TIRC) reports distributed to council. The TIRC for both Franklin and Licking Counties met in August of 2021. The Franklin County TIRC affirmed and recommended for continuation all 18 of the incentive agreements.

Council Member Briscoe asked and Manager Loges replied that none of the businesses were out of compliance. Some had stuttered from their benchmark, but none were trending in the wrong direction. Therefore, all 18 were recommended for continuation without amendment. Director Chrysler noted that AEP had multiple locations and was reporting out of 1 cost center - and some AEP staff were still working 100% remotely. After more research, staff determined that AEP was in compliance.

Mayor Spalding asked and Director Chrysler responded that city staff was developing a list of agreements that could be modified as a result of COVID, in addition to other planned agreement clean up. She talked about the benefits of pilot payments in agreements, allowing a business to make a cash payment to help cure the agreement and guaranteeing the city a minimum revenue stream. She gave examples of other potential agreement modifications.

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

Council Member Fellows moved to adopt the resolution. Council Member Shull seconded and council voted with 6 yes votes to approve Resolution R-47-2021.

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RESOLUTION R-48-2021

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR LICKING COUNTY.

Economic Development Manager Michael Loges referred to his presentation for R-47-2021. This legislation was for the 17 Licking County projects. At least 1 agreement would be coming back to council for a modification. The purpose was to clarify and bring certainty – to allow the property owners a tool to stay compliant in instances where they fell below a benchmark.

Council Member Briscoe encouraged staff to consider right-sizing the incentives, in addition to right-sizing the benchmarks. Given the trend in remote workers, the city could find itself in a position where the incentives didn't make sense as written. Manager Loges agreed and stated there was staff discussion on how best to approach that situation. The company whose agreement was being revised was still working with staff on the revisions. Director Chrysler noted the circumstance with this company was unique, in that the owner fell below the benchmarks, but had people in the facility that were working for other companies in New Albany on sites that had far exceeded their benchmarks. This incentive agreement was for a building serving as spill-over space for companies that were still growing. Council Member Briscoe added that the income for that business had also jumped dramatically during the year.

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 resolution. Council Member Brisk seconded and council voted with 6 yes votes to approve Resolution R-48-2021.

RESOLUTION R-49-2021

Clerk's note – this item was moved by council motion. See Additions or Corrections to the Agenda.

RESOLUTION R-50-2021

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO BID, AWARD AND EXECUTE ALL CONTRACTS RELATED TO PLAYGROUND IMPROVEMENTS AT BYINGTON AND JAMES RIVER PARKS.

Administrative Services Director Adrienne Joly explained that this resolution would continue council's initiative to upgrade all the playgrounds within the city's maintenance responsibility. The resolution would authorize the city manager to bid out the construction documents for Byington and James River Parks. Byington Park, sometimes known as Rose Run Park, was connected to North of Woods, Yantis, and the Hampstead neighborhoods by leisure trail. James River Park was connected to the Planter's Grove neighborhoods by sidewalk and leisure trails. Both were relatively secluded. The budget provided funding for these upgrades. The combined estimate for parks was around \$1.02 million.

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Director Joly reviewed the resident survey feedback regarding parks. For these two parks, staff focused on accessible play surfaces and structures, relocated trails, barn-themed equipment, climbing amenities, swings, shade structures, and benches and picnic tables. For each park, she described more specific alterations and additions.

Council Member Shull asked and Director Joly clarified the placement of new paths at Byington Park and the widening of the fencing gap for easier access. The slides were metal and would be situated so as not to get the full brunt of the sun. Council Member Briscoe noted that plastic slides also got hot. The city emphasized using natural, not plastic materials. The metal also worked better with wood. Council and staff discussed play structures and metal slides at other parks.

Council Member Brisk asked and Director Joly replied that staff explored alternative materials to wood – which could splinter and house bees. Staff determined that the composite materials available at this time didn't meet the quality and aesthetic levels the city was looking for, particularly as it faded. The proposed hardwood had essentially a 30-year maintenance-free period. It didn't attract insects the way the current wooden structures did.

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 resolution. Council Member Shull seconded and council voted with 6 yes votes to approve Resolution R-50-2021.

