



# Council Minutes – Regular Meeting

September 1, 2020

## CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of September 1, 2020 at 6:30 pm at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov and Clerk of Council Jennifer Mason. Staff tele-present were Finance Director Bethany Staats, Law Director Mitch Banchefsky, Police Chief Greg Jones, Community Development Director Jennifer Chrysler, Deputy Development Director Mike Barker, Engineer Ed Ferris, Planning Manager Stephen Mayer, and Chief Communications and Marketing Officer Scott McAfee.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

## ROLL CALL:

The following Mayor/Council Members answered Roll Call:

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

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

## ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed August 18, 2020 regular meeting minutes and asked if there were any additions or corrections. Hearing no changes, Mayor Spalding moved to adopt the August 18, 2020 regular meeting minutes. Council Member Briscoe seconded and council voted with six yes votes to approve the August 18, 2020 regular meeting minutes.

## ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

## HEARING OF VISITORS:

Proclamation Declaring September as Hunger Action Month – Mayor Spalding read the proclamation. Eileen Pewitt, New Albany Food Pantry Culinary Education Coordinator, thanked council on behalf of all of their clients, their volunteers, and the community. In this time of COVID-19, some were having a bad time in many different ways. Since January, the NAPF had provided 107,000 meals. Ms. Pewitt told council there would be two food drives on September 14<sup>th</sup> and 22<sup>nd</sup>. Clerk Mason reported Village Hall lights would be wrapped in orange for Hunger Action Month, and collection boxes would be put out.



## Council Minutes – Regular Meeting

September 1, 2020

### **BOARDS AND COMMISSIONS:**

PLANNING COMMISSION: No meeting.

PARKS AND TRAILS ADVISORY BOARD: No meeting.

ACHITECHTURAL REVIEW BOARD: No meeting.

BOARD OF ZONING APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

### **CORRESPONDENCE AND COMMUNICATION:**

NONE

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

#### **ORDINANCE O-13-2020**

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 19.68 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF STATE ROUTE 161, SOUTH OF SMITH'S MILL ROAD AND WEST OF KITZMILLER ROAD FOR AN AREA TO BE KNOWN AS THE "MOTOR ENCLAVE ZONING DISTRICT" FROM ITS CURRENT ZONING OF INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY THE MOTOR ENCLAVE NEW ALBANY LLC C/O AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer told council the zoning allowed for an individual to buy a condo/garage unit and customize it. Owners could use the space to maintain their own vehicles, as professional office space, and for personal leisure and entertainment. Prohibited uses included traditional sales or commercial car maintenance or repair, residential uses, storage of gasoline, oil, propane, or other fuel in the structure, and any type of exterior storage of vehicles, equipment, or personal property. Planning Manager Stephen Mayer described the location of the property. The zoning text allowed for a community building which would serve as a country club and could contain a coffee shop, detailing services, occasional sales to condo owners, and rental space for private events.

The property had a private access drive. There were setbacks along State Route 161 and trees along that road. Zoning required tree preservation and landscaping. Since this was a Planned Unit Development (I-PUD), a Master Landscape Plan would go back before the Planning Commission before the Final Development Plan review. Within the site plans, there were nine buildings with potentially 175 garage spaces, and the community building. The zoning text required barn-style architecture to preserve the rural

September 1, 2020

character of the corridor. This design met the commercial land use recommendations found in the city's Strategic Plan. This application was approved by the Rocky Fork Blacklick Accord in June of 2020 and the Planning Commission in August of 2020.

Council Member Briscoe asked and Manager Mayer confirmed that if this project does not go through, the zoning would revert back to the prior zoning.

