



ORDINANCE O-20-2024

AN ORDINANCE TO AMEND CHAPTER 1187 "SUBDIVISION REGULATIONS" OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES

WHEREAS, it has been found that the codified ordinances of the city of New Albany, chapter 1187, needs to be amended; and

WHEREAS, New Albany City Council has determined that it is necessary to amend the codified ordinances of the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, this amendment provides city staff, property owners, city council, and city boards and commissions clarity of the subdivision process and reflects modern procedures; and

WHEREAS, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input concerning the amendment of the codified ordinance; and

WHEREAS, the New Albany Planning Commission 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: Portions of Codified Ordinance Chapter 1187 be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

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 121.22 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 _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/07/2024

Introduced: 06/18/2024

Revised:

Adopted:

Effective:

1187.01 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meaning here described.

- (a) "Easement" means a grant by property owner(s) to another party or parties for a specific use of a described portion of property.
- (b) "Improvements" means street pavements, with or without curbs and/or gutters, sidewalks, water mains, sanitary and storm sewers, stormwater management facilities, erosion and sedimentation measures, grading and shaping, street lights, landscaping, screening and buffering and other related matters normally associated with the development of land into development sites.
- (c) "Lot" means a division of land and described on a recorded subdivision plat or recorded deed by metes and bounds description.
- (d) "Minor commercial subdivision" means a commercially zoned parcel, with an approved Final Development Plan or equivalent plan, with public road frontage, which does not involve the opening, widening or extension of a public street and does not involve more than five (5) lots after the original tract has been completely subdivided.
- (e) "Plat" means a map of a subdivision described by accurate distances and bearings.
- (f) "Right-of-way" means the width between property lines of a street, roadway, easement.
- (g) "Subdivision" means the division of any parcel of land into more than five (5) parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential, commercial or industrial uses. This definition does not include:
 - The sale, exchange or boundary adjustment of existing properties where such action does not create additional building sites; and
 - The division or partition of land into parcels, sites, or lots more than five (5) where such action does not involve new, the extension of public streets; and means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of the transfer of ownership provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, or the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempt. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except for private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - The division or allocation of land as open spaces for common use by owners; or the division or allocation of land for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
 - Minor commercial and residential subdivisions.
- (h) "Subdivider" means an individual or entity which causes land to be subdivided for themselves or others.

(i) “Minor residential subdivision” means the division of any parcel of land into five (5) or fewer parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of residential use and does not involve the creation or extension of a public street.

(Ord. 77-91. Passed 10-15-91; Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.02 REQUIRED IMPROVEMENTS.

The subdivider or developer of land shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right-of-way for full width; construction of curbs or curbed gutters and pavement; construction of draining structures and appurtenances. Two (2) roof drain openings shall be provided in curb for each lot, or shall be machine cored by the builder.
- (b) Sanitary sewers, including mains, manholes, services and all appurtenances.
- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
- (d) Concrete sidewalks on both sides of street, except where Leisure Trails are required in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Sidewalks shall be linked to external trails or sidewalks. Where special circumstances exist for sidewalk construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (e) Leisure Trails in accordance with the Village's Strategic Plan or as recommended by the Parks and Trails Advisory Board. Trails shall be linked to external trails or sidewalks. Where special circumstances exist for trail construction a fee in-lieu may be considered according to the procedure in Section 1187.18.
- (f) Storm sewers, including manholes, inlets or catch basins, and all appurtenances, stormwater management features and facilities.
- (g) Landscaping, screening and buffering features, if required by these regulations or the Zoning Code.
- (h) Street lighting above public right-of-way which meets minimum illumination specifications approved by the Municipal Engineer. Light standards shall be approved by the Municipality.
- (i) Erosion and sedimentation control measures and practices.

All phases of the improvement shall be approved by the Municipal Engineer and shall be constructed in accordance with Municipal specifications and standards as approved by the Municipal Engineer.

(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)

1187.03 ~~APPLICATION PLAN.~~ PRELIMINARY PLAT PROCESS

a) Preliminary Plat: A preliminary plat may be submitted to the Planning Commission for review, subject to the regulations of this chapter. Approval of a preliminary plat application shall not be required prior to the approval of a final plat application. shall be

b) Preliminary Plat Contents

The subdivider shall submit an application to the City Manager’s designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager’s designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions

and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.

A subdivider or developer may submit a sketch, prepared by a registered engineer or surveyor, of the proposed subdivision to the Planning Commissioner for informed comments and suggestions. The preliminary plat shall contain the following:

- (1) Scale - Minimum of one inch equals one hundred (100) feet.
- (2) The proposed name of the subdivision.
- (3) Key map showing location within the Municipality.
- (4) Names and addresses of owners, developers and the surveyor who developed the plat.
- (5) Date of submission.
- (6) North point.
- (7) Signature block for applicant and applicant's engineer and surveyor.

The following existing conditions shall be shown:

- (8) Boundary lines and approximate acreage included.
- (9) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
- (10) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
- (11) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
- (12) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
- (13) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
- (14) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
- (15) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
- (16) Drainage channels, wooded areas, water courses and other significant physical features.
- (17) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
- (18) FEMA floodplain areas.

The following proposed conditions shall be shown:

- (19) Layout of streets and right-of-way widths.
- (20) Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.
- (21) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.

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- (22) Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.
 - (23) Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.
 - (24) New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.
 - (25) All new streets shall be named and shall be subject to the approval of the Planning Commission.

In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- (26) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.
- (27) Potential impact of this development on area traffic loads and fire protection capability.
- (28) Potential impact of this development on the local school district(s).
- (29) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021 - 6111.024 of House Bill 231).
- (30) Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

c) Approval of Preliminary Plat

- 1) The Planning Commission review of a preliminary plat application shall be based on the requirements of this chapter.
- 2) After action by the Planning Commission on an application for preliminary plat approval, the City Manager's designee shall record the action taken. Copies of action taken shall be forwarded to the applicant.
~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~
- 3) No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat. The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded.

~~4) —~~

~~(Ord. 77-91. Passed 10-15-91; Ord. 31-2007. Passed 8-21-07.)~~

~~1187.04 PRELIMINARY PLAT.~~

~~The subdivider shall submit an application with a total of thirteen (13) copies of the preliminary plat to the Village Administrator's designee a minimum of fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.~~

The Village Administrator's designee shall, within five (5) working days, review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall, at least five (5) working days prior to the meeting at which the plat will be heard, forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission. He shall also place one copy on file in the zoning office.

If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.

(a) The preliminary plat shall contain the following:

- (1) Scale — Minimum of one inch equals one hundred (100) feet.
- (2) The proposed name of the subdivision.
- (3) Key map showing location within the Municipality.
- (4) Names and addresses of owners, developers and the surveyor who developed the plat.
- (5) Date of submission.
- (6) North point.
- (7) Signature block for applicant and applicant's engineer and surveyor.

(b) The following existing conditions shall be shown:

- (1) Boundary lines and approximate acreage included.
- (2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
- (3) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe size, elevations and grades (if readily available) and locations (if known or available).
- (4) Existing easements on subject acreage and easements within fifty (50) feet on adjacent subdivided plat. Proposed developer utility and proposed public utility easements are not expected to be shown.
- (5) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number or official record volume.
- (6) Boundary lines of adjacent tracts of unsubdivided and subdivided land, within one hundred (100) feet of boundary line.
- (7) Existing zoning or deed restrictions (if known) for subject and surrounding acreage.
- (8) Existing contours, with intervals of five (5) feet where the slope is greater than ten percent (10%) and two (2) feet where the slope is less than ten percent (10%).
- (9) Drainage channels, wooded areas, water courses and other significant physical features.
- (10) All elevations shall be based on sea level datum as determined by the U.S. Coast and Geodetic survey or the U.S. Geological Survey.
- (11) FEMA floodplain areas.

