



Prepared: 12/29/2015  
Introduced: 01/05/2016  
Revised: 01/14/2016  
Adopted: 1/19/2016  
Effective: 2/18/2016

## ORDINANCE O-01-2016

### APPROPRIATION AMENDMENT ORDINANCE

#### **AN ORDINANCE TO AMEND APPROPRIATIONS AND TRANSFER BETWEEN EXISTING ACCOUNTS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2016 AND ISSUE THEN AND NOW CERTIFICATES**

**WHEREAS**, it is necessary to increase appropriations in the Bond Improvement Fund for final payment of the Healthy New Albany Project and to appropriate the transfer of the remaining project monies to the Debt Service Fund. Council hereby authorizes the transfer as well as a Then and Now Certificate for the final Daimler Group invoice; and

**WHEREAS**, City Council hereby authorizes the Finance Director to issue Then and Now Certificates to Frost Brown and Todd, AEP, UMR and Tyler Technologies for previous year invoices; and

**WHEREAS**, the Finance Director has requested that the individual department vehicle maintenance cost centers be consolidated into one account under the Public Service Department; and

**WHEREAS**, it is necessary to appropriate the unused balance of the prior year ODSA Grant and three new ODSA Grants in the Capital Improvement Fund; and

**WHEREAS**, it was necessary at year end 2015 to close construction project purchase orders that were created in 2014. The balance of the purchase order funds must be re-appropriated and re-encumbered in 2016. Then and Now Certificates will be issued for all invoices associated with work performed prior to the passage of this ordinance; and

**WHEREAS**, it is necessary to increase appropriations in the General Fund to allow for refunds of water and sewer fees collected in previous years; and

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

**SECTION 1:** City Council hereby authorizes a transfer from the Bond Improvement Fund (403) to the Debt Service Fund (301). Council hereby authorizes a Then and Now Certificate to Daimler Group in the amount of \$51,795.08. Council hereby authorizes an increase in

appropriations to the Bond Improvement Fund (403) and an increase to the Revenue in the Debt Service Fund (301) as follow:

<b>403.705.525503</b>	<b>Project Expense</b>	<b>\$</b>	<b>51,795.08</b>
<b>403.901.527102</b>	<b>Transfer to Debt Service</b>	<b>\$</b>	<b>142,401.54</b>
<b>301.190.419100</b>	<b>Transfer In</b>		<b>\$ 142,401.54</b>

**SECTION 2:** City Council hereby authorizes the issuance of **Then and Now Certificates as follows: Frost Brown Todd** in the amount of **\$3,237.50**, **American Electric Power** in an amount not to exceed **\$5,000.00**, **UMR** in an amount not to exceed **\$20,000.00**, and **Tyler Technologies** in the amount of **\$105,939.00**.

**SECTION 3:** City Council hereby authorizes budgetary transfers within the General Fund (101) as follows:

<b>101.101.524301</b>	<b>Vehicle Maintenance</b>	<b>\$</b>	<b>(50,000.00)</b>
<b>101.402.524301</b>	<b>Vehicle Maintenance</b>	<b>\$</b>	<b>( 1,200.00)</b>
<b>101.705.524302</b>	<b>Equipment Repair</b>	<b>\$</b>	<b>(45,000.00)</b>
<b>101.705.524301</b>	<b>Vehicle Maintenance</b>	<b>\$</b>	<b>96,200.00</b>

**SECTION 4:** City Council hereby authorizes an increase in estimated revenue and an increase in appropriations in the Capital Improvement Fund (401) as follows:

<b>401.705.525506</b>	<b>ODSA Grant</b>	<b>\$</b>	<b>1,867,458</b>
<b>401.140.414200</b>	<b>State Grants</b>		<b>\$1,867,458</b>

**SECTION 5:** City Council hereby authorizes the re-appropriation of funds related to 2014 purchase orders closed at year end 2015: **RG219425, RG219884, RG220017, RG220165, RG220256, RG220437, RG220438, RG220258, RG220265, and RG220277**. Appropriations will be increased in the Economic Development Fund (222) and the Capital Improvement Fund (401). City Council hereby authorizes **Then and Now Certificates** for all invoices associated with the 2014 purchase orders for work performed prior to the passage of this ordinance.

<b>222.705.525503</b>	<b>Project Expense</b>	<b>\$</b>	<b>223,830.47</b>
<b>401.705.525506</b>	<b>ODSA Grant</b>	<b>\$</b>	<b>25,246.62</b>

**SECTION 6:** City Council hereby authorizes an increase to the appropriations in the Capital Improvement Fund (401) as follows:

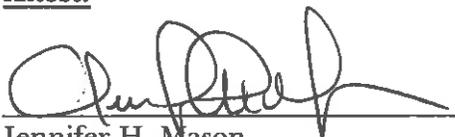
<b>401.706.527002</b>	<b>Refunds</b>	<b>\$</b>	<b>3,964.00</b>
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**SECTION 7:** Pursuant to the Article VI, § 6.07(a) of the charter of the City of New Albany, this Ordinance shall take effect upon passage.

