



# Council Minutes – Regular Meeting

January 2, 2024

## CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of January 2, 2024 at 7:19 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Benjamin Albrecht, Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Police Lieutenant Kris Daniels, Economic Development Manager Sara Zeigler, Engineering Manager Cara Denney, Public Service Director Mike Barker, Public Information Officer Josh Poland, and Clerk of Council Jennifer Mason.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P
CM Andrea Wiltrout	P

## ACTION ON MINUTES:

Clerk Mason explained that she and Director Staats clarified some of the language under O-107-2023 final 2023 appropriations and O-109-2023 Blacklick TIF extension after distribution of the minutes, but the changes were not substantive. Council adopted the 12/19/23 meeting minutes by consensus.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE

## HEARING OF VISITORS:

Greg Mantor, 6401 Kitzmiller Road. Mr. Mantor stated his property was about ¼ mile south of Central College Road on just under 5 acres. He moved to New Albany in January of 1980. He appreciated how growth had been handled. Ben Hale used to give talks to the community at Mr. Mantor’s prior home. He had bought the land on Kitzmiller a few years ago and wanted to build an additional home on the property. City staff told him that made it a subdivision, therefore he would need curbs, berms, street lights, and right-of-way, despite it being 2 homes on a country road. Staff hadn’t visited the property. Staff gave up on some requirements because they didn’t exist elsewhere on the street. He was told staff looked at these requests on a case-by-case basis. He would have to file 2 plats at a cost of \$1,750 and \$1,650, as if it were a subdivision, thereby requiring a more expensive survey. There was no sewer, so he was not getting all the city services. Franklin County consultants came out regarding installing septic systems and their filing fee was only \$150. New Albany city staff brought up leisure trail and/or fee in lieu. Mr. Mantor said there was no trail on the road and no future plans for one. That was wrong. He could put one in. It was another expense. City staff told him he had to plant specific trees every 30 feet across the front of his property at his cost. There were easements on his side of Kitzmiller Road. Mr. Mantor described how trees on his frontage would create a

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snow fence next to a narrow road with no berms or curbs, but a 3-foot drop-off, creating a danger to vehicles. Lastly, he was told he would have to donate 20% of his land, around 1 acre, or pay \$55,000 in lieu of the donation. Mr. Mantor totaled his expenses, including legal counsel, to around \$100,000 for the right to build a second house on a property he already owned because the city said it was a subdivision. He was trying to add 2 nice homes and increase the tax base of the property 4-5 fold. He was not adding kids to the schools. He was taking down an unsightly barn and improving the property. The city's resistance was deflating and demoralizing. It seemed unfair to ask an individual trying to put in 2 homes, one couldn't do it because it fell under the definition of subdivision. He was not present for answers or a cure. He was informing council of what an individual went through. He was confident that if council drove by the property on a country road and saw 2 houses, they wouldn't see a subdivision.

Mayor Spalding thanked Mr. Mantor. Council would talk to the city manager and gather information from staff. Once that was done, he offered that council could talk about how things were progressing.

Council Member Durik asked what Planning Commission had said and how long Mr. Mantor had been dealing with this. Mr. Mantor answered that it had been over a year, a year and a half.

Director Chrysler stated that this situation had occurred maybe 5 times in the last 15-18 years – where the city had a definition and an antiquated section of city code that didn't match the circumstance. Staff, along with Planning Commission, had been trying to figure it out. The Timmons property on Johnstown Road provided the most recent example. Staff didn't have the right to waive code requirements. Council could decide to change city code, however, changing code was a large undertaking for special exception properties. Staff needed to figure out what did and did not apply and request waivers and variances. She wanted to be cognizant of setting precedents and to apply regulations fairly across the board.

Council Member Fellows asked and Director Chrysler affirmed that Mr. Mantor's matter could be expedited. Staff didn't want unusual delays. Only a few similar cases had come through the city and each had been different in their application. She acknowledged it was a frustrating and difficult situation. Mr. Mantor had been patient with staff and understanding of the challenges. Staff didn't have ability to waive code requirements. A fee waiver of some sort seemed reasonable and could be presented for approval.

