



## Council Minutes – Regular Meeting

January 19, 2021

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of January 5, 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, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Deputy Public Service Director Mike Barker, Engineering Manager Ryan Ohly, and Clerk of Council Jennifer Mason. Staff tele-present were Law Director Mitch Banchefsky, Community Development Director Jennifer Chrysler, Finance Director Bethany Staats, Public Service Director Mark Nemec, Planning Manager Stephen Mayer, Engineer Ed Ferris, 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 – Tele-present
CM Marlene Brisk	P
CM Michael Durik	P – Tele-present
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

### **ACTION ON MINUTES:**

Mayor Spalding asked if council had reviewed the proposed January 5, 2021 organizational meeting minutes and if there were any additions or corrections. Hearing no changes, Mayor Spalding moved to adopt the January 5, 2021 regular meeting minutes. Council Member Fellows seconded and council voted with six yes votes and one abstention (Brisk) to approve the January 5, 2021 organizational meeting minutes.

Mayor Spalding asked if council had reviewed the proposed January 5, 2021 regular meeting minutes and if there were any additions or corrections. Council Member Shull found that Council Member Brisk had seconded the adjournment although she was not present. That should have been Council Member Briscoe. The correction was made to the original. Hearing no further changes, Mayor Spalding moved to adopt the January 5, 2021 regular meeting minutes. Council Member Fellows seconded and council voted with six yes votes and one abstention (Brisk) to approve the January 5, 2021 regular meeting minutes as corrected.

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

Clerk Mason recommended that the Executive Session be stricken as she had no items for discussion on board and commission appointments. All those approached had stated their willingness to be reappointed. Council Member Fellows moved to strike the Executive Session. Council Member Kist seconded and council voted with seven yes votes to strike the Executive Session from the meeting.



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### **HEARING OF VISITORS:**

NONE.

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting

ACHITECHTURAL REVIEW BOARD: Council Member Durik reported that the ARB approved a variance for signage for Infinite Church which was taking over the Noah's Event Center property. The ARB discussed the school's use of orange barrels and security barriers for school pick-up/drop off. The ARB questioned whether there would be more permanent solutions in the future.

BOARD OF ZONING APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: Council Member Brisk reported that the IDEA Committee did some breakout sessions. They talked about how members wanted to move forward and what they wanted to learn. They discussed definitions of equity, diversity, and inclusion. There was a short review of the results from the city survey. The Committee's intention was to start meeting regularly monthly.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE.

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

#### **ORDINANCE O-01-2021**

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 3.35 +/- ACRES OF LAND LOCATED AT 4093 REYNOLDSBURG NEW ALBANY ROAD AND 6 HAWKSMOOR DRIVE FROM ITS CURRENT ZONING OF RESIDENTIAL ESTATE (R-1) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY D&H HAWKSMOOR PROPERTIES LTD., c/o AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer explained that this was rezoning of two parcels of land, one within the Hawksmoor subdivision and one on an existing lot along Reynoldsburg-New Albany Road. Both parcels

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allowed for single family residential uses. No new lots were being created, therefore, there were no new plat, open space, or park requirements. This zoning text incorporated the more stringent architectural design standards of the Hawksmoor subdivision. The language modified some setbacks and added new tree preservation areas. There was an existing 30 foot wide tree preservation zone on the northwest corner of Lot 6, and the setback area had been reduced from 50 foot to 30 foot to match the tree preservation zone. All of the lots in Hawksmoor had 30 foot tree preservation zones. Since this was I-PUD zoning, the property owner would have to go back to the Planning Commission (PC) for approval of the final plan which included landscaping. Neighbors within 200 feet would be notified of the PC hearing.

This rezoning created an extension of the Hawksmoor subdivision, was consistent with the surrounding area, and matched the 2014 Strategic Plan density recommendation. The Planning Commission recommended approval at their December meeting. Aaron Underhill, attorney for applicant, was present to answer questions.

Council Member Briscoe asked and Manager Mayer answered that there was no change to the tree preservation zone in the northwest corner of the western lot, however, the building setback was changing from 50 feet to 30 feet to match the tree preservation zone. There were no other setback changes. Council Member Shull asked and Manager Mayer confirmed that the entrance for Lot 19 was off of Reynoldsburg-New Albany Road.

