



Council Minutes – Regular Meeting

January 4, 2022

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of January 4, 2021 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Law Director Mitch Banchefsky; Deputy Finance Director Drew Turner, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Development Director Jennifer Chrysler, Planning Manager Stephen Mayer, Deputy Public Service Director Mike Barker; Planning Manager Stephen Mayer, Economic Development Manager Michael Loges, Chief Communications and Marketing 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 Sloan Spalding	P
CM Colleen Briscoe	P
CM Marlene Brisk	P
CM Michael Durik	A
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

Clerk of Council Jennifer Mason told council that Council Member Durik was traveling for work and requested to be excused. Mayor Spalding moved to excuse Council Member Durik from the council meeting. Council Member Kist seconded and council voted with 6 yes votes to excuse Council Member Durik from the meeting.

ACTION ON MINUTES:

Council adopted the December 7, 2021 minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

Proclamation Recognizing the Read to Succeed Foundation For Empowering Underprivileged Children Through Reading – Emily Spector, founder, started the program when she was in 6th grade. She'd started a mentorship program over the last few years. She introduced her leaders, Eve Zaczepinski, Mirabella Tempesta, Lauren Eckes, Arnav Nawani, and Abby Worley (*not present*). Over the years, Read to Succeed had been able to donate 122,000 books to 123 locations, including pantries, schools, and other charitable organizations. The mission of the foundation was to spread literacy and the gift of reading in the Columbus area and beyond. She was grateful for the support of young leaders who had brought energy into the program and expanded it. She was happy to have the support of the New Albany community. It was thanks

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to these individual families and businesses that she'd been able to have such an impact. She was grateful for her 8-year long collaboration with the Healthy New Albany Food Pantry. She was able to dedicate the first Little Free Library outside the food pantry. She was always excited to receive new donations and network with new charitable organizations that may need books. She encouraged visitors to her website ReadtoSucceedFoundation.org.

Mayor Spalding stated council was impressed with the Read to Succeed program, the length of time Ms. Spector had dedicated to it, her leadership. It was making a real impact. Mayor Spalding read the proclamation aloud.

Council Member Brisk stated she had watched Ms. Spector since starting off by herself as a young kid. Council Member Brisk had seen the Facebook posts and known the Spector family for a long time. She was impressed with the meaningful task they had accomplished. It was incredible to see how the program had grown. Council Member Brisk thanked Ms. Spector and the Read to Succeed leadership.

David Olmstead, 6248 Kitzmiller Road, Plain Township Trustee. Plain Township provided fire and EMS services to the area. Through the years, residents of the township and city had benefitted from the collaboration between the two entities in sharing TIF revenues. That had had a profound impact on the funding township fire department and their ability to bring top notch services and equipment to the community, including the new ladder truck and EMS vehicles. The last township levy was voted on in 2015. The cooperation and collaboration with New Albany had kept them off the ballot. The township had recently received the check from the extension of TIF revenues. He was at council tonight to say thank you. The fire fighters received a lot of food from grateful residents. He was grateful for the support of the residents and New Albany.

Mayor Spalding thanked Mr. Olmstead, recalled that he had been a council member in the past, and had served the community for a long time. Mayor Spalding appreciated working collaboratively with Plain Township and asked Mr. Olmstead to extend the thank you to Chief Rupp and the entire fire department.

Mr. Olmstead stated the fire department recently hired Patrick Connor as Assistant Chief. Mr. Connor was previously the fire chief in Newark. He was a career fire fighter and was excited to join the department and get to know everyone. Mr. Olmstead also thanks Council Member Durik for attending the township meetings for council.

Jim Van Order, 9023 Concord Road, stated he didn't need to address council.

Sarah Feazel-Aklilu, 7445 Farmington Close, was requesting a review of the mask requirements in the city of New Albany. For many, it felt like April of 2020 again with the spread of the COVID Omicron variant. She heard from friends in healthcare that there were patients lining the hallways – they had to turn people away from ERs, they were continually short staffed and closing hospital floors due to lack of staff. COVID was affecting everyone. She and her family just got out of quarantine after a positive test. Luckily, she had a lot of rapid tests and enough space for the positive family member to isolate. The closest place they could get a PCR test was in Zanesville, but it was canceled due to lack of staffing while her husband was en route.

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There were people walking around who couldn't get tested and hospital beds were in short supply. Tests were not available locally. People had asked her for tests and she'd had to say no. Her 4 year- couldn't be vaccinated.

When her family member tested positive, they had to cancel a week of plans, trips, and reservations. At least they had tests and were able to protect the public, which many did not. They watched friends and neighbors attend large gatherings and return to New Albany. She appreciated businesses who made their spaces safer by implementing mask requirements. In New Albany, public health had been deemed a political controversy, not a public issue - as was shown by the local school board. The school board wanted to maintain a good standing with their preferred political party despite posing as non-partisan. They opted to dismiss the recommendations from both local and national health officials, including the American Academy of Pediatrics. An email from Debbie Kalinosky mentioned the problem of spread in the community outside of school and said New Albany had not committed to a mask mandate. However, all of council was wearing masks, businesses enforced masks – she urged council to look at a mask requirement for New Albany until we were out of the woods with the spike in Omicron cases.

Mayor Spalding stated that council had received a number of emails from a variety of community members on a range of issues related to masks. Council had some understanding of some of the feelings and concerns the community had.

Joel Miller, 7067 Fernridge Drive, resident of New Albany and parent with a kids in New Albany schools. He'd sent an email but didn't want to fully reiterate. He was a hazmat chemist. He spent 21 years doing emergency response to nuclear, biological, and chemical emergencies. He also cleaned up environmentally contaminated properties all over the country, including for the Department of Defense, and worked with the FBI WMD teams. He'd decon'ed ebola, anthrax, bird flu – if it was a large emergency, he was likely involved.

He knew the recent COVID surge was scaring everybody, as it should, but based on his history and experience with personal protective equipment (PPE), cloth masks and doctor's masks did not work for coronavirus because the pore size on them was insufficient to block the virus – 80-100 microns versus .12 microns. He knew there were studies and people saying masks would stop phlegm and large particles. But was it truly spreading that way? He believed it was an aerosol. Cloth masks, according to the NIH and other regulatory agencies, had never been approved for aerosols. COVID had been around for 2 years. There wasn't serious qualitative data showing the effectiveness of masks. New York did not have different incident rate than Florida. They were not seeing reductions from masking.

The board of education admitted they had seen no reduction pre- and post-mask mandates. It was his understanding that most of the kids were still wearing masks – which was their right to do so. All he was asking – there were negative consequences from wearing masks for children: learning disabilities, falling behind in school, developmental, things like that. If council considered a mask mandate, he wanted them to understand the negative consequences and ask themselves why they were doing it.

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Sarah Higgeston, 4320 Vaux Link, was requesting COVID mitigation with a mask mandate for all the reasons Sarah Feazel-Aklilu outlined. She was at council because the board of education (BOE) seemed to have sent them to ask council via a letter to the community to do what was BOE's duty. She had also received texts from a BOE member who asked her and those who had fought for mask mandates to go to council. She did not agree that if there was a mask mandate at school, there also had to be one in the city. She didn't think that the New Albany Plain Local Schools (NAPLS) would necessarily have to comply. She read aloud the legal responsibilities of the BOE. During the Omicron surge, they needed a mask mandate today at NAPLS. It seemed to her it was NAPLS sole responsibility to do this for their children. She asked council to clarify the boundary between city government and the school board. What was the city's ability to protect the children from exposure, to help with the masking issue at school? She was confused by the recent BOE communication directly referencing city council.

Karla Blind, 11561 Johnstown Road, stated she thought this was ridiculous. A lot of people voted for the school board members to take care of their children, not for city council to do that. She also felt that those present weren't here for a city mandate – this was just about the kids. Places were short staffed because people wouldn't get vaccinated, not because of COVID. Omicron was cold symptoms – were we not allowed to get a cold or flu anymore? Did we have to slap a mask on every time someone had a sniffle? She understood that some places in New Albany required masks and that was great, if that was what you wanted. For people to ask everybody to put a mask on because they were afraid of a cold – she thought was selfish. This was not council's responsibility. She thought this was sneaky – to go over the board's head. The school board had done a wonderful job for the children and should continue. If council mandated this, the school board lost all credibility, because it said that every time someone didn't like the board's decision, they would come to council and ask to change it. Stay in your lane. Same for the school board. Each should do what they do best.

Sunil Bhat, 7039 Dean Farm Road, stated he was a practicing infectious disease physician. He and his family resided in New Albany for 9 years. He discussed the planning done by the city – including collection and analysis of data, putting together a timeline of projects, and developing a vision for the future. He asked for the same attention to facts regarding public masking. Researchers studied their effectiveness in influenza and other illnesses. The overarching results indicated that medical grade masks, a.k.a. surgical masks, may decrease the risk of illness in a healthcare setting, but there was no guidance for the general populace. Cloth masks were of no benefit. The designs and quality of research on masks and COVID had been variable. There was a paucity of information using best types of data. He gleaned that cloth masks were of marginal to no benefit, surgical masks may have some benefit in a healthcare setting by preventing outward transmission, but evidence in the community was lacking. A person who was ill and wearing a mask may actually protect others by wearing a mask. There were potential unintended consequences of wide spread mask use, including difficulty with verbal communication, the proper development of speech and language in young children, and exacerbation of underlying psychological disorders. He recommended an on-line quiz: covidchartsquiz.com for giving a bigger perspective on pandemic and public health interventions. He could not support widespread use of facemasks as the data wasn't there to justify it. Some argued the unintended long-term consequences may be the most worrisome aspect.

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Shani Bank, 7181 Sumption Drive, stated she was not a doctor or medical professional, but wanted to respond. When the American Academy of Pediatrics and hospitals in this town and state were begging for superintendents to have children masked, she didn't see how it was selfish. It was selfish for us not to wear masks when people are begging us to do so to save our hospital system. No one wanted it long term. She was a teacher working with special education children. Her autistic kids wore masks all day long. People who wanted to be vaccinated and boosted were, and after the surge – hopefully 3-4 weeks, and the hospitals said they were good, then the masks could go away.

Not everyone present voted for this board of education. The board said they couldn't do anything about it because the community wasn't doing anything about it. She wasn't trying to be sneaky. The board sent people here. Council probably received the same emails. No one was trying to be obnoxious or selfish or anything. She was tired of masks, too. As someone said before, not spreading sickness to other people – wasn't that what wearing masks was all about? She didn't know if she had COVID, she didn't feel sick, she'd been vaccinated, but she could have it and if she wasn't wearing a mask, she could be spreading it to everyone there. She knew it was not council's job, but this was a community issue at this point.

Nancy Flaherty, 4001 Harlem Road, stated she was a nurse. The accusation that the rise of people not being taken care of because of COVID was not accurate. The shortage of nurses was because healthcare workers hadn't been taken care of. They'd been treated poorly. They hadn't been paid enough. A lot of people had left because of the vaccine mandate, and because they had lost faith in the healthcare community. She thought it should be the parents' choice. The first mask mandate was extended because the vaccine wasn't available to children, but now it was. They said, once children were offered the vaccine, it could be the parents' choice. If you were talking all precautions, why shouldn't it be a parents' choice?

Mayor Spalding thanked everyone for attending the meeting and for the emails that council received expressing a wide range of views. He was disappointed that mask mandates had been left to local governments and school boards to decide. Council members were not healthcare professionals – it was not what they were elected to do. The city paid money to the Franklin County Public Health Authority to make these decisions. The Ohio Department of Health had the authority to issue mandates. The federal government likely had authority also. They were the healthcare professionals, not the City of New Albany.

The city had been consistent in its approach to COVID from the beginning. When the pandemic first broke, the city took a very conservative approach at the direction of the Ohio Department of Health and Franklin County Public Health to do everything it could to slow the surge and save the healthcare system. Since that time, there were 3 vaccines and boosters, and the city consistently urged everyone eligible to fully vaccinated and receive a booster, and if sick, to stay home. The city had communicated through videos and public announcements to use all the layered interventions. If you were indoors and unable to distance, wear a mask. His view was that the city continue on that path.

The city was not a health agency. If the Franklin County Health Department or Ohio Department of Health wanted to issue a mask mandate, so be it. Vaccinations were available to those willing to take it and everyone had the right to wear a mask if they chose. Many were choosing to do so. With this surge, everyone should be doing all they could to protect each other and their families. He'd heard testimony about the effectiveness

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of masks, and he thought that was good research to suggest if one was not wearing an N95 mask, maybe you were just covering your face. He'd heard stories where people did all the right things – and yet everyone in their house got COVID. That was part of the reality of it.

The city supported entities who required masks. If a business required masks and a patron didn't comply, the police could be engaged in that situation. Luckily the city hadn't gotten those calls. Everyone seemed to be respecting the request of local organizations or businesses. He was not in favor of a mask mandate.

Council Member Fellows agreed with Mayor Spalding – that the city had taken responsibility in terms of recommending that folks wear masks in appropriate situations. It was up to the parents to decide whether they or their children should protect themselves. He didn't think it was the responsibility of the city to make those decisions on behalf of families or residents. He thought the city had done the right thing. It was up to the county health department or state or federal health officials and not elected council members to make decisions on public health. He was not in favor of a mandate for those reasons.

Council Member Shull agreed with Mayor Spalding and Council Member Fellows. He appreciated every letter he'd received. He was always open to talking about it because he liked to gather as much information as possible before he made decisions - like today's decision. He had worked in the healthcare field for 32 years, worked for Pfizer. He was aware of how the vaccines worked. He would continue to wear a cloth mask - that was his choice. He did not want to take that away from individuals. He didn't know how the city would go about enforcing a mask mandate at the school. Would the city send police officers in and start giving citations to kids who weren't wearing masks? Pull officers off of patrol? Where did it stop? As Mayor Spalding mentioned, there were health authorities out there who specialized in this. He would leave it in their hands. He was not in favor of a mandate in New Albany.

Council Member Brisk stated she agreed in part, and strongly disagreed in another part with prior speakers. She agreed that she was not a health expert and didn't know the answers to many of these questions. She was frustrated and angry to be in this position. She also didn't believe that it was her job to make decisions on behalf of the school system. Other officials were elected to make the school's decisions. She also strongly believed that we should be listening to our health departments and they were not mandating masks, but they were saying that masks made a difference. The Ohio Hospital Association had clearly said masks made a difference.

This surge was not just Omicron. It was all the different variants, including Delta. She had personally seen people sicker than "just a cold" and she didn't like that description. For some it was minor, for many it was not - 50,000,000 had died. Council Member Brisk's daughter was a nurse working at an Ohio State hospital. There was a shortage of nurses. Many of those healthcare worker issues began and continue as a result of the amount of COVID cases they were facing. Her daughter had been doing almost nothing but COVID care, when she should be doing elective surgery rehabbing. It was not "a cold." There were a lot of questions and very few answers. Our community, at this time, didn't have the will to continue with a mask mandate. Council Member Brisk didn't see the support among her fellow council members and she had her own ambivalent feelings about it. She would wear a mask and ask everyone around her to wear a mask. A mandate wasn't in the cards at this time.

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Council Member Kist asked for an answer to Sarah Higgeston's question. Mayor Spalding responded that he understood the school didn't have to follow the city's zoning requirements. They were their own governmental jurisdiction, although they followed city rules as best they could. Interim Law Director Benjamin Albrecht stated, generally, if the city applied a mask mandate city-wide, it would apply to the schools as they were within the city boundaries. That had been the case in other jurisdictions he had worked with. Enforcement could be a different issue. Council and staff discussed how other cities and schools had worked out mandates. Council Member Kist asked for more information about jurisdiction and authority between the city and the school at some point in the future.

Sarah Higgeston, asked if council was aware that Senate Bill 22 made it illegal for Franklin County Health Department to issue a mask mandate? Mayor Spalding replied he was disappointed with the Ohio General Assembly which stripped the responsibility or authority away from public health entities. There was still no reason they couldn't issue a mask mandate - whether it was enforceable was another matter. However, they had never stepped forward. Legalities aside, if they thought that was the right thing to do, they should have the courage to do so.

Council Member Kist was proud of how seriously New Albany took COVID-19 from the beginning. The city's vaccination rate was well over 80%. He believed it was higher in the school district. As far as he knew, that didn't incorporate those who had been positive. Council Member Kist's son was vaccinated at the school. That's what his family believed in, and what the community believed in. The way the school worded their message wasn't great. Their recommendations could have been stronger. He wished the school could offer a remote learning program, like they did before, during this peak. He described going on a bike ride with several doctors – all of whom had different opinions on masks. He didn't know where to go for answers. Personally, he would push for the community to get vaccinated and boosted. He didn't think mandating masks in schools right now was the way to go.

Council Member Wilttrout stated she agreed with Mayor Spalding that it was not the city's burden to control the school districts. As a parent with kids in the schools, she received the email. She felt challenged to make a mask mandate because the school board said they weren't required to do so by law. She thought the city had done a great job taking the virus seriously and protecting its citizens. However, as a wife of a physician and a sister of an ER doctor, she took COVID very seriously. She had been living this past 2 years, like all of us, not knowing what would happen next. She would ask that council continue to keep an eye it and continue to keep an open mind. If council needed to take a leadership role when other organizations could not or would not take a measure that would protect the public, she believed that council would have a moral imperative to do so. She didn't think that opportunity was this evening.

Council Member Wilttrout added that she was able to get PCR tests rapidly at Life Cycle Direct Primary Care. It was a great experience.

Mayor Spalding appreciated everyone's thoughtful comments and appreciated people coming to council meetings and informing council directly what their concerns were. Council took resident communication

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seriously. This was a fluid situation – 2 weeks from now, who knew what the future would hold. He hoped everyone walked out tonight doing all they could to protect themselves, their family, and their community.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Shull read Council Member Briscoe's notes from attending. The PC discussed a variance for an above-ground spa at Nottingham Trace which was prohibited by the zoning text. The matter was tabled while the owner checked into a buried spa. The PC approved a conditional use for chickens at a Central College Road home for up to 6 hens, no roosters, and only for as long as the current residents owned the property. The PC approved a variance for buildings to be 85 foot tall at the Facebook development site. An engineer from EMH&T had limited information for the reason. 85 feet was not an unusual height for the area.

PARKS AND TRAILS ADVISORY BOARD: No report.

ARCHITECTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Council Member Brisk reported that the BZA denied a variance on Milton Court for a fence around a pool to be built in a buffer zone. Neighbors had come to ask that the buffer zone be returned to its natural state, which the homeowner had agreed to. The BZA denied a variance for VanTrust Real Estate regarding mounding along Worthington Road adjacent to some residential properties. Several residents complained that they would be seeing car headlights without the mounding. VanTrust asked to table the matter and return with a revised plan, but the BZA declined to table.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the SAB brainstormed goals for the board and came up with 4-5 objectives. He anticipated focusing on those starting in January 2022.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

Mayor Spalding acknowledged the emails council received regarding a mask mandate.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-45-2021

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 11.751 +/- ACRES OF LAND LOCATED AT 7270 NEW ALBANY-CONDIT ROAD FOR AN AREA TO BE

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KNOWN AS THE “CORNERSTONE ACADEMY ZONING DISTRICT” FROM ITS CURRENT ZONING OF LIMITED GENERAL EMPLOYMENT (L-GE) TO “I-PUD” INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY CORNERSTONE ACADEMY C/O AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer told council the proposed permitted uses for the property were primary, intermediate, and secondary schools. Accessory uses included gyms, auditoriums, cafeterias, administrative offices and outdoor recreational fields. The Final Development Plan would be reviewed by the Planning Commission (PC). The zoning established the same setbacks as the surrounding commercially zoned areas. The zoning text also required mounding and landscaping to match the existing 3 corners. A traffic impact study to determine the type of access to the site was required to be submitted with the Final Development Plan. The zoning text established similar architectural and design elements as the surrounding business park. The intent was to create a site that felt like an extension of the business park through consistent design.

The site was in a transitional area with residential to the north and commercial uses to the south and east. The proposal was consistent with the Engage New Albany strategic plan recommendations. Both the Rocky Fork Blacklick Accord and Planning Commission reviewed and recommended approval of this application.

Council Member Fellows still had concerns about the entrance from New Albany-Condit Road into the school. It was a high speed road with a lot of traffic. He didn’t know why it was necessary when they could easily get access from New Albany Road East. Additionally, there was a traffic light at the intersection of New Albany Road East and SR 605. He’d like the city to consider enhancing the crosswalk there for increased pedestrian activity and greater safety.

Mayor Spalding asked and Manager Mayer stated the city’s engineer would decide if an extra turn was needed as part of the traffic study. That access could also be designated “right in, right out.” The city engineer had taken a preliminary look at the school zone area and impacts during rush hour. Reduced speeds would apply to the school zone sections. The city knew that school drop off and the commercial 8-5 schedule would not coincide. City Manager Stefanov added that the city wanted to make sure there was adequate stacking capability on the roads.

Council Member Fellows asked and Manager Mayer answered that the zoning text had screening mound height requirements and lighting was under the prevue of the PC. The developer would have to submit a lighting plan that showed the intensity for offsite. It had always been the city’s policy to make sure there were zero foot candles along property lines, especially where there was residential uses.

Mayor Spalding asked and Manager Mayer replied part of the existing tree stand was on the property and part was outside of it. The trees along the 50 foot riparian corridor would be preserved. The text allowed for a leisure trail and the applicant had committed to providing trail along the creek in hopes of providing an alternate connection to the nearby city park in the future.

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

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Council Member Fellows moved to adopt the ordinance. Council Member Brisk seconded and council voted with 6 yes votes to approve Ordinance O-45-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-01-2022

Mayor Spalding read by title AN ORDINANCE TO AMEND SECTIONS OF THE 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” AND TO STRIKE SECTION 113.03 “ADDITIONAL SALARY FOR PRESIDING OVER MAYORS COURT.”

Clerk of Council Jennifer Mason stated that New Albany codified ordinances currently contained exact pay of council members. It cost the city money each time the codified ordinances were amended. Staff looked at the code of 5 other municipalities and none contained exact salary amounts. They were either silent on council pay, contained general language, or contained an antiquated pay level which had likely been forgotten. This ordinance contained general language about mayor and council pay. The next ordinance would address council’s annual salaries.

Council Member Fellows asked and Clerk Mason replied that the public would get the same notice and the salary ordinance would have the same visibility. She was also able to provide the salary ordinance to anyone who requested it. She noted that she had added a line to 113.01 after first publication clarifying the all council would be paid the same except for as set forth in the 113.02 which covered the mayor or designee who covered Mayor’s Court.

Mayor Spalding set the ordinance for second reading at the next council meeting.

ORDINANCE O-02-2022

Mayor Spalding read by title AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR’S COURT.

Clerk of Council Jennifer Mason reminded council that section 4.04 of the city’s charter authorized the council by ordinance to annually determine its compensation. Historically, council’s salary was adjusted to track what city employees received. This ordinance would increase what the mayor and council members would receive by the same 3.75% as council approved for city staff, effective January 1, 2022.

Mayor Spalding stated that the city would keep the language for additional compensation for Mayor’s Court, however, so long as the city was working with the City of Gahanna for that function, it wasn’t

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something that would be performed by a member of council. Council discussed the magistrate hired by New Albany and Gahanna to preside over their cases.

Mayor Spalding noted this was the public's opportunity to hear what council was proposing for its salary increase - it was part of the public process. This was published, read twice, and there was a 30-day waiting period after passage, same as other ordinances.

Mayor Spalding set the ordinance for second reading at the next council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-01-2022

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR THE MAINTENANCE OF MINK STREET.

City Manager Stefanov stated this was the first of 3 resolutions being presented in anticipation of future annexation by the New Albany Company. The designated area encompassed 3,600 acres and within that, there was an extension of Mink Road to the north of Jug Street. Green Chapel Road ran east-west along the northern boundary. Clover Valley Road ran almost parallel to Mink Road.

Whenever a road's political jurisdiction was bisected due to an annexation, the Licking County Commissioners required Road Maintenance Agreement (RMA). The city had a prior RMA for Mink Road from Worthington Road up to Jug Street. The city needed to expand that RMA to include the new proposed area. The RMA defined the city's maintenance responsibilities, including pavement, snow removal, and ditch maintenance. The standards in this RMA were the same as previous Licking County RMAs.

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 Brisk seconded and council voted with 6 yes votes to approve Resolution R-01-2022.

RESOLUTION R-02-2022

Mayor Spalding read by title A RESOLUTION TO ASSUME MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF CLOVER VALLEY ROAD BETWEEN JUG STREET AND GREEN CHAPEL ROAD UPON THE ANNEXATION OF THE ADJACENT PARCELS TO THE CITY OF NEW ALBANY, AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO ALL NECESSARY ROAD MAINTENANCE AGREEMENTS WITH THE LICKING COUNTY BOARD OF COMMISSIONERS AND / OR JERSEY TOWNSHIP TRUSTEES FOR THE MAINTENANCE OF CLOVER VALLEY ROAD.

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City Manager Stefanov stated that this resolution was amended to include Miller Road which was initially left out because, initially, it was thought it wouldn't be bisected. However, there were some properties along Miller Road which would not be included in a potential annexation, meaning the road would be bisected in places.

The format of this resolution was recommended by the Licking County Engineer and Licking County Prosecutor as an alternative to the way the city had been adopting Road Maintenance Agreements (RMAs). The agreed upon maintenance terms were included in the resolution rather than an attached, separate agreement. Additionally, City Manager Stefanov included a provision that would authorize him to enter into supplemental RMA with all of the same provisions, if a township required it. If there was a significant change in the terms of the RMA, he would bring it back to council, however, he didn't anticipate that.

Resolution R-03-2022 was similar to this resolution, but applied to Green Chapel Road. The Green Chapel Road resolution differed in that Green Chapel Road straddled Jersey and Monroe Township. If one of those townships required a separate RMA, he would use the city's longstanding agreement. Any substantives changes would be brought back to council.

Mayor Spalding moved to amend resolution R-02-2022 as described by the city manager. Council Member Kist seconded and council voted with 6 yes votes to amend the resolution. Clerk Mason stated that the changes were made the original to be signed by the mayor.

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 as amended. Mayor Spalding seconded and council voted with 6 yes votes to approve Resolution R-02-2022 as amended.

RESOLUTION R-03-2022

Mayor Spalding read by title A RESOLUTION TO ASSUME MAINTENANCE RESPONSIBILITY FOR THE FULL WIDTH OF GREEN CHAPEL ROAD BETWEEN MINK STREET AND JOHNSTOWN ROAD UPON THE ANNEXATION OF THE ADJACENT PARCELS TO THE CITY OF NEW ALBANY, AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO ALL NECESSARY ROAD MAINTENANCE AGREEMENTS WITH THE LICKING COUNTY BOARD OF COMMISSIONERS, MONROE TOWNSHIP TRUSTEES AND / OR JERSEY TOWNSHIP TRUSTEES FOR THE MAINTENANCE OF GREEN CHAPEL ROAD.

City Manager Stefanov referred council to his presentation of R-02-2022.

Mayor Spalding asked and City Manager Stefanov answered that this resolution did not need an amendment.

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

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Mayor Spalding moved to adopt the resolution. Council Member Kist seconded and council voted with 6 yes votes to approve Resolution R-03-2022.

RESOLUTION R-04-2022

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCELS WITHIN THE BOUNDARIES OF THE FRANKLIN / LICKING COUNTY LINE TO THE WEST, GREEN CHAPEL ROAD TO THE NORTH, MINK STREET TO THE EAST, AND JUG STREET TO THE SOUTH – APPROXIMATELY 3,190.11 + / - ACRES.

City Manager Stefanov told council the three prior resolutions supported this resolution. The Jersey Township Trustees adopted this agreement at their last meeting. The city was proposing an Expedited Type I annexation which incorporated all of the terms in the Ohio Revised Code relative to conforming boundaries and compensation to the township. Because it was a large area, the township requested the same annexation agreement as the city entered into with Jersey Township in 2015 for the area south of Jug Street. The advantage of an Expedited Type I annexation was that it included all of the components of a traditional annexation with an abbreviated time frame. The township was satisfied with the terms which were consistent with prior terms.

City Manager Stefanov emphasized this was not an annexation - it was an annexation agreement. This opened the door for a property owner to annex property into the City of New Albany. It spelled out how the subject jurisdictions would respond to an annexation petition. It dealt with compensation for fire and EMS services, the township general fund, road maintenance and who was responsible for what in the service area.

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 Brisk seconded and council voted with 6 yes votes to approve Resolution R-04-2022.

RESOLUTION R-05-2022

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.

Deputy Finance Director Drew Turner stated, each year, the Ohio Public Employees Retirement System (OPERS) required municipalities to pass a resolution confirming that a plan existed for sick leave reciprocity to count as pensionable salary. The city's personnel policies defined this as a benefit and offered it to those with excess sick leave balances, fulfilling the OPERS requirement.

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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 Wilttrout seconded and council voted with 6 yes votes to approve Resolution R-05-2022.

RESOLUTION R-06-2022

Mayor Spalding read by title A RESOLUTION TO APPROVE A FEE PAYMENT IN LIEU OF LEISURE TRAIL CONSTRUCTION IN ACCORDANCE WITH CODIFIED ORDINANCE SECTIONS 1165.06 AND 1187.18 AT 5170 HARLEM ROAD AS REQUESTED BY BRUCE HENNESSY AND SHIVKAMINI SOMASUNDARAM.

Planning Manager Stephen Mayer told council the applicant was requesting a fee-in-lieu of leisure trail installation. City code required that, anytime there was construction of a new home, either sidewalk or leisure trail would be installed. Code allowed city council to approve a fee payment in lieu of a sidewalk or leisure trail under the condition that either (1) the leisure trail was impractical due to topographic conditions or site constraints or (2) that leisure trails did not exist in the area, there was not a likelihood for trails to be constructed in the near future, and that a fee-in-lieu payment would better serve the community than a trail being installed at this location. A leisure trail could be installed here using conventional means and methods and there did not appear to be any specific site constraints. While there was trail across the street, this property was over 1,200 feet away from trail to the south and north along Dublin-Granville Road. No trails were planned for the east side of Harlem Road in the near future – many more dedications would be needed to accomplish that. The 2008 Leisure Trail Master Plan did not identify this section of Harlem Road as a priority corridor.

The property owner provided 4 construction cost estimates. The city engineer reviewed them and determined that a \$10,000 fee was appropriate. Staff recommended approval of the subject fee-in-lieu payment.

Council Member Kist asked and Manager Mayer answered that the fee would be deposited in the city's trail fund to be used for other projects. City Manager Stefanov noted that the city may look at other local trail solutions that could involve bridges – there could be a direct positive impact of that fee in completing that trail section at some point in the future. Council Member Kist supported finishing that section of Harlem. Council and staff discussed right-of-way issues along Harlem Road.

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 Brisk seconded and council voted with 6 yes votes to approve Resolution R-06-2022.

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RESOLUTION R-07-2022

Mayor Spalding read by title A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ECONOMIC DEVELOPMENT AGREEMENT WITH ABERCROMBIE & FITCH CO. AND ABERCROMBIE & FITCH MANAGEMENT CO.

Economic Development Manager Michael Loges stated the city entered into an economic development agreement (EDA) with Abercrombie & Fitch (A&F), and related entities, back in 2015. The agreement was amended in 2018 to expand the affiliates and subsidiaries description and clarify infrastructure improvements. The global coronavirus pandemic had caused the company to evaluate and modify its business operations to allow for additional individual autonomy in selecting worksite locations. Negotiations had led to the proposed additional leeway in the EDA to both secure the company's future operations in New Albany while providing necessary guidance to modify their operations.

The proposed EDA language would modify and specify an income tax minimum. These modifications to the minimum target thresholds did not affect how to calculate the value of the incentive payment. It reduced their necessary benchmark to be eligible for an incentive. Based on A&F's estimate of their employees modifying their work schedules to work on-site in New Albany potentially only 3 days a week, which would generate about 60% of their income tax withholding now, the city income tax withholding threshold was set at 80% of the current target – representing a negotiated resolution. The city also added a post-term substantial operation requirement and remedy to ensure the longevity of operations in the community beyond the term of the incentive agreement.

Council Member Shull asked and Director Chrysler replied that the city had started to reach out all of its companies to get a feel for how they were modifying business operations in response to the pandemic. The city waited to see what each of the companies' response would be before recommending modifications. Part of the city's business retention strategy was frequent discussions. In one of those discussions with A&F, the city started to talk to them about what their new work model might look like. The conversations evolved over several months as A&F did their research and figured out how to manage their workforce.

The city had 3 active income tax-based EDAs. At the end of 2021, A&F was in the process of surveying their employees about alternate work locations and work site preferences. The new incentive benchmarks staff recommended in this amendment were informed by job and payroll projections provided by A&F, but were negotiated over the last few months.

Council Member Shull stated his concern was that the city was adjusting and making modifications to EDA amendments. He thought that path opened it up for other modification requests. Director Chrysler stated that most of the city's agreements, specifically Community Reinvestment Area property tax abatement agreements, included a minimum revenue benchmark that, if not achieved by income tax revenues, could be made up by the company making a PILOT payment in any year. Those agreements wouldn't need adjusting as they could meet their revenue obligations by making a PILOT payment. The 3 job-creation benchmarked agreements that didn't have the PILOT payment provisions were structured so that if the company didn't meet the income tax benchmark in any single year, it was ineligible to receive an incentive payment for that year. Manager Loges added that the city considered A&F's past performance in setting the

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new adjusted benchmarks to be reasonable. Director Chrysler stated the new agreement still encouraged growth, and also respected the work the city had done with A&F over the past 20 years, and the last 2 years during the pandemic. The city was in this together with the businesses to try to help each other grow out of tough times.

City Manager Stefanov added that A&F's income tax levels could be lower than they were pre-pandemic, but the city felt there was value in this amendment because it secured the company in the community for a longer period of time. There could be fewer dollars in the short run under the new agreement, but hopefully the city was enabling A&F to remain a healthy contributor to the local economy over the long-term.

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

Council Member Kist moved to adopt the resolution. Council Member Brisk seconded and council voted with 5 yes votes and 1 no vote (Shull) to approve Resolution R-07-2022. Resolution was adopted.

REPORTS OF STANDING COMMITTEES:

- A. Safety Committee: No report.
- B. Public Utilities: No report.
- C. Service and Public Facilities Committee: No report.
- D. Planning and Economic Development Committee: No report.
- E. Administration Committee: No report.
- F. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: 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, as council knew from the speakers at the beginning of the meeting, that school board sent out an email to parents outlining the back-to-school requirements, including the topic of masking. They also included actions to take if someone was a close contact.
- D. Council Representative to Plain Township: No report.

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REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported that he received positive feedback over the holidays for beautification of downtown. He acknowledged Council Member Fellows' call for more holiday lights. Mayor Spalding also spoke to some restaurant owners and managers who wanted to remind folks about the supply chain pressures that restaurants were experiencing. He asked patrons to go with the flow if a restaurant didn't have a menu item. Restaurants, in particular, were having a hard time finding employees.
- B. Clerk of Council: No report.
- C. Finance Director: No report.
- D. City Manager: City Manager Stefanov distributed to council the orientation binder that was made up for Council Member Wiltout with handy reference and contact information.
- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Wiltout thanked City Manager Stefanov and city staff for her educational and meaningful orientation.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into Executive Session pursuant Executive Session pursuant to New Albany Charter Section 4.03(E) for economic development purposes. Mayor Spalding indicated there was no action planned for after executive session. Council went into executive session at 9:02 pm.

Staff present in executive session: City Manager Stefanov, Community Development Director Chrysler, Economic, Development Manager Loges, Administrative Services Director Joly, Deputy Public Service Director Barker, Finance Director Staats, Deputy Finance Director Turner, Chief Communications Officer McAfee, Planning Manager Mayer, Planner Chris Christian, and Interim Law Director Albrecht.

Mayor Spalding moved that council come out of executive session and resume the regular meeting. Council Member Kist seconded and council voted with 6 yes votes to come out of executive session and resume the regular meeting. Council resumed the regular meeting at 10:07 pm.

OTHER BUSINESS:

NONE.



Council Minutes – Regular Meeting

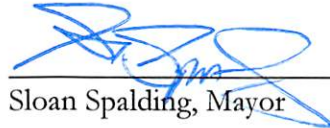
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ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Briscoe seconded to adjourn the January 4, 2022 regular council meeting at 10:07 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan Spalding, Mayor


Date