



ORDINANCE O-44-2024

AN ORDINANCE TO CREATE TWO HAMLET TAX INCREMENT FINANCING INCENTIVE DISTRICTS; DECLARE IMPROVEMENTS TO THE PARCELS WITHIN EACH INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRE THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; PROVIDE FOR THE DISTRIBUTION OF THE APPLICABLE PORTION OF THOSE SERVICE PAYMENTS TO THE NEW ALBANY PLAIN LOCAL SCHOOL DISTRICT AND THE EASTLAND-FAIRFIELD CAREER CENTER; PROVIDE COMPENSATION PAYMENTS FOR THE PLAIN TOWNSHIP FIRE DEPARTMENT AND TO FRANKLIN COUNTY; ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND ACCOUNTS THEREIN FOR THE DEPOSIT OF THE REMAINDER OF THE SERVICE PAYMENTS; SPECIFY THE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT OR SERVE PARCELS IN THE INCENTIVE DISTRICTS; AND TO APPROVE AND AUTHORIZE THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT

WHEREAS, this Council desires to facilitate the development by NoNA Master Development, LLC (the “Developer”) of approximately one hundred ninety-five (195) owner occupied residential units in order to increase available housing options within the City (the “Project”); and

WHEREAS, in order to develop the Project, it is necessary to construct certain public infrastructure improvements; and

WHEREAS, Sections 5709.40, 5709.42 and 5709.43 of the Ohio Revised Code (collectively, the “TIF Statutes”), authorize this Council to declare the improvements to certain parcels of real property located within the City to be a public purpose and exempt from real property taxation, require owners of those parcels to make service payments in lieu of taxes in an amount equal to such exempted taxes, provide for the distribution of the applicable portion of those service payments to the New Albany Plain Local School District and the Eastland-Fairfield Career Center (each a “School District”) and Franklin County, provide for the deposit of the remainder of those service payments into a municipal public improvement tax increment equivalent fund and accounts therein, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, to facilitate the development of the Project and pay the associated costs of the necessary public infrastructure improvements from service payments in lieu of taxes, this Council has

determined to create the Hamlet Incentive District #1 and the Hamlet Incentive District #2 (each an “Incentive District” and together the “Incentive Districts”) pursuant to the TIF Statutes, the boundaries of which shall be coextensive with the boundaries of, and will include, the parcels of real property within each Incentive District specifically identified and depicted in Exhibit A attached hereto (as currently or subsequently configured, the “Parcels”, with each of those parcels referred to herein individually as a “Parcel”); and

WHEREAS, this Council has determined that it is necessary, appropriate, and in the best interest of the City to exempt from taxation one hundred percent (100%) of the improvement to each parcel as permitted and provided in Section 5709.40(B), (C) and (D) of the Ohio Revised Code for thirty (30) years and to simultaneously direct and require the current and future owner of each Parcel (each such owner individually, an “Owner,” and collectively, the “Owners”) to make annual Service Payments (as defined in Section 4 of this Ordinance); and

WHEREAS, the City has determined that a portion of the Service Payments shall be paid directly to each School District in an amount equal to the real property taxes that School District would have received if the Improvement to the Parcels had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, the City provided timely notice of this Ordinance to the Franklin County Commissioners under Section 5709.40(E)(1) of the Revised Code, the Franklin County Commissioners on October 15, 2024 adopted their Resolution No. 0804-24 objecting to this Ordinance, and in Section 6(ii) of this Ordinance the City is providing compensation to the County under Section 5709.40(E)(2) of the Revised Code; and

WHEREAS, pursuant to Section 5709.43(A) of the Ohio Revised Code, this Council has determined to establish a municipal public improvement tax increment equivalent fund and an account in that fund for each Incentive District in which there shall be deposited the remaining Service Payments distributed to the City from that Incentive District; and

WHEREAS, this Council has determined to provide for the execution and delivery of a Tax Increment Financing Agreement (the “TIF Agreement”) which may more fully provide for the collection of Service Payments; and

WHEREAS, the Board of Education of New Albany Plain Local School District has waived any and all requirements for notice from the City under Sections 5709.40 and 5709.83 of the Ohio Revised Code in furtherance of the commitment made by the City in the Compensation Agreement entered into between the City and that Board of Education; and

WHEREAS, the City has provided timely notice to the Board of Education of the Eastland-Fairfield Career Center as required by Sections 5709.40 and 5709.83 of the Ohio Revised Code; and

WHEREAS, the City has determined to provide compensation payments for the Plain Township Fire Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of New Albany, Franklin County, Ohio, that:

Section 1. Incentive District Findings and Determinations; Creation of Incentive Districts. This Council hereby: (i) adopts the Economic Development Plan for the Incentive District now on file with the Clerk of the City Council; (ii) accepts and adopts the City Engineer's certification to this Council and the City Engineer's findings set forth therein that (a) the public infrastructure serving the Incentive Districts is inadequate to meet the development needs of the Incentive Districts as evidenced by the Economic Development Plan, and (b) that each Incentive District is less than 300 acres in size and enclosed by a continuous boundary; (iii) identifies the Project, which is to be undertaken in each Incentive District, as placing additional demand on the Public Infrastructure Improvements identified in Section 2 of this Ordinance; (iv) finds and determines that the City sent written notice of the public hearing regarding this Ordinance by first class mail to each owner of real property within each proposed Incentive District at least 30 days prior to such hearing, which notice included a map of the proposed Incentive District as well as the overlay area required by Section 5709.40(C)(2) of the Ohio Revised Code; (v) finds and determines that this Council has not received a request from the owner of any real property within any proposed Incentive District to exclude that owner's property from that Incentive District; and (vi) finds and determines that notice of this Ordinance does not need to be delivered to the New Albany Plain Local School District and has been delivered to the Eastland-Fairfield Career Center in accordance with and within the time periods prescribed in Sections 5709.40 and 5709.83 of the Ohio Revised Code. This Council further finds that the sum of the taxable value of real property in the Incentive Districts for tax year 2023 and the taxable value of all real property in the City that would have been taxable in tax year 2023 were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation, does not exceed twenty-five percent of the taxable value of real property within the City for tax year 2023. Pursuant to the TIF Statutes, this Council creates the Incentive Districts, the boundaries of which are coextensive with the boundaries of, and include, the Parcels specifically identified and depicted in Exhibit A, attached hereto.

