



## **ORDINANCE O-33-2021**

### **AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 58.179+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY**

**WHEREAS**, pursuant to the petition filed by Underhill & Hodge, LLC, agents for petitioner, with the Licking County Development and Planning Department, on June 3, 2021, and

**WHEREAS**, the foregoing Resolution #109-131 of the Licking County Commissioners granting the petition was delivered to the City of New Albany on June 22, 2021, and more than sixty (60) days have lapsed since the Resolution of the Board of County Commissioners was transmitted to the City of New Albany, and

**WHEREAS**, pursuant to Resolution R-26-2021 of the City of New Albany, the New Albany City Manager was authorized to enter into a Roadway Maintenance Agreement with the Licking County Board of Commissioners for the maintenance of sections of roadways impacted by this annexation.

**WHEREAS**, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall immediately be zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

**WHEREAS**, the real estate is located in Licking County and is subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

**WHEREAS**, The New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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

**Section 1:** The application of property owners set forth in Licking County requesting the annexation of 58.179+/- acres, which is contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

**Section 2:** An accurate map of the territory attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

**Section 3:** Council of the City of New Albany hereby accepts the annexation of a 58.179+/- acre tract, situated in Jersey Township, Licking County, Ohio, the same being land of the owners set forth above, for annexation to the City of New Albany.

**Section 4:** The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.


**Section 5.** It is hereby found and determined that all formal actions of council concerning and relating to the adoption of this legislation were adopted in an open meeting of 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 Section 121 of the Ohio Revised Code.

**Section 6.** Pursuant to Article VI, Section 6.07(b) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

**CERTIFIED AS ADOPTED** this 21 day of Sept, 2021.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

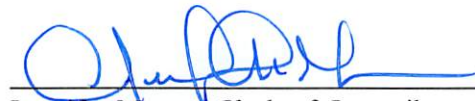
  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	08/30/2021
Introduced:	09/07/2021
Revised:	
Adopted:	09/21/2021
Effective:	10/21/2021

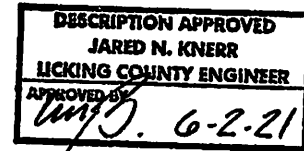
**CERTIFICATION BY CLERK OF COUNCIL  
OF PUBLICATION OF LEGISLATION**

I certify that copies of Ordinance **O-33-2021** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on September 22, 2021.

  
Jennifer H. Mason, Clerk of Council

9/21/2021  
Date

**Exhibit A**  
**PROPOSED ANNEXATION**  
**58.179 ACRES**



**FROM: TOWNSHIP OF JERSEY**  
**TO: CITY OF NEW ALBANY**

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 1, Quarter Township 2, Township 2, Range 15, United States Military Lands, being comprised of part of that 31.726 acre tract of land conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 202105060013587, all of that 11.180 acre tract of land conveyed to Mark J. Smith and Nancy J. Smith by deed of record in Instrument Number 202105060013588, and all of that 21.073 acre tract of land conveyed to Brian D. Smith and Brad A. Smith by deed of record in Instrument Number 201805090009290 (all references are to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Mink Street (County Road 41) with Beaver Road;

Thence North 29° 32' 02" East, with the centerline of said Mink Street, a distance of 266.50 feet to the northeasterly corner of that 1.944 acre tract conveyed to Thomas Stetzik and Pavana Stetzik by deed of record in Instrument Number 201302040003023, the TRUE POINT OF BEGINNING for this description;

Thence North 86° 19' 43" West, with the northerly line of said 1.944 acre tract, the northerly line of that 16.944 acre tract conveyed to MBJ Holdings, LLC by deed of record in Instrument Number 201511050024177, and partly with the existing City of New Albany corporation line (Ordinance Number O-13-2016, of record in Instrument Number 201608100016925), a distance of 1239.26 feet to a point;

Thence North 03° 42' 26" East, crossing said 31.726 acre tract and with said corporation line, a distance of 373.00 feet a point;

Thence North 86° 19' 43" West, crossing said 31.726 acre tract and with said corporation line, a distance of 691.34 feet to a point in the easterly line of that 21.343 acre tract conveyed to 9750 Innovation Campus Way, LLC by deed of record in Instrument Number 202101190001760, in the existing City of New Albany corporation line (Ordinance Number O-31-2015, of record in Instrument Number 201601070000270);

Thence North 03° 47' 55" East, with said easterly line and said corporation line, a distance of 630.55 feet to the southwesterly corner of the remainder of that 32.553 acre tract conveyed to Ray E. Rusmisl and Vicki D. Rusmisl by deed of record in Official Record 155, Page 296;

Thence South 86° 19' 44" East, with the southerly line of said Rusmisl tract, a distance of 690.34 feet to the southeasterly corner thereof;

Thence North 03° 42' 26" East, with the easterly line of said Rusmisl tract, a distance of 350.62 feet to the southwesterly corner of that 17.753 acre tract conveyed to Ted V. Grinstead by deed of record in Instrument Number 200202140006157;

Thence South 85° 50' 54" East, with the southerly line of said 17.753 acre tract, the southerly line of that 42.83 acre tract conveyed to William J. Dodderer and Courtney B. Dodderer by deed of record in Instrument Number 202007140017128, and the southerly line of that 2.000 acre tract conveyed to William J. Dodderer and Courtney B. Dodderer by deed of record in Instrument Number 202012160034569, a distance of 1869.60 feet to a point in the centerline of said Mink Street;

Thence South 28° 35' 00" West, with said centerline, a distance of 808.76 feet to a point;

Thence South 29° 19' 01" West, with said centerline, a distance of 671.09 feet to the TRUE POINT OF BEGINNING, containing 58.179 acres of land, more or less.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

*Matthew A. Kirk*

12 MAY 21

Matthew A. Kirk  
 Professional Surveyor No. 7865

Date

**ANNEXATION OF 58.179 ACRES**  
**TO THE CITY OF NEW ALBANY FROM THE TOWNSHIP OF JERSEY**  
**LOT 1, QUARTER TOWNSHIP 2, RANGE 15**  
**UNITED STATES MILITARY LANDS**  
**TOWNSHIP OF JERSEY, COUNTY OF LICKING, STATE OF OHIO**

Proposed Annexation  
of 58.179 acres to the City of New Albany

The within map marked exhibit "A" and made a part of the petition of annexation filed with the Board of Commissioners of Licking County, Ohio, on \_\_\_\_\_, 20\_\_\_\_, under Chapter 709 of the Ohio Revised Code, is submitted as an accurate map of the territory in said petition described under the requirements of said Chapter 709 of the Ohio Revised Code.

Agent for Petitioners

The Board of County Commissioners of Licking County, Ohio, having received a petition bearing the signed names and addresses of the parties interested in the annexation to the City of New Albany, Ohio, of the territory shown hereon and having given due consideration to the prayer of said petition, do hereby grant the same.

Board of Licking County Commissioners

Petition Received \_\_\_\_\_, 20\_\_\_\_

Petition Approved \_\_\_\_\_, 20\_\_  
Commissioner \_\_\_\_\_

Commissioner

Transferred this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon the duplicates of this office.

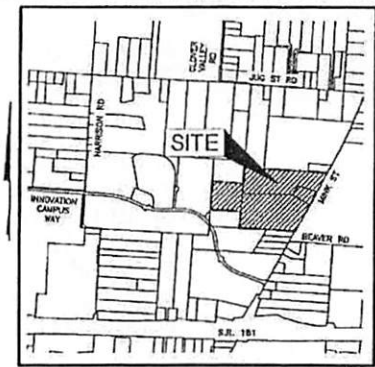
Containing \_\_\_\_\_ acres  
Transfer Fee \_\_\_\_\_

Received for Record \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (AM-PM) and recorded \_\_\_\_\_,  
20\_\_ in plat ordinance, petition, etc. in Plat Book Volume \_\_\_\_\_ Page \_\_\_\_\_