CERTIFIED AS ADOPTED this 19 day of Jan, 2016.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

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

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I certify that copies of Ordinance **O-01-2016** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on January 21, 2016.

  
Jennifer H. Mason, Clerk of Council

1/20/16  
Date





Prepared: 01/06/2016  
Introduced: 01/19/2016  
Revised:  
Adopted: 1/19/2016  
Effective: 1/19/2016

### RESOLUTION R-03-2016

#### **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, 155.10, 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; and

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

**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 conversion of sick leave to cash for leave that is accrued, but not used, during the calendar year, as 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 leave 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 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 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 attached Exhibit A.

**SECTION 6:** Pursuant to the Article VI of the charter of the City of New Albany, this Resolution shall take effect upon passage.

**CERTIFIED AS ADOPTED** this 19 day of JAN, 2016.

Attest:

  
 Sloan T. Spalding  
 Mayor

  
 Jennifer H. Mason  
 Clerk of Council

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

---

I certify that copies of R-03-2016 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on January 21, 2016.

  
 Jennifer H. Mason, Clerk of Council

1/20/16  
 Date

**R-03-2016**

**EXHIBIT A**

**155.10 SICK LEAVE.**

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on an hour-for-hour basis.

(d) Employees may use leave for absence due to personal illness, pregnancy, injury, exposure of contagious disease which could be communicated to other employees, and to illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays. The City Manager may approve additional absences for this purpose.

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) Use of sick leave is limited to employee absence due to illness or non-work related injury and quarantine of the employee by health authorities. For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Personnel Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of

two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks written notice of intent to terminate are not eligible for the sick leave conversion benefit.

### 155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year and did not use more than 40 hours of paid sick leave or injury leave during the calendar year. Conversion of sick leave shall be based on the following table:

<b>Hours of Sick Leave or Injury Leave Taken</b>	<b>Maximum Cash Benefit Sick Leave Hours Allowed</b>
0 - 8 hours	48 hours
9 - 16 hours	32 hours
17 - 24 hours	24 hours
25 - 32 hours	16 hours
33 - 40 hours	8 hours
>40 hours	0 hours

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. The balance of unused sick leave will be carried forward each year as the current sick leave account.

(a) Employee elections to participate in the program will be made during the December preceding the year of participation. If the employee remains eligible at the conclusion of the participation year and still opts to participate in the program based upon the chart above, the sick leave reciprocity payments will be made in January of the year following the year of participation. Payment will be calculated at the employee's hourly rate in effect as of the final pay period of the fiscal year preceding payment. The participating employee can opt to convert sick leave hours at any level up to the maximum amount described.

(b) Cash benefit hours taken cannot reduce eligible employee's year-end sick balance below 480 hours.

**Clerk's Certification**

I, Jennifer Mason, Clerk of Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, certify the foregoing is a true and correct copy of Resolution R-03-2016, passed by Council on January 19, 2016, signed by Mayor Sloan T. Spalding, and is effective January 19, 2016.

  
Jennifer H. Mason, Clerk

1/20/16  
Date





Prepared: 1/14/2016  
Introduced: 1/19/2016  
Revised:  
Adopted: 1/19/2016  
Effective: 1/19/2016

### RESOLUTION R-04-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT), LICKING COUNTY, AND MBJ HOLDINGS, LLC, FOR THE PURPOSE OF ACCEPTING AND VACATING PORTIONS OF A 1.046 ACRE TRACT OF LAND LOCATED ALONG THE WEST SIDE OF BEECH ROAD.

**WHEREAS,** the subject 1.046 acre tract was purchased in the name of Licking County for the purpose of realigning Beech Road; and

**WHEREAS,** ODOT and Licking County have determined that the subject tract of land will not be needed for highway purposes in the foreseeable future and agree to transfer ownership to the City of New Albany; and

**WHEREAS,** the City of New Albany is furthering development of the business campus by the construction of a new public roadway that will occupy a portion of the subject tract; and

**WHEREAS,** ownership of the residual land areas that will not become public right of way to the City of New Albany will be transferred to the adjacent property owner, MBJ Holdings, LLC.

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

**SECTION 1.** That the City Manager is hereby authorized to execute an agreement by which the city will accept 1.046 acres of public right of way from Licking County.