Section 2. Public Infrastructure Improvements. This Council designates the following public infrastructure improvements, together with any public infrastructure improvements hereafter designated by Ordinance, as public infrastructure improvements made, to be made or in the process of being made by the City that benefit or serve, or that once made will benefit or serve, Parcels in each Incentive District (the "Public Infrastructure Improvements" or "Improvements"): enhancement of public waterways by stream restoration, improvements and enhancements for Sugar Run, public parking lot construction and paving, permeable and nonpermeable pavers, landscaping (including trees, hedges and walls), lighting upgrades, recreation facilities including a civic green, playgrounds and pavilions, burying power lines and providing a dedicated right turn lane northbound on S.R. 605 (New Albany Condit Road), and land acquisition for the foregoing. The costs of the improvements include but are not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code.

Section 3. Life of Incentive Districts: Authorization of Tax Exemption. Both Incentive Districts shall commence with the first tax year in which they have a combined market value of at least \$50,000,000 of building improvements (\$17,500,000 of assessed value of "improvements" as defined in Section 5709.40(A)(4)) that would first appear on the tax list and duplicate of real and public utility property for Parcels within the combined area constituting both Incentive Districts were it not for the exemption granted in this Ordinance and ends on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the TIF Statutes (the "Incentive District Life").

Pursuant to and in accordance with the provisions of Sections 5709.40(C) and (D) of the Ohio Revised Code, this Council hereby declares that one hundred percent (100%) of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the "Improvement," as defined in ORC Section 5709.40(A)) is a public purpose and shall be exempt from taxation for the Incentive District Life for the applicable Incentive District. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 4 of this Ordinance are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 4. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.42 of the Ohio Revised Code, the owner of each Parcel is hereby required to make annual service payments in lieu of taxes with respect to the Improvement to that Parcel to the applicable county treasurer (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established for real property taxes (collectively, the "Service Payments"), will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 3 of this Ordinance. The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "Property Tax Rollback Payments"), will be deposited and distributed in accordance with Section 6 of this Ordinance.

Section 5. Tax Increment Equivalent Fund. This Council hereby establishes the Hamlet Incentive District Municipal Public Improvement Tax Increment Equivalent Fund (the "TIF Fund") and an account therein for each Incentive District. The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each parcel and so deposited pursuant to the TIF Statutes shall be used solely for the purposes authorized in the TIF Statutes and this Ordinance (as it may be amended or supplemented). The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with the TIF Statutes.

Section 6. Distribution of Funds; Payments to Franklin County and for Plain Township Fire Department. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Incentive District Service Payments and Property Tax Rollback Payments as follows:

(i) to each School District, an amount equal to the amount the School District would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to each Parcel if the Improvement had not been exempt from taxation pursuant to this Ordinance;

(ii) to Franklin County, in the eleventh and subsequent year of each Exemption the compensation provided in Section 5709.40(E)(2) of the Revised Code; and

(iii) to the City, all remaining amounts for further deposit into the Fund for payment of costs of the Public Infrastructure Improvements upon appropriation for that purpose by this Council. If so appropriated, such costs may but shall not be required to include, without limitation, all debt service payable on debt issued to pay for Public Infrastructure Improvements, all amounts owed to reimburse the costs of any Public Infrastructure Improvements previously paid, including interest payable on those amounts, and all amounts owed to any third party for the construction of Public Infrastructure Improvements, including interest payable on those amounts.

These distributions are requested to be made at the same time and the same manner as real property tax distributions. The Director of Finance shall cooperate with the County Treasurer in the making of such distributions and shall make those distributions not made by the County Treasurer.

This Council also authorizes payments to be made to Plain Township in an amount equal to the Service Payments and Property Tax Rollback Payments generated by real property taxes levied for Plain Township Fire Department purposes.

Section 7. Tax Increment Financing Agreement. The Tax Increment Financing Agreement by and between the City and the Developer, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The City Manager, for and in the name of this City, is hereby authorized to execute that Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Ordinance and not substantially adverse to this City that are approved by the City Manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 8. Further Authorizations. This Council hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 9. Filings with Ohio Department of Development. Pursuant to Section 5709.40(I) of the Ohio Revised Code, the City Manager or other appropriate officer of the City is hereby directed to deliver a copy of this Ordinance to the Director of Development of the State of Ohio within fifteen (15) days after its passage. Further, on or before March 31 of each year that the exemption set forth in Section 1 of this Ordinance remains in effect, the City Manager or other appropriate officer of the City shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.40(I) of the Ohio Revised Code.

Section 10. Tax Incentive Review Council. This Council hereby designates the Tax Incentive Review Council created pursuant to Resolution R-46-2009 as the tax incentive review council responsible for reviewing annually all exemptions from taxation resulting from the declarations set

forth in this Ordinance and any other such matters as may properly come before that council, all in accordance with Section 5709.85 of the Ohio Revised Code.

Section 11. Open Meetings. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 12. Effective Date. Pursuant to Article 6.07(b) of the New Albany Charter, this Ordinance shall become effective thirty (30) days after adoption.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 10/26/2024
Revised: 11/01/2024
Introduced: 11/05/2024
Revised: 11/15/2024
Public Hearing: 11/17/2024—then tabled to 01/07/2025
Adopted:
Effective:



ORDINANCE O-48-2024

AN ORDINANCE TO APPROVE THE FINAL PLAT FOR 46 SINGLE-FAMILY LOTS ON 29.05 +/- ACRES AND ACCEPT RESERVES "A", "B", "I", "G", AND "F1" FOR PHASE 1 OF THE "COURTYARDS AT HAINES CREEK" SUBDIVISION GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE CENTRAL COLLEGE ROAD AND JUG STREET INTERSECTION, AS REQUESTED BY EPCON HAINES CREEK, LLC

WHEREAS, an application to approve the Courtyards at Haines Creek subdivision phase 1 final plat has been submitted; and

WHEREAS, Codified Ordinance chapter 1187 requires approval of the final plat by council; and

WHEREAS, the New Albany Planning Commission, after review during a public meeting on November 18, 2024, recommended approval of this final plat (FPL-85-2024); and

WHEREAS, the final plat includes 29.05 +/- acres of land to be subdivided into 46 residential lots in addition to the public streets; and

WHEREAS, the final plat includes approximately 13.04 +/- acres of public parkland and open space; and

WHEREAS, New Albany city council has agreed to the terms and conditions by which this parkland and open space will be donated; and

WHEREAS, the city engineer certifies that the Courtyards at Haines phase 1 final plat meets all the requirements of Chapter 1187 of the Codified Ordinances, stormwater management, design requirements, and will meet all other requirements of the city.

