



# Council Minutes – Regular Meeting

April 19, 2022

## CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of April 19, 2022 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, Interim Law Director Benjamin Albrecht, Deputy Finance Director Drew Turner, Police Chief Greg Jones, Planning Manager Steve Mayer, Engineering Manager Ryan Ohly, Development Director Jennifer Chrysler, Public Service Director Mike Barker, Chief Communications Officer and Marketing Director Scott McAfee, and Clerk of Council Jennifer Mason.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

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

## ACTION ON MINUTES:

Council adopted the April 5, 2022 special meeting minutes by consensus.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

## HEARING OF VISITORS:

NONE.

## BOARDS AND COMMISSIONS:

**PLANNING COMMISSION:** Planning Manager Steve Mayer reported that the PC approved a rezoning of 141 acres to Limited General Employment district. The PC tabled a variance application for a Hawksmoor subdivision pool to be located in the side yard for the applicant to gather letters in support from neighbors and for the property owner to attend. The PC approved the Final Plan for Ganton Parkway West Phase 2. The PC approved a Preliminary Development Plan for the Al Neyer



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Commerce 2 development. The zoning text required certain features to go back before the PC for approval. The PC held their annual organizational meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: Council Member Durik reported that the ARB approved Fifth Third bank’s wall-mounted sign with a new logo.

BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the compost program was live and the public could enroll on the city’s website. The 3 drop-off locations were open. A new video would update the community on Earth Day events, including e-waste collection and the bio blitz. A 5<sup>th</sup> grader shared his school project survey results showing residents were favorable to solar panel opinions. Council Member Kist would share it would council. There would be a tree planting ceremony on Arbor Day.

Mayor Spalding noted there was Ohio General Assembly legislation pending to allow individuals to use approved residential solar panels on roofs even when there were home owners association restrictions. Council Member Kist recalled it was SB 61 and still in committee.

IDEA IMPLEMENTATION PANEL: Council Member Brisk reported that she and Council Member Wiltout conversed individually with the IDEA Panel applicants, spending 20-30 minutes with each. They were energized. There were a lot of community members interested in finding ways to make sure we were an inclusive community. They discussed goals for the coming year.

PUBLIC RECORDS COMMISSION: No meeting.

CEMETERY RESTORATION ADVISORY BOARD: Clerk Mason reported that CRAB held their organizational meeting. There was a new opening on the CRAB and council would discuss candidates in executive session. The historical marker application was nearly complete. Information Officer Poland created a new webpage for the New Albany and Wagner Cemeteries on the city’s website. The CRAB briefly discussed expanding their mission to include more cemeteries and burial grounds.

### CORRESPONDENCE AND COMMUNICATION:

NONE.

### SECOND READING AND PUBLIC HEARING OF ORDINANCES:

#### **ORDINANCE O-09-2022**

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 51.8 +/- ACRES OF LAND KNOWN AS THE CANINI TRUST CORP FROM ITS CURRENT ZONING

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OF INFILL PLANNED UNIT DEVELOPMENT TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Stephen Mayer told council that the existing zoning applied to the entire Canini Trust Corp site which currently required a minimum of 176,000 square feet of office space be developed in the designated area. This legislation would remove that restriction. There were no use changes. Office space was still a permitted use. Planning Manager Steve Mayer discussed the changing goals of development in the area. Based on the success of the Business Park and the surrounding area, the minimum office requirement was no longer necessary to support the local retail. The proposed zoning text was in line with the city’s strategic plan. The Rocky Fork Blacklick Accord and Planning Commission both recommended approval.

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

Mayor Spalding moved to adopt the ordinance. Council Member Wilttrout seconded and council voted with 6 yes votes to approve Ordinance O-09-2022.

**ORDINANCE O-10-2022**

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 2.204 +/- ACRES OF LAND WITHIN THE CANINI TRUST CORP FROM ITS CURRENT ZONING OF INFILL PLANNED UNIT DEVELOPMENT TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR A NEW SUBAREA TO BE KNOWN AS SUBAREA 8D AS REQUESTED BY SMITH MILL VENTURES LLC, C/O AARON UNDERHILL.

Planning Manager Stephen Mayer stated this ordinance addressed a smaller subarea in the Canini Trust Corp. This rezoning would allow additional drive-thru uses and an automated car wash to be built in the subarea. There were restrictions already in place within the Canini Trust Corp, including a 10,000 square foot area cap for each building to maintain the neighborhood scale. This subarea could only be divided into a maximum of 2 parcels. The uses permitted matched those across the street. The subarea overall contained the same landscape, architecture, and setback standards as the surrounding area. There were additional regulations in place for sidewalks, and a traffic study for any drive-thru and car wash uses would be submitted to ensure proper on-site circulation. This rezoning matched the recommendations from the strategic plan. The Rocky Fork Blacklick Accord and Planning Commission both recommended approval.

Aaron Underhill, attorney for applicant, stated there were currently limited uses at the site and they adding uses to get the property in line with the area. Gas stations were not permitted on this site. There could be a car wash coming in. The traffic study, part of the Final Development Plan, would look at potential stacking and queuing.



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

Council Member Kist moved to adopt the ordinance. Council Member Durik seconded and council voted with 6 yes votes to approve Ordinance O-10-2022.

## **INTRODUCTION AND FIRST READING OF ORDINANCES:**

### **ORDINANCE O-11-2022**

Mayor Spalding read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1,689.59+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY.

City Manager Joseph Stefanov described the general location in Licking County. The subject property boundaries were contiguous with city boundaries. This was the same Expedited Type 1 annexation process the city had used with other annexations. Council approved the Annexation Agreement and Road Maintenance Agreements in January of 2022. The 60-day waiting period had lapsed and council could consider this annexation. The city did not force annexation with unwilling partners. The owners approached the city for annexation and the city considered that at that time.

Mayor Spalding asked and City Manager Stefanov confirmed that all owners or those with contractual rights to the land in the described 1,689 acres were requesting annexation.

Council Member Kist asked and City Manager Stefanov responded that, because of the time needed to build infrastructure to the site, this legislation contained a waiver of the 30-day waiting period. There would still be 2 readings and a public hearing for this legislation. This allowed the city to begin accessing and constructing utilities to reach the site.

Council Member Wiltrout asked about the size of a square of land and not being annexed. Staff responded they would have to research and provide the answer at the next meeting. City Manager Stefanov stated, when there was an “island” of property that was not annexing, the zoning text contained appropriate setbacks for development surrounding the island. City Manager Stefanov anticipated that some property owners would not be annexing.

Mayor Spalding set the ordinance for second reading at the May 3, 2022 regular council meeting.

### **ORDINANCE O-12-2022**

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 1,689+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF GREEN CHAPEL ROAD, WEST OF MINK STREET, AND NORTH OF JUG STREET, FROM AGRICULTURAL (AG) TO TECHNOLOGY MANUFACTURING DISTRICT (TMD) AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL.

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Planning Manager Steve Mayer stated this was the same area described in O-12-2022 with approximated 1,689 acres. Neighbors within 200 feet were sent a notification of the public hearing along with a map. There was some confusion about boundaries since the area was so large. The proposed rezoning included manufacturing and production, warehouse and distribution, research and production, and limited industrial uses. The zoning also allowed park-and-ride facilities, off-site parking and parking structures, bulk storage tanks, essential services, water and wastewater treatment facilities, gas storage, substations, concrete batch plants, solar panels, and truck cell phone lots. With the exception of the parking structures and gas storage, all of these uses currently existed in the Business Park in Licking County.

The applicant was requesting to rezone to the Technology and Manufacturing District (TMD). All of the requirements of this zoning were contained within Chapter 1154 of the city's codified ordinances. The TMD took the best practices from existing limitation texts and developments in the surrounding commercial areas and amplified them. The TMD incorporated height standards from past zonings. The TMD had prescribed regulations in the codified ordinances and landscape design requirements. The standard landscaping design required street trees, mounding, storm water basins, and parking lot screening. There were street characteristics for both arterial and collector streets. The purpose was to maintain the rural character. Planning Manager Stephen Mayer described setbacks, height restrictions, and displayed concept drawings of mounding and streetscapes. Given the size of the site, the TMD contemplated that these improvements could be phased in over time. The landscaping on top of mounding had to be installed when any type of improvement happened within 800 feet of a perimeter boundary.

Council Member Kist asked and Manager Mayer replied that the standards and requirements would apply to new public roads built the rezoned area. Council Member Fellows asked and Manager Mayer answered that the Landscaping Design Standards Plan called for 30 trees per 100 linear feet – exceeding the requirements of nearby areas.

Manager Mayer stated the city hired a Carpenter Marty Transportation to work with the city's traffic engineer to complete an in-depth and over-time traffic study to provide a basis for infrastructure planning. The recommendations in the traffic study matched those in the strategic plan. Manager Mayer offered the public printed resources on the table in the back of Council Chambers. The Ohio Department of Transportation (ODOT) was participating in the planned road improvements. Their estimated timeline began with design in March, construction in 2023, and completion in 2024. ODOT was planning an interchange improvement at Mink Road and SR 161 and widening of SR 161 and I-270. ODOT would solicit a public involvement.

The large scale of the rezoning would result in a more comprehensive plan for the area and ensure compatibility between uses. The property was adjacent to commercially-zoned properties and agricultural and residential areas. The proposal matched the land use recommendations in the Engage New Albany Strategic Plan addendum. The requirements of the TMD zoning Landscape Design Standards Plan took into account the existing residential nature of the surrounding area by requiring larger setbacks and additional landscaping.

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The TMD zoning advanced the employment center opportunities and protected rural corridors, ensured consistency, and simplified regulations that were favorable to the surrounding area. The Planning Commission reviewed and recommended approval at their April meeting.

Mayor Spalding encouraged those present to take the handouts on the table and to visit [www.newalbansiliconheartland.com](http://www.newalbansiliconheartland.com) which was updated on a regular basis. Mayor Spalding asked city staff to break down the property map into smaller segments which would better show boundary lines. Council thanked staff for getting the information together.

Mayor Spalding set the ordinance for second reading at the May 3, 2022 council meeting.

**ORDINANCE O-13-2022**

Mayor Spalding read by title AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT RIGHT-OF-WAY DEDICATION FOR GANTON PARKWAY WEST PHASE 2 AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Stephen Mayer stated Ganton Parway West was being extended to the Licking County boarder as a result of the Amgen development. Phase 2 was approximately 1,400 feet long on 3.16 acres. The plat dedicated the same 100 feet of right-of-way as Phase 1. Utility and streetscape easements were already in place. This plat matched the city’s strategic plan’s recommendation for total roadway width for a Business Park road. The Planning Commission approved this road at their April meeting.

Council Member Durik asked and Manager Mayer confirmed there were planned connections from Ganton Parkway West to the Amgen site. There wasn’t right-of-way to reach Babbit Road at this time. There were development opportunities to the west. To allow design flexibility, Ganton Parkwas would be stubbed around the county line. There would be sufficient turn-around area at the stub. The main access to Amgen would be off Ganton Parkway.

Mayor Spalding set the ordinance for second reading at the May 3 council meeting.

**ORDINANCE O-14-2022**

Mayor Spalding read by title AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$7,100,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSES OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE PROJECTS, AND DECLARING AN EMERGENCY.

Deputy Finance Director Drew Turner stated the city’s financial advisors presented an opportunity to realize savings by refinancing previously issued bonds. This legislation met the legal requirements of the refinancing of the city’s 2012 and 2013 Series Various Purpose refunding debt issuances. The original debt was for an 18-year term, maturing in December 2030. It was issued for construction of the Public Service building, the Police Department building, and the Blacklick sanitary sewer

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improvements. The debt was currently paid from the General Fund and Blacklick TIF fund. The 2013 debt was for a 10-year term, maturing in December of 2024, which refunded previously issues for infrastructure improvements in the Business Park. It was paid from the Economic Development Fund. The current principal balance and issuance costs were \$7,100,000 for both. Due to lower interest rates, the estimated savings realized for this action would be up to \$448,000 while keeping the same maturities.

This legislation allowed for cash redemption of all or a portion of the bonds which would be addressed in a future appropriation ordinance. The emergency clause waived the second reading and 30-day waiting period in order to move forward with the RFP process as soon as possible to ensure maximum savings. Brian Cooper from Baker Tilly US, LLP, and Chris Franzmann from Squire Patton Boggs were present to answer questions.

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

Mayor Spalding moved to adopt the ordinance. Council Member Durik seconded and council voted with 6 yes votes to approve Ordinance O-14-2022.

Mayor Spalding called for a brief recess before continuing the meeting.

*Clerk's note: Council recessed for 8 minutes and then resumed regular meeting.*

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

**RESOLUTION R-17-2022**

Mayor Spalding read by title A RESOLUTION TO APPROVE AND ADOPT THE NORTHEAST NEW ALBANY AREA PLAN ADDENDUM TO THE 2021 ENGAGE NEW ALBANY STRATEGIC PLAN, AS REQUESTED BY THE CITY OF NEW ALBANY.

Planning Manager Stephen Mayer talked about the strategic plan's purpose of guiding council, boards and commissions, and city staff on future public and private developments and investments. The Engage New Albany Strategic Plan was adopted in March of 2021 after 2 years of public outreach. This Northeast New Albany Area Plan addendum built upon the Engage New Albany plan for the additional designated area in Licking County. The city had expanded its service agreements with the City of Columbus to support this future growth area. The addendum provided guidance, if the Bermuda subdivision should be redeveloped, it should be done holistically. Manager Mayer described previous traffic studies done with MORPC to develop a 30-year trip horizon to understand future roadway needs. The addendum took the MORPC model and worked with ODOT to create a traffic model for this plan and generate recommendations. The addendum contained a Thoroughfare Plan, which included principle arterial and collector roads.

Council Member Kist asked and Manager Mayer replied that there were no recommendations in the plan for irrigation of street islands. The city worked with the landscape architect to find the appropriate materials,

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usually not irrigated. Council Member Kist mentioned discussions with the Sustainability Advisory Boards and others about using low maintenance groundcover.

Manager Mayer described the leisure trail priority map in the addendum. Eventually, the city expected leisure trail by most roads. Like the Engage New Albany plan, the addendum contained the goals, objectives, and recommendations for sustainability, parks and recreation, and community well-being. The Planning Commission approved this update at their April meeting. Chris Hermann from MKSK was present to answer questions.

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

Council Member Durik moved to adopt the resolution. Council Member Wiltrout seconded and council voted with 6 yes votes to approve Resolution R-17-2022.

**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 stated he was reappointed to a 1-year term on the MORPC Executive Committee. The next MORPC State of the Region event would be April 13, 2023. The Hyperloop Program focus changed to freight-only. This opened possibilities for Amtrak service connecting Columbus to Pittsburgh, Chicago, Cleveland, and Cincinnati. MORPC was working with The Land Institute and Metro Parks to create a non-profit entity to support the Rapid5 study initiatives. New Albany was a member of the newly created a municipal fiber working group which was discussing a strategy to explore the feasibility of creating a regional high speed fiber network to be used exclusively by the local governments. May 2 – 6 was Air Quality Awareness Week. The LinkUs program was working with MORPC and COTA to develop recommendations for around \$1.4 billion in investment in mass transit infrastructure by 2030. Council and staff discussed the bus-style transit and the Euclid Avenue project in northeast Ohio.



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- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported that the school board heard a legal update, including Sunshine Laws. After 35 years, New Albany Schools Superintendent Michael Sawyers was planning to retire, and then be re-hired by the district. No one was anticipating issues with him being rehired. The board discussed the future of their finances, a permanent levy that was expiring, a bond that was rolling off, and whether to renew or replace the existing levy. An operating levy was likely in 2024.
- D. Council Representative to Plain Township: Council Member Durik reported that the township approved the purchase of a new rescue fire truck. There was a 2-year lead time on delivery. 20 to 30 residents were present to discuss flooding on Clouse Road which had been going on since the 1960s. The township would facilitate resident representatives to meet with the county to try to develop solutions. Residents were assured that the Intel development wasn't close enough to impact water run-off on their property.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: Mayor Spalding reported 2 upcoming Intel-related meetings in Heath and Johnstown. The Ohio governor's office tasked former county treasurer Scott Ryan and an Ohio Department of Development representative to be the liaisons to Licking County officials. Representatives from ODOT and Lt. Governor Husted's office would also be engaged.
- B. Clerk of Council: Clerk Mason polled council who did not request a hearing on the Rusty Bucket's request for a new liquor license. Clerk Mason informed council that Swagit would be installing high definition cameras in council chambers and connecting to the sound system to broadcast future council and board meetings. Council Chambers audio equipment would be updated in the late summer. Council and Clerk Mason discussed the quotes for golf cart rental for parades and opted to stick with the horses and wagon for now. Bikes, convertible cars, hay wagons, and Public Service vehicles were possible alternatives.
- C. Finance Director: Deputy Finance Director Drew Turner distributed and reviewed the first quarter financial report. Revenues were at 27.6% and expenses were at 18.4% of what was budgeted for the year. Withholdings and net profits were down slightly. Individual income tax revenue was up compared to 2021.
- D. City Manager: City Manager Stefanov reported that he would be introducing legislation at the next meeting to make updates to the city code personnel section. He also anticipated an appropriation amendment, earlier than usual due to all of the infrastructure projects and staffing needs.
- E. City Attorney: No report.

**POLL FOR PUBLIC COMMENT:**

NONE.

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**POLL FOR COUNCIL COMMENT:**

Council and staff discussed the very well attended Springfest event.

**EXECUTIVE SESSION:**

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment of public officials, and employment and compensation of a public employee. Council reserved the right to take action afterward. Council Member Kist seconded and council voted with 6 yes votes to go into executive session at 8:04 pm.

Staff present in executive session: City Manager Stefanov, Interim Law Director Albrecht (portion), Lindsey Rasey (portion), and Clerk Mason (portion).

Mayor Spalding moved that council come out of executive session and resume the regular meeting. Council Member Kist seconded. Council voted with 6 yes votes to come out of executive session and resume the regular meeting at 9:09 pm.

**OTHER BUSINESS:**

Council Member Kist noted the great talent in New Albany and council was fortunate that the applicants were volunteering to serve on the city’s boards and commissions. There were 2 openings on the Board of Zoning Appeals. Council Member Kist moved to appoint Abe Jacob and Tiana Samuels to the Board of Zoning Appeals for terms ending 12/31/23 and 12/31/24 respectively. Council Member Fellows seconded and council voted with 6 yes votes to appoint the BZA members to the terms specified.


Council Member Kist moved to appoint Everett Gallagher and Jack Baron to the New Albany East Community Authority to for terms ending 5/17/22 and for the new, full terms of 5/18/2022 to 5/17/2024. Council Member Durik seconded and council voted with 6 yes votes to appoint the NAECA members to the terms specified.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Wiltrout seconded to adjourn the April 19, 2022 regular council meeting at 9:11 pm.

ATTEST:

  
Jennifer H. Mason, Clerk of Council

  
Sloan Spalding, Mayor

03 May 2022  
Date