**SECTION 2.** That the City Manager is hereby authorized to transfer ownership of the residual land areas that are not needed as public right of way to the adjacent property owner, MBJ Holdings, LLC.

**SECTION 3.** Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of Jan, 2016.

**Attest:**

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 5 • 9600 JACKSONTOWN RD. • JACKSONTOWN, OHIO 43030 • (740) 323-4400

JOHN R. KASICH, GOVERNOR — JERRY WRAY, DIRECTOR — DAVE RAY, DISTRICT DEPUTY DIRECTOR

## OHIO DEPARTMENT OF TRANSPORTATION DISTRICT 5

### INTER-OFFICE COMMUNICATION

**TO:** District Deputy Director and Administrators, Licking County Engineer, City of New Albany and MBJ Holdings, LLC

**FROM:** Laura Philabaum, REA

**DATE:** December 21, 2015

**SUBJECT:** 1.046 acres, City of New Albany originally acquired with PID 24486, FRA 161-23.20 and LIC 161-0.00

The District Real Estate Department upon request from Licking County Engineer and the City of New Albany requests the concurrence of the Deputy Director, Highway Administrator, Planning and Engineering Administrator, and Business & Human Resource Administrator to vacate the above referenced property. If granted, the transfer will be made pursuant to Section 5511.07 of the Ohio Revised Code. The proposed area to be transferred is described by survey of Matthew A. Kirk, Dated November 30, 2015 with Right of Way Plans and Constructions plans covering the specific locations proposed for vacation.

It has been determined that:

- 1: The subject tracts will not be needed for highway purposes in the foreseeable future. The tracts were bought in the name of Licking County for the purposes of realigning Beech Road. The roadway that is the subject of the vacation has since been incorporated into the City of New Albany.
2. The present right of way in the subject highway is adequate under present day standards.
3. The proposed transfer will not adversely affect the subject highway or the traffic thereon.
4. The abutting fee owner of the proposed land to be vacated is MBJ Holdings, LLC, whose tax mailing address is: 8000 Walton Parkway, Suite 120, New Albany, OH 43054 who consents to the vacation.
5. The City of New Albany and MBJ Holdings, LLC acknowledge that the City of New Albany will have an ongoing responsibility to maintain existing drainage for upstream and downstream property to assure that the vacation causes no impediment to existing property rights of others.

If you have any questions regarding any individual parcels please feel free to contact Laura Philabaum, District 5 Real Estate Administrator, ODOT, Jacksontown, Ohio at 740-323-5421.

On the basis of the foregoing, we request your concurrence in the transfer of the subject tracts.

**ODOT District 5 Review and Approval:**

\_\_\_\_\_  
District Deputy Director

\_\_\_\_\_  
Highway Management Administrator

\_\_\_\_\_  
Planning and Engineering Administrator  
Administrator

\_\_\_\_\_  
Business & Human Resource  
Administrator

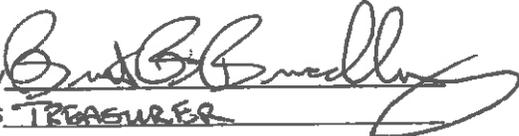
**Licking County Review and Approval:**

**City of New Albany Review and Approval:**

\_\_\_\_\_  
Licking County Engineer

\_\_\_\_\_  
City of New Albany

**MBJ Holdings, LLC**

BY   
Its TREASURER





Prepared: 1/14/2016  
Introduced: 1/19/2016  
Amended:  
Approved: 1/19/2016

## RESOLUTION R-05-2016

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE AND REVIEW BIDS AND TO AWARD AND EXECUTE A CONTRACT FOR MUNICIPAL FACILITY MOWING SERVICES**

**WHEREAS**, the Council of the City of New Albany, Ohio (the "City") has a duty to the public to maintain the publicly owned properties and open spaces; and

**WHEREAS**, the city desires to maintain the quality of the public properties and open spaces with the services of a contract mowing company; and

**WHEREAS**, the City Manager has determined it beneficial to advertise and review bids and to award and execute a contract for facility mowing services of publicly owned properties; and

**WHEREAS**, the approved 2016 budget includes funding for this service; and

**WHEREAS**, the city will advertise for and award bids in accordance with the Codified Ordinances of New Albany and the Ohio Revised Code, for these services, and

**WHEREAS**, the City Manager will review the proposals to certify that they are in order.

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

**Section 1:** That the City Manager is hereby authorized and directed to advertise and review bids and to award and execute a contract for facility mowing services.

**Section 2:** Pursuant to the Article VI of the charter of the City of New Albany, this Resolution shall take effect upon passage.

CERTIFIED AS ADOPTED this 19 day of JAN, 2016.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council