



Council Minutes – Regular Meeting

February 20, 2024

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of February 20, 2024 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 Benjamin Albrecht, Deputy Finance Director Morgan Joeright, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Development Director Jennifer Chrysler, Economic Development Manager Sara Zeigler, Public Service Director Mike Barker, Economic Development Manager Sara Zeigler, Economic Development Specialist Alex Klosterman, Chief Communications and Marketing Officer Josh Poland, and Clerk of Council Jennifer Mason.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

Clerk Mason reported that Council Member Shull could not attend due to travel and requested to be excused. Mayor Spalding moved to excuse Council Member Shull from the council meeting. Council Member Kist seconded and council voted with 6 yes votes to excuse Council Member Shull from the council meeting.

ACTION ON MINUTES:

Clerk Mason reported that she received 2 non-substantive corrections after distribution which had been fixed in the original for signature. Council adopted the 2/6/24 meeting minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE

HEARING OF VISITORS:

Columbus Community Rights Coalition (CCRC) Sandy Bolzenius and Kathy McGlone spoke to council about The Risk to the Greater Columbus Water Supply from Oil & Gas Production whitepaper and presented the attached slides and handouts. Ms. Bolzenius talked about having safe water, fracking which took 800+ chemicals, the radioactivity of fracking waste, and the state-mandated wells/storage sites in Morrow County. The injection wells stored toxic and radioactive waste and could leak. Tanker trucks with the hazardous waste were traversing the state. So far, the worst outcomes had been prevented. Fracking waste brine was being spread on roads as de-icers, although not in New Albany. The CCRC had been in

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existence 10 years. They created the whitepaper because they weren't getting enough attention for how dangerous this was. The white paper was a scientific study by 40-year geologist who took it over from her long-time mentor. The Columbus Source Water Protection Management Plan needed to address threats of spills and releases from gas and oil activities. Leaders and residents needed to advocate for each other to stay safe. The CCRC was working with the Columbus Division of Water and visiting many surrounding communities. Ms. Bozenius asked those present to look through the provided information and contact them with questions.

Mayor Spalding appreciated the CCRC sharing their information and passion. Having a healthy watershed was important for all of central Ohio. Mayor Spalding asked about an early warning system. The city received a briefing about 6 months prior from the Franklin County Emergency Management Agency. He asked about a county- or state-level tracking or alerting for a hazardous spill of these kinds of materials. Ms. Bolzenius responded there were different things the government needed to test for in these kinds of spills and they didn't test for these particular aspects. Mayor Spalding understood that some spills may also not be reported and go undetected.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: Council Member Kist reported that the ARB approved waivers for a new 2-story daycare center on High Street by The Avalon retirement facility. It would have brick and hardy plank siding. Signage was approved. Staff would work with the applicant to try to relocate several transformers or screen them. There would be 55 off-street parking spaces behind the building, more than code required.

BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the SAB organized, naming Charles Schumacher as the new chair, Brian Filiatraut as vice chair, and Catherine Duffy as secretary. Earth Peak Organics, a local composting company, presented on their services. Earth Peak was similar to GoZero, but also offered curbside pickup. They currently serviced Bexley. They wanted to get more involved in commercial composting, also. They had machines to do composting on-site and offered a real-time carbon offset report. The SAB continued planning for Earth Day to Arbor Day which would take place the last week in April. Director Joly stated the e-waste and hazardous waste drives would be combined on April 27.

IDEA IMPLEMENTATION PANEL: Council Member Wiltrout reported on the success of the SOUPer Supper event. Council Member Brisk stated the event served 200-250 people. Proceeds were donated to the food pantry. There was a wide variety of soups from many different traditions. It was a connecting event. Council gave kudos to city staff for their hard work. The IDEA Panel spent much of their meeting planning the March 14 EmpowHER event which would celebrate the inspiring women of New Albany.



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WBNS-10 TV journalist and news anchor Angela An would moderate the panel of speakers. A sit-down dinner would be provided. Registration was live and people were encouraged to sign up soon.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-03-2024

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

Clerk Mason stated section 4.04 of the city’s charter allowed council, by ordinance, to annually determine its compensation 1 time per year, and not by emergency. This ordinance would increase council’s salary by 3%, which was the same as the raise given to city staff. The adjusted salary would be effective January 1, 2024. These amounts were appropriated in the 2024 budget. The ordinance also made council eligible to sign up for health insurance benefits during open enrollment.

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 Brisk seconded and council voted with 6 yes votes to approve Ordinance O-03-2024.

ORDINANCE O-04-2024

Mayor Spalding read by title AN ORDINANCE TO ESTABLISH THE VILLAGE CENTER CAPITAL IMPROVEMENT FUND, AMEND CHAPTER 181 “INCOME TAX”, AND CHAPTER 187 “FUNDS” OF THE CITY OF NEW ALBANY OHIO CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY.

Deputy Director Morgan Joeright stated this ordinance established the Village Center Capital Improvement fund. The fund would receive 1½ percent of the general municipal income tax collections starting with February 2024’s distribution from RITA. This legislation authorized the creation of the Village Center Capital Improvement fund and amended the city code Chapter 181 and 187 as shown on Exhibit A.

Council Member Kist asked and City Manager Stefanov answered that this ordinance did not define the boundaries of the Village Center. Staff would reference the city’s planning documents which depicted the

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Village Center and could change. It would include the Historic Village Center, the Windsor subdivision, the area across the street with the fire station, everything south from there to Market Street, the south side of Market Street, Ealy Crossing, plus Richmond Square and that area.

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 ordinance. Council Member Fellows seconded and council voted with 6 yes votes to approve Ordinance O-04-2024.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-05-2024

Mayor Spalding read by title AN ORDINANCE TO AMEND CHAPTER 137.01 “SUSTAINABILITY ADVISORY BOARD ESTABLISHED; MEMBERSHIP, TERM, AND VACANCY” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY.

Clerk Mason stated the Sustainability Advisory Board (SAB) was established by council in June of 2021 and could be found in city code section 137. The SAB had 7 members, 1 non-voting student member, and 1 non-voting council liaison. The SAB worked closely with the New Albany – Plain Local School District (NAPLS) on projects like tree planting, recycling, composting, supporting the schools’ grant application for water refilling stations, and funding the new student sustainability grant program. In order to maintain close ties and facilitate communication, this ordinance would amend city code to state that 1 SAB position may be a teacher/administrator from the school district and that teacher/administrator did not have to also be a resident of the city. Without that change, residency would be required. The SAB position remained one appointed by city council.

