



Prepared: 03/24/2016
Introduced: 04/05/2016
Revised:
Adopted:
Effective:

ORDINANCE O-07-2016

AN ORDINANCE TO AMEND CHAPTERS 909 "CONSTRUCTION POLICY", 1178 "RIGHTS-OF-WAY", AND 1305 "BUILDING ADMINISTRATION" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES.

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany Chapters 909, 1178, and 1305, need to be amended; and

WHEREAS, the City adopted O-19-2009 to amend the Codified Ordinance Chapter 909.02 to require the construction of fiber optic laterals from commercial building; and

WHEREAS, the City of New Albany has invested significantly in optic fiber infrastructure resulting in the construction of a municipal owned and leased institutional network; and

WHEREAS, the fiber optic infrastructure provides greater connectivity, redundancy, and stronger internet capabilities for the betterment of the employees and citizens 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 Codified Ordinance Chapters 909 "Construction Policy," 1178 "Rights-of-Way," and 1305 "Building Administration" be amended with the attached portions of Chapters 909 (labeled **Exhibit A**), 1178 (labeled **Exhibit B**), and 1305 (labeled **Exhibit C**), as requested by the City of New Albany.

SECTION 2. This Ordinance is passed and shall take effect and be in force on the earliest date allowed by law.

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 _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

EXHIBIT A

909.02 CONFORMANCE WITH OTHER POLICIES.

All construction shall conform to the following:

(a) City of Columbus, current Construction and Material Specifications.

(b) Standard drawings and policies as developed by the City of Columbus Division of Engineering and Construction, Division of Water and the Division of Sewerage and Drainage. Any conflict between the above standard and the New Albany Subdivision Regulations, the New Albany Subdivision Regulations shall prevail.

(c) Fiber laterals from/to a commercial building to ~~Blue Albany Networks~~ the New Albany Fiber Optic Network shall be constructed in accordance with the ~~Village City~~ of New Albany standards.

(1) One 4" schedule 40 rigid non-metallic conduit shall be installed from a point 5' outside of the commercial building to a point 10' away from the nearest city approved handhole in the public right of way. This conduit will be exclusively dedicated to the New Albany Fiber Optic Network, and no other utilities shall occupy this conduit.

(2) The conduit shall be installed between 18" and 24" in depth, and tracer wire shall be placed 6" above the top of the conduit along its length.

(3) The site contractor is not permitted to make the actual connection to or disturb the existing handhole. All connection and splice requests shall be submitted to and coordinated with the City.

Such connection(s) shall be subject to ~~Village City~~ or its consultants' plan review, inspection and approval.

EXHIBIT B

1178.05 CRITERIA FOR GRANTING PERMITS.

(a) Cable television franchises shall be granted pursuant to agreements with franchisees.

(b) Telecommunications and utility and special permits shall be granted to persons based upon a determination that the following criteria are met:

(1) The granting of the permit will contribute to the public health, safety or welfare in the Municipality;

(2) The granting of the permit will be consistent with the policy as set forth in Section 1178.01; (3) The Permittee has and will continue to have liability insurance, which names the Municipality as an additional insured, in effect in such amounts and for such liability as the Municipality may require or be self-insured pursuant to the terms of this chapter; and

(3) That the applicant is a proper person to hold a permit and will fulfill all the obligations hereunder.

(c) Residential permits shall be granted if not inconsistent with the public health, safety and welfare.

(d) Applicants providing a connection to the New Albany Fiber Optic Network ~~Blue Albany Networks~~ shall obtain any and all regulatory approvals, permits, authorizations or licenses necessary from the ~~Village City~~ as set forth in Section 1305.05(g)(1).