Aaron Underhill, attorney for applicant, stated he had been in contact with the neighbor to the north of the property regarding setbacks. There was an existing lot which fronted on Reynoldsburg-New Albany (RNA) Road. The existing home was demolished. The applicant was looking to create two, relatively equal-sized lots. One lot was already in Hawksmoor and a lot line was being moved to better equalize the acreage. In addition to applying the more stringent Hawksmoor standards, the applicant was committing to a rural setback along the frontage of RNA. That lot was currently zoned R-1 which contained a 50 foot setback. Homes built along RNA more recently were set back around 130 feet. The applicant was committing to increase that setback, preserve the feel – make it consistent along RNA. The new homes would expensive custom-builds. The final plans would be subject to an unusual second review. That would be another opportunity for the neighbors to weigh in.

Mayor Spalding opened the Public Hearing.

Shawn and Rebecca Vadala, 4107 Belmont Place South. Mr. Vadala had been a resident of New Albany for 18 years. He showed council three PowerPoint slides (attached). He described the views from his home and expressed concerns about proposed zoning which reduced a building setback by 20 feet. They apologized for not realizing the situation prior to the December 21<sup>st</sup> Planning Commission (PC). They received the initial notification regarding the proposed zoning meeting, but the initial meeting was canceled and rescheduled to December 21, and they overlooked the rescheduled meeting. They did not realize the rezoning proposal would attempt to reduce the setback. They did review the PC minutes and noticed there were favorable comments about the increased property setback in the earlier presentation, but no discussion regarding the reduced setback on the northwest property line. The reduced setback would decrease the

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value of their property, especially since their primary windows faced this property line. It was also in close proximity to their outdoor patio space.

Mr. Vadala questioned how one could reduce a setback that was directly next to a tree preservation area. From an environmental perspective, one would not want to build anything next to a tree preservation area and there should be some sort of a natural setback from the trees. The new lot would be 1.7 acres. They struggled to understand why a lot of that size would need a reduced setback and could not find another solution. They noticed that Lot 6 and Lot 19 each had 50 foot setbacks on either side of their shared property line, and the Vadalas would appreciate if the same courtesy could be granted to them. Finally, there was no current buyer for the lot or any specific building plans.

Mr. Vadala was able to share his concerns with the developer that afternoon. The developer said he would discuss it with his team. Mr. Vadala also spoke with Mr. Underhill and had good conversations but, unfortunately, the offer still did not address the Vadala's primary concern and their hadn't been sufficient time to interact or resolve the matter.

The Vadalas objected to the proposed zoning ordinance. They didn't understand why eliminating the 20 foot setback was necessary. They greatly appreciated support from the council. At a minimum, they would appreciate if the topic could be tabled to allow more time to interact with the developer and his team.

Council Member Fellows asked and Mr. Underhill answered that none of the trees in the tree preservation area would be removed. South of that, the developer would be permitted to remove trees. It would largely depend on the kind of home where it was built on the lot. The 50 foot setback was really starting to squeeze the developer there. They wanted the flexibility to fit in a home that fit in with the neighborhood.

Council Member Briscoe asked and Mr. Underhill confirmed that the proposed tree preservation zone was the same as in the existing zoning along the northern property line. The current zoning showed a rear yard by the tree preservation area which called for a 50 foot setback. The new zoning reduced that setback to 30 feet. Mr. Underhill had offered a compromise proposal.

Council Member Kist asked what the setbacks would be for a rear yard versus a side yard in similar neighborhoods. Manager Mayer answered that, typically, side yard setbacks were smaller than rear yard setbacks. Straight R-1 residential zoning called for 20 feet for a side yard and 50 feet for a rear yard. The setback was just for the building. Tree preservation was not part of R-1 zoning. The Lot 19 tree preservation area contained more requirements than a typical setback. In newer developments, you need anywhere between 5-10-15 foot side yard setbacks depending on the subdivision density.

Mr. Underhill stated that in R-2, R-3, and R-4 residential districts the rear yard setback was 30 feet. Council Member Briscoe asked and Mr. Underhill confirmed that the subject tree preservation area was entirely contained on Lot 6. Council Member Durik asked and Mr. Underhill replied that typical setbacks in Hawksmoor were 30 feet, per Mr. Underhill's PowerPoint slides (attached).