(c) The following proposed conditions shall be shown:

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- (1) ~~Layout of streets and right-of-way widths.~~
 - (2) ~~Layout, numbers and dimensions of lots. Lots shall be numbered sequentially for each plat from one, or continue from the last number used on previous section in multiple phase developments.~~
 - (3) ~~Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.~~
 - (4) ~~Building setback lines shown graphically with dimensions or standards indicated in current Zoning Ordinance.~~
 - (5) ~~Names of new streets shall not duplicate names of any existing dedicated streets within the northeastern quadrant of Franklin County and/or its incorporated areas.~~
 - (6) ~~New streets, which are extensions of or in alignment with existing streets, shall bear the names of the existing streets of which they are extensions, or with which they are in alignment.~~
 - (7) ~~All new streets shall be named and shall be subject to the approval of the Planning Commission.~~
- (d) ~~In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:~~
- (1) ~~The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.~~
 - (2) ~~Potential impact of this development on area traffic loads and fire protection capability.~~
 - (3) ~~Potential impact of this development on the local school district(s).~~
 - (4) ~~Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021 – 6111.024 of House Bill 231).~~
 - (5) ~~Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.~~

~~(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.045 APPROVAL OF PRELIMINARY PLAT.FINAL PLAT PROCESS

After action by the Planning Commission on an application for preliminary plat approval, the Clerk of the Commission shall record the action taken as follows:

- (a) ~~If the application was approved, three (3) copies of the approved preliminary plat shall be stamped "Approved by Planning Commission in an official meeting held (date) with the following additional provisions: (list or attach the specific provisions or contingencies, if none so note)" and shall be signed by the Chairman or Clerk attesting to action taken.~~
- (b) ~~If application is disapproved, three (3) copies of the disapproved preliminary plat shall be stamped "Disapproved by the Planning Commission in an official meeting held (date) for the following reasons: (list or attach the specific reasons for denial)" and shall sign same attesting to action taken.~~

~~Two (2) copies of the signed preliminary plat shall be forwarded to the applicant and one copy retained in the permanent files in the zoning office.~~

~~The approval of a preliminary plat shall be effective for a period of twelve (12) months, or for such other time as approved by the Planning Commission.~~

~~(a) (Ord. 77-91, Passed 10-15-91; Ord. 31-2007, Passed 8-21-07.)~~

~~a) Final Plat: A final plat shall be submitted to the Planning Commission for review of subdivisions as defined in C.O. 1187.01(g).~~

~~b) Final Plat Contents~~

~~The subdivider shall submit an application to the City Manager's designee a minimum of 30 days prior to the meeting of the Planning Commission which the subdivider desires their application to be heard. If the City Manager's designee finds that the application is not complete and does not meet requirements of this section, they shall notify the applicant in writing of the deficiencies. The applicant may make the necessary additions and/or revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the City Manager's designee.~~

~~1187.06 FINAL PLAT.~~

~~The owner shall submit an application with a total of thirteen (13) copies of the final plat to the Village Administrator's designee at least fifteen (15) working days prior to the meeting of the Planning Commission at which the subdivider desires his application to be heard.~~

~~The Village Administrator's designee shall review the application and plat for completeness and compliance with the requirements in this section. If he finds the application is complete and meets the requirements, he shall forward copies to the Municipal Engineer, Planner and Administrator for review and comment, and to all members of the Planning Commission at least five (5) working days prior to the meeting at which the plat will be heard. He shall also place one copy on file in the zoning office.~~

~~If the Village Administrator's designee finds that the application is not complete and does not meet requirements of this section, he shall notify the applicant, who shall be allowed to make the necessary revisions. No hearing shall be held or action of approval taken by the Planning Commission until a complete application meeting all requirements of this section has been filed with and accepted by the Village Administrator's designee.~~

~~Action will be taken by the Commission and Council within thirty (30) days after acceptance of the final plat by the Village Administrator's designee. See Section 1187.07 for approval of the final plat. If not recorded in twelve (12) months, such approval of Council and the Commission shall become null and void.~~

~~(a) — The final plat shall contain the following submitted shall contain the following:~~

- ~~(1) Boundary of plat, based on an accurate distances and bearings.~~
- ~~(2) Where the subdivision does not abut to an existing subdivision, the true angle and distance to the nearest street intersection, accurately described on the plat.~~
- ~~(3) Municipal, Township, County or Section lines accurately tied to the lines of the subdivision by distances and angles.~~
- ~~(4) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners.~~
- ~~(5) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds.~~

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- (6) One inch iron pins, thirty (30) inches long, with plastic caps identifying the surveyor shall be placed at such locations that the subdivisions can be readily resurveyed. As a minimum, all extreme corners shall be monumented.
 - (7) Accurate location, width of right-of-way and name of all streets or other public ways.
 - (8) All proposed developer easements, such as water, sanitary and storm sewers shall be shown. All proposed public utility easements shall be shown if they are available.
 - (9) Minimum building setback lines along all streets and other public ways.
 - (10) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (11) Accurate outlines of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
 - (12) Other information deemed necessary by the Municipal Engineer or the Planning Commission in order to fully describe any special conditions or circumstances affecting the proposed plat.
 - (13) If more than one sheet is required for the plat, an index map, at a smaller scale, showing all of the lots on one contiguous drawing shall be shown on the first sheet.

~~(b)~~—The final plat submittal shall also contain:

- ~~(14)~~ A certification by a registered surveyor that the plat represents a survey made by him and that the monuments shown exist as located, or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct. The plat shall be prepared in accordance with the minimum plat requirements as established by the Franklin County Engineer's Office.
- ~~(15)~~ A notarized certification by the owner/owners of the adoption of the plat and the dedication by them to public use of the streets and other public areas shown on the plat. No property should extend to center of rights-of-way.
- ~~(16)~~ Proper form for the approval of the Planning Commission, with space for signature of the Chairperson.
- ~~(17)~~ Space for approval by signature of the Mayor, Municipal Engineer, Council representative to Planning Commission and Finance Director. The signature of the Engineer shall be withheld until all easements are shown.
- ~~(18)~~ Proper form for approval and acceptance by the Council, showing resolution number.
- ~~(19)~~ Within ten (10) working days after the review comments have been transmitted to the developer, and the tracing (final plat drawing) has been revised to reflect the review comments, it shall be submitted to the Municipal Engineer for the permanent filing.

Any additions or changes to the plat shall be made in the Engineer's office unless otherwise authorized by the Engineer.
- ~~(20)~~ Space for transfer by the County Auditor and recording by the County Recorder. A statement as to the expiration date of the municipal approval shall be placed just ahead of the space provided for the County Auditor's signature.
- ~~(21)~~ Application fees specified by separate ordinance.
- ~~(22)~~ Copies of any and all proposed deed covenants, deeds of right-of-way and deeds of easement.

~~(e)~~ In addition to the aforementioned requirements, the developer shall submit a written statement which shall include:

- ~~(231)~~ Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution.
- ~~(242)~~ Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and granted such permit or determined that such permit is not applicable. If a permit was granted, four (4) copies shall be supplied by the owner to the Village Administrator's designee for distribution. After the tracing (final plat drawing) has been revised to reflect the review comments, eight (8) copies showing all approvals, shall be supplied by the owner to the Finance Director for distribution.

c) Approval of Final Plat

- ~~1) After the tracing (final plat drawing) has been revised to reflect the review comments, four (4) copies showing all approvals, shall be supplied by the owner to the Village Administrator's designee for distribution.~~
- 1) The Planning Commission review of a final plat application shall be based on the requirements of this chapter and provide a recommended action to City Council, who shall take final action on such application.
- 2) After action by City Council on an application for final plat approval, the action shall be documented by the Clerk of Council. The final plat may be recorded with the County Recorder's office provided compliance is made with other provisions of this chapter, only after full approval by the City Engineer. The City Manager may only add or revise easements after City Council has approved a final plat.
- 3) The approval of a final plat shall be effective for a period of twelve (12) months, or for such other time as approved by City Council.
- 4) The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of a final plat and an engineering permit has been approved, in accordance with C.O. 909.

~~The subdivider shall not transfer any lot, parcel or tract therefrom before the final plat has been recorded. No construction work on the proposed subdivision, including grading, shall be commenced until approval is received of the final plat and provided compliance is made with the other provisions of this chapter. Only easements may be added or revised on the final plat after approval, and only after approval by the Municipal Engineer.~~

~~All construction work and materials used in connection with public improvements in the area platted will conform to requirements of the Municipal Engineer and Municipal specifications and be inspected by the Engineer.~~

~~After all easements have been placed on the plat, and the plat has been approved and received Council acceptance, it shall be recorded by the Municipal Engineer.~~

~~The developer shall furnish two (2) checks, one for the County Auditor and one for the County Recorder. (Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07.)~~

1187.07 IMPROVEMENT GUARANTEES.

- (a) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and

~~plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.~~

~~(b) TCity council, or the City Engineer, shall accept infrastructure within the subdivision after its construction and the appropriate bonds have been provided, as prescribed by Chapter 909.~~