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

Section 1: The final plat is attached to this ordinance as Exhibit A and made a part herein approved.

Section 2: Council hereby accepts the lands shown on the map attached hereto as Exhibit A, under the terms and conditions outlined and the covenants and restrictions stipulated in the deed and final plat.

Section 3: 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 121.22 of the Ohio Revised Code.

Section 4: Pursuant to Article VI, Section 6.07(B) of the City of New Albany Charter, this ordinance shall take 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:	12/06/2024
Introduced:	12/17/2024
Revised:	
Adopted:	
Effective:	

THE COURTYARDS AT HAINES CREEK PHASE 1

Exhibit A - O-48-2024

Situated in the State of Ohio, County of Franklin, City of New Albany, and in Section 10, Township 2, Range 16, United States Military Lands, containing 29.935 acres of land, more or less, said 29.935 acres being part of those tracts of land conveyed to EPCON HAINES CREEK, LLC by deed of record in instrument Number 20167020061759, Recorder's Office, Franklin County, Ohio.

The undersigned, EPCON HAINES CREEK, LLC, an Ohio limited liability company, by CRAIG CHERRY, Regional President, owner of the lands plotted hereon, duly authorized in the premises, does hereby certify that this plat correctly represents as "THE COURTYARDS AT HAINES CREEK PHASE 1", a subdivision containing Lots numbered 1 to 30, 64 to 74, and 100 to 108, all inclusive, and areas designated as Reserve "A", Reserve "B", Reserve "C1", Reserve "C2", Reserve "D", and Reserve "E", does hereby accept this plat of same and dedicates to public use, as such, all of Atstock Drive, Central College Road, Cedarville Drive, Findlay Drive, Haines Creek Drive, Hiram Lane, Jug Street Road, Lourdes Drive, and Wooster Drive shown hereon and heretofore dedicated.

Easements are hereby reserved as over and under areas designated on this plat as "Easement", "Drainage Easement", "Trail Easement" or "Sidewalk Easement". Each of the aforementioned designated easements pertain the construction, operation and maintenance of all public and quasi-public utilities above, beneath, and on the surface of the ground and, where necessary, for the construction, operation and maintenance of sewer connections to all adjacent lots and lands and for storm water drainage. Within those areas designated "Drainage Easement" on this plat, an additional easement is hereby reserved for the purpose of constructing, operating and maintaining major storm water drainage swales and/or other above ground storm water drainage facilities. No above grade structures, dams or other obstructions to the flow of storm water runoff are permitted within Drainage Easement areas as delineated on this plat unless approved by the New Albany Municipal Engineer. Improvements related to the passive park may be located within the area containing a Drainage Easement. No building shall be constructed on any area over which easements are hereby reserved. Within those areas designated "Trail Easement" on this plat, an additional easement is hereby reserved for the construction and maintenance of an asphalt path for use by the public. Within those areas designated "Sidewalk Easement" on this plat, an additional easement is hereby reserved for the construction and maintenance of a sidewalk for use by the public. Easement areas shown hereon outside of the plotted areas are within lands owned by the undersigned and easements are hereby reserved thereon for the uses and purposes expressed hereon.

In Witness Whereof, CRAIG CHERRY, Regional President of EPCON HAINES CREEK, LLC, has hereunto set his hand this ___ day of ___, 20__.

Signed and Acknowledged
In the presence of: **EPCON HAINES CREEK, LLC**
By **CRAIG CHERRY,**
Regional President

STATE OF OHIO
COUNTY OF FRANKLIN ss:

Before me, a Notary Public in and for said State, personally appeared CRAIG CHERRY, Regional President of EPCON HAINES CREEK, LLC, who acknowledged the signing of the foregoing instrument to be his voluntary act and deed and the voluntary act and deed of said EPCON HAINES CREEK, LLC, for the uses and purposes expressed hereon.

In Witness Whereof, I have hereunto set my hand and affixed my official seal this ___ day of ___, 20__.
My commission expires _____ Notary Public, _____ State of Ohio

Approved this ___ Day of _____
20__ Mayor, _____ New Albany, Ohio
Approved this ___ Day of _____
20__ City Engineer, _____ New Albany, Ohio
Approved this ___ Day of _____
20__ Council Representative to Planning Commission, _____ New Albany, Ohio
Approved this ___ Day of _____
20__ Chairperson, Planning Commission, _____ New Albany, Ohio
Approved this ___ Day of _____
20__ Finance Director, _____ New Albany, Ohio

Approved and accepted by Resolution No. _____ passed
20__ wherein all of Atstock Drive, Central College Road, Cedarville Drive, Findlay Drive, Haines Creek Drive, Hiram Lane, Jug Street Road, Lourdes Drive, and Wooster Drive shown dedicated hereon are accepted, as such, by the Council for the City of New Albany, Ohio.

Transferred this ___ day of _____
20__ Auditor, _____ Franklin County, Ohio

Deputy Auditor, _____ Franklin County, Ohio

Filed for record this ___ day of _____
20__ at _____ M. Fee \$ _____
Recorder, _____ Franklin County, Ohio

File No. _____

Recorded this ___ day of _____
20__ Deputy Recorder, _____ Franklin County, Ohio

Flat Book _____ Pages _____



LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

SURVEY DATA:

BASES OF BEARINGS: The bearings shown hereon are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (1983 Adjustment). Said bearings originated from a field traverse which was tied (referenced) to said coordinate system by GPS observations and observations of selected Franklin County Engineering Department monuments Frank 80 and Frank 160. The portion of the centerline of Central College Road, having a bearing of South 86°52'49" East and monumented as shown hereon, is designated as the "base of bearings" for this plat.

REFERENCE OF DATA: The corners of recorded survey data referenced in the plan and text of this plat are the records of the Recorder's Office, Franklin County, Ohio.

IRON PINS: Iron pins, where indicated hereon, unless otherwise noted, are to be set and are iron pins, three-eighths inch inside diameter, thirty inches long with a plastic plug placed in the top and bearing the initials EMHT INC.