(1) Applicants shall provide the ~~Municipal~~City Engineer with a detailed plan of the fiber connection and conduit alignment from a point 5' outside of the commercial building to a point 10' away from the nearest city approved handhole in the public right of way. This will be exclusively dedicated to the New Albany Fiber Optic Network, and no other utilities shall occupy this conduit. ~~to the Right of Way/connection to Blue Albany Networks.~~

EXHIBIT C

1305.04 INSPECTIONS.

(a) All construction or work for which a permit is required shall be subject to inspection by the Building Official and/or Zoning Officer (whomever is applicable), who may enter premises where such work is in progress at all reasonable times for the purpose of making such inspections.

(b) Work requiring a building permit shall not commence until the permit holder or his or her agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. Such card shall be maintained in such position by the permit holder until the certificate of occupancy has been issued.

(c) No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection (e) hereof.

(d) No reinforcing steel or structural framework or any other part of any building or structure or appurtenant installation therein shall be covered or concealed in any manner whatever without first obtaining the approval of the Building Official.

(e) The Building Official upon notification from the permit holder or his or her agent shall make the following inspections of buildings and shall either approve the portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with the law:

(1) Foundation and footing. To be made after trenches are excavated and forms are erected and when all materials for the foundation and footing are delivered on the job.

(2) Frame. To be made after the roof, all framing, fire-blocking and bracing is in place and all pipes, chimneys and vents are complete and all rough plumbing, electrical and heating and ventilating and related work has been completed; provided, however, that such framing shall not be commenced until an inspection has been made and approval given to the completed foundation work.

(f) There shall be a final inspection of the building and all features, installations and appurtenances therein, to be made after all work is finished and the building completed and ready for occupancy.

(g) Additional inspections may be made by the Building Official of any construction work that he or she deems necessary to ascertain compliance with the provisions of this chapter and other laws which are enforced by the Department.

(1) A minimum of two 4" electrical conduits shall be provided for each new commercial building. The first conduit shall be installed from a point 5' outside of the building to a point 10' away from the nearest city approved handhole in the public right of way. This will be exclusively dedicated to the New Albany Fiber Optic Network, and no other utilities shall occupy this conduit. A second conduit shall be extended from a point 5' outside of the building to the public right of way. This conduit will be available for private telecommunication connections to the building. Both conduits shall be inspected by the City Inspector. Fiber lateral connection(s) are required to each commercial building and in no case shall there be less than one connection provided. Multiple connections are preferred to each commercial building. Connections (conduit/fiber location and specifications from/to building to the New Albany Fiber Optic Network Blue Albany Networks) must be shown on the commercial building plans.



Prepared: 03/01/2016
Revised: 03/30/2016
Introduced: 04/05/2016
Revised: 04/06/2016
Adopted:
Effective:

ORDINANCE O-08-2016

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS 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 General Fund to provide additional funding for the codification of city ordinances; and

WHEREAS, the City has been awarded a grant and loan from the Ohio Public Works Commission (OPWC) for the construction of a roundabout at US 62 and Greensward Road; therefore City Council is required to authorize a transfer from the Capital Improvement Fund to the OPWC Greensward Roundabout Fund for the City's share of the project, and appropriations must be allocated to the new fund; and

WHEREAS, it is necessary to perform budget transfers within the General Fund that do not increase appropriations, but do require Council approval; and

WHEREAS, City Council hereby authorizes the Finance Director to issue Then and Now Certificates to Towne Park, LLC, E.P. Ferris and Associates, and Franklin County Emergency Management & Homeland Security ; and

WHEREAS, it is necessary to reduce appropriations in the Highway Fund before amending the City's certificate of estimated resources; and

WHEREAS, The Franklin County Auditor's Office was unable to provide Fund breakdowns for its 1st half 2014 Homestead and Rollback collections distributed in 2015; therefore, it was necessary to post the entire distribution to the General Fund in 2015. Since the breakdown is now available, the Finance Director must decrease the General Fund balance and increase the balance of the affected individual TIF Funds; and

WHEREAS, it is necessary to increase appropriations in the Debt Service Fund to allocate resources for the 2016 OPWC Beech Road Widening debt service payments; and

WHEREAS, City Council and the State of Ohio have authorized the Finance Director to create the Economic Development Capital Improvement Fund; therefore, it is necessary to appropriate the anticipated fund activity; and

WHEREAS, it is necessary to increase appropriations in the Wentworth Crossing TIF Fund to allocate resources for the payment of the Franklin County Auditor's property tax charges; and

WHEREAS, it is necessary for Council to amend Section 3 of previously approved Appropriation Ordinance 01-01-16.

