



Council Minutes – Regular Meeting

October 5, 2021

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of October 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, Law Director Mitch Banchefsky; Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Sergeant Garrett Fernander, Development Director Jennifer Chrysler, Public Service Department Director Mark Nemec, Deputy Public Service Director Mike Barker; Economic Development Manager Michael Loges, Engineering Manager Ryan Ohly, Chief Communications Officer and Marketing Director 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	A
CM Marlene Brisk	P
CM Michael Durik	P
CM Chip Fellows	A
CM Kasey Kist	P
CM Matt Shull	P

Clerk Mason reported that Council Members Briscoe and Fellows were absent due to travel and had requested to be excused. Mayor Spalding moved to excuse Council Members Briscoe and Fellows from the meeting. Council Member Shull seconded and council voted with 5 yes votes to excuse Council Members Briscoe and Fellows from the meeting.

ACTION ON MINUTES:

Council adopted the September 7, 2021 minutes, without changes, by unanimous consent.

Clerk Mason reported that, after distribution on the minutes, City Manager Stefanov discovered a non-substantive typo that was then corrected in the original. Council adopted the September 21, 2021 minutes, without changes, by unanimous consent.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Mayor Spalding moved to amend the agenda to add executive session pursuant to New Albany Charter Section 4.03(E) for economic development purposes per staff's request. Council Member Shull seconded and council voted with 5 yes votes to amend the agenda. Council clarified the executive session would go right before Other Business on the agenda.

HEARING OF VISITORS:

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Proclamation Declaring October 17 to 23, 2021 As Stormwater Awareness Week – Dave Reutter, Urban Conservation Specialist at Franklin Soil and Water Conservation District, told council that their goal was to help communities reach out to their citizens about stormwater with messages and programs, and was now state-wide. Mayor Spalding described the city's dedication to getting stormwater planning right. Mayor Spalding read the proclamation.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: Planning Manager Stephen Mayer reported that the BZA approved a variance to allow a residential deck to encroach in an easement where no public infrastructure located. The BZA approved a variance for a manufacturing and distribution center to not install mounding and landscaping along the SR 161 expressway where there was also a conservation easement with established landscaping. The BZA approved an encroachment into a pavement setback to allow for 50 additional parking at an Axiom facility as there was no impact to the streetscape and buffering landscaping. The last variance application for multiple setbacks for The Trove retail store was tabled so the applicant could gather additional information.

ECONOMIC DEVELOPMENT COMMISSION: No report.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: Clerk Mason reported that the CRAB was grateful to council for their support of the restoration of the Wagner Cemetery. Planning Manager Stephen Mayer would attend at the November 30 CRAB meeting to update them on Rose Run 2.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-30-2021

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 30.6 +/- ACRES OF LAND GENERALLY LOCATED AT SOUTHWEST AND SOUTHEAST CORNERS OF CENTRAL COLLEGE ROAD AND NEW ALBANY-CONDIT ROAD FOR AN AREA TO BE KNOWN AS THE "NONA ZONING DISTRICT" FROM ITS CURRENT

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ZONING OF RESIDENTIAL ESTATE DISTRICT (R-1) TO “I-PUD” INFILL-PLANNED UNIT DEVELOPMENT DISTRICT AS REQUESTED BY NONA MASTER DEVELOPMENT LLC.

Mayor Spalding reported that the applicant informed the city the week prior that they were requesting this ordinance be tabled.

Aaron Underhill, attorney for applicant, recalled the number of attendees at the August 24th council meeting. The applicant took all of council’s comments into account and went back to the drawing board. They engaged with neighborhoods and invested parties. They gathered information and they were prepared to make what everyone would view as improvements to the plan, if given the time to do so. Mr. Underhill understood that the city was working on the hamlet code requirements, guidelines, and standards. The applicant wanted to see what those requirements would entail and modify the plan to the best of their ability to meet all of those requirements once they were set forth. The applicant requested that council table the matter to the December 7, 2021 meeting. He expected council would see material changes to the plan at that time.

