



Council Minutes – Regular Meeting

March 16, 2021

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of March 16, 2021 at 6:34 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, and Clerk of Council Jennifer Mason. Staff tele-present were Law Director Mitch Banchefsky, Community Development Director Jennifer Chrysler, Finance Director Bethany Staats, Public Service Director Mark Nemec, Deputy Public Service Director Mike Barker, Planning Manager Stephen Mayer, City Engineer Ed Ferris, Engineering Manager Ryan Ohly, Chief Communications and Marketing Officer Scott McAfee, and Human Resource Officer Lindsay Rasey.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

Clerk of Council Jennifer Mason told council that Council Member Kist requested to be excused due to a family function. Mayor Spalding moved to excuse Council Member Kist from the council meeting. Council Member Shull seconded and council voted with six yes votes to excuse Council Member Kist from the meeting.

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed March 2, 2021 regular meeting minutes and if there were any additions or corrections. Hearing no changes, Mayor Spalding moved to adopt the March 2, 2021 regular meeting minutes. Council Member Durik seconded and council voted with six yes votes to approve the March 2, 2021 regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

NONE.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Shull reported the PC heard and approved three items regarding the New Albany Country Club Section 30 zoning amendment for a boundary change,



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the Preliminary Development Plan, and Preliminary Plot. A Comprehensive Planned Unit Development text would be coming later. There were around 25 attendees at the PC meeting. Most of the discussion concerned the ways in and out of the proposed 37 unit development. The area was originally zone for 88 units. Council Member Shall passed around the site plan. One slated entrance was off of Head of Pond and the other off of Baughman Grant. Attendees mostly spoke against the two entrance ways - and primarily against the Head of Pond access point due to the traffic that comes down the hill and the heavily used leisure trail. There would be more discussion as this project made its way through the city boards.

The PC approved updates to Codified Ordinance Chapter 1153 and tabled two other matters.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: Council Member Durik reported that the ARB approved a Waiver of Appropriateness for materials at 8323 Central College Road. The ARB denied a request for a 400 foot gravel driveway. The first 120 feet was required to be asphalt where the driveway connected to Central College so that gravel wasn't brought out to the road. The ARB approved heard requests related to BrewDog Pub. Council Member Durik passed around drawings. The roof, doors, and canopy were approved. Several non-conforming signs were denied, although a few were approved.

BOARD OF ZONING APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: Council Member Brisk reported that the IDEA Committee finalized its purpose/definition/ mission and read that aloud to council. The IDEA Committee broke out into three working groups – Communication/Telling Our Story, Partnership/Collaboration, and Community Programs and Activities. She described the goals of each group. Council Member Fellows asked and Council Member Brisk replied that the IDEA Committee met once per month. The IDEA Committee's meetings were posted to the city's website and open to the public. The IDEA Committee was a good-sized, well-represented group.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-01-2021

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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 3.35 +/- ACRES OF LAND LOCATED AT 4093 REYNOLDSBURG NEW ALBANY ROAD AND 6 HAWKSMOOR DRIVE FROM ITS CURRENT ZONING OF RESIDENTIAL ESTATE (R-1) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY D&H HAWKSMOOR PROPERTIES LTD., c/o AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer told council this was a rezoning of two parcels, one of which was partially within the Hawksmoor Subdivision and the other along Reynoldsburg New Albany Road. Both were zoned for one residential unit on each plot. The proposed zoning modified the architectural and setback requirements for the properties consistent with the Hawksmoor Subdivision. There had been much discussion of the existing 30 foot tree preservation zone along the northern property line. The zoning text reduced the existing 50 foot building setback to match the 30 foot tree preservation zone. The proposed zoning matched the recommendations in the 2014 Strategic Plan and was consistent with surrounding properties. The Planning Commission recommended approval at their December 2020 meeting. Council tabled the application at the February 16, 2021 meeting to allow additional time for the applicant and neighbors further discuss the building setback at the northern property line.

Aaron Underhill, attorney for applicant, stated he had been working with the applicant and attempted to come up with a compromise that would be suitable for the neighbors. One of the configurations for the western-most lot had been the subject of a lot of conversation. The developer intended to continue the arc pattern layout for a significantly-sized home, mirroring the layout of the home to the west of it. The applicant had agreed to keep the 30 foot tree preservation zone - but also extend it to be even with the Vadala's garage - and keep the 50 foot building setback as shown in the slide attached. The applicant felt it was going above and beyond what others had to do. This showed good faith on their part.

Council Member Fellows thanked Mr. Underhill for his and his client's hard work.

Mayor Spalding opened the Public Hearing.