Mayor Spalding opened the Public Hearing. Dwyane Stradford had technical difficulty addressing council via Zoom. Deputy Development Director Mike Barker stated that Mr. Stradford asked in writing if the Kizsmiller Road and Smith's Mill Road intersection had ever been considered for a traffic circle. Deputy Director Barker stated that the city had done traffic studies in the area and was taking a phased approach to improvements in the area. The first project was the pending improvements to the State Route 62 and 161 intersection. A traffic light would be installed at Theissen and State Route 62, and additional turn lanes would be added at Smith's Mill Road and State Route 62. The city was evaluating Forest Drive for a traffic signal in the near future. The Smith's Mill Road and Kitsmiller Road intersection was under observation. By clearing out downstream traffic congestion, the city expected a freer flow of traffic onto and off of State Route 161 which would benefit surrounding intersections. The city was aware of the business campus traffic, particularly in the morning. Deputy Director Barker read Mr. Stradford's additional note: with COVID impacting all businesses in the area, now would be a good time to consider this kind of improvement, referencing a traffic circle at Kitzmiller and Smith's Mill Road. Deputy Director Barker responded that the city had not planned improvements for that intersection at this time, but would be keeping an eye on it. The city was sensitive to development impacts. The motor enclave project was considered a passive use and was not expected to generate a peak flow of traffic. Aaron Underhill, attorney for applicant, added that the traffic impact of the motor enclave, compared to office zoning, was much lower.

City Manager Stefanov stated that the federal government's standards for traffic control, which were adopted by the State of Ohio, required an intersection to meet certain warrant criteria. If the city wanted to install a traffic light, roundabout, or stop sign, it would have to meet the government warrant standards. As of today, the Kitzmiller and 62 intersection didn't meet those standards, although it could happen in the future.

Mr. Stradford, having fixed his technological problem, addressed council. He stated he worked for AEP and knew this intersection well. Particularly in the morning, that intersection was notorious. All of the people getting off of State Route 161 who worked in that corridor – as soon as you came down Smith's Mill – people were approaching from several angles. It was a perfect storm. The four way stop was "a big cha cha line." There had been accidents because people didn't know when it was their time to go. Mayor Spalding thanked Mr. Stradford.

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

Council Member Shull moved to adopt the ordinance. Council Member Durik seconded and council voted with six yes votes to approve Ordinance O-13-2020.

September 1, 2020

**INTRODUCTION AND FIRST READING OF ORDINANCES**

NONE.

**READING AND PUBLIC HEARING OF RESOLUTIONS**

**RESOLUTION R-28-2020**

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH JERSEY TOWNSHIP IN ORDER TO FACILITATE THE ANNEXATION OF PARCEL NUMBERS 82-106590-00.000 AND 82-107748-00.000 WHICH COMPRISE APPROXIMATELY 6.7 +/- ACRES.

This annexation was requested by the property owner, The New Albany Company (NACO). City Manager Stefanov described the location. The annexation would eliminate a residual unincorporated property on the Beech Road corridor. The 6.7 acres were in addition to 2 acres of right-of-way which would dedicated be to the city. The Expedited Type I annexation which was quicker than traditional annexation, while the annexation agreement encompassed all of the provisions of a traditional annexation. These parcels were subject to the Community Authority and the annexation agreement with the City of Columbus. NACO was aware of both encumbrances. The Annexation Agreement with Jersey Township was attached to this legislation. The language was consistent with other recent agreements, addressing compensation to the township for fire and EMS services in the case of abatement agreements or TIFs. This 15-year agreement also stipulated the separation process and boundary conformation if that need arose.

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

Mayor Spalding moved to adopt the resolution. Council Member Brisk seconded and council voted with six yes votes to approve Resolution R-28-2020.

**RESOLUTION R-29-2020**

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR FRANKLIN COUNTY.

Community Development Director Jennifer Chrysler described the process of gathering information, creating the staff report, and holding the Tax Incentive Review Committee meeting. She referenced the full report delivered to council. She noted that Commercial Vehicle Group was in its last reporting year.

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

September 1, 2020

Council Member Brisk moved to adopt the resolution. Council Member Durik seconded and council voted with six yes votes to approve Resolution R-29-2020.

**RESOLUTION R-30-2020**

Mayor Spalding read by title A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR LICKING COUNTY.

Director Chrysler told council that the Licking County TIRC report and recommendation was created through the same process as the Franklin County report. All companies were in compliance except for one in a multi-tenant building, however, that property was in was in the last year of its three year ramp up period. City staff was current working with that tenant regarding its benchmarks.

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

Council Member Briscoe moved to adopt the resolution. Council Member Shull seconded and council voted with six yes votes to approve Resolution R-30-2020.

Council Member Briscoe stated the city would need to keep in mind that current circumstances could mean changes for these companies in 2020.

**STANDING COMMITTEE REPORTS:**

- A. Finance Committee: No report
- B. Safety Committee: No report.
- C. Public Utilities: No report.
- D. Service and Public Facilities Committee: No report.
- E. Planning and Economic Development Committee: No report.
- F. Administration Committee: No report.
- G. Grants and Non-Profit Funding: No report.

**REPORTS OF REPRESENTATIVES:**

- A. Council Representative to MORPC: City Manager Stefanov reported that the Regional Housing Strategy (RHS) would be released to the public on September 2<sup>nd</sup> at 10 am via video conference. New Albany was a community sponsor.

September 1, 2020

- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Brisk reported that the schools were ramping up their plans and getting ready to open on September 8<sup>th</sup>. Kids would start on a rotation for about a week. A little over 25% would be attending on-line only. The school hosted a “tech pick-up” the week prior. Fall sports, including some contact sports, had begun on a limited basis. Council Member Brisk commended New Albany Schools Superintendent Michael Sawyers and everyone at the schools for working hard to meet the community’s needs.
- D. Council Representative to Plain Township: Council Member Durik stated that the township met and the matters discussed did not impact the city.

**REPORTS OF CITY OFFICIALS:**

- A. Mayor: No report.
- B. Clerk of Council: Clerk Mason reminded council that the Capital Projects Workshop would be held September 11<sup>th</sup> starting at 9:30 am at the Heit Center. More details would follow. The meeting would be streamed out via Zoom webinar. There was no comment portion, but it would be available to the public. City Manager Stefanov added that the Franklin County Health Department had given its approval for this business meeting over the usual 10 person limit. The city was taking precautions to make sure all other safety requirements were met.
- C. Finance Director: Director Staats referenced the July financial report which had been distributed to their mailboxes. Due to delays in income tax filing deadlines, she wouldn’t be able to address some items until the August report. To date, revenues were slightly down, but expenditures were also lower for this time of year. Staff was continuing to monitor the budget and analyze income to stay within appropriations.
- D. City Manager: No report.
- E. City Attorney: Law Director Mitch Banchefsky reported that there was a third initiative, House Bill 745, to require employees working from home be taxed at their remote location. Senate Bill 352 had been referred to committee. The Buckeye Institute lawsuit was still early in the process. Law Director Banchefsky would continue to update council.

**POLL FOR PUBLIC COMMENT:**

NONE.

**POLL FOR COUNCIL COMMENT:**

September 1, 2020

Council Member Shull reported that a Millbrook Farm resident contacted him regarding city property versus Home Owners Association jurisdiction. Council Member Shull thanked City Manager Stefanov and Deputy Development Director Barker for helping resolve the situation. The resident was happy with the outcome.

Council Member Shull noted that the state had lowered the COVID threat level to yellow. The city’s mask mandate didn’t have a set end date, and Council Member Shull was not asking to end that requirement at this time, however, he felt the status should be discussed at upcoming meetings. With only one active case in New Albany and the state’s numbers improving, this would be a good time to have that discussion. It would be wise to wait for the kids to get back to school.

**EXECUTIVE SESSION:**

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22 (G)(1) to consider appointment of a public official. Council Member Briscoe seconded and council voted with six yes votes to go into executive session at 7:31 pm. Council anticipated action after the session.

Mayor Spalding moved that council come out of executive session and resume the regular meeting. Council Member Fellows seconded and council voted with six yes votes come out of executive session and resume the regular meeting. Council resumed the regular meeting at 8:03 pm.

**OTHER BUSINESS:**

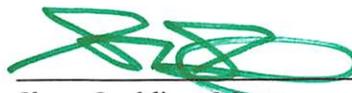
Council Member Fellows moved to appoint Tricia Bhat to the Parks and Trails Advisory Board to complete the unexpired term ending 12/31/22. Council Member Shull seconded and council voted to approve the motion appointing Tricia Bhat to the PTAB for the term specified.

**ADJOURNMENT:**

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Kist seconded to adjourn the September 1, 2020 regular council meeting at 8:04 pm.

ATTEST:

  
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Jennifer H. Mason, Clerk of Council

  
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Sloan Spalding, Mayor

  
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Date