PERMANENT MARKERS: Permanent markers, where indicated hereon, are to be one-inch diameter, thirty-inch long, solid iron pins, are to be set to monument the points indicated and are to be set with the top and flush with the surface of the ground and then capped with an aluminum cap stamped EMHT INC. Once installed, the top of the cap shall be marked (penned) to record the actual location of the point. These markers shall be set following the completion of the construction/facilities of the street pavement and utilities and prior to the City of New Albany, Ohio's acceptance of these infrastructure improvements. The New Albany, Ohio, Municipal Engineer shall be notified in writing when the markers are in place.

SURVEYED & PLATTED
BY



We do hereby certify that we have surveyed the above premises, prepared the attached plat, and that said plat is correct. All dimensions are in feet and decimal parts thereof.

- = Iron Pin (See Survey Data)
- = 1/4" H&B to be set
- ⊙ = Permanent Marker (See Survey Data)
- = FCS Monument found

By _____ Date _____
Professional Surveyor No. 7885

THE COURTYARDS AT HAINES CREEK PHASE 1

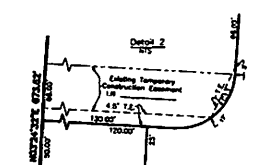
- (A) CITY OF NEW ALBANY
I.N. 202206240094052
- (B) RICHARD EUGENE ULERY
DEBBIE LEE ULERY
O.R. 27800C14
- (C) MICHAEL HAIRSTON
I.N. 202208290123903
- (D) PEGGY J. CORWIN
I.N. 202212160168909
I.N. 200402110030535
- (E) JEAN SMYTHE TRUSTEE
I.N. 200909160134683
- (F) PAUL K. STAMM
CHRISTINE BURIK STAMM
I.N. 200309120291097

- ** = RESERVE "F1"
- *** = RESERVE "G"
- **** = RESERVE "I"

Legend

- Existing Property Line
- Existing R/W Line
- Existing Easement Line
- Subdivision Boundary Line
- Lot Line
- R/W Line
- R/W Centerline
- Easement Line
- Stream Preservation Zone Line
- Tree Preservation Zone Line

- ### Line Type Legend
- Existing Property Line
 - Existing R/W Line
 - Existing Easement Line
 - Subdivision Boundary Line
 - Lot Line
 - R/W Line
 - R/W Centerline
 - Easement Line
 - Stream Preservation Zone Line
 - Tree Preservation Zone Line



TAMARA L. DAVIES
RONALD H. DAVIES
I.N. 201211020166943

TAMARA DAVIES
RONALD DAVIES
I.N. 202111030199919

EPCON HAINES CREEK, LLC
I.N. 20240720065759

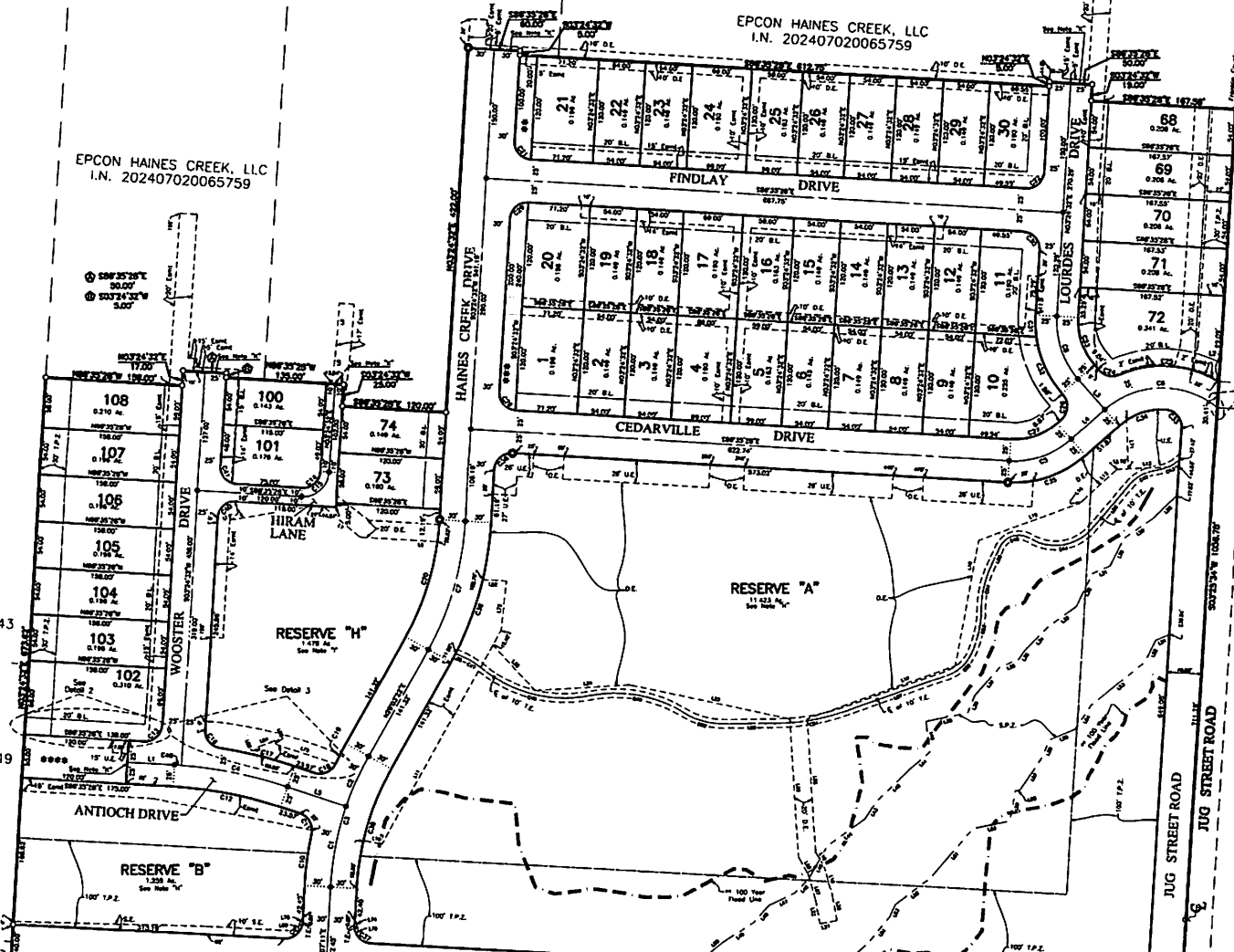
EPCON HAINES CREEK, LLC
I.N. 20240720065759

