



Council Minutes – Regular Meeting

March 21, 2023

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of March 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, Planning Manager Steve Mayer, City Engineer Ryan Ohly, Economic Development Specialist Sara Ziegler, Engineering Manager Cara Denny, Clerk of Council Jennifer Mason, and Chief Marketing Officer Josh Poland.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

ACTION ON MINUTES:

Council adopted the 3/7/2023 regular meeting minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE

HEARING OF VISITORS:

Certificates of Commendation to Sergeant Garrett Fernander, Officer Joe Rehnert, and Officer Nate Ferguson – Mayor Spalding read the certificates and presented them. Council Member Kist read the letter from the individual's grandmother who expressed gratitude to the police officers for their professionalism and compassion. Chief Jones praised the officers for stepping up under great pressure and for their excellent judgment. He appreciated the staff, officers, administration, and community for their support. Mayor Spalding observed that we had asked a lot of officers over these past few years. They had adapted and overcome.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Shull reported the PC approved variances for the Taylor Farm barn and chicken coop. The structures would be at the level of the 100-year flood plan, but not the additional 2 feet required by city code. The PC approved a variance for a swimming pool on a side yard on

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Lambton Park. There would be a 6-foot wall around pool. The PC approved the final plat dedication for Third, Main, and Market Streets.

PARKS AND TRAILS ADVISORY BOARD: No meeting

ARCHITECTURAL REVIEW BOARD: Council Member Wilttrout reported swearing in new member, Adam Davie. The ARB approved the canopy over Elliot's. The ARB approved a 28-spot school parking lot expansion with condition that trees be replaced. There was a lot of discussion about tree removal and re-planting. The ARB heard the presentation the about Taylor Farm improvements and approved the proposal for the bathroom facilities.

BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: Administrative Services Director Joly reported the SAB held their organizational meeting and further discussed the framework of the student leadership and sustainability grant. Staff updated the SAB on Earth Day to Arbor Day activities, including progress on the tracking application. Staff was unable to secure a paper shredder or hazardous waste hauler on Earth Day. There would still be an e-waste on April 22. The city had money in the budget for other collection drives later in year.

IDEA IMPLEMENTATION PANEL: Council Member Brisk reported the IDEA Panel reviewed plans for quarterly welcome receptions. They could be traveling sessions, where residents got to know city leadership, locations, and ways to get involved. The IDEA Panel held a robust discussion of welcoming/ambassador committee for new residents, probably divided by areas of city. There could be a welcome packet with calendar, website, and name and number to contact. Ambassadors would be a member of their community/area. Council Member Wilttrout stated that they looked at other cities for best practices. Council and staff discussed a prior New Albany Chamber of Commerce information packet. City Manager Joseph Stefanov recalled real estate brokers coming up with the contacts, using the MLS system to be apprised of new residents.

CEMETERY RESTORATION ADVISORY BOARD: Clerk Mason reported no meeting. Council Member Fellows asked and City Manager Stefanov answered that the city contracted with Mark Smith of Gravestone Transformations last year for headstone restoration work starting in June. The matter of fencing was still pending. City Manager Stefanov understood council was leaning towards horse fence versus cast iron. Mayor Spalding recalled the CRAB's recommendation of a cast iron fence, similar to Maplewood, although it was expensive. In the interim, Mayor Spalding recommended horse fencing. Council Member Durik agreed. Mayor Spalding asked for bids on horse fencing.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

Mayor Spalding reported receiving emails from citizens concerned about the proposed Sheetz gas station on Morse Road east of the roundabout in Gahanna. He understood the Gahanna Planning Commission (PC) had denied the application. Citizens were asking New Albany to get engaged. Mayor

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Spalding stated he shared concerns the first time the application came up and had talked to chair of PC in Gahanna, who then shared those comments with the commission at a public meeting. Most concerns were about traffic and the vicinity of roundabout. Mayor Spalding had also spoken with Gahanna Mayor Jadwin. He hoped they would work on a more appropriate site. He also spoke with The New Albany Company and asked them to have conversations with their broker and Sheetz about other locations, perhaps in the New Albany business campus. He understood the brokers were in contract with Sheetz to purchase the property, but they could negotiate with Sheetz for other opportunities. Mayor Spalding would keep monitoring the situation.

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-18-2023

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, AWARD BIDS AND EXECUTE ALL CONTRACTS RELATED TO THE 2023 CITY OF NEW ALBANY STREET IMPROVEMENT PROJECT.

Public Service Director Mike Barker stated that the city annually graded conditions of streets which informed what streets were prioritized for which kinds of maintenance. He reviewed the 5 categories – mill and overlay, crack seal, cape seal - a polymer-asphalt emulsion, micro-resurfacing, and rejuvenator. Director Barker discussed which areas would be receiving the above treatments per the attached map. Director Barker stated that staff was re-evaluating the rejuvenator. It was a messy product and the city had received complaints about tracks in driveways, etc. The rejuvenator contained a binder that allowed asphalt to retain flexibility over time. It also helped pavement stay darker which looked better and helped snow melt faster. The engineer's estimate for the street improvement project was \$1.8 million, which about was in the capital budget. This year, the leisure trail project would be separate from the road improvement project.

Council Member Fellows asked and Director Barker answered that there was a comprehensive striping plan covering areas where striping was needed or fading away. The city had another improvement program specific to roundabouts to provide a routine maintenance for non-standard materials, striping, curbs, etc.

Council Member Kist asked and Director Barker replied that the south Harlem Road project was a separate construction project, not a maintenance activity.

Mayor Spalding asked and Director Barker responded that portions of sidewalks and curbs were being redone along Market Street in conjunction with this road improvement project. Ohio Equities would be reimbursing the city for maintenance conducted on their property. Beyond that, the city was working with B-Level, Ltd to improve sidewalks in select neighborhoods. Director Barker described B-Levels methods of leveling without replacing. Full panel replacement was impacting electric fences and sprinklers. Just fixing and leveling the panels was 1/3 the traditional replacement cost. The city could then replace a handful of panels, as needed. It was a much better value. Consulting with the arborist and forester, the city learned that when it tore out sidewalk and sawcut tree roots, new or extended growth would happen at higher rate than the growth of the existing root. Less impact equaled a lesser growth rate.

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Council Member Fellows asked and Director Barker stated the city had not received feedback regarding the sidewalk work at Maynard Place and Maynard Place East. Council Member Fellows was generally pleased with the work.

Council Member Shull asked if the city would do the sidewalk leveling as a one-and-done project or whether it would go back later. Director Barker answered the city could evaluate that about 5-6 years out.

Council Member Brisk asked and Director Barker answered that the city put out a door hanger within a week of the sidewalk work, and then a second one 48 hours out. The improvement project work would start in June in the targeted areas and should be done by the end of 2023.

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

Mayor Spalding moved to adopt the resolution. Council Member Brisk seconded and council voted with 7 yes votes to approve Resolution R-18-2023.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-14-2023

Mayor Spalding read by title AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION TOTALING 0.077 ACRES FOR THE DUNKIN DONUTS, EXPRESS OIL AND ALDI DEVELOPMENT SITES ALONG JOHNSTOWN ROAD AS REQUESTED BY ALDI INC. (OHIO), GOC REALCO LLC, AND JNBG LAND HOLDINGS.

Planning Manager Stephen Mayer stated the subject properties, per their zoning, were required to dedicate an additional 5 feet of right-of-way along the west side of US 62 and Johnstown Road. The right-of-way would accommodate streetscape improvements and a future drop-right lane based on growth in the area, as identified in a traffic study, if needed. The streetscape improvements were in and left room for the possible drop-right lane.

Council Member Fellows described the difficulty getting to Dunkin' Donuts. He asked about a possible future access road. Council members discussed receiving similar feedback about accessing Dunkin'.

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 7 yes votes to approve Ordinance O-14-2023.

ORDINANCE O-15-2023

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 195.98+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

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City Manager Stefanov stated the subject property was contiguous to existing New Albany boundaries. This was the standard Expedited Type I annexation procedure. The original annexation agreement was signed in January of 2022 and was part of a nearly 3,200-acre annexation agreement signed with Jersey Township. The Beech Road Maintenance Agreement was entered into in 2018. Licking County Commissioners approved the annexation petition on December 22, 2022. The 60-day waiting period had lapsed.

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

Council Member Wilttrout moved to adopt the ordinance. Council Member Brisk seconded and council voted with 7 yes votes to approve Ordinance O-15-2023.

ORDINANCE O-16-2023

Mayor Spalding AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 195.98+/- ACRES OF LAND LOCATED ON THE WEST SIDE OF BEECH ROAD, FROM AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS “NORTHEAST BUSINESS PARK ZONING DISTRICT” AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL.

Planning Manager Steve Mayer stated this resolution was for the same land as O-15-2023. The proposal was for a limitation text which could only be more restrictive than the city’s base zoning requirements. The development standards were consistent with the surrounding property to the north and east. This legislation would rezone the subject land to the same L-GE zoning. This rezoning allowed for manufacturing and production, office, warehouse and distribution, research and production uses, and datacenters. The zoning required the same setbacks and landscaping as the areas to the north and east, the same rooftop screening for both sight and sound for rooftop mechanical equipment, and had the same architectural requirements. Whereas sites to east and north had an 85-foot maximum height, this zoning text had a 65-foot maximum building height. This zoning placed a 100-foot building and pavement setback for residential uses and required 75% opacity screening at the time of development to be put into those setback areas. The zoning matched the recommendations of the Engage New Albany plan and was consistent with, or more restrictive than, the immediate surrounding zoning. The Planning Commission recommended approval at their early March meeting.

Mayor Spalding opened the Public Hearing.

Richard W. Otten, Jr., 8383 Clouse Road, presented the attached slides. He spoke about the 17-acre wetlands put in late 1990s in Saveson Acres. It was a mitigated wetland. meaning a developer pulled out a wetland somewhere else and placed this wetland. A kid who helped plant trees in this wetland was now the executive director of the Ohio Ecological Farmers Association. In early 2000s, there were more wetland opportunities, and rather than selling their land, they decided to preserve some as a nature conservation area. They applied to the USDA Wetland Preserve Program, took almost 4 years to get approval from the federal government,

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and created 30 acres of net “new” wetland. They had support from the Franklin County Soil and Water District and the Natural Resources Conservation Service. In 2011, Mr. Otten described a fight to maintain the wetland after Ohio Attorney General Cordray attempted to invalidate wetland preserve programs state-wide, and singled out their wetlands. The Ohio Environment Council got involved, along with Clarence Mingo and Gonzales, the Plain Township Trustees, the town manager, Dr. Glyde Marsh, Nancy Ferguson, and Bill Resch. The Ohio Environmental Council won the lawsuit in 2012, which saved the wetland preserve program. The Franklin County Soil and Water District gave his father-in-law, John Saveson, an award in 2012. They planted hundreds of trees and established ponds. He took all of the pictures in his slide deck. He described the both wetlands surrounding his and his mother-in-law’s house. 2 1-acre lots were kept out of the development. It was a mix of prairie, pond, and forest. The water in the wetlands drained from area farm fields which were slated for rezoning and development.

Mr. Otten stated wetlands helped to control flooding and clean the water. He described land purchased by Homewood who was told it was too wet to develop. They put in many drainage tiles. Anyone building there would be building in a swamp. Mr. Otten described the varied wildlife and wild flowers.

Council Member Fellows asked and Mr. Otten answered that they seeded the area with native wildflowers.

Mr. Otten described taking away land as “death by a thousand cuts.” He talked about losing wildlife and insects. He described having significantly fewer mosquitos with the wetlands present due to the many things that ate mosquitos. The zoning board accepted the zoning application directly from the developer without modifications. The zoning regulations only required a 25-foot setback when not against the road front or residential. Their wetlands were neither road front nor residential. A 25-foot setback was not in line with the recommendations for most wetland sites. The zoning regulation did not provide assurances about water run-off patterns. Rain on fields seeped into the grounds and into wetlands before finding its way to creeks. If water went into drain pipes, it would leave the area, and their wetland would dry out. There was nothing in the zoning rules about how water run-off would be managed in a way that would maintain the beauty and conservation land. Road salt on parking lots could mess things up. The perfume factory by SR 161 dumped huge amounts of perfume in the air on regular basis. For a creature living based on sense of smell, that would be overwhelming. Perfume vents were terrible and this zoning rule didn’t prevent perfume dumps.

Mr. Otten stated there was a model wetland setback ordinance that the Chagrin River Watershed District put together. The zoning ordinance set specific rules about managing setbacks against a wetland. It gave guidelines to the zoning commission. It should be 100 feet back from the road, residential, and wetlands. It recommended 75-120 feet depending on the wetland classification. It recommended native plantings and minimal chemicals in the setback area. It recommended encouraging trail exploration into the setback area. Mr. Otten described hundreds of kids and groups who explored their wetlands.

Council Member Fellows asked and Mr. Otten responded that they saw bald eagles about once per year. They saw a pair of eagles right after the trees were cut down for the Intel development. He didn’t know where they ended up settling. He knew of bald eagles around Hoover Reservoir.

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Mr. Otten asked for council's help to arrange the corner of the development to protect the wetlands and headwaters.

Council Member Durik praised Mr. Otten's work. He asked for staff perspective on having a setback there. Council Member Kist knew a lot of development in New Albany was adjacent to wetlands. He asked if the city used any setbacks or other tools for that. Manager Mayer responded that the proposed setback was a 100-foot building and pavement setback along the rear property line where it was adjacent to the wetlands. Within that pavement setback, there could be no development and additional trees were required for screening. The setback should be left unimpeded and actually improve the landscaping. Mayor Spalding asked if that could be clearer in ordinance - he read the perimeter boundaries as 25 feet. If it was 100 feet, he wanted to be sure that was clear.

Mayor Spalding asked and Mr. Otten answered that he didn't know how big the buffer area was between himself and his neighbors to the east.

Council Member Shull asked about perimeter versus setback. Mr. Otten stated that he read that, because there were no houses or roads at the perimeter, that it was a 25-foot setback. Manager Mayer clarified anywhere there were adjacent residential uses - which in this case were along the western property line, the southern property line, and a residential property on the west side of Beech Road - the zoning text required a 100-foot building and pavement setback. The 25-foot setback would be on the remaining side yard where it was adjacent to other commercial properties. There was an additional setback along Beech Road. Next to residential uses, which included the wetlands, it was 100-foot setback. Council Member Shull asked and Planning Manager Steve Mayer confirmed that, even though there weren't houses there, it was still 100-foot.

Aaron Underhill, attorney for applicant, cited the zoning text about perimeters and boundaries - the 100-foot requirement wherever residential uses existed or where they were permitted under current zoning - everything to the west was in a rural residential designation and township right now. So, by definition, the setback would apply to the west and south. Residential uses were permitted in agricultural districts.

Council Member Wiltrout asked and Mr. Underhill agreed that so long as a use was permitted, it was included.

Mr. Underhill stated the zoning language was consistent with language they had used many times. Mr. Underhill showed the attached slide. Throughout the business park, they had been able to engineer stormwater management so as not to impact other areas. The environment was important to The New Albany Company. Mr. Underhill talked about an area using sand filtration to control outflow and cleanliness of water onto adjacent properties. New Albany city code 1181.03, not zoning code, had requirements for not increasing the flow of water onto adjacent property. State law courts had ruled the same way. An owner couldn't increase the flow to adjacent properties and had to make sure not they were not dirtying the water in a way to cause nuisance or harm.

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Council Member Fellows asked and Mr. Underhill stated the owner could not decrease the flow in a way that would alter the wetlands, per state law.

Mayor Spalding asked and Mr. Underhill agreed that the western and southern boundary of the annexation area would include a 100-foot setback - the whole boundary on those 2 sides.

Council Member Kist asked if Mr. Underhill was comfortable that, once this property was developed, it would be net neutral as far as water on the wetland property where it was vital to the preservation. City Engineer Ohly stated, consistent with what Mr. Underhill said, that was Ohio drainage law. They couldn't change the volume coming out from their side – it had to be similar to the pre-developed condition.

Mr. Otten stated those were his main concerns for the preservation of the wetlands. It would be great if that setback included natural planting and was not overfertilized and pesticide spread, or mowed grass. It would be great if there were leisure trails along it for people to enjoy. None of that was in the zoning rule. It would be great if the development wasn't a perfume factory or something that was heavily polluting next to the wetlands – which was also not directly restricted by the zoning rules.

Mr. Underhill stated one thing that that it was a limitation text. They had to meet the code – different from a PUD context. If the code was silent, it didn't mean they were trying to get around something.