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 stated the Summit on Sustainability was scheduled at the Columbus Hilton on October 15. The city typically sent a member of staff. MORPC worked with One Columbus and other development professionals from an 11-county region to create a comprehensive economic development strategy – a plan supported by a grant from the U.S. Economic Development Administration. That document

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was open for review and comment. The Regional Data Advisory Committee updated its agenda and formed 3 additional working groups: Partnership and Capacity Building, Local Government Resources, and Broadband and Digital Equity. MORPC recently closed its call for projects for enhanced mobility funding for seniors and individuals with disabilities - a program New Albany could look at in future years. The TRAC list - projects funded through ODOT and federal funds - had been posted and the comment period was ongoing. There would be a vote at the upcoming MORPC meeting.

- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Joint Parks Board discussed council's Capital Projects Meeting and the city's proposal to work with the board on relocating the basketball court potentially to Thompson Park. They had everything constructed at Thompson Park and were waiting for the gate. The project should be done at the end of September. Miracle League Opening Day was scheduled for October 2, 2021 at noon. Council Member Shull encouraged attendance at that event. The first Family Fun Day Fundraiser and Kickball Tournament was held on August 22 and well attended. Fundraising was continuing. The event would likely come back next year.
- 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 reminded council about Oktoberfest in New Albany the coming weekend. Trick or Treat was scheduled for the Thursday before Halloween. The city would continue to monitor that situation. The community had reacted positively when the Trick or Treat had been moved for bad weather.
- B. Clerk of Council: No report.
- C. Finance Director: No report.
- D. City Manager: Public Service Director Mark Nemec reported that all solar panels were installed on the Public Service building. The contractor was finalizing the electrical work. The project should be finished the following week. The system would be accessed through a data line, allowing staff to monitor the operation. City Manager Stefanov offered a demonstration to council after the software was installed.

Chief Communications and Marketing Officer Scott McAfee reported that the city won a 3CMA Savvy Award, first place, for the city's Business Park video. They won 5 additional awards, second and third place, for city branding and videos.

- E. City Attorney: No report. He thanked Public Service employees for getting his neighborhood's water turned back on quickly after a significant water main leak.

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POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(4) for reviewing negotiations or bargaining sessions with public employees concerning their compensation and other terms and conditions of their employment. Council anticipated taking action afterwards. Council Member Shull seconded and council voted with six yes votes to go into executive session at 7:39 pm.

Staff present in executive session: City Manager Stefanov, Law Director Banchefsky, HR Officer Rasey, and 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 6 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:05 pm.

RESOLUTION R-49-2021

Clerk's note – this item was moved by council motion. See Additions or Corrections to the Agenda

Mayor Spalding read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING SUCCESSOR AGREEMENT AS A RESULT OF THE FACT-FINDER REPORT ISSUED SEPTEMBER 15, 2021 WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE #9 REGARDING WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT FOR SWORN OFFICERS BELOW THE RANK OF SERGEANT.

Human Resource Officer Lindsay Rasey explained that the city had 7 days to accept, reject, or take no action on the attached Fact Finder's Report. Accepting the report would allow the city manager to enter into the collective bargaining agreement with wages retroactive to September 20, 2021. Some of the provisions included CBD oil with THC to be included in the substance abuse and drug testing article, a wage increase of 4.5% this year, 3% the second year, and 3% in the third year, a signing bonus to incentivize the agreement, and an increase of 6% for the officer-in-charge hours spent.

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 resolution. Council Member Briscoe seconded and council voted with 6 yes votes to approve Resolution R-49-2021.



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OTHER BUSINESS:


Council Member Fellows noted the number of qualified applicants for the open Planning Commission (PC) position. After a thorough review, Council Member Fellows moved to appoint Sarah Briggs to the Planning Commission for the unexpired term ending 12/30/2023. Council Member Shull seconded and council voted with 6 yes votes to appoint Sarah Briggs to the PC for the term specified.

Clerk Mason reported that Ms. Briggs’ move to the PC would result in an opening on the Architectural Review Board (ARB). Clerk Mason would post and ask the Public Information office to advertise the opening. Clerk Mason asked and council indicated they did not want any changes to the process.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the September 21, 2021 regular council meeting at 8:09 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor



Date