ALBERT J. MCROBERTS III
DIANA J. MCROBERTS
O.R. 243, P. 106

8400 CENTRAL COLLEGE ROAD PROPCO LLC
I.N. 202012290035810

CENTRAL COLLEGE ROAD P.B. 53, P. 26

CENTRAL COLLEGE ROAD





ORDINANCE O-49-2024

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 30.04 +/- ACRES OF LAND GENERALLY LOCATED NORTH AND WEST OF LAMBTON PARK ROAD AND SOUTH OF BRANDON ROAD FOR AN AREA TO BE KNOWN AS THE "EAST NINE ZONING TEXT" FROM ITS CURRENT ZONING OF "C-PUD" COMPREHENSIVE-PLANNED UNIT DEVELOPMENT TO "I-PUD" INFILL-PLANNED UNIT DEVELOPMENT AS REQUESTED BY THE NEW ALBANY COMPANY, LLC C/O AARON L. UNDERHILL, ESQ.

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

WHEREAS, the New Albany Planning Commission and New Albany City 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 the New Albany Company LLC c/o Aaron Underhill, Esq., the New Albany Planning Commission reviewed the proposed zoning amendment and recommended its approval on November 18, 2024 (ZC-71-2024).

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. An approximately 30.04 +/- acre site within Franklin County, generally located north and west of Lambton Park Road and south of Brandon Road from its current zoning of Comprehensive Planned Unit Development (C-PUD) to Infill Planned Unit Development (I-PUD).

B. The zoning district's 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 121.22 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: 11/14/2024

Introduced: 12/17/2024

Revised:

Adopted:

Effective:

**EAST NINE INFILL PLANNED UNIT DEVELOPMENT (I-PUD)
ZONING TEXT**

November 27, 2024

I Introduction: The East Nine I-PUD consists of 30.04+/- acres within the New Albany Country Club Communities, being surrounded by the golf course on all four sides. The site has been developed with public infrastructure, including (but not limited to) an extension of Head of Pond Road into the property from Lambton Park Road on the southwest, an extension of Baughman Grant into the property from the north, other internal streets, and utilities and stormwater management infrastructure. While infrastructure has been constructed, no homes have been built within the subdivision. The applicant desires to reconfigure parcels within the subdivision and to make some limited public infrastructure modifications and is pursuing this rezoning to accommodate these changes.

This rezoning will facilitate the creation of estate lots along with a pocket of upscale, clustered housing in the southeastern portion of the development to frame an open space that will be meticulously designed to create a notable feature for the neighborhood. In addition, a so-called “gatehouse” residence will be located near to the entrance into the neighborhood at the intersection of Head of Pond Road and Lambton Park Road in order to create a truly unique entry feature into the development. Other enhancements will be made to the vehicular entrances into the development, and modifications and upgrades are planned to an existing pedestrian overlook over a centralized pond, along with the addition of a second overlook. Most existing asphalt paths will be replaced with a brick sidewalk network internal to the site.

II. Subareas: The vast majority of the site is part of an existing platted subdivision known as The New Albany Country Club Section 30, and prior to the approval of this text is zoned as Subarea 1D of the 1998 NACO C-PUD. In addition to including all of the property within Section 30, the East Nine I-PUD will include a very limited portion of Subarea 1G of the 1998 NACO C-PUD. The East Nine I-PUD includes three subareas. Subarea 1 encompasses 26.30+/- acres covering the entire northern and central portions of the development, along with the central portions of the southernmost areas, and will contain estate lots. Subarea 2 totals , 3.40+/- acres within the southeastern portion of the development that will accommodate clustered housing. Subarea 3 includes 0.34+/- acres located near the entrance to the community at the intersection of Lambton Park Road and Head of Pond Road.

III. Development Standards: Homes shall comply with the design guidelines of the development standards in this text. Unless otherwise specified in the submitted drawings or in this written text the development standards of Title Five of Part Eleven of the Codified Ordinances of the City of New Albany shall apply to this zoning district. If there is a conflict between the development standards contained in the Codified Ordinances and this text, the standards contained in this text shall govern.

Exhibit A – O-49-2024

IV. Subarea 1: The standards and requirements in this Section IV shall apply to Subarea 1.

A. Permitted Uses: Permitted uses include single-family detached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 29 units in Subarea 1.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Width: There shall be a minimum lot width of 90 feet at the building line.
4. Minimum Lot Depth: There shall be no minimum lot depth.
5. Setbacks:
 - a. Front Yards: The minimum front yard setback on a lot shall be 20 feet from the edge of right-of-way.
 - b. Side Yards: The minimum side yard setback on a lot shall be 15 feet.
 - c. Rear Yards: The minimum rear yard setback on a lot shall be 25 feet.
 - d. Encroachments: Stoops, steps, and covered porches shall be permitted to encroach up to 5 feet into the minimum front yard setback. No encroachments into right-of-way or across a lot line shall be permitted on the lot that is identified in the immediately preceding subsection d.

C. Perimeter Landscaping: Along each perimeter boundary of Subarea 1 which is shared with property that is located outside of this zoning district, enhanced landscaping shall be provided in order to delineate this subdivision from the golf course. Such landscaping shall be provided within a 20-foot wide landscaping easement measured from each such perimeter boundary line. With the landscaping plan that is filed as part of a final development plan, the applicant shall provide the details for this landscaping.

V. Subarea 2: The standards and requirements in this Section V shall apply to Subarea 2.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

Exhibit A – O-49-2024

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 10 units in Subarea 2.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: There shall be no minimum setbacks from any lot lines for parcels within this subarea for primary or accessory structures (detached or attached).

VI. Subarea 3: The standards and requirements in this Section VI shall apply to Subarea 3.

A. Permitted Uses: Permitted uses include single-family detached and/or attached homes, related accessory uses, and publicly or privately-owned parks and open spaces.

B. Density, Lot and Setback Commitments:

1. Number of Units: There shall be a maximum of 1 unit in Subarea 3.
2. Street Frontage: All lots shall have frontage on and shall have vehicular access to and from a public street.
3. Minimum Lot Depth: There shall be no minimum lot depth.
4. Setbacks: Setbacks from lot lines within this subarea shall be specified in a final development plan for review and approval.