Shawn Vadala, 4107 Belmont Place, stated he thought Mr. Underhill's proposal was a reasonable compromise. He thanked Mr. Underhill and the developer's team. He also thanked the mayor and council members for listening to the concerns. Council Member Briscoe asked and Mr. Vadala confirmed that he agreed with the proposed compromise.

Mayor Spalding thanked Mr. Vadala for being patient and professional in the process. He reviewed the steps taken to reach the resolution and appreciated the effort of the applicant. He solicited additional comment.

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

Council Member Briscoe moved to adopt the ordinance with the modifications proposed by Mr. Underhill. Council Member Brisk seconded and council voted with six yes votes to approve Ordinance O-01-2021.

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Clerk Mason requested the updated text to go with the ordinance.

ORDINANCE O-06-2021

Mayor Spalding read by title AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR THE BEECH ROAD AND GANTON PARKWAY WEST PHASE 1 PROJECT, AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Stephen Mayer told council this legislation was for the initial phase of Ganton Parkway West. He described the location. The right-of-way was being phased to allow more flexibility for development opportunities. The plat consisted of approximately 2,400 linear feet of new right-of-way 100 foot wide, which equated to a little over five acres. The width and street alignment were consistent with the city's existing and newly drafted strategic plan. The Planning Commission recommended approval at their February 2021 meeting.

Mayor Spalding asked and City Manager Stefanov confirmed that the city received grant money for this program. Council and staff talked about future plans for Ganton Parkway.

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 ordinance. Council Member Durik seconded and council voted with six yes votes to approve Ordinance O-06-2021.

ORDINANCE O-07-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION OF 0.193 ACRES AT 6895 BEVELHYMER ROAD AS REQUESTED BY THE CHRISTIAN MEETING ROOM, INC.

Planning Manager Ryan Ohly told council that this ordinance accepted 0.193 acres of right-of-way along the frontage of 6895 Bevelhymer Road. The applicant proposed the construction of a church building on the parcel which had historically been served by a highway easement extending 15 feet to the centerline of the road. This legislation authorized the acceptance of 40 feet of right-of-way, replacing the highway easement. This would accommodate construction of a leisure trail and four-rail horse fence installed by the developer.

Council Member Fellows expressed his same concern about the narrowness of Bevelhymer Road and traffic coming in and out of the church. There was not a lot of room to turn off and no turn lane. Council Member Shull agreed that it was a tough and skinny road. City Manager Stefanov stated that the right-of-way dedication would give additional room if there was a need for a turn lane. The challenge was the length of the approach for the turn lane. Adequate queueing space was needed. The city tried to acquire dedicated right-of-way. With the existing highway easement, there was no room for improvements. City Manager Stefanov stated the city would continue to look at this issue. Some factors were the size of the building and membership of the church.

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Council Member Fellows moved to adopt the ordinance. Council Member Shull seconded and council voted with six yes votes to approve Ordinance O-07-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-08-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 6.7+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov told council O-08-2021, O-09-2021, and O-10-2021 were the last step in the annexation process. They were all Expedited Type I annexations. There were Annexation Agreements between the city and township. There were also Road Maintenance Agreements in place. Road Maintenance Agreements went away once the city had annexed the entirety of the road-adjacent property. The county had approved the applicants, annexation petitions. Finally, the city approved the annexation requests.

This annexation was mostly housekeeping. The majority of the parcels on Beech Road had been annexed. This was an island property which had recently been acquired. This property was adjacent to Ganton Parkway and would enable the city to commercially develop this area.

Council Member Fellows asked the reason for so many island parcels. City Manager Stefanov answered that New Albany's policy had been to never annex a parcel against the will of the property owner. What typically happened was that properties were sold at different times. This property wasn't on the market during the earlier annexations along Beech Road. It was purchased by The New Albany Company and they requested annexation. Council Member Fellows supported listening to the homeowner. He observed the city was creating little isolated unincorporated islands. City Manager Stefanov stated there was a different procedure to annex parcels without the owner's consent. For the second reading of this legislation, he could show one or two other island parcels remaining south of State Route 161. There were a few others to the north - primarily west of Beech Road. The city tried to clean up as many islands as possible. Council Member Briscoe did not think the township or county would support annexing without the owner's approval. She agreed that this was the right policy, even though it created inconvenience.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

ORDINANCE O-09-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 25.8+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov noted the original annexation request included parcels owned by The New Albany Company. The also city reached out to electric co-op that had the substation on Jug Street in the effort to eliminate as many unincorporated islands as possible. Annexing this property enabled the city to expand the business park – enlarging the existing Beauty Park.

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Council Member Briscoe asked and City Manager Stefanov answered that available infrastructure was immediately adjacent to this property. The city was also expanding Business Park-related infrastructure along Jug Street, including a waterline that would be looped to create more consistent water pressure. At some point in the future, the Blacklick Trunk Sewer would be extended to Jug Street, then further eastward to be able to serve the adjacent property to the north of Jug Street.

Council Member Durik asked and City Manager Stefanov answered that the parcels immediately to the west were residential properties. Commercial properties were further west. The AWS data center site was to the south of the residential properties. The city reached out to the owners of the residential properties and offered annexation. The New Albany Company was willing to take care of the legal costs associated with it, but the owners refused the opportunity.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

ORDINANCE O-10-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 13.193+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov told council that, like Ordinance O-09-2021, this was an annexation that allowed the city to expend the business park. He described the location south of Innovation Campus Way and north of State Route 161. It had highway frontage was contiguous to other commercial development to the north, east, and west. There were three buildings in various stages of completion in the area. Council and staff discussed the stages of the development projects.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

ORDINANCE O-11-2021

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 25.8 +/- ACRES OF LAND LOCATED AT 13607 AND 13525 JUG STREET FOR AN AREA TO BE KNOWN AS THE “JUG STREET SOUTH ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer stated this rezoning was related to O-09-2021. The proposal was to rezone to Limited General Employment (L-GE) district which allowed for the same uses as adjacent commercially-zoned properties. Permitted uses included office, data centers, research & production uses, and warehouse and distribution. The limitation text established consistent architectural, height, screening, and setback standards as those in the business park. The text established a 50 foot setback building and pavement setback as well as requiring 75% opacity landscape screening for residential properties. This proposal matched the use and development recommendations found in the city’s 2014

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strategic plan and draft Engage New Albany plan. The Planning Commission approved this during their February 2021 meeting.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

ORDINANCE O-12-2021

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 13.193 +/- ACRES OF LAND LOCATED AT 12746 COBBS ROAD FOR AN AREA TO BE KNOWN AS THE “MINK INTERCHANGE EXPANSION ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., c/o AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer told council that this rezoning was nearly identical to O-11-2021 except for location. This proposal was also to rezone to Limited General Employment (L-GE) allowing the same uses as adjacent commercial districts. As with O-11-2021, this text also established the same consistent architectural, height, screening, and setbacks standards of the surrounding business park properties. There was residential property to the west and this text also established 50 foot building and pavement setbacks and 75% opacity landscape screening. This proposal matched the uses and recommendations found in the 2014 and draft Engage New Albany strategic plans. The Planning commission approved this language at their February 2021 meeting.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

ORDINANCE O-13-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A 1.633 ACRE CONSERVATION EASEMENT AS REQUESTED BY AMERICAN ELECTRIC POWER COMPANY.

Engineering Manager Ryan Ohly told council that this legislation accepted a 1.633 acre conservation easement. AEP was expanding their utility substation and the legislation was part of the permitting process with the Ohio EPA and U.S. Army Corps of Engineers. Environmental impacts were offset by conservation easement. A public entity had to be the recipient of the conservation easement. The easement contained restrictions intended to preserve and protect the area by prohibiting construction of man-made structures, cutting vegetation, altering natural water courses or streams, installing new utility lines, or any other activity that could endanger the natural, scenic, biological or ecological integrity of the conservation area.

Council Member Briscoe asked and Manager Ohly responded that the oddly-shaped lines of the easement were based on their survey. City Manager Stefanov stated and Manager Ohly confirmed the conservation area was around a stream corridor and shifted with the course of the stream.

City Manager Stefanov added that the city had no legal responsibility if the property owner or a third party would do something to damage the conservation easement. A public entity had to hold the easement. The property owner maintained full legal and financial responsibility if damage was done to the site. If the city

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became aware of damage, it would bring it to the attention of the property authorities, but if the city was unaware, there was no associated liability. Council Member Fellows asked and Manager Ohly stated that the city was accepting this easement at AEP's request.

Mayor Spalding set the ordinance for second reading at the April 6, 2021 council meeting.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-08-2021

Mayor Spalding read by title A RESOLUTION TO APPROVE AND ADOPT THE CITY OF NEW ALBANY ENGAGE NEW ALBANY STRATEGIC PLAN, AS REQUESTED BY THE CITY OF NEW ALBANY.

This resolution would adopt the Engage New Albany strategic plan. Manager Mayer described the process to reach this point and the support staff and outside consultants involved, including EP Ferris & Associates, Mark Moorehead and Cheryl Pentella, and MKSK. Since the last council meeting, staff had incorporated feedback which was set forth on a memo to council. All the input made for a strong plan which would help inform and guide land uses and community decisions. Sarah Lilly and Chris Hermann were present to answer questions.

Council Member Briscoe asked about the mass transit text on page 127. Director Joly replied that the language encouraged development closer to the street to be more accessible to mass transit and ride-sharing drop-offs. The energy use statistic under Sustainability was a per capita number, and that wording had been updated.

Council Member Fellows praised staff for making sure that everyone's voice was heard and their ideas were taken into consideration. Council Member Brisk stated that going on the road was tremendous. Council Member Shull observed that the community appreciated that New Albany was a well-planned community – including input from everyone. Council Member Briscoe liked that this was a thoughtful plan. It was the best one she'd seen. Mayor Spalding thanked MKSK for all of their hard work.

Mayor Spalding asked and City Manager Stefanov answered that the city would put out the strategic plan information through social media. The plan would be on the city's website. A letter would be mailed out to the entire city. Chief Communications Officer McAfee stated residents would be seeing a video. The next council letter to residents would have a link to see the full plan on the website. Council Member Shull asked and Chief Communications Officer McAfee confirmed that there was a part about the strategic plan in the city's annual fiscal report currently at the printer.

Mayor Spalding moved to adopt the resolution. Council Member Shull seconded and council voted with six yes votes to approve Resolution R-08-2021.

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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: City Manager Stefanov reported that the YWCA President and CEO Christie Angel spoke about the Diversity Equity and Inclusion program offered by the Y and announced their partnership with MORPC to provide training opportunities in racial equity. The MORPC annual virtual State of the Region was March 31st from 11 am to 1 pm. The Columbus Vision Zero program was intended to reduce fatal traffic collisions on Columbus roadways to zero. It was available on MORPC's website. MORPC and Ohio University, partners on the Voinovich School of Public Affairs, were offering a "Governing Essentials for Local Elected Officials" training program. The Rapid 5 Project was about the five rivers/streams that cross Franklin County, including Big Walnut Creek in New Albany. The initiative wanted to connect them with trails and greenspaces to make a holistic environmental system. New Albany would be participating.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: No report.
- D. Council Representative to Plain Township: Council Member Durik reported that the township had received a lot of reports of fraud mailings to residents, including fire department staff. The township asked that fraud reports be made to the Franklin County Sheriff. Columbus Pool Management presented on the upcoming pool season. The township was awaiting guidelines from the county health department. Council Member Durik reviewed policies from the 2020 season for pools that did open which would likely continue in 2021. The township required around \$300,000 to operate the pool on a break-even basis. They would deliver a decision to Columbus Pool Management between April 1 and April 15, 2021. COVID training would be a part of life guard and staff hiring. Mechanical issues could have arisen during the 1 ½ year downtime. If they decided to open, the pool would be filled and open in early May.

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The township was working on a letter to residents regarding Maplewood Cemetery issues. Council Member Durik and Police Chief Jones discussed an upcoming meeting with the township about enforcement. The roof of the Fire Department again had leaks and the township was taking new bids on the repair.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding stated the American Rescue Plan Act had been signed and would provide relief mechanisms, including individual \$1,400 stimulus checks, increased unemployment benefits, earned income tax credits, child tax credits, nutrition assistance, housing aid, optional family medical leave, child care and education support, vaccine distribution, affordable care subsidies, small business relief, and state and local government support. The Ohio Municipal League and MORPC were both hosting virtual meetings to talk about the allocations and limitations on what ARP funds could be used for. The city would continue to monitor what impact it would have on New Albany.
- B. Clerk of Council: No report.
- C. Finance Director: Director Staats stated that monthly report had been sent to council. City revenues were up for 2021, mostly due to new income tax withholding coming online. The city had spent 13.18% of its budget as of the end of February. Expenses were lower than at this time in 2020. A difference in the number of January pay periods contributed to the lower expenses and should even out over the course of the year. She reviewed balance details and investment status.
- D. City Manager: No report.
- E. City Attorney: Law Director Banchevsky reported that Ohio Municipal League would be holding a webinar regarding the American Rescue Plan the coming Thursday at 2 pm. If anyone wanted to participate, they could contact him for access. City Manager Stefanov and Director Staats would be participating.

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 employment and compensation of a public employee. Council Member Shull seconded and council voted with six yes votes to go into executive session at 7:53 pm.



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Council Member Briscoe moved that council come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with six yes votes come out of executive session and resume the regular meeting at 8:12 pm.

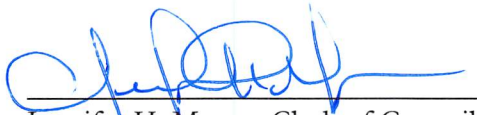
OTHER BUSINESS:

NONE.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Shull seconded to adjourn the March 16, 2021 regular council meeting at 8:14 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council



Sloan Spalding, Mayor



Date

Updated Setback Commitment



- 30-foot tree preservation zone (to remain)
- 50-foot building setback between west façade of adjacent garage to west boundary line of subject property