



# Council Minutes – Regular Meeting

July 5, 2023

## CALL TO ORDER:

Council Member Brisk, in her role as President Pro Tem, called to order the New Albany City Council Meeting of July 5, 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, Planner Chelsea Nichols, Engineering Manager Cara Denny, Clerk of Council Jennifer Mason, and Chief Marketing Officer Josh Poland.

President Pro Tem Brisk led the assemblage in the Pledge of Allegiance.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

Clerk Mason reported Mayor Spalding was absent due to illness and requested to be excused. Additionally, Council Member Wilttrout was at a swim meet and anticipated attending, but would likely be running late. If she did not arrive before Other Business, she requested to be excused. Council members concurred.

President Pro Tem Brisk moved to excuse Mayor Spalding due to illness. Council Member Kist seconded and council voted with 5 yes votes to excuse Mayor Spalding from the meeting.

## ACTION ON MINUTES:

Clerk Mason reported that she corrected a few typos. Council adopted the 6/20/2023 regular meeting minutes by consensus.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE

## HEARING OF VISITORS:

Joel Topolosky, 6204 Calloway Square West, stated he resided in the Nottingham Trace senior community. He referred to his statement to council on December 6, 2022 regarding issues of planning and safety in Nottingham Trace. The community was not well thought out. They had no crosswalks, intersections that weren't intersections, and missing street signs on several corners. The mayor had

July 5, 2023

suggested some of the committees get together with him [Mr. Topolosky]. They had a couple issues in the last couple weeks. There was a bad accident at corner of Walnut and SR 605. He knew that this was not in the city. He didn't know why it wasn't annexed when the community was. He had some suspicions. The accident involved 3 cars and the intersection was blocked for over an hour. 6 Franklin County officers were helping to clean mess up. Because the intersection wasn't in New Albany, the corner of Walnut and Schleppi became an easy way around intersection. He tried to get Schleppi Road, between Walnut and the New Albany city limits to be reduced from 55 to 35 miles per hour. ODOT said it was not a long enough piece of road to worry about. The Franklin County Engineer put up a sign in the county saying, "25 mph speed limit ahead." When Schleppi Road went inside New Albany, it made a slight right – at which point there were 3 trees obscuring the view of the sign. That night, everyone was unhappy, late, and perturbed. There was no 4-way stop sign at Eastcross/Westcross and Schleppi Road. The stop sign at Nottingham Loop wasn't visible at night. As drivers came down Schleppi Road and turned left on the Loop, and then following it around to Nottingham Blvd to get back to SR 605 – it was like a race track. Mr. Topolosky asked Chief Jones if it make sense, when there as an accident at that intersection, that at least 1-2 patrol cars monitor traffic being diverted through a 55+ community? There were a lack of crosswalks, particularly at Nottingham Loop and Nottingham Blvd, by the sales office. On the west side of the loop, there was no crosswalk or street sign.

Mr. Topolosky stated there was a street in Nottingham Trace with no name – the connector between Calloway East and West at the north end of the community. A car sat there for 4 weeks. Everyone wanted it removed. It had since left. If someone had an accident on that street, how would it be reported.

Mr. Topolosky stated there were lots of little details not being addressed. He received a letter from Assistant Chief Building Officer Ryan Hannigan regarding Mr. Topolosky's December concerns. There was a speed limit sign and stop signs behind trees – one was at the corner of Schleppi Road/Eastcross/Westcross. He believed that should be a 4 way stop. That would slow down people coming south on Schleppi Road from Walnut Street. The second stop sign at Schleppi and the loop should become a 3-way stop, now that the west side was connected in the last week or so to the City of Columbus. That road attached into Winterpeck. From there, it was a block to New Albany Road West. A left turn on New Albany West led to Giant Eagle with 1 traffic light. He was expecting a lot more cross traffic through Nottingham Trace.