Mayor Spalding noted that the board had success with members of the NAPLS involved. Council wanted to keep that option open. This was a new board and this allowed more flexibility. Clerk Mason noted the position was not required to be a teacher.

Council Member Kist stated a lot of the initiatives that the SAB addressed were closely tied to NAPLS. NAPLS enrolled around 5,000 kids, a population nearly half the size of the city, in the city 5 days a week. It made sense to codify this tie-in to the school district.

Mayor Spalding set the ordinance for second reading at the February 6, 2024 council meeting.

ORDINANCE O-06-2024

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 9.9+/- ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF JOHNSTOWN ROAD AND THOMPSON ROAD, FROM AGRICULTURE (AG) & RESIDENTIAL ESTATE DISTRICT (R-1)

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TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS THE “OAKLAND NURSERY ZONING DISTRICT” AS REQUESTED BY OAKLAND NURSERY C/O AARON UNDERHILL ESQ.

Planning Manager Steve Mayer stated the primary property was recently annexed to the city and this rezoning included the adjacent residential property to the south. The rezoning would allow for the continuing use of the gardening center, an expansion of the commercial parking lot, the housing of seasonal staff, and storage of products in the garage and barn. All existing architecture on the property would remain, but anything new would have to meet the city’s requirements. The applicant committed to providing right-of-way and easements along all public roadways. As part of the Preliminary Development Plan, there was a landscape component for the expansion of the parking lot. The Planning Commission (PC) approved the rezoning with a condition for headlight screening added to the south side. The applicant was providing 75% buffer landscaping along the portion with the new parking lot. There was existing landscaping on the southwest corner. There was typical screening and street trees along US 62.

Council Member Fellows asked and Manager Mayer answered that the house had 4 bedrooms. Staff had consulted with the city’s chief building official. The city would be doing an inspection, additional permits would be required. Rental status was up to the property owner. This was more of a commercial rather than residential use.

Council Member Brisk asked and Manager Mayer confirmed that the biggest changes were the expanded parking lot and the change of the home from residential to commercial. The annexation was requested by the property owner.

Mark Renier, VP with Oakland Nursery, stated that Oakland had owned the residential property for 4-5 years and it had always been in New Albany. The nursery business was in Plain Township. To expand the parking area, they had to annex to combine the parcels.

Council Member Fellows asked if Oakland Nursery would make any upgrades to the home to beautify it. Mr. Renier replied there was landscaping planned. They didn’t have home upgrades planned, but they wanted it to look good as an extension the business. As an example, they recently replaced the garage door.

Council Member Durik asked and Manager Mayer answered that city staff notified Plain Township of the annexation and rezoning request. He did not believe the township had responded.

Council Member Fellows asked and Mr. Renier responded that the farmers’ market was coming back.

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

ORDINANCE O-07-2023

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 21.47 ACRE CONSERVATION EASEMENT AS REQUESTED BY MBJ HOLDINGS, LLC.

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Engineering Manager Cara Denny stated this legislation was as an essential component of the permitting process, aligning with the requirements of the Ohio Environmental Protection Agency (Ohio EPA) and the U.S. Army Corps of Engineers (USACE). The intention behind MJB Holdings’s conveyance of this conservation easement area to the city of New Albany was to ensure the long-term conservation and protection of the property. Within the easement area, multiple conservation values had been identified, including conserving the overall ecological integrity of the area. The easement agreement set forth restrictions designed to ensure the perpetual conservation of the area. Among these restrictions were prohibitions against commercial and industrial activities, construction of man-made structures or alterations, vegetation cutting or destruction, altering land surfaces, dumping, interference with natural water courses, installation of new utility lines, other activities that could endanger the ecological integrity of the area. Accepting this conservation easement was advantageous to the city, it promoted environmental stewardship and aided in maintaining the region's ecological balance. By accepting this easement, the city did not inherit legal responsibility for potential violations by the owner or any third party.

Mayor Spalding stated it was nice to see greenscape along Beech Road.

Council Member Kist asked and Manager Denny confirmed there was sliver of land along Beech Road that was not in the conservation area which could be used for future intersection improvements.

Mayor Spalding set the ordinance for second reading at the March 5, 2024 council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-04-2024

Mayor Spalding read by title A RESOLUTION TO APPROVE TWO VARIANCES TO ALLOW (A) AN OPEN PAVER PATIO TO ENCROACH A PLATTED CONSERVATION AREA AND (B) TO ALLOW A HOME ADDITION TO ENCROACH THE REAR YARD BUILDING SETBACK AND CONSERVATION AREA AT 7823 CALVERTON SQUARE, AS REQUESTED BY THE COLUMBUS ARCHITECTURAL STUDIO C/O THAD AND SUSANNE PERRY.

Planning Manager Steve Mayer stated the property owners submitted a building permit to construct a screened-in porch home addition over an existing paver patio. During the initial review of the application, it was discovered that the proposed home addition and the existing paver patio encroached into a conservation area. Staff could not locate any records of variances or permits issued for the patio. The applicants requested a variances to allow it to remain and a to allow a building addition to be constructed solely over the paver patio. The screened-in porch would encroach into the conservation area and building setback by 4 feet. The current condition did not result from the action of the applicant. Staff estimated the paver patio was constructed sometime between 1997 and 2000. The Perrys bought the home in 2023. The paver patio variance request did not appear to be substantial, equaling about 4% of the entire conservation area on the lot. The home addition variance request also did not appear to be substantial, encroaching less than 2% of the entire conservation area. The matter could be resolved by reducing the size of the home addition, however, the home addition did not impact any new land within the conservation area as it would be built solely where the patio existed. Granting the variance would not adversely affect the health and safety

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of persons residing or working in the vicinity, would not be materially detrimental to the public welfare, and would not be injurious to private property or public improvements in the vicinity. Granting the variance would not adversely affect the delivery of government services. There were no easements or public utilities located in the rear of the property.

In January, the Planning Commission (PC) recommended approval of Variance A for the paver patio by a vote of 5-0, citing that it was not installed by the existing owner and the patio encroachment was not egregious. The PC recommended denial of Variance B by a vote of 2-3. Those who voted no stated that the home addition was within the current owner's control, the request did not meet the *Duncan* criteria, they did not want to set a precedent, an alternate solution could be reached that met city standards, and this constituted a new intrusion into the easement.

For the PC meeting, the applicant provided 3 letters of support and documentation showing that their homeowners association (HOA) had approved the patio and home addition plans. Since the PC hearing, the city had received many more letters of support which were distributed to council with their packets.

Clerk's note: the letters in support of the variances provided to council are attached to these minutes. The initial letters in support are attached to Resolution R-04-2024.

Mayor Spalding asked and Manager Mayer agreed that the home addition could be described as a screened-in porch attached to the home, covering a portion of the existing paver patio.

Council Member Kist asked and Manager Mayer answered that the patio pavers would stay where there were and the enclosure would cover them, assuming council approved the variances.

Council Member Brisk asked and Manager Mayer confirmed that the property owner's HOA approved both improvements as shown.

Council Member Durik asked and Manager Mayer responded that city staff was not aware of any other applications to enclose patios in that subdivision.

Council Member Kist understood the reason this matter was before council, rather than the BZA, was because of the 1995 zoning text. Manager Mayer agreed, this was perhaps the oldest zoning text in the city.

Council Member Fellows asked and Manager Mayer answered that staff believed the paver patio was installed between 1997 to 2000 and encroached at that time.

Council Member Wiltrout stated that she felt this situation fell outside the *Duncan* criteria. She thought it would be harmful to the property to now to take up the patio that had been there 30 years. She found it compelling there would be no additional encroachment with the home addition. She didn't know if the city's zoning text covered "air" encroachment. The land was already covered and Variance B addressed what went on top of that. It didn't make sense to grant Variance A and not Variance B.

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Council Member Brisk agreed with Council Member Wiltout. She thought it was important to clarify that PC was careful to split their decision and not make the owners undo the paver patio, but also did not approve further encroachment. She recalled PC making people take out unapproved structures. That said, the pavers were already in place. The HOA approved the proposal. Many neighbors were in favor. The PC recommended leaving the patio. The question was whether to let the owners cover a portion of that patio when council had received so much positive feedback. She thought council should approve it.

Council Member Wiltout questioned: is building on top of a patio and additional encroachment? She had also seen the PC require removal of structures installed 5 years prior. The subject patio had been there so long and, building on top, how would that impact city code? This was a unique circumstance.

Mayor Spalding referred to the letters of support provided by the homeowners. He asked and Thad Perry, homeowner, confirmed that there were letters in support from residents on Brompton Court.

Thad Perry, 7823 Calverton Square, stated that he met all the impacted neighbors, anyone who could see the porch on a cold winter day, and they had all signed off. A total of 13 neighbors signed off, 7 who could possibly see the porch.

Mayor Spalding stated council also paid a lot of attention to making sure preservation zones were preserved. The property had a beautiful tree stand which added to a quiet, bucolic setting. Encroachments into preservation zones were taken seriously and it was uncommon to grant a variance into a preservation zone.

Mr. Perry noted that Joe Ciminello sent a note to Council Member Wiltout saying that the patio was built with the house was built and before the occupancy permit was received 27 years ago. The patio had been there for 27 years. The was the 3rd house built in the subdivision in 1993. Maybe all the rules weren't set at that time. The person who built the house did something different and it was signed off on at the time. Mr. Perry understood that there was something new now and the city got to look at it.

Council Member Kist expressed concern about setting a precedent by acknowledging the patio shouldn't be there in the first place, then allowing the owner to cover the patio. He understood how it made sense in this circumstance. He was less concerned about The Reserve, but Tidewater had conservation areas and some owners there built into those zones. Granting Variance B was also encroaching into the building setback, not just a conservation area. Planning Manager Mayer estimated the setback encroachment to be 3 ½ to 4 feet.

Council Member Kist didn't think this variance request bothered anyone. His main concern was for others coming for the same thing.

Manager Mayer described each variance being determined on its own merits. In this case, there was an existing condition that PC and council could take into consideration. Also, the character of the building and the extension into the preservation zone should also considered for appropriateness. This was a well-designed building extension. It was not out of character. Council could also consider the additional letters of support from impacted neighbors. Council had many more letters than PC.

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Council Member Brisk agreed there was always a danger of setting precedent, but she thought there were unique facts here and listed them.

Law Director Ben Albrecht said variances were always considered on a case-by-case basis. Council could evaluate all the unique factors and circumstances each time. He was not sure council was setting a precedent because each case would have so many variables.

Council Member Durik stated council was always concerned about making exceptions. He asked if the city had approved construction in conservation areas for other residents. Was this the first for a structure being built in a conservation area? Manager Mayer responded that staff didn't research that. He generally knew that staff had looked at decks, patios, and some stand-alone pergolas. Those were not technically an extension of the home, they were still considered structures.

Director Chrysler stated that city received a wide array of requests regarding preservation zones, conservation zones, and easements. Staff informed the owner about city code and showed them the path if they wanted a variance. Matters were handled on a case-by-case basis. Determinations depended on things like: how the conservation or preservation zone was written on the plan, the restrictions on it, the restrictions on it, and how it was posted. Property owners had been denied variances because some preservation areas were for storm water retention. There were many different reasons why variances had been approved or denied over the years. The residents' process had always been the same. Usually the matter only went to the PC. This was a unique piece of zoning text. The city looked at the purpose of the conservation easement from the standpoint of drainage, utilities, continuing to encroachment, and impact on the rest of the conservation zone. This was partly how staff came up with their recommendations and how PC evaluated these kinds of variance requests.

Mayor Spalding asked: if the covered patio only extended to the building setback, would they need a variance? Manager Mayer answered, no, they would not. The property owners and architect presented on this at PC from a design and functionality standpoint. Council members noted that shrinking the addition would alter the roof pitch and windows.

Council Member Wiltrout asked to make the letter she received from Mr. Ciminello part of the record. Clerk Mason stated it would be attached to the minutes. It could also be attached to the legislation, if council indicated.

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

Mayor Spalding moved to approve Variance A where the applicant was requesting a variance of the subdivision plan to allow an open paver patio to encroach on a platted conservation area by 9 feet, noting that the paver patio was an existing condition. Council Member Wiltrout seconded and council voted with 6 yes votes to approve Variance A.

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Mayor Spalding moved to approve the applicant’s request for a variance of The Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened in porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet. Council Member Wilttrout seconded and council voted with 6 yes votes to approve Variance B as described.

Mayor Spalding moved to adopt the resolution. Council Member Kist seconded and council voted with 6 yes votes to approve Resolution R-04-2024.

COUNCIL SUBCOMMITTEE REPORTS:

Mayor Spalding stated he had talked with several council members about the creation of subcommittees. His preference was to move away from standing committees and establish subcommittees that council actually used and wanted. He wanted to discuss the sorts of subcommittees council wanted to create, then assign individuals at a future date when everyone was present. He was open to suggestions.

He recalled the grants committee being called the bed tax committee, but he didn’t think anyone on council envisioned that committee would be authorized or expected to spend all the bed tax. Therefore, he thought it was a good idea to go back to the “Community Grants” subcommittee.

Council Member Brisk recalled the community grants committee changed the name because that was where the funding came from. It was never intended to, and never did, use all of the hotel/motel bed tax funds. It sent the message to the community that the bed tax was the source of those grants and this tied into purpose of those grants – to bring people into the community and utilize local businesses. Her preference was to keep the Hotel/Motel Bed Tax Grant (BTG) name.

Council Member Wilttrout asked if the name connoted authority over all of the bed tax monies. Council Member Brisk said it hadn’t historically. Council Member Wilttrout suggested workshopping a name. Council Member Brisk recalled the prior council discussions which resulted in the Hotel/Motel Bed Tax Grant name. This was the first time she’d heard about interest in changing it.

Council Member Durik asked if council grants should have broader reach. Should the money not come out of bed tax? Should there be other grants subcommittees? He thought council was trying to avoid that.

Council Member Brisk stated that the current program, as it functioned, had been to source a certain amount of bed tax funds for certain types of community grants. The BTG Committee had not had another source of funds. The grant program had never used even half of the bed tax money. That was the program’s history. If council wanted to change purpose or sourcing or place limits, that was all up for discussion.

Council Member Fellows understood the current question was about the name.

Council Member Brisk recalled the discussions and decision that resulted in the most recent name. Council discussed the matter each time the name, program standards, and the application process changed. The standards became more objective. The application process was standardized. The application timing was

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changed. The BTG Committee had explained to some organizations that the funds came from bed tax money and that's why they wouldn't qualify for this particular grant. There had been a lot of communication out to the community about the standards. She didn't think council should haphazardly change it again.

Council Member Brisk noted that bed tax funds went to Oktoberfest and 4th of July. Neither of those went through the council grant committee.

Council Member Wiltout suggested the "Hotel/Motel Bed Tax Community Grants Committee." She thought it combined the source and purpose.

Council Member Brisk stated that she didn't think it should just be "Community Grants" unless council then changed the purpose and sources.

Council Member Kist didn't know that the sources had to change. The name "Community Grants" didn't clarify the source of the funding.

Council Member Brisk stated the last time the name changed it was because council wanted to be clear. There were a lot of organizations in the community that came to council for grants. This money, because it was from bed tax, was specifically supposed to be used to support that. The applications said that very clearly. This grant was for activities that brought people into the community, that brought business into the community. There was specific wording in the application process and the source was used to justify awards.

Council Member Kist didn't think the process had to change if the name changed to "Community Grants." He read "Hotel/Motel Bed Tax Grants" and that didn't convey to him that it had to be something that brought people in to the city as a prerequisite for applying. Council Member Brisk stated that instructions were contained in the application.

Council Member Brisk noted that other donations had not come out of the bed tax fund. That was something to discuss. She was fine if council wanted to change the name, but she didn't want to change the purpose of the committee without a much bigger discussion.

Mayor Spalding wanted to identify subcommittees council wanted to establish. He had no problem waiting until Council Member Shull returned to have the broader conversation.

Council Member Fellows suggested that the folks assigned to the subcommittee come up with the name and bring it forth to council.

Mayor Spalding stated he was on the grants committee in the past. He appreciated that model – the group met, reviewed the information, and reported back to council.

Mayor Spalding further identified as a potential subcommittee the council group that worked with the school, less than a full quorum of those working bodies, to keep up robust conversations and maintain lines of communication.

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Council Member Brisk asked about the rules for subcommittees, whether they had to follow Open Meetings Acts (OMA) rules. Mayor Spalding asked if creating a subcommittee that was less than a quorum of the public body would need to meet those requirements. Law Director Albrecht answered that council needed to work out what the purpose and intent was. Council and Law Director Albrecht further discussed quorums, taking official action, and OMA specifications.

Mayor Spalding stated council and the school board could always notice and hold a joint council and school board meeting. Mayor Spalding distinguished that from having conversations and exchanging information. Mayor Spalding expected that the subcommittee would report back regularly, during the public meeting, to the full council about what was happening.

Law Director Albrecht further discussed when a group could be exempt from OMA and when it couldn't. It mattered how they were set up and what they were doing. Meeting with an outside party could be different than a standard council subcommittee. He would research and get back to council. The city would make sure, when the groups were set up, that they were complying with OMA obligations.

Council Member Fellows recalled joint meetings with the school board around 2008. Council Member Brisk stated the school group was more like liaisons sitting down together and discussing issues.

Mayor Spalding suggested a similar group to work with the township. There were many matters coming down the pipeline and he wanted to enhance that relationship. Perhaps, the township group could also include the schools at some point.

Mayor Spalding suggested a subcommittee to work with the finance department in investment. Clerk Mason reminded council that they already had a liaison for that function.

Mayor Spalding suggested a subcommittee with 3 council members assigned to work with the administration department – responsible for the city manager contract, compensation, boards and commissions, and the council clerk. Council members agreed.

The homework for the next discussion would be to find out what council was allowed to do as it related to a group less than a quorum having discussions on topics, and also to understand what would be appropriate for a subcommittee and what didn't need to be.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Stefanov reported that Joseph Nardone, CEO of the Columbus Airport Authority, spoke about the new \$2 billion-dollar terminal. The debt would be backed by airline carriers using the airport, no tax dollars were required. Ground breaking was scheduled for 2025 and the opening was planned for early 2029. The MORPC State of the Region would be themed “Connecting Communities: Building the Future of

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Housing and Transportation. A \$5.8 million-dollar Clean Ohio grant was accepting applications until June 2, with final applications due August 20. MORPC had 87 members and a 100% retention rate in 2023. MORPC was planning a Local Government and Schools Working Together to Build Sustainable Communities meeting on February 27.

- B. Council Representative to Joint Parks and Recreation: Mayor Spalding reported that the Joint Parks were focusing on the recreation center, coming up with the final design, and starting construction. An announcement was planned soon.
- C. Council Representative to New Albany-Plain Local Schools: Council Member Kist reported that the board was moving forward with a request for proposals (RFP) for facility planning. They had 20 applicants for 3 openings on the board's financial committee. The school district was running \$2 million over on revenue and \$2 million under on expenditures.
- D. Council Representative to Plain Township: Council Member Durik reported the township retained OHM Advisors for cemetery strategic planning. There was limited land available and they wanted to establish goals, solutions, and projections on how to best utilize it. The board discussed swimming pool seasonal rates. They were looking at a 5% increase for residents and a 10% increase for non-residents. There was no determination for daily rates. The board discussed the Clouse Road stormwater issue. They were awarded a state grant for \$150,000. In 2022, initial estimates for the work were around \$450,000. A new estimate was for \$700,000. The board was considering how to get some resolution and improvement for less than the current estimate.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding thanked the city's communications department for the Superbowl-themed video. Mayor Spalding talked about the passing of former council member Steve Pleasnick and described Mr. Pleasnick's time on council. He would be missed. Council Member Brisk was working with Mr. Pleasnick's family to figure out best way to be supportive.
- B. Clerk of Council: Clerk Mason reported that Chief Marketing Officer Josh Poland was looking to take a new group photo and headshots. Council members could not find a date prior to April when all would be present. Chief Marketing Officer Poland would reach out with other options.
- C. Finance Director: No report.
- D. City Manager: City Manager Stefanov reported that New Albany Parks Executive Director Dave Wharton picked up the city's 2nd place award for the pickleball complex. City Manager Stefanov thanked Public Service Director Mike Barker and his team for their efforts. City Manager Stefanov reported that the city could use 2 of the 4 council members who expressed interest in being on the the Triangle Plan Update steering committee. They were pushing 20 people, at this point. Council Member Brisk was willing to back out to let other council members serve.



Council Minutes – Regular Meeting

February 20, 2024

E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE

POLL FOR COUNCIL COMMENT:

Council Member Kist reported that the downtown New Albany Starbucks was reopening the next day.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment, employment, and compensation of a public employee and/or official; Ohio Revised Code 121.22(G)(2) to consider the purchase of property for public purposes and/or the sale of the property at competing bid, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest' and pursuant to New Albany Charter 4.0(E) for discussion regarding economic development. Council Member Kist seconded and council voted with 6 yes votes to go into executive session at 8:15 pm. Council anticipated action afterward.

Mayor Spalding moved that council come out of executive session and resume the regular meeting. Council Member Durik seconded and council voted with 6 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 10:08 pm.

OTHER BUSINESS:

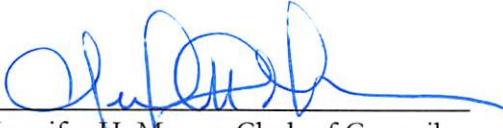
Board & Commission Appointment


Council Member Kist stated that council had reviewed applications of several qualified applications. He moved to appoint Elizabeth Murch to the Cemetery Restoration Advisory Board for the term 1/1/24 to 12/31/2026. Council Member Brisk seconded and council voted with 6 yes votes to appoint Elizabeth Murch to the Cemetery Restoration Advisory Board for the term specified.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Kist seconded to adjourn the February 20, 2024 regular council meeting at 10:09 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan Spalding, Mayor


Date

THE RISKS TO THE GREATER COLUMBUS WATER SUPPLY FROM OIL & GAS PRODUCTION
An Educational White Paper for City Leaders and the General Public



Recommendations



Testing & Monitoring Programs

1. Plan to and closely monitor, as necessary, injection wells in regions with oversight by the Columbus Water Department with the goal of tracking migrating contamination. *Currently, there is no monitoring upstream near the injection wells, which could establish baselines for identifying contamination getting into groundwater as detected from downstream monitoring wells. Closing the emergency intakes at reservoirs is the only protection for the Columbus water supply when oil & gas are found within 1000 feet of the intakes.*
2. Conduct regular soil and water testing near oil and gas production sites, and in areas where waste brine has been spread.
3. Enhance City's water monitoring specific to areas where there are signs of oil & gas waste contamination, as there are no requirements for any agency in Ohio to do this.



Public Assess Documents and Alerts

1. Provide a regular community report which specifically outlines risks to watershed from oil & gas production activities by the Columbus Water Department's Columbus Source Protection Report. *This report should use information that is already available, including information on production wells, injection wells (SWIWs), and areas of waste "brine" spreading for dust and ice control.*
2. Map routes of tanker vehicle travel for brine waste disposals as well as distribution pipelines in the SWPA.
3. Insist on follow-up remediation if leaks or contamination are detected within a SWPA. *The City should require that problems with wells documented through ODNR DOGRM inspection reports be remedied with definable and actionable resolutions, especially where well shutdowns are required.*
4. Insist on an emergency notification system for toxic releases, including spill and leakage incidents in Columbus's SWPA. *As it stands, this region is not included in the notification network with agencies in Ohio, so authorities are not allowed to notify water suppliers of chemicals released in spills from oil & gas facilities. Public water users should not be kept in the dark about what contaminants are present when incidents occur.*
5. Maintain a database of incidents that have occurred within the source water protection areas and resulted in actual water contamination or risks of water contamination to the public water resources from oil & gas production facilities. *The historical legacy of regional contamination incidents, including the examples referred to in this paper, should be part of the database.*



Collaborative Discussions

1. Upgrade the credentials of the staff of the Columbus Division of Water to include people with expertise in oil & gas production, and consult with outside water specialists, including the EPA, to ensure people with the proper expertise are involved.

2. Organize discussions between local authorities and user/stakeholders to ascertain new risks to the SWPA when new facilities come into operation, and when contamination events/incidents occur.
3. Schedule discussions between City authorities and Morrow and Delaware County officials over halting the practice of spreading oil & gas “brines” on road surfaces for dust and ice control that puts our watershed at long-term risk of contamination from residual heavy metals and radionuclides. Advise them of the urgency of this issue. *Since 2017, Ohio state legislators have repeatedly attempted to deregulate liquid oil & gas production wastes to the extent of allowing these brines to be commoditized, bottled, and sold in stores to the general public as home deicers.*
4. Ensure that residents are fully informed regarding the purchase of products that contaminate their homes with radionuclides impacting their families’ health and wellness potentially causing cancers and other health concerns. *Even as new studies indicate dangerously elevated levels of radionuclides in samples of the finished products to be sold, initiatives by the industry to deregulate oil & gas wastes are favored by many Ohio representatives. It is crucial that the public understands the risks as well as recognize its right to protect its homes and communities from these harms.*



Orphan Wells

1. Create a process that ensures public notice of this issue to be circulated to all stakeholders. ODNR DOGRM must aggressively implement the Orphan Well Program to locate the probable 150,000+ abandoned oil & gas wells that have no documented history, many of which may be located in their source water protection area.
 - a) To this end, CCRC recommends the creation of a process that ensures public notice of this issue to be circulated among all stakeholders.
 - b) Volunteers should be recruited and trained to walk the areas where oil and gas drilling has been known to take place. They should be trained in the use of methane detectors and given the means to chart where they have detected methane leaks. CCRC suggests contacting schools, civic organizations, scout troops, churches, and citizens of the counties to recruit volunteers for this purpose.
2. Demand that State of Ohio authorities ensure that existing state-run well capping programs for orphaned/abandoned oil & gas wells use all funds available to plug the maximum number of wells annually.
3. Work with the state legislature to require that funding for the capping of wells be included with the initial permitting process, and that this funding be held in escrow until such time that the capping is completed.



Drill cuttings

1. Prohibit the dumping of drill cuttings into existing public landfills. *Because batches of cuttings can differ widely in content, every batch must be tested for radiological levels (especially radium-226 & 228). It would be cost-prohibitive to properly test each batch of cuttings to ensure they fall within the EPA limits for radium levels.*

Presented by the Columbus Community Rights Coalition

<https://columbusbillofrights.org/2023-white-paper/>



**THE RISKS TO THE GREATER
COLUMBUS WATER SUPPLY FROM
OIL & GAS PRODUCTION**



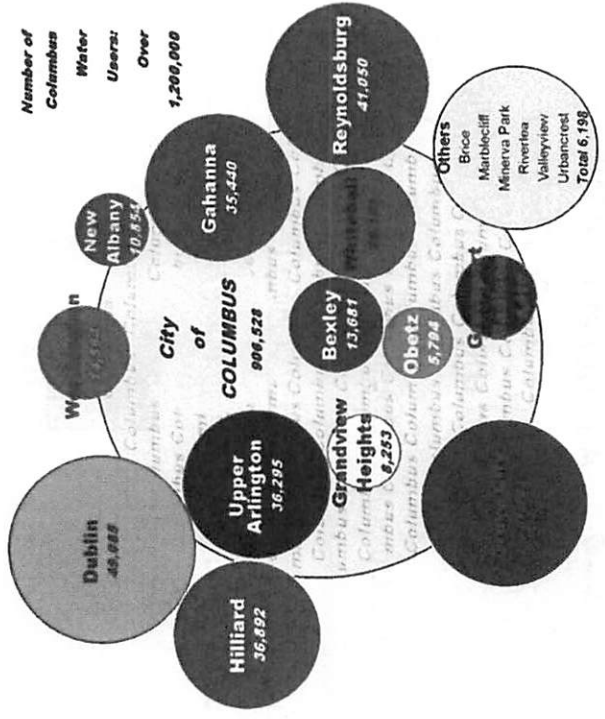
An Educational White
Paper for City Leaders
and the General Public

by the Columbus Community Rights Coalition

Access to the full report, including recommendations:

<https://columbusbillofrights.org/2023-white-paper/>





Addressing potential oil & gas contaminations to Columbus water sources is a necessary step toward ensuring a healthy and prosperous future. It is up to Central Ohioans to act on this Paper's recommendations, and, given the active risks to our water supply, to act now.



Attachment to 2-20-24
Council minutes

----- Forwarded Message -----

From: Joe Ciminello <ciminelloj@aol.com>

To: awilttrout@newalbanyohio.org <awilttrout@newalbanyohio.org>

Cc: Thad R. Perry <tssperry@sbcglobal.net>

Sent: Sunday, February 18, 2024 at 07:40:13 PM EST

Subject: 7823 Calverton Square Varince Request -Case no.VAR-104-2023

Good evening Council Member Wilttrout,

It was a pleasure to meet last month after the Planning Commission meeting. Hope you had a good weekend.

I'm unable to attend this Tuesday's Council meeting to speak in full support of the two requested variances by the Perrys. I as neighbor, 30 year Reserve ARB member, and Developer would like to offer Council the following comments more specific to the Planning Commission vote to not recomend approval for the Perry's porch addition on top of existing patio,

- Chairman Kirby prefaced his no vote, saying he was voting no because he did not want to set a precedent for the Reserve. We know the patio encroachment at 7823 Calverton Sqaure has been there since the house was constructed and occupancy permit given some 27 years ago. There are no other existing patio encroachments in the Reserve, into the Conservation area, therefore no precedent can be set as there is no other permitted existing condition.

-The RANA ARB and HOA are in full support of the Perry's request and believe the porch will be a desired addition.

- The Reserve, as was acknowledged by the Planning Commission during the January 17th hearing, has maintained it's beauty, and has maintained and respected the conservation areas in spirit and deed at the highest level. There are certain strips of the conservation areas, such as this one, where over the past 30 years, many of the original trees have not survive and have been replaced by new trees in greater number to preserve and enhance the natural buffer and privacy the conservation areas provide.

- Believe Thad and Susanne have obtained, in addition to the Reserves's full support, letters from every adjoining property owner in the Reserve as well as those in the Country Club neighborhood.

Please let me know if you have any questions or would like additional information to further support for approval of the Perry's request.

Thank you for your time to consider,

Joe Ciminello
7858 Calverton Square
New Albany, Ohio 43054

SUBJECT
PERRY SCREENED-IN PORCH PROJECT
7823 Calverton Sq
CITY COUNCIL SUBMITTAL FOR APPROVAL ON FEBRUARY 20th

NEED

Your support for our project:

- as signed on this document or
- your note of support to, jmason@newalbanyohio.org, Clerk of Council

PROJECT RECAP

- Already approved by The Reserve Architecture Review Board
- Built on existing patio which has been in place for 15 years & approved by planning board
- Built entirely within currently existing and approved patio
- No construction in last 5' of patio or in landscape or yard at all
- No work in conservation area – no cutting of any trees, scrubs, etc.
- Integrated materials and design – not a flat roof and white wood structure but Reserve design stone/stucco and screens
- Reduces ground water as roof drains (rainwater) into city sewer
- No HVAC, water/sewer, windows because it is a screened in porch
- Replaces brightly colored awning

Thank you for your help!

Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE

Howard & Terry Lester

ADDRESS:

7814 Calverton Sq 43054
New Albany Ohio, 43054

**Perry Project Documents submitted to City
Perry Porch Project
7823 Calverton Sq**

Feb 16, 2024

1.

City Council Clerk informed us they have letters from:

Joe Ciminello 7858 Calverton Sq

Patrick Johnson 4299 Bompton Ct (attended planning meeting)

Jeanne George 4312 Vaux Link RD

2.

We have email documents stating that emails of approval have been sent to City by:

Howard Levitin 7814 Calverton Sq

Nancy Morris 7859 Calverton Sq (copy attached)

3.

Attached:

Plot and address details of no non-objection notices given (2)

Signed letters (8)

Photos of porch area (2)

Franklin County Auditor's Office
Auditor
Michael Stinziano

Map Produced December 6, 2023

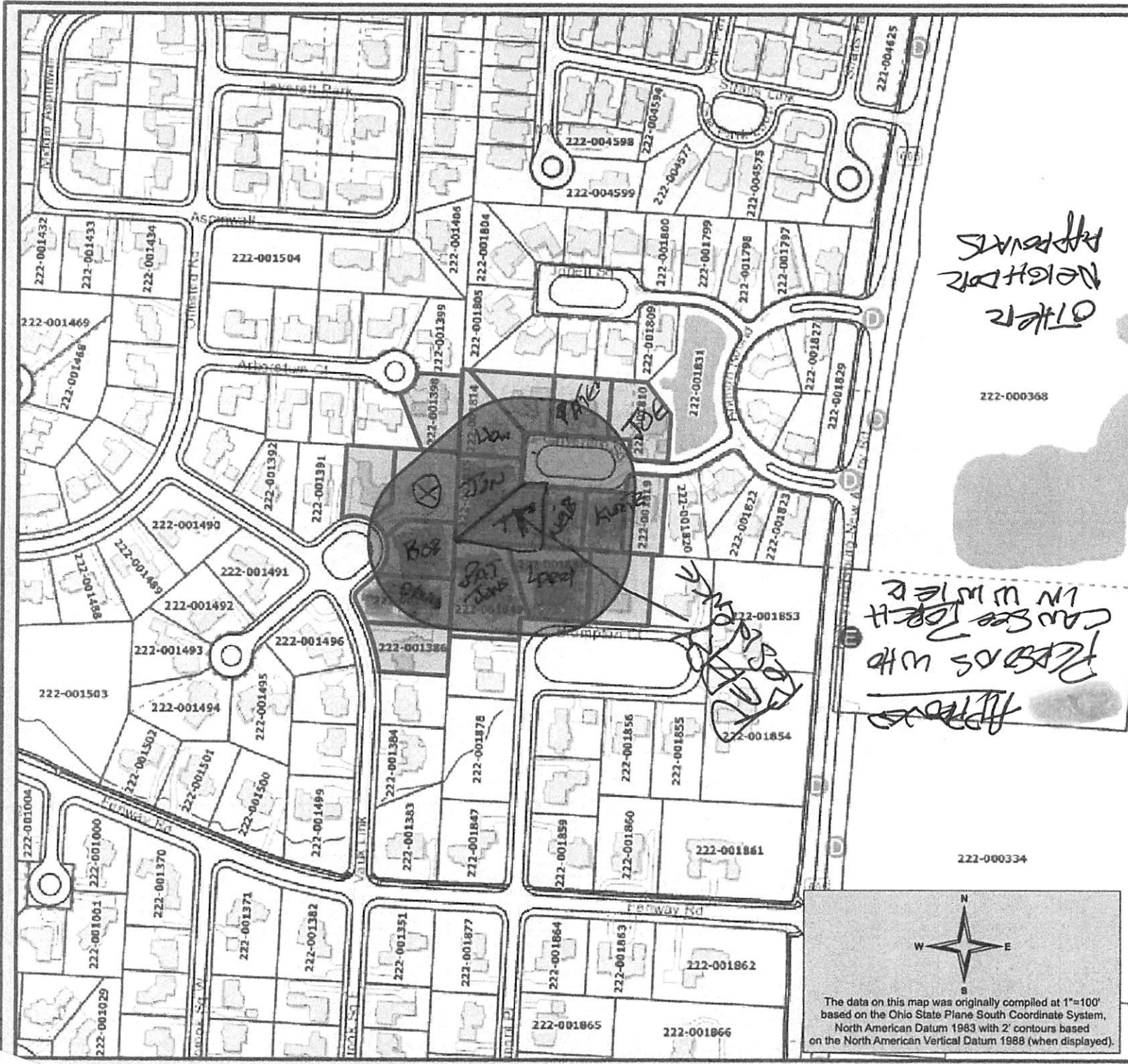
- Planimetric Legend**
 Source: 2021 Aerial Photography
- Edge of Pavement
 - Roadway Centerlines
 - + Railroad Centerlines
 - ⊕ Building Footprints
 - ⊕ Building Under Construction
 - ~ Creeks, Streams, Ditches
 - Rivers & Ponds

- Topographic Legend**
 Source: OSIP - 2019 LIDAR Collection
- △ Spot Elevation
 - Index Contour
 - Intermediate Contour

- Appraisal Legend**
 Source: Franklin County Auditor & Engineer
- Parcel IDs
 - 100 Parcel Dimensions
 - 100 Lot Numbers
 - 123 Main St Site Address
 - Parcel Boundary
 - Subdivision Boundary
 - Condominium Boundary
 - County Boundary
 - City or Village Boundary
 - Tax District Boundary
 - School District Boundary
 - Zip Code Boundary

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

For scaled maps, please visit the parcel viewer at <https://gis.franklincountyohio.gov/parcelviewer>