VII. Standards Applicable to Both Subareas: The standards and requirements in this Section VII. shall be applicable to all subareas:

A. Architectural Standards: All homes shall be designed in accordance with the City's Design Guidelines and Requirements (DGRs). Maximum building heights shall be 35 feet.

B. Access Points: The vehicular access points to and from the zoning district exist and are both from the intersection of Lambton Park Road and Head of Pond Road and from Baughman Grant.

C. Rights-of-Way, Streets: Rights-of-way within this zoning district were previously dedicated to the City of New Albany as provided in that certain plat for The New Albany Country Club Section 30, which is of record with the Office of the Recorder of Franklin County,

Exhibit A – O-49-2024

Ohio in Plat Book 132, Pages 86-89. The subdivision will be re-platted following this rezoning and approval of final development plans in order to reflect the approved standards and requirements of this application. Right-of-way and existing pavement widths shall remain as they exist within this I-PUD as provided in the existing plat and shall be reflected in the re-plat, except that the location of a limited portion of Head of Pond Road shall be modified along the eastern portion of Subarea 2 that has frontage on that street. The modified location of this portion of the street is illustrated in an accompanying exhibit but shall have a final location and specifications as approved in a final re-plat. The re-plat for this subdivision shall provide for a dedication of right-of-way to the City as necessary to accommodate the modified right-of-way location, as well as a dedication of any necessary associated easements. The City shall vacate any right-of-way and easements which are no longer needed to accommodate the street, utilities, or other public improvements once the re-plat is recorded, either as part of that re-plat or by other appropriate City action.

Within Subarea 2, a new public street will be provided in a “loop” configuration. The minimum right-of-way for this street shall be determined as part of the review and approval of a final development plan based on the final design of improvements within this subarea. Pavement for this street shall be a minimum of 20 feet in width unless otherwise approved as part of a final development plan. This street may be platted as part of the initial re-platting of the subdivision or may be platted as part of a further subsequent re-plat for Subarea 2. Green space within the public street loop shall be permitted to have hardscape and decorative vertical improvements, which may extend into the right-of-way if approved as part of a final development plan.

D. Lot Coverage. There shall be no maximum lot coverage ratio in this zoning district.

E. Parking:

1. Off-Street Parking: All homes shall be required to have a minimum of 2 off-street parking spaces on their driveways in addition to a minimum of 2 parking spaces within a garage.

2. On-Street Parking: Parking shall be permitted on both sides of the public streets within Subarea 1 and on one side of the public street in Subarea 2, except in areas where such parking will cause a traffic safety concern, as determined at the time of final development plan approval.

E. Public Sidewalks: A public brick sidewalk shall be located within the right-of-way on both sides of each of Head of Pond Road and Baughman Grant and along the western side of Head of Pond Court. An existing asphalt path shall remain along the east side of Head of Pond Court extending from its intersection with Head of Pond Road and through the zoning district. Existing public sidewalks and leisure paths shall be removed to accommodate the brick sidewalks, which shall be a minimum of 4 feet in width.

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F. Buffering, Landscaping, Open Space and Screening Commitments:

1. Parkland and Open Space: Parkland shall be dedicated to the City, and privately-owned open spaces shall be provided, in locations as specifically approved as part of one or more final development plans. Ownership of and maintenance responsibilities for these areas shall be defined and approved with the final development plan. To the extent that parkland and/or open space requirements of the City's Codified Ordinances cannot be provided within this zoning district, the developer shall withdraw parkland credits from its parkland bank that was created as part of the 1998 NACO PUD. The quantity of the withdrawal shall be detailed in a final development plan application.

2. Central Stormwater Management Basin. The stormwater management basin that will be centrally located within the development will be located in whole or in part on privately owned lots. The basin shall be maintained by a forced and funded property owners' association and appropriate easements will be provided in a final plat or other recorded easement instrument(s) in order to memorialize the rights and obligations of the association in this regard.

3. Street Trees: Street trees shall be permitted but shall not be required in Subarea 2. If street trees are provided, details regarding their sizes and spacing shall be provided at the time of final development plan approval for this subarea.

4. Exemption to Section 1187.15(c)(6): This zoning district shall be exempt from the requirement of Section 1185.15(c)(6) that would otherwise require all residences to be located within 1,200 feet of playground equipment.

G. Lighting:

1. Uplighting: Uplighting of the exterior of a home shall be prohibited.

2. Street Lights: Street lighting shall be provided at each street intersection with the fixture, color and spacing to be approved at time of final development plan. Street light height shall not exceed 18 feet in height. Street light poles and fixtures shall be consistent in height, color, and appearance throughout Subarea 1.

3. Entry Features: Lighting of entry features and any additional proposed lighting shall be provided and approved at time of final development plan. Ground mounted lighting shall be shielded and landscaped.

4. Fixtures: Fully shielded, downcast, cut-off type lighting fixtures shall be required. Exterior lighting fixtures shall be similar in appearance throughout Subarea 1

5. Other Requirements: Except as otherwise expressly provided in this text, lighting shall be provided in accordance with the City's Codified Ordinances.

Exhibit A – O-49-2024

H. Storage:

1. Storage Sheds: Storage sheds and other prefabricated storage structures shall be prohibited.

2. Equipment Storage: Storage of all maintenance equipment shall be within garages or otherwise screened from off-site view. Such items should not be visible from streets, common open spaces, adjacent lots or developments.

3. Vehicle Storage: All campers, off-road vehicles (i.e. box trucks), and boats, must be parked within an enclosed garage. No undrivable vehicles or parts of vehicles may be stored outside.

I. Garbage Cans: All garbage cans and other waste containers shall be kept in garages or within approved screened areas.

J. Utilities: All new utility lines shall be placed underground.

K. Graphics and Signage Commitments: This zoning district shall utilize standard City of New Albany street regulatory signage. Entry feature signage at the public street entrances into the zoning district from Lambton Park Road and Baughman Grant shall be permitted with designs that are approved by the Planning Commission as part of a final development plan.

