



Prepared: 10/06/2017
Introduced: 10/17/2017
Revised:
Adopted: 10/17/2017
Effective: 10/17/2017

ORDINANCE O-18-2017

A ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT WITH THE OHIO WATER DEVELOPMENT AUTHORITY, REQUESTING THE NEW ALBANY COMMUNITY AUTHORITY TO ISSUE MULTIPURPOSE INFRASTRUCTURE IMPROVEMENT BONDS, AND AUTHORIZING AND APPROVING THE ASSIGNMENT OF COMMUNITY DEVELOPMENT CHARGE RECEIPTS OF THE NEW ALBANY EAST COMMUNITY AUTHORITY TO THE NEW ALBANY COMMUNITY AUTHORITY IN SUPPORT OF THOSE BONDS, AND MAKING APROPRIATIONS, ALL IN SUPPORT OF PUBLIC INFRASTRUCTURE FOR THE TURNSTILE PROJECT, AND DECLARING AN EMERGENCY TO WAIVE BOTH THE SECOND READING AND THE THIRTY-DAY WAITING PERIOD

WHEREAS, on August 15, 2017, Sidecat LLC announced plans to open a 970,000 square-foot data center in the New Albany International Business Park (the "Project"); and

WHEREAS, the Project's construction is expected to employ up to 1,688 local workers, provide up to \$77.7 million in wages for those workers, and inject an additional \$243.5 million into the local economy's supply chain; and

WHEREAS, development of the Project will require large investments in public roadway and water and sewer infrastructure; and

WHEREAS, the City has submitted an application to the Ohio Water Development Authority ("OWDA") for a Local Economic Develop (LED) draw down loan in an amount up to \$19,869,400 to fund those water and sewer improvements (the "Water and Sewer Improvements") ; and

WHEREAS, the City anticipates that certain necessary improvements to Beech Road (the "Beech Road Improvements," and collectively with the Water and Sewer Improvements, the "Infrastructure Improvements") will be financed through the issuance of Multipurpose Infrastructure Improvement Bonds by The New Albany Community Authority (the "NACA Bonds"); and

WHEREAS, the NACA Bonds may be secured, in part through the levy of community development charges of The New Albany East Community Authority ("NAECA") which may be assigned to The New Albany Community Authority ("NACA") for such purpose; and

WHEREAS, the City, having the appropriate legal authority, desires to assist in procuring the Infrastructure Improvements and providing for their financing to encourage the development the Project; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and for the further reason that this ordinance is required to be immediately effective to provide for the timely provision of public infrastructure in support of the Project.

NOW, THEREFORE, BE IT ORDAINED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. OWDA Loan to Finance Water and Sewer Improvements. The Council authorizes the City Manager to enter into a Loan Agreement with OWDA for an LED loan (the "OWDA Loan") in an amount not to exceed \$19,869,400 to finance the Water and Sewer Improvements, with the terms of that Loan being substantially the same as the terms reflected in the Loan Application previously submitted to the OWDA by the City.

Section 2. NACA Multipurpose Infrastructure Improvement Bonds to Finance Beech Road Improvements. The Council requests that NACA issue the NACA Bonds, in an amount not to exceed \$10,000,000, to fund the Beech Road Improvements. The City Manager is directed to convey this request to The New Albany Community Authority.

Section 3. Assignment of NAECA Community Development Charges. The City Manager is authorized to execute any documents required to assign to NACA receipts of NAECA from its community development charge to secure the payment of debt service charges on the NACA Bonds.

Section 4. Appropriation. There is hereby appropriated:

- (a) For the Beech Road Improvements, from the City's Economic Development Capital Improvement Fund (No.422.705.525503) an amount not to exceed \$11,800,000 (\$9,300,000 from the proceeds of the NACA Bonds and \$2,500,000 from a combination of monies received for that purposes from the Ohio Development Services Agency and the Ohio Department of Transportation); and
- (b) For the Water and Sewer Improvements, from the City's Water & Sanitary Sewer Improvement Fund (No. 405.705.525503) an amount not to exceed \$19,869,400 from the proceeds of the OWDA Loan.