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Council Member Kist asked and Manager Mayer replied that when a side yard met a back yard, the distance between them was the combined sum of the two setbacks. Council Member Shull and Mayor Spalding asked and Manager Mayer replied that homes were typically required to face the street. Given Lot 6's "flag" shape, the applicant had built into the zoning text to allow for the house to face either west or south, or possibly both. The PC would review the plan with the final orientation. Council Member Shull and Mayor Spalding discussed how a 50 foot setbacks along the northern property line would cover either home orientation.

Mr. Underhill described the standards in R-2 and R-3 residential districts - side yard setbacks were 10 feet. In the event that the northern property line would be a side yard, this zoning would provide 20 to 30 foot setbacks. If the northern property line would be a rear yard, a 30 foot minimum setback was required. The Vadalas had 20 foot setbacks from the shared property line. The Vadala's closest structure was their garage. What the applicant was asking for was consistent for even the larger homes in the area.

Council Member Fellows asked and Mr. Underhill confirmed that he was willing to continue to talk to the Vadalas. Mr. Underhill described the distance from Mr. Vadala's patio window to the far side of the tree preservation area. Mr. Underhill told council he was proposing an additional 10 foot building setback stretching 120 feet in the hashed out area of his PowerPoint slide. Council and Mr. Underhill discussed how trees could be removed in the additional setback, the value of trees, and the unfinished plan for the site.

Council Member Durik asked why the developer didn't apply for a variance once the home location was decided on and planned. Mr. Underhill answered that it was difficult to spend time and effort designing a custom home with a variance as a presumption. Mr. Underhill talked about the geometry of the lot.

Mr. Vadala stated he appreciated Mr. Underhill's compromise proposal. His patio window view line was still not addressed. All the other homes in Hawksmoor, they fit on their lots with the existing setbacks. That was something he attributed to the value of his home when he purchased it. It would decrease the value of the Vadala's home to enhance the value of Lot 6.

Council Member Fellows asked and Mr. Vadala answered that they did anticipate the possibility of a home being developed on that lot. They also understood that there was a tree preservation area there. He didn't want to say he understood every dimension of it, but he knew there was a tree preservation area and would presume that there would be setbacks. At the same time, he would never have envisioned that a home would be built in this "L-shaped" lot. He would have assumed the development would have been on the southern part of Lot 6, off of Hawksmoor, like all of the other homes. He wouldn't have viewed it as a serious risk that they would be able to build a building within 30 feet of his property line.

Ryan Swincicki, 4110 Sudbrook Square East, addressed council. This ordinance also impacted his views outside his bedroom and back yard. As he understood it, the ordinance and changes suggested, he wanted to voice his concerns and object to the change of the setback from 50 feet to 30 feet. Council Member Kist asked and Mr. Swincicki did not have any comments on Mr. Underhill's compromise. Mr. Swincicki preferred to keep the 50 feet.

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Paul Neumoff, 773 Fenway Road, addressed council. The area impacted was privately owned land, but it was essential to the aesthetics of the neighborhood. It provided a nice barrier between the Fenway neighborhood and Hawksmoor. Recognizing that we're talking about a barrier that would enable 30 feet of tree retention and 20 feet of building retention – he thought that Planning Commission did a fantastic job the first time they approved the 50 foot barrier. He had been in the neighborhood since 2007 and could attest to the property that Mr. Vadala described, have spent many an evening there with the prior owners. He had referred to that back patio space as “the best space in New Albany Village,” backing on to all those trees. It provided great aesthetic there. He agreed – he was not a botanist – that a reduction from 50 feet to 30 feet – he struggled to see how to retain 30 feet of trees while putting a building right up next to it. He had concerns about that. On the principle of fairness and working with your neighbors, he had a hard time with – to Mr. Vadala's point – to reduce the value of Mr. Vadala's property to increase the value of a property next door. It jumped out at Mr. Neumoff that they were requesting to reduce a 50 foot buffer. It struck him as almost a taking from one neighbor to give to another.