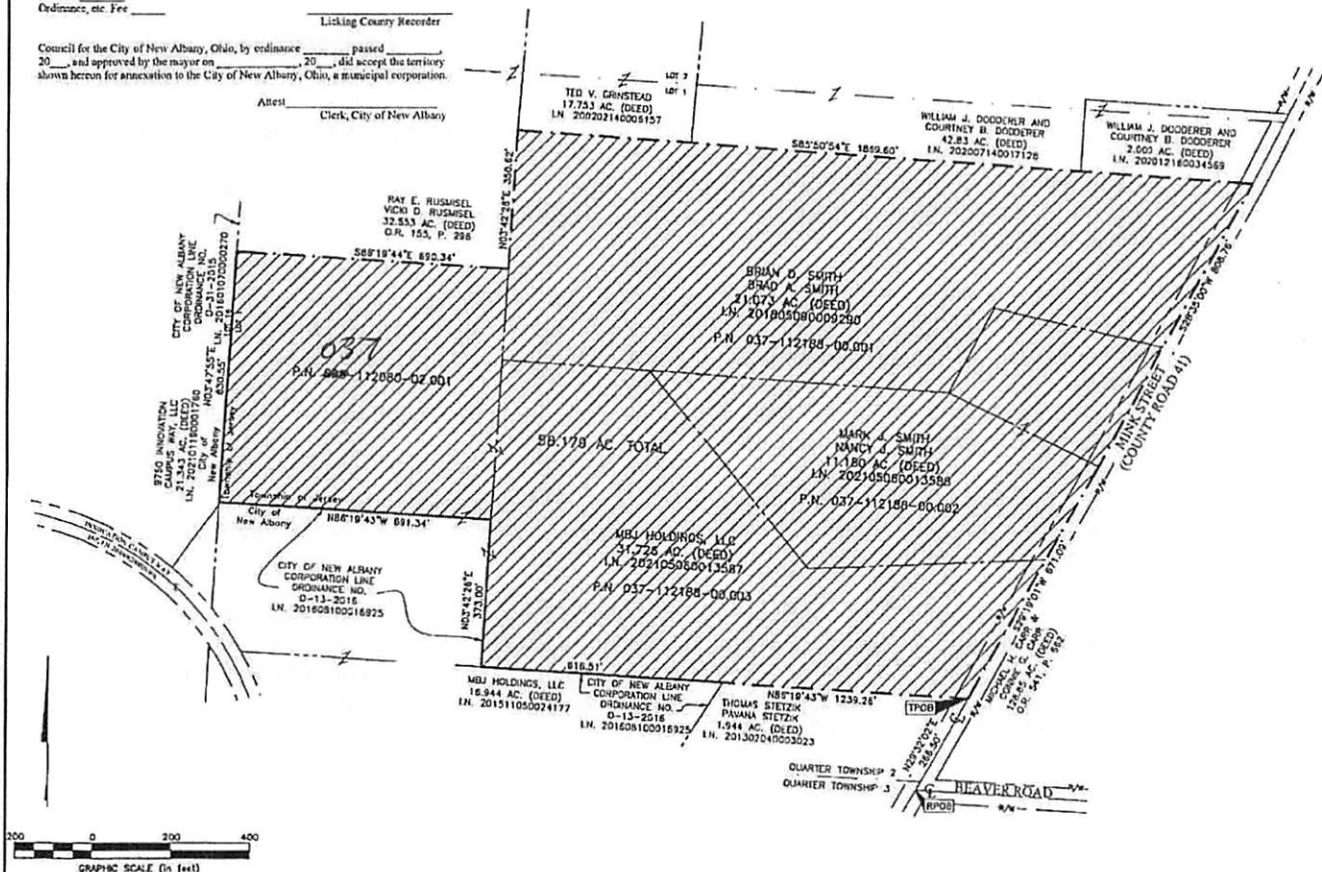
Plat Fee \_\_\_\_\_  
Ordinance, etc. Fee \_\_\_\_\_

Council for the City of New Albany, Ohio, by ordinance \_\_\_\_\_ passed \_\_\_\_\_, 20\_\_\_\_, and approved by the mayor on \_\_\_\_\_, 20\_\_\_\_, did accept the territory shown hereon for annexation to the City of New Albany, Ohio, a municipal corporation.

Attest \_\_\_\_\_  
Clerk, City of New Albany



LOCATION MAP AND BACKGROUND DRAWING  
Not to Scale

[illegible]

AREA TO BE ANNEXED

PROPOSED CITY OF NEW ALBANY CORPORATION LINE  
 EXISTING CITY OF NEW ALBANY CORPORATION LINE

**Contiguity Note:**  
Total perimeter of annexation area is 7324.55 feet, of which 2311.40 feet is contiguous with the City of New Albany giving 32% perimeter contiguity.

DRAFT

By Matthew A. Kirk Date \_\_\_\_\_  
Professional Surveyor No. 7865

**Note:**  
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.



## ORDINANCE O-34-2021

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 27.334 +/- ACRES OF LAND LOCATED WEST OF AND ADJACENT TO MINK STREET, SOUTH OF JUG STREET AND GENERALLY NORTHEAST OF INNOVATION CAMPUS WAY FOR AN AREA TO BE KNOWN AS THE "INNOVATION EAST ZONING DISTRICT" FROM ITS CURRENT ZONING OF AGRICULTURAL (AG) TO LIMITED GENERAL EMPLOYMENT (L-GE) AS REQUESTED BY MBJ HOLDINGS LLC., C/O AARON UNDERHILL, ESQ.

**WHEREAS**, council of the City of New Albany has determined that it is necessary to rezone certain property located in the city to promote orderly growth and development of lands; and

**WHEREAS**, the Planning Commission and council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

**WHEREAS**, pursuant to the application by MBJ Holdings LLC, c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval.

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

**Section 1.** Council hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described site:

- A. 27.334 +/- acres located to the west of and adjacent to Mink Street, to the south of Jug Street Road NW, and generally to the northeast of Innovation Campus Way (PID: 037-112188-00.003 and 037112188-00.001) for an area to be known as the "Innovation East Zoning District" from its current zoning of Agricultural District (AG) to Limited General Employment District (L-GE).
- B. The zoning district's limitation text and boundary map are hereby attached and marked Exhibit A.

**Section 2.** 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 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 Section 121 of the Ohio Revised Code.

**Section 3.** Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

**CERTIFIED AS ADOPTED** this 21 day of Sept, 2021.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 08/27/2021

Introduced: 09/07/2021

Revised:

Adopted: 09/21/2021

Effective: 10/21/2021

## INNOVATION EAST ZONING DISTRICT

### LIMITATION (L-GE) TEXT

August 17, 2021

The Innovation East Zoning District (hereinafter, the “Zoning District”) consists of 27.334+/- acres located to the west of and adjacent to Mink Street, to the south of Jug Street Road NW, and generally to the northeast of Innovation Campus Way. This rezoning serves to extend the same or similar zoning and development standards to property being annexed to the City as currently apply to much of the developed and undeveloped land in its general vicinity.

I. Zoning Designation: L-GE, Limited General Employment District

II. Permitted Uses: The permitted and conditional uses contained and described in the Codified Ordinances of the City of New Albany, GE, General Employment District, Sections 1153.02 and 1153.03, provided that conditional uses are approved in accordance with Chapter 1115, Conditional Uses. The following uses from these code sections shall be prohibited:

- A. Industrial product sales (See Section 1153.03(a)(1));
- B. Industrial service (See Section 1153.03(a)(2));
- C. Mini-warehouses (See Section 1153.03(a)(4)(c)). For purposes of clarification, this prohibition only applies to such facilities that are made available for rental to the general public;
- D. Personal service (See Section 1153.03(b)(2)) and retail product sales and service (See Section 1153.03(b)(3)), except that such uses shall be allowed as accessory uses to a permitted use in this Zoning District;
- E. Vehicle services (See Section 1153.03(b)(4));
- F. Radio/television broadcast facilities (See Section 1153.03(c)(1));
- G. Sexually-oriented businesses (See Section 1153.03(c)(3)); and
- H. Off-premises signs (See Section 1153.03(c)(2)).

III. Lot and Setback Commitments:

A. Lot Coverage: There shall be a maximum lot coverage in this Zoning District of 75%.

B. Setbacks:

1. Mink Street: There shall be a minimum pavement setback of 50 feet and a minimum building setback of 100 feet from Mink Street right-of-way.

2. Perimeter Boundaries: There shall be a minimum pavement and building setback of 25 feet from all perimeter boundaries for which another setback requirement is not provided in this text, except that the minimum pavement and building setback shall be 50 feet from any such perimeter boundary that is adjacent to property where residential uses are permitted.

3. Elimination of Setbacks: In the event that a parcel located within this Zoning District and an adjacent parcel located within or outside of this Zoning District (i)



come under common ownership or control, (ii) are zoned to allow compatible non-residential uses, and (iii) are combined into a single parcel, then any minimum building, pavement, or landscaping setbacks set forth in this text as they apply to common property lines shall no longer apply with respect to these parcels.

#### IV. Architectural Standards:

A. Building Height: The maximum building height for structures in this Zoning District shall be 65 feet, subject to Section 1165.03 of the Codified Ordinances.

B. Service and Loading Areas: Service areas and loading areas shall be screened in accordance with the Codified Ordinances.

#### C. Building Design:

1. Building designs shall not mix architectural elements or ornamentation from different styles.

2. Buildings shall be required to employ a comparable use of materials on all elevations.

3. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.

4. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor to floor heights on exterior walls.

5. All elevations of a building that are visible from a public right-of-way shall receive similar treatment in terms of style, materials, and design so that such elevations are not of a lesser visual character than any other.

6. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.

7. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.

8. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials and construction as the nearest primary structure. Fenestration themes that employ windows, panels and piers that are consistent



with the architectural vocabulary of the building are encouraged. Accessory structures, generators, storage tanks, trash receptacles or any other similar improvement must be located behind a building façade that does not front on a public right-of-way.

**D. Building Form:**

1. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach.
2. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

**E. Materials:**

1. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, and contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. Architectural precast concrete panels and/or poured-in-place concrete tilt-up panels shall be permitted. The use of reflective or mirrored glass shall be prohibited.
2. Prefabricated metal buildings and untreated masonry block structures are prohibited. Notwithstanding the foregoing, ancillary structures built and operated for the purpose of enclosing equipment and which are not occupied by tenants or persons on a regular basis may be constructed using pre-engineered metal.
3. Generally, the quantity of materials selected for a building shall be minimized.
4. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way. If loading docks are visible from a public street the exterior color for each loading dock door shall be selected and designed in a manner which de-emphasizes such visibility. Doors shall be of a color that is similar to the color of adjacent exterior walls. Landscaping and/or the use of existing vegetation may be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.
5. Additional Standards for Uses Not Governed by DGRs: Buildings that are constructed to accommodate certain uses are not governed by the City's Design Guidelines and Requirements (DGRs). For example, buildings that are constructed for the operation of warehousing and/or distribution uses are not subject to the DGRs and can present challenges in meeting the community standard for architectural design. Such buildings are necessarily large and typically include long walls that together form a square or rectangular box. The goal for the development of buildings that are not subject to the DGRs is to

balance the practical needs of these buildings with the desire to provide exterior designs that are attractive and complimentary to the architecture that will be found elsewhere in this Zoning District.

Architecture by its nature is a subjective medium, meaning that the adoption of strict objective standards in all instances may not provide the best means for achieving appropriate design. In recognition of this fact, the standards set forth herein provide guidelines and suggestions for designing buildings that are not subject to the DGRs in an effort to set expectations for the quality of architecture that will be expected for these structures. On the other hand, these standards are meant to allow for some flexibility to encourage innovative design provided that the spirit and intent of these provisions are met.

In conjunction with an application for a certificate of appropriateness for each building or structure in this Zoning District that is not subject to or governed by the DGRs, the applicant shall be required to submit to the City illustrations of the proposed exterior design of the building or structure for review and approval by the Design Review Committee contemplated in Section 1157.08(a)(1)(D) of the City Code. In designing such buildings, the user or applicant shall take into account the following, which are intended to set a level of expectation for the quality of design:

a. Architectural design for all portions of a building or structure that are visible from a public right-of-way (excluding public rights-of-way whose primary purpose is to accommodate truck traffic or service loading areas) shall meet the community standard in terms of quality while taking into account the unique nature of the use(s) that will be found therein.

b. Uninterrupted blank wall facades shall be prohibited to the extent that they are visible from a public right-of-way. Design variations on long exterior walls shall be employed in order to create visual interest. Examples of such design variations include, but are not limited to, the use of offsets, recesses and/or projections, banding, windows, and/or reveals; scoring of building facades; color changes; texture or material changes; and variety in building height.

c. The use of one or more architectural or design elements may be used to soften the aesthetics of the building, such as but not limited to canopies, porticos, overhangs, arches, outdoor patios, community spaces, or similar devices.

d. Contemporary exterior designs, while not required, shall be encouraged in order to create architecture that does not look aged or dated even many years after the facility is built.

e. Landscaping and/or the use of existing vegetation shall be utilized where appropriate to enhance the aesthetics of the building and to lessen its visual impact when viewed from public rights-of-way.

6. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in

order to screen the equipment from off-site view and to buffer sound generated by such equipment.

**V. Access, Parking, Site Circulation, and Traffic Commitments:**

A. **Street Improvements:** The developer shall work with the City Manager or their designee to determine the appropriate timing and phasing of street improvements for Mink Street and, if any portion of this Zoning District is combined with the intervening tract of real property between this zoning district and the right-of-way of Jug Street Road NW, at entrances from Jug Street Road NW. Notwithstanding the foregoing, a development site within this Zoning District which does not have direct access to Mink Road or Jug Street NW shall not be required to complete or make any contributions toward the costs of improvements to those roadways.

B. **Access Points:** Subject to other provisions in this text, on public rights-of-way which exist on the date of this text the number, locations, and spacing of curbcuts shall be determined and approved by the City Manager or their designee in consultation with the developer at the time that a certificate of appropriateness is issued for a project in this Zoning District. Curb cuts for developments wholly or partially within this Zoning District shall not be permitted along the eastern boundary of this Zoning District on Mink Street. Property within this Zoning District must combined with adjacent property outside of this Zoning District that has frontage on Innovation Campus Way or another existing or future public street or shared private drive.

C. **Parking and Loading:** Parking and loading spaces shall be provided for each use per Chapter 1167 of the Codified Ordinances of the City of New Albany.

D. **Right-of-Way:** The developer shall dedicate right-of-way for Mink Street to the City for a distance of 60 feet as measured from the centerline of Mink Street.

E. **Easements:** The developer shall grant easements to the City which are adjacent to the aforementioned rights-of-way to the extent necessary to provide for the installation and maintenance of streetscape improvements and utilities, but in no event shall such easements exceed 50 feet in width.

**VI. Buffering, Landscaping, Open Space, and Screening:** A landscaping plan shall be approved as part of the City's review of a certificate of appropriateness application for each portion of this Zoning District that is proposed for development. Landscaping within the pavement setbacks within this zoning district shall be coordinated and consistent with neighboring zoning districts. The following landscaping requirements shall apply to this Zoning District:

A. **Tree Preservation:** Standard tree preservation practices will be in place to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

B. **Fencing:** A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

C. **Stormwater Management:** Wet and dry stormwater basins shall conform to the standards set forth in Section 1171.08 of the Codified Ordinances of the City of New Albany.

D. **Street Trees:** A street tree row shall be established along Mink Street and shall contain one (1) tree for every thirty (30) feet of road frontage. Trees may be grouped or regularly

spaced. Street trees shall be located within the right-of-way. Minimum street tree size at installation shall be three (3) caliper inches. This requirement may be waived in areas where existing vegetation occurs or in areas subject to overhead electric transmission lines, subject to approval of the City Landscape Architect.

E. Parking Areas: Within this Zoning District, there shall be no less than one (1) tree planted for every ten (10) parking spaces located therein. At least five percent (5%) of the vehicular use area shall be landscaped or green space (or treed areas). Parking lots shall be designed to accommodate parking lot islands with tree(s) at the end of parking aisles.

F. Pedestrian Circulation: An 8-foot-wide asphalt leisure trail is required to be installed along the Mink Street frontage of the site.

H. Minimum On-Site Tree Sizes: Unless otherwise set forth herein, minimum tree size at installation shall be no less than two and one half (2 ½) inches in caliper for shade trees, six (6) feet in height for evergreen trees, two (2) inches in caliper for ornamental trees, and thirty (30) inches in height for shrubs. Caliper shall be measured six (6) inches above grade.

I. All street trees that are not installed prior to infrastructure acceptance shall be bonded to guarantee installation.

J. Screening – Residential Uses:

Along any portion of the boundary of this zoning district which is shared with Licking County Parcel Number 03510749003002, as it exists on the effective date of this text, and provided that residential uses exist or are permitted to be developed on property that is adjacent to such boundaries, unless waived in a writing provided to the City by the owner of said adjacent property a minimum six (6) foot high mound shall be installed along the property line and shall include a landscape buffer on the mound which shall consist of a mixture of deciduous trees, evergreens and bushes to provide an opacity of 75% within 5 years after planting to a total height of 10 feet above ground level. These mounds shall be installed within the required minimum pavement setbacks from these property lines. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

If there are existing trees within the minimum pavement setbacks as described in the immediately preceding paragraph and such trees are reasonably able to be preserved in order to partially or completely meet the opacity requirement described in the immediately preceding paragraph, then such trees may be preserved and used along with additional plantings (as necessary) in lieu of the mounding and planting requirements described in the immediately preceding paragraph in order to meet the opacity requirement. The plan for these areas must be reviewed and approved by the City's Landscape Architect.

K. Landscaping Along Mink Street:

1. Within the required minimum pavement setbacks along Mink Street a minimum of ten (10) deciduous trees shall be installed for every 100 feet of frontage on the public right-of-way. Such trees shall be planted in random locations (i.e., not in rows). No more than 30% of such trees shall be of a single species.

2. Where existing healthy and mature trees are found within these pavement setbacks, such trees may be preserved in lieu of installing the trees described in this paragraph, provided that a similar amount of vegetation is being preserved when compared to that which would otherwise be required to be installed.

3. A standard New Albany white four-board horse fence may (but shall not be required to) be provided within the public right-of-way.

4. Notwithstanding the foregoing and if proposed by the developer, the City's Landscape Architect shall be permitted to approve deviations from the planting requirements that are detailed in the immediately preceding paragraph. Such deviations shall be permitted to provide variations in the landscape treatment of long street frontages, when it is desirable to create or preserve viewsheds into any portion of the site where architectural or natural features within the site add visual character or aesthetic appeal when viewed from the street, and/or to protect the health of vegetation or the safety of people or property.

5. Mounding shall be permitted within minimum pavement setback areas from these rights-of-way but not required. When utilized, mounding shall have a minimum height of 3 feet and a maximum height of 12 feet. The slope of mounds shall not exceed 3:1 from the crest of the mound extending toward the private site, and shall not exceed a 6:1 slope from the crest of the mound extending toward the public right-of-way.

VII. Lighting:

A. All parking lot and private driveway lighting shall be cut-off type fixtures and down cast. Parking lot lighting shall be from a controlled source in order to minimize light spilling beyond the boundaries of the site.

B. All parking lot lighting shall be of the same light source type and style. Building, pedestrian, and landscape lighting may be incandescent or metal halide, or may be LED if the LED lighting temperature is at least 4,000 Kelvin and no more than 6,000 Kelvin to ensure that the lighting color is white.

C. All parking lot light poles shall be black or New Albany green and constructed of metal. Light poles shall not exceed 30 feet in height.

D. Lighting details shall be included in the landscape plan which is subject to review and approval by the City Landscape Architect.

E. No permanent colored lights or neon lights shall be used on the exterior of any building.

F. All other lighting on the site shall be in accordance with City Code.

G. Street lighting must meet the City standards and specifications.

VIII. Signage: All signage shall conform to the standards set forth in Chapter 1169 of the Codified Ordinances of the City of New Albany.

IX. Utilities: All new utilities installed solely to serve this Zoning District shall be installed underground.

[illegible]

150 0 150 300

GRAPHIC SCALE (in feet)

Rumsey-Smith Properties Survey Svc / 20201321-VS-DOO-ZONE-02



## RESOLUTION R-44-2021

### **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE FRANKLIN COUNTY AUDITOR**

**WHEREAS**, the City Council of New Albany, Ohio met in regular session on the 21st day of September, 2021 at the New Albany Village Hall with the following members present:

Mayor Sloan Spalding

Council Member Colleen Briscoe

Council Member Marlene Brisk

Council Member Michael Durik

Council Member Chip Fellows

~~Council Member Kasey Kist~~

Council Member Matt Shull

**WHEREAS**, this Council in accordance with the provision of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2022; and

**WHEREAS**, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation.

**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 amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

**Section 2.** That there be and is hereby levied on the tax duplicate of said city the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2021 (collection year 2022) as follows:

See Attached Schedule A.

**Section 3.** The Clerk of Council of the City of New Albany is hereby directed to certify a copy of this Resolution to the Franklin County Auditor.



**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal were in meetings open to the public, in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, Ohio, and that the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

Moved by: Mayor Spaulding

Seconded by: Council Member Briscoe

The roll being called as follows:

Mayor Sloan Spaulding Y

Council Member Colleen Briscoe Y

Council Member Michael Durik Y

~~Council Member Kasey Kist~~     

Council Member Marlene Brisk Y

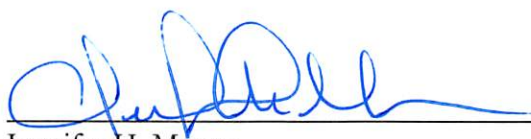
Council Member Chip Fellows Y

Council Member Matt Shull Y

**CERTIFIED AS ADOPTED** this 21 day of Sept, 2021.

**Attest:**

  
Sloan T. Spaulding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Mitchell H. Banchevsky  
Law Director

**Legislation dates:**

Prepared: 09/08/2021

Introduced: 09/21/2021

Revised:

Adopted: 09/21/2021

Effective: 09/21/2021

**SCHEDULE A****SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY APPROVED BY THE  
BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

<b>FUND</b>	<b>Amount to be Derived from Levies Outside 10 Mill Limitation</b>	<b>Amount Approved by Budget Commission Inside 10 Mill Limitation</b>	<b>County Auditor's Estimate of Full Tax Rate to Be Levied</b>	
			<b>Inside 10 Mill Limit</b>	<b>Outside 10 Mill Limit</b>
<i>General</i>		\$1,476,629.33	1.94	
<i>General Fund Charter</i>				
<i>Bond Retirement</i>				
<i>Bond Retirement Charter</i>				
<i>Police Pension</i>				
<i>Police Operating</i>				
<i>Fire Pension</i>				
<i>Fire Operating</i>				
<i>Police/Fire Pension</i>				
<i>Capital Improvement Charter</i>				
<i>Road &amp; Sidewalk Fund</i>				
<b>TOTAL</b>		<b>\$1,476,629.33</b>	<b>1.94</b>	

and be it further

*RESOLVED, That the Clerk of this Council be and is hereby directed to certify a copy of  
this Resolution to the County Auditor of said County.*

\_\_\_\_\_ *seconded the Resolution and the roll being  
called upon its adoption the vote resulted as follows:*

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2021.*

Attest:

Clerk of Council

President of Council

*NEW ALBANY  
Franklin County, Ohio.*



## RESOLUTION R-45-2021

### **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE LICKING COUNTY AUDITOR**

**WHEREAS**, the City Council of New Albany, Ohio met in regular session on the 21<sup>st</sup> day of September, 2021 at the New Albany Village Hall with the following members present:

Mayor Sloan Spalding

Council Member Colleen Briscoe

Council Member Marlene Brisk

Council Member Michael Durik

Council Member Chip Fellows

~~Council Member Kasey Kist~~

Council Member Matt Shull

**WHEREAS**, this Council in accordance with the provision of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2022; and

**WHEREAS**, the Budget Commission of Licking County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation.

**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 amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

**Section 2.** That there be and is hereby levied on the tax duplicate of said city the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2021 (collection year 2022) as follows:

See Attached Schedules A and B.

**Section 3.** The Clerk of Council of the City of New Albany is hereby directed to certify a copy of this Resolution to the Licking County Auditor.

**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal were in meetings open to the public, in compliance with all legal requirements of the City of New Albany, Counties of Franklin and Licking, Ohio, and that the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

Moved by: Council Member Shull

Seconded by: Council Member Durik


The roll being called as follows:

Mayor Sloan Spaulding	<u>4</u>		
Council Member Colleen Briscoe	<u>4</u>	Council Member Marlene Brisk	<u>4</u>
Council Member Michael Durik	<u>4</u>	Council Member Chip Fellows	<u>4</u>
<del>Council Member Kasey Kist</del>	<u>    </u>	Council Member Matt Shull	<u>4</u>

CERTIFIED AS ADOPTED this 01 day of Sept, 2021.

Attest:

  
Sloan T. Spaulding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchevsky  
Law Director

**Legislation dates:**

Prepared:	09/08/2021
Introduced:	09/21/2021
Revised:	
Adopted:	09/21/2021
Effective:	09/21/2021

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES  
2021 TAX YEAR COLLECTED IN 2022  
(LICKING COUNTY PORTION ONLY)**

**NEW ALBANY CITY**

### LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Co. Auditor's Est. of Yield of Levy
TOTALS	0



## **RESOLUTION R-46-2021**

### **A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 58.179 +/- ACRES, CONFIRMING THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCILS, AND TO EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE**

**WHEREAS**, the Council of the City of New Albany, Ohio (the "City") desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the City that have not enjoyed sufficient reinvestment in new construction; and

**WHEREAS**, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the "Original Oak Grove II Area"), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, R-50-2018 adopted December 10, 2018, R-05-2019 adopted February 19, 2019, R-37-2019 adopted on August 6, 2019, and R-15-2021 adopted on April 6, 2021 expanded that Original Oak Grove II Area (as expanded to date, the "Current Oak Grove II Area"), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code ("R.C.") Section 3735.67; and

**WHEREAS**, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 58.179 +/- acres and which is depicted on Exhibit A attached hereto (the "Oak Grove II Expansion Area"); and

**WHEREAS**, the City believes that the redevelopment of the Oak Grove II Expansion Area would encourage economic stability, maintain real property values and generate new employment opportunities and desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70; and

**WHEREAS**, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the "Survey"); and

**WHEREAS**, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction, or repair or rehabilitation, of structures in that Oak Grove II Expansion Area; and

**WHEREAS**, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

**WHEREAS**, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries;

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

**Section 1.** Conditions in the Oak Grove II Expansion Area. Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

**Section 2.** Creation of Oak Grove II Expanded CRA. This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

**Section 3.** Tax Exemptions in the Oak Grove II CRA. Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring according to the rules outlined in R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. The maximum exemption that may be negotiated in the Oak Grove II CRA is 15 years for 100% for construction of new commercial or industrial structures. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.



The Mayor, the City Manager, and the City Community Development Director, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

**Section 4. Designation of Housing Officer.** To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

**Section 5. Application Fee.** All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

**Section 6. Housing Council and Tax Incentive Review Councils.** This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

**Section 7. Resolution to be Forwarded and Published.** The Housing Officer or the Housing Officer's designee is hereby authorized and directed to forward a copy of this Resolution to the Franklin County Auditor and the Licking County Auditor, and to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption.

**Section 8. Authorization to Petition the State of Ohio Director of Development.** The Housing Officer or the Housing Officer's designee is hereby authorized and directed, on behalf of the City, to petition the State Director of Development Services, in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

**Section 9. Open Meeting.** The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal


action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.

**Section 10.** Effective Date. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.


CERTIFIED AS ADOPTED this 21 day of Sept, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchelsky  
Law Director

**Legislation dates:**

Prepared: 08/18/2021

Introduced: 09/21/2021

Revised:

Adopted: 09/21/2021

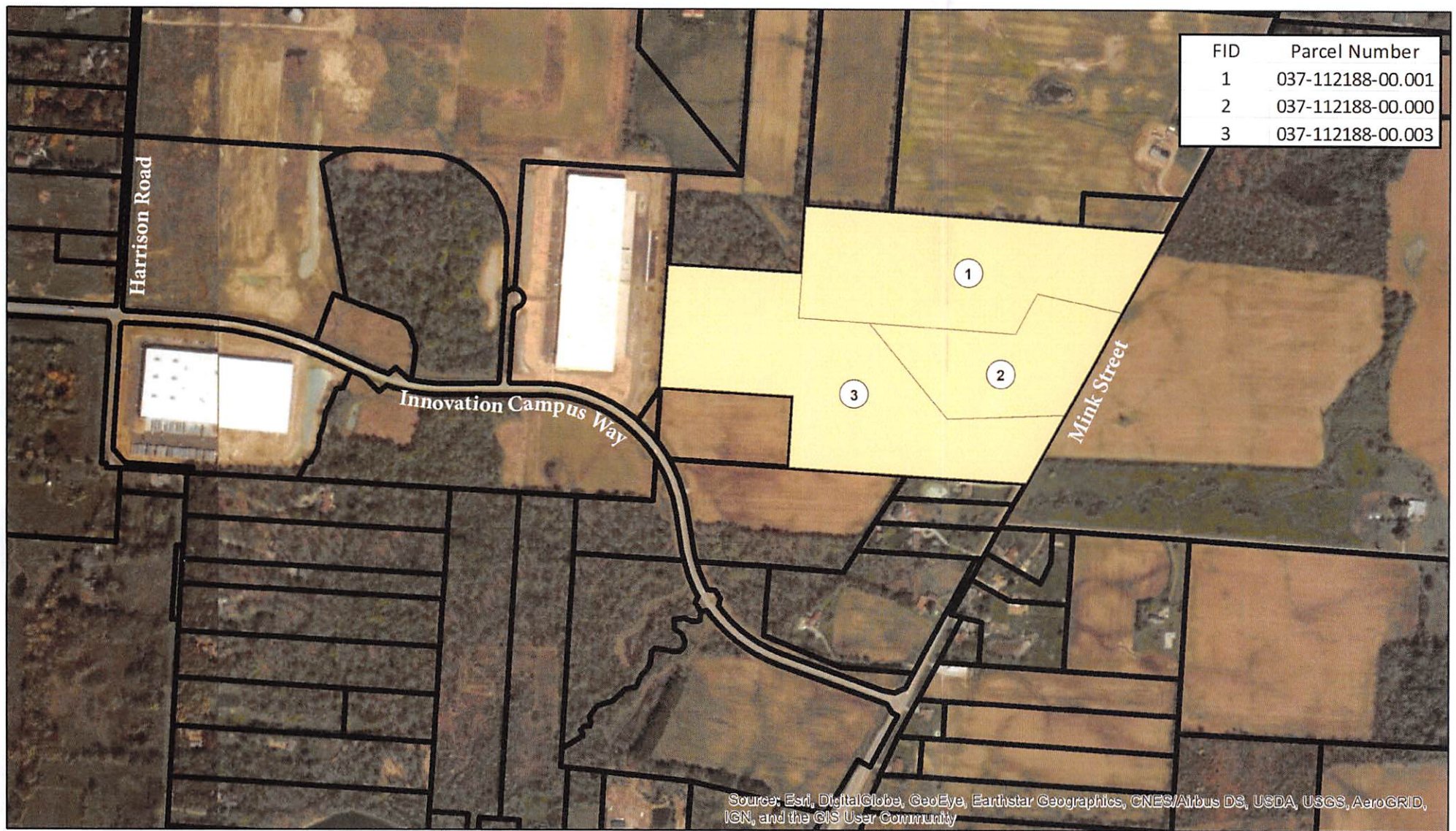
Effective: 09/21/2021

**EXHIBIT A – R-46-2021**

**PARCEL MAP**

The colored areas on the attached map specifically identify and depict the Parcels and constitutes part of this Exhibit A.





August 6, 2021

**Legend**

CRA Expansion

Parcels

# NEW ALBANY

COMMUNITY CONNECTS US

## New Albany Parcels - Oak Grove II- CRA Expansion 2021



## **RESOLUTION R-47-2021**

### **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 17, 2021.

**Section 2:** Council will consider the recommendations of the Franklin County TIRC as described below:

- i. Central College – Discover Properties (Data Center); approved for continuation
- ii. Central College – American Regent; approved for continuation
- iii. Central College – SI NAL01, LLC (Formerly Nationwide) (Data Center); approved for continuation
- iv. Central College – Encova (Formerly Motorists Insurance) (Data Center); approved for continuation



- v. Central College – TJX, Inc. (Data Center); approved for continuation
- vi. Central College – New Albany Center of Technology (NACOT I & II); approved for continuation
- vii. Central College – Insight Direct USA (Formerly PCM, Inc.); approved for continuation
- viii. Central College – Ohio Power Company; approved for continuation
- ix. Oak Grove – New Albany Company, The (Lane Bryant) (Formerly Tween); approved for continuation
- x. Oak Grove – Abercrombie & Fitch; approved for continuation
- xi. Oak Grove – Thirty-One Real Estate; approved for continuation
- xii. Oak Grove – Medical Office Building II – Equity (Formerly NAMC II MOB LLC); approved for continuation
- xiii. Oak Grove – Water's Edge Campus – Buildings I, II, and III; approved for continuation
- xiv. Oak Grove – Water's Edge East – Building IV (EASi); approved for continuation
- xv. Oak Grove – Water's Edge East – Building V (BEF Foods Inc.); approved for continuation
- xvi. Oak Grove – Water's Edge East – Building VI (Feazel); approved for continuation
- xvii. Village Center –Market Street Retail/Medical Office Building (DNA MMI); approved for continuation
- xviii. Village Center –Market Street Retail/Medical Office Building (DNA MMII); approved for continuation

**Section 3:** Council accepts the recommendation for continuance of the CRA 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 Section 121 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this 21 day of Sept, 2021.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	08/19/2021
Introduced:	09/21/2021
Revised:	
Adopted:	09/21/2021
Effective:	09/21/2021



## **RESOLUTION R-48-2021**

### **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; and

**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 19, 2021.

**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 for continuation
- ii. Oak Grove II CRA – Dream Industries/Accel, Inc.; approved for continuation
- iii. Oak Grove II CRA – Vee Pak Ohio, LLC; approved for continuation



- iv. Oak Grove II CRA – Dream Industries/Multi-Tenant Building I; approved for continuation
- v. Oak Grove II CRA – KDC/One; approved for continuation
- vi. Oak Grove II CRA – Axiom Plastics (PJP Holdings); approved for continuation
- vii. Oak Grove II CRA – Anomatic Corporation; approved for continuation
- viii. Oak Grove II CRA – Amcor Rigid Plastics; approved for continuation
- ix. Oak Grove II CRA – Distribution Land Corp.; approved for continuation
- x. Oak Grove II CRA – Molineta Investments, LLC/Magnanni, Inc.; approved for continuation
- xi. Oak Grove II CRA – Vadata, Inc.; approved for continuation
- xii. Oak Grove II CRA – Bocchi Laboratories Ohio, LLC; approved for continuation
- xiii. Oak Grove II CRA – AEP Ohio Transmission Company; approved for continuation
- xiv. Oak Grove II CRA – Dream Industries/Multi-Tenant Building II; approved for continuation with conditions
- xv. Oak Grove II CRA – CCL Label, Inc.; approved for continuation
- xvi. Oak Grove II CRA – 3750 Innovation Campus Way, LLC; approved for continuation
- xvii. Oak Grove II CRA – Sidecat LLC (Facebook); approved for continuation

**Section 3:** Council accepts the recommendation for continuance of the CRA 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 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 Section 121 of the Ohio Revised Code.

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

**CERTIFIED AS ADOPTED** this 21 day of Sept, 2021.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

**Approved as to form:**

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 08/19/2021

Introduced: 09/21/2021

Revised:

Adopted: 09/21/2021

Effective: 09/21/2021



## **RESOLUTION R-49-2021**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLECTIVE BARGAINING SUCCESSOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE #9 REGARDING WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT FOR SWORN OFFICERS BELOW THE RANK OF SERGEANT**

**WHEREAS**, the City of New Albany ("City") and the Fraternal Order of Police – Capital City Lodge No. 9 ("Lodge") are parties to a Collective Bargaining Agreement effective upon signing through December 31, 2023 ("Agreement") with wages retroactive to September 20, 2021; and

**WHEREAS**, the City and the Lodge have reached tentative successor agreement for a Collective Bargaining Agreement ("Successor Agreement") regarding wages, hours, terms and conditions of employment for full-time sworn officers below the rank of sergeant; and

**WHEREAS**, Council has determined that the Successor Agreement between the City and the Lodge which represents the bargaining unit employees (all full-time police officers below the rank of sergeant), should be ratified.

**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 authorizes the city manager to enter into the Successor Agreement, attached as Exhibit A, with the FOP regarding wages, hours, terms and conditions of employment for all full-time police officers below the rank of sergeant.


**Section 2.** This Successor Agreement shall supersede and replace all applicable state and local laws, which it has the authority to supersede and replace.

**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 21 day of Sep, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	09/13/2021
Introduced:	09/21/2021
Revised:	
Adopted:	09/21/2021
Effective:	09/21/2021

**STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD  
FACT-FINDING REPORT AND RECOMMENDATION**

<b>City of New Albany,</b>	<b>:</b>	<b>SERB Case No. 2020-MED-09-1114</b>
	<b>:</b>	
<b>Employer,</b>	<b>:</b>	
	<b>:</b>	
<b>and</b>	<b>:</b>	
	<b>:</b>	
<b>Fraternal Order of Police, Capital City</b>	<b>:</b>	
<b>Lodge No. 9,</b>	<b>:</b>	
	<b>:</b>	
<b>Union.</b>	<b>:</b>	

**APPEARANCES**

**For the City of New Albany, Ohio**

Benjamin S. Albrecht  
Fishel Downey Albrecht & Riepenhoff

**For the Fraternal Order of Police, Capital City Lodge No. 9**

Nicole E. Wannamacher  
Harshman & Wannamacher

**FACT-FINDER**

**Norman Harlan**

**DATE OF REPORT AND RECOMMENDATION**

**September 15, 2021**

  
\_\_\_\_\_  
Norman Harlan

## **BACKGROUND**

This Fact-finding Report and Recommendation involves the City of New Albany, Ohio (hereinafter referred to as the "City") and the Fraternal Order of Police, Capital City Lodge No. 9 (hereinafter referred to as the "Union"). The bargaining unit is comprised of "all full-time sworn police officers below the rank of Sergeant." There are approximately 20 employees in the bargaining unit.

The parties have only had three prior collective bargaining agreements.

Prior to the Fact-finding hearing, the parties engaged in multiple bargaining sessions, but were unable to negotiate a successor agreement.

At the request of the Fact-finder, the parties timely submitted their Position Statements on August 20, 2021. A Fact-finding hearing was held at the City of New Albany Police Department on August 25, 2021 beginning at 10 a.m.

The Fact-finding hearing was conducted in accordance with requirements of Chapter 4117. Pursuant to the Ohio Revised and Administrative Codes, among the considerations of the Fact-finder were:

- (1) Past collectively bargained agreements, if any.
- (2) Comparisons of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved.
- (3) The interest and welfare of the public, and the ability of the public employer to finance and administer the issue proposed and the effect of the adjustments on the normal standards of public service.
- (4) The lawful authority of the public employer.
- (5) Any stipulations of the parties.
- (6) Such other factors, not confined to those listed above which are normally or traditionally taken into consideration in the determining of issues submitted to mutually agreed-upon dispute settlement procedures in the public service or private employment.

During the course of the Fact-finding hearing, the parties were provided the opportunity to present testimony and evidence in support of their respective positions.

Any and all items or proposals not previously agreed upon, or specifically addressed herein, are considered to be withdrawn. Any and all items or proposals agreed to and any tentative agreements made prior to the date of this Report that are not specifically addressed herein, are recommended to be incorporated into the parties' successor agreement.

Upon consideration of the evidence, discussion and arguments presented by the parties on August 25, 2021 during the Fact-finding hearing, I recommend as follows:

## **ARTICLE 12, WORK RULES AND DIRECTIVES**

**Recommendation: No change. Maintain Current Contract Language.**

However, I recommend the parties enter into the following Memorandum of Understanding to be attached to the parties' collective bargaining agreement:

### **MEMORANDUM OF UNDERSTANDING Regarding Critical Incidents**

Notwithstanding the City's right to issue, amend and revise directives, procedures, policies, rules, regulations, practices and to enact ordinances consistent with Article 12, Work Rules and Directives, the City and Union agree that in the event of a critical incident during which a body worn camera was worn, the video may be obtained and reviewed by the officer consistent with the following:

- A. When preparing written reports or statements, officers should review their recordings as a resource. However, officers shall not retain personal copies of recordings. Officers should not use the fact that a recording was made as a reason to write a less detailed report.**
- B. Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the officer's performance.**
- C. Department personnel may review digital video files from the file server for the following reasons:**
  - 1. To review a file for a statement of facts and/or evidentiary purposes.**
  - 2. To review a file for training purposes.**
  - 3. To review a file as part of the complaint/internal affairs process.**
  - 4. To review a file for periodic evaluation purposes.**

## **ARTICLE 19, SUBSTANCE ABUSE AND TESTING/TOBACCO USE**

**Recommendation: City Proposal**

**The current language of Article 19, Substance Abuse and Testing/Tobacco Use, should be amended as follows:**

### **ARTICLE 19**

#### **SUBSTANCE ABUSE AND TESTING/TOBACCO USE**

**Section 19.1 Purpose for Substance Abuse Testing.** The City and the Lodge recognize that the ability of a Member to properly perform the Member's duties depends, in part, on a workplace which is free of substance abuse. In an effort to promote public safety, to provide Members who may be drug or alcohol dependent with an opportunity for treatment and for remaining productive members of the Police Department, and in recognition that substance abuse is a problem which, depending on individual circumstances, may require intervention, rehabilitation, or discipline, it is the purpose of this Article to provide a method for responding to the risks presented by the presence of substance abuse in the workplace by:

1. Dealing with incidents of substance abuse which present a reasonable likelihood of significant risk to Members, the general public, or other employees of the City;
2. Providing assistance to a Member with drug or alcohol dependency problems; and
3. Disciplining a Member whose satisfactory work performance is adversely affected by substance abuse.

**Section 19.2 Definitions.** The following definitions shall govern this Article:

1. "Under the influence" means that the Member is adversely affected in the satisfactory performance of the Member's duties by any illegal drug, **medical marijuana, CBD oil containing sufficient THC to cause impairment**, or alcohol, or the combination of any illegal drug and alcohol; a blood alcohol content of greater than 0.02%; or the detectable presence of any illegal drug in the Member's body.
2. "Legal drug" means prescribed drugs or over-the-counter drugs which have been legally obtained for the user and are used for the purpose for which they were prescribed and manufactured.
3. "Illegal drug" means any drug (1) which is not legally obtainable, or (2) which is legally obtainable but has not been legally obtained ~~and~~ (3) prescribed drugs not being used for prescribed purposes and/or by person to whom prescribed (4) **medical marijuana and/or (5) CBD oil containing sufficient THC to cause impairment.**



4. "Reasonable belief" is an articulated belief that a Member is using illegal drugs or misusing alcohol such that the Member's work performance is adversely affected by the presence of alcohol or illegal drugs. This articulated belief must be drawn from specific and particularized objective behavior and conduct exhibited by the Member, and reasonable inferences therefrom. Reasonable belief may be based upon a Member's slurred speech, odor, disorientation, abnormal appearance, conduct or behavior, or other observable cause.

**Section 19.3 Prohibited Conduct.** For purposes of this Article, no Member shall, while performing the Member's duties for the City, while in the City's facilities or vehicles, while in uniform, during their on-duty meal period, or while off-duty in public when wearing any City-issued apparel which clearly identifies them as employees of the City:

1. Consume alcohol and/or be under the influence of alcohol (unless in the line of duty with approval of the Chief or designee);
2. Use or be under the influence of any illegal drug, **including medical marijuana, CBD oil containing sufficient THC to cause impairment**, or while using any legal drug be impaired to the point that the Member cannot satisfactorily perform the Member's assigned duties; or
3. Unlawfully use, sell, purchase, transfer or possess an illegal drug (unless in the line of duty with approval of the Chief or designee).

**Section 19.4 Testing.** A Member shall be tested for alcohol or illegal drug usage when there is a reasonable belief that the Member's satisfactory work performance is adversely affected by the presence of alcohol or illegal drugs in the Member's system, on a programmatic random basis or following an accident in which the Member is at fault that results in injury to persons or when, in the opinion of the Chief or designee, substantial damage to property occurs. If the City adopts a programmatic random testing for other sworn law enforcement personnel and/or police dispatcher personnel employed within the Police Department, Members shall then be only included in that Departmental pool and subject to random testing no more frequently than such Departmental programmatic random testing.

**Section 19.5 Testing Determination.** Upon determining that a Member must submit to testing (whether urinalysis for drugs or breath for alcohol) because reasonable belief has been established, a random selection has been made, or post-accident, the supervisor shall give the Member an opportunity, prior to the test, to request the presence of or to seek the advice from a Lodge representative. Refusal, for any reason, to submit to the test shall be grounds for disciplinary action, up to and including discharge. The Lodge representative, if available, may accompany the Member to and be present with the Member at the collection/testing site.

**Section 19.6 Discipline/Rehabilitation.** A positive test result for alcohol or illegal drug usage may, depending on individual circumstances, result either in discipline, subsequent random testing and/or referral to a program for rehabilitation purposes. Any Member who voluntarily seeks assistance with a drug or alcohol dependency problem prior to being notified of a random test selection shall not be required to, but may, submit to a test

without any disciplinary action being taken and without any requirement for follow-up random testing. Such self-identification to avoid any disciplinary action and/or follow-up random testing shall not apply if the test is based upon reasonable suspicion or post-accident.

Any discipline to be imposed shall be for just cause and shall take into account all facts and circumstances, including the need for testing, the Member's desire for and progress in rehabilitation, and the Member's past work performance.

A Member who is convicted of any alcohol or drug-related offense, whether or not duty-related and including any OVI-related offense, may be subject to discipline.

**Section 19.7 Tobacco Free.** The City is a tobacco-free employer. All City facilities and vehicles are and shall remain tobacco free. Tobacco products shall not be used by any Member while on duty, special duty and/or in uniform.

## ARTICLE 20, RATES OF PAY/WAGES

### Recommendation:

Effective upon ratification retroactive to September 20, 2021: 4.5% increase

1/1/22: 3.0% increase

1/1/23: 3.0% increase

Effective upon signing: one-time lump sum payment of one thousand two hundred and fifty dollars (\$1250)

The current language of Article 20, Rates of Pay/Wages, should be amended as follows:

## ARTICLE 20

### RATES OF PAY/WAGES

**Section 20.1 Wages.** Effective upon the ratification of this Agreement and retroactive to September 20, 2021-January 1, 2018, the City shall adjust step salaries as follows by four and one-half percent (4.5%) ~~two and one-half percent (2.5%)~~. The adjustment will be applied as an increase to the applicable Step salaries as follows:

Rank	Step 1	Step 2	Step 3	Step 4	Step 5
Police Officer	<del>\$55,845.39</del>	<del>\$60,640.82</del>	<del>\$68,483.45</del>	<del>\$76,180.41</del>	<del>\$84,168.73</del>
	\$63,119.02	\$68,539.03	\$77,403.14	\$86,102.59	\$95,131.37

Effective upon signing of this Agreement, bargaining unit employees shall receive a one-time lump sum payment of one thousand two hundred and fifty dollars (\$1250).

Effective January 1, 2019 2022 the Step salaries shall be increased by three ~~three and one-half~~ percent (~~3.5~~ 3.0%).

Effective January 1, 2020 2023 the Step salaries shall be increased by three ~~four and one-half~~ percent (~~4.5~~ 3.0%).

**Section 20.2 Personal Development Compensation Enhancement.** Effective upon January 1, 2016 and January 1, 2017, Members who have attained or complete certain personal and/or career development objectives shall receive an amount added to their base annual salary. Step increases are not calculated based upon this additional amount. This additional amount is added to the applicable step salary. This compensation enhancement is effective upon the later of the dates indicated above or upon the attainment or completion of the applicable category below. The table below summarizes the development objectives and related annual base salary percentage increases:

Development Experience	Percentage Increase to Annual Base Salary
Associate's degree	0.10%

Honorable discharge from military service ("Military Service")	0.25%
Bachelor's degree ("Bachelor's Degree")	0.25%
Military Service and Bachelor's Degree	0.50%
Masters or professional degree ("Master's Degree")	0.75%
Military Service and Master's Degree	1.00%

**Section 20.3 Police Officer Step Advancement.** The following shall apply to the advancement from Step 1 through Step 5 for those Members hired after January 1, 2011. Any Member who does not attain the minimum performance evaluation score shall continue to serve in the existing step until the Member attains the satisfactory performance evaluation score at the next annual performance evaluation.

- A. Step 1 shall be the hiring step for the rank of Police Officer for those Members hired after January 1, 2011. A Member shall be advanced from Step 1 to Step 2 upon completion of:  
(1) one year of continuous service at Step 1; and (2) attaining a minimum of a 70% grade on the Member's most recent performance evaluation while serving in Step 1.
- B. A Member shall be advanced from Step 2 to Step 3 upon completion of: (1) of one year of continuous service at Step 2; and (2) attaining a minimum of a 70% grade on the Member's most recent performance evaluation while service in Step 2.
- C. A Member shall be advanced from Step 3 to Step 4 upon completion of: (1) one year of continuous service at Step 3; and (2) attaining a minimum of a 70% grade on the Member's most recent performance evaluation while serving in Step 3.
- D. A Member shall be advanced from Step 4 to Step 5 upon completion of: (1) one year of continuous service at Step 4; and (2) attaining a minimum of a 70% grade on the Member's most recent performance evaluation while serving in Step 4.

**Section 20.4 Appointment and Advance Step Hiring.** The City retains the sole discretion to place a newly hired Member into an advanced step based upon the Member's level of relevant experience.

**Section 20.5 Merit Bonuses.** In recognition of exceptional City service, each Member shall be eligible for additional compensation in the form of a merit bonus program. A Member becomes eligible for merit compensation in the year following the Member's advancement to Step 5. In order to be eligible for merit compensation, the Member shall attain a minimum score of 80% on the Member's annual performance evaluation. The table below summarizes the job performance for the merit bonus program based upon years of service:

Years of Service	Job Performance	Amount
Up to 11	Less than 80%	\$0.00
	80% or greater but less than 90%	\$300.00
	90% and greater	\$600.00
12-18	Less than 80%	\$0.00
	80% or greater but less than 90%	\$400.00
	90% and greater	\$800.00
18+	Less than 80%	\$0.00
	80% or greater but less than 90%	\$750.00
	90% and greater	\$1000.00

**Section 20.6 Shift Differential.** A shift differential of one dollar (\$1.00) per hour shall be provided (excluding hours in paid status while on approved leaves, restricted duty, and off - duty court time hours) for all Members regularly assigned to work second shift, third shift or any shift that commences after the starting time of second shift and ends prior to the ending time of third shift. Shift differential shall be paid for actual hours worked. Shift differential shall not be paid in addition to regular pay for any hours spent on approved paid leave. Time spent in optional training programs shall not qualify for shift differential pay. If shift differential pay is applicable, and overtime occurs, the shift differential pay shall be added to the base hourly rate prior to computing the overtime rate.

## **ARTICLE 21, RATES FOR MEMBERS FOLLOWING CERTAIN PERSONNEL ACTIONS**

**Recommendation: Increase OIC compensation in Section 21.1 to six percent (6%)**

Although not included within the language of Article 21, based upon the discussions and agreement of the parties, the City is to conduct an internal audit regarding the assignment of the Officer-in-Charge. Following the completion of the audit and within ninety (90) days of this Report and Recommendation, the parties will hold a Labor-Management Meeting to discuss the process of the assignment of the Officer-in-Charge.

The current language of Article 21, Rates for Members Following Certain Personnel Actions, should be amended as follows:

### **ARTICLE 21**

#### **RATES FOR MEMBERS FOLLOWING CERTAIN PERSONNEL ACTIONS**

**Section 21.1 Officer-In-Charge.** Any Member who is designated by the Chief or designee as "officer-in-charge" ("OIC") shall be compensated at the greater of the base rate equal to the base rate for a first -step Sergeant or in an amount equal to **six percent (6%)** ~~five percent (5%)~~ above the Member's base hourly rate. The Member shall be eligible for such pay on an hour-for-hour basis. The officer-in -charge designation shall be made when there is no supervisor scheduled or when a supervisor calls off and no other supervisor is working during that shift. In the event that a supervisor is scheduled but does not complete the shift, the Chief or designee may designate an officer -in-charge. Such officer-in -charge pay shall be paid in addition to FTO pay under Section 21.4 below if such Member is designated as officer-in-charge and is also serving as an FTO on the same shift.

**Section 21.2 Return from Military Service.** Pursuant to the Ohio Revised Code Section 5903.03, any Member who leaves, or has left, the City service to enter the active service of the Armed Forces of the United States, or any branch thereof, and who subsequently is reinstated to employment with the City, shall be entitled to receive compensation at the Step rate to which the Member would have been entitled had service with the City not been interrupted by service in the Armed Services.

**Section 21.3 Reinstatement from Authorized Leave.** Time spent on authorized leave in paid status and/or approved Family and Medical Leave Act leave shall be credited for purposes of step advancement.

**Section 21.4 Field Training Officer.** A Member who is designated by the Chief or designee as a Field Training Officer (FTO) shall be paid in the amount of two dollars and fifty cents (\$2.50) above the Member's base hourly rate. The Member shall be eligible for such pay on an hour- for-hour basis for all hours worked during a shift as an FTO provided that such Member works a minimum of eight (8) consecutive hours as an FTO. Such FTO pay shall be in addition to officer-in-charge pay under Section 21.1 above.

## **ARTICLE 24, DURATION/SUCCESSOR AGREEMENT**

**Recommendation: Effective upon signing through December 31, 2023.**

**The current language of Article 24, Duration/Successor Agreement, should be amended as follows:**

### **ARTICLE 24**

#### **DURATION / SUCCESSOR AGREEMENT**

**Section 24.1 Duration.** This Agreement shall be effective ~~January 1, 2018~~ upon signing and shall continue in full force and effect until midnight on December 31, ~~2020~~ 2023. This Agreement shall automatically renew for successive one-year terms unless a party to the Agreement provides written notice as provided in Section 24.2 below.

**Section 24.2 Successor Negotiations.** Unless otherwise provided in this Article, all negotiations for a successor collective bargaining agreement will be conducted in accordance with Chapter 4117 of the Ohio Revised Code. If either party to this Agreement desires to enter into collective bargaining to amend or modify this Agreement or to negotiate new terms for a successor agreement, the party who so desires shall serve written notice of such desire upon the other party not less than sixty (60) days prior to the expiration date of this Agreement.

**Section 24.3 Mutually Agreed Dispute Resolution.** If the publication of findings and recommendations by a fact -finder in accordance with Ohio Revised Code 4117.14 does not result in an agreement, all issues remaining in dispute between the parties shall be resolved by utilizing the following dispute resolution procedure in lieu of the provisions in Ohio Revised Code Section 4117.14 for conciliation:

- A. **Arbitration.** Either party may provide written notice to the other party and the State Employment Relations Board that such party desires binding arbitration to resolve the open issues. Thereafter, the parties shall submit all issues in dispute to binding arbitration confined to a choice of the last offer of each party on each issue submitted. Each party must provide to the other its last offer on all open issues at least fourteen (14) calendar days prior to any arbitration hearing. Mediation may continue pending the arbitration hearing.
- B. **Citizen's Conciliation Council.** The arbitration shall be conducted by a three (3) Member Citizen's Conciliation Council (the "CCC"). The City and the Lodge shall each select one member, who shall mutually select the third member who shall also be the CCC Chairperson. In the event that the members of the CCC selected by the parties are unable to mutually agree upon the third member, the parties shall request that the State Employment Relations Board provide a panel of five (5) conciliators from its list of conciliators. The parties shall then choose a conciliator by alternately striking names from the list until such time as one (1) name remains as the conciliator chosen by the parties. The party having the first strike of a conciliator shall be determined by a coin toss. The conciliator selected by the members of the CCC selected by the parties or by the

striking of names from the State Employment Relations Board panel shall serve as the third member and Chairperson of the CCC.

- C. Arbitrator Qualifications. The members of the CCC selected by the parties shall consist solely of residents and electors of the City of New Albany. The members selected cannot be employed by or have an immediate family member employed by the City or by the Lodge or be a Member of a bargaining unit represented by the Lodge.
- D. Arbitration Guidelines. The following guidelines shall apply to final offer settlement arbitration proceedings under this Article.
1. The City and the Lodge shall submit to arbitration by the CCC those issues upon which they have not reached agreement, and other matters mutually agreed to by the City and the Lodge.
  2. The City and the Lodge, in conjunction with the CCC, shall arrange for an arbitration hearing to be held not later than thirty (30) days after the selection of the CCC. Not later than five (5) business days before the arbitration hearing, each of the parties shall submit to the CCC and the other party a written report summarizing the unresolved issues, each party's final offer as to the issues, and the rationale and arguments in support of their positions.
  3. At the arbitration hearing, the CCC, at the request of either the City or the Lodge, or on its own initiative, shall hear testimony from the parties and accept other evidence relevant to the issues in dispute. The CCC shall have the authority to issue subpoenas and administer oaths, pursuant to Revised Code Chapter 2711. Such hearing, upon the agreement of the parties or by order of the CCC, may be audio recorded or stenographically recorded. Without such agreement or order, such hearing may be audio recorded or stenographically recorded at a party's own cost.
  4. After the hearing, the CCC shall, as expeditiously as practicable, resolve the dispute between the City and the Lodge by selecting, on an issue-by-issue basis, from between each party's final offers on those issues in dispute, taking into consideration the following items (not in any particular order):
    - a. Past Agreements between the parties;
    - b. Comparison of the issues submitted to final offer settlement and each party's final offer as to each issue with respect to wages, hours, and terms and conditions of employment generally prevailing in Police Departments of similar size in Central Ohio communities of similar size;
    - c. The interests and welfare of the public, the ability of the City to finance and administer the issues proposed, the comparison of the issues submitted to final offer settlement with respect to similar matters affecting employees of the City who are not covered by the terms of this



Agreement, and the effect of the adjustments on the normal standards of public service;

- d. The lawful authority of the City;
- e. The stipulation of the parties;
- f. Such other factors as may be relevant to the decision of the CCC.

The determination of all issues shall require the majority vote of the CCC. The CCC shall make written findings of fact and shall issue a written opinion and order upon the issues presented to it, and upon the record made before it and shall mail or otherwise deliver a true copy thereof to the City and the Lodge.

- E. Effective Date. Increases in rates of compensation and other matters with cost implications awarded by the CCC shall be effective when determined by the CCC but in no event earlier than the fiscal year next commencing after the date of the CCC's decision. The parties may, at any time, amend or modify the CCC award or order by mutual agreement or agree that the CCC can award retroactive compensation and other matters with cost implications to some other date.
- F. Agreement Continues. The parties shall continue in full force and effect all of the terms and conditions of this Agreement until a new Agreement has been reached or the final decision of the CCC has been issued and incorporated into a new Agreement, whichever occurs first. The decision of the CCC, in accordance with Section 4117.14(0, of the Ohio Revised Code, is final and will be binding upon the parties. The City and the Lodge shall take whatever actions are necessary to implement the decision of the CCC in the shortest practicable period of time.
- G. State Law. The award of the CCC made under this Agreement is subject to Chapter 2711 of the Ohio Revised Code.
- H. Costs. Each member of the CCC shall be compensated at no more than Five Hundred Dollars (\$500) per day and the parties shall bear equally the cost of the arbitrators, arbitration procedure and any costs for the court reporter. The Five Hundred Dollar per day maximum shall not apply to a conciliator selected from a State Employment Relations Board panel pursuant to Section 24.3(B), above.



## **RESOLUTION R-50-2021**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO BID, AWARD AND EXECUTE ALL CONTRACTS RELATED TO PLAYGROUND IMPROVEMENTS AT BYINGTON AND JAMES RIVER PARKS**

**WHEREAS**, the city undertook a Parks Framework Plan, a comprehensive evaluation of its park system and a strategy for the future park and recreational improvements and in accordance with the plan's recommendations, the Council of the City of New Albany desires to upgrade playgrounds within the city's neighborhoods; and

**WHEREAS**, Byington and James River Parks were built by the developer of the New Albany Country Club Communities, and the city owns the real property where the existing parks are located and has assumed maintenance responsibilities; and

**WHEREAS**, the existing playground equipment located in those parks is at the end of its serviceable life and does not provide the amenities that residents desire; and

**WHEREAS**, services are to include, but are not limited to, removal of existing equipment, installation of new play equipment, site furnishings, new asphalt paths, accessible surfacing and associated site work; and

**WHEREAS**, the funding for playground improvements in various city playgrounds was provided for in the Annual Appropriations Ordinance (O-26-2020) and the Mid-Year Appropriations Ordinance (O-25-2021).

**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 and directed to bid, award and execute all contracts related to the playground improvements at Byington and James River Parks.


**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 6.07(a) of the New Albany Charter, this resolution shall take effect upon adoption.

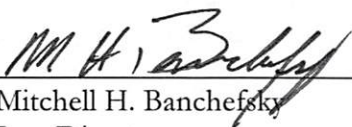
CERTIFIED AS ADOPTED this 21 day of Sept, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 09/01/2021

Introduced: 09/21/2021

Revised:

Adopted: 09/21/2021

Effective: 09/21/2021