Catherine Saveson, 8383 Clouse Road, gave a history of Clouse Road. They lived on land that her great-great-grandparents homesteaded, cleared, and farmed. Clouse Road had deep historical community ties to New Albany. She told the story of how John Clouse ran away as teenager, stowed away on a ship headed for Baltimore, and ended up in the middle of the American Revolution. He was buried in the pioneer cemetery on Johnstown Road near Clouse Road. His grandson, George, married Martha Landon, the niece of co-founder Nobel Landon who was a co-founder of New Albany. Most of Ohio was wetlands in the 1840s. George cleared 180 acres of land. Clouse Road originated as the driveway to the Clouse farm. They built a log cabin, then a brick farmhouse in 1861. Ms. Saveson's mother lived in that house today. The bricks were made on the property and the woodwork was from trees cut on the property. The house was similar to Ealy house - built a year apart - the same craftsman worked on both houses. The big barn was built around turn of the last century. George and Martha's children sold the house after they died, but her parents bought it back in the late 1970s and moved back in in 1981. She and her husband built their house on the property about 20 years ago. She put 2 kids through New Albany Schools. Clouse Road was a great place for children, for walking dogs – it was a nice community - the barn hosted picnics, 4-H clubs, and church gatherings. Clouse Road had a unique history as well as being environmental gem. There was woodland, meadow, wetland, and abundant wildlife. She had concerns about the proposed zoning change and business park development. Mr. Otten spoke about many of her concerns She wanted to know what was going in next to them – what was “in contract” on the map? She asked council to consider the impact on the residential communities of Clouse Road and Saveson Acres. The potential impact on their well water, ground water, and quality of life.

Jess Biller, 40 Fitzwilliam Lane, stated he took the zoning language as a 25-foot setback. He asked for clarification on the 75% landscape buffer.

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Manager Mayer answered, when development occurred on the site, the developer was required to put in landscaping that had to achieve 75% opacity – meaning one could only see through 25% at full foliage. The landscaping also had to achieve a minimum of 10 feet. It had to reach those benchmarks within, he believed, a couple years of planting. To achieve the 75%, it was typical for the majority of plantings to be evergreens, some types of arbor vitae, and some deciduous trees. Opacity started out fairly high. The city landscape architect would review plans to ensure the project achieved the opacity for screening. Before occupancy, the city landscape architect or arborist would confirm the trees were planted correctly.

Mr. Biller expressed concern about opacity during the winter. During the winter months he could see right through to the 65-foot buildings. His neighbor was concerned about property resale values. Amazon met with their home owners' association and agreed to leave a lot of trees up on the east side of Beech Road. Similarly, here, they wanted to block as much as possible.

Mayor Spalding asked if there was an existing tree row between Mr. Biller's property and the farm field to the north. Mr. Biller answered it was, at best, a single row of trees. He wasn't sure whose property those trees were on. He lived on the corner of Fitzwilliam and Beech Roads.

Mr. Biller expressed concern about their well being contaminated with blacktop, salt, and other chemicals. He talked about the candle factory smell - council would be surprised at how much impact it had. It created concern for what was going in behind them. He would like to limit the impact. What kind of considerations were being taken for their property?

Mayor Spalding responded that the zoning text controlled what could be built there. The zoning map showed similarly zoned uses elsewhere. The city didn't know who the user would be.

Mr. Biller stated that millions of dollars were being made around them - too bad for the homeowners. He hoped council took into consideration where they lived and property value. He had seen the bald eagle and hawks. He appreciated that the law said net neutral on water. He also knew people didn't drive the speed limit. What was the recourse when the neighborhood changed?

City Engineer Ohly stated, when the development came in for permitting, the city would closely look at stormwater management and go out on-site while a project was being built. The city had special consultants paying close attention to the construction. There would be liability if the development impeded a natural water course. If the homeowner was damaged, they would have the right to seek recourse, get it corrected.

Law Director Albrecht noted there were certification and permitting processes to make sure the development was put in consistent with the law. A lot of engineering went into it. At Planning Commission, Mr. Kirby always advised, before projects began, to do well survey so the homeowner would have a baseline measurement to show change. Mr. Biller stated that it would be a cost to him, to hire attorneys. He would appreciate if council could put something in place that protected the homeowners afterwards. He appreciated the meetings and letters to homeowners, but then it gets built and we forget about it. He would appreciate checks and balances after the fact.

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Mayor Spalding asked and Manager Mayer answered that he didn't believe water runoff or retention was a zoning code violation. Chapter 1183 was part of engineering code requirements which were looked at during construction and permitting review. Development Director Jennifer Chrysler responded that there was a pre-development, development, and post-development stages. The city worked with engineers, on-site inspectors, and special consultants brought in more recently due to the large amounts of development going on right now. The city brought in an environmental scientist and engineer to work in the business park and provide reports. Once development was complete, the city would do an inspection before occupancy. Public Service Director Mike Barker added that the city had an annual reporting obligation set by the State of Ohio. Staff inspected 20% of all sewer outfalls each year and checked for obstructions.

Mr. Biller expressed concern about the disruption to their community during the process and described getting grime off the car and tracking mud on the driveway, especially when it rained. He asked that contractors clean up the roads.

Council Member Fellows asked Director Chrysler answered that Mr. Biller was invited to work with the city to help monitor the roads. During the construction process, the city had an inspection team that was on-site regularly inspecting the construction, but also assessing safety and streets. If there was a problem, the city wanted to know. In certain cases, the city had required additional cleanings. Unusual rainfall events caused problems. Mr. Biller may see issues before the city.

Mr. Biller stated he would appreciate a city contact. It would be a cost to the homeowners. Talking to his neighbors, the biggest concern was property value impact. Director Chrysler answered city staff weren't real estate appraisers, so they couldn't tell him the impact. When city staff traveled to some other Intel sites, the industries were employing people nearby, and those people were making sizable investments in housing. Anecdotally, other site experiences were that the Intel project had resulted in property values going up - because of work patterns of employees and them wanting to live nearby. As the city acquired right-of-way, it also saw property values going up, especially areas immediately adjacent to Intel.

Mark Baranoski, 6320 Kitzmiller Road, talked from a geologist point of view. There were hydric soils, glacial deposits which extended from US 62 over to Intel. This was a sensitive environment for streams. Raccoon Creek drained over to Newark. Duncan Run started in middle of this development and flowed up to Hoover Reservoir. Many municipal water supplies came from Hoover Reservoir. He was concerned with Blacklick Creek. He owned 500 feet of the creek and the headwater may start in this area. In the zoning application, he didn't see any reference to setbacks within the watersheds. He was hoping for separate setbacks for creeks, streams, watersheds, and wetlands. Going back 22 years, before Abercrombie & Fitch, he recalled the setback was 25 feet from center of the creek. Through negotiations, it went up to 75 feet, which was still pretty meager. 100-150 feet would be better to protect everything. He hoped setbacks improved. The city had one shot to do this - hundreds of millions of dollars in the next 20 years. If the city didn't get it right, the streams would be penalized and environment hurt.

Mayor Spalding asked and Mr. Baranoski answered he had lived there for 32 years. The health of Blacklick Creek was marginal right now. It was raining. He had to call in a mud pump event in July. One of the

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contractors wasn't watching his mud bag. They got a notice of violation, but the damage was done, the mud was still in the creek. He was told by the EPA told him that they couldn't clean it up, it would just make it worse. He called in another event for Haines Ditch in August or September. Mr. Baranoski sent photos in and wasn't sure what happened there. The creek was doing okay now, as long as they didn't get any heavy rains. Retention ponds only do so much. He was glad Abercrombie and Fitch was built instead of 1,500 houses. Another positive outcome of the A&F development were the retention ponds that were providing water to creek during low stands. There were no known natural springs feeding the watersheds, making the creek more sensitive. Everything was looking okay, could be better, glad it wasn't worse.

Dan Abraham, 8154 Clouse Road, stated he built his house 28 years ago and put 4 kids thru New Albany schools. He was a lawyer and involved in East Palestine train derailment case. He had been involved in other environmental cases and seen a lot of tragedy. He commended council and the city for making the project the best it could, but stated it didn't work. He spoke about the East Palestine case – the FRSA, OEPA, federal EPA - all these agencies and sinecures saying things like this didn't happen. Problems occurred, no one paid attention, and disasters happened. Intel happened fast, it was big money. He'd had multiple properties in the past taken by eminent domain and sold later. He had a 550-acre farm in southern Ohio that he farmed hay on. He thought he could get away from development. Wild animals and wetlands were precious and the city was taking that away. Would the city allow vinyl chloride to be developed on this site? Were there any limitations on development of chemicals? The city was developing the potential for another environmental disaster in its own back yard. He had the best experts working on the East Palestine case. He was developing a plan to have water and soil tested, so when it did happen – you can be as careful as you want to be, but people make mistakes, big business was involved. This site was where these residents ate and slept. The more we eat up this land, the more damage we do to our community. He understood the need for a tax basis and had read the city's master plan, it was very well done. The only safe sex was no sex. The only way to keep anything from happening was to abstain. He understood that wouldn't happen. He implored the city to bring people to the table that could properly advise the city from the other side. He represented a lot of people in East Palestine and was trying to get them place at table. They were not the majority, the majority would rule, and this was all going to happen. The city could use him or anybody else to help the city understand the potential risk it was exposing the community to with this kind of development, not just those next door, but the entire community. He wished the city the best of luck.

Mayor Spalding thanked Mr. Abraham for helping the folks at East Palestine and for his sharing concerns. The city tried to keep interests in balance - growth and natural preservation and sustainability. When it was in your back yard, it was personal. He took Mr. Abraham's concerns to heart.

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

Council Member Fellows moved to adopt the ordinance. Council Member Shull seconded and council voted with 7 yes votes to approve Ordinance O-16-2023.

Mayor Spalding welcomed the public to attend meetings or contact council individually. Residents out there would see what was happening firsthand. They could keep the city informed. He encouraged them to come

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back and share concerns. The city's goal was to work with developers to get things right. The city wouldn't be perfect, but was willing to work it out together.

INTRODUCTION AND FIRST READING OF ORDINANCES:

ORDINANCE O-18-2023

Mayor Spalding read by title AN ORDINANCE TO ALLOW TRUCKS UNRESTRICTED USE AND FULL ACCESS TO HARRISON ROAD, NORTH OF INNOVATION CAMPUS WAY AND SOUTH OF JUG STREET, AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Steve Mayer told council, in 2014, the Planning Commission (PC) and council approved the Innovation Campus Court to Harrison Road plat extension, with the restriction that truck traffic could not be on a portion of Harrison Road. The city was coordinating with the new property owner who would be developing commercially and had requested that the truck prohibition be removed. Council also recently approved an annexation agreement for 84 acres nearby. The PC recommended approval to remove the prohibition, but on the condition that it remain in place until the rezoning application was submitted. Staff recommend the prohibition be removed effective immediately since the city was coordinating with the new owner and property was pending annexation in the near future. The property was surrounded by commercially-zoned properties on all sides. The removal of the prohibition would allow the road to function as intended, increasing connectivity, dispersing traffic, and improving flow to the Licking County business park.

Council Member Durik asked if Harrison Road and related intersections could handle semi-trucks. Director Chrysler responded that this section of Harrison Road would eventually be fully improved to match other business park roads. There was currently enough base that the city could shore up the road. As development occurred, the city would work on right-of-way dedication and other things necessary to build the final road connection. City Manager Stefanov recalled and Director Barker confirmed that the city over-laid a new surface on Harrison Road in the last year. Mayor Spalding recalled public comment about the roadway. In response, the city had already made improvements, it was now better.

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 7 yes votes to approve Ordinance O-18-2023.

Group B - Appropriation of Property and Easements Ordinances

Mayor Spalding stated Group B was a set of 33 ordinances, O-24-2023 to O-56-2023. He noted that council passed Group A on March 7, having waived the second reading. This set of ordinances, council would declare an emergency and it was proposed to waive the 30-day referendum period. If there was any particular ordinance council wanted to consider a separately, he asked that they indicate that now. Council members did not indicate they wished to consider any ordinances separately.

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Mayor Spalding moved, pursuant to Council Rule 1(A)(1), to waive the rules to allow for reading of Ordinances O-24-2023 through O-56-2023, such that the title of each ordinance did not have to be read in full. Council Member Shull seconded. Council voted with 7 yes votes to waive the council rules. Motion passed.

ORDINANCE O-24-2023

Mayor Spalding read by title AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, JOSEPH W. FAGERSTROM, OF THE PROPERTY LOCATED AT 2721 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY.

Clerk Mason read the following additional ordinance numbers, property owners, addresses, and parcel numbers associated with the following ordinances O-25-2023 to O-56-2023.

| | | | |
|-----------|-------------------------------------|-------------------------|-------------------|
| O-25-2023 | Gabrenya, Paul & Cara | 2813 Mink Street | 037-112584-00.000 |
| O-26-2023 | Dingess, Gregory | 2855 Mink Street | 037-111600-00.001 |
| O-27-2023 | Dingess, Gregory | 2877 Mink Street | 037-111600-00.000 |
| O-28-2023 | Dingess, Gregory | 2921 Mink Street | 037-111990-00.000 |
| O-29-2023 | Campbell, Geraldine | 2983 Mink Street | 037-112026-00.001 |
| O-30-2023 | Verdone, Anthony & Wendy | 3103 Mink Street | 037-111936-00.002 |
| O-31-2023 | Sadilek, Michael & Christina | 3801 Mink Street | 037-111936-00.001 |
| O-32-2023 | Harrison, Chad & Amy | 11076 Green Chapel Road | 052-173958-00.001 |
| O-33-2023 | Writesel, Shelli | 10902 Green Chapel Road | 052-173880-00.000 |
| O-34-2023 | Spencer, Andrew & Ashlee | 10832 Green Chapel Road | 052-173880-00.001 |
| O-35-2023 | Priya Vardhan, LLC | 10820 Green Chapel Road | 052-173874-00.001 |
| O-36-2023 | Evans, Anne | 10745 Green Chapel Road | 037-111396-00.000 |
| O-37-2023 | Verbeck, Nicole & Osterhout, Jeremy | 4366 Mink Street | 037-111894-00.000 |
| O-38-2023 | Peterman, Harold & Julia | 4082 Mink Street | 037-111900-00.000 |
| O-39-2023 | Heimerl, James & Katherine | 3906 Mink Street | 037-111840-00.000 |
| O-40-2023 | Heimerl Farms, Ltd. | 11330 Miller Road | 037-111360-00.000 |
| O-41-2023 | Heimerl, James & Katherine | Miller Road | 037-111420-00.000 |
| O-42-2023 | Bush, Janet | 3644 Mink Street | 037-111462-00.000 |
| O-43-2023 | Green Chapel Properties, LLC | 3628 Mink Street NW | 037-111468-00.000 |
| O-44-2023 | Kitsmiller, Morris | 3160 Mink Street | 037-112140-01.000 |
| O-45-2023 | Boggs, Kenneth | 3150 Mink Street | 037-112140-00.000 |
| O-46-2023 | Slader, William & Sharon | 3000 Mink Street | 037-112152-00.003 |
| O-47-2023 | Barkhurst, Dustin & Lindsay | 2768 Mink Street | 037-112608-00.000 |
| O-48-2023 | Mojica Properties, LLC | 2682 Mink Street | 037-112722-00.000 |
| O-49-2023 | Salisbury, Charles | 2652 Mink Street | 037-112362-00.000 |
| O-50-2023 | Gibson, Andrew & Lalie | 4779 Clover Valley Road | 052-173040-00.002 |
| O-51-2023 | Votaw, Kris | 4821 Clover Valley Road | 052-173040-00.000 |

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| | | | |
|-----------|-----------------------------------|-------------------------|-------------------|
| O-52-2023 | Abner, William & Mary | 4925 Clover Valley Road | 052-173040-00.001 |
| O-53-2023 | Borell, Samantha | 1876 Mink Street | 035-107490-01.003 |
| O-54-2023 | Biltwell Homes, LLC | 12400 Green Chapel Road | 052-175056-00.000 |
| O-55-2023 | McCuen, Lauren & Westfall, Joshua | 11820 Green Chapel Road | 052-173646-00.007 |
| O-56-2023 | Burke, Timothy & Alita Ann Mercer | 11798 Green Chapel Road | 052-172710-00.000 |

Mayor Spalding asked and council members indicated they did not have any questions.

Mayor Spalding opened the Public Hearing for Ordinances O-24-2023 to O-56-2023. Hearing no comments or questions from the public, he closed the Public Hearing for those ordinances.

Mayor Spalding moved to declare an emergency and waive 30-day waiting period for Ordinances O-24-2023 to O-56-2023. Council Member Fellows seconded and council voted with 7 yes votes to declare an emergency and waive the 30-day waiting period.

Mayor Spalding moved to adopt the Ordinances O-24-2023 through O-56-2023. Council Member Kist seconded and council voted with 7 yes votes to approve Ordinances O-24-2023 through O-56-2023.

ORDINANCE O-25-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, PAUL ALLEN GABRENYA AND CARA RAE GABRENYA, OF THE PROPERTY LOCATED AT 2813 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-26-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2855 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-27-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2877 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

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See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-28-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREGORY P. DINGESS, OF THE PROPERTY LOCATED AT 2921 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-29-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, GERALDINE M. CAMPBELL, OF THE PROPERTY LOCATED AT 2983 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-30-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, ANTHONY VERDONE AND WENDY VERDONE, OF THE PROPERTY LOCATED AT 3103 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-31-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, MICHAEL D. SADILEK AND CHRISTINA K. SADILEK, OF THE PROPERTY LOCATED AT 3801 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-32-2023

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AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, CHAD B. HARRISON AND AMY L. HARRISON, OF THE PROPERTY LOCATED AT 11076 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-33-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, SHELLI S. WRITESSEL, OF THE PROPERTY LOCATED AT 10902 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-34-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, ANDREW SPENCER AND ASHLEE SPENCER, OF THE PROPERTY LOCATED AT 10832 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-35-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, PRIYA VARDHAN, LLC, OF THE PROPERTY LOCATED AT 10820 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-36-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, ANNE EVANS, OF THE PROPERTY LOCATED AT 10745 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

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See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-37-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, NICOLE LAUREN VERBECK AND JEREMY LEE OSTERHOUT, OF THE PROPERTY LOCATED AT 4366 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-38-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, HAROLD WAYNER PETERMAN AND JULIA LEE PETERMAN, OF THE PROPERTY LOCATED AT 4082 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-39-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, JAMES AND KATHERINE HEIMERL, OF THE PROPERTY LOCATED AT 3906 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-40-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, HEIMERL FARMS, LTD., OF THE PROPERTY LOCATED AT 11330 MILLER ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-41-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNERS, JAMES R. AND KATHERINE E. HEIMERL, OF THE PROPERTY LOCATED AT MILLER

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ROAD (PARCEL NO. 037-111420-00.000) IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-42-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, JANET L. BUSH, OF THE PROPERTY LOCATED AT 3644 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-43-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, GREEN CHAPEL PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 3628 MINK STREET NW IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-44-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, MORRIS A. KITSMILLER, OF THE PROPERTY LOCATED AT 3160 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-45-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, KENNETH W. BOGGS, OF THE PROPERTY LOCATED AT 3150 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

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ORDINANCE O-46-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, WILLIAM N. AND SHARON A. SLADER, OF THE PROPERTY LOCATED AT 3000 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-47-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, DUSTIN A. AND LINDSAY BARKHURST, OF THE PROPERTY LOCATED AT 2768 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-48-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, MOJICA PROPERTIES, LLC, OF THE PROPERTY LOCATED AT 2682 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-49-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, CHARLES R. SALISBURY, OF THE PROPERTY LOCATED AT 2652 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-50-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, ANDREW J. GIBSON AND LALIE A. GIBSON, OF THE PROPERTY LOCATED AT 4779 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

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See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-51-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNER, KRIS E. VOTAW, OF THE PROPERTY LOCATED AT 4821 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-52-2023

AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, WILLIAM J. ABNER AND MARY F. ABNER, OF THE PROPERTY LOCATED AT 4925 CLOVER VALLEY ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-53-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNER, SAMANTHA K. BORELL, OF THE PROPERTY LOCATED AT 1876 MINK STREET IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE MINK STREET PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-54-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENTS FROM THE OWNER, BILTWELL HOMES, LLC, OF THE PROPERTY LOCATED AT 12400 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-55-2023

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AN ORDINANCE TO APPROPRIATE PROPERTY FROM THE OWNERS, LAUREN MCCUEN AND JOSHUA WESTFALL, OF THE PROPERTY LOCATED AT 11820 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

ORDINANCE O-56-2023

AN ORDINANCE TO APPROPRIATE PROPERTY AND EASEMENT FROM THE OWNERS, TIMOTHY K. BURKE AND ALITA ANN MERCER BURKE, OF THE PROPERTY LOCATED AT 11798 GREEN CHAPEL ROAD IN LICKING COUNTY, OHIO FOR THE PUBLIC PURPOSE OF CONSTRUCTING, MAKING AND REPAIRING ROADS, IN THE GREEN CHAPEL ROAD PROJECT, WHICH SHALL BE OPEN TO THE PUBLIC, WITHOUT CHARGE, AND DECLARING AN EMERGENCY

See presentation and combined vote under Ordinance O-24-2023.

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.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Stefanov reported that New Albany hosted a MORPC executive committee retreat. They toured the city and development staff shared information about the business park and community development standards. The committee discussed the need for a united front addressing the central Ohio housing shortage. Kenny McDonald, CEO of the Columbus Partnership, talked about economic development, the success of the region, and taking advantage of the momentum, and getting ahead of issues like housing, transportation, education. The committee noted New Albany's use of New Albany East Community Authority to help pay for infrastructure. Mayor Spalding heard

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positive surprise expressed by people who hadn't seen the business campus, the quality of the development, the care taken on setbacks, landscaping, and streetscapes.

- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported ground was being moved at the pickleball court site. The city had started meeting with the Joint Parks District to discuss pickleball play management, types of leagues, activities, etc. City Manager Stefanov stated a signed license agreement with the JPD to allow to the city to start building the court. He would bring a lease agreement resolution to the April 4 council meeting. Council Member Shull added that the shading package options and budget would come back to council. There was no announcement on the location of the fieldhouse yet.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported Columbus Metropolitan Library CEO Pat Loskinski shared the activities for the library's 150-year anniversary of library. Superintendent Michael Sawyers gave a long and detailed description of Ohio gun laws including how they related to school campuses, what could and couldn't be carried on campus, and the 1,000-foot zone. He laid expectations, didn't take a position. He appreciated the help from the School Resource Officers.
- D. Council Representative to Plain Township: Council Member Durik reported that Allison Meslow was appointed as a township representative to the McCoy Center Board. The fire department would hold a live fire training event, burning 3 of the old houses on the Alden Woods property. On April 8, the fire department responded to 1,000 gallon antifreeze spill at hospital due to A/C unit work. The township approved the rezoning of 7654 NA-Condit Road for dog grooming drop-off/pick-up at a home with a trailer attached.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding reported that March 22 was Ohio Municipal League's legislative day and he would attend in the morning. OML was highlighting a proposal for a flat income tax and working through issues. There was concern it would cause property tax increases.
- B. Clerk of Council: Clerk Mason told council about the Mark Weaver presentations on May 9 – Public Records and First Amendment + Social Media and May 10 – Crisis Communication. Both were being held at the Public Service Complex. She would send out meeting invitations to interested council members.
- C. Finance Director: Director Staats distributed the February monthly report, not much had changed. The city was 16.67% percent complete on the year and expenses were 15% of the budget. Revenues were similar to 2021 and 2022. Regarding the income tax breakdown, there was a \$35,000 decrease from last year, but withholdings were up about \$200,000. She reviewed Fund balances, the General Fund not made transfers out yet. The report also contained the investment summary and investment interest.

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- D. City Manager: City Manager Stefanov reported on the highlights of the New Albany Bridges meeting. There was a significant number of immigrant families in the area. The food pantry supported 55 families who were going through the immigration/asylum process. Most were from Venezuela. They were not allowed to work for the first 180 days after arriving in the country. All of their assets were frozen and any possessions were taken upon arrival. They could apply for permanent residency after 1 year, and citizenship after 5 years. In 2022, the food pantry served 282 households, with 170 being new families - 41% of clients were children. Due to shortages at the at the Mid-Ohio food bank, they had to purchase milk and eggs directly. In 2022, New Albany Bridges filled 92 needs in 2022, impacting 1,895 students and individuals for a total giving amount of \$133,154. Needs were up by since last year due to increase in population and demand. The average giving per need was just under \$1,500. 140 students benefitted from the school supply drive and 80 individuals were helped by the annual winter coat drive. Meta gave TI-84 graphing calculators to students. The New Albany Women's Network was designating the New Albany NA Bridges program as a beneficiary of their fundraiser. The New Albany Bridges needed volunteers to move furniture to clients during daytime hours.

Council Member Fellows asked and City Manager Stefanov answered that the New Albany Bridges major source of support was donations. If there was a specific need, they announced it on their network and donors stepped up. Council Member Brisk stated one could sign up for their "Opportunities for Kindness" emails about 1x per week. They didn't take donations until there was a specific need. City Manager Stefanov stated the city was letting the organization use the garage at High and Main for temporary storage which rotated out quickly. Director Chrysler talked about their success in Gahanna.

City Manager Stefanov stated, after the Request for Proposals for the Ganton Parkway extension, staff chose Carpenter Marty Transportation and the contract was for just under \$650,000. The project was approved by council in the 2023 budget. It would take about 9 months to complete project.

City Manager Stefanov reported that, of the 5 parcels that council had approved to appropriate right-of-way, 2 were completely settled and rights of entry had been signed for all 5. The city would be able to clear the trees before the April 1 deadline. Regarding the Group B parcels, 7 had settled. The fair market value of the right-of-way of the remaining 24 properties totaled \$610,000. Staff's biggest challenge was Mink Road which wasn't a platted road per county records. The city had to establish a point of right-of-way, and edge of roadway and pavement with the county engineer to determine the needed right-of-way.

- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:
NONE



Council Minutes – Regular Meeting

March 21, 2023

POLL FOR COUNCIL COMMENT:

Council discussed the Dunkin' Donuts grand opening.

Council Member Kist thanked Police Chief Jones and the police department for hosting Citizen's Police Academy. Council Member Kist highly recommended the program. It lasted 9 Wednesdays and flew by. All officer instructors were impressive. He enjoyed meeting other people in the community.

Council Member Wiltout reported that New Albany Women's Network (NAWN) was holding the "Evening in New Albany" event on Friday, April 21, at the Country Club. The theme was Viva Las Vegas. She would love to see council members there.

OTHER BUSINESS:

NONE

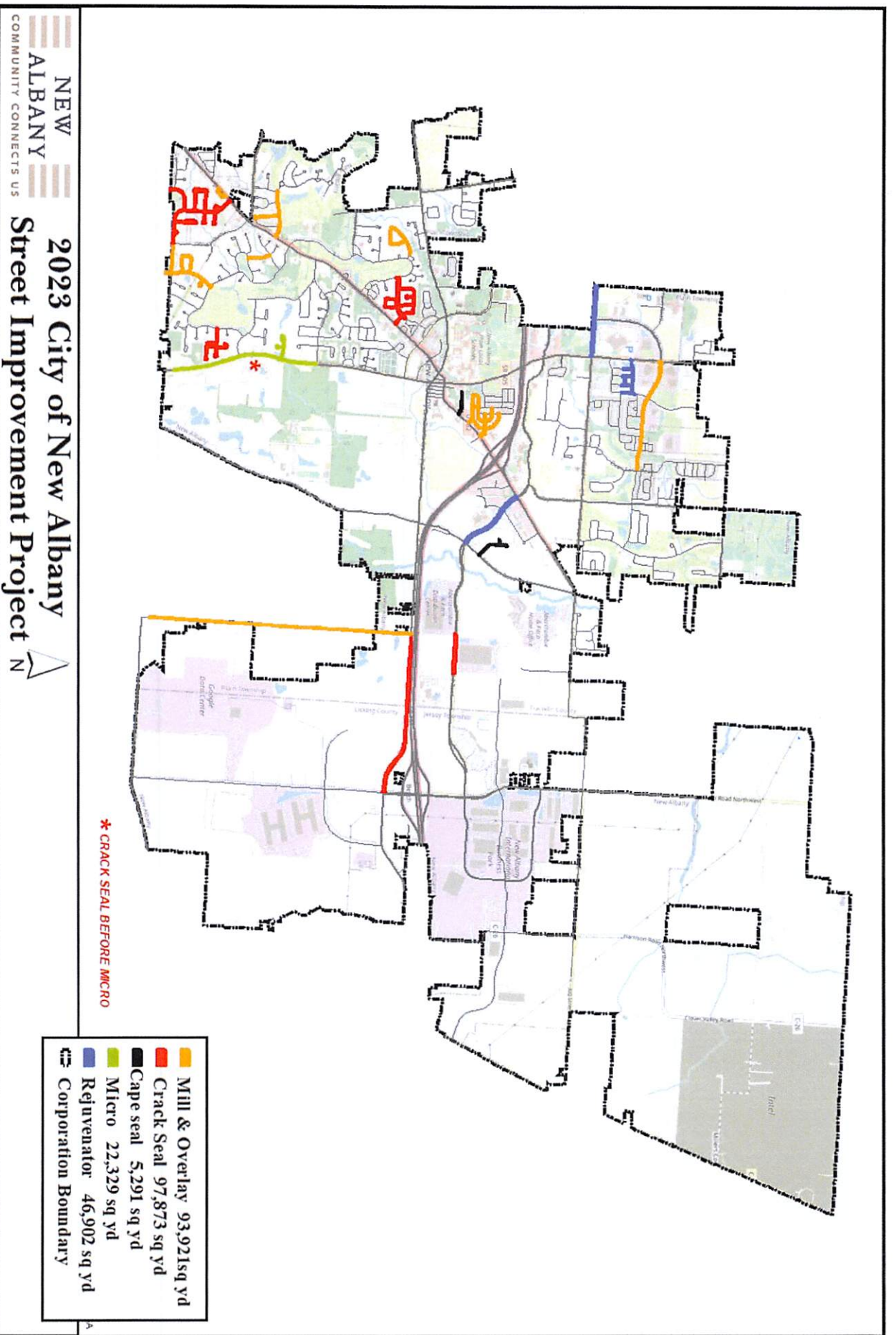
ADJOURNMENT:

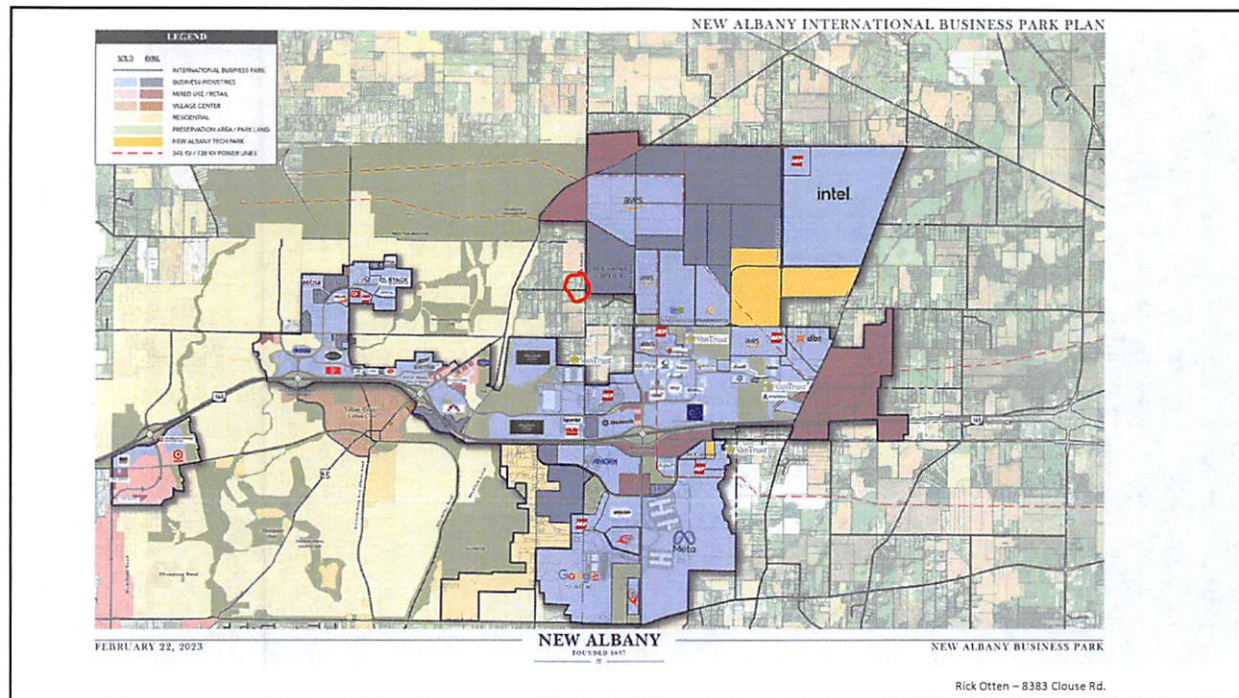
With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Kist seconded to adjourn the March 21, 2023 regular council meeting at 9:21pm.

ATTEST:


Jennifer H. Mason, Clerk of Council

 4/1/23
Sloan Spalding, Mayor Date



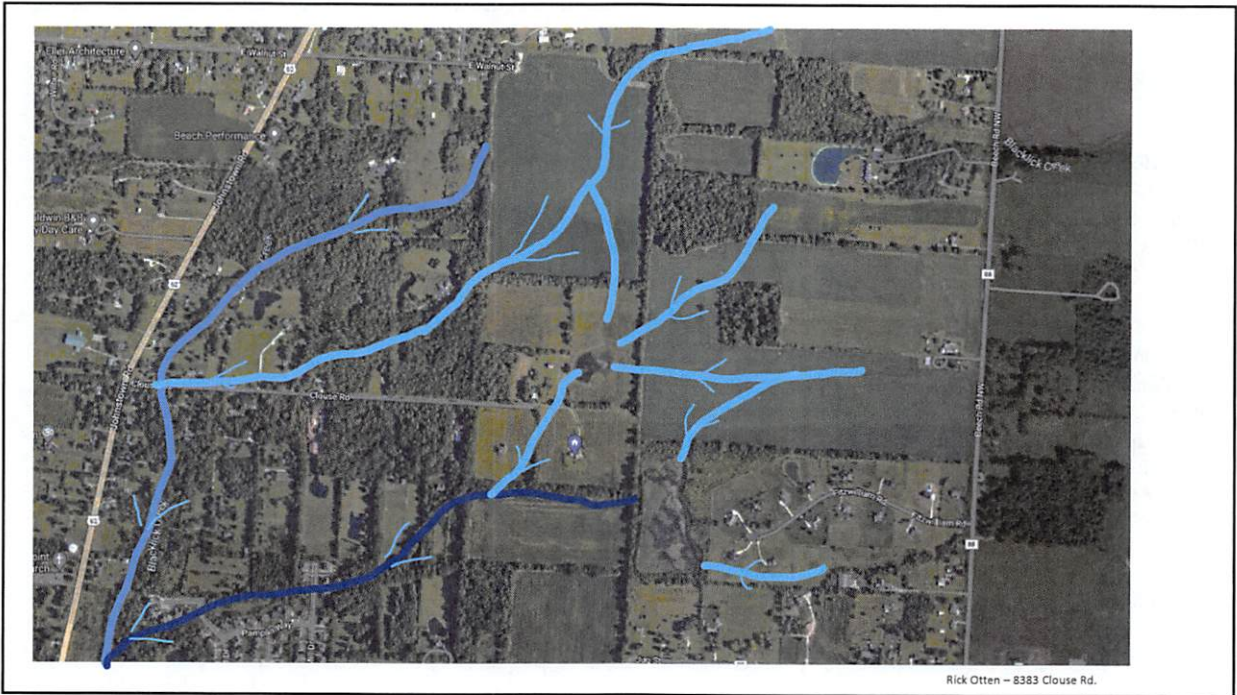


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- 1998-1999 – Saveson Acres Development (Licking County)
 - 17 Acre *Mitigation* Wetland
- ~2006 – Started planning and application process for the adjacent property in Franklin County
- 2010 – USDA's Wetland Reserve Program approved and implemented
 - ~30 Acres "Net New" Wetland/Prairie/Wet-Woods
 - Hundreds of new trees, a new pond, vernal pools, and millions of wildflower seeds sewn.
 - Support from the Franklin County Soil & Water District (FCSWD), and the Natural Resources Conservation Service (NRCS)
 - Also support from the Ohio Wetlands Association
- 2011 – Ohio Attorney General Cordray attempts to invalidate the tax advantages granted WRP programs statewide. Our wetland project becomes the centerpiece for challenges to the program statewide.
 - Numerous local politicians got involved
 - Clarence Mingo – Franklin County Auditor
 - Anne Gonzalez – State Representative
 - Plain Township Trustees and Town Manager
 - Glyde Marsh, Bill Resch, Nancy Ferguson
 - Ohio Environmental Council (OEC) wins for us in 2012
 - OEC formally recognizes the win as a major win for the Ohio Environment for the year
- 2012 -- FCSWD Award



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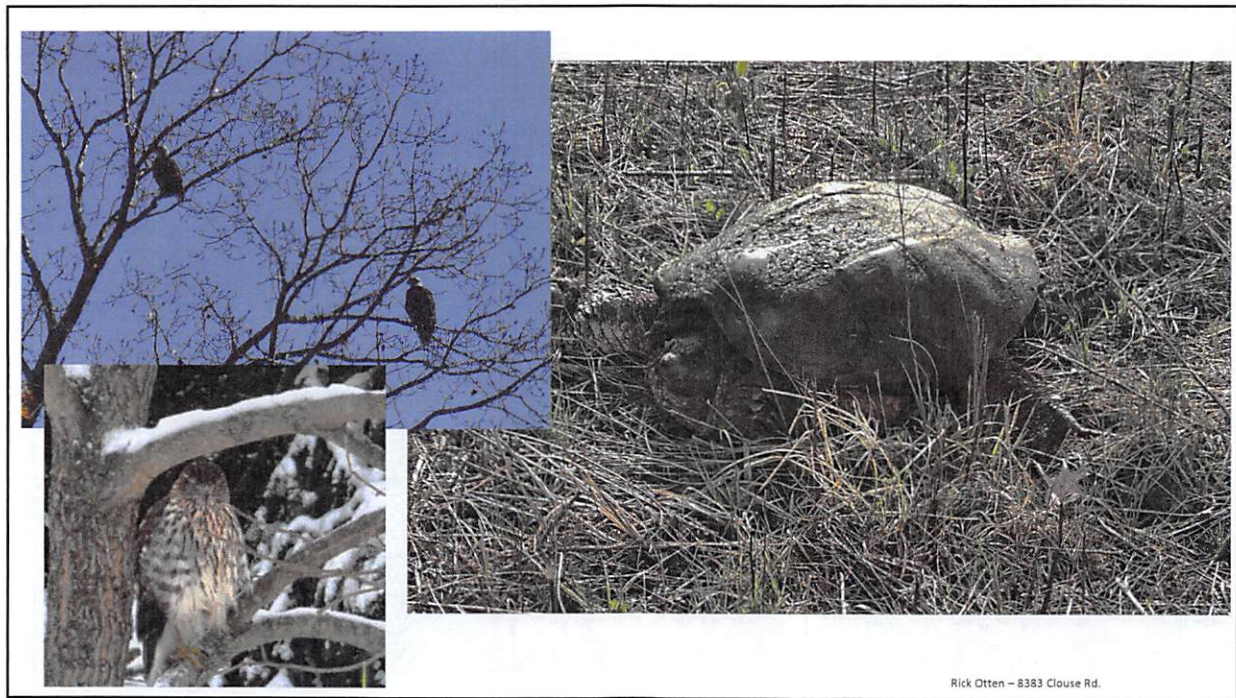




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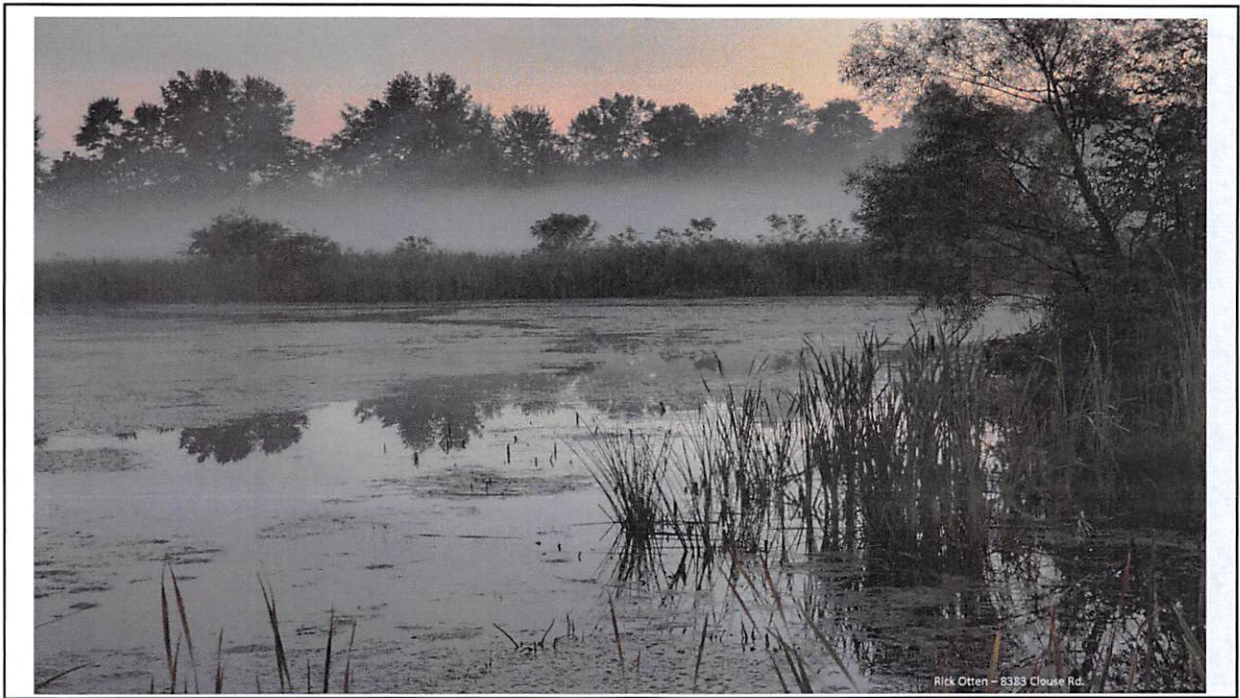
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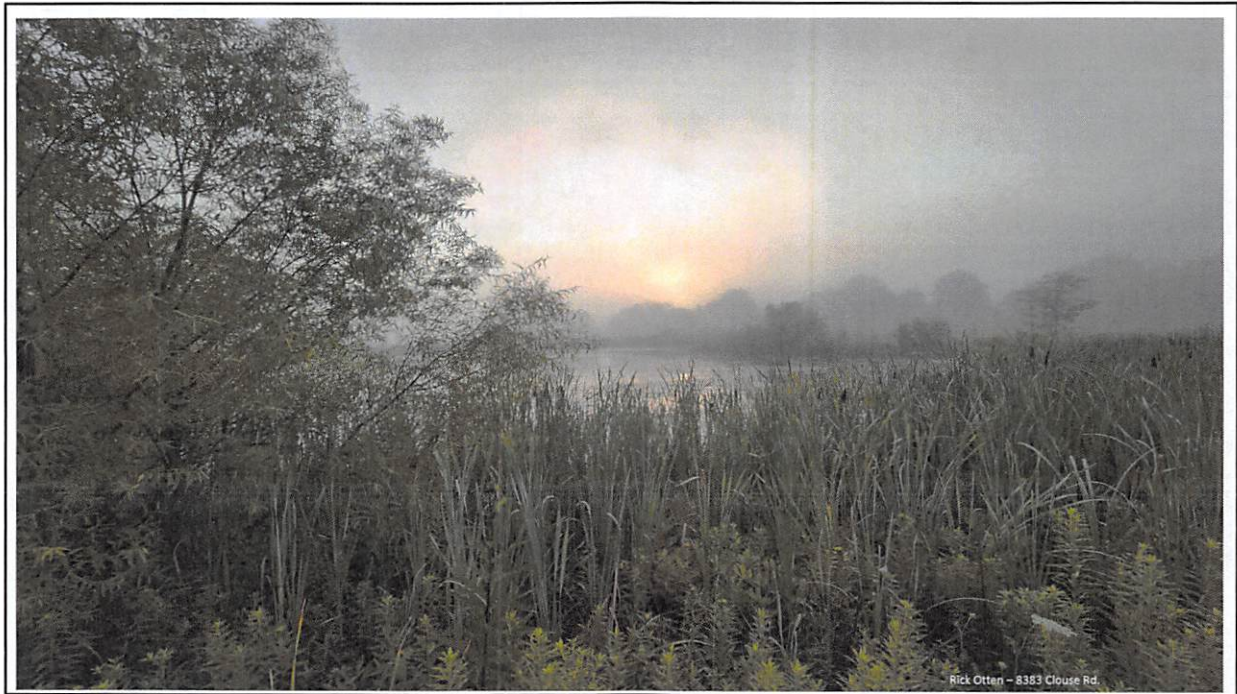


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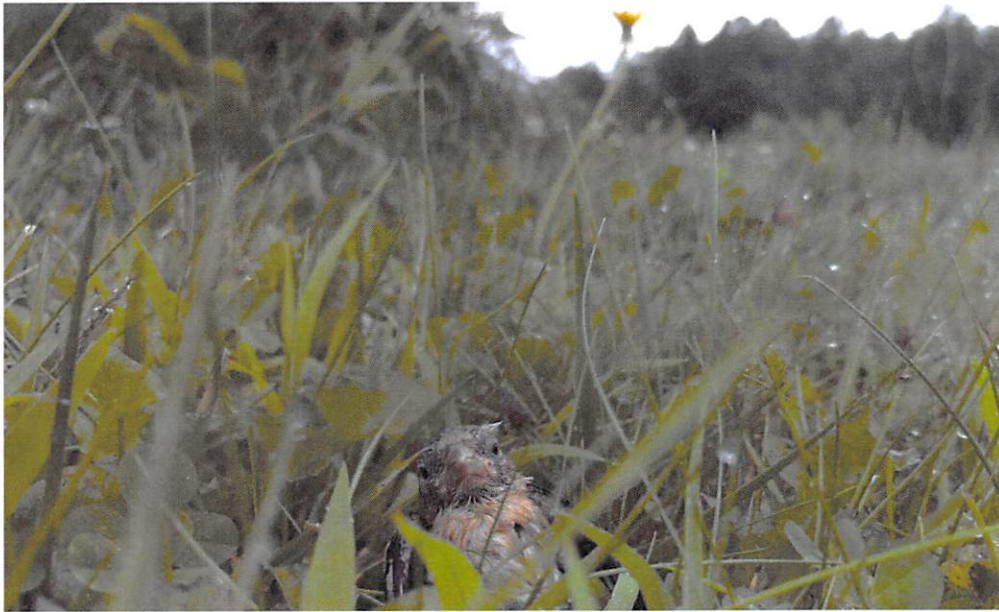
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Ohio has lost 90% of its wetlands over the last century.

- Important buffers for runoff and flooding.
- Important habitats.
- Cornerstone of Ohio's ecological systems.

More than 25% of the world's flying insects have been wiped out in the last 30 years, with a possible impact *this year* of over 500,000 human deaths per year due to collapsing food crop yields.

- <https://www.theguardian.com/environment/2021/jan/11/insect-populations-suffering-death-1000-cuts-scientists>
- <https://www.theguardian.com/environment/2023/jan/09/global-pollinator-losses-causing-500000-early-deaths-a-year-study>

1/3 of North American firefly species are **critically endangered**

- <https://wvncs.org/press/firefly-species-at-risk>

Since the wetlands went in we've had fewer mosquitos because the birds, and dragonflies, and frogs, and salamanders, and bats and other wildlife eat them or their larvae.

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The current Zoning regulation setback of 25 feet, without any constraints on managing the boundary is inadequate to buffer our wetland from unknown industrial activities.

It also fails to provide any assurances regarding impact to water runoff patterns for the entire lot.

- Storm drains that shunt the runoff across the city instead of allowing for more normal water flows could "dry up" the wetland. At the same time, too much rooftop and pavement could mean we lack the natural buffer soil provides and we could flood or erode the wetland.
- Road salt in the runoff can seriously disrupt the habitat.
- The perfume factory near us already releases overwhelming odors on a regular basis that can disrupt the olfactory senses most creatures in the habitat that rely on their sense of smell to hunt and/or stay safe.

There is a model Wetland Setback Ordinance proposed by the Chagrin River Watershed Partners in Cuyahoga County: <https://crwp.org/wetland-setbacks> Their ordinance template suggests reasonable rules of thumb for managing the boundary between wetlands and developments.

- Encourages trails and exploration and enjoyment of these habitats.
- Using native plantings and minimal chemicals and mowing along the adjacent boundary.
- Setbacks of 75 – 120 feet depending on the wetland classification and importance in the local ecosystem and use cases for the adjacent land are outlined.

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Attachment to 3-21-23 minutes - Aaron Underhill slide