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 an increases in appropriations in the General Fund (101) as follows:

101.702.523006	Ordinance Codification	\$	8,000
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Section 2. Council hereby authorizes the creation of the Greensward Roundabout OPWC Fund (420). City Council further authorizes a transfer from the Capital improvement Fund (401) to the Greensward Roundabout OPWC Fund (420) and an increase in appropriations to the Greensward Roundabout OPWC Fund (420) as follows:

420.190.419100	Transfer In	\$ 439,120	
420.705.525503	Project Expense		\$ 1,437,120
420.140.414200	State Grants	\$ 998,000	

Section 3. City Council hereby authorizes the following budgetary transfers:

101.705.521001	NASD Overtime	\$	(17,000)
101.705.523006	Traffic Signs	\$	17,000
101.402.521000	Salaries & Wages	\$	(52,500)
101.402.523025	Electrical Inspections	\$	52,500
101.711.524402	Software/Hardware	\$	(35,000)
101.720.524200	Operating Supplies	\$	(1,000)
101.720.521205	Health Fair	\$	1,000
301.850.526200	OWDA Debt Interest	\$	(16,272)
301.850.526111	Debt Service Principal	\$	(30,000)
301.850.526103	OPWC Debt Principal	\$	46,272
401.705.525503	Project Expense	\$	(305)
401.706.527002	Refunds	\$	305
405.705.525503	Project Expense	\$	(2,572)
405.706.527002	Refunds	\$	2,572
401.705.525503	Project Expense	\$	(439,120)
401.901.527100	Interfund Transfer	\$	439,120
415.705.525152	Heavy Equipment	\$	(65,000)
415.401.525006	Computer Equip > \$5,000	\$	35,000
415.706.525006	Computer Equip > \$5,000	\$	30,000

Section 4. City Council hereby authorizes the Finance Director to issue Then and Now Certificates as follows: **Towne Park, LLC** in an amount not to exceed **\$40,000** and **E.P. Ferris and Associates** in an amount not to exceed **\$50, 000**; and **Franklin County Emergency Management & Homeland Security** in an amount not to exceed **\$19,425**.

SECTION 5. City Council hereby authorizes the Finance Director to reduce appropriations in the Highway Fund (220) as follows:

220.705.524203 **Road Salt** **\$** **(50,000)**

SECTION 6. City Council hereby authorizes the reduction of revenue in the General Fund (101) and an increase in estimated revenue in the Windsor TIF Fund (211); Village Center TIF Fund (210) Wentworth TIF Fund (231); Hawksmoor TIF Fund (232); Saunton TIF Fund (233); Richmond Square TIF Fund (234); Tidewater I TIF Fund (235); Ealy Crossing TIF Fund (236); Upper Clarenton TIF Fund (237); and the Balfour Green TIF Fund (238) as follows:

101.120.412800	Rollback		\$	(164,606.19)
210.120.412800	Rollback	\$	3,037.94	
211.120.412800	Rollback	\$	88,458.25	
230.120.412800	Rollback	\$	5,367.92	
231.120.412800	Rollback	\$	5,773.90	
232.120.412800	Rollback	\$	2,730.89	
233.120.412800	Rollback	\$	6,264.50	
234.120.412800	Rollback	\$	2,839.67	
235.120.412800	Rollback	\$	14,104.69	
236.120.412800	Rollback	\$	8,965.27	
237.120.412800	Rollback	\$	1,551.96	
238.120.412800	Rollback	\$	25,511.20	