Council Member Durik asked and Director Chrysler responded she couldn't offer a timeline at this meeting. She recalled a recent meeting with Mr. Mantor. There was still a lot to work out.

Mr. Mantor stated he was not there for a solution. He wanted council to be aware of what went on behind the scenes that they may not be aware of. Council members expressed appreciation.

**BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: No meeting.



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BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: No meeting.

IDEA IMPLEMENTATION PANEL: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

**CORRESPONDENCE AND COMMUNICATION:**

NONE

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

**ORDINANCE O-110-2023**

Mayor Spalding read by title read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 12.737+/- ACRES OF LAND LOCATED TO THE NORTHWEST OF AND ADJACENT TO THE INTERSECTION OF NEW ALBANY-CONDIT ROAD AND NEW ALBANY ROAD EAST, FROM INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS THE “NORTH CITY BUSINESS ZONING DISTRICT” AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON UNDERHILL, ESQ.

Director Chrysler stated this legislation regarded a 12.737 +/- acre parcel. This rezoning would revert the property back to its prior Limited-General Employment (L-GE) zoning. The site was zoned L-GE until 2021, when Cornerstone Academy rezoned it to Infill Planned Unit Development (IPUD) to allow construction of their new school campus. Since that time, Cornerstone Academy received conditional use approval to operate their middle and high schools in the NACOT 1 and NACOT 2 buildings. The New Albany Company, the property owner, was now requesting to rezone the 12.737 acre property back to L-GE. The same permitted, conditional, and prohibited uses and development standards from 2021 were in the text. The text additionally contained a few improvements and clarifications learned from the Cornerstone rezoning for the gas easements and leisure trail. The Rockyfork Blacklick Accord recommended approval at their November meeting. The Planning Commission approved this at their December meeting. This rezoning matched the city’s strategic plan recommendation. Aaron Underhill, attorney for applicant, was present to answer questions.

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

Council Member Wiltrout moved to adopt the ordinance. Council Member Kist seconded and council voted with 7 yes votes to approve Ordinance O-110-2023.

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**INTRODUCTION AND FIRST READING OF ORDINANCES:**

**ORDINANCE O-01-2024**

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 5.23+/- ACRES OF LAND LOCATED ON THE EAST SIDE OF BEVELHYMER ROAD, NORTHEAST OF THE INTERSECTION OF BEVELHYMER ROAD AND WALTON PARKWAY, AND NORTH OF THE INTERSECTION OF WALTON PARKWAY AND US-62, FROM RESIDENTIAL (R-1) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS THE “WALTON FARMS ZONING DISTRICT” AS REQUESTED BY STEPHEN BUTLER.

Director Chrysler stated these rezoning applications went through an extensive public process. The Rockyfork Blacklick Accord recommended approval with a vote of 9-0 on the condition that the applicant attempt to preserve existing trees. The Planning Commission (PC) recommended approval by a vote of 3-2 with conditions. The applicant updated the zoning text to reflect those conditions, which included the addition of sidewalk, public street phasing, lighting and screening requirements, and, based on feedback from the PC, the applicant removed swim school as a permitted use. The rezoning was Infill Planned Unit Development (IPUD), so, if approved, the applicant would have to get Final Development Plan (FDP) approval from the PC prior to construction. Neighbors within 200 feet of the property would be notified of the FDP hearing and dates. Existing surrounding uses included residential to the north and commercial to the south. The dance barn was located to the west. To preserve the rural character of Bevelhymer Road, there was a 50-foot building setback and an additional buffer with trees required in the setback area. No more than 2 curb cuts were permitted on Bevelhymer Road, if and when a future public street was installed to the north, 1 of curb cuts had to be removed.

A traffic study had been approved by the city’s traffic engineer. It showed that additional north-south street connections would help disperse traffic resulting in no additional intersection improvements in the area. No widening of Bevelhymer Road was required. The proposed layout met the standards of the city’s strategic plan as it called for curb cuts on collector streets to be minimized. Connections should be created within the retail establishments. The proposed north-south public street was required to be constructed as part of the phase 1 of the development.

The property to the south was zoned IPUD and allowed C-3 uses, including grocery stores and drive-thru businesses. The properties to the north were zoned R-1 and allowed for residential uses. The 2020 Engage New Albany strategic plan designated the area as residential future land use category. However, the development’s location was a transitional area between the more intensive uses to the south and existing residential uses to the north. This was one of the first projects proposed to establish the line for the transition. Development standards were designed and required to be more transitional commercial zoning, including lower building heights, lesser square footage, and low-intensity retail and personal uses. Development staff had gotten increased pressure for development activity in the area. Revisiting the 2006 “triangle plan” would be a primary planning project in 2024. The applicant was present and would be at the next meeting to answer questions.

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Council Member Durik asked and Director Chrysler described the proposed public road on the east side of the proposed development connecting it to Johnstown Road. The purpose of the public road and planned network was to reduce curb cuts and disperse traffic, giving alternate sources of ingress/egress.

Council Member Fellows liked that the parking and primary entrance for the proposed buildings would be on the east side, away from Bevelhymer.

Council Member Durik asked and Director Chrysler responded that there would initially be 2 curb cuts for these properties on Bevelhymer Road until the new road was completed. Then, 1 cut would be removed. She further described future roadways further north. The plan was to limit curb cuts on collector roads and keep them on major arterials.

Council Member Shull and Director Chrysler discussed a future road connection up to New Albany Links Drive. Director Chrysler cautioned that the dashed lines on the displayed map were concept-level. She further explained potential future plans for Bevelhymer Road north and south of Central College. Council Member Shull liked the existing large tree line between US-62 and Bevelhymer. He was leaning towards keeping it that way. He agreed with looking closer at this area.

Director Chrysler stated these areas were the hardest plan and described the process of figuring out how transitions happened. They usually involved less intensive commercial uses, assisted living, or similar.

Council Member Fellows and Director Chrysler discussed the land to the west and south of the subject property. Director Chrysler pointed out a residentially-zoned property immediately to the west. Further west and south was commercial. The strategic plan called for the commercial areas to be general employment or commercial uses. Currently, the plan called for the subject property to be residential, however, it was next to a heavily commercially-zoned property.

Council Member Wiltout asked and Director Chrysler confirmed that the church to the north was in a residentially-zoned area.

Council Member Kist agreed with Council Member Shull regarding stepping back and looking at the larger area. This was the first he had heard of these plans. He believed the focus was to continue commercial development up US-62 and keep the traffic there. He already saw a dividing line between the commercial and residential areas, unless the entire area was going commercial. He thought the current proposal to rezoning appeared out-of-place.

Council and staff further clarified and discussed what parcels were zoned commercial and residential, what typical business park zoning uses were, and where they thought commercial development would stop.

Council Member Wiltout wasn't comfortable moving forward without a comprehensive plan addressing the transitional areas. Council Members Durik and Brisk agreed. Council Member Shull didn't want the city to get ahead of itself.

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Director Chrysler said there needed to be a planning study and some form of transition was preferred.

Council Member Brisk expressed concern about how far the transition would extend. She agreed the city needed a bigger plan.

Council Member Kist asked about the plan regarding the future road network up to Central College Road which went through the Plainview Estates. The current rezoning proposal looked like a thumb and led nowhere. He didn't feel comfortable with the current rezoning without understanding the rest. Other council members concurred.

Council and staff agreed that planning would take time. Director Chrysler listed out many recent area changes and issues to be addressed.

Council Member Fellows understood the need for transitions, but council needed to understand the whole picture.

Council Member Shull looked forward to hearing from the residents in the area.

Mayor Spalding invited the applicant, Steven Butler, to the podium. Mayor Spalding reminded everyone of the public hearings on this application to date. He expected that Mr. Butler had met some of the neighbors, heard their concerns, and made some changes. Mayor Spalding noted that council had shared additional information. Mayor Spalding encouraged Mr. Butler to keep up robust conversations with community members. Anything Mr. Butler could do to alleviate concerns would be appreciated. Mr. Butler thanked the mayor.