~~Before the approval of the final plat, the subdivider or developer shall sign a developer's agreement and provide a two-year letter of credit (LC) acceptable to the Municipality guaranteeing the completion of all improvements, including but not limited to streets, curbs, sidewalks, storm sewer mains and lines, sanitary sewer mains and lines, water main and lines, prior to the recording of the plat of the subject subdivision, or at such time as may be agreed to by Council. The LC shall be in an amount equal to the estimated cost of constructing the street, street-related and storm water control improvements and as approved by the Municipal Engineer. A maintenance bond in the amount of ten percent (10%) of the preliminary estimated or final construction costs shall be provided for a maintenance period of two (2) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. A certified check in the amount of two and one half percent (2.5%) of the initial inspection fee shall also be provided to the Village at the date of acceptance of the subdivision. This check will be applied toward the two-year maintenance inspection by the Village. An additional and separate maintenance bond in the amount of ten percent (10%) of said construction cost shall also be provided to address settlement related to the installation of storm sewer or sanitary sewer mains and lines in the front yard. This maintenance bond shall be provided for a maintenance period of five (5) years, beginning with the date of acceptance of the subdivision and all its appurtenances by Council. The Finance Director shall retain custody of the maintenance bond during that time period.~~

~~(b) The Engineer shall inspect the improvements prior to the expiration of the bond period. Upon his notification that there are no deficiencies, or that all deficiencies have been corrected to his satisfaction, the bond shall be released and the developer's guarantee shall be considered satisfied so long as all fees owed to the Municipality by the owner or developer are paid.~~

~~(c) The subdivider or developer shall, prior to construction, deposit with the Finance Director a sum of money as prescribed by Chapter 909 to defray the cost of inspection and the engineering services provided and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. The subdivider and developer shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his/her own cost and expense, each and every suit or action brought against said Municipality by reason thereof, until the improvement has been accepted by the Municipality.~~

~~(d) The subdivider or developer shall furnish to the Municipality at the time of commencing construction, proof of possession of liability insurance of not less than one million dollars (\$1,000,000.00) and property damage insurance of not less than three hundred thousand dollars (\$300,000.00).~~

~~(e) If any violation of, or non-compliance with, any of the provisions and stipulations of this chapter occurs, the Engineer or the Village Administrator's designee shall notify the Law Director of any violation. Before a stop work order is issued, the Law Director shall notify the developer of the violation. The developer has five (5) working days to correct any violations.~~

(Ord. 28-2004. Passed 6-15-04; Ord. 31-2007. Passed 8-21-07; Ord. 36-2008. Passed 10-21-08.)

1187.22 MINOR COMMERCIAL SUBDIVISIONS.

(a) Notwithstanding anything to the contrary, approval without a plat of a minor commercial subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:

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- (1) A final development plan according to Chapter 1159 or an equivalent plan has been approved by ~~the Planning Commission~~ a city board or commission;
 - (2) The proposed subdivision is located along an existing public road, has frontage along a public street and involves no opening, widening or extension of any street;
 - (3) No more than five (5) lots are created after the original parcel has been completely subdivided;
 - (4) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and
 - (5) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.
- (b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.

~~(c) — For the purpose of this section, "original parcel" means the parcel existing as of the effective date of this section of the Subdivision Regulations (February 20, 2007).~~

(Ord. 08-2007. Passed 2-20-07; Ord. 31-2007. Passed 8-21-07.)

1187.23 MINOR RESIDENTIAL SUBDIVISIONS.

- ~~(a) Notwithstanding anything to the contrary, approval without a plat of a minor residential subdivision may be granted by the Community Development Director or designee if the proposed minor subdivision of a parcel of land meets all of the following conditions:~~
- ~~(1) The proposed subdivision is located along an existing public road, has frontage along a public street and does not involve the creation or opening, widening or extension of a public street;~~
 - ~~(2) No more than five (5) lots are created after the original parcel has been completely subdivided;~~
 - ~~(3) The proposed subdivision is not contrary to other subdivision, zoning, and other applicable regulations; and~~
 - ~~(4) The property has been surveyed and a survey drawing, legal description of the property and other information as may be pertinent or required for appropriate action are submitted with the application.~~
- ~~(b) If approval is given under these provisions, the Community Development Director or designee shall, within ten (10) working days after submission, approve such proposed minor subdivision and, upon presentation of a conveyance for said parcel, shall stamp "Approved by New Albany; No Plat Required", and the authorized representative of the Commission shall sign the conveyance.~~

~~(c) — For the purpose of this section, "original parcel" means the parcel existing as of the effective date of this section of the Subdivision Regulations (February 20, 2007).~~



ORDINANCE O-21-2024

AN ORDINANCE TO AMEND THE NEW ALBANY VILLAGE CENTER URBAN CENTER FORM-BASED CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES

WHEREAS, the Urban Center Form-Based Code is adopted and incorporated by reference in chapter 1158 and it has been found that the Urban Center Form-Based Code needs to be amended; and

WHEREAS, New Albany City Council has determined that it is necessary to amend the Urban Center Form-Based Code of the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, the amendment clarifies the relationship between the zoning district regulations of the Urban Center Form-Based Code and the development standards of the Codified Ordinances of the city of New Albany chapter 1165; and

WHEREAS, the New Albany Planning Commission and New Albany City Council on separate occasions have held public hearings and received public input concerning the amendment of the codified ordinance; and

WHEREAS, the New Albany Planning Commission 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: Portions of the New Albany Village Center Urban Center Form-Based Code be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

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 121.22 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 _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

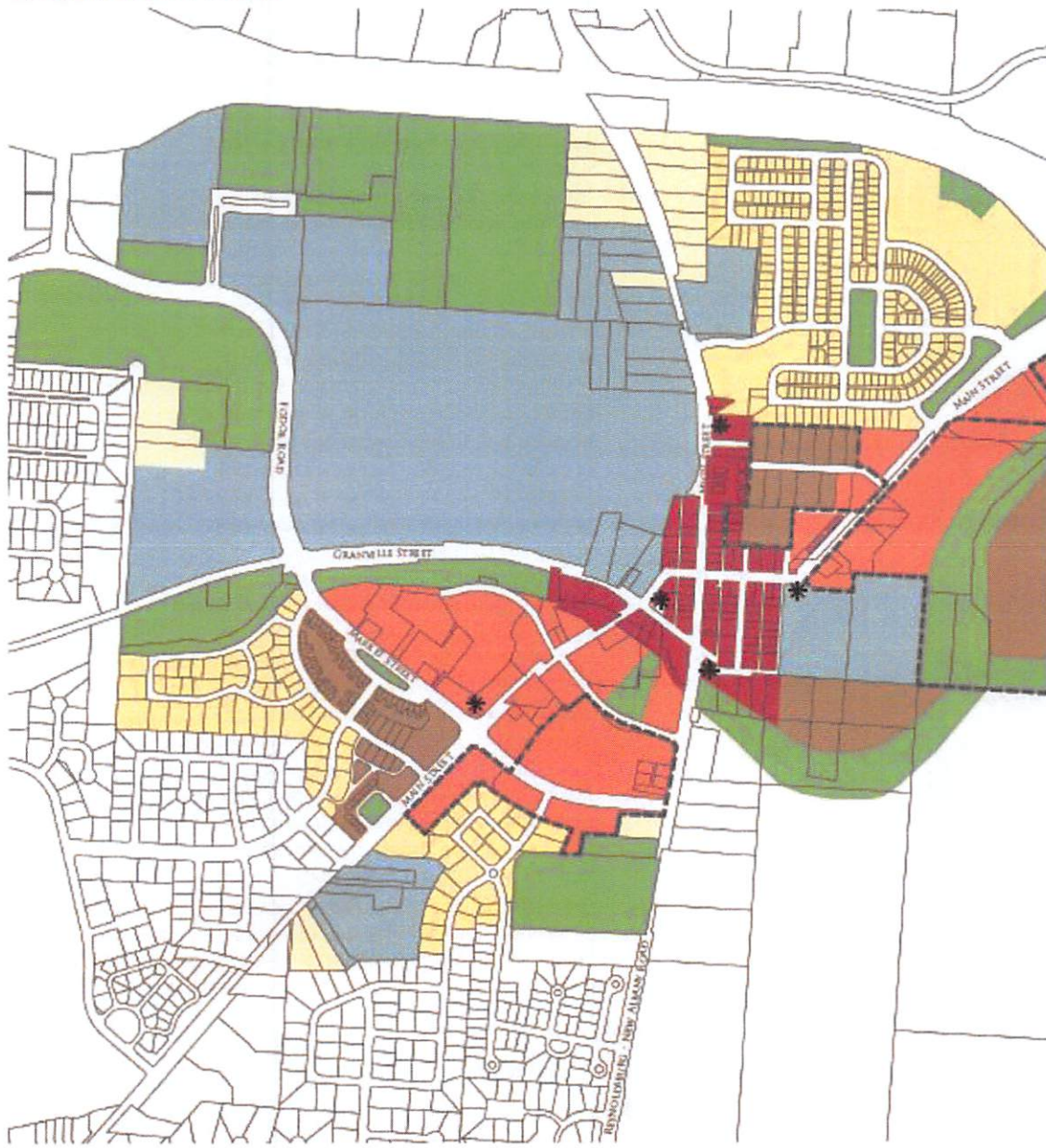
Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	06/07/2024
Introduced:	06/18/2024
Revised:	
Adopted:	
Effective:	

REGULATING PLAN





Street Standards Plan
 Refer to the *Street Standards Plan* for required and recommended street, alley, and building envelope standards.

1.1 Regulating Plan

- 1.1.1 The Regulating Plan divides the Urban Center District into sub-districts. These sub-districts identify areas of common building form based upon existing conditions and recommended future conditions from the Village Center Strategic Plan.
- 1.1.2 The sub-districts allocate the location of building forms, building frontages, and other development considerations to create the desired urban design standards for each.
- 1.1.3 The conceptual area boundary indicates a required arrangement of sub-districts and conceptual street layout for areas where the existing condition does not match the desired future building form or street layout. Modifications to sub-district boundaries can be made through the amendment process (Chapter 1111). Acceptable circumstances for modifications to the Regulating Plan would include the following:
 - a. modifications to the street standards plan
 - b. protection of natural features not previously identified
 - c. revisions to the Village Center Strategic Plan
- 1.1.4 Multiple locations within the Urban Center District have been identified as important visual termini. The locations should be seen as opportunities to highlight architectural interest through building orientation, unique massing, or frontage treatments. Refer to Section 3.3 for additional guidelines for required architectural focal points.
- 1.1.5 Some form of open space or parkland shall be provided within 1,200 linear feet of all new residential buildings. These spaces shall be programmed to meet the needs of residents in the surrounding area and the city as a whole.

- Historic Center*
- Village Core*
- Core Residential*
- Village Residential*
- Rural Residential*
- Campus*
- Parks and Preservation*
- Conceptual Area Boundary*
- * *Required Architectural Focal Point*

the desired placement in a sub-district.

- 2.2.3 New building typologies shall be project specific and cannot be used for other development applications.

2.3 Wide Buildings

- 2.3.1 Buildings with lot widths that are longer than 300 feet should be sensitive to adjacent building patterns.
- 2.3.2 If a wide building is across from an existing set of buildings with significantly narrow lot widths, the wide building must mitigate the facade length by creating the appearance of smaller lot widths.
- 2.3.3 Wide buildings may implement vertical architectural elements to the building facade, changes in material, color, breaks in plane to the facade, or a varied roof line.

2.4 Reference Regulations

- 2.4.1 Unless otherwise specified in this document, the development standards of Part Eleven of the Codified Ordinances of New Albany shall apply.
- 2.4.2 Decks are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.3 Open-sided structures are permitted and shall be regulated by Codified Ordinance Chapter 1165.
- 2.4.4 Swimming pools shall be regulated by Codified Ordinance Chapter 1173.
- 2.4.5 Fencing and hedges shall be regulated by Codified Ordinance Chapter 1175.
- 2.4.6 Satellite antennas shall be regulated by Codified Ordinance Chapter 1177.
- 2.4.7 Wireless Telecommunication Facilities shall be regulated by Codified Ordinance Chapter 1179.
- 2.4.8 Properties located within the Regulating Plan boundary are not required to meet the Parkland and Open Space Dedication Requirements in Codified Ordinance Chapter 1165.



ORDINANCE O-22-2024

AN ORDINANCE TO ADOPT A TAX BUDGET FOR THE CITY OF NEW ALBANY, OHIO FOR FISCAL YEAR ENDING DECEMBER 31, 2025

WHEREAS, the City of New Albany is required under Ohio Revised Code (ORC) 5705.30 to prepare and submit a tax budget for fiscal year 2025 to the County Budget Commission on or before July 15, 2024; and

WHEREAS, a tentative budget for the City of New Albany for the fiscal year 2025 has been presented to council at a hearing held thereon as required by law.

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 tax budget for the City of New Albany, Ohio for the fiscal year 2025 is hereby adopted, a copy of which is attached as Schedule A and is incorporated into this ordinance as if fully rewritten herein.

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 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 3. 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 _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/05/2024

Introduced: 06/18/2024

Revised:

Adopted:

Effective:

PROPOSED

CITY OF NEW ALBANY
 FRANKLIN COUNTY, OHIO
 99 W. MAIN STREET, PO BOX 188
 NEW ALBANY, OHIO 43054

FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT
 IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the Franklin County Auditor:

The following Budget year beginning January 1, 2025 has been adopted by Council and is herewith submitted for consideration of the County Budget Commission.

Bethany Staats, CPA, Director of Finance
 July 2, 2024

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

For Municipal Use		For Budget Commission Use		For County Auditor Use	
FUND CATEGORY/TYPE <small>(which are requesting general property tax revenue)</small>	BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE/OUTSIDE	BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	BUDGET YEAR TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
				INSIDE 10 MILL LIMIT BUDGET YEAR	OUTSIDE 10 MILL LIMIT BUDGET YEAR
	Column 1	Column 2	Column 3	Column 4	Column 5
GOVERNMENTAL FUNDS					
General Fund	\$ 1,895,756				
SPECIAL REVENUE FUNDS					
No Special Revenue Funds	\$0				
PROPRIETARY FUNDS					
No Proprietary Funds	\$0				
FIDUCIARY FUNDS					
No Fiduciary Funds	\$0				
TOTAL ALL FUNDS	\$1,895,756				

SCHEDULE A

FUND NAME: GENERAL FUND (101)
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

This Exhibit is to be used for General Fund Only.

DESCRIPTION (1)	2022 ACTUAL (2)	2023 ACTUAL (3)	CURRENT YEAR ESTIMATED 2024 (4)	NEXT YEAR ESTIMATED 2025 (5)
REVENUES				
Local Taxes				
General Property Tax - Real Estate	\$ 1,442,904	\$ 1,542,113	\$ 1,895,756	\$ 1,895,756
Tangible Personal Property Tax	-	-	-	-
Municipal Income Tax	27,156,356	32,774,242	33,688,572	33,857,015
Other Local Taxes	431,346	450,912	422,098	426,319
Total Local Taxes	\$ 29,030,606	\$ 34,767,267	\$ 36,006,427	\$ 36,179,090
Intergovernmental Revenues				
State Shared Taxes and Permits				
Local Government	\$ 117,364	\$ 136,064	\$ 121,398	\$ 118,970
Kilowatt Hour Tax	-	-	-	-
Estate Tax	-	-	-	-
Cigarette Tax	149	163	37	38
Liquor and Beer Permits	17,859	16,116	4,143	4,185
Property Tax Allocation	140,989	140,929	190,404	190,404
Other State Shared Taxes and Permits	-	-	-	-
Total State Shared Taxes and Permits	\$ 276,361	\$ 293,271	\$ 315,982	\$ 313,596
Grants or Other Aid:				
Federal Grants or Aid	\$ -	\$ -	\$ -	\$ -
State Grants or Aid	14,715	500	-	-
Other Grants or Aid	50,502	58,979	95,888	96,847
Total Grants or Other Aid	65,218	59,479	95,888	96,847
Total Intergovernmental Revenues	\$ 341,579	\$ 352,750	\$ 411,870	\$ 410,443
Service Charges, Permits & Misc Revenues				
Investment Earnings	\$ 557,041	\$ 2,222,194	\$ 3,709,657	\$ 3,746,754
Charges for Services	341,374	389,310	315,047	318,197
Fines, Licenses, and Permits	1,211,801	1,198,397	1,375,865	1,389,624
Miscellaneous	979,771	1,276,957	2,269,048	1,815,238
Total Svc Charges, Permits & Misc Revenues	\$ 3,089,987	\$ 5,086,857	\$ 7,669,618	\$ 7,269,814
Other Financing Sources:				
Proceeds from Sale of Assets	\$ 14,792	\$ 47,491	\$ 15,100	\$ 15,251
Transfers	-	-	-	-
Advances	629,937	4,304,429	205,750	200,000
Other Sources	-	-	-	-
Total Other Financing Sources	\$ 644,729	\$ 4,351,920	\$ 220,850	\$ 215,251
TOTAL REVENUE	\$ 33,106,900	\$ 44,558,795	\$ 44,308,764	\$ 44,074,598

FUND NAME: GENERAL FUND (101)

This Exhibit is to be used for General Fund Only.

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

DESCRIPTION (1)	2022 ACTUAL (2)	2023 ACTUAL (3)	CURRENT YEAR ESTIMATED 2024 (4)	NEXT YEAR ESTIMATED 2025 (5)
EXPENDITURES				
<u>Police (1000)</u>				
Salary & Related	\$ 6,041,401	\$ 6,779,066	\$ 8,530,280	\$ 8,871,491
Operating & Contractual Services	333,224	313,890	362,050	376,532
Capital Outlay	-	-	-	-
Total Police	\$ 6,374,625	\$ 7,092,956	\$ 8,892,330	\$ 9,248,023
<u>Land & Building Maintenance (6000)</u>				
Salary & Related	\$ 72,814	\$ 28,688	\$ 876,624	\$ 911,689
Operating & Contractual Services	1,694,086	1,810,223	2,509,750	2,610,140
Capital Outlay	-	-	-	-
Total Parks & Lands	\$ 1,766,899	\$ 1,838,911	\$ 3,386,374	\$ 3,521,829
<u>Community Development (4000)</u>				
Salary & Related	\$ 2,056,095	\$ 2,596,880	\$ 3,372,313	\$ 3,507,206
Operating & Contractual Services	1,707,503	2,013,315	2,314,200	2,406,768
Capital Outlay	-	-	-	-
Total Community Development	\$ 3,763,598	\$ 4,610,195	\$ 5,686,513	\$ 5,913,974
<u>Public Service (5000)</u>				
Salary & Related	\$ 3,588,654	\$ 4,036,586	\$ 4,344,981	\$ 4,518,780
Operating & Contractual Services	1,121,742	1,675,495	2,490,850	2,590,484
Capital Outlay	-	-	-	-
Total Public Service	\$ 4,710,396	\$ 5,712,081	\$ 6,835,831	\$ 7,109,264
<u>General Government (7000)</u>				
Salary & Related	\$ 2,777,709	\$ 3,402,304	\$ 4,750,757	\$ 4,940,787
Operating & Contractual Services	3,567,802	4,013,830	5,514,681	5,735,268
Capital Outlay	-	-	-	-
Total General Government	\$ 6,345,511	\$ 7,416,134	\$ 10,265,438	\$ 10,676,056
<u>Debt Service from General Fund (8000)</u>				
Redemption of Principal	\$ -	\$ -	\$ -	\$ -
Interest	-	-	-	-
Other Debt Service	-	-	-	-
Total Debt Service	\$ -	\$ -	\$ -	\$ -
<u>Other Uses of Funds (9000)</u>				
Transfers (to all funds; including Capital)	\$ 5,646,807	\$ 10,639,963	\$ 9,406,783	\$ 8,500,000
Advances	-	-	-	-
Contingencies	-	-	-	-
Other Uses of Funds	-	-	-	-
Total Other Uses of Funds	\$ 5,646,807	\$ 10,639,963	\$ 9,406,783	\$ 8,500,000
TOTAL EXPENDITURES	\$ 28,607,836	\$ 37,310,239	\$ 44,473,269	\$ 44,969,145
Revenues Over (Under) Expenditures	\$ 4,499,064	\$ 7,248,555	\$ (164,505)	\$ (894,548)
Beginning Fund Balance	\$ 26,257,043	\$ 30,756,107	\$ 38,004,662	\$ 37,840,157
Ending Cash Fund Balance	\$ 30,756,107	\$ 38,004,662	\$ 37,840,157	\$ 36,945,610
Est/Actual Encumbrances (at end of year)	\$ 2,188,594	\$ 2,714,787	\$ 2,769,083	\$ 2,824,464
Est/Actual Unencumbered (at end of year)	\$ 28,567,513	\$ 35,289,875	\$ 35,071,075	\$ 34,121,145

FUND NAME:
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL - SPECIAL REVENUE

This Exhibit to be used for any fund receiving property tax revenue except for General Fund.

DESCRIPTION (1)	2022 ACTUAL (2)	2023 ACTUAL (3)	CURRENT YEAR ESTIMATED 2024 (4)	NEXT YEAR ESTIMATED 2025 (5)
REVENUES				
<u>Local Taxes</u>				
General Property Tax - TIF/PILO1	\$ -	\$ -	\$ -	\$ -
Property Tax Allocation	-	-	-	-
Total Local Taxes	\$ -	\$ -	\$ -	\$ -
<u>Intergovernmental Revenues</u>				
State Shared Taxes and Permits	\$ -	\$ -	\$ -	\$ -
Total Intergovernmental Revenues	\$ -	\$ -	\$ -	\$ -
<u>Miscellaneous</u>				
Investment Earnings	\$ -	\$ -	\$ -	\$ -
<u>Other Financing Sources:</u>				
Transfers	\$ -	\$ -	\$ -	\$ -
Advances	-	-	-	-
Other Sources	-	-	-	-
TOTAL REVENUE	\$ -	\$ -	\$ -	\$ -
EXPENDITURES				
<u>General Government</u>				
Auditor and Treasurer Fees	\$ -	\$ -	\$ -	\$ -
Operating & Contractual Services	-	-	-	-
Total General Government	\$ -	\$ -	\$ -	\$ -
<u>Public Service</u>				
Operating & Contractual Services	\$ -	\$ -	\$ -	\$ -
Capital Outlay	-	-	-	-
Total Public Service	\$ -	\$ -	\$ -	\$ -
<u>Other Uses of Funds</u>				
Transfers	\$ -	\$ -	\$ -	\$ -
Other Uses	-	-	-	-
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -
Revenues Over (Under) Expenditures	\$ -	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance	\$ -	\$ -	\$ -	\$ -
Est/Actual Encumbrances (at end of year)	\$ -	\$ -	\$ -	\$ -
Est/Actual Unencumbered (at end of year)	\$ -	\$ -	\$ -	\$ -

CITY OF NEW ALBANY, OHIO
 FISCAL YEAR 2025 TAX BUDGET
 PROJECTED FUND BALANCES

EXHIBIT III

FUND CATEGORY/TYPE	ESTIMATED UNENCUMBERED BAL 1/1/25	ESTIMATED 2025 REVENUE	TOTAL AVAIL FOR EXPENDITURE	EST 2025 EXPENSES /ENC	ESTIMATED UNENC BAL 12/31/2025
GOVERNMENTAL:					
GENERAL					
101 - General	37,840,157	44,074,598	81,914,755	47,793,610	34,121,145
906 - Unclaimed Funds	2,940	-	2,940	-	2,940
TOTAL GENERAL FUNDS	\$ 37,843,097	\$ 44,074,598	\$ 81,917,694	\$ 47,793,610	\$ 34,124,085
SPECIAL REVENUE:					
201 - Street Construction, Maint & Repair	482,896	782,800	1,265,696	659,650	606,046
202 - State Highway	278,474	67,980	346,454	40,000	306,454
203 - Permissive Tax	205,104	121,540	326,644	145,000	181,644
210 - Alcohol Education	18,629	1,030	19,659	1,030	18,629
211 - Drug Use Prevention	68,416	20,600	89,016	20,600	68,416
212 - Mandatory Drug Fines	500	515	1,015	-	1,015
213 - Law Enforcement & Ed	6,155	1,030	7,185	1,000	6,185
214 - OneOhio Opiod Settlement	10,342	3,193	13,535	2,000	11,535
216 - K9 Fund	10,182	20,705	30,887	20,705	10,182
217 - Safety Town	160,611	51,500	212,111	26,466	185,645
218 - DUI Grant	12,701	10,300	23,001	10,300	12,701
219 - Law Enforcement Assistance	9,820	2,060	11,880	1,200	10,680
221 - Economic Development NAECA	-	2,149,378	2,149,378	2,149,378	-
222 - Economic Development NACA	1,983,193	3,500,000	5,483,193	3,500,000	1,983,193
223 - Oak Grove EOZ	-	5,205,397	5,205,397	5,205,397	-
224 - Central College EOZ	-	2,205,013	2,205,013	2,205,013	-
225 - Oak Grove II EOZ	-	4,620,840	4,620,840	4,620,840	-
226 - Blacklick EOZ	-	4,843,264	4,843,264	4,843,264	-
228 - Subdivision Development	1,610,114	1,236,000	2,846,114	1,800,000	1,046,114
229 - Builders Escrow	1,111,322	721,000	1,832,322	1,000,000	832,322
230 - Wentworth Crossing TIF	856,608	398,100	1,254,708	322,740	931,968
231 - Hawksmoor TIF	344,670	211,325	555,995	224,801	331,194
232 - Enclave TIF	30,686	67,702	98,388	59,870	38,518
233 - Saunton TIF	184,267	174,879	359,146	194,160	164,986
234 - Richmond Square TIF	207,073	222,519	429,592	181,081	248,511
235 - Tidewater I TIF	321,999	417,351	739,350	476,130	263,220
236 - Ealy Crossing TIF	228,483	417,729	646,212	427,160	219,052
237 - Upper Clarenton TIF	1,347,941	641,438	1,989,379	561,960	1,427,419
238 - Balfour Green TIF	90,591	30,985	121,576	32,800	88,776
239 - Straits Farm TIF	-	377,119	377,119	377,119	-
240 - Oxford TIF	-	121,128	121,128	121,128	-
241 - Schleppe Residential TIF	-	219,545	219,545	219,545	-
250 - Blacklick TIF	3,779,972	3,275,864	7,055,836	2,012,812	5,043,024
251 - Blacklick II TIF	237,423	51,912	289,335	53,000	236,335
252 - Village Center TIF	157,529	1,270,406	1,427,935	1,236,450	191,485
253 - Research Tech District TIF	2,149,996	215,401	2,365,397	5,150	2,360,247
254 - Oak Grove II TIF	5,753,409	1,725,723	7,479,132	30,000	7,449,132
255 - Schleppe Commercial TIF	-	-	-	-	-
258 - Windsor TIF	666,204	3,917,301	4,583,505	1,600,230	2,983,275
259 - Village Center II TIF	4	451,051	451,055	451,051	4
271 - Local Coronavirus Relief	-	-	-	-	-
272 - Local Fiscal Recovery	-	-	-	-	-
280 - Hotel Excise Tax	-	175,100	175,100	175,100	-
281 - Healthy New Albany Facilities	393	1,063,990	1,064,383	969,900	94,483
282 - Hinson Amphitheater	97,060	91,800	188,860	62,500	126,360
290 - Alcohol Indigent	12,016	1,030	13,046	-	13,046
291 - Mayors Court Computer	18,476	4,120	22,596	1,000	21,596
292 - Court Special Projects	23,488	8,240	31,728	1,000	30,728
293 - Clerk's Court Computer	14,342	5,150	19,492	1,000	18,492
299 - Severance Liability Fund	1,191,782	200,000	1,391,782	200,000	1,191,782
TOTAL SPECIAL REVENUE FUNDS	\$ 23,682,871	\$ 41,321,053	\$ 65,003,924	\$ 36,249,530	\$ 28,754,394
DEBT SERVICE FUNDS:					
301 - Debt Service	929,378	5,809,500	6,738,878	5,809,498	929,380
TOTAL DEBT SERVICE	\$ 929,378	\$ 5,809,500	\$ 6,738,878	\$ 5,809,498	\$ 929,380
CAPITAL PROJECT FUNDS:					
401 - Capital Improvements	1	10,583,377	10,583,378	10,583,378	-
402 - Village Center Improvements	39,210	576,064	615,274	615,274	-
403 - Bond Improvements	16,252	-	16,252	16,252	-
404 - Park Improvements	490,782	2,340,597	2,831,379	2,831,379	-
405 - Water & Sanitary Improvements	5,511,915	1,308,100	6,820,015	6,820,015	-
410 - Infrastructure Replacement	11,479,186	633,900	12,113,086	12,113,086	-
411 - Leisure Trail Improvements	802,244	20,600	822,844	822,844	-
415 - Capital Equip Replacement	6,018,459	1,848,577	7,867,036	7,867,036	-
422 - Oak Grove II Infrastructure	1,504,802	3,361,741	4,866,543	4,866,543	-
422 - Economic Development Capital Improvement	16,195,644	4,795,000	20,990,644	20,990,644	-
TOTAL CAPITAL PROJECT FUNDS	\$ 42,058,495	\$ 25,467,956	\$ 67,526,451	\$ 67,526,451	\$ -
TOTAL (MEMORANDUM ONLY)	\$ 104,513,841	\$ 116,673,107	\$ 221,186,947	\$ 157,379,089	\$ 63,807,859

CITY OF NEW ALBANY, OHIO
 FISCAL YEAR 2025 TAX BUDGET
 STATEMENT OF AMOUNTS REQUIRED FOR PAYMENT OF FINAL JUDGEMENTS

EXHIBIT IV

Description of Judgement	Amount of Judgement	Fund Paying Judgement
NONE	NONE	NONE
TOTAL	\$0	

List the amounts required for the payment of each judgement expected to be paid during the year being budgeted.

CITY OF NEW ALBANY, OHIO
 FISCAL YEAR 2025 TAX BUDGET
 SCHEDULE OF OUTSTANDING DEBT

EXHIBIT V

PURPOSE OF BONDS AND NOTES	Authority for Levy Outside 10 mill Limit *	Date of Issue	Due Date	Ordinance or Resolution	Serial or Term	Rate of Interest	Amounts of Bonds and Notes Outstanding beginning of year 01/01/25	BUDGET YEAR		FY 2025
								Amount Required for Principal and Interest 1/1/25 to 12/31/25	Amt Receivable from Outside Sources to Meet Debt Payments	Amount Required for Principal and Interest 1/1/25 to 12/31/25
Payable from Debt Service:										
<u>INSIDE 10 MILL LIMIT:</u>										
2022 Refunding - 2012 Various Purpose Refunding Ltd Tax GO Bonds	NA	5/25/2022	12/1/2029	O-14-2022	Serial	2.68%	\$3,170,000	\$576,690	\$0	\$576,690
Capital Facilities Bonds, Series 2018	NA	7/11/2018	12/1/2037	O-08-2018	Serial	1.52% - 3.24%	\$12,475,000	\$1,308,250	\$0	\$1,308,250
Cap Impr Bonds - Public Facs, Taxable Refunding, Series 2016	NA	11/23/2016	12/1/2027	O-35-2016	Serial	2.39% - 2.50%	\$2,015,000	\$708,159	\$0	\$708,159
Capital Facilities Ltd. Tax GO Bonds, Series 2014	NA	12/1/2014	12/1/2030	O-13-2014	Serial	0.85% - 4.00%	\$2,575,000	\$562,100	\$0	\$562,100
TOTAL							\$20,235,000	\$3,155,199	\$0	\$3,155,199
<u>OUTSIDE 10 MILL LIMIT:</u>										
None	-	-	-	-	-	-	\$0	\$0	\$0	\$0
TOTAL							\$0	\$0	\$0	\$0

* If the Levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election. If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

CITY OF NEW ALBANY, OHIO

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

The Budget Commission of Franklin County, Ohio, hereby makes the following Official Certificate of Estimated Resources for the City of New Albany for the BUDGET YEAR beginning January 1st, 2025.

FUND	Estimated Unenc Bal as of 1/1/2025	Real Estate Property Tax	Personal Property Tax	Local Government Funds	Rollback, Homestead and Personal Prop Tax Exemption	Other Sources	Total
GOVERNMENTAL FUNDS	\$ 104,513,841	\$ 1,895,756	\$ -	\$ 118,970	\$ 190,404	\$ 114,467,977	\$ 221,186,947
General Fund	37,840,157	1,895,756	-	118,970	190,404	41,869,468	81,914,755
Unclaimed Funds	2,940	-	-	-	-	-	2,940
Special Revenue Funds	23,682,871	-	-	-	-	41,321,053	65,003,924
Debt Service Funds	929,378	-	-	-	-	5,809,500	6,738,878
Capital Project Funds	42,058,495	-	-	-	-	25,467,956	67,526,451
PROPRIETARY FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Enterprise Funds	-	-	-	-	-	-	-
Internal Service Funds	-	-	-	-	-	-	-
FIDUCIARY FUNDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Trust and Agency Funds	-	-	-	-	-	-	-
TOTAL ALL FUNDS	\$ 104,513,841	\$ 1,895,756	\$ -	\$ 118,970	\$ 190,404	\$ 114,467,977	\$ 221,186,947

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's Estimate of the rate of each tax necessary to be levied within and outside the 10 mill limitation is set forth in the proper columns of the preceding pages and the total amount approved for each fund must govern the amount of appropriation from such fund.

DATE _____, 2024

Budget
Commission



ORDINANCE O-23-2024

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

WHEREAS, the Council of the City of New Albany finds that the codified ordinances need to be updated to allow for the continued work and operation of the IDEA Implementation Panel and

WHEREAS, the initial IDEA Committee was established by council on July 7, 2020 and IDEA stands for Inclusion Diversity Equity & Accessibility; and

WHEREAS, the IDEA Implementation Panel was created by motion of council on December 7, 2021 to carry out specific actions recommended by the IDEA Committee in their 2021 report; and

WHEREAS, current IDEA Panel members’ terms expire on June 30, 2024, however, council wishes to build on the success of the first 2 years of the IDEA Implementation Panel and create an ongoing board that will continue the work of creating an inclusive and welcoming community; and

WHEREAS, a codified IDEA Implementation Panel would continue to advise council regarding proposed projects and events to connect the community, including but not limited to IDEA events, neighborhood ambassador programs, and NA101 events; and

WHEREAS, council now finds it advisable to create Chapter 138 of the Codified Ordinances of the City of New Albany “IDEA Implementation Panel.”

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

Section 1: Codified Ordinance Chapter 138 “IDEA Implementation Panel” be created as set forth in 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 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 121.22 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 _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/24/2024

Introduced: 07/02/2024

Revised:

Adopted:

Effective:

EXHIBIT A – O-23-2024

CHAPTER 138 – IDEA IMPLEMENTATION PANEL

138.01 – IDEA IMPLEMENTATION PANEL ESTABLISHED; MEMBERSHIP, TERM AND VACANCY.

- (a) There is hereby created and established an IDEA Implementation Panel to be composed of seven (7) voting members who shall be appointed by Council. Council Member liaisons to the Panel shall be as appointed by council. Any Council Member liaison(s) shall be non-voting member(s) of the Panel.

The seven (7) Panel members shall be appointed for three (3) year terms, with the exception of those initially appointed, whose terms shall be staggered as follows:

One-year term commencing from date three
of appointment and ending on 6/30/25 members

Two-year term commencing from date two
of appointment and ending on 6/30/26 members

Three-year term commencing from date two
of appointment and ending on 6/30/27 members

- (b) In the event of a vacancy on the IDEA Implementation Panel Member, Council shall appoint a replacement to fill the un-expired term.
- (c) Four (4) voting members shall constitute a quorum.

138.02 – PURPOSE OF THE IDEA IMPLEMENTATION PANEL

- (a) The purpose of the IDEA Implementation Panel is to advise the City of New Albany regarding proposed projects and events to connect the community, including but not limited to IDEA events, neighborhood ambassador programs and NA101 events.

The Panel shall not become an advocacy forum for any one group or organization. The Panel's role shall be that of facilitator to help create an inclusive and welcoming community and to assist Council and Administration in efforts to create policies and programs that support inclusion, diversity, equity and accessibility.

138.03 - COMPENSATION.

Members of the IDEA Implementation Panel shall serve without compensation.

138.04 - MEETINGS; REPORTING; ABSENCES.

- (a) The IDEA Implementation Panel shall meet not less than once each month or as needed. Minutes of all meetings shall be kept. The City Manager shall assign a department and staff to facilitate the Panel's activities.
- (b) Any member of the Panel who has been absent from three (3) consecutive meetings or four (4) regular meetings during any 12-month period, whether excused or not, is removed from membership.

138.05 - ADVISORY CAPACITY ONLY.

The IDEA Implementation Panel shall act solely in an advisory capacity, making recommendations to Council and the City Manager.

138.06 - POWERS AND DUTIES.

To achieve the stated purpose, the IDEA Implementation Panel shall have the following powers and duties:

- (a) Provide advice and recommendations to City Council for advancing the city's proposed projects and events to connect the community, including but not limited to IDEA events, neighborhood ambassador programs and NA101 events.
- (b) Carry out specific actions recommended by the IDEA Committee in their 2021 report.
- (c) Advise and assist Council and the City Manager in efforts to help create an inclusive and welcoming community.
- (d) Provide liaison to Council by attendance at a Council meeting as required by Council or deemed appropriate by the chairman or the chairman's designate, who shall report on Panel activities.
- (e) Undertake such other assignments or studies on inclusion, diversity, equity and accessibility issues as may be requested by the Council and/or the City Manager.

138.07 - DEPARTMENTAL ASSISTANCE.

The IDEA Implementation Panel may call upon the City Manager, and, through the City Manager, any department of the Municipality to render such assistance to the Panel as may reasonably be required.



RESOLUTION R-28-2024

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A SERVICES AGREEMENT WITH THE NEW ALBANY CHAMBER OF COMMERCE FOR THE SUPPORT OF COMMUNITY EVENTS

WHEREAS, the City of New Albany recognizes the importance of events to encourage community cohesion, interaction, and collaboration; and

WHEREAS, the city desires to engage the New Albany Chamber of Commerce to perform the services and functions as described in the attached agreement; and

WHEREAS, the New Albany Chamber of Commerce desires to perform the services and functions as described in the attached agreement; and

WHEREAS, the Services Agreement describes the roles and responsibilities of the parties and outlines an approach for the successful implementation of community events within New Albany.

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 enter into a shared Services Agreement, the same as or substantially similar to the attached 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 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 121.22 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 _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/10/2024

Introduced: 06/18/2024

Revised:

Adopted:

Effective:

SERVICES AGREEMENT

This Services Agreement ("Agreement") is made and entered into and effective on this ___ day of May, 2024 ("Effective Date") by and between the City of New Albany, Ohio ("New Albany"), an Ohio Municipal Corporation, with offices located at 99 West Main Street, New Albany, Ohio 43054 and The New Albany Chamber of Commerce a 501(c)(6) Corporation ("Service Provider"), with an office and principal place of business located at 55 W. Main Street. New Albany, OH 43054.

Recitals

WHEREAS, New Albany desires to engage Service Provider to perform the services as more fully described in the attached Exhibit A (the "Services"); and

WHEREAS, Services Provider desires to perform the Services and desires to be so engaged.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and agreements herein contained, the parties, intending to be legally bound, agree as follows:

Provisions

I. Performance of the Services. Provider shall:

- A. Perform the Services as set forth in Exhibit A.
- B. Give prompt notice to New Albany should the Service Provider observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.
- C. Remit to New Albany after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, drawings, site plans, photographs, contracts, invoices, receipts and similar materials. Provider shall be entitled to retain copies for Provider's files.

II. Obligations of New Albany. New Albany shall:

- A. Assist the Service Provider by placing at its disposal all available information pertinent to the Services for the project.
- B. Use its best efforts to secure release of other data applicable to the project held by others.
- C. Make all necessary provisions to enter upon public and private property as required to perform the Services.
- D. Give prompt notice to the Service Provider should New Albany observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.

III. Term and Termination. The Agreement shall commence on or about June 21, 2024 and shall be completed on or before December 31, 2026. New Albany or Service Provider may terminate this Agreement at any time by giving the other party thirty (30) days advance written notice. In the event this Agreement is terminated by New Albany prior to its natural expiration, Service Provider shall be paid the amounts for work actually performed in accordance with this Agreement to the date of this early termination.

IV. Payment.

Service Provider shall be compensated according to the schedule included under "Payment" in Exhibit A.

V. Relationship of the Parties. The parties acknowledge and agree that Service Provider is an independent contractor and is not an agent or employee of New Albany. Nothing in this Agreement shall be construed to create a relationship between Service Provider and New Albany of a partnership, association, or joint venture. Further, the parties acknowledge that Service Provider is paid a fee, retainer or other payment as per Section IV of this Agreement; is not eligible for workers' compensation or unemployment compensation; is not eligible for employee fringe benefits such as vacation or sick leave; does not appear on New Albany's payroll; is required to provide his or her own supplies and equipment; and is not controlled or supervised by New Albany personnel as to the manner of work.

VI. Indemnification.

A. **Professional Liability.** Relative to any and all claims, losses, damages, liability and cost, the Service Provider agrees to indemnify and save New Albany, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury arising from the negligent acts, errors or omissions by the Service Provider or its employees.

B. **Non-Professional Liability (General Liability).** The Service Provider shall indemnify, defend and hold harmless New Albany, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of the Service Provider, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the negligent acts or omissions of the Service Provider, any subconsultant(s) of the Service Provider, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

VII. Insurance.

A. The Service Provider shall secure and maintain, at his/her own expense, insurance for protection from claims under Worker's Compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom,

and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders.

- B. The Service Provider shall secure and maintain, at his/her own expense, General Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- C. The Service Provider shall secure and maintain, at his/her/its own expense, Property insurance for protection from claims or damages because of damage to or destruction of property including loss of use resulting therefrom in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- D. New Albany shall be held harmless for any damage to the Service Provider's property and/or equipment while performance under the Contract.
- E. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified. Certificates showing that the Service Provider is carrying the above referenced insurance in at least the above specified minimum amounts shall be furnished to, and approved by, New Albany prior to the start of work on the project and before New Albany is obligated to make any payments to the Service Provider for the work performed under the provision of this contract. All such Certificates, apart from those for Worker's Compensation and Errors & Omissions coverage, shall clearly reflect that the City of New Albany is an "Additional Insured".

VIII. Employee Documentation

- A. Service Provider guarantees that the individuals employed by the Service working on this project are authorized to work in the United States. The Service Provider will upon demand provide New Albany with appropriate documentation (Form 1-9) for any Service Provider employee performing services for New Albany.
- B. The Service Provider agrees to indemnify New Albany in accordance with Section VI of the Agreement for any issue arising out of the Service Provider's hiring or retention of any individual who is not authorized to work in the United States.

IX. Taxes.

- A. Service Provider has the following identification number for income tax purposes: 31-1221292.
- B. Service Provider is subject to and responsible for all applicable federal, state, and local taxes.
- C. New Albany represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to Service Provider upon written request. Service Provider hereby further agrees to withhold all municipal income taxes due or payable under the provisions of Chapters 181 or 183 of the Codified Ordinances of New Albany, Ohio, for wages, salaries and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such municipal income taxes due under such chapter for Services performed under this Agreement.

- D. The Service Provider represents that it is a tax-exempt entity for Internal Revenue Service reporting purposes and evidence of this tax-exempt status shall be provided to New Albany upon written request.
- X. **Assignment.** Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.
- XI. **Entire Agreement / Amendment.** This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Ohio.
- XII. **Discrimination.**
- A. No discrimination for reason of race, color, religion, sex, military status, age, disability, ancestry or country of national origin shall be permitted or authorized by New Albany and/or Service Provider regarding the Services.
- B. Nothing in this Agreement shall require the commission of any act contrary to any law or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of Service Provider.
- XIII. **Governing Law/Venue.** Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement, whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Ohio, in any court of competent jurisdiction in Franklin or Licking County, Ohio as determined by New Albany.
- XIV. **Severability.** If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.
- XV. **Paragraph Headings.** Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement.

[signatures appear on following page]

BY SIGNING THIS AGREEMENT, YOU HEREBY ACKNOWLEDGE THAT YOU HAVE BEEN INFORMED THAT THE CITY OF NEW ALBANY, OHIO HAS CLASSIFIED YOU AS AN INDEPENDENT CONTRACTOR AND THAT YOU HAVE BEEN ADVISED THAT CONTRIBUTIONS TO OPERS WILL NOT BE MADE ON YOUR BEHALF FOR THESE SERVICES.

FURTHER, BY SIGNING THIS AGREEMENT, YOU HEREBY ACKNOWLEDGE THAT THE CITY OF NEW ALBANY, OHIO HAS IN NO WAY LIMITED OR RESTRICTED YOUR RIGHT TO PROVIDE THE AGREED-TO SERVICES TO THE GENERAL PUBLIC AND THAT YOU REGULARLY PROVIDE SUCH SERVICES TO THE GENERAL PUBLIC.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the ____ day of June, 2024.

CITY OF NEW ALBANY, OHIO

BY: _____
Joseph Stefanov, City Manager

SERVICE PROVIDER

BY: _____
ITS: _____

Approved as to Form:

Benjamin Albrecht, Law Director

CERTIFICATION OF FUNDS

I hereby certify that the funds required to meet the New Albany's obligation, payment, or expenditure under this Agreement have been lawfully appropriated or authorized for such purpose and are free from any obligation now outstanding.

Director of Finance

Date

EXHIBIT A

Scope of Services

The New Albany Chamber of Commerce will plan, market and execute the City of New Albany's community events for the City of New Albany and its residents and visitors. Community events may include, but are not limited to Independence Day Parade, Independence Day Celebration and Oktoberfest.

Agreement Requirements

Dates

1. These events cannot be cancelled or offered on different dates without permission from the City of New Albany.
 - a. 2024
 - i. Independence Day Parade and Independence Day Celebration - July 4, 2024 - \$53,000
 - ii. Oktoberfest – September 27 -28, 2024.
 - b. 2025
 - i. Independence Day Parade and Independence Day Celebration - July 4, 2025
 - ii. Oktoberfest – TBD
2. Should the City choose to add another event or change existing events, the City will notify the Chamber of Commerce of the list of events for future years events by the end of each calendar year when the City's Annual Operating Budget is approved by City Council.

Marketing

1. The City will be named as the presenter of all events. For example, "Oktoberfest is presented by the City of New Albany and the New Albany Chamber of Commerce"
2. The City logo will appear prominently in all event marketing. Please use the City's Brand Guidelines when placing the logo.

Budgeting

3. The City will provide the Chamber of Commerce with an event budget for each event. The City is not responsible for any fees, charges or invoices that exceed the budget.
4. The approved budgets for each event during the calendar year 2024:
 - a. Independence Day Parade and Independence Day Celebration - \$53,000
 - b. Oktoberfest - \$72,000
5. The City will notify the Chamber of Commerce of the approved budget for future years events by the end of each calendar year when the City's Annual Operating Budget is approved by City Council.
6. If the Chamber of Commerce cannot remain within the budgeted amount for an event, it should submit a budget increase request in writing to the Community Program Administrator prior to entering into contracts or agreements with service providers. The written request must include the current budget allocations and quotes from several vendors for the remaining services needed. The City may choose to approve or deny the request.

Payment

1. The City will advance up to one half (50%) of the approved budget for each event to the Chamber of Commerce by February 1.
2. Based upon the previous year's event, the City will retain the estimated fees for city provided services (police, service, etc.) from the total amount budgeted for each event. The City will

provide an itemized list of all services and fees to the Chamber of Commerce after the event concludes.

3. The City will reimburse remaining fees on a regular monthly schedule as requested by the Chamber of Commerce. Payment requests are due to the Community Program Administrator by the 15th of each month and will be paid by the close of the month. Payment requests must include an updated budget that clearly indicates which fees/services have been paid and which are outstanding.
4. Payments will only be made for purchases or services that are accompanied by a receipt, invoice or contract. As described in the Service Agreement, the Chamber must retain all payment records and provide them to the City if requested.

Alcohol

1. As governed by the State of Ohio, the City of New Albany can only purchase alcohol that will be resold at a public festival. All alcohol purchased by the Chamber of Commerce for an event outlined in this agreement must be resold to the public during one of the events listed on this agreement.
2. Any alcohol purchased for, but not sold during an event listed in this agreement must be returned to the vendor it was purchased from or purchased by the Chamber of Commerce at the same cost of the original purchase.
3. Alcohol purchases, sales and returns must be accounted for in a detailed section of the budget prior to the City issuing any final or remaining event payments.

Event Administration Fee

1. The City of New Albany will pay the Chamber of Commerce up to ten percent (10%) of the original budget of each event listed in this agreement for actual costs for event management services. This fee will be deducted from the established budget amount listed above for each event. Additional budget requests, if approved, will not be used to calculate the total Event Administration Fee, unless the City of New Albany determines otherwise. A detailed summary of actual administration costs should be included with the final reconciliation after the event has occurred.

Net Revenue

1. If any of the events outlined in this agreement produce a net revenue, the net revenue is due to the City after event reconciliation.



RESOLUTION R-30-2024

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO PROVIDE A ONE-TIME RETROACTIVE PAYMENT AND MAKE BI-ANNUAL REVENUE-SHARING PAYMENTS TO PLAIN TOWNSHIP IN AMOUNTS EQUAL TO THOSE THE TOWNSHIP WOULD HAVE RECEIVED FROM PROPERTY TAX LEVIES FOR FIRE AND EMERGENCY MEDICAL SERVICES IN THE ABSENCE OF TAX INCREMENT FINANCING DISTRICTS CREATED FOR THE RESEARCH AND TECHNOLOGY TIF AND BLACKLICK II (BOB EVANS) TIF

WHEREAS, New Albany City Council recognizes the importance and value of the fire and emergency medical services that Plain Township provides to New Albany residents and desires to help the township sustain those services; and

WHEREAS, the city and Plain Township have a long history of cooperation on matters relating to economic and community development; and

WHEREAS, the city has a history of compensating the township for fire and EMS revenues that would have been received if not for the establishment of Tax Increment Financing (TIF) Districts in the city; and

WHEREAS, TIF districts were previously created for the Research and Technology TIF established via Ordinance O-19-2012 and Blacklick II (Bob Evans) TIF established via Ordinance O-30-2013; and

WHEREAS, these TIF districts did not include a compensation provision for fire and EMS services provided by Plain Township.

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 director of finance is hereby authorized to make a one-time, retroactive payment to Plain Township for the amounts equal to those that would have been received by the township from fire and EMS levies if not for the city's establishment of TIF districts for the Research and Technology TIF and Blacklick II (Bob Evans) TIF for tax years 2015 through 2022 (calendar years 2016 through 2023).

Section 2. The director of finance is hereby authorized to make semi-annual payments to Plain Township, starting for tax year 2023 (calendar year 2024), in amounts equal to those that would have

been received by the township from fire and EMS levies if not for the city's establishment of TIF districts for the Research and Technology TIF and Blacklick II (Bob Evans) TIF.

Section 3. The city manager is hereby authorized to execute any documents associated with the implementation of this legislation, including amending any related TIF Reimbursement Agreements between the City of New Albany and Plain Township to reflect this resolution.

Section 3. Open Meeting. Council hereby finds and determines that all formal actions relative to the passage of this legislation 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 Ohio Revised Code Section 121.22.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 06/21/2024
Introduced: 07/02/2024
Revised:
Adopted:
Effective: