



Council Minutes – Regular Meeting

July 16, 2024

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of July 16, 2024 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, Management Analyst Ethan Barnhardt, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Development Director Jennifer Chrysler, City Engineer Kylor Johnson, Public Service Director Mike Barker, Public Services Engineer Justin Wilkinson, Planner II Chelsea Nichols, Chief Marketing Officer Josh Poland, and Clerk of Council Jennifer Mason.

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	P
CM Andrea Wiltrout	P

ACTION ON MINUTES:

Council adopted the July 2, 2024 meeting minutes by consensus.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Mayor Spalding stated there was a request to go into executive session pursuant to ORC 121.22(G)1 for personnel purposes. Clerk Mason requested to add an item under Other Business for some code updates. Mayor Spalding moved to amend the agenda to add an executive session pursuant to ORC 121.22(G)(1) for discussion regarding appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public official and to add “Code Updates” under Other Business. Council Member Shull seconded and council voted with 7 yes votes to amend the agenda.

HEARING OF VISITORS:

NONE

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Wiltrout reported the PC tabled The Links driving range matter at the applicants request to collect more data. The PC made it clear that was the last time it would be tabled. The PC denied an application for a Reynoldsburg-New Albany road property to be built with the concept of a home that was a 10-car garage. The denial was based on the way the property faced the street and the character of the neighborhood. There was a legal discussion on the procedure for reconsideration versus a new application. The property owner was invited to submit new application. The PC approved the rezoning for 7800 Walton Parkway to include clean and non-hazardous manufacturing uses. The PC approved a rezoning of 108 acres on Ganton Parkway. The existing zoning contained the right to develop 294 single-family detached residential units, a small amount of commercial uses, and community facilities. The rezoning included 3 subareas for medical, residential,

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and office space uses. The residential units would be developed under the Urban Center Code. The PC approved a McDonald's Final Development Plan (FDP) and variance at Beech Road/Beech Crossing. The variance was needed to take out the requirement for active and optical doors facing the road. The PC found that all of the proposed signs met city code. The PC heard a preview of the Hamlet at Sugar Run plan from staff. The applicant was unable to attend due to medical issues. The PC discussed the plans and process with staff, including city board requirements.

Council Member Kist asked and Council Member Wiltout confirmed that the Hamlet FDP would not come before council.

Council Member Fellows asked and Council Member Wiltout answered that the Ganton Parkway development original zoning was for 294 single-family detached residential homes.

Mayor Spalding stated and Council Member Wiltout agreed that, without the rezoning, the Ganton Parkway development had entitlements for 294 residential units. The original Planned Unit Development (PUD) was established in 1994 and didn't allow for the amount of commercial uses now requested. The rezoning was for a new PUD that retained the residential units and put them in a smaller area to build parkland and commercial uses. The developer may not build all of the residential units allowed.

Director Chrysler added that the rezoning was C-PUD to C-PUD because of the amount of acreage. The exact configuration of the single-family residential, attached or detached, would come later with the FDP. The rezoning application asked to add medical office and civic park uses. The 294 residential units was a maximum and was consistent with current zoning, therefore, that number had already been included in the school's future planning and projections.

Council Member Durik asked if there was any revision to the percentages of the commercial or medical uses. Were there any limitation or requirements? Council Member Wiltout replied the acreage was split into subareas and uses were not expressed as a percentage.

Tom Rubey, Director of Planning, The New Albany Company (NACO), stated the 108 acres were divided into 3 subareas. Subarea 1 was 25 acres for medical uses on north side of the Ganton Parkway extension. Subarea 2 was 18 acres for office- and medical-type uses on north side of Ganton Parkway. Subarea 3 was 65 acres on the south side of Ganton Parkway, roughly 40 acres would be for residential and 15 acres would be for parkland. The school district made a formal request for NACO to donate 15 acres of park in subarea 3. The residential subarea would contain 294 units on 80-foot lots. The zoning, if approved, would allow those units to be developed under the UCC. Mr. Rubey described them as detached, more Village Center-like. There had been dialog with the school district over the past several months about the load impact. The schools requested a design that would hopefully yield a lower impact. That's why NACO was requesting the UCC model. He didn't know what the units would look like. They were headed in a direction to respond positively to the school district.