Section 5. Further Authorizations. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including but not limited to making application and preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Ordinance and the transactions referenced or contemplated herein.

Section 6. Compliance with the Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and any of its committees, and that all deliberations of this Council an any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

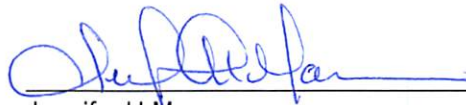
Section 7. Effective Date. By reason of the emergency set forth in the preamble hereto, and pursuant to Article 6.07(A) of the New Albany Charter, this ordinance shall become effective immediately upon adoption.

CERTIFIED AS ADOPTED this 17 day of Oct, 2017.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchevsky
Law Director



Prepared: 09/26/2017
Introduced: 10/17/2017
Revised:
Adopted: 10/17/2017
Effective: 10/17/2017

RESOLUTION R-51-2017

A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR FRANKLIN COUNTY

WHEREAS, New Albany has the statutory authority to create various zones that provide economic development incentives, which include Enterprise Zones, Community Reinvestment Areas and Tax Increment Financing Districts; and

WHEREAS, upon their creation of such zones, New Albany may consider entering into agreements with private sector entities engaged in economic development which divert or abate tax revenues as an incentive to encourage particular economic projects to occur; and

WHEREAS, in the creation of these zones, O.R.C. 5709.85 provides that a Tax Incentive Review Council (TIRC) shall be as required to review these agreements between New Albany and the private sector entities to establish compliance to the terms of the agreements; and

WHEREAS, the New Albany-Franklin County TIRC is mandated to review and make formal recommendations as to the compliance of the terms of each tax increment finance (TIF) and community reinvestment area (CRA) agreements within its zone on an annual basis prior to September 1 for the preceding year that concluded on December 31; and

WHEREAS, the recommendations of each TIRC is required to be forwarded to council within 60 days of making the recommendation and council is required to act upon those recommendations.

NOW, THEREFORE, BE IT RESOLVED by Council for the city of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. That the New Albany- Franklin County Tax Incentive Review Council met on August 29, 2017.

Section 2. Council will consider the recommendations for CRA agreements made by the New Albany-Franklin County TIRC as described below:

- i. Central College – Discover Properties (Data Center): approved
- ii. Central College – PharmaForce, Inc.: approved
- iii. Central College – Nationwide: approved
- iv. Central College – Motorists: approved
- v. Central College – TJX: approved
- vi. Central College – New Albany Center of Technology (NACOT I & NACOT II): approved
- vii. Central College – PCM, Inc.: approved
- viii. Central College – Ohio Power Company: approved
- ix. Oak Grove – New Albany Company (Tween): approved

- x. Oak Grove – Abercrombie & Fitch: approved
- xi. Oak Grove – BEF Mgmt., Inc. (Bob Evans): approved
- xii. Oak Grove – Smith's Mill Ventures: approved
- xiii. Oak Grove – Medical Office Building II – Equity (NAMC II): approved
- xiv. Oak Grove – Commercial Vehicle Group: approved
- xv. Oak Grove – Water's Edge Campus: approved
- xvi. Village Center – Market Street Retail/Medical Office Building (DNA MM I) - approved

Section 3. Council accepts the recommendation for continuance of the TIF Agreements made by the New Albany-Franklin County TIRC.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 5. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 17 day of Oct, 2017.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director



Prepared: 09/26/2017
Introduced: 10/17/2017
Revised:
Adopted: 10/17/2017
Effective: 10/17/2017

RESOLUTION R-52-2017

A RESOLUTION AFFIRMING THE RECOMMENDATIONS OF THE NEW ALBANY TAX INCENTIVE REVIEW COUNCIL FOR LICKING COUNTY

WHEREAS, New Albany has the statutory authority to create various zones that provide economic development incentives, which include Enterprise Zones, Community Reinvestment Areas and Tax Increment Financing Districts; and

WHEREAS, upon their creation of such zones, New Albany may consider entering into agreements with private sector entities engaged in economic development which divert or abate tax revenues as an incentive to encourage particular economic projects to occur; and

WHEREAS, in the creation of these zones, O.R.C. 5709.85 provides that a Tax Incentive Review Council (TIRC) shall be as required to review these agreements between New Albany and the private sector entities to establish compliance to the terms of the agreements; and

WHEREAS, the New Albany-Licking County TIRC is mandated to review and make formal recommendations as to the compliance of the terms of each tax increment finance (TIF) and community reinvestment area (CRA) agreements within its zone on an annual basis prior to September 1 for the preceding year that concluded on December 31; and

WHEREAS, the recommendations of each TIRC is required to be forwarded to council within 60 days of making the recommendation and council is required to act upon those recommendations.

NOW, THEREFORE, BE IT RESOLVED by Council for the city of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. That the New Albany – Licking County Tax Incentive Review Council met on August 29, 2017.

Section 2. Council will consider the recommendations of the Licking County TIRC as described below:

- i. Oak Grove II CRA - Ohio Power & American Electric Power Service Corp. : approved
- ii. Oak Grove II CRA - Accel: approved
- iii. Oak Grove II CRA - Anomatic: approved
- iv. Oak Grove II CRA - Axiom Plastics (PJP Holdings): approved
- v. Oak Grove II CRA - Pizzuti Builders/ Multi-Tenant Building: approved
- vi. Oak Grove II CRA - VeePak Ohio: approved
- vii. Oak Grove II CRA - Knowlton Development (KDC): approved
- viii. Oak Grove II CRA - Amcor Rigid Plastics (formerly Sonoco): approved
- ix. Oak Grove II CRA - Distribution Land Corp.: approved

- x. Oak Grove II CRA - Molineta Investments, LLC/Magnanni, Inc.: approved
- xi. Oak Grove II CRA - Vadata, Inc.: approved
- xii. Oak Grove II CRA – Bocchi Laboratories Ohio, LLC: approved

Section 3. Council accepts the recommendation for continuance of the TIF Agreements made by the New Albany-Licking County TIRC.

Section 4. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 5. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 17 day of October, 2017.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director



Prepared: 10/04/2017
Introduced: 10/17/2017
Adopted: 10/17/2017
Effective: 10/17/2017

RESOLUTION R-53-2017

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A 2018 HEALTH SERVICES CONTRACT BETWEEN THE CITY OF NEW ALBANY, OHIO AND THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT AND FRANKLIN COUNTY PUBLIC HEALTH

WHEREAS, the City of New Albany is required to provide public health services including plumbing inspection services in the City of New Albany, and

WHEREAS, the District Advisory Council of the Franklin County General Health District will provide such services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: The city manager is hereby authorized to execute a contract with the District Advisory Council of the Franklin County General Health District and Franklin County Public Health to provide public health services on behalf of the City of New Albany for the period of January 1, 2018, through December 31, 2018.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article VI of the Charter of the City of New Albany, this resolution shall take effect and be in force at the earliest period provided by law.

CERTIFIED AS ADOPTED this 17 day of October, 2017.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director



Prepared: 10/06/2017
Introduced: 10/17/2017
Revised:
Adopted: 10/17/2017
Effective: 10/17/2017

RESOLUTION R-54-2017

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO

WHEREAS, the City of New Albany is located within the jurisdiction of the Solid Waste Authority of Central Ohio (SWACO); and

WHEREAS, the SWACO Board of Trustees prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, and 3734.55; and

WHEREAS, SWACO has provided a copy of the Draft Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of New Albany must decide whether it approves of said Solid Waste Management Plan within ninety (90) days of receipt of the Final Draft Plan.

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. That the City of New Albany approves/disapproves the SWACO Solid Waste Management Plan.

Section 2. The Clerk is hereby directed to send SWACO a copy of this resolution to the attention of Kyle O'Keefe, SWACO, 4239 London Groveport Road, Grove City, Ohio 43123.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 17 day of Oct, 2017.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director



Prepared: 10/06/2017
Introduced: 10/17/2017
Revised:
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Effective: 10/17/2017

RESOLUTION R-55-2017

A RESOLUTION TO PARTICIPATE IN A COALITION WITH OTHER CENTRAL OHIO MUNICIPALITIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF OHIO HOUSE BILL 49 (AMENDING REVISED CODE CHAPTER 718) AS IT RELATES TO MUNICIPAL INCOME TAX AND TO AUTHORIZE THE CITY MANAGER TO RETAIN THE SERVICES OF THE LAW FIRM OF FROST BROWN TODD LLC TO SERVE AS SPECIAL COUNSEL IN SUCH LITIGATION

WHEREAS, the City of New Albany recognizes that, as a home rule power of local self-government, municipal income tax administration and collection is vital to the health, safety and welfare of the City and its residents; and

WHEREAS, the City of New Albany relies on the revenue from efficient and effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the City and its residents; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and

WHEREAS, the established Ohio law is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that grant municipal corporations the right to administer and enforce their own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014, comprehensively rewriting the entire municipal income tax law and HB 49 in 2017, authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the City of New Albany desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the City and its residents; and

WHEREAS, it is necessary for the city to retain special counsel to provide representation in such litigation; and

WHEREAS, it is anticipated that the plaintiffs in this litigation will include numerous central Ohio municipalities and municipalities from throughout the State; and

WHEREAS, litigation costs will be shared by the participating communities, which will serve to greatly reduce the City's fees and costs; and

WHEREAS, the city manager and law director recommend that the firm of Frost Brown Todd LLC be retained based upon its expertise in the areas of municipal home rule, litigation and constitutional issues.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1: Council hereby authorizes the city manager to join a coalition of municipalities being formed to initiate litigation on behalf of the City of New Albany as a party plaintiff in litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49.

Section 2: Council authorizes the city manager to retain the law firm of Frost Brown Todd LLC as special counsel to the City and the coalition of municipalities.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 4. Pursuant to Article VI of the Charter of the City of New Albany, this resolution shall take effect and be in force at the earliest period provided by law.

CERTIFIED AS ADOPTED this 17 day of Oct, 2017.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director



Prepared: 10/05/2017
Introduced: 10/17/2017
Revised: 10/17/2017
Adopted: 10/17/2017
Effective: 10/17/2017

RESOLUTION R-56-2017

A RESOLUTION TO APPROVE THE FINAL PLAT FOR BEECH ROAD GANTON PARKWAY DEDICATION AND EASEMENTS, AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, an application to approve the Final Plat for Beech Road and Ganton Parkway has been submitted by the City of New Albany; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on October 16, 2017, recommended approval of the Final Plat; and

WHEREAS, the City Engineer certifies that the extension of Beech Road and Ganton Parkway meets all the requirements of Chapter 1187 of the Codified Ordinances, storm water management, design requirements and will meet all other requirements of the city.

NOW, THEREFORE, BE IT RESOLVED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. That the said Final Plat to create Beech Road and Ganton Parkway is attached to this Resolution as Exhibit A and made a part herein is approved.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 17 day of Oct, 2017.

Attest:


Sloan T. Spalding
Mayor

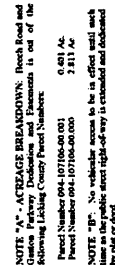

Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

DEDICATION AND EASEMENTS



ITEM TABLE				
CURVE NO.	PIVOT	ARM LENGTH	PIVOT BEARING	DESIGNED DISTANCE
1	100.0000"	100.0000"	100.0000"	100.0000"