



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of May 16, 2017 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, Administrative Services Director Adrienne Joly, Community Development Director Jennifer Chrysler, Public Service Director Mark Nemec, City Engineer Ed Ferris, Engineer Mike Barker, Police Chief Greg Jones, Public Information Officer Scott McAfee, and Clerk of Council Jennifer Mason.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Spalding	P
CM Colleen Briscoe	A
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Glyde Marsh	P
CM Matt Shull	P

Clerk of Council Jennifer Mason noted that Council Member Briscoe was traveling and requested to be excused. Mayor Spalding motioned to excuse Council Member Briscoe from the meeting. Council Member Fellows seconded and council voted with six yes votes to excuse Council Member Briscoe.

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the May 2, 2017 meeting minutes and if they had any proposed additions or corrections. Having none, Council Member Marsh moved to adopt the May 2, 2017 minutes. Council Member Shull seconded and council voted with six yes to approve the regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

National Police Week And Peace Officer Memorial Day Proclamation - Mayor Spalding spoke briefly about the tragedy of the recent killing of Kirkersville's police chief as a reminder of the dangers that police face every day. He read the proclamation and presented it to Sergeants Jillyan Will and Curtis Baker. Chief Jones thanked the mayor and council, and praised the New Albany police force and staff for their dedication and professionalism.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

SWEARING IN OF NEW POLICE SERGEANTS:

Sergeant Jillyan Will – Mayor Spalding introduced Sergeant Will, who had been with the New Albany police force for several years, and administered the Oath of Office. Chief Jones gave further background about her time with New Albany while her new badge was pinned on her uniform.

Sergeant Curtis Baker – Mayor Spalding introduced Sergeant Baker, who was new to New Albany having previously served in Hilliard, and administered the Oath of Office. Sergeant Baker received his new badge while Chief Jones talked about Sergeant Baker's education and experience, including a law degree and master's studies.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Mayor Spalding reported that the PC heard two applications, both for variances of the final development plans at the Johnstown Road Turkey Hill gas station/convenience store. Kroger's proposal was to increase capacity and introduce a new concept of providing fresh and ready-made foods. The design modifications accommodated outdoor seating. Mayor Spalding stated that the PC struck a balance between making sure the architecture looked reasonable while also maximizing available parking. Lighting and signage were also discussed and a compromise reached.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: Council Member Shull reported that the ARB reviewed a Certificate of Appropriateness for the demolition of the structure at 121 Miller Ave. The ARB approved the demolition with some conditions surrounding timing, the attached garage, and the signage.

BOARD OF ZONING APPEALS: No report.

BOARD OF CONSTRUCTION APPEALS: No meeting.

CEMETARY RESTORATION ADVISORY BOARD: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: Mayor Spalding reported that the PRC would meet on Wednesday, May 24th.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

ORDINANCE-01-2017

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 94.6 +/- ACRES OF LAND GENERALLY LOCATED WEST OF STATE ROUTE 605 / NEW ALBANY-CONDIT ROAD, SOUTH OF WALNUT STREET, AND EAST AND WEST OF SCHLEPPI ROAD FOR AN AREA TO BE KNOWN AS "NEW ALBANY NORTH ZONING DISTRICT" FROM ITS CURRENT ZONING OF "AG" AGRICULTURAL AND "L-GE" LIMITED GENERAL EMPLOYMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY PULTE HOMES C/O AARON UNDERHILL ESQ.

City Planner Stephen Mayer described the location of the area to be rezoned. He explained Planned Unit Development (PUD) as a two-step process. The first step was a rezoning which created and set commitments in the zoning text. The second step was approval of a final development plan wherein city staff and the Planning Commission (PC) reviewed additional details in the developer's plan to be sure requirements and commitments were met.

City Planner Mayer noted that the subject area was considered transitional as commercial and residential areas were adjacent to it. The property, itself, had been designated as residential in the past, but currently had a commercial zoning designation. He stated that staff's opinion was that the land could be used as either given how surrounding areas were zoned. The current proposal was for 240 age-restricted, residential units on 89 acres resulting in an overall density of 2.7 units per acre. The city's Strategic Plan recommended a base of 1 unit per acre. The current proposal exceeded that. There were zoning text commitments and deed restrictions that ensured the development met the requirements of the Housing for Older Persons Act. To accommodate the greater density, the developer was using the "housing bank" per the Status Agreement between The New Albany Company (NACO) and the city. The Status Agreement directed NACO to prepare a document which withdrew units from its "bank." That document was public and filed with the city's Community Development Department.

City Planner Mayer told council that the development's current layout was the result of months of work and input through the Rocky Fork Blacklick Accord (RFBA) review process and the Planning Commission (PC) review process. The plan included streets which connected to existing road stubs in the New Albany subdivision to the west, to Schleppe road, and in two places to State Route 605. The area set aside for commercial use was for services aimed at the residents and business park in the area. A traffic impact study concluded that there were warrants for two left turn lanes on State Route 605 into the development. The development proposal called for a 24 acre park and several smaller parks in the subdivision.

This rezoning ordinance would lock-in commitments in the zoning text. At the final development review, the city would make sure the developer met expectations and commitments. Final details



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

would include the exact location of the leisure trail(s), the exact parking lot configuration at the community club house, the vinyl siding product and how it would look on the homes, the appropriateness of the brick on the homes, the base architecture, and a chart showing the mixture of home design. City Planner Mayer noted that needs of the target demographic deviated from some of the city's design standards. The applicant made commitments in the PUD text including the number of garages that could project from the home, requiring a minimum number of homes be one-and-a-half stories, and additional landscaping. Staff was supportive of this use at this location because it was a transitional area, it introduced a new product to New Albany, the age restriction was codified in the zoning text and deed restrictions ensured less school impact, and the layout was strong with plenty of parks and amenities.

This completed the formal staff presentation.

Council Member Shull asked and Joseph Ridgway, the city traffic engineer, answered that the traffic study concluded that a traffic light was not warranted at State Route 605. Council Member Durik asked whose responsibility it was to enforce the age restriction and what happened in the case of a zoning violation if the age restriction was not followed. Law Director Mitch Banchevsky noted that the age restriction was not just a zoning violation, which came with \$200 per day penalties under city law, the zoning text also gave the city rights as a third-party beneficiary to the agreement so that the city could enforce the restriction as a matter of civil law. The development's Homeowners Association (HOA) or the developer was required to audit and provide the age distribution for the project annually. That audit would be a public document.

Council Member Fellows asked and Deputy Community Development Director Adrienne Joly answered that, as part of the zoning process, a school impact statement was prepared. Around 17 school-aged children were expected to come from these homes. The development could provide \$1.5 million dollars in property tax revenue generated after the cost of educating those children. Council Member Shull noted that New Albany Plain Local Schools Superintendent Sawyer spoke in favor of the project at an RFBA meeting. Council further discussed the impact of the age restriction and number of kids per household. Council Member Brisk appreciated that more residents would support the retail businesses and tax base without burdening the schools. She'd also watched "empty-nester" friends leave New Albany who would have liked an option to stay.

Mayor Spalding opened the Public Hearing.

Joe Butsko, owner of 7534 New Albany-Condit Rd. and trustee for 7510 New Albany-Condit Rd., stated that his family had been out there since 1966 and in the community since 1930. He enumerated three concerns. He was concerned about a ditch or creek that ran perpendicular to State Route 605 that abutted his property and was small but necessary for drainage. Another ditch in the area had disappeared. He expressed wanting a bigger culvert nearby. Tom Rubey, Development Director for The New Albany Company, replied that a culvert would be installed and



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

that EMH&T was working on the design. Other residents raised the same issues at the PC meeting and one of the conditions for approval was for Pulte Homes to meet with the residents. Mr. Rubey offered to add Mr. Butsko to that meeting by getting his information. Mr. Butsko stated being satisfied with that response. Mr. Butsko asked if SubArea "B" could include drive-thrus in association with the permitted use. He did not want fast foods to locate in the area. He further asked what the "civic building" was in the zoning text. Aaron Underhill, attorney for applicant, stated that the intent for SubArea "B" was not fast food restaurants and that C-1 uses in the city's code wouldn't allow that, but could accommodate a dry cleaner or bank. He stated the purpose of Subarea "B" was to provide neighborhood commercial services for the residents and some incidental traffic. Mayor Spalding asked if Mr. Underhill was committing to no fast food drive-thru. Mr. Underhill confirmed. Mr. Underhill also noted that drive-thrus were a conditional use under the city's zoning code and specific matters like that would require approval of the Planning Commission; and the zoning text did not permit a drive-thru for fast food. Mr. Underhill explained that the "civic building" was a club house or similar amenity structure. It would be a small building intended to serve just the development's residents. Mayor Spalding asked and Mr. Underhill confirmed there would be dedicated parking.

Claire Briscoe, 6252 Upper Albany Ct., stated that she resided on a cul-de-sac near a proposed, secondary construction entrance for the development. She was concerned about big construction vehicles using the cul-de-sac to turn around when kids were playing there. She requested a way to keep construction vehicles out of the cul-de-sac. She also observed that grandchildren often moved in with their 55 & older grandparents and she expressed skepticism that only 17 kids would be added to the school system. Additionally, she heard that SubArea "B" might be contain a laundromat instead of a dry cleaner and she was concerned about the kind of traffic generation by a 24 hour laundromat. Mr. Underhill committed to no laundromats. Regarding the secondary construction entrance, he responded that he didn't know where the secondary construction entrance was in the paperwork. He didn't believe it was in the zoning text and his intent would be for the main construction entrance to connect to State Route 605. They would assign traffic appropriately to try to keep it there. The city and the developer could both monitor the construction entrances. Mayor Spalding added that the phasing of the construction showed that the area to be accessed by the secondary entrance was the last part of the development. Mr. Underhill confirmed it was a later phase.

Rebecca Jenkins, Treasurer and Chief Financial Officer of New Albany Plain Local Schools, stated that the school had reviewed the financial impact statement and believed that the development was a benefit to the school district. The tax revenue generated far exceeded the projected costs of any students coming out of that development. The school was in favor of the project going forward. Mayor Spalding asked and Ms. Jenkins answered that even if the number of students was higher, the math was still favorable. Ms. Jenkins recalled that the net gain for the schools was approximately \$1.3 million.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

Aaron Hill, attorney for the applicant, opted to answer questions directed to him as they arose.

Lynda Williams, 7672 New Albany-Condit Rd., explained that her property was at corner of Walnut and State Route 605. She had been to almost every accident at that intersection and estimated there were two a year. She attended the last zoning meeting about this project and stated she was intrigued by the importance that was placed on New Albany's overall look and feel. The discussion emphasized, for her, that New Albany was a community that was based on quality, good people and good schools. When her family moved to her property 24 years ago, it was for the serenity, the beauty, the farm, the wildlife, and the rural atmosphere. Ms. Williams stated was not averse to having a residential community located across from her, however, she was concerned about the density. She didn't want to live in a community where the neighbors were so visibly and audibly close. She was very concerned that the city would approve something that wasn't the density that the community supported in the Rocky Fork Blacklick Accord and that community expected to live in the country.

Zoe Guirlinger, 7656 New Albany-Condit Rd, the told council that they were owners of Ultimate U Total Health. The Guirlingers had been in business in New Albany for about 11 years and lived in the community for about 15 years. She appreciated how beautiful and extraordinary New Albany was. She asked, "What is an accord?"

Mayor Spalding asked staff to explain the history and background of the Rocky Fork Blacklick Accord (RFBA) and its relationship to the city. Deputy Community Development Director Adrienne Joly stated that the RFBA dated back to the mid- to late-1990s. It was a planning process that the City of Columbus initiated with the Village of New Albany. Plain Township was invited to join but did not sign on initially. The Accord had been revised a couple of times in the mid-2000s to update particular areas. It was a guiding document offering land use policies and development standards to create a consistent level of design and cohesive community among areas under different jurisdictions. The Accord was an advisory document; Columbus' and New Albany's own processes and procedures still applied to their respective jurisdictions, but the RFBA created an advisory body that would review applications against the Accord guidelines and standards before it would enter a municipalities' process.

Ms. Guirlinger asked if there was a protocol for deviations from the Accord's guidelines. Deputy Director Joly answered that the Accord was not the same as zoning code. The RFBA was implemented through an advisory board made up of three appointments from each jurisdiction. Policy and advisory documents outlined principals and standards, and the advisory board, as implemented by the jurisdictions, had the ability to determine how it did or did not meet the standards in the Accord. Mayor Spalding added that the long-standing relationship of the city through the Accord had served the city well through the years. It gave New Albany a voice in development in neighboring jurisdictions.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

Mayor Spalding noted that there was debate about this zoning at the RFBA meeting. The advisory board voted 6 – 1 in favor of the project going forward to the New Albany Planning Commission. The “no” vote was made by a City of New Albany representative. Representatives from Plain Township and the City of Columbus voted “yes.”

Ms. Guirlinger told council that there was a perception in the community that the RFBA's protocols weren't followed and the development was pushed through because the “powers-that-be” wanted to see the project happen. She stated that she and her husband bought their home in large part because of the beautiful view. They were not opposed to a home development going in if it maintained the area's rural character. However, they were deeply concerned that they would lose that enduring quality. She believed existing neighbors would be glad to have a quality development. She asked if there was any way to reconsider, and was there no way to turn the tides and address the density in the parts that were bordering Bud Zappitelli's property and State Route 605.

Troy Guirlinger, 7656 New Albany-Condit Rd, wanted to reiterate Mr. Butsko's concern about the culvert situation. In the spring, their property became a lake and something was needed to expedite drainage. Council Member Fellows noted and Mayor Spalding concurred that the Guirlingers should be to the same list of neighbors as Mr. Butsko regarding that issue. Residents spoke up about a creek in that area which flooded. In response to Mayor Spalding's question, Mr. Guirlinger stated he spoke to Township Trustee Ben Collins about maintenance of a nearby ditch several years ago but not much was done. Mayor Spalding asked if the issue of SubArea “B” had been adequately addressed for Mr. Guirlinger and stated that it was.

Bud Zappitelli, 7558 Schleppe Rd., brought a Power Point presentation which was loaded and displayed in Council Chambers while he spoke. Mr. Zappitelli stated he had been a member of the community since 1992, that they had bought their home on Schleppe in 1997, and bought another house across the street in 1999. In 2007, he bought a property on New Albany-Condit Rd. In 2005 he ran successfully for a position as Plain Township Trustee and was still a trustee. In 2008, he helped the township sign on to the RFBA. He described his properties and noted where Canine Companions was built and where the Pulte development was planned. He showed his guest house as located 10 feet from the property line and where a Pulte home would be built 35 feet from the property line. He told council one of his biggest concerns was the density of the development that would be wrapping his property.

Mr. Zappitelli recited the dates that the proposed development went through the RFBA and PC, ending with the present council meeting. He told council that he was not surprised at the PC's action, but his biggest concern was with the RFBA process. He gave the definition of an accord and stated that there were the three parties involved in the agreement. He called out specific language from the Accord and stated that the parties all agreed to follow the advisory document. The purpose of the implementation panel was to evaluate applications for rezoning of land within



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

the accord area and provide recommendations to the planning body of the impacted political jurisdiction as to the compliance of the rezoning proposal within the tenets of the Rocky Fork Blacklick Accord. He stated that if the parties were expected to trust each other, then they needed to hold each other and the panel accountable to the standards in the document. He stated he had talked to the Western Licking County Accord people and they were nonbelievers. He noted that he had worked with many individuals on the zoning details and had made significant progress. He was comfortable having a development on the site, however, the density issue was a non-negotiable that the Accord panel failed to recognize in their approval of the development. On page 147 of the Accord, in rural residential, the standard was 1 unit per acre. The Accord also clearly stated that in-town residential, it was 1.5 units per acre if there was strict adherence to the design. The current proposal before council was 2.8 units per acre. Mr. Zappitelli presented selections of the Accord's by-laws highlighting the duties and authorities of the advisory panel and staff.

Mr. Zappitelli told council he believed there were some violations of the Accord and that his and others due process wasn't adhered to. He felt the City of New Albany's staff provided strong opinions of their desire to have the panel pass the zoning agreement and influenced the vote. He related that staff told the Chair of the RFBA that they did not need to put his legitimate question regarding the density issue to a vote. He wanted to have a vote on whether or not the proposed development was in violation of the RFBA. Land use plans were not followed. Density maximums were not held. Mr. Zappitelli stated that he believed the New Albany City Council was obligated to refer this matter back to the RFBA panel with instructions to re-hear the case and follow the Accord; and instruct staff to render only compliance or non-compliance advice. Mr. Zappitelli stated that the Western Licking Accord and council member's elections depended on this action.

Mr. Zappitelli read the mission statement of the Western Licking Accord. He reiterated not being against development, but against the density next to his property. He stated a need for more screening and setbacks. He read out quotes from local officials on his Power Point. He stated the rezoning could be sent back to the RFBA, which could deny the application, but then council could still pass it. Sending it back would be doing the right thing. Council Member Fellows asked how sending it back would change the judgments of the Accord members and change the RFBA's decision. Mr. Zappitelli said it was important to do it right. Council Member Brisk confirmed with Mr. Zappitelli that he was okay with the higher density, just not by his property. She asked how the Accord could approve the density but at the same time say the density was not okay in a particular location. Mr. Zappitelli said it if the RFBA had come out against the zoning, then the Planning Commission might have made appropriate changes where they impacted existing homes.

Council Member Durik asked and Deputy Director Joly answered that there were nine members on the RFBA panel, three from each municipality. She further responded to Council Member Durik that the panel voted on this zoning in March and Council Member Fellows noted that all members of the RFBA voted in favor of the zoning text except one member from New Albany. Mr. Zappitelli reiterated that New Albany staff influenced the RFBA vote. City Manager Joseph Stefanov recalled



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

that he and Community Development Director Jennifer Chrysler commented in the RFBA meeting that the panel was not obligated to conduct a separate vote on a particular issue in response to a property owner or an applicant. Council, staff, and Mr. Zappitelli debated whether the RFBA rules required the RFBA to vote on Mr. Zappitelli's issue.

Mayor Spalding observed that Mr. Zappitelli had been engaged in this process, had attended all of the relevant meetings, heard what everyone had to say, and knew that there was a score card for every project. Density was one of the factors on the score card. Mr. Zappitelli disagreed. He felt that if density wasn't met, that was a pass/fail decision for the Accord panel, not one consideration.

Council Member Fellows asked Mr. Zappitelli if he felt the Accord was set up so that members could make independent decisions. Mr. Zappitelli replied that he wondered how impactful staff's influence was. Council Member Fellows stated that he viewed the individuals on the RFBA that served the City of Columbus, Plain Township, and the City of New Albany as independent and able to make decisions. Council and Mr. Zappitelli discussed issues of density and school and traffic impact. Mayor Spalding acknowledged that no one asked for a development to go next to their property, but land owners had rights to their land. Mayor Spalding stated that empathized with people faced with a new development situation and might do the same in their shoes.

Council Member Shull asked and Deputy Director Joly answered that the "housing bank" was created around 2007 when council authorized a Status Agreement with The New Albany Company. The agreement, encompassing the housing and parkland "banks," memorialized a series of action, starting with the dedication of Swickard Woods which created a parkland "credit." The city's 1998 Planned Unit Development (PUD) establish density for the overall community at 1 unit per acre, but the "banks" allowed the city to be more flexible in the application of the density. As an example, when Straits Farms developed at more than 1 unit per acre, the developer could take from the balance in the "bank" to ensure that the overall impact to the community was no more than 1 unit per acre. Council and staff discussed other examples. The city kept track of the "balance" to assess the overall impact of development. To the extent that the developer needed density that exceeded what was normal, what was withdrawn from the "bank" would not be used elsewhere in the community. This was done to protect the schools.

City Manager Stefanov told council that the Abercrombie development was, at one time, listed as a residential development in the RFBA agreement. The parties to the Accord permitted the Abercrombie development to occur around 1998. He gave examples of other exceptions to the Accord approved by the RFBA panel. Staff believed the current exception was consistent with the actions of the panel in the past.

Council Member Shull asked and Mr. Underhill answered that the open spaces and leisure trails in the plan were placed according to environmentally sensitive areas, including an existing stream. Mr. Underhill discussed set backs on the subject property and Mr. Zappitelli's property. Council



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

Member Fellows asked and Mr. Underhill stated that he did not anticipate much change to the layout in the final development plan. Council Member Fellows asked and Mr. Underhill answered that The New Albany Company owned the land to the south of the development zoned Limited – General Employment (L-GE). Tom Rubey, Development Director for The New Albany Company, added that The New Albany Company continued to aggressively market the L-GE zoned land to companies similar to Nationwide and Aetna. Mr. Rubey heard from residents and council that “empty-nester” was lacking in New Albany and identified the subject land as a prime location for that use. Council and Mr. Rubey discussed the unknown impact of the development on residential property values.

Linda Williams, returned to the podium and stated that she didn't feel that the current residents objected to a housing development, but they were objecting to the density. She also questioned the quality of the development. She asked council to reconsider the zoning and not cheapen the homes because the residents were over 55.

Bill Resch, 5610 Morgan Road, stated that he had resided in New Albany for 48 years and that he appreciated New Albany's unique and valuable standards of requiring parkland and dedicated green spaces. The City of Columbus and Plain Township did not have these standards. The city wouldn't have Bevelhymmer Park if it weren't required of the developer who wanted a higher density in The Links. He understood Swickard Woods and Thompson Road parks to be valuable pieces of land which wouldn't exist except for developers using the “land bank.”

Zoe Guirlinger returned to the podium to state that most people would be okay if the higher density homes were closer to the City of Columbus. She observed that there seemed to be winners and losers and that it didn't have to be that way. She stated that some conversation and small adjustments could produce an outcome where everybody felt differently. She wanted to continue the conversation longer so everyone felt good about the decision being made.

Joe Butsko returned to the podium to state that the industrial park in his area meant cars, concrete trucks, and traffic. Thousands of employees commuted that way. Swickard Woods did not have an industrial park. The Butskos kept their lights on all the time due to the high density. Traffic would need to be addressed. The only way forward would be a traffic light or to widen the road. Additionally, Mr. Butsko wanted the developer who was showing sensitivity to the swamp and trees on the property to show sensitivity to the residents.

Mayor Spalding closed the Public Hearing and asked if council had any further comments.

Council Member Fellows asked about moving the housing grid around to put more green space where the development abutted Mr. Zappitelli's property. Mr. Rubey answered that the process to create the current plan started in March. One of the plans had more green space there, but the 250 foot setback from Walnut was recommended by staff, the Accord, the Strategic Plan, and Plain



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

Township. As a result, the five units closer to Walnut were repositioned. The agreed-upon setback from Mr. Zappitelli's property was greater than what New Albany's zoning code allowed. Mr. Zappitelli's guest house was 10 feet from his property line and encroachments from Mr. Zappitelli's property were found on the subject property. The New Albany Company was mindful of being respectful of the adjacent property owners and increased setbacks and landscaping in the plan.

Council Member Fellows moved to refer the matter back to the RFBA. Council Member Durik seconded and council voted with two yes votes and four no votes (Fellows, Brisk, Spalding, Marsh) on the motion. Motion failed.

Council Member Fellows moved to adopt the ordinance. Council Member Marsh seconded and council voted with five yes votes and one no vote (Durik) to approve Ordinance O-01-2017. Motion passed.

Mayor Spalding thanked the members of the public for coming out and exchanging views on the topic. He encouraged everyone to keep talking to see how the matter could be improved for everyone.

ORDINANCE O-07-2017

Mayor Spalding read by title AN ORDINANCE TO VACATE A 0.64 ACRE PORTION OF AN EXISTING DRAINAGE EASEMENT LOCATED ON LOT 7 IN HIGHGROVE FARMS AS REQUESTED BY THE NEW ALBANY COMPANY.

Engineer Mike Barker stated it was the city's policy to acquire drainage easements as a part of the platting process on all land area located within the 100-year flood plain. The 100-year flood plain limits were initially delineated by the Federal Emergency Management Agency (FEMA). Sometimes, more detailed field surveys of individual land area would show different elevations that those used by FEMA. In those instances, the property owner could send a Letter of Map Amendment (LOMA) to FEMA to change the established flood plain limits.

A survey was performed on the subject property which showed that 100-year flood plain limits were less than what was originally platted. A LOMA reflecting the updated survey was submitted to and approved by FEMA. The limits and maps had been updated. This process was consistent with New Albany's Codified Ordinance Chapter 1055. Engineer Barker described the area and showed a map. This ordinance would permit the reduction of the drainage easement to coincide with the new limits approved by FEMA.

Mayor Spalding and Council Member Durik asked whether the flood plain lines would be changed on adjacent properties to account for the new line on this property. Engineer Barker answered that FEMA delineated the lines and each property owner had the same opportunity to get a survey and apply to FEMA. Council and Tom Rubey, Development Director for The New Albany Company, discussed the exact location of the property.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

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. Mayor Spalding seconded and council voted with six yes votes to approve Ordinance O-07-2017.

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.
- 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: City Manager Joseph Stefanov reported that MORPC announced their Commuter Challenge which ran from June 1-June 30 and encouraged people to use alternative forms of transportation. MORPC also announced the projects to be constructed under the Transportation Improvement Program (TIP). Finally, MORPC was the recipient of the Energy Champion Award from AEP for 2016.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the Joint Parks heard an update on Miracle Field. Also, the Joint Parks received bids and were preparing to do some asphalt work at the Thomson Road Park. Public Service Director Mark Nemecek added that they met with the contractor at the location, had another meeting next week to go over the project, and, if all went well, the repaving would go forward in July.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk reported that the school board was in negotiations regarding employment contracts. The school board also planned on resurfacing the running track over the summer.

Mayor Spalding reported that he met with Superintendent Sawyers to talk about the 43054 Conference and opiate issues in the community, and briefly discussed the vandalism on campus. Mayor Spalding wanted to thank the New Albany Police Department for working with the NAPLS to find the perpetrators. The school was being proactive and hosted an impromptu meeting in the commons to address the issues brought up by the vandalism and to talk about tolerance.

- D. Council Representative to Plain Township: Council Member Marsh stated that the Township Trustees met, but did not discuss anything that impacted the city.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported that he and others had the opportunity to visit with Speaker of the United States House of Representatives, Paul Ryan. Mayor Spalding expressed his appreciation for how well New Albany's corporate partners represented the city.

- B. Clerk of Council:

Englefield Inc dba New Albany Duchess/Freight Sales Inc dba New Albany Duchess – Clerk Mason reported to council that the New Albany Duchess had withdrawn their request for a permit for sampling and tasting on the premises. They were only renewing their C1, C2, and D6 permits. Clerk Mason polled council who did not request a separate hearing on the matter.

Clerk Mason reminded council about Founders Day parade preparations. Council Member Shull stated there would be six to eight kids present to help distribute candy.

- C. Finance Director: City Manager Joseph Stefanov reported that the city was waiting on the final auditor's report but, to his knowledge, there were no issues. He also stated that they city was very close to finding a Finance Director and he hoped to have a candidate for council to interview at the June 6th council meeting.
- D. City Manager: City Manager Joseph Stefanov reported that staff was working on finding a candidate for the new Human Resources position. He hoped the have that position filled in June.
- E. City Attorney: No report.



NEW ALBANY CITY COUNCIL MEETING MINUTES

May 16, 2017

OTHER BUSINESS:

NONE.

POLL FOR PUBLIC COMMENT:

Bill Resch, 5610 Morgan Road, stated that if anyone had not yet been in the Ealy house, it would be open on Founders Day.

Jim Endsley, Jersey Township Trustee, told council that he was present because he understood from a phone call that there would be other people from Western Licking County or Jersey Township that would maybe be there. He stated he didn't know if the zoning change was the right thing to do or not, but it seemed like the development was well-planned, and there was a lot of thought and interest in trying to work with people out there. Mr. Endsley stated that if the property developed the way The New Albany Company originally planned and put a building there, that set back could have been much less to Mr. Zappitelli's property. Mayor Spalding spoke about the long and positive process of the creation of the Western Licking County Accord and thanked Mr. Endsley for his comments.

POLL FOR COUNCIL COMMENT:

NONE.

EXECUTIVE SESSION:

Mayor Spalding moved to go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; Ohio Revised Code 121.22(G)(4) for preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment; and New Albany Charter Section 4.03 (E) for economic development purposes. Council Member Shull seconded and council voted with six yes votes to go into executive session at 9:00 p.m.

Council Member Fellows moved to come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with six yes votes to come out of executive session at 10:20 p.m.

OTHER BUSINESS:

Board and Commission Appointments:

Rocky Fork Blacklick Accord

Council Member Fellows moved to appoint Mohit Gupta to a future term on the Rocky Fork Blacklick Accord of 7/1/2017 through 6/30/2020. Council Member Durik seconded and council voted with six yes



**NEW ALBANY CITY COUNCIL
MEETING MINUTES**

May 16, 2017

votes to appoint Mohit Gupta to the Rocky Fork Blacklick Accord to a future, three-year term starting July 1, 2017.

New Albany East Community Authority

Council Member Fellows moved to appoint Council Member Durik as the Local Government Representative to the New Albany East Community Authority. Mayor Spalding seconded and council voted with six yes votes to appoint Council Member Durik to the New Albany East Community Authority two year-term starting May 15, 2017.

Cemetery Restoration

Mayor Spalding noted that council initially indicated it would discuss cemetery restoration under Other Business, however, due to the late hour he suggested postponing to the next council meeting and council agreed.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Fellows seconded to adjourn the May 16, 2017 Regular Council meeting at 10:22 p.m.

ATTEST:

Jennifer H. Mason, Clerk of Council

Colleen H. Briscoe, President *Pro Tem*

6/6/17
Date