Council Member Fellows asked and Mr. Rubey replied that he didn't know what the average selling price for the residential units would be. The school district asked for 15 acres for ball parks. There had been schematic, low-level diagrams. He didn't the residential unit type yet, other than as described to be consistent with the Urban Center. Council Member Fellows wanted to know if the price of the home would pay for the kids it would generate to go to school. Was that a target? Mr. Rubey stated the school district asked NACO not to duplicate a Windsor-type product. That's what they're doing.



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PARKS AND TRAILS ADVISORY BOARD: No meeting.

ARCHITECTURAL REVIEW BOARD: Council Member Brisk reported that the ARB approved a Certificate of Appropriateness (COA) for the Ganton Parkway development. As she understood it, the 1998 C-PUD already permitted everything the applicant was requesting, excepting the subarea with hospital/medical/office uses. The ARB would be seeing the project in the future. The ARB denied the Columbus Metropolitan Library’s (CML) request for a wall mounted, off-center sign on the back of their building. The applicant came with 4 options and the ARB picked none. Their denial wasn’t based on the sign, it was the placement. Georgian architecture emphasized symmetry. The library couldn’t center their sign without removing a significant tree. The ARB made an alternative suggestion.

Council Member Kist asked and Council Member Brisk stated the proposed library sign was rear-facing. Council Member Durik asked and Council Member Brisk answered that former CML president and New Albany resident Pat Losinski had reported that residents wanted a rear-facing sign to be able to identify the library from the Raines Crossing bridge. There was now more pedestrian traffic coming from that direction.

The ARB approved an application for a COA for the Church of the Resurrection regarding to build a parish community center attached to the existing church, a life center, a storage building, parking spaces and a change parking flow, and changed landscaping. Council Member Brisk passed around the plans. The ARB liked architecture, but had expressed concerns about view from road. The church came back with more detail about the external view, including a commitment to some mounding and landscaping. The church had a vision of a phase 3, but had not committed to it yet. The phase 3 vision was included in plan. The ARB’s COA approval was subject to conditions involving city staff.

BOARD OF ZONING APPEALS: No meeting

SUSTAINABILITY ADVISORY BOARD: No meeting.

IDEA IMPLEMENTATION PANEL: Council Member Wiltout reported that the IDEA Panel’s Community Connector Program kicked off at the recent amphitheater summer concert. Panel members and staff encouraged residents to take on a role as a Community Connector. The IDEA Panel hoped to have another meeting soon, per the proposed ordinance on council’s agenda.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-23-2024

Mayor Spalding read by title AN ORDINANCE TO CREATE CHAPTER 138 “IDEA IMPLEMENTATION PANEL” OF THE CITY OF NEW ALBANY, OHIO’S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY.

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Clerk Jennifer Mason stated IDEA Implementation Panel members' 2-year terms were up as of June 30, 2024. Council Member Wiltout had approached Clerk Mason about turning the panel into a typical city board. Clerk Mason modeled this legislation after the 2021 Sustainability Advisory Board (SAB) ordinance, O-19-2021. Since first reading, and after council discussion, the word "policies" was removed from section 138.02, leaving "programs" remaining. Section 138.06(b), referencing the 2021 IDEA Committee report, was removed entirely. Section 138.04 which dealt with ABSENCES was re-written to generally reference the standard board and commission rules on absences. That way, if council ever changed that policy, it wouldn't have to change this piece of code.

Council Member Wiltout introduced IDEA Panel members Brianna Johnson and Marie Alvarado in the audience. Council Member Wiltout described the history of the IDEA initiative and talked about IDEA events thus far. They were already setting up for Diwali and were awarded a \$3,000 grant for Diwali fireworks. They were getting more corporate sponsorships, showing a desire from New Albany's business partners to participate in these events. The recent resident survey showed that over 1/3 of residents attended an IDEA program and enjoyed it. She was asking council to allow this board to exist on an ongoing basis. The requested changes from the last meeting were incorporated and she'd received and incorporated some additional changes from Council Member Shull.

Council Member Shull stated he was fine with the proposed changes. He asked Law Director Albrecht, regarding 138.06 Powers and Duties, section (d), "...undertake such other assignments or studies on inclusion, diversity, equity, and accessibility issues as may be requested by Council and/or City Manager" - the "as may be" - was that the same as saying, "as requested by"? Law Director Albrecht answered, yes. Council Member Shull said, if council or the city manager requested something, then that would allow the committee to follow-up on that. Law Director Albrecht affirmed that statement.