The neighbors on Lots 4, 3, 2 and others in Hawksmoor – the existing property could well accommodate a home on the southern portion of that lot like the rest of the neighborhood. The space in the back – again, the request was to expand the building space to enable a large-sized home that was more reflective of the property to the west. He thought a council member commented that, perhaps if there was a design to be considered – something told him you could fit a pretty large home on the property under the existing zoning consideration on Hawksmoor Drive. Representative of the neighborhood, in terms of the aesthetic, he thought it was important – as he looked deeper into the proposal at the December 21<sup>st</sup> PC meeting – it struck him a couple of those things seemed really inequitable to the existing homeowners – and that the existing zoning and restrictions seemed appropriate.

Council Member Fellows agreed with Mr. Neumoff that the wooded area was a benefit to both the neighborhood and to the community at large. As many trees as the city could preserve there - it was best for everyone. Council Member Fellow thought further dialog with Mr. Underhill, to see if they could make a compromise to satisfy all parties – to preserve as many trees as possible and have that lot developed to the satisfaction of the developer.

Council Member Kist understood patios or similar could not encroach into a tree preservation zone. Patios could be installed in a setback, but not a building. This tree preservation zone was 30 feet of nothing. How close could someone build the house to a tree preservation zone and still preserve the trees? Manager Mayer answered that there was no additional buffer between the tree preservation zone and where a home could be built. This was a 30 foot preservation zone that, under the new language, would also act as the building setback. You could build a home up to that tree preservation zone in this case. In theory, one could build up to the tree preservation line, but plat did not allow disturbance of that zone, so there would be construction limitations. Manager Mayer read the exact language of the plat.

Mr. Underhill observed, “you hate to be last to the party.” He noted many setbacks in the vicinity had no trees. He found it hard to believe the lot north of Lot 6 wasn't at one point forested, too. The new lot was bearing all the burden of tree preservation. They were respecting the setbacks in the area, and code requirements, plus tree preservation on top.

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Aaron Case, owner the property directly north of Shawn and Rebecca Vadala, addressed council. He struggled with keeping a buffer between him and another neighbor, so he shared Mr. Vadala's sentiment. Losing a buffer between two property lines was difficult. He echoed Mr. Neumoff's comments also. He would be in objection to changing that preservation zone.

Mr. Underhill clarified that the applicant was not minimizing a 50 foot tree preservation zone. They were keeping the existing 30 foot tree preservation zone. They were only talking about a difference in setbacks. Patios could encroach and trees could be removed, or clear cut, in a 50 foot building setback, if the owner wanted to do so.

Council Member Briscoe asked and Mr. Underhill answered that he did not need a vote at this meeting. Council Member Briscoe suggested tabling this matter. Since some folks missed the PC meeting, this would give Mr. Underhill and the neighbors more time to talk and reach some kind of agreement. Council Member Kist observed this discussion felt like a PC meeting and supported tabling if the matter was not too time sensitive. Other council members concurred.

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

Council Member Briscoe moved to table the ordinance. Mayor Spalding seconded and council voted with seven yes votes to table Ordinance O-01-2021. Council clarified that the matter was tabled to the February 2, 2021 regular meeting.

#### **ORDINANCE O-02-2021**

Mayor Spalding read by title AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL."

Clerk Mason told council that Section 4.04 of the city's charter authorized council by ordinance to annually determine its compensation. Compensation was also set forth in the city's codified ordinances. This ordinance increased council salary by 1.5% which was the same as what city staff received in 2021. The amount was appropriated in the 2021 budget.

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 Fellows seconded and council voted with seven yes votes to approve Ordinance O-02-2021.

#### **INTRODUCTION AND FIRST READING OF ORDINANCES**

#### **ORDINANCE O-03-2021**

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Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR NOTTINGHAM TRACE, PHASE 2A, AS REQUESTED BY PULTE HOMES.

Engineering Manager Ohly told council this ordinance would accept the water line, sanitary sewer, street and storm sewer improvements and appurtenances for Nottingham Trace Phase 2A. Prior to the second reading of the ordinance, the developer would be required to submit a two-year maintenance bond, an engineering inspection fee deposit, and a five-year settlement bond. Prior to second reading, any infrastructure items which could not be completed due to weather conditions would be identified, and either a performance bond or escrow check would be submitted. The weather-delayed items would have to be installed by July 30, 2021. Manager Ohly listed with specificity all the items that would be accepted with this ordinance.

Council Member Fellows asked Manager Ohly replied that, to his knowledge, there would be no difference in the price points between Phase 1 and Phase 2. The developer elected to split the construction up into four phases. Phase 1 consisted of 57 parcels, and 27 of those were in construction or completed.

Mayor Spalding asked and Manager Ohly answered that he would have to check when the subdivision would connect with Winterbek Ave. He anticipated it would happen during Phase 4 which had a targeted completion date of summer of 2022. Council Member Fellows asked and Manager Ohly stated that all of the amenities were accepted with Phase 1 and were completed.

Mayor Spalding set the ordinance for second reading at the February 2, 2021 council meeting.

#### **ORDINANCE O-04-2021**

Mayor Spalding read by title AN ORDINANCE TO MODIFY THE SPEED LIMIT FOR A 1.3 MILE SEGMENT OF U.S. 62 WITH THE SOUTHERN LIMIT BEING THE EXISTING 35 MPH SPEED ZONE SOUTH OF THURSTON HALL AND THE NORTHERN LIMIT BEING CENTRAL COLLEGE ROAD AND TO REPEAL ANY AND ALL SPEED LIMIT ORDINANCES AND RESOLUTIONS ALONG THIS ROADWAY SEGMENT.

Deputy Public Service Director Mike Barker told council that the US 62 segment running from Thurston Hall/Theissen Road up to Central College Road had a 50 mph speed limit. A speed study supported a reduction down to 45 mph. This 5 mph reduction was needed to design a lower speed roadway for the 161/US 62 interchange improvement project which would include narrower lanes, curbed medians, dedicated bike lanes, and separated leisure trails. The city wanted safer pedestrian-oriented improvements. Additional safety benefits of lower speeds included fewer and less severe crashes, and reduced traffic, noise, pollution, greenhouse gasses, and fuel consumption. The city's preference would be to achieve an even lower limit, however, that couldn't be accomplished until actual roadway speeds came down.

Council Member Shull asked and Deputy Director Barker answered that 35 mph design guidelines were the same as 45 mph guidelines. The city could potentially reduce the speed limit to 35 mph after project construction. It was the city's intent to implement a design with traffic calming measures. Whether the speed



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limit could be further reduced from 45 mph would depend on the traffic, especially in a post-COVID environment.

Council Member Brisk asked and Deputy Director Barker replied that this speed change would be immediately implemented on the effective date of the ordinance. There was a public notice process and message board requirement, and many signs would be posted regarding the speed reduction. Council Member Brisk asked and Deputy Director Barker answered that the interchange improvement project was scheduled to begin in the summer of 2021. The traffic light at Theissen Road was part of Phase 1. Some supplemental roadway improvements would also be made in that area. On/off ramp improvements would begin in 2022. There would be an intentionally phased traffic maintenance plan. The city wanted to be very mindful of traffic impacts and business interruption.

Council Member Fellows asked and City Manager Stefanov replied that the city was satisfied with the improvements at the Central College and US 62 intersection. There were significantly fewer crashes. Council Member Fellows thought that intersection might be an appropriate place for a roundabout. Police Chief Greg Jones confirmed the number and severity of accidents had gone down. Council and staff discussed the commercial and residential areas there and the cost of improving that intersection, some portions of which were outside city limits.

Mayor Spalding set the ordinance for second reading at the February 2, 2021 council meeting.

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

**RESOLUTION R-04-2021**

Mayor Spalding read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR A CABLE BARRIER PROJECT ALONG S.R. 161 LOCATED BETWEEN HAMILTON ROAD AND THE FRANKLIN/LICKING COUNTY LINE, A PORTION OF WHICH IS LOCATED WITHIN THE CITY OF NEW ALBANY.

Deputy Director Barker told council the cable barrier would be installed by the Ohio Department of Transportation (ODOT) along the center median of State Route 161. It would be 8 to 10 feet north of the center of the 50 foot grass median. The barrier would prevent accidents from crossing over the median and entering into oncoming traffic. The project would be fully funded and installed by ODOT. This consent legislation would acknowledge that the project would happen within the city limits and also to allow the city accept the long term maintenance responsibility. ODOT was expected to sell the project in May and complete it this summer.

Council Member Fellows asked and City Manager Stefanov confirmed it would be the city's responsibility to fix the barrier any time it was damaged within the city limits. Council Member Briscoe asked and Deputy Director Barker replied he didn't know the maintenance costs. ODOT had enhanced their design to make it stronger. All center posts would be installed in a strip of concrete rather than grass. It would be easier to mow around and repair. Council Member Kist asked and

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Deputy Director Barker answered that he expected the cable barrier to last for 25 to 30 years. Perhaps some upkeep at 15 years. City staff would keep an eye on corrosion and rust.

City Manager Stefanov recalled that the city had requested this project and expected to have to pay some portion. Because of the timing, Columbus coming to the table, and MORPC's facilitation, ODOT committed to 100% of construction cost estimated around \$1.5 million. This project would not impact a potential widening of State Route 161. The cable barrier would stop at the Franklin County line. In the future, to continue it into Licking County, the city would have to work with ODOT District 5. Council agreed that stopping any cross-median accident was worth it.

Council Member Shull moved to adopt the resolution. Council Member Brisk seconded and council voted with seven yes votes to approve Resolution R-04-2021.

**RESOLUTION R-05-2021**

Mayor Spalding read by title A RESOLUTION TO AMEND THE CITY'S GROUND LEASE WITH THE NEW ALBANY PLAIN LOCAL JOINT PARK DISTRICT TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF THE NEW ALBANY MIRACLE FIELD.

City Manager Stefanov told council that the New Albany Miracle League applied to the Mirolo Foundation and was awarded a grant on the condition that their lease was increased from ten to twenty years. The Foundation wanted to ensure that the donation would be used to provide a ballfield for children with mobility issues to be able to play baseball. The initial lease was executed in April of 2018. There would be seven years on that lease by the time the field was ready for play. The ceremonial groundbreaking had occurred and construction was underway. The Miracle League had the money to get started. The Foundation money would help build out Phase 1, including the dugouts and backstop.

The attachment to the resolution was the amendment extending the lease to 20 years, but did not otherwise change the language in the original document. Failure to maintain the facility was grounds for termination.

Council Member Shull asked and City Manager Stefanov discussed Mirolo Foundation's potential reasons for the lease extension. Council Member Shull's concern was more about the field, the quality of the turf after 10-12 years, and the repair or potential replacement of the field. City Manager Stefanov confirmed that the New Albany Miracle League was responsible to correct problems within 90 days or the city had the option to cancel the lease. The city also had the ability to make repairs and charge back the cost, if needed.

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 Kist seconded and council voted with seven yes votes to approve Resolution R-05-2021.

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**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. Mayor Spalding asked Law Director Banchefsky to report on the lawsuit regarding the state's income tax collection on behalf of municipalities in the near future.

**REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No meeting.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported that the school board chose John McClelland as president and Debbie Kalinosky as vice president at their Organizational Meeting. The district was still dealing with the quarantine protocols, making it difficult to have in-school classes. They began on-line only this session, then switched this week to hybrid learning. The intent was to go all-in next week. They were looking for clarification from the Franklin County Board of Health regarding quarantine protocols.
- D. Council Representative to Plain Township: Council Member Durik reported the Township trustees mostly worked on administrative matters and expense approval.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: No report.
- B. Clerk of Council: No report.
- C. Finance Director: No report.

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D. City Manager: Administrative Services Director Adrienne Joly told council that they received only one Request for Proposal from New Albany Parks and Recreation for the retired street signs. They proposed to hold an on-line auction to support the Michael Lucey Basketball Complex and the Miracle Field. She offered to distribute the proposals to council and take feedback. Council supported the money going to those projects.

E. City Attorney: No report.

**POLL FOR PUBLIC COMMENT:**

NONE.

**POLL FOR COUNCIL COMMENT:**

Council Member Kist reported that the Community Events Board was working on a drive-thru egg giveaway on April 3<sup>rd</sup>. The usual Springfest programming would not be viable this year. Hans Schell was reaching out to the Franklin County Board of Health for guidance. Council members could potentially participate.

**EXECUTIVE SESSION:**

*Clerk's note: this agenda item was stricken under Additions or Corrections to the Agenda.*

**OTHER BUSINESS:**

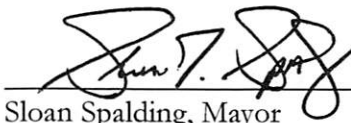
Council Member Kist moved to reappoint the board and commission members to the positions and terms set forth on the Memo from Clerk Mason to Council dated January 15, 2021 (attached). Council Member Fellows seconded and council voted with seven yes votes to reappoint the board and commission members per the January 15, 2021 memo.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Fellows seconded to adjourn the January 19, 2021 regular council meeting at 8:27 pm.