Mr. Topolosky stated, as a 55+ community, many walked. They had issues with the pond. A fence was put around it to keep out geese, but the pond now looked like a sewer rather than a retention pond. The original plot for the Nottingham Trace community was for 240 houses. Maybe just under 100 were occupied. The community was on its 3<sup>rd</sup> home owners association (HOA) administrator in 3 years. They had a meeting with the new contractor in the community center. The fire marshal would have shut the building down. With the 70-80 residents - he counted over 100 in the building – he thought it was rated for 81. With a new section being started - part of which Pulte hadn't purchased as far as he could tell, the land for ~90 houses – it still showed as being owned by The New Albany Company (NACO) - with community center being so small – would it make sense to divide Nottingham Trace into 2 sections, with a 2<sup>nd</sup> community center, similar to The Links?

July 5, 2023

Mr. Topolosky stated, while looking up the Nottingham Trace community, he learned via the Franklin County Auditor last January, that Nottingham Trace had paid ~\$300 for the community center. He asked and a representative from the Auditor’s office answered that the rate was low because the lot for the community center was empty. Mr. Topolosky pointed out the photo of the building. The building permit line read: 2020. How did the City of New Albany, or other cities, let the county auditor/treasurer know a building was complete? The representative didn’t know. Mr. Topolosky later met with Ms. Smith and Mr. Hannigan in the zoning department and asked them how the city notified the county. They didn’t know. Mr. Topolosky checked the auditor’s website a week later and it showed a 3,000 square foot building, a parking lot, pickleball courts, but no appraisal. A week later, there was an appraisal and the site showed \$44,000 taxes due. Best Mr. Topolosky could tell, about \$20,000 was owed to the City of New Albany and \$20,000 was owed to the school system. Mr. Topolosky asked if the city had done anything about straightening that mess out.

Mr. Topolosky stated, if residents left the Nottingham Trace community, they left the City of New Albany. If they wanted to volunteer at Canine Companions, which was in New Albany, they would walk from the city into the township, and back into city. He believed that was why they could not get the SR 605 speed limit reduced. If it was reduced, accidents would diminish.

Mr. Topolosky stated there were other issues with the community. He wanted to sit down with the people involved in the design and show them why it wasn’t a safe place to live – particularly with another 200 houses being built.

Council Member Brisk appreciated Mr. Topolosky’s attendance and what he had to say. There was a lot in his statement and the answers would come from many departments and people. She was not at the December 6, 2022 council meeting. She said staff would research and probably walk through the community with him and take some notes. She would request the December 6 meeting minutes and the city would be in touch.

Mr. Topolosky stated he and Assistant CBO Hannigan and Planner Cratic-Smith had walked through the neighborhood with him. Shortly after, several of the ADA ramps were replaced. They had no crosswalks. It was obvious where the stop sign should be and that there were street signs missing. The people on Westcross were having trouble with delivery trucks - also with construction trucks and dirt. Mr. Topolosky wouldn’t ride a bike through the neighborhood. He showed Asst. CBO Hannigan 8 pounds of nails he had taken off the street with a magnet last year. That seemed to have been resolved to some point. There was an interesting sign on the 2 entrances of the city – a sign about the trucks only going 15 miles per hour. Talking to someone from Pulte and they said they had a meeting with OSHA. It sounded like they must have had the riot act written – everything from nobody wearing hard hats, etc. It was interesting that they had dumpsters, but not seen a single trashcan for lunches and personal debris – bottles, pizza boxes. They were told that the dumpsters were only for construction debris.

July 5, 2023

Council Member Brisk thanked Mr. Topolosky. The city wanted everyone to feel good about where they lived. This was the first she'd heard about this. The city would dig into it and have some responses for him - someone would meet with him. The city wanted this community to be top of the line like all its communities.

**BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting

PARKS AND TRAILS ADVISORY BOARD: No meeting

ARCHITECTURAL REVIEW BOARD: No report.

BOARD OF ZONING APPEALS: President Pro Tem Brisk stated that the BZA approved a variance for a detached garage on Olmstead Road which would encroach 12 feet into the rear yard setback. Reasons for approving it included that it was on a corner lot and the lot coverage was still below the maximum allowed. There was still plenty of green space. The BZA also held their organizational meeting. All elected officers stayed the same.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the SAB took a field trip and had a booth at Farmers Market. Planner II Anna van der Zwaag was at the Farmers Market booth and promoted SAB programs, like composting.

IDEA IMPLEMENTATION PANEL: Council Member Brisk reported stated Inclusion Family Fun Day at the Miracle Field was a success. There were bounce houses and food trucks. The band didn't play out due to weather. Athletes and their buddies played baseball. It was a cool experience benefitting families with kids with disabilities. She was proud of the city. They had a great crowd, but it may have been better with better weather.

CEMETERY RESTORATION ADVISORY BOARD: No meeting. Council Member Fellows observed the work was underway at Wagner Cemetery. Clerk Mason said that Mark Smith from Gravestone Transformations was making progress, expected to be done by mid-August, and that the CRAB would be scheduling a visit. Council Member Fellows asked and City Manager Stefanov answered that the chain link fence had been removed and new horse fence would be installed around the full perimeter after the headstones were repaired.

PUBLIC RECORDS COMMISSION: No meeting.

**CORRESPONDENCE AND COMMUNICATION:**

NONE

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

**ORDINANCE O-76-2023**

July 5, 2023

President Pro Tem Brisk read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR WOODHAVEN, AS REQUESTED BY BOB WEBB HOMES.

Engineering Manager Cara Denny stated his ordinance would accept waterline, sanitary sewer, street and storm sewer improvements and appurtenances for the Woodhaven subdivision. The developer submitted a 2-year performance bond for the outstanding items, a 2-year maintenance bond, and engineering inspection fee deposit, and a 5-year settlement bond. Woodhaven would have 60 single-family residential lots. The subdivision was access from Bevelhymer Road and Walnut Street. With adopted, the city would accept approximately 4,500 feet of residential subdivision street, 5,400 feet of watermain, 14 fire hydrants, 4,250 feet of sanitary sewer, and 8,150 feet of storm sewer.

Council Member Fellows stated he saw a lot of work being done at the site, but didn't see any leisure trail preparation on Bevelhymer Road. With all the activity going on in the area, the pickleball courts and future fieldhouse, he wanted to ensure the leisure trail would be installed. In addition to Woodhaven, the city still need to connect down to New Albany Road East, understanding the city would need to work with the property owners to complete that trail.

Director Chrysler responded the developer could bond certain items not completed to move forward with the project. The leisure trail was in the bond. Brandon Belli, COO of Bob Webb Homes, stated they were waiting on Columbia Gas to move the gas lines so that Bob Webb Homes could to widen Bevelhymer Road. They couldn't put in the leisure trail or the rest of the features in until the road was widened. As soon as the gas line was moved, Bob Webb Homes could install a culvert, widen the road, and then install the leisure. He believed there was a leisure trail down Walnut Road along this site, also.

Council Member Fellows asked and Mr. Belli answered that he couldn't remember how far back from the road the leisure trail was planned. It was closer to Bevelhymer and Walnut Roads than the interior *<unknown>*. Council Member Fellows observed there was extra space and, for safety purposes, it might be good to get the trail further away from the road. There was a lot of green space. Mr. Belli said, if it could moved closer, they could install it sooner. They were working off of what was submitted and approved.

Council Member Kist understood the challenges of working with utility companies. He asked and Mr. Belli replied that they paid Columbia Gas for the work and were told the whole process would take 2 months. They were probably 1 month in. They were hoping for completion in 30 days. Savko told Bob Webb homes, as soon as the gas line was moved, they could start within a week. Bobb Webb homes was eager to get this wrapped up.

Council Member Fellows said a resident in Millbrook Farms was concerned about similar address mix-up issues between Woodhaven and Millbrook Farms. The resident reached out to Council Member Fellows because he experiences similar issues at his home because of Maynard Place and Maynard Place East had duplicate numbers. Mr. Belli said the addresses were completely redone by the fire department who were also concerned. Bobb Webb Homes had an initial set of addresses. They were building the 2 model homes under addresses they were given. Those addresses would be switched to the new ones once they received



## Council Minutes – Regular Meeting

July 5, 2023

an occupancy permit at the request of the building department. Redoing all the address required redoing all of their paperwork. Larry Canini, Canini & Associates, stated that Chase Lane was a continuation from Millbrook and had some Plain Township property in between. His address chart was issued by the Franklin County Engineers or fire department. Council Member Fellows asked to ensure this was cleared up. It was an issue in the past and could be one again.

President Pro Tem Brisk opened the Public Hearing. Hearing no comments or questions from the public, she closed the Public Hearing.

Council Member Kist moved to adopt the ordinance. Council Member Fellows seconded and council voted with 5 yes votes to approve Ordinance O-76-2023.

### **ORDINANCE O-77-2023**

President Pro Tem Brisk read by title AN ORDINANCE TO ADOPT A TAX BUDGET FOR THE CITY OF NEW ALBANY, OHIO FOR FISCAL YEAR ENDING DECEMBER 31, 2024.

Finance Director Bethany Staats stated this legislation authorized the adoption of the 2024 tax budget required by Ohio Revised Code and the Franklin County Budget Commission. Further preparation of the 2024 budget would happen this fall. She referred to her detail presentation at first reading and asked council if they had any further questions.

Council indicated they did not have questions.

President Pro Tem Brisk opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Fellows moved to adopt the ordinance. Council Member Durik seconded and council voted with 5 yes votes to approve Ordinance O-77-2023.

### **ORDINANCE O-78-2023**

President Pro Tem Brisk read by title AN ORDINANCE APPROVING THE APPLICATION ESTABLISHING THE NEW ALBANY VILLAGE CENTER COMMUNITY ENTERTAINMENT DISTRICT AND DECLARING AN EMERGENCY.

City Manager Stefanov stated the applicant was requesting that council table this until the first regular meeting in August. They were attempting to address council’s concerns brought up at 1<sup>st</sup> reading.

Council Member Fellows asked and City Manager Joseph Stefanov confirmed that they were considering adding land beyond the originally proposed boundaries. City Manager Stefanov didn’t know if the applicant would be able to include all of the properties not owned by them, but they were taking council feedback and trying to come up with a solution.

July 5, 2023

President Pro Tem Brisk moved to table the ordinance to the August 1, 2023 council meeting. Council Member Shull seconded and council voted with 5 yes votes to table Ordinance O-78-2023 to the August 1, 2023 council meeting.

**ORDIANNCE O-79-2023**

President Pro Tem Brisk read by title AN ORDINANCE APPROVING THE APPLICATION ESTABLISHING THE HAMLET AT SUGAR RUN COMMUNITY ENTERTAINMENT DISTRICT AND DECLARING AN EMERGENCY.

City Manager Joseph Stefanov stated both the applicant for this ordinance and O-78-2023 were represented by the same legal counsel. In order to respond to council's concerns raised at the 1<sup>st</sup> reading, the applicant was asking that his ordinance be tabled to the August 1 meeting.

Council Member Kist asked and City Manager Stefanov responded, with the emergency clause, the applicant would still have time to get on the November ballot. He clarified that the emergency clause only waived the referendum period, not the second reading of the ordinance.

President Pro Tem Brisk moved to table the ordinance to the August 1, 2023 council meeting. Council Member Durik seconded and council voted with 5 yes votes to table Ordinance O-79-2023 to the August 1, 2023 council meeting.

**ORDINANCE O-81-2023**

President Pro Tem Brisk read by title AN ORDINANCE REQUESTING THE BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE CITY OF NEW ALBANY THE QUESTION OF WHETHER THE SALE OF BEER AND INTOXICATING LIQUOR SHALL BE PERMITTED WITHIN THE BOUNDARIES OF THE HAMLET AT SUGAR RUN COMMUNITY ENTERTAINMENT DISTRICT; AND DECLARING AN EMERGENCY.

City Manager Joseph Stefanov stated the applicant was requesting to also table this ordinance.

President Pro Tem Brisk moved to table the ordinance to the August 1, 2023 council meeting. Council Member Kist seconded and council voted with 5 yes votes to table Ordinance O-81-2023 to the August 1, 2023 council meeting.

**INTRODUCTION AND FIRST READING OF ORDINANCES:**

**ORDINANCE O-82-2023**

President Pro Tem Brisk read by title AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 62.6+/- ACRES FROM PLAIN TOWNSHIP, FRANKLIN COUNTY TO THE CITY OF NEW ALBANY.

City Manager Stefanov stated the property was adjacent to and contiguous with the existing city limits. This was an Expedited Type 1 annexation which allowed the city to customize the provisions of the annexation agreement with the township. The property was in an existing annexation agreement from 2008. There was

July 5, 2023

a road maintenance agreement (RMA) for Babbitt Road. A newer, at the time, county engineer decided they wanted and RMA for this area. He was looking at Licking County’s interpretation of the Ohio Revised Code and thought it appropriate for Babbitt Road. Since then, that engineer had gone back to Franklin County’s original position – which was not to require an RMA.

Council Member Fellows asked and City Manager Stefanov responded that what areas annexed to the city depended on property owner’s desire as the city didn’t annex against the property owner’s will. In this case, the owner requested the annexation.

President Pro Tem Brisk set the ordinance for second reading at the July 18, 2023 council meeting.

**ORDINANCE O-83-2023**

President Pro Tem Brisk read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR HORIZON COURT, AS REQUESTED BY LINCOLN PROPERTY COMPANY.

Engineering Manager Cara Denny stated this ordinance accepted waterline, sanitary sewer, street and storm sewer improvements and appurtenances for Horizon Court. The developer submitted a 2-year maintenance bond, an engineering inspection fee deposit, and a 5-year settlement bond. With adoption, the city would accept approximately 2,600 feet of public street, fire hydrants, and associated sanitary sewer, storm sewer, and water lines.

President Pro Tem Brisk set the ordinance for second reading at the July 18, 2023 council meeting.

**ORDINANCE O-84-2023**

President Pro Tem Brisk read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 63.5 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION AT CENTRAL COLLEGE ROAD AND JUG STREET ROAD FOR AN AREA TO BE KNOWN AS THE “COURTYARDS AT HAINES CREEK ZONING DISTRICT” FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO “I-PUD” INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY EC NEW VISION OHIO LLC, C/O AARON L. UNDERHILL, ESQ.

Development Director Jennifer Chrysler reminded council that the purpose of council’s Legislative Report was to describe the project and show whether staff believed it met or not met the zoning regulations. Council also received a Q&A document, an internal memo generated based on questions that staff received at different board and commission meetings. The memo was to help clarify the interpretations staff had heard. Staff had prepared these before when a project had a lot of questions, similar to when the Presbyterian Church was built, so there was a repository of information for people if they wanted to understand staff’s response to concerns and questions.



July 5, 2023

Planner Chelsea Nichols described the location of the site. The proposed zoning permit was for a new, age-restricted residential subdivision. The zoning area would be known as Courtyards at Haines Creek. The zoning district proposed 90% units to be 55 years of age or older and 90% to not allow residents to be under age 21. With 151 total units, that would equate 136 age-restricted and 15 non-age-restricted units. On 63.5 acres that meant 2.3 units per acre, which met the strategic plan density recommendation. The age restriction component was a zoning requirement and enforced by deed restrictions. The plan included requirements for setbacks and buffering – a 100-foot setback from Central College Road and Jug Street.

Tree preservation zone were on the northwest and southeast corners. There were 50-foot setbacks and buffer areas which also required some tree preservation. The buffer area required a tree study, no utilities in the first 30 feet and, in first 30 feet, trees could only be removed with staff approval. The tree study would be reviewed by the Planning Commission as part of the Final Development Plan (FDP) review. There was a 50-foot building setback adjacent to neighboring wetlands. The applicant committed to to nature trail or sidewalks and a double row of street trees. The proposed zoning text was essentially the same as the approved text for the Courtyards at New Albany subdivision.

The proposal included 2 street connections to the west. The zoning text stated all homes were not to back up to open space and reserve areas. The Preliminary Development Plan showed this per the Engage New Albany strategic plan. Landscape, parkland, open space, and streetscape final design would be determined in the FDP. The proposed plan was short approximately 3 acres of open space, however, the applicant committed a fee payment for the offset. The final amount would be reviewed and approved by city council along with the Final Plat. The applicant committed to leisure trail along Central College and Jug Street. Staff wanted to see the path run through the trees, but not impact them, to maintain the character along Central College road.

Overall, this plan was similar to the Courtyards at New Albany, but this plan would incorporate a color pallet for more diverse housing options. Staff considered than an improvement. The final housing architecture would be determined with the FDP. The property was surrounded by unannexed township residential properties. City residential properties were generally to the west and commercial properties to the east. The proposal matched the future land use recommendation and density requirements of the strategic plan. The proposal was recommended by the Rocky Fork Blacklick Accord (RFBA) by a vote of 5-3. Members voting no said it was because of the density, concerns from the neighbors, and the developer's unwillingness to negotiate. The proposal was recommended by the Planning Commission (PC) by a vote of 3-2. The members voting no stated this was a great plan, but in the wrong spot and it was incompatible with adjacent land use and zoning. The PC approval included 14 conditions, most of which were incorporated into the zoning text. The remaining conditions would be addressed with the FDP.

Council Member Durik asked Planner Nichols answered that the PC no votes regarding adjacent properties, she believed, were referring to township properties to the north, east, and west. Those properties were large lot single-family residential. Many of those homes had acreage attached.

July 5, 2023

Council Member Fellows asked and Planner Nichols replied that, originally, the applicant proposed a 30-foot setback from neighboring properties to the west. The applicant met with property owners and increased the setback to feet and incorporated the extra buffer zone.

President Pro Tem Brisk stated, having attended the PC meeting, the adjacent residents were not happy with the proposal and she was not sure anything done would have completely satisfied them. There were 14 conditions added, most of which was intended to make for an easier transition between the project and the residents.

Council Member Fellows stated this was an evolving area.

Council Member Kist asked and Planner Nichols replied that the traffic access study was completed and provided to the city. The city's traffic engineer reviewed the study and produced comments. The FDP would reflect those comments. Director Chrysler added that, as an example, the city's traffic engineer recommended a left turn lane on Central College going east into the subdivision. The city would make sure the comments were taken into account in the FDP.

Council Member Fellows said, Central College Road, with the increased traffic and business – he assumed the Central College/Jug Street jog would get fixed. He asked if that would be redesigned or widened. It was a rural road more than anything and more traffic would be headed that way.

City Manager Joseph Stefanov responded that that curve would have to be addressed at some point. The city had a few conceptual plans. At this point, the city didn't have the adjacent property to flatten the road. The city would need additional right-of-way from residents to flatten the curve or realign the road. Improvements immediately adjacent to the road would be the responsibility of the developer. The area to the west could be addressed by the city with sufficient right-of-way. Even if the situation were similar to Bevelhymer Road where the road was widened a few feet for adequate shoulders –

Council Member Fellows said this was rural road, like Bevelhymer Road Traffic had already picked up.

City Manager Stefanov stated road widening happened when Tidewater was developer. There would be some wider and narrower sections. Council Member Fellows thought all of it would need to be addressed at some point

Council Member Shull noted - since density was issue at RFBA and possibly PC – he noticed the applicant was proposing an offset to reduce their open space. Was there discussion about having open space, instead of the offset, and reducing density? President Pro Tem Brisk replied density, green space, and the offset were discussed at length. She recalled that if the community were 100% deed restricted, they could have 3 residences per acre. Otherwise, it would be 1 residence per acre. Since this community was 90% 55+, they went to about 2.3 residences per acre, which wasn't a total mathematical calculation. They felt it was a sweet spot for compromise. There were discussions about taking out a unit in the middle, but that didn't go through and was not a condition.

July 5, 2023

Council Member Shull asked what the density would be without the offset.

Development Director Jennifer Chrysler stated there was the mathematical equation and the practicality of putting homes on the site. 3 single-family homes would equate to 9 additional units of a 100% age restricted community. She noted the precedence of accepting the offset amount, it was a provision of city code to promote good development design. From staff's perspective, the offset was allowed by code and therefore was an acceptable request, plus there was additional open space - the buffer in the back and the preservation zones - which weren't counted towards the open space requirement. This was part of the PC discussion. Some of the changes made in order to increase the preservation areas didn't directly impact acres of open space

President Pro Tem Brisk said open space was not a noted objection for PC members who voted no.

Council Member Shull added it was an objection at the RFBA.

Council Member Fellows said that he expected it to be a nice project once completed.

Council Member Kist asked about the codified ordinance cited 1111.06(A) and (B). Law Director Benjamin Albrecht stated that code contained the criteria the PC considered when deciding whether to accept, deny, or accept with conditions. Director Chrysler recalled that that citation included the objection that the land use not compatible with surrounding uses.

President Pro Tem Brisk confirmed the 90% age restriction.

President Pro Tem Brisk set the ordinance for second reading at the July 18, 2023 council meeting.

**ORDINANCE O-85-2023**

APPROPRIATION AMENDMENT ORDINANCE

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023**

Director Staats stated this legislation would make mid-year amendments to the 2023 annual budget and appropriations based upon an analysis of the year-to-date expenditures, updated projections, and an assessment of annual revenue. Within the General fund, operating and contractual services increased across various departments and detailed in the legislation. In those increases, some were 1-time costs and others reflected an increase in operations costs as expected. In the other funds, this legislation detailed increases, most were related to current capital projects within the New Albany business park and the related allocation of funds between the local fiscal recovery fund, the ARPA funding, and economic development capital fund where the city had recorded the business park grant activity. Other adjustments were related to the general Capital Improvement projects, including an adjustment to account for a book entry regarding donated property on Bevelhymer Road, as well as any adjustments to current capital projects and the purchase of capital equipment and other miscellaneous costs. The ARPA fund showed a total increase of \$101 million related to the water and

July 5, 2023

sewer utility infrastructure improvements that supported the first phase of the Intel project. The costs were initially appropriated in the Economic Development Capital fund, however, with the approval of the grant being ARPA, the city had to put that into the ARPA fund to segregate it from other funds. A portion of the appropriations would be used to reimburse the Economic Development Capital fund for prior expenditures since the grant was backdated to 7/1/2022. Moving forward, the city would take the remaining water and sewer infrastructure improvements out of that fund.

Other notable adjustments in Capital Improvement fund, there was a request to accommodate a 2023 annual street program. There was an increase in the Market Street Extension project and an increase related to design costs for the development of Second and Third Streets. The increases in the Capital Improvement fund were netted against a decrease in the Dublin-Granville Road pedestrian improvements costs. The result was an overall increase of \$1.2 million within that fund. Decrease in D-g improvement project cost. Overall increase of 1.2M in that fund.

In the Park Improvement fund, there was an increase to offset the purchase and installation of swings at Ogden Woods pocket park. There was an increase in the Water and Sanitary Sewer Improvement fund for the purchase of a camera to facilitate preventative maintenance of the sewers.

This legislation approved transfers, notably from the Economic Development Capital fund to the Bond Improvement fund to facilitate the issuance of general obligation bonds for Rose Run 2 should council approve it.

There were still some adjustments to be made before the 2<sup>nd</sup> reading. Director Staats would be submitting an updated version of the legislation to council.

Council Member Shull asked and Director Barker answered that the \$1 million increase for the Market Street Extension was related to anticipated cost escalation. The original budgeted amount was at least 1 year old. Even within the year, the engineers estimate for the project had risen. Contractor availability was dynamic and pricing was continuing to go up. The city wouldn't ultimately know until it received bids, but was expecting a higher price in 2023.

President Pro Tem Brisk set the ordinance for second reading at the July 18, 2023 council meeting.

**READING AND PUBLIC HEARING OF RESOLUTIONS:**

NONE

**REPORTS OF STANDING COMMITTEES:**

A. Safety Committee: No report.

B. Public Utilities: No report.

July 5, 2023

- 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: President Pro Tem Brisk asked council to get word out that the Hotel/Motel Bed Tax Grant applications had been out and were due by July 15. Council Member Kist asked and Council Member Shull responded that the BTG committee understood that some events would not have happened by the time the 2024 application was submitted. Clerk Mason stated the budget spreadsheet allowed for estimates for the 2023 events. Council Member Shull noted, by the following year's applications, a full 12 months would have passed.

**REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No meeting.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported the schools were installing turf on the main playground. This was a great addition for a field that was muddy for 2/3rds of the school year.
- D. Council Representative to Plain Township: Council Member Durik stated the township met and handled administrative matters.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: No report.
- B. Clerk of Council: No report.
- C. Finance Director: No report.
- D. City Manager: Police Chief Greg Jones stated the July session of Safety Town graduated that coming Friday at 10:30 and 2:30. Anyone able to make it was welcome at the Early Learning Center gym.
- E. City Attorney: No report.

**POLL FOR PUBLIC COMMENT:**

NONE

July 5, 2023

**POLL FOR COUNCIL COMMENT:**

Council Member Fellows congratulated city staff on a successful 4<sup>th</sup> of July celebration. The event grew every year and this year was one of the best. Council Member Kist stated it wasn't better anywhere else. Council Member Durik concurred, thanking everyone who worked on the event. He noted the big crowd. Council Member Shull stated council would need more candy. Council and staff discussed needing a strategy. President Pro Tem Brisk praised the first responders who had a significant and calming presence. President Pro Tem Brisk suggested filling the unprogrammed block of time between noon and the start of the Festival.

Director Chrysler introduced Melanie, a New Albany high school student who was working on her Senior Seminar project. She was shadowing staff and an enthusiastic participant. This was an example of how the city partnered with the schools. Council Member Kist told Melanie she was lucky to be working with this team, the best in the business.

**EXECUTIVE SESSION:**

President Pro Tem Brisk moved that council go into executive session pursuant to Ohio Revised Code 121.22(G)(1) for discussion regarding appointment of a public official. Council Member Durik seconded and council voted with 5 yes votes to go into executive session at 7:53 pm.

Council Member Fellows moved that council come out of executive session and resume the regular meeting. Council Member Kist seconded and council voted with 5 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:17 pm.

**OTHER BUSINESS:**

**Board and Commission Appointment**

Council Member Kist reported that council had received outstanding applications for the IDEA Panel opening. As usual, it was a tough decision. The city was fortunate to have so many quality candidates. Council Member Kist moved to appoint Taru Saigal to the IDEA Panel to complete the unexpired term ending 6/30/2024. President Pro Tem Brisk seconded and council voted with 5 yes votes to appoint Taru Saigal to the IDEA Panel for the term specified.

President Pro Tem Brisk moved to excuse Council Member Wilttrout from the council meeting. Council Member Kist seconded and council voted with 5 yes votes to excuse Council Member Wilttrout from the meeting.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, President Pro Tem moved and Council Member Kist seconded to adjourn the July 5, 2023 regular council meeting at 8:19 pm.


ATTEST:



# Council Minutes – Regular Meeting

July 5, 2023

  
\_\_\_\_\_  
Jennifer H. Mason, Clerk of Council

  
\_\_\_\_\_  
Sloan Spalding, Mayor

*16 July 23*  
\_\_\_\_\_  
Date