Council Member Durik asked what would be different and why the applicant was requesting 2 months. Mr. Underhill replied that every change they made impacted another portion of the project. He expected there would be a reduction in density in the new hamlet guidelines. Whether the city would have its code amended by early December remained to be seen. If the city wasn’t there yet, perhaps council could re-visit this again. It was commonplace for council to give courtesy to an applicant, if they requested a tabling, especially after a long effort in human capital and monetary resources. Council Member Durik and Mr. Underhill discussed timelines and expectations.

Mr. Underhill stated he’d never had an applicant be denied a request like this, even on multiple occasions, in 18 years coming to council. With the possible exception of the 1998 NACO PUD, he hadn’t seen this level of applicant community engagement. They knew the current plan would be voted down, which is why they wanted to table it and take another crack at it. He didn’t know why council would treat an applicant so differently who had made such an effort.

Council Member Durik noted that council had given the courtesy of a delay, and a delay wasn’t required. If standards were going to be different, he asked that the applicant bring back a different project after the standards had been developed. He didn’t want a project standing over the city’s head while they were trying to determine the standards. The standards were important to the community, as evidenced by those present at this meeting and other meetings. The hamlet needed great thought and study. The standards had to be seen by council, go up for public opinion, go to the Planning Commission. Council Member Durik didn’t anticipate that would all happen before December. Then council would be pushing this project out again.

Mr. Underhill reminded council that this project had been before the Rocky Fork Blacklick Accord (RFBA). The Planning Commission (PC) had given unanimous approval. He would expect a changed plan would continue to have those approvals. It took a lot of time, effort, and resources to get to this

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point. Mr. Underhill noted that 2 council members weren't present, and the applicant would want the whole contingent present.

Council Member Kist appreciated the community outreach by Mr. Steiner, despite the mixed reviews from the public. Given this amount of outreach and feedback, Council Member Kist did expect the plan to change. He, personally, had seen some renderings. There were 2 things – the hamlet concept wasn't defined yet. Council Member Kist didn't personally think this project checked the box of what a hamlet was. Unfortunately, he didn't think that anyone knew. The city was trying to define the code now. He didn't feel comfortable having a project that was going to be scored by a rubric that the city was creating at the same time. He wanted something developed there, he thought this project could get there. He didn't see why the city couldn't start clean by turning the down tonight or the applicant withdrawing it – then, when the standards were defined, the applicant would have a target to shoot for. Public feedback about code would be available during the PC meetings, as well. Part 2 – some of the renderings he'd see were so materially different that, even if it did check boxes for council, he would, at least, want it to go back before PC. There were added parcels - densities would be different. He wouldn't feel comfortable voting on the project without it going back and being reviewed in the steps prior to council. He would prefer to have the project withdrawn or come to a vote that evening.

Mr. Underhill stated, as far as going back to the PC, council had that authority. Mr. Underhill's concern was that the PC voted unanimously for this project. He wanted to come back before council to get its feedback because – how did he reconcile that with what PC had already told him? If he went to them again and council didn't agree with them – he thought it was best to keep the project at the council level – because, ultimately, council had the say. Council Member Kist wanted to give the PC the tools to evaluate the hamlet project. The city should have had the standards available and he apologized to Mr. Underhill and his client – that was not their fault, but, in fairness to the PC, they evaluated it with the inadequate tools that they had at the time. He thought it was disingenuous to have the project sitting here while making the standards.

Council Member Brisk agreed with Council Member Kist. She thought that the PC did what they could with the parameters that they had, which were almost no parameters. This project took off almost as soon as the Engage New Albany strategic plan finished. She didn't love the idea of the project sitting there as a potential project, with so many potential details to be changed, while the city was coming up with the standards. She thought the right thing was for the project to be withdrawn or voted on – and then bring it back. The city took some ownership because it didn't have the standards in place when it went to PC. Mr. Steiner was a resident of New Albany and trying to do something good for his community. Whether the community agreed was a different issue. In order to respect what he had invest – where was the downside to withdrawing? She understood there were some filing fees and time to put in to go back to the RFBA. If this continued to get tabled for months while the city figured out what they and the community wanted – how much different was that versus withdrawing, allowing the city to create the standards independently, and then putting the plan together which met the standards.

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Mr. Underhill responded that they felt like the applicant was being treated differently. He knew that circumstances were different, but being tabled was done all of the time. It was efficient. Being in front of council was important – because the rest of it really didn't matter, unfortunately, to get there. He understood council may remand it back to PC to have them recognize what council wanted. They were not inclined to withdraw. They respected it if council had to vote them down, but they would not withdraw.

Mr. Underhill asked and Mayor Spalding answered that there would be a public hearing if the matter was to be voted on.

Council Member Shull agreed with the other council members. He added that he'd had an opportunity to meet with some of the folks in the room today and others. People want something there – just not with the density, traffic, everything that was on the plan. He commended the applicant for trying to work towards that. He agreed that he wanted to start clean with everyone on the same page. He didn't feel like this project had reached that point. He agreed with sending it back to PC. If they had the code and density and everything, he was sure they could make some good recommendations to council. It wasn't fair to anyone to not know what the target looked like.

In Council Member Shull's 21 years of working with the city, he didn't think he'd ever seen this much input ever from citizens. He thought this situation was different than what the city and Mr. Underhill were used to.

Mr. Underhill stated there was a lot of merit in keeping the project before council because they were the ones who had the ultimate say. Going back to PC was fine - he wasn't going to request that.

Council Member Brisk noted many on council had been on city boards before this. PC, in particular, had a wealth of knowledge, history, and experience. Council counted on them to interpret its priorities. They dig deep into the details, and council took it from there. She didn't see council taking a new plan and not going back to PC with it. She didn't want the PC by-passed in this process – whether by tabling or a total recreation of the process.

Mayor Spalding stated the city had had 30+ years of civic planning and development. It had gotten a lot of things right in that time due to collaborative efforts with developers, community, and council. It was a process – idea, input, changes – to try to build something that everyone could support. He appreciated Mr. Steiner's experience and hoped that Mr. Steiner could come up with a plan that the community supported. Mr. Steiner owned the land. Something would be developed there. We should do our best to provide positive feedback and input to provide a positive project we could all be proud of. Mayor Spalding apologized that the city failed to have clear defined standards for a hamlet. COVID could be blamed for a lot of things. The Engage New Albany strategic plan process did get delayed because of COVID. There was a lot of time between the PC's and council's vote. There were things the city could have done differently. We all apologize to the developer and developer community for not having clear articulated standards.

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Mayor Spalding moved that the ordinance be tabled. Council Member Durik seconded and council voted with 1 yes vote and 4 no votes to table the ordinance. Motion failed.

Mayor Spalding invited the applicant to make a presentation. Justin Leyda, Chief Development Strategist at Steiner + Associates, stated that they had done outreach and open houses. They'd come up with a series of plan options. They did not have a new plan presentation. Where the project was headed – they expected to cut the residential density by about 45%. They would agree to build as many or few apartments or units as city council collectively recommended. They would agree not to include any 4-story residential buildings. They had heard more interest in commercial space and would add that. They would increase the amount of greenspace - resulting from the reduced density. They would agree to pay a reasonable fee to the city, if and when the hamlet classifications/standards were defined and provided for guidance.

Mr. Leyda said that they had gotten a lot of feedback. At their last session, they had 40 representatives from different neighborhoods reviewing their plans, speaking with their experts, and giving feedback. Master planning, good effort, took time and patience. This is where they saw it going and committed to making those changes.

Council Member Kist and Council Member Durik agreed that these were substantive changes that addressed some of the issues that residents had raised. There was still a lot to be fleshed out. All would be substantive and impacted by new hamlet standards.

Mayor Spalding asked and Mr. Underhill replied that the applicant wasn't considering withdrawing the application. Process-wise, he expected this to go back to the PC, one way or the other. He asked if there was a way to posture this so it could go back to the PC, not the RFBA. Council Member Kist asked and City Manager Stefanov answered that it would be about a 30-day addition for the RFBA to hear it. If the RFBA required a second meeting, it could be longer. Mr. Underhill was concerned about the timing - but he also thought it would cause confusion to take the project back. Mayor Spalding reviewed the steps in the recommendation process from the RFBA to the PC to council. Mr. Underhill stated it was highly unusual for the RFBA not to be listened to.

Council Member Durik thought that if the project was going to be substantively different, as described, and meeting different standards, the process should start at the beginning and work its way through. The RFBA could take the new standards into consideration. He thought it would be easy to explain why the RFBA was hearing it again – because of the new standards.

Council Member Kist asked and Mr. Leyda answered that the applicant had agreements in place for additional parcels of land. They owned the majority of the land, but there was a portion they did not own, that was under option, and those options do expire. They also had to make decisions based on where things were going. Their hesitation to withdraw was related to those economic considerations. Mr. Underhill agreed that another parcel would mean having to go through the process.

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Council Member Shull suggested finding a way to shorten the time table as a way of finding middle ground. He expressed that it seemed - maybe because the city didn't have standards in place - that there were rules that were evaded and things that should have happened that didn't happen. He would hate to bypass certain boards for this project given scrutiny. But if there was a way to maybe go through the process a little quicker, he was okay with that. Maybe RFBA and PC could be done in the same month?

Mr. Underhill stated timing was one element. If the project didn't get their support for some reason – not that they believed that to be the case. That would be unprecedented, too. This was a special circumstance. He had a lot of trust in the PC. He went before them all the time. He knew they'd understand what was given to them. The RFBA was a different beast.

Mayor Spalding asked if Mr. Underhill was requesting a motion to refer it back to the PC. Mr. Underhill requested a motion to refer this back to the PC and not to be heard until the new standards were adopted by council. Council asked the difference between this motion and tabling it. Mayor Spalding asked if anyone on council wanted to make the motion to refer it back to the PC. Council Member Kist stated, for the reasons stated before, he would prefer a clean start. Mayor Spalding noted no further interest in that motion.

Mayor Spalding opened the Public Hearing.

Lawrence Cohen, 5684 Sugarwood Drive, stated that there was a big hole in the strategic plan in terms of the standards for the hamlet concept. He agreed with process going through to set those standards before a plan was approved. The right thing to do was vote no and have that project go back through the entire process, including the RFBA, because that's where it should start. Any plan that was proposed was going to be substantially different than what was seen in the past. Any other result didn't make sense.

Bruce Larson, 6920 Kindler Drive, stated, as far as going back to PC, he did support that kind of decision. He thought the changes were substantial enough that it deserved that. He knew he and other residents would be engaged in that process to try to make it the best project it could be. He appreciated what Mr. Steiner had done, their efforts, reaching out. There was more progress to be made. He would recommend what had been recommended tonight.

Matt McFadden, 7073 Maynard Pl East, wanted to thank council members who had been responsive in their correspondence and meeting with residents. He thanked members of his HOA who brought this to his attention. The lack of standards was the problem. Giving the council, committees, and community a chance for active participation in setting those standards would go a long way to make sure what Mr. Steiner proposed fit with what the city wanted. The strategic plan fit a lot of what he and his neighbors liked about this community. It was in the best interest to vote no, go back through the process, and he was sure the community would be much more involved every step of the way.

Kirk Smith, 6830 Central College Road, withdrew his request to speak.

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Michele Noe, 7057 Maynard Place, withdrew her request to speak.

Anthony Capuano, 6878 Cedar Brook Glen, withdrew his request to speak.

Bill Resch, 5610 Morgan Road, after first passing on speaking, reconsidered, and stated he agreed that the standards were not clear in terms of the amount of greenspace related to this type of project. The whole south of the Dublin-Granville corridor was master planned with 2,400 square feet per dwelling unit. That had served the city well. We had to solve the problem of not having a standard that de-incentivized a developer of commercial and residential projects. It was wasn't serving the city well. It was economically impossible to use 2,400 square feet per dwelling requirement for this project. He thought it was wise to clear that up.

Tricia Segnini, President of the New Albany Links HOA, stated the one thing she disagreed with – she did feel the developer was given time. He did meet with them and he did hear their concerns. They changed some things, but not quite significant enough for them to feel like it was enough. Her understanding was that this plan came out 30 days after the strategic plan. She felt like 30 more days was ample time for someone with those resources to come up with something that might have made a difference for the community. She was there to ask council to take a step back, regroup. One of the things that made New Albany different from a Westerville or Dublin was that it didn't have a significant number of apartments and dense urbanization. We could give it a cute name, like a hamlet, but it didn't change the fact that the focus was on high density apartments, townhomes, or condos, that would bring crime, traffic, and congestion to New Albany that many of them moved to get away from. She wanted to take all the "what ifs," put them aside, and define what a hamlet really meant, what did it mean to the community. Not from the developer's perspective. But what would it look like if New Albany's #1 priority was its residents. Do we need one at all? Neighbors had been put in a position where they had to chase info on page 405, had to become experts in the new strategic plan, had to debate fuzzy math, and dig deep, taking time away from families, jobs, and side-gigs, and more to get the real facts from elected officials. They did appreciate the information they had gotten and the time spent answering their questions. She had spent time on the phone with New Albany Schools Superintendent Michael Sawyers, Mr. Steiner's people, to make sure that the HOA's 600 residents had all the information and all the facts. She asked council to help them regain their trust in their government, not by pressing pause. Vote no to the plan. We need a fresh start. She felt this was council's opportunity to show residents they were listening to what the community was telling them. Please bring this to vote and vote no.

Elizabeth Mable, 6993 Cunningham Drive, stated she had lived there for 9 years from Detroit. When selecting New Albany, they were interested in the small feel, the great schools, and the master plan and tremendous amount of planning into the design of the community. She thanked council for their leadership and listening to residents. Residents were coming from a place of pride, wanting to be proud of the community they lived in. She was asking council to vote no for all the reasons they spoke to. We need to define what a hamlet is, to set a standard, and then build a plan or have a developer build a plan to those standards, and do it without a plan hanging over our head. The developer had heard

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them and their comments around high density and school impact, but we need to take a strategic lens and define fully what that meant to the community before any plans were approved. We've demonstrated that time and time again – that we are thoughtful in our planning process, and that is what has made our community great. She asked council to do that again today.

Council had been thoughtful about getting feedback – that's why the city had the Engage strategic plan, had invested a lot of time and energy. Through that, the city developed these concepts, but now there was an opportunity to define what a hamlet should look like. For that reason, she asked council to vote no to the proposal and have a clean slate. She thanked the developer for being open to their feedback. There was a committed group of residents that wanted to sit down, and wanted to be able to drive by that property in years to come and be happy with the end result.

Steve Siegel, 7190 Sumption Drive, thanked council for the pause on the project. He was a commercial real estate agent and affiliated with a developer that had done a significant number of commercial residential projects for 21 years. He was pro-development. This particular piece of property was significantly located close to a significant number of residential areas. State Route 605 was very narrow with a significant amount of traffic related to the schools. Tons of kids rode their bikes and crossed State Route 605 at Central College Road. Tonight, there was a bad car accident at that intersection. Council Members Kist and Shull added that there was a car accident the previous night also.

Mr. Siegel understood that everyone was talking about the hamlet concept. He didn't know what it was. He was sure it would be explained and developed. We needed to think about where it made sense to put hamlets. Just creating the standards for it didn't mean that this particular property could be a hamlet. He didn't know the answer, but we had to take into consideration what really made sense for that piece of property. He hoped this would go back to a new project. There was no plan right now. The plan would start over. We didn't know the guidelines, but we had to think about what made sense for that corner and other similar corners in the city. He asked, as we considered this hamlet – is this some type of loophole we're trying to put in the code so we can do developments? That's not what residents were asking for tonight. They were asking for what makes sense to go on this property that would benefit the community. We'd done great things. Everyone in this room moved to New Albany because of the great strategic planning that we've done. The thoughtful careful strategic planning. It felt like, north of SR 161 – starting to maybe let that slip a little bit. Let's take this all into consideration, let's think about what makes sense. We can continue to do great things.

David Gerhardt, 6908 Central College Road, stated he lived a half mile east of the project site. He wasn't sure what table and try to come up with a plan meant. Density was their main concern for everybody in New Albany, for all the kids who went to school in New Albany. He lived in Reynoldsburg 22 years prior and they rubber stamped density. He asked that council pay attention to this and represent all of New Albany.

Digish and Mamta Doshi, 7291 Talanth Place, withdrew their request to speak.

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

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Council Member Kist moved to adopt the ordinance. Council Member Shull seconded and council voted with 5 no votes on the motion to approve Ordinance O-30-2021. Motion failed. Ordinance was not adopted.

Mayor Spalding, for clarity of the record, gave his reasons for voting no and asked other council members, if they had additional reasons, to state them. The basis for approving a comprehensive plan, a C-PUD, had several elements under the city code which had to be met. He believed several had not been met with this application. Despite the best efforts of the developer at this stage, applying to balancing to the various factors – whether it be traffic and circulation systems, building heights, area ratios, land surface uses, off-street parking and loading standards, impact on the schools – a critical element, and general advances for the welfare of the city. Based on those areas, Mayor Spalding thought it was appropriate to deny the application.

Council Member Kist stated he denied the application - the proposed development was consistent with all respects, with purpose and intent applicable standards of the zoning code and the fact that the city was in the process of creating the code that the project would have to abide by – made him uncomfortable in approving the plan at this time.

Council Member Shull stated he had 2 reasons why he said no to this – 1 was for traffic and the circulation systems within the proposed project, as well as the appropriateness for the existing facilities and surrounding area and – 2 was the building heights. That was an issue he had because - with all of the structures in regards to their visual impact on adjacent facilities.

Council Member Durik stated several reasons. The uncertainty as to the impact on student population in the schools. He thought the density of the dwelling units was beyond what the city would reasonably look at in the community and in the hamlet, even though the standards were vague, he thought the density, when it was 6% of the city's population existing in that 1, 30-acre space was beyond what was reasonable density. The benefits of development didn't improve the design of the city and deviated from some of the development requirements. He thought it just didn't conform with the strategic plan – where that strategic plan and standards were today.

Council Member Brisk stated her reason for not approving at this time was primarily because she didn't think the city knew exactly what the strategic plan told the city about what this kind of development was supposed to be. Therefore, she could not, with confidence, vote for something that was in accordance with the strategic plan. It was clear that the city didn't know what was in the best general welfare of the municipality right now in terms of this development. From the beginning, she had concerns about the density and what would happen in terms of the greenspace. Now it was just too far past - too many details needed to be ironed out – that it was now a project that needed to be disapproved and a new project begun.

Mayor Spalding thanked the applicant. He anticipated seeing another plan in the coming months. Council Member Durik thanked the residents who had been forthcoming in the city meetings and

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communications. Community interest in New Albany had always been a benchmark and set it apart from other communities. Participation was important. He was encouraged to see it in more things in the future. Council members agreed.

ORDINANCE O-35-2021

Mayor Spalding read by title AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN ENCROACHMENT EASEMENT PREVIOUSLY GRANTED BY THE VILLAGE OF NEW ALBANY FOR PROPERTIES LOCATED AT 3 AND 7 – 9 NORTH HIGH STREET AS REQUESTED BY RKM, LLC.

Director Chrysler explained that this regarded a 1.8 foot encroachment into the right-of-way. The discovery of the building's encroachment happened during sidewalk replacement. There were no utilities or reasons why the city would need access to the right-of-way. This legislation amended the encroachment agreement to allow the building to remain. It would change the provision where the city could ask the building to be taken down at any point or when there was a change in the use of the property.

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

Mayor Spalding moved to adopt the ordinance. Council Member Shull seconded and council voted with 5 yes votes to approve Ordinance O-25-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-36-2021

Mayor Spalding read by title AN ORDINANCE TO DECLARE THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, EXEMPT 100% OF THAT IMPROVEMENT FROM REAL PROPERTY TAXATION, REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE JOHNSTOWN-MONROE LOCAL SCHOOL DISTRICT, THE LICKING HEIGHTS LOCAL SCHOOL DISTRICT AND THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY, ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THOSE PARCELS, AND APPROVE AND AUTHORIZE THE EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS.

Economic Development Manager Michael Loges stated this resolution would expand the tax increment financing (TIF) area in Licking County from which the city could draw to support public infrastructure improvements in the future.

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Mayor Spalding asked and Manager Loges responded that the schools did not vote on the TIF expansion, but they needed to be notified. Director Chrysler clarified that this was because this was a non-school TIF, the schools weren't impacted. The property owner paid their taxes to the county who disbursed funds directly to the schools.

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

ORDINANCE O-37-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 4.717 ACRE CONSERVATION EASEMENT AS REQUESTED BY THE NEW ALBANY COMPANY, LLC.

Engineering Manager Ryan Ohly stated this ordinance accepted a 4.717 acre conservation easement as requested by The New Albany Company (NACO). This was part of the proposed development of a 27 acre site. NACO would be relocating an existing stream which currently ran diagonally through the parcel. The new location would follow the southern and western boundaries of the parcel. The new conservation area would be protected in perpetuity by the easement. The easement would allow the owner to construct certain drainage features in the area, provided the owner restores it back to its natural state. The easement contained restrictions intended to preserve the area, including prohibiting construction replacement of any man-made structures or modifications, cutting vegetation, or any other activity that would endanger the natural integrity.

Council and staff discussed water flow direction and ultimate connection to Blacklick Creek. Council Member Shull asked and Manager Ohly replied that stream realignment was permitted through the US Army Corps of Engineers. They would also inspect it afterwards.

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

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-51-2021

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO GRANT CONSENT AND COOPERATE WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE REGARDING THE MORSE ROAD AND BABBITT ROAD (PID 109494) IMPROVEMENT PROJECT.

Deputy Public Service Director Mike Barker described the intersection in the jurisdiction of the Franklin County Engineer's Office. The city had worked with Franklin County for many years regarding improvements of the surrounding intersections. Once Kitzmiller Road was complete, this project would improve the Babbitt Road intersection to be a single-lane roundabout similar to the one at Kitzmiller Road. The project would be fully funded by the Franklin County Engineer's Office. This legislation granted the city's consent and support for the project.

The city's water masterplan anticipated a 16 inch watermain going north and south along Babbitt Road, providing a secondary loop to the business campus area. The city requested to add to the waterline

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improvements to just beyond the limit of the Franklin County jurisdiction. Making that connection now would save time and money. As part of this agreement, the city would reimburse the county for the waterline work. Franklin County would be installing New Albany-standard signage and streetlighting at no cost to the city. The city agreed to maintain the signage, landscaping, granite, and mowing inside the project limits. Cost reimbursement was available from the city's Water and Sewer Improvement Fund. Franklin County's intent was to put the project out to bid in 2021 and begin in early 2023.

Council and staff discussed the proliferation of roundabouts in central Ohio.

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 resolution. Council Member Durik seconded and council voted with six yes votes to approve Resolution R-51-2021.

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 report.
- C. Council Representative to New Albany Plain Local Schools: No meeting. There would be a meeting with city and school representatives soon.
- D. Council Representative to Plain Township: No meeting.

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REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported on the Central Ohio Mayors and Managers Association which he and City Manager Stefanov attended virtually. MORPC's government relations team updated members about the infrastructure bill in congress, light rail service, and dedicated bus lanes. Bexley Mayor Kessler talked about the city's efforts to increase vaccination among workers by giving additional benefits, possibly funded by federal dollars. The Municipal Broadband Task Force, led by the City of Dublin, gave an update.

Mayor Spalding reported on the opening of the New Albany Miracle Field. He thanked all the board members who worked hard to make the project happen. Dr. Klingele lead the charge to get it constructed and it was a team effort. It was a joy to be there.

- B. Clerk of Council: Clerk Mason polled council who option to cancel the December 21, 2021 council meeting. Council and staff discussed the possibility of calling a Special Meeting, if needed.

Mayor Spalding moved to go without the December 21, 2021 council meeting and to rely on staff for an update if an additional Special Meeting might be scheduled. Council Member Durik seconded and council voted with 5 yes votes to cancel the December 21, 2021 meeting. Motion passed.

- C. Finance Director: Director Staats reviewed the August Finance Report with council. Income tax was higher, but the city was waiting the October Net Profits Tax filings. She anticipated a slight uptick in expenses with the approval of the new FOP contract. Income tax withholding showed an increase over 2020. Investments were holding steady at about .72% yield. The city received an award for liquidity management. Funds balances and carryover balance were listed.

Mayor Spalding recognized the Finance Department and Director for receiving the Government Finance Officers Association Distinguished Budget Presentation Award. Council congratulated the Finance Department on the accomplishment. They also received an award from the State Auditor.

- D. City Manager: City Manager Stefanov reported he would be submitting the DORA application to the council clerk shortly and the first public hearing would be after the 2-week waiting period.

- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

Council Member Shull stated he and Council Member Kist joined City Manager Stefanov at Chief Hoovler's retirement party. It was well-attended. Stories were shared about his ~60 years of service. City Manager Stefanov's speech represented the city well. Chief Hoovler oversaw a lot of change.

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Council lauded the Community Events Board on the success of Oktoberfest. The amenities, kid's activities, the weather, the food, and setting on Market Street were all fantastic.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to New Albany Charter Section 4.03(E) for economic development purposes. Council Member Shull seconded and council voted with 5 yes votes to go into executive session at 8:06 pm. Council did not anticipate taking action afterwards.

Staff present in executive session: City Manager Stefanov, Law Director Banchefsky, Director Staats, Director Joly, Director Chrysler, Deputy Public Service Director Barker, Economic Development Manager Loges.

Council Member Shull moved that council come out of executive session and resume the regular meeting. Council Member Durik seconded and council voted with 5 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 9:36 pm.

OTHER BUSINESS:

Mayor Spalding asked council members for their thoughts whether they wanted to pursue authority to allow for virtual meetings. They discussed options for council members and the public. Council Member Durik was in favor for when council members traveled. Mayor Spalding recalled that Worthington was pursuing similar authority and he heard there were discussions at the state level. Council Member Brisk expressed concern about over-use of a virtual option. Council discussed the value of in-person interaction with the public. Council discussed guardrails - limits to the number of virtual meetings permitted. Council Member Kist liked the option in rare situations, but greatly preferred in person public interaction. Council discussed virtual public participation during a public health emergency.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the October 5, 2021 regular council meeting at 9:42 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan Spalding, Mayor

19 OCT 2021
Date