Alt ID	Site Address	Owner 1	Owner 2
222-001386-00 X	4282 VAUX LINK RD	CHAN DAVID L	MAI HUI
222-001387-00 X	✓ 4298 VAUX LINK RD	SULLIVAN DAVID P	SULLIVAN CASEY L
222-001388-00 X	✓ 4312 VAUX LINK RD	GEORGE JEANNE	GEORGE ROBERT A
222-001389-00 X	4320 VAUX LINK RD	MILLERICK SHAWN D	HIGGISTON SARAH J
222-001390-00 X	4328 VAUX LINK RD	DUNN YVETTE L	DUNN D GARDNER
222-001398-00 X	7755 ARBORETUM CT	SILVER JANICE R	
222-001849-00 X	✓ 4299 BROMPTON CT	JOHNSON PATRICK	
222-001850-00 X	✓ 4311 BROMPTON CT	GELLERT LARRY M	GELLERT ELLEN M
222-001851-00 X	4329 BROMPTON CT	ESCHLEMAN DAVID ELLIS	ESCHLEMAN SHARON
222-001819-00 X	7859 CALVERTON SQ	MORRIS STEPHEN	MORRIS NANCY E
222-001818-00 X	✓ 7845 CALVERTON SQ	KURTZ CHARLES LINDLEY II TR	KURTZ DEBORAH LYNN TR @ SBCGA
222-001817-00 X	✓ 7833 CALVERTON SQ	RYAN DANIEL	RYAN STACEY
222-001816-00 X	7823 CALVERTON SQ	PERRY THAD R	PERRY SUSANNE G
222-001815-00 X	✓ 7815 CALVERTON SQ	YARGER JONATHAN L	NEITZEL RADHIKA D
222-001814-00 X	7814 CALVERTON SQ	LEVITIN HOWARD W	LEVITIN JENNY M
222-001813-00 X	7822 CALVERTON SQ	VERRET ALPHONSE P IV	GLANCY ERICA J
222-001812-00 X	7832 CALVERTON SQ	PATEL SUNNY MAHESH TR	RAVEENDRAN RESHMI P TR
222-001810-00 X	7858 CALVERTON SQ	CIMINELLO JOSEPH A	CIMINELLO MICHELLE

Nancy, Morris & Mac Coy

** MAINGO LETTER RE: PROJECT*

✓ CAW POSSIBLY SEE PORCH

SUBJECT
PERRY SCREENED-IN PORCH PROJECT
7823 Calverton Sq
CITY COUNCIL SUBMITTAL FOR APPROVAL ON FEBRUARY 20th

NEED

Your support for our project:

- as signed on this document or
- your note of support to, jmason@newalbanyohio.org, Clerk of Council

PROJECT RECAP

- Already approved by The Reserve Architecture Review Board
- Built on existing patio which has been in place for 15 years & approved by planning board
- Built entirely within currently existing and approved patio
- No construction in last 5' of patio or in landscape or yard at all
- No work in conservation area – no cutting of any trees, scrubs, etc.
- Integrated materials and design – not a flat roof and white wood structure but Reserve design stone/stucco and screens
- Reduces ground water as roof drains (rainwater) into city sewer
- No HVAC, water/sewer, windows because it is a screened in porch
- Replaces brightly colored awning

Thank you for your help!

Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE

David Sullivan 

ADDRESS:

4298 Van Hook
New Albany Ohio, 43054

SUBJECT
PERRY SCREENED-IN PORCH PROJECT
7823 Calverton Sq
CITY COUNCIL SUBMITTAL FOR APPROVAL ON FEBRUARY 20th

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Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE Larry Gencetti Jay Melton

ADDRESS: 4311 Brompton Ct
New Albany Ohio, 43054

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Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE Mitchell Silva / M/Silva 2/15/24

ADDRESS: 7755 Arboretum CT
New Albany Ohio, 43054

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Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE *Alphina Verma*

ADDRESS: 7822 Calverton sq New Albany OH 43054
New Albany Ohio, 43054

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7823 Calverton Sq
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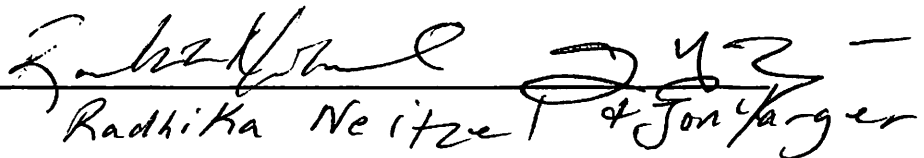
Thank you for your help!

Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE _____


Radhika Neitzel & Jon Yager

ADDRESS: _____

7815 Calverton Sq.
New Albany Ohio, 43054

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Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE Stacy Ryan

ADDRESS: 7833 Calverton Sq New Albany, OH
New Albany Ohio, 43054 43054

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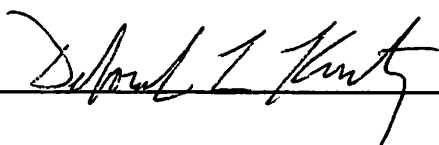
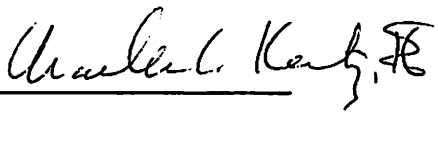
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Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE  

ADDRESS: 7845 Calverton Sq.
New Albany Ohio, 43054

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7823 Calverton Sq
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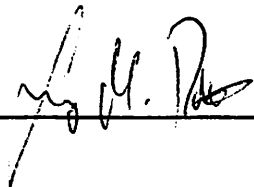
Thank you for your help!

Thad & Susanne Perry

NEIGHBOR RESPONSE

We as neighbors to the Perrys have no objection to the Perry Porch Project.

NAME/SIGNATURE _____



ADDRESS: _____

7832 CALVERTON SQUARE
New Albany Ohio, 43054

Meeting 11/20/23
19:00

Chelsea Nichols

From: Nancy Morris <morris.nancy@gmail.com>
Sent: Monday, November 20, 2023 12:37 PM
To: Chelsea Nichols
Subject: Request for variance PID: 222-001816

Dear Chelsea and the New Albany Planning Commission,

This email is to inform you that Steve and I have no issue with the Request for Variance for our neighbors, Thad and Susanne Perry.

Please consider our wishes when deciding the variance.

Thank you for your time,

Nancy E/. Morris

7859 Calverton Square
New Albany, OH 43054