XIII. Miscellaneous Standards:

A. Housing Bank: The approved zoning for the property within this zoning district as it exists prior to the approval of this rezoning allows for a maximum of 88 homes to be constructed. A previously approved final development plan and the plat for this subdivision provided for 36 homes to be constructed on the property, with the balance of the 88 homes that are permitted on the site having been deposited into the so-called “housing bank” under the 1998 NACO PUD. This rezoning allows for the construction of up to 40 homes in this zoning district. The applicant shall withdraw 4 units from the housing bank to accommodate the additional homes to be developed in this zoning district as compared to the previously approved subdivision.

B. Variances and Appeals:

1. Nature of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development standards of this PUD text or the Zoning Ordinance unreasonable and, therefore, the procedure for variance from development standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or

Exhibit A – O-49-2024

structure permitted.

2. Variance and Appeals Process: The procedures and requirements of Chapter 1113, Appeal and Variances, of the Codified Ordinances of the City of New Albany shall be followed in cases of appeals. Requests for variances shall be heard by the Planning Commission.



ORDINANCE O-01-2025

AN ORDINANCE TO AMEND CHAPTER 1169.16 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, it has been found that the codified ordinances of the city of New Albany, chapter 1169.16(d) needs to be amended to permit commercial/warehousing wall sign size to be increased to 200 square feet, to allow for one (1) sign per business entrance, and to correct a scrivener’s error for sign size calculation; and

WHEREAS, the city recognizes the need to adapt regulations for large-scale commercial buildings in order to promote orderly growth and development of lands; and

WHEREAS, the Planning Commission has held a public hearing and recommended approval of the proposed amendments to the codified ordinance at its meeting on December 16, 2024.

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

Section 1: Council hereby amends portions of codified ordinance chapter 1169 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 _____, 2025.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 12/18/2024

Introduced: 01/07/2025

Revised:

Adopted:

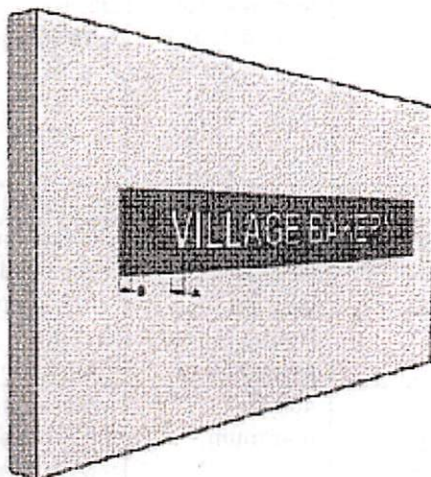
Effective:

Exhibit A – O-01-2025

1169.16 PERMANENT SIGNS: BUILDING SIGN TYPES.

The following shall constitute the framework standards and details for the construction of permanent building-mounted signs within and outside the Village Center District. Sign specifications may vary with each Village Center sub-district or use category. Not all sign types are permitted in each sub-district or associated with each use category and are noted as such with each sign type.

(d) Wall. Wall signs shall be designed according to the following diagram and standards:



- (1) Single plane sign boxes must be installed so that the sign face is flush with the building facade.
- (2) The following specifications shall apply. These specifications are in addition to the requirements established elsewhere in this Chapter. In addition, board or commission approval may be required:

SUB-DISTRICT/CATEGORY	NUMBER OF SIGNS	PERMITTED AREA	MEASUREMENTS	ILLUMINATION
Historic Core	One per business entrance	1 s.f. per linear <u>s.f.ft.</u> of building frontage, not to exceed 30 s.f.	- Maximum 18" projection from building (A) - Minimum 1" sign relief (B) - Maximum lettering height 24" (C)	External Internal Neon
Village Core	One per business entrance	1 s.f. per linear <u>s.f.ft.</u> of building frontage, not to exceed 40 s.f.	- Maximum 18" projection from building (A) - Minimum 1" sign relief (B) - Maximum lettering height 24" (C)	External Internal Neon
Core Residential	One per business entrance	15 s.f. maximum	- Maximum 18" projection from building (A) - Maximum lettering height 18" (B) - Minimum 1" sign relief (C)	External
Village Residential	Not Permitted			
Campus	One per building frontage	35 s.f. maximum	- Maximum 18" projection from building (A) - Maximum lettering height 24" (B) - Minimum 1" sign relief (C)	External Halo

Exhibit A – O-01-2025

Parks & Preservation	One per building frontage	25 s.f. maximum	- Maximum 18" projection from building (A) - Maximum lettering height 24" (B) - Minimum 1" sign relief (C)	External Halo
Commercial/Warehousing	<u>One per building frontage</u> <u>One per building entrance</u>	1 s.f. per linear <u>s.f.-ft.</u> of building frontage, not to exceed <u>20075</u> s.f.	- Maximum 18" projection from building (A) - Maximum lettering height 36" (B) - Minimum 1" sign relief (C)	External Internal Neon Halo
Residential Subdivision	Not Permitted			
Retail	One per business frontage	1 s.f. per linear <u>s.f.-ft.</u> of building frontage, not to exceed 50 s.f.	- Maximum 18" projection from building (A) - Maximum lettering height 24" (B) - Minimum 1" sign relief (C)	External Internal Halo
Institutional	One per building frontage	45 s.f. maximum	- Maximum 18" projection from building (A) - Minimum 1" sign relief (B)	External Halo <i>du</i>



ORDINANCE O-02-2025

AN ORDINANCE TO DETERMINE THE ANNUAL COMPENSATION AND BENEFITS OF THE MAYOR, COUNCIL MEMBERS, AND ADDITIONAL SALARY FOR THE MAYOR, PRESIDENT PRO TEM, OR DESIGNATED COUNCIL MEMBER PRESIDING OVER MAYOR'S COURT

WHEREAS, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits; and

WHEREAS, salary amounts for the mayor, members of council, and president pro mem who presides over Mayor's Court were last set via ordinance O-03-2024; and

WHEREAS, as the city grows, so does the work for council, and a cost of living increase of 3.5% for city staff was approved as part of the 2025 budget; and

WHEREAS, Codified Ordinance 155, Section 19(a) – Insurance Benefits, states, “The City shall make available group medical, prescription drug, dental, and vision benefits to all full-time non-union employees and their dependents as well as to all currently serving, elected members of City Council and Mayor. The benefits shall be based on the benefits of the carrier or carriers.”

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. Annual salaries shall be adjusted as set forth below.

A. SALARY OF THE MAYOR.

The annual salary of the Mayor shall be Twenty-Nine Thousand Two Hundred Fifteen dollars and Forty-Eight cents (\$29,215.48) paid bi-weekly.

B. SALARY FOR MEMBERS OF COUNCIL.

The annual salary of each Council Member shall be Thirteen Thousand Three Hundred Eighty-Eight dollars and Fifty-One cents (\$13,388.51) paid bi-weekly. The annual salary of the President Pro Tem shall be the same as Council Members, unless said President Pro Tem is serving on Mayor's Court, in which case they shall receive additional salary as set forth below.

C. ADDITIONAL SALARY FOR PRESIDING OVER MAYOR'S COURT

The additional annual salary of the Mayor and/or the President Pro Tem and/or the designated Council Member who is regularly scheduled to preside in Mayor's Court, averaging two court

sessions per month, shall be Six Thousand Seven Hundred dollars and Eighty cents (\$6,700.80) paid bi-weekly.

Section 2. The salary changes shall be effective as of January 1, 2025.

Section 3. Actively serving council members may elect to enroll in city-sponsored health insurance at the time of open enrollment or upon a qualifying life event. The available benefits and cost of insurance provided to council members shall be the same as is offered to city full-time non-bargaining employees.

Section 4. 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 5. Pursuant to Article VI, Section 6.07(B) of the Charter of the City of New Albany, this ordinance shall be in effect 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: 12/23/2024
Introduced: 01/07/2025
Revised:
Adopted:
Effective:



RESOLUTION R-01-2025

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED COMMUNITY REINVESTMENT AREA AGREEMENT WITH COI NEW ALBANY 525, LLC

WHEREAS, COI New Albany 525, LLC, an Ohio limited liability company (the "Company") previously acquired land in the City of New Albany (the "Project Site") for development of facilities (the "Project"), and in support of the development of the Project the City and the Company entered into a Community Reinvestment Area Agreement dated November 23, 2021 (the "Original CRA Agreement") pursuant to City Resolution No. R-56-2021 adopted November 16, 2021; and

WHEREAS, Council previously created the current Oak Grove II Community Reinvestment Area by its Resolution No. R-17-09 adopted March 3, 2009, as supplemented by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-12 adopted October 12, 2012, No. R-26-13 adopted July 16, 2013, No. R-72-14 adopted September 9, 2014, No. R-49-2015 adopted November 17, 2015, No. R-45-16 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, No. R-15-2021 adopted April 6, 2021, No. R-46-2021 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, No. R-18-2022 adopted May 3, 2022, No. R-38-2022 adopted November 15, 2022, No. R-21-2023 adopted April 18, 2023, and No. R-46-2023 adopted November 7, 2023; and

WHEREAS, the Company has requested that the Original CRA Agreement be amended and restated by the First Amended and Restated CRA Agreement referred to in Section 1 of this Resolution; and

WHEREAS, the City's Housing Officer, duly designated under Ohio Revised Code Section 3735.65, has reviewed the Company's request and has recommended the same to City Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Area and improve the economic climate of the City; and

WHEREAS, the City, having the appropriate legal authority, desires to provide certain property tax incentives to encourage the development the Project on the Project Site; and

WHEREAS, the Project Site is located in the Licking County Joint Vocational School District (C-TEC) and the Johnstown-Monroe Local School District, and the Boards of Education of both those School Districts have waived their rights to both receive notice under Section 5709.83 of the Revised Code and approve the Amended and Restated CRA Agreement.

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

Section 1. First Amended and Restated Community Reinvestment Area Agreement. The First Amended and Restated Community Reinvestment Area Agreement by and between the City and the Company, in the form presently on file with the Clerk of the Council, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of this City, with the advice of the Director of Law, is hereby authorized to execute that First Amended and Restated Community Reinvestment Area Agreement and approve the character of any changes and any amendments thereto as consistent with this Resolution and not substantially adverse to the City, as evidenced conclusively by his execution of that Community Reinvestment Area Agreement.

Section 2. Further Authorizations. Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Community Development Director, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the First Amended and Restated Community Reinvestment Area Agreement and approved in this Resolution.

Section 3. Compliance with the Law. Council finds and determines that all formal actions of Council and any of its committees concerning and relating to the adoption of this resolution were taken in an open meeting of Council and any of its committees, and that all deliberations of this Council an any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 4. Effective Date. This resolution is declared to be in full force and effect from and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ 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:	12/23/2024
Introduced:	01/07/2025
Revised:	
Adopted:	
Effective:	



RESOLUTION R-02-2025

A RESOLUTION TO CLARIFY CERTAIN SECTIONS OF THE CITY OF NEW ALBANY'S PERSONNEL POLICIES TO DEFINE EARNABLE AND NON-EARNABLE SALARY AS REQUESTED BY THE OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has requested annual clarification of the city's Codified Ordinance Sections 155.08, 155.09, 155.10, and 155.11 to determine pensionable earnable salary eligibility; and

WHEREAS, the Ohio Public Employees Retirement System (OPERS) has also requested that the city confirm its definition of salary, which is not pensionable.

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. Pursuant to ORC Section 145.01 and the OAC 145.1-26, the City of New Albany has executed a plan for the conversions of sick and vacation leave to cash for leave that is accrued, but not used, during the calendar year, defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Section 2. Sick and vacation leaves shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year.

Section 3. Retiring employees' sick and vacation leave conversion payments must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

Section 4. The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes.

- Leave in excess of the annual amount of leave accrued from January 1 to December 31 less leave used January 1 to time of payment
- Leave earned in previous calendar years (other than payments made in January for leave accrued but not used during the previous calendar year)
- Conversion of leave to employees separating employment

- Conversion of leave to retiring employees outside the regular payment schedule

Section 5. The city's accrual policy for Sick, Vacation, and Personal Leave is summarized in the attached Exhibit A.

Section 6. 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 121.22 of the Ohio Revised Code.

Section 7. Pursuant to the Article VI of the charter of the City of New Albany, this resolution shall take effect upon passage, and shall be retroactive to January 1, 2025.

CERTIFIED AS ADOPTED this _____ day of _____, 2025.

Attest:

Sloan T. Spalding,
Mayor

Jennifer H. Mason,
Clerk of Council

Approved as to form:

Benjamin S. Albrecht,
Law Director

Legislation dates:

Prepared: 12/23/2024

Introduced: 01/07/2025

Revised:

Adopted:

Effective: