



# Council Minutes – Regular Meeting

September 7, 2021

## CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of September 7, 2021 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Mitch Banchefsky; Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Development Director Jennifer Chrysler, Deputy Public Service Director Mike Barker; and Clerk of Council Jennifer Mason.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

Clerk Mason told council that Council Member Briscoe and Council Member Brisk were both unavailable and requested to be excused. Mayor Spalding moved to excuse Council Members Briscoe and Brisk from the council meeting. Council Member Kist seconded and council voted with five yes votes to excuse Council Members Briscoe and Brisk from the meeting.

## ACTION ON MINUTES:

Clerk Mason reported, due to her vacation and the extended length of the meeting, the 8/24/2021 meeting minutes were not yet available.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

Staff requested two new reasons for executive sessions be added to the existing executive session, one for economic development and one for legal advice for pending or imminent court action. Council Member Shull seconded and council voted with five yes votes to add those two executive sessions.

## HEARING OF VISITORS:

NONE.

## BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.



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BOARD OF ZONING APPEALS: No report.

ECONOMIC DEVELOPMENT COMMISSION: No report.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: No report.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

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

#### **ORDINANCE O-31-2021**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR THE COURTYARDS AT NEW ALBANY, PHASE 2B, AS REQUESTED BY EPCON COMMUNITIES.

Deputy Public Service Director Mike Barker stated this legislation would accept the waterline, sanitary sewer, and street improvements to Courtyards at New Albany, Phase 2B. Phase 2 consisted of 17 single-family residential lots. Primary access was off of State Route 605. There was a northern connection to New Albany Road East. Upon adoption, the city would accept subdivision streets, water main, fire hydrants, developer installed sidewalks, ADA curb ramps, sanitary sewer, asphalt leisure trail, and storm sewer. Jason Coffee with Epcon Communities was present to answer questions.

Mayor Spalding asked and Deputy Director Barker confirmed that the roads were now connected. Council Member Fellows noted a small dog park at the northeast corner.

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

Mayor Spalding moved to adopt the ordinance. Council Member Durik seconded and council voted with five yes votes to approve Ordinance O-31-2021.

#### **ORDINANCE O-32-2021**

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Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 123 “DEPARTMENT OF FINANCE” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY

Director Staats referred council to the presentation at first reading. Amendments to the 2020 Charter allowed council to make exceptions on Fiscal Officer Certificate (FOC) and/or Purchase Order (PO) requirements for particular expenditures. This code update would make the Finance Department more efficient and effective. She reviewed the current PO process, which involved FOCs and multiple steps and reviewers. FOCs were still required when the city manager signed a contract, regardless of the amount.

The legislation specified exceptions to the FOC/PO process including debt service payments as there were other agreements that authorized them, utility services, bank fees, auditor/treasurer fees, RITA fees, real estate taxes, income tax and property tax revenue sharing, payments related to economic development incentives, purchases in which there was already a FOC in place, and certain Then and Now expenditures over \$3,000 pertaining to existing approved projects.

Director Staats reviewed her analysis of prior years’ purchase orders, including 2020 and 2021. Removing the PO process would save time, and other checks were in place to make sure the expenditures were within budget and for a proper public purpose.

Director Staats reminded council of the \$50,000 threshold for expenditures approved by the city manager and for competitive bidding. This legislation would move the threshold to \$100,000. Once this was approved, the Finance Department would bring forward a purchasing policy for council’s review and approval. The purchasing policy would include additional procedures for expenditures between \$50,000 and \$100,000 - like coming to council with expenditure reports. Many large items were related to projects and equipment already approved by council in the city’s budget process. She noted that the majority of municipalities reporting having a \$50,000 threshold for a while. Some cities were at \$75,000, or \$100,000, or were considering new thresholds.

Director Staats told council that increasing the threshold would allow the city to execute contracts more quickly. Council Member Fellows asked and City Manager Stefanov replied that the city used tools like state purchasing, cooperatives, and shopping around to find good contractors of large and small sizes. Council Member Fellows stated that the city should watch out for contracting with the same vendor over and over because they were under \$100,000. Director Staats agreed, and responded there were practices in place and there was language in the financial policy which encouraged soliciting multiple quotes to ensure good pricing.

The legislation distinguished and clarified construction contracts, which required formal bidding, and procurement contracts, which required a competitive procurement process in which the city may, following advertisement, solicit proposals and/or quotes, negotiate the terms, conditions, and other relevant factors, and enter into a contract advantageous and beneficial to the city. A new section was added to ensure the available opportunities were placed on the city’s website.

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Exemptions from competitive bidding were better spelled out in the new code, including clarifications for professional services, cooperative purchasing agreements, inter-governmental purchases, purchasing from another political subdivision, construction manager-at-risk, purchase contracts for proprietary computer software programs, purchases that did not exceed the threshold, any procurement contracts exempted by the Ohio Revised Code (ORC).

Council Member Fellows asked and City Manager Stefanov replied that professional services had been exempted for at least 22 years. Law Director Banchefsky added that professional services were exempt in the ORC. It was hard to put together bid specifications for a professional. City Manager Stefanov stated that the city typically used a Request for Qualifications/Request for Proposals to become more educated on new professional services. The city also periodically market tested existing providers to ensure fair pricing and see who else was offering services.

The reference to “goals” was dropped and the city would track minority business information in the MUNIS system. City Manager Stefanov added that council would still see the information regarding purchasing equipment in the annual budget. The type of vehicle would be included there. If something unusual and outside of the budget came up, he would continue to bring those items to council. That process could be written into the financial policy.

Council and staff discussed reporting to council for items between \$50,000 and \$100,000. Director Staats agreed that council reports could be written into the new financial policy. Council and staff discussed the typical expenditures in this range, including items council had already approved as part of the budget. City Manager Stefanov suggested quarterly reports, to start, which could be included in the City Manager’s report. He would likely still notify council of large purchases before or immediately thereafter.

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 Kist seconded and council voted with five yes votes to approve Ordinance O-32-2021.

**INTRODUCTION AND FIRST READING 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 described the location of the property within the city growth area. Council approved the Annexation Agreement with Jersey Township in 2015. Council approved the Road Maintenance

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Agreement for Jug Street in 2020 and the extension of the Road Maintenance Agreement for Mink in 2021. The 60 day waiting period had lapsed and council could take action.

Mayor Spalding set the ordinance for second reading at the September 21, 2021 council meeting.

**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 was a limited overlay district on the property referenced in O-33-2021. Proposed Limited General Employment (L-GE) uses were consistent with other uses in the Business Park. The limitation text met with the intent of the strategic plan’s Office Campus District category by providing compatible general employment uses. Additional development standards included lot coverage, height, landscaping, and distance of setbacks from roadways and boundaries.

Mayor Spalding asked and Director Chrysler replied that the current plan contemplated access from a single cul-de-sac road from Mink Street and a possible extension north up to Jug Street. The concept created a parallel road network to avoid a series of curb cuts on Mink Road. There was also potential access through the development of the site to the south and to Innovation Campus Way.

Council Member Shull asked and Director Chrysler described surrounding zoning, one section of which included commercial zoning allowing for amenities for area employees. Council and staff discussed a utility easement and other development constraints. Mayor Spalding asked and Aaron Underhill, attorney for applicant, responded there was not a specific user for the property at this time. He hoped to build on the success of the business park. He would be filing to annex property to the north shortly. Council, staff, and Mr. Underhill discussed the access limitations and goals.

Mayor Spalding set the ordinance for second reading at the September 21, 2021 council meeting.

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

NONE.

**REPORTS OF STANDING COMMITTEES:**

- A. Safety Committee: No report.
- B. Public Utilities: No report.
- C. Service and Public Facilities Committee: No report.



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- 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: Mayor Spalding reported that Steve Grossman invited the city’s Sustainability Advisory Board to MORPC’s Sustainability Summit.
- B. Council Representative to Joint Parks and Recreation: No meeting.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported the board held an emergency meeting with significant public comment. After much debate, they decided to enact a mask mandate for Pre-K through 6<sup>th</sup> Grade for at least the next 2 weeks. They would review the matter again in a few weeks.
- D. Council Representative to Plain Township: No meeting.

### **REPORTS OF CITY OFFICIALS:**

- A. Mayor: Mayor Spalding reported on the COMMA meeting where they discussed the county commissioner’s suggestion to local officials to examine their mask requirements. Many were waiting on direction from the Franklin County Public Health Department.
- B. Clerk of Council: Clerk Mason thanked council for their participation in a long week of city meetings, plus the many Founders Day and Rose Run events.
- C. Finance Director: No report.
- D. City Manager: City Manager Stefanov reported that he received a thank you letter from the City of Columbus and MORPC for being one of the entities that supported the Columbus Crossroads Phase 4 infrastructure project which would boost economic development in the region.
- E. City Attorney: No report.

### **POLL FOR PUBLIC COMMENT:**

NONE.

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

NONE.



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### EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment of a public official – specifically the Planning Commission appointment, pursuant to New Albany Charter Section 4.03 (E) for economic development purposes, and for legal advice pursuant to Ohio Revised Code 121.22(G)(3) for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Council Member Shull seconded and council voted with five yes votes to go into executive session at 7:24 pm. Council did not anticipate taking action afterwards.

Staff present in executive session: City Manager Stefanov, Law Director Banchefsky, Clerk Mason for Planning Commission portion only.

Council Member Shull moved that council come out of executive session and resume the regular meeting. Council Member Durik seconded and council voted with five yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:41 pm.


### OTHER BUSINESS:

NONE.

### ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the September 7, 2021 regular council meeting at 8:42 pm.

ATTEST:

  
\_\_\_\_\_  
Jennifer H. Mason, Clerk of Council

  
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Sloan Spalding, Mayor

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Date