



## Council Minutes – Regular Meeting

February 21, 2023

### **CALL TO ORDER:**

Mayor Spalding called to order the New Albany City Council Meeting of February 21, 2023 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, Finance Director Bethany Staats, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Public Service Director Mike Barker, Development Director Jennifer Chrysler, Economic Development Specialist Sara Ziegler, Clerk of Council Jennifer Mason, and Public Information Officer Josh Poland.

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 Marlene Brisk	P
CM Michael Durik	A
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	A
CM Andrea Wiltrout	P

Clerk of Council Jennifer Mason told council that Council Member Durik and Council Member Shull were out due to travel and requested to be excused. Mayor Spalding moved to excuse Council Members Durik and Shull from the council meeting. Council Member Kist seconded and council voted with 5 yes votes to excuse Council Members Durik and Shull from the meeting.

### **ACTION ON MINUTES:**

Council adopted the 2/7/2023 regular meeting minutes by consensus.

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

Mayor Spalding reported that staff had requested an additional executive session pursuant to ORC 121.22(G)(3) for conference with an attorney. Clerk Mason asked to add Board and Commission appointments to Other Business. Mayor Spalding moved to amend the agenda to include the executive session and board appointments. Council Member Kist seconded and council voted with 5 yes votes to amend the agenda. Motion passed.

### **HEARING OF VISITORS:**

Kristina Jenny, 5013 Straits Link, stated her family had lived in New Albany over 16 years and was about to graduated their 5<sup>th</sup> child from the New Albany school system. She was heavily involved in the community, formerly managing the Farmers Market. She learned about a person open carrying guns in New Albany last Wednesday. Ms. Jenny knew council's hands were tied. Ms. Jenny read from the attached letter. Events, vendors, and people going door-to-door had to have a permit and liability insurance. Why not a form for

February 21, 2023

someone who wanted to open carry? She would be contacting State Representative Mary Lightbody. Just because you can doesn't mean you should. Can we come up with something to be on the offensive rather than defensive?

Mayor Spalding knew Ms. Jenny had spoken to City Manager Stefanov by phone. There were no easy solutions. Even Rep. Lightbody would have tough time affecting change. The open carry individual called the New Albany Police Department ahead of coming. The city made contact with him that day. When the New Albany schools were ready to be released, the city had conversation with the man and he fortunately chose to go home. Police Chief Jones and City Manager Stefanov were involved all that day. New Albany would be talking to other communities and work with legal counsel to understand the city's rights. This wasn't the first time groups or individuals contacted the city ahead of time and came to town exercising their first and second amendment rights. Mayor Spalding talked about the City of Columbus' attempts to pass gun laws and the related lawsuits. The most important thing for council was public safety. The city would do everything possible to provide public safety while still operating within the law for someone exercising their first and second amendment rights. The city communicated a lot with the school campus and those 3 safety officers.

Council Member Wiltout described her reaction to receiving the email from the school. She understood the hard choices for all of us. She resonated with the statement - just because you can doesn't mean you should. She respected constitutional rights, wanted to find answers within those parameters, and find a balance where kids could feel safe at school.

Council Member Brisk understood Ms. Jenny. Council Member Brisk put 3 kids through the school system. She described the different lived experiences of her 30-year old versus her youngest child still in college. Council Member Brisk expressed anger about the social norms, the arguments. She expressed frustration at the city's hands being tied. This didn't feel like balance. Safety was first and foremost. There would be a lot of research and discussion about this. She thanked Ms. Jenny for coming out, and Chief Jones and City Manager Stefanov for their handling of the situation.

Council Member Kist thought Ms. Jenny was echoing the community's feeling of helplessness, especially given the recent shooting at Michigan State. He described the dilemma of exacerbating this situation and encouraging future encounters versus a more measured, muted response. The city did respond and monitor. There were police in the area. No one wanted to feel this way in today's climate. Council Member Kist appreciated Ms. Jenny's ideas. Council would talk about their options if this happened again.

Ms. Jenny stated this issue was not just about the schools. The business closed their doors and locked them. She didn't think the city wanted that reputation. She wanted to walk around freely, not be scared.

Rebecca Sharayera, 6440 Commons Park Court, stated she was there for same reason as Ms. Jenny. She was not a resident, but her daughter attended New Albany schools. They were in New Albany all the time. She called this incident "flexing" second amendment rights, as many exercised their rights but didn't feel the need to bandy about weapons in public. She asked about the open carry individual being within 1,000 feet of a school safety zone. School safety zones started from the border of the school line to 1,000 feet beyond

February 21, 2023

that. Was this person was violating that rule? She asked if the city should put up signs designating the school safety zone.

Police Chief Jones stated that Ohio Revised Code (ORC) section 2901.01 defined the school safety zone, which included school property and certain buildings if they rented a facility or had an event off site. The way ORC Chapter 29 was written limited the application of the school safety zone or vicinity to specific criminal sections, mostly drug-related. For open carrying, the law applied to the school property only. There were federal statutes to consider. Firearms laws were complicated, but it was clear what staff could and couldn't do. Mayor Spalding noted that the individual called the police department ahead of time and was well-versed on his rights. He did not go to the school or into business with the prohibition sign.

Ms. Sharayera stated much speculation was going on. She suggested holding a parent-community meeting with Chief Jones, Mayor Spalding, Mr. Albrecht, and City Manager Stefanov, where they could clarify the law and facts of what was permitted. They could also brainstorm about what could be legally done to protect themselves and their kids while individuals exercised their rights.

Chief Jones stated he received 10 calls about the individual and the police department responded quickly. The city got notice from the individual, but he did not tell them the date and time. Chief Jones understood the concerns and fears. His first responsibility was to protect this community. Chief Jones thanked council and the school board for providing the resources to have 3 school resource officers on the campus.

Council Member Kist recalled the policy of "see something, say something" This applied to all, not just kids. The city knew within a few minutes about the individuals' arrival because of 911 calls.

Council Member Wiltout thanked Ms. Sharayera and welcomed more communication.

Council Member Brisk described the urged to do everything in our power – to yell at a person and make sure they know we're angry about this. These individuals wanted people riled up. The man went away quietly and uneventfully. She felt that the city's response actually worked.

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: Council Member Wiltout reported the ARB heard the solar panel presentation for residential and commercial properties. The ARB had a robust discussion about solar panel design and longevity. The board discussed dealing with obsolete panels. There were great ideas for the commercial sector, including using panels for a sound barrier. There was more concern about their use in the Village Center.

Council Member Fellows asked and Director Joly answered that the city had not expressly engaged home owners associations (HOAs) to date. This presentation was going through boards and commissions now

February 21, 2023

and the city would compile that information first. All feedback would inform a code amendment. Director Chrysler stated that it was preferred that HOA members attended the board and commission meetings which were open forum format versus private meetings. Council Member Kist asked and Director Joly replied that the solar panel presentation would go to the Planning Commission next. She didn't know the date, but could get that and communicate it.

**BOARD OF ZONING APPEALS:** No report.

**SUSTAINABILITY ADVISORY BOARD:** Director Joly reported the SAB did more planning of Earth Day to Arbor Day events. They brainstormed about SWACO grant opportunities. The SAB discussed providing technical assistance to the school district, helping them apply for a grant to get water bottle refill stations and overseeing a grant program to support student club projects for sustainability.

**IDEA IMPLEMENTATION PANEL:** Council Member Wiltout reported that the IDEA Panel accepted open house forum, including community engagement activities that provided a shared experience, like a business tour, a visit to Taylor Farm, and a Heit Center happy hour. The multicultural festival was scheduled for the weekend of Sept 22<sup>nd</sup>. Plans included a Friday dinner and a Saturday festival with an overall theme of storytelling. The festival would take place at the McCoy Center and Hinson Amphitheater.

**CEMETERY RESTORATION ADVISORY BOARD:** No meeting.

**PUBLIC RECORDS COMMISSION:** No meeting.

**CORRESPONDENCE AND COMMUNICATION:**

Mayor Spalding reported a brief call with a resident with concerns about a tree being cut down and beehive preservation. Public Service Director Mike Barker was aware. Council Member Wiltout also received the call. The tree was partially cut down and the bees would be relocated.

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

NONE

**INTRODUCTION AND FIRST READING OF ORDINANCES:**

NONE

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

**RESOLUTION R-12-2023**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE CONTRACTS RELATED TO THE CONSTRUCTION OF THE MARKET STREET EXTENSION PROJECT.

Public Service Director Mike Barker stated this project would include the construction of roundabout at the intersection of Reynoldsburg-New Albany Road (RNA) and Market Street, the extension of Market Street up to Third Street, and the reconstruction and reconfiguration of the intersection at US 62 and Third

February 21, 2023

Street. This came from the strategic plan update and public feedback from residents expressing concerns about Village Center traffic congestion. After studies and traffic modelling, this project was the best solution to mitigate traffic. There was no ability to expand the High Street and US 62 intersection, so the city would move traffic away from it. The project was expected to reduce traffic at High Street and US 62 by 20%. The project would take place 2 phases. Phase 1 would happen this year, extending Market Street and constructing a single-lane roundabout. There was some work along RNA to lead into the roundabout. There would be pedestrian crossings on the west side of Market Street and the north side of RNA. There would be leisure trail on north side of the roadway extension completing a connection to the US 62 intersection. Phase 2 would happen in 2024 due other active construction in the area. The engineers estimate was \$9.1 million. The city was awarded an \$1 million OPWC grant/loan. The balance of funding was in the 2023 Capital Improvement budget.

City Manager Stefanov added that the OPWC loan is 0% for 20 years. There would be a traffic signal at US 62 and Third Street intersection. Director Barker noted the signal would be intentionally timed favor traffic heading to the Market Street extension. The pedestrian crossings would be push-button activated.

Council Member Kist asked and Director Barker answered, when the project was complete, there would not be a stop condition on the Market Street extension. Dublin-Granville Road would become a 2-way stop. Council and staff discussed turn lanes. Third Street would be asphalt, brick would not hold up under the expected weight and volume of traffic. Some parallel parking would have a concrete band and then brick in the parking space.

Council Member Fellows asked and Director Barker said the city was determining if it could repurpose the bricks. There would not be a sign prohibiting thru-trucks given the road's US 62 designation, but the city would identify the bypass and many truck drivers were already aware of the tight intersection. City Manager Stefanov offered there may be a further-out solution to the US 62 designation. Council and staff discussed the location of the stormwater basins. There were no plans for a passive park. Council Member Fellows talked about ongoing back-ups of traffic due to left-hand turners.

Mayor Spalding and Director Barker discussed the concurrent watermain project on RNA and right-of-way improvements. Traffic would be maintained on RNA throughout the project.

Council Member Kist asked and Director Barker answered that the right-of-way was acquired for this project and a plat would be coming to council soon.

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

Council Member Wiltrout moved to adopt the resolution. Council Member Fellows seconded and council voted with 5 yes votes to approve Resolution R-12-2023.

February 21, 2023

**RESOLUTION R-13-2023**

Mayor Spalding read by title A RESOLUTION TO AMEND RESOLUTION R-15-2022 TO INCLUDE THE CONSTRUCTION OF A PEDESTRIAN BRIDGE AND LEISURE TRAIL FACILITIES AT A LOCATION ADJACENT TO THE HISTORIC EALY HOUSE AND EALY SUBDIVISION.

Public Service Director Mike Barker referred back to R-15-2022 approving the project on Dublin-Granville Road. In conjunction with that project, the city would be constructing leisure trail and pedestrian bridges on both sides of the road. The city would be bidding out the project soon and wanted include the additional trail section and pedestrian bridge by the Ealy subdivision in that bid. The engineers estimate of the additional cost was \$215,000.

City Manager Stefanov noted, back when the Ealy subdivision as built, the developer contributed funds for the construction of the bridges.

Council Member Kist and Director Barker discussed increasing access to Resch Park and the ongoing removal of invasive species. Director Barker stated he would look at trail which dropped down to the creek - to clean it up, grade it, and help with site lines.

Council Member Fellows and Director Chrysler answered that staff got questions from area residents every year about when this project would get completed. Council and staff further discussed wood bridges, handrails, and standard trail appurtenances.

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

Council Member Kist moved to adopt the resolution. Council Member Wilttrout seconded and council voted with 5 yes votes to approve Resolution R-13-2023

**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.

February 21, 2023

**REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: City Manager Stefanov reported the State of Ohio was applying for a grant to study the “3Cs and a D” rail system. MORPC was working with state and local communities and may request letters of support. The City of Columbus was looking at other connections to Pittsburgh, Chicago, and Detroit. The MORPC State of Region was set for March 31. MORPC announced the first American Population Panel Public Opinion Poll, a partnership between OSU, the Dispatch, and MORPC regarding transportation and housing. Regional Data Day was set for March 1, registration was open. Revised population estimates forecast 3.15 million people in central Ohio for 2050. Housing permitting would have to increase 2-fold to keep up. The MORPC leadership traveled to DC and met with their congressional delegation.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported new school board member, Mark Wilson, was sworn in. The schools were still short on bus drivers and would have to eliminate 1 route and rework stops, increasing kids’ bus times. The board discussed text book selection. The board hosted an open meeting a few weeks ago about textbooks so parents could look at them.
- D. Council Representative to Plain Township: No report.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: No report.
- B. Clerk of Council: Clerk Mason informed council of Arbor Day celebration on Friday, April 28 at 9:30 am and heard about a park bench dedication for Bill Resch. There may be other activities. Clerk Mason would also follow up with council about an upcoming Columbus Metropolitan Club luncheon on May 17 at 11:30 am featuring Mayor Spalding. Council should watch their emails.
- C. Finance Director: Director Staats referenced the January report. After 8% of the year, the city had spent 6.81% of budget. Income tax withholding was trending similar to last year. She reviewed the fund summaries - there was a large expenditure out of the Windsor TIF fund for the recently purchased Bevelhymer Road property. She reviewed the Investments page - the city continued work on a healthy portfolio.
- D. City Manager: No report.
- E. City Attorney: No report.



# Council Minutes – Regular Meeting

February 21, 2023

**POLL FOR PUBLIC COMMENT:**

NONE

**POLL FOR COUNCIL COMMENT:**

NONE

**EXECUTIVE SESSION:**

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment of public officials, pursuant to New Albany Charter Section 4.03 (E) for economic development purposes, and pursuant to Executive Session pursuant to Ohio Revised Code 121.22(G)(3) for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Council anticipated action after. Council Member Kist seconded and council voted with 5 yes votes to go into executive session at 7:50 pm.

Council Member Kist moved that council come out of executive session and resume the regular meeting. Mayor Spalding seconded and council voted with 5 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 9:01 pm.

**OTHER BUSINESS:**

Board and Commission appointments

Council Member Kist praised the applicants, New Albany had an abundance of talent. Council Member Kist moved to appoint Ron Stoughton to the Cemetery Restoration Advisory Board for a new 3-year term from 1/1/23 – 12/31/25. Council Member Wiltrout seconded and council voted with 5 yes votes to appoint Ron Stoughton to the CRAB for the term specified.

Council Member Kist moved to appoint Adam Davie to the Architectural Review Board for a new 3-year term from 1/1/23 – 12/31/25. Council Member Wiltrout seconded and council voted with 5 yes votes to appoint Adam Davie to the ARB for the term specified.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Fellows seconded to adjourn the February 21, 2023 regular council meeting at 9:03 pm.

ATTEST:

  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

  
Date



**Dear Mayor Spaulding and New Albany City Council,**

**The incident of the person open-carrying their rifle and handgun in New Albany Wednesday, February 15 was alarming to me. I did not witness this person as I was on Market Square waiting for my High School senior, who gets out at 1:30 p.m. to walk home together. Thank goodness we were about 15 minutes short of running into them.**

**The police were called by many concerned citizens. Many businesses locked their doors when they saw this person or heard they were in the area. People got in their cars and drove home or out of New Albany. We were all working on the defensive.**

**Wouldn't it be better to work on the offensive and have a mandatory form someone must fill out in order to open-carry a firearm?**

**I realize that the second Amendment and Ohio state law protect this person and allow this type of behavior to occur; however, I would like you to explore different options that New Albany City could put in place. For example, the city requests a form to be filled out to solicit in the area. A form must be filled out in order to utilize a NA Parks and Recreation facility. In order to have any type of event, a 60-day notice and form must be filled out and insurance is mandatory. Why not put into place such a form?**

**You will most likely defer me to Mary Lightbody, our State Representative, and I will be writing her a letter, too. However, isn't there something New Albany can do offensively to keep abreast of an individual parading through our town in this manner?**

**What happened to, 'Just because you can, doesn't mean you should'? Just because I can let my dog poop on your lawn and walk away without picking it up, doesn't mean I should. Just because I can say a swear word in public, doesn't mean I should. Just because I can walk around on the streets, near a school with my firearm does not mean I should.**

**Don't just defer me to someone else. Don't tell me your hands are tied. Help me, as the City Council of my city, find a way to help us feel safe.**

**Best regards,  
Kristina Jenny  
5013 Straits Link  
New Albany  
6142828719**