SECTION 7. City Council hereby authorizes a an increase in appropriations to the Debt Service Fund (301) as follows:

301.850.526103 **OPWC Debt Principal** **\$** **15,059**

SECTION 8. City Council hereby authorizes an increase in appropriations to the Economic Development Capital Improvement Fund (422) as follows:

422.140.414200	State Grants	\$3,000,000		
422.180.418902	Funds from NACA	\$8,125,000		
422.705.525503	Project Expense		\$	8,125,000
422.706.527326	Repayment to NACA ED Fund		\$	3,000,000

SECTION 9. City Council hereby authorizes an increase in appropriations to the Wentworth Crossing TIF Fund (230) as follows:

230.706.527350 **County Charges** **\$** **1,109**

SECTION 10. Council hereby authorizes an amendment to O-01-16 Section 3 as follows:

101.101.524301	Approved as: \$ (50,000)	Amended \$ (15,000)
101.705.524302	Approved as: \$ (45,000)	Amended \$ (44,600)
101.705.524301	Approved as: \$ 96,200	Amended \$ 60,800

Section 11. 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 _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

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

I certify that copies of Ordinance **O-08-2016** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2016.

Jennifer Mason, Clerk of Council

Date



Prepared: 3/24/2016
Introduced: 4/19/2016
Revised:
Adopted:
Effective:

RESOLUTION R-17-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE AND SIGN AGREEMENTS WITH NEW ALBANY VENTURES II LLC OR ONE OF ITS AFFILIATES RELATED TO INCENTIVES AVAILABLE FOR PROJECT DEVELOPMENT IN THE OAK GROVE II COMMUNITY REINVESTMENT AREA

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-29-98, adopted July 7, 1998, designated the Oak Grove Community Reinvestment Area (the "Original Area"), and by its Resolutions Nos. 28-99, adopted May 18, 1999, 55-99 adopted August 3, 1999, by its Ordinances Nos. 22-05, adopted September 20, 2005, 24-06, adopted June 20, 2006, amended the designation of the Original Area to include the area known as the "Blacklick Area", the "Hedrick Parcel" and "Infill Areas" (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove Community Reinvestment Area (the "CRA"); and

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property to be located in the CRA; and

WHEREAS, the Director of Development of the State of Ohio has determined that the Area contains the characteristics set forth in R.C. Section 3735.66 and confirmed the Area as a "Community Reinvestment Area"; and

WHEREAS, New Albany Ventures II LLC has submitted to the City a proposed agreement application (the "Application"), the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City, and the City, having appropriate authority, desires to provide the Company with the incentives available in the CRA for the development of the project described in that Application; and

WHEREAS, the Board of Education of Eastland Fairfield Career & Technical Schools has been notified in accordance with the applicable law; and

WHEREAS, the Board of Education of New Albany Plain Local School District have approved this Agreement and waived their right to notice in accordance with their respective compensation agreements entered into with New Albany.

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

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

Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Mitchell H. Banchefsky
Law Director



Prepared: 3/24/2016
Introduced: 4/19/2016
Revised:
Adopted:
Effective:

RESOLUTION R-18-2016

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ADVERTISE, AWARD BIDS AND EXECUTE A CONTRACT FOR THE 2016 CITY OF NEW ALBANY STREET IMPROVEMENT PROJECT

WHEREAS, The Council of the City of New Albany, Ohio (the "city") desires to proceed with general road maintenance such as asphalt overlay, crack seal and curb replacement as needed within the city, and

WHEREAS, the city funded this project in the 2016 budget, 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 improvements, and

WHEREAS, the city manager will review the proposals to certify 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 to proceed with advertisement, acceptance and the execution of a contract for the 2016 City of New Albany Street Improvement project.

Section 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any decision making bodies of the City of New Albany which resulted in such formal actions were in meetings open to the public or in compliance with all legal requirements of the City of New Albany, Franklin and Licking Counties, Ohio.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2016.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Mitchell H. Banchefsky
Law Director

PROPOSED