



Prepared: 8/20/2018
Introduced: 9/04/2018
Revised:
Adopted: 09/04/2018
Effective: 09/04/2018

RESOLUTION R-27-2018

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A RELEASE, ASSIGNMENT, ASSUMPTION AND AMENDMENT TO THE OAK GROVE COMMUNITY REINVESTMENT AREA AGREEMENT DATED SEPTEMBER 2, 2011 BETWEEN THE CITY AND BEF MANAGEMENT INC

WHEREAS, the city and BEF Management Inc. (the "Company") entered into that certain Oak Grove I Community Reinvestment Area Agreement, dated September 2, 2011, (the "Existing Agreement") providing for a 100% real property tax exemption for a period of 15 years (the "Existing Exemption") for certain buildings and related site improvements (the "Project");

WHEREAS, substantial completion of the first phase of the Project was certified on October 18, 2014;

WHEREAS, the Project was transferred and sold concurrent with the Company's sale of the "Bob Evans Restaurant" chain to an affiliate of Bob Evans Restaurants LLC;

WHEREAS, concurrent with or prior to the City's approval of this Assignment, Bob Evans intends to enter into an office lease agreement with Walton Offices II, LLC for a property located within the City of New Albany, for a term of no less than eight (8) years;

WHEREAS, Bob Evans Restaurants LLC intends to continue to maintain and occupy a portion of the project as their primary corporate headquarters;

WHEREAS, BEF Management Inc desires to enter into an agreement (the "Supplement Agreement") with the city to assign rights under the CRA Agreement to Bob Evans Restaurants LLC and desires to take such assignment and to assume the obligations of Bob Evans under the CRA Agreement;

WHEREAS, the city, having the appropriate and legal authority, desires to amend the Existing Agreement with the Bob Evans Restaurants;

WHEREAS, the city has provided notice of the proposed amendment to the Eastland-Fairfield Career and Technical School District as provided in Section 5709.83 of the Revised Code and Board of Education of the New Albany Plain Local School District.

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

Section 1. Release, Assignment, Assumption and Amendment. The Supplemental Agreement between the City of New Albany, BEF Management, Inc and Bob Evans Restaurants LLC in the form presently on file with the clerk of the council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this resolution and not substantially adverse to this city and which shall be approved by the city manager. The city manager, for and in the name of this city, with the advice of the law director, is hereby authorized to execute that Supplemental Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the city, as evidenced conclusively by his execution of that Supplemental Agreement.

Section 2. Further Authorizations. This council further hereby authorizes and directs the city manager, the law director, 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 resolution and the transactions referenced or contemplated in this resolution and the Supplemental Agreement authorized and approved in this resolution.

Section 3. Compliance with the Law. Council finds and determines that all formal actions of this council and any of its committees concerning and relating to the adoption of this resolution 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 4. Effective Date. This resolution is declared to be in full force and effect from and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this 4 day of Sept, 2018.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director



Prepared: 08/23/2018
Introduced: 09/04/2018
Amended:
Adopted: 09/04/2018
Approved: 09/04/2018

RESOLUTION R-28-2018

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR THE REFERENCED PROJECT WHICH PROPOSES TO INTERCONNECT TRAFFIC SIGNALS AND UPGRADE CONTROLLER CABINETS THROUGH THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) ATTRIBUTABLE FUNDING PROGRAMS

The following constitutes the Final Resolution enacted by the City of New Albany, Ohio, in the matter of the stated described project.

WHEREAS, the State of Ohio has identified the need for the described project: Interconnect traffic signals and upgrade controller cabinets.

WHEREAS, the City of New Albany desires the State of Ohio to proceed with the aforesaid improvement.

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: Consent Statement: Being in the public interest, the City of New Albany gives consent to the Director of Transportation to complete the above described project.

Section 2: Cooperation Statement: The City of New Albany shall cooperate with the Director of Transportation in the above described project as follows:

The city hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the necessary costs of the State's highway improvement project; the city's share of the cost for the project is estimated to be \$233,200.

The city agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the city which are not necessary for the improvement as determined by the State and Federal Highway Administration.

Section 3: Utilities and Right-of-Way Statement: The City of New Albany agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal

regulations. The city also understands that right-of-way costs include eligible utility costs.

The city agrees that all utility accommodation, relocation and reimbursement will comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4: Maintenance: Upon completion of the project, and unless otherwise agreed, the City of New Albany shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

Section 5: Authority to Sign: The city manager is hereby empowered on behalf of the City of New Albany to enter into contracts with the Director of Transportation necessary to complete the above described project.

Section 6: 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 7: Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 4 day of Sept, 2017.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director

**CERTIFICATION BY CLERK OF COUNCIL
OF PUBLICATION OF LEGISLATION**

I certify that copies of R-28-2018 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on September 4, 2018.



Jennifer H. Mason, Clerk of Council

9/4/18

Date

STATE OF OHIO

City of New Albany
Franklin County, Ohio

I, Jennifer Mason, as Clerk of the City of New Albany, Ohio, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Council of the City of New Albany on the 4th day of September, 2018, that the publication of such Resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such Resolution have been taken; and that such Resolution and certificate of publication thereof are of record in the 2018 Resolutions of the City of New Albany.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 4th day of September, 2018.


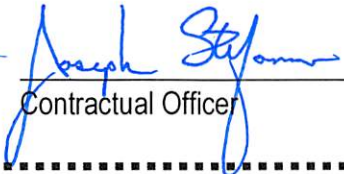


Jennifer Mason, Clerk

City of New Albany
Franklin County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of New Albany, Ohio
Franklin County, Ohio

Attest:  _____, Date 9/4/18
 _____, Date 9/4/18
Contractual Officer

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For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation



Prepared: 08/23/2018
Introduced: 09/04/2018
Revised:
Adopted: 09/04/2018
Effective: 09/04/2018

RESOLUTION R-29-2018

A RESOLUTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH MOLLARD CONSULTING, LLC

WHEREAS, it has been and remains in the best interests of the city to designate certain areas for commercial and other business development and offer economic incentives in those areas; and

WHEREAS, the city Economic Development Strategic Plan recommends that the city seeks to attract a diversity of cluster industries utilizing non-traditional incentive programs; and

WHEREAS, Mollard Consulting is a start-up small business that grew in the city's incubator, Innovate New Albany. The city launched Innovate New Albany as a comprehensive economic development strategy to attract technology startups, entrepreneurs and small businesses and keep them in New Albany. Based on year over year growth results, comprehensive examination of office space requirements, and workforce resources within the city, and induced by and in reliance on the economic development incentive provided in the Agreement as defined below authorized by this legislation, the owner is desirous of expanding in the Village Center to attract and create employment opportunities within the city; and

WHEREAS, the city has determined to offer certain economic development incentives described herein and more fully set forth in the Economic Development Agreement (the "Agreement") to induce the owner to attract employees, create employment opportunities within the city and to improve the economic welfare of the people of the State of Ohio and the City of New Albany, all as authorized in the Ohio Constitution and Revised Code.

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

Section 1. The city manager is hereby authorized to execute the Agreement and directed to take any further actions and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Agreement, provided further that the approval of changes thereto by the city manager and their character as not being substantially adverse to the city shall be evidenced conclusively by the execution thereof.

Section 2. The general terms of this Agreement are as follows:

- (a) The Company expects, no later than December 31, 2018, will have created or maintained at least 5 full-time equivalent permanent employment opportunities within an office building in the village center with an average annual payroll of \$300,000 and withholding taxes of \$6,000

- (b) Provided the job creation and income tax benchmarks set forth in the Agreement are met, the City shall provide to the Owner the following incentives:

1. Incentive Payments to the Company. During the term of this Agreement, if the actual income taxes paid to the City with respect to Company employees related to compensation for services performed by Company employees in the preceding Agreement Year, net of refunds ("*Actual Company Taxes*"), meets or exceeds the Minimum Required Withholding as set forth herein, the City shall, within ninety (90) days from the Incentive Commencement Date anniversary, pay to the Company an incentive payment (each an "*Incentive Payment*" and collectively the "*Incentive Payments*") calculated by multiplying the Actual Company Taxes by the applicable percentage as set follows:

- 40% of the Actual Company Taxes if such Actual Company Taxes are greater than or equal to \$6,000;

- (c) The term of the agreement shall be two years less than the applicable lease term with a maximum incentive term of seven (7) years.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation 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(a) of the New Albany Charter, this resolution shall take effect upon

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

CERTIFIED AS ADOPTED this 4 day of Sept, 2018.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Mitchell H. Banchefsky
Law Director



Prepared: 08/24/2018
Introduced: 09/04/2018
Revised:
Adopted: 09/04/2018
Effective: 09/04/2018

RESOLUTION R-30-2018

AUTHORIZING THE CITY MANAGER TO SEEK FINANCIAL ASSISTANCE FROM OPWC FOR FUNDING FOR THE ROADWAY INFRASTRUCTURE PROJECT GENERALLY LOCATED AT US62 & 161

WHEREAS, pursuant to Article VIII, Section 2K of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the state for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code, the District Three Public Works Integrating Committee has been created to accept, evaluate and recommend applications for state financing of capital infrastructure projects of political subdivisions in Franklin County; and

WHEREAS, pursuant to Section 164.06 of the Ohio Revised Code the Ohio Public Works Commission has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Franklin County; and

WHEREAS, the city has conducted a capital inventory and needs assessment and has determined that it is necessary to submit applications for financial assistance for capital infrastructure improvement projects.

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

Section 1. The city manager is hereby authorized to apply to the District Three Public Works Integrating Committee and the Ohio Public Works Commission for financial assistance for the Roadway Infrastructure Project Generally Located at US62 & 161 Project.

Section 2. The city manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance in conjunction with the recommendations of the city engineer, and approved as to form by the city law director in accordance with all authority granted to and limitations upon by the city's director of finance.

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation 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 the Article VI, Section 6.07(A) of the charter of the city of New Albany, this Resolution shall take effect upon passage.

CERTIFIED AS ADOPTED this 4 day of Sept, 2018.

Attest:

A blue ink signature of Sloan T. Spalding, consisting of stylized, overlapping loops and a long horizontal stroke at the end.

Sloan T. Spalding
Mayor

A blue ink signature of Jennifer H. Mason, featuring a large, circular initial 'J' followed by a series of loops and a long horizontal stroke.

Jennifer H. Mason
Clerk of Council

Approved as to form:

A blue ink signature of Mitchell H. Banchefsky, with a stylized 'M' and 'B' followed by a long horizontal stroke.

Mitchell H. Banchefsky
Law Director