ATTEST:

  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

2/2/2021  
Date

**View from Living Room window**  
(4107 Belmont Place)

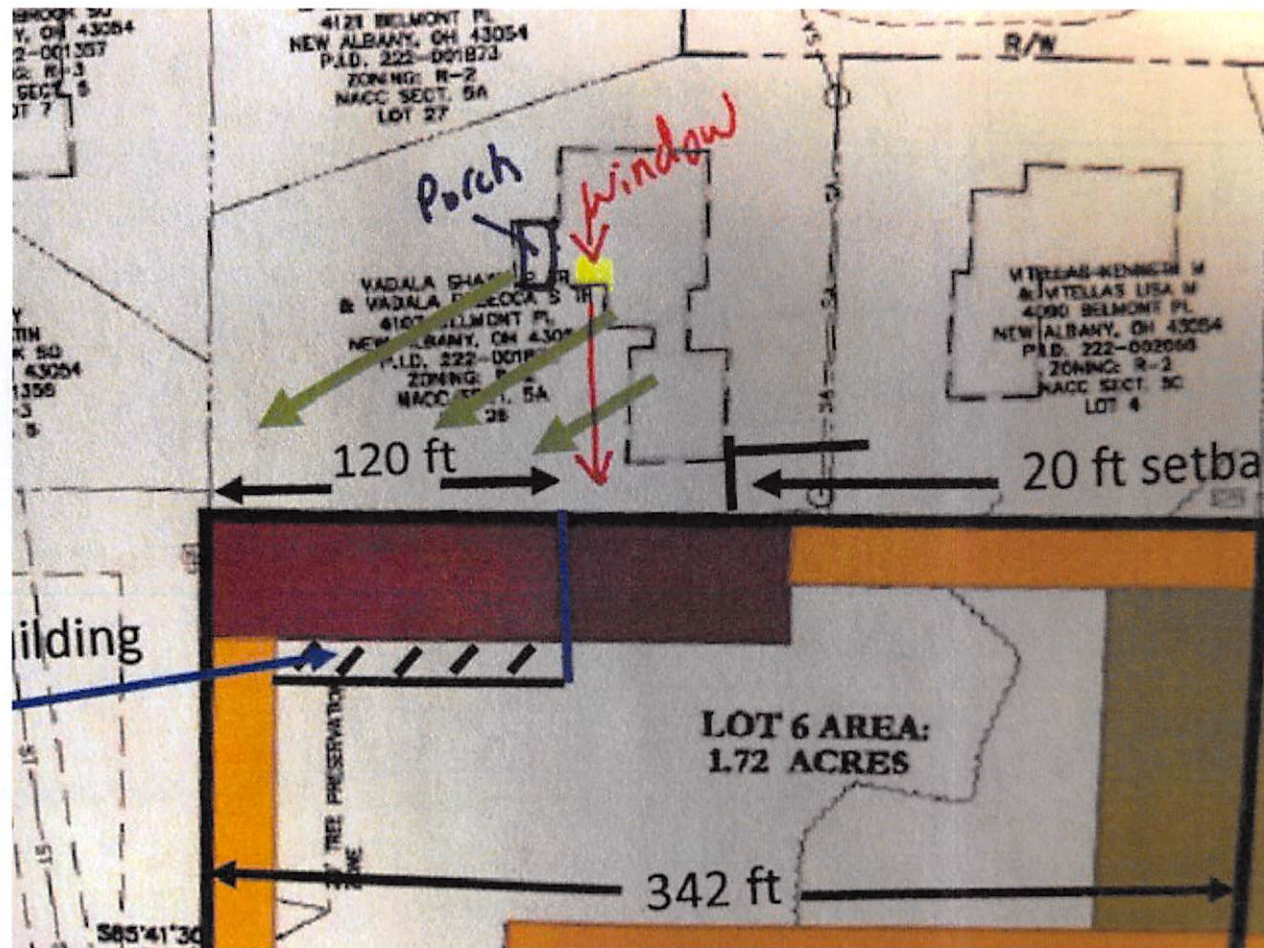




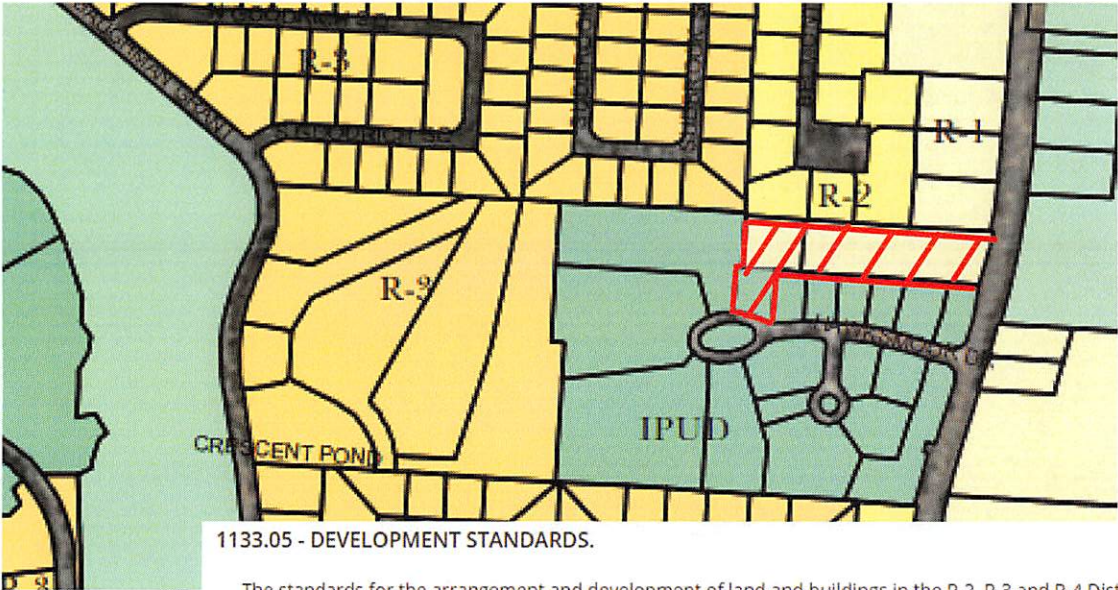
**View from Back Patio**  
(4107 Belmont Place)



## Back Window Positioning (4107 Belmont Place)







1133.05 - DEVELOPMENT STANDARDS.

The standards for the arrangement and development of land and buildings in the R-2, R-3 and R-4 Districts shall be according to the following schedule:

District	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Width on Curving Street (ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard Depth (ft.)
R-2	20,000	100	60	30	10	30
R-3	15,000	90	50	30	10	30









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TO: Council

FROM: Jennifer Mason, Clerk of Council

DATE: January 15, 2021

RE: Board and Commission Appointments

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This memo details those willing to be reappointed to board and commission positions

**Architectural Review Board**

3 year terms

- Jon Iten is willing to be reappointed to the term 1/1/21-12/31/23
- Sarah Briggs is willing to be reappointed to the term 1/1/21-12/31/23

**Board of Zoning Appeals**

3 year terms

- Kirk Smith is willing to be reappointed to the term 1/1/21-12/31/23
- Kerri Mollard is willing to be reappointed to the term 1/1/21-12/31/23

**Cemetery Restoration Advisory Board**

3 year terms

- Brian Zets is willing to be reappointed to the term 1/1/21-12/31/23
- Thomas Shockey is willing to be reappointed to the term 1/1/21-12/31/23
- Bill Resch is willing to be reappointed to the term 1/1/21-12/31/23

**Income Tax Board of Appeals**

2 year terms

- David Wallace (Council appt.) is willing to be reappointed to the term 1/1/20-12/31/22
- Paul Fullerman (City Manger appt.) is willing to be reappointed to the term 1/1/20-12/21/22

**Planning Commission**

3 year terms

- Brad Shockey is willing to be reappointed to the term 1/1/21-12/31/23

**Parks and Trails Advisory Board**

3 year terms

- Abbey Brooks is willing to be reappointed to the term 1/1/21-12/31/23
- Bill Resch is willing to be reappointed to the term 1/1/21-12/31/23