



Prepared: 12/11/2018
Introduced: 01/02/2019
Revised:
Adopted:
Effective:

ORDINANCE O-01-2019

AN ORDINANCE FINDING THAT THE PROPOSED ADDITION OF LAND TO THE NEW ALBANY EAST COMMUNITY AUTHORITY WILL BE CONDUCTIVE TO THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE, AND WILL NOT JEOPARDIZE THE PLAN FOR THE DEVELOPMENT OF ITS "NEW COMMUNITY" AS DEFINED IN SECTION 349.01(A) OF THE OHIO REVISED CODE; AND REDEFINING THE BOUNDARY OF THE AUTHORITY'S COMMUNITY DISTRICT TO REFLECT THAT ADDITION OF LAND

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, MJB Holdings, LLC (the "Developer") filed a petition (the "Original Petition") with the Clerk of this Council and in the office of the Clerk of Licking County Board of Commissioners, both as then required by Chapter 349.03(A) of the Ohio Revised Code, with that Petition being for the establishment of The New Albany East Community Authority (the "Authority") and its proposed new community district comprised of approximately 742 acres (the "Original District"); and

WHEREAS, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-95-2014 adopted on December 2, 2014, as amended by its Resolution No. R-2-2015 adopted on January 6, 2015, accepted that Original Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

WHEREAS, after a public hearing on that Original Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-16-2015 passed on February 24, 2015, declared the Authority to be organized and a body politic and corporate with the boundaries of the Authority's new community Original District defined as set forth in that Ordinance; and

WHEREAS, pursuant to Section 349.03(B) of the Ohio Revised Code, the Developer filed a supplement to the Original Petition (the "First Supplemental Petition") with the Clerk of this Council to a (i) add to the Authority's Original District additional land aggregating in amount approximately 141.979 acres and (ii) delete from the Authority's Original District land aggregating in amount approximately 35 acres; and

WHEREAS, pursuant to Section 349.03 of the Ohio Revised Code, this City Council by its Resolution No. R-28-2018 adopted on July 5, 2017, accepted that First Supplemental Petition after determining it was sufficient and in compliance as to form and substance with the requirements of Section 349.03 of the Ohio Revised Code; and

WHEREAS, after a public hearing on that First Supplemental Petition, held after notice published in accordance with Section 349.03 of the Ohio Revised Code, this City Council by its Ordinance No. O-10-2017 passed on August 8, 2017, declared that Original District be redefined to include the approximately 141.979 +/- acres of land added in the First Supplemental Petition and to remove the approximately 35 +/- acres of land deleted in the First Supplemental Petition (together with the Original District, the "District"), and determined that the District would not jeopardize the plan for the development of its "new community"

as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that the District would continue to be conducive to public health, safety, convenience and welfare; and

WHEREAS, this Council continues to be the “organizational board of commissioners” for the Authority as that term is defined in Section 349.01(F) of the Ohio Revised Code; and

WHEREAS, pursuant to Section 349.03(B) of the Ohio Revised Code the “Developer” has filed an application (the “Second Supplemental Petition”) to further supplement that Original Petition with the Clerk of this Council to add to the Authority’s District additional land aggregating in amount approximately 441.345 acres; and

WHEREAS, the Second Supplemental Petition provides that with the proposed addition to the Authority’s District the Authority will continue to be conducive to the public health, safety, convenience and welfare and intended to result in the development of a “new community” as that term is defined in Section 349.01(A) of the Ohio Revised Code, and that such additional land to be included in the District is owned by or under the control of the Developer within the meaning of Section 349.01(E) of the Ohio Revised Code; and

WHEREAS, this Council reviewed the Second Supplemental Petition and determined in its Resolution No. R-51-2018 adopted December 10, 2018, that it complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance, fixed a time and place of a public hearing on the Second Supplemental Petition, being January 15, 2019, commencing at 6:30 p.m., in Council Chambers in Village Hall, which time is not less than 30 days nor more than 45 days from the date the Second Supplemental Petition was filed with the Clerk of this Council, and desires that notice of the public hearing be given, all pursuant to Section 349.03(A) of the Ohio Revised Code; and

WHEREAS, this Ordinance redefines the boundary of the Authority’s District by adding 441.345 +/- acres of land to the District, all of which is located in the City of New Albany and the County of Franklin; 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. Findings and Determinations. This Council finds and determines that the District, as its boundaries are redefined by this Ordinance, will be conducive to the public health, safety and convenience and welfare and the District, as so redefined, will not jeopardize the plan for the development of its “new community” as that term is defined in Section 349.01(A) of the Ohio Revised Code.

Section 2. Approval of Second Supplemental Petition. The Second Supplemental Petition is hereby accepted and shall be recorded, along with this Ordinance, in the official minutes of this Council, as the organizational board of commissioners.

Section 3. Revision of New Community District Boundaries. The District is hereby redefined to include the approximate 441.345 +/- acres of land being added, all as set forth in the Second Supplemental Petition, and shall have boundaries reflecting that additional of land.

Section 4. Compliance with Law. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 5. Effective Date. Pursuant to Article VI, Section 6.07(B) of the charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

CERTIFIED AS ADOPTED this _____ day of _____, 2019.

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 hereby certify that copies of this Ordinance O-01-2019 were duly posted in accordance with Section 6.12 of the Charter of the City for at least 30 days starting on _____, 2019.

Jennifer Mason, Clerk of Council

Date



Prepared: 12/19/2018
Introduced: 01/03/2019
Revised:
Adopted:
Effective:

RESOLUTION R-01-2019

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, 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 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. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 7. Pursuant to the Article VI of the Charter of the City of New Albany, this resolution shall take effect upon passage and be retroactive to January 1, 2019.

CERTIFIED AS ADOPTED this _____ day of _____, 2019.

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 R-01-2019 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2019.

Jennifer H. Mason, Clerk of Council

Date

Exhibit A – R-01-2019

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. Leave is accrued on the basis of an 80 hour pay period such that any hours not in paid status during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on an quarter-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 Human Resources 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. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to 48 hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to forty-eight (48) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the employees base rate of pay as of December 31 of the year of the election).

(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)



Prepared: 12/21/2018
Introduced: 01/02/2019
Revised:
Adopted:
Effective:

Resolution Number R-02-2019
PID 99846
FRA-New Albany-Signal

RESOLUTION R-02-2019

A FINAL RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR THE REFERENCED PROJECT WHICH PROPOSES TO INTERCONNECT TRAFFIC SIGNALS AND UPGRADE CONTROLLER CABINETS THROUGH THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) ATTRIBUTABLE FUNDING PROGRAMS

The following constitutes the Final Resolution enacted by the City of New Albany, Ohio, in the matter of the stated described project.

WHEREAS, on September 4, 2018, the city enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists installation of fiber optic signal interconnection, monitoring camera and signal system software to also be connected to the Columbus traffic signal system, lying within the City of New Albany.

WHEREAS, the city shall cooperate with the Director of Transportation in the above described project as follows:

The city agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of the federal-aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the city is now estimated in the amount of Two Hundred Twenty Nine Thousand One Hundred Ninety Four and - - - - 00/100 Dollars, (\$229,194.00), but said estimated amount is to be adjusted in order that the city's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the city desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of New Albany, Counties of Franklin

and Licking, State of Ohio, that:

Section 1. The estimated sum of Two Hundred Twenty Nine Thousand One Hundred Ninety Four and -- -- 00/100 Dollars, (\$229,194.00), is hereby appropriated for the improvement described above and the City Manager is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2. The city hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3. The city enter into a contract with the State of Ohio, and that city manager be, and is hereby authorized to execute said contract, providing for the payment of the city the sum of money set forth herein above for improving the described project.

Section 4. The city transmit to the Director of Transportation a fully executed copy of this resolution.

Section 5. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121 of the Ohio Revised Code.

Section 6. Pursuant to Article 6.07 of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2019.

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 R-02-2019 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2018.

Jennifer H. Mason, Clerk of Council

Date

STATE OF OHIO

City of New Albany
Franklin County, Ohio

I, Jennifer Mason, as Clerk of the City of New Albany, Ohio, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Council of the City of New Albany on the 2nd day of January, 2019, that the publication of such resolution has been made and certified of record according to law; that no proceedings looking to a referendum upon such resolution have been taken; and that such resolution and certificate of publication thereof are of record in the 2019 Resolutions of the City of New Albany.

IN WITNESS WHEREOF, I have hereunto subscribed my name this _____ day of January, 2019.

Jennifer Mason, Clerk
City of New Albany
Franklin County, Ohio

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of New Albany, Ohio
Franklin County, Ohio

Attest: _____, Date _____
Contractual Officer

.....
For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation