



Council Minutes – Regular Meeting

August 15, 2023

CALL TO ORDER:

President Pro Tem Brisk called to order the New Albany City Council Meeting of August 15, 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, City Engineer Ryan Ohly, Planning Manager Steve Mayer, Engineering Manager Cara Denny, Economic Development Manager Sara Zeigler, Economic Development Specialist Jackie Russell, Economic Development Specialist Alex Klosterman, 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	P

Clerk of Council Jennifer Mason reported that Mayor Spalding was traveling and requested to be excused. President Pro Tem Brisk moved to excuse Mayor Spalding from the council meeting. Council Member Wilttrout seconded and council voted with 6 yes votes to excuse Mayor Spalding from the meeting.

ACTION ON MINUTES:

Council adopted the 8/1/2023 regular meeting minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE

HEARING OF VISITORS:

NONE

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.



Council Minutes – Regular Meeting

August 15, 2023

ARCHITECTURAL REVIEW BOARD: Council Member Wilttrout reported that the ARB approved an addition and some exterior modifications for 153 E. Dublin-Granville Road. The applicant worked with city staff on door placement on a new addition.

BOARD OF ZONING APPEALS: No meeting.

SUSTAINABILITY ADVISORY BOARD: Council Member Kist reported that the SAB discussed 2024 priorities and initiatives, including composting and the Earth Day to Arbor Day celebration. The SAB discussed a potential food waste curbside program. The City of Upper Arlington received a grant for their pilot program. The Student Leaders and Sustainability pilot grant program would roll out with applications due October 31st. Teachers would assist the students. Completed applications would be managed by city staff. Grants could be small or large. The goal was to fund good projects, not to exhaust available grant monies.

Council Member Shull asked and Council Member Kist answered that the City of Upper Arlington received a USDA federal grant. He did not know the amount. Director Joly offered to get that information. Council Member Kist understood that they had 1,000 households enrolled. Without the subsidy, it would be \$10 per household, per month.

IDEA IMPLEMENTATION PANEL: Council Member Wilttrout reported that Panel discussed priorities for 2024. They reviewed projects from this year. Upcoming events included the New Albany 101 at Taylor Farm on October 5 and the Diwali Celebration, date TBD. For 2024, the Panel wanted to start the Ambassador/Welcome Wagon program. The Panel talked about holding more New Albany 101 events, maybe a pancake breakfast on a weekend and geared towards families with young children. There was a desire to keep up the Juneteenth event, Diwali, and Family Fun Day. Other event discussions were on going.

Council Member Fellows asked and Council Member Wilttrout replied there was discussion about doing 1 big event. The Panel and council would need to discuss that further. The Panel found the smaller events to be easier to execute and more meaningful. With more successes, the panel could get more partners/support/funding. There was a desire for a larger community event, not focusing on a holiday – perhaps a super supper where people could enjoy meals from many cultures. Council Member Fellows read the Heit Center was doing a cultural event with different dance groups. Council Member Brisk recalled the New Albany Dance Festival which had a multicultural version on a Sunday. Council Member Wilttrout noted the Panel talked about advertising and amplifying other group's events, too. Council further discussed community events and how to connect.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE

August 15, 2023

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-87-2023

President Pro Tem Brisk read by title AN ORDINANCE TO AMEND CHAPTER 1169 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

Planning Manager Steve Mayer stated, based on recent variance requests to allow for electronic menu-board signage, the city Planning Commission (PC) and council directed staff to update the city sign code. This ordinance would permit digital menu board signs for drive-thrus and established additional design requirements. The sign requirements matched the PC’s requirements from previous variances. The PC recommended approval of the code update at their July meeting.

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

Council Member Shull asked and Manager Mayer answered that the new regulations were only for drive-thru menu board signs.

President Pro Tem Brisk moved to adopt the ordinance. Council Member Durik seconded and council voted with 6 yes votes to approve Ordinance O-87-2023.

ORDINANCE O-88-2023

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 78.16+/- ACRES OF LAND LOCATED ON THE EAST SIDE OF BABBITT ROAD, FROM AGRICULTURAL (AG) AND LIMITED GENERAL EMPLOYMENT (L-GE) TO LIMITED GENERAL EMPLOYMENT (L-GE) FOR AN AREA TO BE KNOWN AS THE “BABBITT EAST ZONING DISTRICT” AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL.

Planning Manager Steve Mayer stated the proposed zoning for the outlined area was Limited General Employment (L-GE) which matched the L-GE districts to the north, east, and south. The zoning text matched the surrounding L-GE development standards and uses, as well. This zoning district would allow for manufacturing and production, data center, office, warehouse and distribution, and research and production uses. This text had the same development standards as the surrounding districts. The text included a maximum 65-foot building height, which was more stringent than zoning to the east since there was residential to the west of this site. The text included enhanced 100-foot setbacks to the north and south property lines and a 200-foot setback along Babbitt Road. No vehicular or truck traffic, including construction trucks, were allowed to access Babbitt Road. Access from Babbitt was only permitted for emergency service vehicles. The site was located within the strategic plan’s Mixed-Use District. This rezoning met the recommendations of the city’s strategic plan. The Rocky Fork Blacklick Accord and Planning Commission (PC) both approved this text at their June and July meetings, respectively.

August 15, 2023

Council Member Kist asked and Manager Mayer answered that the strategic plan’s Mixed-Use District only described basic residential-type uses. The strategic plan did not require residential in this area. The idea of the Mixed-Use District was to have a commercial use base, but allow some flexibility, where appropriate based on the development pattern. Since this rezoning was an extension of the business park, it didn’t have residential or retail.

Council Member Kist asked and Manager Mayer answered that the city’s strategic plan contemplated single- or multi-family residential uses in the Mixed-Use District, but this rezoning did not allow for that.

Council Member Wilttrout asked if there were any residential uses in the area that weren’t rural lots? Manager Mayer responded that only residential uses in the area were the existing homes on unannexed township land.

Council Member Kist asked and Manager Mayer replied that the zoning text required the subject land to access the Ganton Parkway extension.

Council Member Fellows asked about ratios of commercial to residential. Manager Mayer answered no residential was allowed with this rezoning. The area to be rezoned was in a Mixed-Used District in the city’s strategic plan, but the future land use district allowed commercial uses, and only commercial uses were being proposed here.

Council Member Wilttrout asked and Manager Mayer confirmed there were no pending residential use applications for this area.

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

President Pro Tem Brisk moved to adopt the ordinance. Council Member Kist seconded and council voted with 6 yes votes to approve Ordinance O-88-2023.

ORDINANCE O-89-2023

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 11.4+/- ACRES OF LAND LOCATED GENERALLY AT THE NORTHEAST CORNER OF BEECH ROAD AND GANTON PARKWAY, FROM AGRICULTURAL (AG) AND LIMITED GENERAL EMPLOYMENT (L-GE) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS “GANTON/BEECH NORTHEAST ZONING DISTRICT” AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL

Planning Manager Steve Mayer stated the proposed zoning text permitted office uses, which were currently allowed in the Limited General Employment (L-GE) zoned portions, and also allowed for a variety of retail and personal service uses including restaurants, both with and without drive-thrus, banks, daycares, gas

August 15, 2023

stations, and hotels. This rezoning had to follow the same Design Guidelines and Requirements as other successful retail uses within the city. It had the same setbacks and development standards as other retail zones, such as along US 62, north of SR 161. The zoning text included rooftop screening of mechanical equipment, a maximum of 2 stories for retail uses, and hotels and offices had a 65-foot maximum building height. The surrounding area was zoned L-GE. The land was centrally located within the business park and was in close proximity of SR 161/Beech Road interchange. This land was within the strategic plan’s Mixed-Use District. The proposed commercial uses allowed for office, but also added on to retail, hotel, and gas station-type uses. The zoning met the land use recommendation of the strategic plan and the Planning Commission recommended approval at their July meeting.

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

Council Member Fellows moved to adopt the ordinance. Council Member Wiltrout seconded and council voted with 6 yes votes to approve Ordinance O-89-2023.

ORDINANCE O-90-2023

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 12.8+/- ACRES OF LAND GENERALLY LOCATED TO THE SOUTHWEST OF AND ADJACENT TO STATE ROUTE 161/BEECH ROAD INTERCHANGE, FROM OFFICE CAMPUS DISTRICT (OCD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) FOR AN AREA TO BE KNOWN AS “BEECH INTERCHANGE SOUTHWEST ZONING DISTRICT” AS REQUESTED BY MBJ HOLDINGS LLC, C/O AARON UNDERHILL.

Planning Manager Steve Mayer stated this legislation was similar Ordinance O-89-2023. The land was to the north of the previous site. This zoning permitted a variety of uses in addition to office uses, including restaurants, both with and without drive-thrus, banks, daycares, gas stations, and hotels, among other retail and restaurant uses. This zoning had the same development standards at O-89-2023. It had to follow the city’s Design Guidelines and Requirements. It had the same setbacks and development standards as other retail centers within New Albany, including rooftop screening and maximum building heights. The land was centrally-located right off the interchange of SR 161/Beech Road. The land was within the strategic plan’s Mixed-Use District for future land use. This zoning was for commercial mixed use, including a mixture of office, retail, and restaurant-type uses. The PC approved this rezoning at their July meeting.

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 Durik seconded and council voted with 6 yes votes to approve Ordinance O-90-2023.

INTRODUCTION AND FIRST READING OF ORDINANCES:

NONE

August 15, 2023

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-33-2023

President Pro Tem Brisk read by title A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPMENT AGREEMENT WITH COI NEW ALBANY TECH PARK LAND, LLC.

City Engineer Ryan Ohly stated this legislation authorized an amendment to the development agreement with COI New Albany Tech Park which was VanTrust Real Estate. Council approved the original agreement in December of 2022, and that agreement set out milestone dates for construction. This amendment authorized VanTrust to construct the first segment of the Horizon Court extension on behalf of the city. The engineer's estimate for the project was \$7.6 million. Council approved the funding for the project in the August of 2023 appropriation amendment. The city was designing the road to its standards and was asking the developer to construct it. The developer was currently developing 475 acres to south and north and there was a large amount of activity in the area. It made sense for the developer to control the schedule and sequencing of the Horizon Court extension.

Council Member Wiltrout asked and Engineer Ohly responded that the engineer's estimate was based on historical and real-time pricing in the city's business park. The development agreement amendment said that VanTrust would determine their price and bring it to city for approval. If city didn't agree with their price, the city would bid and build project.

Council Member Shull asked and Engineer Ohly confirmed that, if the city rejected VanTrust's pricing, the city would build for the engineer's estimate or staff would come back to council.

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

Council Member Wiltrout moved to adopt the resolution. Council Member Kist seconded and council voted with 6 yes votes to approve Resolution R-33-2023.

RESOLUTION R-34-2023

President Pro Tem Brisk read by title A RESOLUTION TO AMEND THE OAK GROVE COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 78.16 +/- ACRES TO THAT AREA, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA.

Economic Development Manager Sara Zeigler stated this resolution amended the Oak Grove Community Reinvestment Area (CRA) to include 78.16 acres recently annexed and zoned in Franklin County. The creation of a CRA did not automatically entitle a property owner to an incentive. The city would continue

August 15, 2023

to use the established revenue generation standards for all CRA agreements. Each company's CRA must be approved by council.

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

Council Member Fellows moved to adopt the resolution. Council Member Shull seconded and council voted with 6 yes votes to approve Resolution R-34-2023.

RESOLUTION R-35-2023

President Pro Tem Brisk read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GMP AMENDMENT WITH MESSER CONSTRUCTION FOR THE PURPOSE OF CONSTRUCTING PHASE 2 OF THE TAYLOR FARM PARK PROJECT.

Director Joly invited council to the Taylor Farm Park playground grand opening on August 29. Phase 1 was complete. She described Charlie Stoughton's Eagle Scout project of numerous bird and bat houses to be installed around the park in the fall. Planner II Anna van der Zwaag assisted with the building event. Council and staff discussed where the houses could go.

Council approved a Taylor Farm Park phase 2 Limited Notice to Proceed (LNTP) with Messer Construction in July so they could start mobilizing and meet the spring deadline. This legislation would approve a Guaranteed Maximum Price (GMP) Amendment to the Messer contract. Phase 2 included the community gardens, a storage building, additional boardwalks, sanitary sewer and water extensions, and a restroom facility. The project was bid by Messer construction and they prepared the GMP Amendment. The LNTP was wrapped into the GMP Amendment. The contract with Messer required the contractor to submit the GMP Amendment at the conclusion of the design process. The proposed amendment was for \$6,379,178 which represented the costs of construction and included alternates for boardwalks. Adding in soft costs like inspections, material testing, Columbus tap fees, building permit fees, and construction inspections, the city would stay within the project budget which was approved as part of the 2023 mid-year appropriation.

Council Member Shull asked and Director Joly answered that the homestead and barn were not part of phase 2. After expert evaluation, the barn was considered not significant enough to save. The city could move a barn from Bevelhymer to Taylor Farm Park and create 3-season pavilion-type space.

Council Member Fellows asked and Director Joly confirmed the old barn would come down during phase 2 so that it was not a hazard. The chicken coop had already been demolished. The storage building and restrooms were being designed to look like the coop. Council Member Fellows recommended council honor Dr. Glyde Marsh for all his contributions to agriculture and the city by naming a building after him.

Council Member Shull asked and Director Joly confirmed that all of the original buildings on Taylor Farm were being raised except the house. When the city went for a variance for the chicken coop, the city knew it had to lift it up to get out of the flood plain. The construction manager evaluated the coop did not find

August 15, 2023

the structure to be viable. The roof lines of the new storage and restrooms would echo the coop design. The city was not raising the ground the extra New Albany-required 2 feet, so it would still need a variance.

President Pro Tem Brisk asked about the historical value of the home. Director Joly replied that the city hired an historic preservation firm to have structural engineers look at all the structures, including the home. They gave stabilization and security recommendations. The house was in good shape and structurally pretty sound. The city hadn't determined the final program for the house - to then figure out what it would take to get the house to that point. The New Albany 101 program on October 5 would include house tours. Staff would be spaced throughout the home to maintain safety and direct people through.

Council Member Shull asked if the house be open for the August 29 playground opening. Director Joly was not sure staff would have time to do the needed cleaning, but would look into it.

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

Council Member Wiltout moved to adopt the resolution. President Pro Tem Brisk seconded and council voted with 6 yes votes to approve Resolution R-35-2023.

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. Hotel/Motel Bed Tax Grant Committee: Council Member Shull reported that the committee would be meeting on August 21st to review the applications. They planned to make recommendations at a council meeting in September. President Pro Tem Brisk reminded council about the timing of the applications so as to help organizations with their annual budgeting. She asked and Clerk Mason reported several ways the new deadline was communicated and followed-up on with participating organizations.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: City Manager Stefanov reported MORPC discussed railway safety. MORPC adopted a teaching framework document which would guide work, budgets, and help establish goals that would guide their work in the coming years. The U.S.

August 15, 2023

Secretary of Energy visited the cities of Columbus and Lancaster to see homes which participated in MORPC's weatherization program. The MORPC board authorized acceptance of grants for continued work on weatherization services which helped to preserve access to low income and affordable housing. MORPC's Social Media summit was successful and available on video. The Summit on Sustainability was scheduled to start on October 26. MORPC introduced a new messaging platform that would help to build the MORPC brand. MORPC hosted a kick-off of a community-based planning assistance program. This program would give members access to pools of consultants and planners under a standardized request for proposals (RFP).

- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported that the board discussed the shelter house which would be located by the pickleball and basketball courts. They should have a cost estimate at their next meeting. Fall sports registration was closing. The board had reviewed and was in substantial agreement with the pickleball operations agreement. The board took its first look at the New Albany Fieldhouse and Community Center designs. A 3D version would be available in about a month. Council Member Shull offered the print version to council. They were estimating 19 months of construction which would result in completion late in 2025.

Council Member Fellows asked and Council Member Shull responded that the shelter house plans included restroom facilities accessible from the inside and outside, storage, open space, a minimal kitchen, and outside seating arrangements for social gatherings. He observed that the basketball and pickleball courts had been full. The shelter house would serve as a nice place to take a break and gather. The board was discussing rental for private events, but no decision had been made. The Joint Parks District was funding the shelter house. The city had approved money for restrooms by the pickleball courts and may contribute towards shelter house restrooms rather than duplicate.

- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported on the parent survey results. The survey came as an email link with 75 questions. 885 parents responded. School board meetings were on Youtube, if council wanted to hear the full results. Parents listed important initiatives - 88% safety, 77% academics. Administrators and staff received very high marks. 71% of parents support moving athletic fields off campus, if district growth required another building. The first half-day of school would be August 16 and everyone was back full-time on August 18. Superintendent Michael Sawyers recited some statistics about the staff and the 5,017 students this year - 25 countries of origin were represented, 30 different languages and cultures, and 33 teachers were New Albany schools alumni. Buses were fully staffed, the schools worked very hard to attract drivers. Schools worked on safety - police and fire department drills. Council Member Kist pointed to Chief Communications Officer Josh Poland's video. The school district overhauled its website and was rolling it out now.

August 15, 2023

The New Albany Little League team won their state championship. They were going to the Little League World series in Williamsport, Pennsylvania. The game would be broadcast for the public at the Hinson Amphitheater.

- D. Council Representative to Plain Township: Council Member Durik reported that the pool would be closing soon. Statistics showed they were ahead on memberships, daily passes, and lessons purchased. They had to close 1 day for over-chlorination. They chose to rebuild the pool slide tower at a cost of \$235,000. The tower was over 25 years old. The fire departments' medic chassis order was canceled by the manufacturer. The fire department purchased new rescue tools, including replacing 20-year old hydraulic tools with battery-powered models. The board further discussed a storage facility at 6202 Walnut Road after extensive hearings. No residents spoke at the second board meeting. The owner had previously agreed to increase the setback to 100 feet to accommodate resident wishes, lowered the roofline, and softened the appearance. There was much discussion about the hours of operation and customer access hours. The meeting and further discussion of the matter were postponed to October.

REPORTS OF CITY OFFICIALS:

- A. Mayor: No report.
- B. Clerk of Council: Clerk Mason asked for council to respond to the poll for attendance at the September 13 New Albany Community Update. Applications for the open Rocky Fork Blacklick Accord position were open until August 23. So far, council had only received 1 application.
- C. Finance Director: No report.
- D. City Manager: City Manager Stefanov introduced the city's newest employee, Economic Development Specialist Alex Klosterman, who was a graduate of the OSU Fisher College of Business. City Manager Stefanov reported that city staff conducted a tour of the business park for the City of Johnstown's council, planning commission, and some members of their chamber of commerce. Johnstown was preparing for some of the challenges coming their way with increased development in the area. There were many comparisons to 25-years-ago New Albany. City Manager Stefanov attended a meeting with the 3 fire department chiefs who work with the city. They discussed further collaboration on dispatching and communications.

City Manager Stefanov requested and council members approved him taking 1 week of vacation the following week. He'd canceled his planned week of vacation in July.

- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE



Council Minutes – Regular Meeting

August 15, 2023

POLL FOR COUNCIL COMMENT:

NONE

EXECUTIVE SESSION:

President Pro Tem Brisk moved that council go into executive session pursuant to Ohio Revised Code 121.22 (G)(1) to consider appointment, employment, or compensation of a public employee or official. Council may take action after. Council Member Fellows seconded and council voted with 6 yes votes to go into executive session at 7:46 pm.

President Pro Tem Brisk moved that council come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with 6 yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:01 pm.

OTHER BUSINESS:

Council Member Kist described a successful Pelotonia which started and ended in New Albany. Mayor Spalding’s gear shifter ran out of battery mid-ride. Mayor Spalding was able to stop to recharge and finished the 100 miles. It was a great ride. New Albany played a big part.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, President Pro Tem Brisk moved and Council Member Kist seconded to adjourn the August 15, 2023 regular council meeting at 8:03 pm.

ATTEST:



Jennifer H. Mason, Clerk of Council

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Sloan Spalding, Mayor Date