Mayor Spalding set the ordinance for second reading at the January 16, 2024 council meeting.

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

**RESOLUTION R-01-2024**

Mayor Spalding read by title A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM.

Director Staats stated this legislation was required annually by OPERS to confirm the existence of a sick leave and/or vacation leave conversion plan. Once the resolution was approved, it would be sent to OPERS and they would confirm what payouts were considered pensionable. The city had traditionally allowed for the conversion of a limited amount of sick leave as defined in city code. In 2022, council approved an amendment to city code which allowed full time employees and officials to receive a conditional limited payout for vacation leave.



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

Mayor Spalding moved to adopt the resolution. Council Member Shull seconded and council voted with 7 yes votes to approve Resolution R-01-2024.

### **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: No meeting.
- D. Council Representative to Plain Township: No report.

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

- A. Mayor: Mayor Spalding reported his recent successful travel.
- B. Clerk of Council: Clerk Mason thanked council members who had already filed their Ohio Ethics Commission Financial Disclosure forms. She reminded them to send her their filing receipts. The city would pay the filing fees. The council clerk's office had received 11 McCoy Board applications to date.
- C. Finance Director: Director Staats reported staff was working on closing FY 2023.
- D. City Manager: No report.
- E. City Attorney: No report.

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

NONE

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

NONE

### **OTHER BUSINESS:**

#### **Board and Commission Reappointments**

Council Member Kist moved to reappoint the following persons to their respective boards for the terms specified in the council clerks' Memo to Council dated December 29, 2023 (attached).



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- Architectural Review Board – John Iten and Traci Moore
- Board of Zoning Appeals – Kirk Smith and Abe Jacob
- Community Improvement Corporation – Phillip Smith
- Cemetery Restoration Advisory Board – Diana Jacobs and Thomas Shockey
- Income Tax Board of Review – David Wallace
- Planning Commission – Sarah Briggs, Bruce Larsen
- Parks & Trails Advisory Board – Jeff Heuerman, Tricia Segnini


Council Member Wiltrott seconded the motion and council voted with 7 yes vote to approve the reappointments for the terms specified.

Clerk Mason told council she would the open Cemetery Restoration Advisory Board position would be advertised next. She thanked now retired CRAB Chair Brian Zets who had served for 8 years and would be missed.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Kist seconded to adjourn the January 2, 2024 regular council meeting at 8:13 pm.

ATTEST:

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

  
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 Sloan Spalding, Mayor

  
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 Date





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TO: Council

FROM: Jennifer Mason, Clerk of Council  
Christina Madriguera, Deputy Clerk of Council

DATE: December 29, 2023

RE: Upcoming 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 to the term 1/1/24 - 12/31/26
- Traci Moore to the term 1/1/24 -12/31/26

**Board of Zoning Appeals**

3 year terms

- Kirk Smith to the term 1/1/24 -12/31/26
- Abe Jacob to the term 1/1/24 – 12/31/26

**Community Improvement Corporation**

2 year term

- Phillip Smith to the term 1/1/24 – 12/31/25

**Cemetery Restoration Advisory Board**

3 year terms

- **Open** - term 1/1/24 – 12/31/26
- Diana Jacobs to the term 1/1/24 - 12/31/26
- Thomas Shockey to the term 1/1/24 – 12/31/26

**Income Tax Board of Appeals**

2 year terms

- David Wallace to the term 1/1/24 - 12/31/25

**McCoy Performing Arts Center**

3 year terms

- **Open** - application period closes on January 5, 2024, term 1/1/24 – 12/31/26

**Planning Commission**

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**3-year terms**

- Sarah Briggs to the term 1/1/24 – 12/31/26
- Bruce Larsen to the term 1/1/24 – 12/31/26

**Parks and Trails Advisory Board**

**3 year terms**

- Jeff Heuerman to the term 1/1/24 – 12/31/26
- Tricia Segnini to the term 1/1/24 - 12/31/26