Council Member Fellows agreed with the proposed changes. He had a concern that he wished he'd brought up at the last meeting. He wasn't going to make a proposal to change it, but he would have liked to have seen a change from "equity" to "equality." He wanted to state for the record that he thought it would be more appropriate. Other than that, he was fine with the proposal. Council Member Shull indicated agreement. Mayor Spalding appreciated that those words meant different things to different people. He asked if there was a reason not to include them both. Council Member Brisk and Council Member Wiltout were okay with change, but didn't want to change groups' "IDEA" name. Council Member Fellows agreed with that. Council Member Fellows stated the words meant vastly different things and there was a lot of debate on how both of those words should be used.

Council Member Fellows moved to amend the ordinance to add "equality" in the body of the text in sections 138.02(a) and 138.06(b), to be included next to the word "equity." Council Member Shull seconded and council voted with 7 yes votes to amend the ordinance. Motion passed.

Council Member Wiltout moved to treat Ordinance O-23-2024 as an emergency for the immediate preservation of the public welfare and so that the IDEA Implementation Panel could continue working on the imminent and upcoming IDEA Panel-organized events. The declared emergency status would waive the 30-day waiting period, making the ordinance effective upon passage that night. Council Member Shull asked why the ordinance was being treated as an emergency. Mayor Spalding responded that the panel member's terms had expired and they wanted to get members appointed without waiting. Council Member Brisk seconded and council voted with 7 yes votes to treat Ordinance O-23-2024 as an emergency. Motion passed.



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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 Fellows move to adopt Ordinance O-23-2024. Council Member Wiltrout seconded and council voted with 7 yes votes to adopt Ordinance O-23-2024. *Clerk's note: see treatment as an emergency ordinance above.*

Mayor Spalding thanked the IDEA Panel members present for their support and efforts to make this a successful endeavor for the city and community. Council Member Brisk stated these panel members were an example of many people who had done a lot of new work for city. It was wonderful to work with them. Council Member Wiltrout stated she was looking forward to the work to come.

INTRODUCTION AND FIRST READING OF ORDINANCES:

NONE

READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-31-2024

Mayor Spalding read by title A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDSTATES RECREATION FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FOR WINDSOR PARK THROUGH A COOPERATIVE PURCHASING AGREEMENT AS AUTHORIZED IN CODIFIED ORDINANCE 123.121 (b).

Planner II Chelsea Nichols stated the city made plans to update the Windsor playground in 2024. The updates were the result of recommendations from the city’s Parks Framework Plan. City staff conducted public outreach, starting with mailing postcards to all 270 Windsor subdivision households, inviting them to complete a survey and attend the Windsor Park Public Workshop. Staff received a total of 209 survey responses. The workshop displayed the survey results and took more resident feedback. Staff estimated the number of school-age children who might use the playground by counting the households within a ¼ mile radius of the park and comparing it to other similar updated parks. They also calculated it using existing data. The Windsor playground had the highest number of school-age children living within a ¼ mile radius/5-minute walk. The proposed design was the direct result of input from Windsor residents. The city received competitive pricing for the installation of the playground equipment from Midstates Recreation through the Sourcewell Cooperative Purchasing Program for approximately \$840,000. Funding for the construction of the park update was approved in the 2024 Capital Improvement budget at \$750,000. While the proposed design exceeded the budgeted amount, there was extra capacity in other capital line items to cover the increased price without impacting other capital projects. Should council approve this resolution, staff would continue communicate with Windsor residents. Demolition of the current playground could start in mid-September, with completion anticipated in mid-November of 2024.

Council Member Kist thanked staff for the outreach. He knew it wasn’t the easiest task, especially for a playground. He recalled the city taking heat for some other renovated playgrounds. The proposed product looked amazing and would be an asset to the community.

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Council Member Shull asked and Director Joly confirmed that the budget overrun could be attributed to the additional bay spots for swings. The top 5 play elements, per the survey, were swings, slides, hide, climb, and balance. Swings were always popular, but they took up a lot of area because of the fall zone and poured-in-place surface. To accommodate residents, requests, the proposed swing had a 5-bay swing set: 2 standard swings, 2 infant/toddler swings, 1 basket, 1 ADA swing, plus 1 mommy-and-me swing. This added to the cost because more poured-in-place surface was required. Putting in all of those elements on the north side allowed the plan to include more equipment on the current footprint.

Council Member Shull understood that the usual amount the city paid was \$620,000. This would be the most expensive playground the city had built to date. Director Joly agreed. The surface would be poured-in-place rubberized surface and the same color used at the other playgrounds. Taylor Farm Park had a bonded rubber surface. The Windsor Park surface would look more like the ones at North of Woods and Byington. This year's budget allowed \$1 million for a concept study for Taylor Farm phase 3. The city could use some of that money without impacting the study of Taylor Farm.

Council Member Kist stated he thought the Windsor Park design was a degree above the other parks because of the size of the subdivision and the number of households it would serve. He believed this park, by far, would get the most use. Director Joly agreed and clarified that the use projections were for school-aged children, not toddlers, infants or other groups. Council Member Wilttrout noted her kids were in Windsor a lot, it was a hot spot. She thought this was a good investment.

Council Member Fellows asked and Director Joly answered that, if approved, the proposal would be finalized and equipment ordered that week. Slides required the longest wait time. Demolition would start in mid-September. They estimated finishing construction in mid-November.

Council Member Brisk thought this was timely because, looking at the proposed Ganton Parkway development and more kids crossing through Windsor for school, this park would benefit more than the Windsor neighborhood.

Council Member Kist asked and Director Joly answered that the slides were metal, the same as in Taylor Farm Park. Director Joly stated that the city could install plastic slides, but they also got hot. Changing the material was not a heat solution. Council Members further discussed various park slides and the universal experience of hot slides. There were no shade coverings over the school's slides. Council Member Kist was fine with the slides and didn't want the city to commit to a shade structure, as well.

Mayor Spalding recalled a list of playgrounds that the city took over and a second list where the city worked with the home owners association (HOA) to help construct. Director Joly responded that, according to the city's data, Windsor Park was the last playground transferring to city, which transfer would be complete in November. The city's practice, in the last 12 years or so, had been that the city owned the parkland and the HOA was responsible for all ongoing maintenance. Millbrook Farms, Ebrington, possibly Skarlocken – there were 4-5 parks under HOA control forever that the city did not have an obligation for. The Links playground renovation cost was split with HOA, however, that park was originally installed by city, not the developer.

Council Member Fellows asked and Director Joly replied that the city had not received any negative feedback on The Links park since renovation.

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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 Wiltout seconded and council voted with 7 yes votes to approve Resolution R-31-2024.

COUNCIL SUBCOMMITTEE REPORTS:

NONE

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No report.
- B. Council Representative to Joint Parks and Recreation: Council Member Shull reported the pickleball tournament was slated for the coming weekend. There would be 167 players with 4-5 states represented. There would be prizes and giveaways, it would be a fun weekend. Mayor Spalding praised staff for quickly repairing the courts after the severe weather. Council Member Shull thanked the Public Service Department for that and all of their other support of the event including parking, signage, electric, WI-FI, and more. He asked Chief Marketing Officer Josh Poland to put a note in the newsletter to remind everyone that courts will be closed to the public during the event.
- C. Council Representative to New Albany-Plain Local Schools: Council Member Kist reported the school board presented their facilities plan update. They were reviewing the new building, particularly changing the exterior elevations from brick to possibly board and baton. The change could save \$1 million and the school board had contacted the ARB for feedback. The board passed a resolution to approve 2 bond options, (1) for a new .55 mill tax levy in 2 phases, total not to exceed \$150 million and, (2) the same scope and phased, but requiring partners to reduce the total to \$135 million, meaning no new taxes for school district residents. The board would have to decide which option to select soon. The district currently had 5,100 students. If all improvements were done and a new building were constructed, that would increase capacity to 7,500 students. Based on current projections, that capacity would be good for 10 years. The schools were currently at built capacity. The new building would include academic centers and labs, in addition to classrooms. The board was working with The New Albany Company and the city regarding property that school district wanted for ball fields, a new bus garage, and with Plain Township for a new substation for the fire department. The board approved a formal request for those items.
- D. Council Representative to Plain Township: Council Member Durik reported that the township discussed its levy to go on the November ballot, an operating levy or an operating levy plus capital for an auxiliary fire station. The board approved a resolution of necessity to replace the 1983 levy with a new 3.0 mill levy and potentially a 2.25 mill levy. The trustees would consider those options. They also asked for new resolution of necessity to reduce the 1983 levy. They had to decide by the end of the following week. Trustee Mollard shared that the City of Columbus delayed, for an unannounced amount of time, the building of its new fire station #36 on Central College Road. Columbus was trying to reduce the initial \$21 million cost to \$15 million. Although the station was

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approved 3 years prior, there was no timeline on the new station. Plain Township would continue to be on call for that area for a long while. The fire department conducted a controlled burn last week and this week. Council Member Durik commended the city’s communication and marketing team for getting footage. Council Member Durik also got to go into the burn and described the remarkable experience. A city-produced video had been released on social media. Council Member Durik expressed his prior and newfound respect for firefighters. Council members discussed the planned burns and the city’s partnership with the Plain Township and the Joint Park District on resident messaging.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding thanked everyone for their participation in the Independence Day parade. The route was packed. There were ongoing discussions about increasing the route length. He praised the fireworks and band. He further thanked Public Service Director Mike Barker and Public Services Engineer Justin Wilkinson for their team’s quick work on the SR 605 drop lane. Engineer Wilkinson shared the credit with the contractor.
- B. Clerk of Council: Clerk Mason explained the new fraud training requirement from the Auditor of State. She reminded council to send back their certificate and acknowledgement once they completed the training. Clerk Mason reported an opening on the Community Improvement Corporation and confirmed that council wished to advertise the opening. Clerk Mason thanked Finance AP Technical Candy Cook, Deputy Clerk Christina Madriguera, Public Service, Police, and Council Members for their participation in and support for the July 4 parade.
- C. Finance Director: No report.
- D. City Manager: No report.
- E. City Attorney: No report.

POLL FOR PUBLIC COMMENT:

NONE

POLL FOR COUNCIL COMMENT:

Council Member Wiltout thanked the Public Service Department for the continued construction and improvements at Taylor Farm. The newly installed bridges were amazing. Council Members concurred the bridges were much needed and appreciated.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant New Albany Charter Section 4.03 (E) for economic development purposes and pursuant to ORC 121.22(G)(1) for discussion regarding appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public official. Council Member Shall seconded and council voted with 7 yes votes to go into executive session at 7:35 pm.

Council Member Shall moved that council come out of executive session and resume the regular meeting. Council Member Kist seconded and council voted with 7 yes votes to come out of executive session and resume the regular

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meeting. Council resumed the regular meeting at 9:01 pm.

OTHER BUSINESS:

Code Updates – city board “policy” language:

Clerk Mason asked, after council’s discussion about the word “policies” in the IDEA Panel code, if council would like her to write up an ordinance that removed “policies” from the SAB code. She stated that “policies” was not in the Cemetery Restoration Advisory Board (CRAB) or Parks and Trails Advisory Board (PTAB) ordinances.

Council Member Brisk thought council should ask staff to take a look at all of the city’s advisory boards, including the PTAB. She wanted to make sure council was consistent with its intentions and have staff take a look at all of it, provide a comparison, and all of council could talk about how to proceed. Based on the mayor’s recommendation, which made sense to her, it had to be council’s policies, not the board’s policies. The question was whether there should be an opening in the verbiage for council to ask a board for advice regarding council’s policy making when council so chose. Council Member Brisk thought council should come up with a consistent way of saying that in each of these boards.

Council Member Kist stated it sounded to him as though staff had reviewed them. Clerk Mason replied she had only reviewed the language for the word “policies.”

Council Member Shull stated, with all of the boards/commissions/panels going online at so many different times, it was probably a good idea to consolidate them all using very similar language. He agreed with Council Member Brisk.

Council Member Brisk thought it should be the same for attendance issues. It could all be part of the same review.

Council Member Shull believed the IDEA language just approved would be a good template.

Clerk Mason asked and City Manager Stefanov confirmed that council had given good direction to staff.

Code Updates – city board absence language:

Clerk Mason passed out city code chapter 159.02 for council’s review. *Clerk’s note: See below.* It contained suggested language from Law Director Albrecht which allowed council to excuse absences only under certain circumstances. The current absence language mirrored council’s absence language in their rules. Clerk Mason asked if the proposed new the language reflected council’s intentions.

159.02

(d) Attendance of Members. Attendance is defined as in-person presence during the hearing and consideration of applications without a conflict of interest before that commission/board at that meeting. Attendance of all current serving members of the commission/board is encouraged, and three (3) consecutive absences by any member or four (4) absences in any 12-month period shall be considered a forfeiture of the membership to the commission/board. Unless the board/commission member’s absence is

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“excused,” as determined in the sole discretion of City Council, due to an illness, injury, or other emergency circumstance of the member, or an immediate family member, the forfeiture would occur regardless of the reason for the absences. The applicable department designee would then notify the clerk of council so that they can inform council that a new appointment needs to be made.

Council Member Shull asked, in the event of a work-related absence, could that be considered an emergency circumstance of the member. He didn’t see that in the suggested language. He understood it was still at the sole discretion of city council for it to be excused or not excused.

Law Director Albrecht replied, the way it was written, council would have discretion to determine whether or not the work-related incident, in fact, qualified as an emergency on a case-by-case basis.

Council Member Wiltout could see a situation with a service member whose job it was to respond to an emergency - that would be a work-related excuse that constituted an emergency.

Council Member Brisk believed this language worked well for a board that met every few months. Was council okay with the same hard absence numbers for a board that met several times a month? Council Members Wiltout and Shull agreed that the Planning Commission (PC) was currently meeting more often. Council Member Brisk asked if someone from the PC was missing more than 4 meetings per year, was council okay with the forfeiture being automatic unless, in council’s discretion, they determined there was an emergency?

Council Member Wiltout believed the proposed language was okay because the PC was so important. Board members needed to be involved in those discussions. If a member couldn’t meet the cadence of those meetings, perhaps that was not the right board for them.

Council Member Brisk stated she was thinking of other board members who meant a great deal to the board, they put a lot of homework in, but also were retired empty nesters and going on vacation a couple times a year, sometimes to Europe. If there was a meeting every other week for a year, 4 missed meetings wasn’t much. She was less comfortable with that number.

Clerk Mason suggested additional provisional language if a board met more than 1 time per month.

Council Member Kist thought there were 2 categories, PC and the other boards. Council Members concurred that PC was the only board meeting more than once per month on average. Council Members further discussed the various boards’ meeting frequency, the unpredictability of meeting cadence, the 12-month rolling basis to count missed meetings, council’s discretionary determination, and council’s annual review of attendance when regular board member terms were up for renewal. Council members further discussed how the 3-4 meetings missed could cover vacation travel.

Council Member Wiltout asked if the language could be changed to strike, “regardless of the reason for the absences.” She would finish that line with “..., the forfeiture will occur.” Clerk Mason agreed.

Mayor Spalding asked if a formal council motion would be required to excuse a board member’s absence. Would they fill out a form?

Council Member Brisk didn’t like putting the burden on the board member to come to council to request the excuse. Mayor Spalding stated he wasn’t looking to be the attendance police, perhaps there could be a council subcommittee. Council Member Brisk though the burden would be on the board’s council liaison.

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Council Member Kist agreed, the council liaison could reach out to the board member. Council Members further discussed how that type of conversation had gone well for them in the past.

Council Member Wilttrout asked if additional language needed to be added to indicate a process. Several council members preferred not to spell out a process in case it changed.

Council Member Brisk asked again if the policy should be different for PC. Council Member Kist responded, if it became a problem, council could revisit the policy. It hadn't been an issue. Council Member Wilttrout concurred.

Council Member Brisk asked Law Director Albrecht, by making this the ordinance, if council didn't notice it to members, had they waived it for others when it was noticed. Law Director Albrecht answered, generally, probably not. There was a lot that went into knowledge and notice. He thought council was good, he wouldn't worry about it.

Council Member Brisk asked, if a PC member missed more than 4 meetings and no one noticed so it never became an issue, did that mean council couldn't enforce it when it was an issue? Law Director Albrecht confirmed that that was not a problem.

Clerk Mason stated that the attendance policy should be coming up during the board's annual organizational meetings. Hopefully, the policy was on the agenda. As clerk, she read the policy aloud at the organization meetings she staffed. Everyone should be getting an annual reminder.

Clerk Mason clarified the new proposed language as follows: "The forfeiture would occur unless the board/commission member's absence is "excused," as determined in the sole discretion of City Council, due to an illness, injury, or other emergency circumstance of the member, or an immediate family member." Council members agreed. Clerk Mason stated she would prepare an ordinance.

IDEA Implementation Panel Appointments

Council Member Wilttrout moved to appoint the following members to the IDEA Implementation Panel: Marie Alvarado, Connor Berry, and Dr. Taru Saigal to terms beginning 7/16/2024 and ending 6/30/2025. Council Member Kist seconded. Council voted with 7 yes votes to appoint the panel members for the term specified. Motion passed.

Council Member Wilttrout moved to appoint Dr. Brianna Johnson to the IDEA Implementation Panel to the term beginning 7/16/2024 and ending 6/30/2026. Council Member Kist seconded. Council voted with 7 yes votes to appoint Dr. Johnson for the term specified. Motion passed.

Council Member Wilttrout asked for Clerk Mason to put out a call for applications for the 3 IDEA Implementation Panel vacancies.

Marijuana Sales Legislation Discussion

Mayor Spalding recalled the Ohio Issue 2 ballot initiative wherein Ohio voters legalized recreational marijuana sales. Municipalities had the right to determine whether or not they wanted to put a limitation on commercial cultivation, processing, dispensing, and retail sales. Time was growing short for regulation to take place, if council wanted it. Mayor Spalding had asked the city manager and law director to draft legislation to accomplish that and wanted to discuss it with council members. Council had previously approved similar legislation regarding medical marijuana cultivation and sales. This would follow previous precedent. Mayor Spalding believed there was an existing medical marijuana dispensary on Thompson

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Road by Hamilton Road, not inside New Albany corporation limits. His understanding of the new law was that it would allow the medical marijuana dispensary to sell recreational marijuana.

Council Member Kist asked and Mayor Spalding replied that the drafted legislation took the existing language for medical marijuana and revised it to apply to recreational and medical marijuana. It clarified that neither nor recreational retail sales would be permitted. Council Member Fellows stated he supported that.

Council Member Wiltout asked and Mayor Spalding answered that council initially banned medical marijuana to indicate to the would-be market place that those types of activities weren't something New Albany was willing to accept. The city had a lot of zoning that did the same for other types of businesses where that type of activity would not be welcome in New Albany. Also, at the time, the City of Johnstown made it very clear that they were inviting medical marijuana cultivation and processing. Council Member Shull and Council Member Durik agreed with Mayor Spalding's recollection of events.

Council Member Brisk remembered that, in the past, the city didn't know what that business would look like or what would be going on. What she had seen and what seemed to be happening - that actually didn't bother her if it were in New Albany, but she also didn't feel the need to have it here either. She was fine passing an ordinance making it not allowed. The one thing that did concern her was that it was still a cash-only business and that created risk of more theft and related issues.

Council Member Durik stated he was leaning towards not having it in the community. He pointed to the business at Hamilton and Thompson roads. There would be enough places on the city's periphery that were easily accessible to people. He didn't think New Albany had to provide it. He thought there were plenty of residents who would partake, but also a lot would say it would be nice not to have it in the community.

Council Member Wiltout stated, "we don't know what we don't know." New Albany was a frontrunner in so many business opportunities in the central Ohio region. This didn't have to be another one. She thought the city should see how it plays out. Hopefully, the financial transactions could become more streamlined. She would like to revisit this 3-5 years later, see how the marketplace looked, see if other communities had had success. She would not want to do it right now.

Council Member Kist agreed with Mayor Spalding that it would be readily available to residents whether it was in New Albany or not. He thought, realistically, there were a lot of landlords with restrictions in their leases that would prevent a lot of these facilities. There were already layers in the community that prevented this use. He felt comfortable passing legislation.

Council Member Brisk noted that, once one of the city's landowners signed a lease, it was too late for the city to say it was illegal. Council could always pass legislation making it illegal and then change its mind.

Council Member Durik asked how quickly council should act. City Manager Stefanov answered that staff could prepare legislation for the next council meeting. It could be expedited. Law Director Albrecht confirmed. Council members asked and Law Director Albrecht concurred it could be passed as an emergency. Several council members asked if it could be passed that evening. Council and staff discussed the requirement for public notice. Mayor Spalding stated it would be on the next agenda and council could determine, based on the proposed ordinance, whether or not an emergency would be appropriate.




Council Minutes – Regular Meeting

July 16, 2024

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Council Member Kist moved and Mayor Spalding seconded to adjourn the July 16, 2024 regular council meeting at 9:27 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan T. Spalding, Mayor


Date