



ORDINANCE O-02-2024

AN ORDINANCE TO AMEND CHAPTERS 183.21, 939.01, 1187.08, 1187.09, 1187.10, AND 1187.11 OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES TO REMOVE REFERENCES TO COUNCIL STANDING COMMITTEES AND UPDATE CITY STATUS AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, on January 2, 2024, council voted to remove council standing committees from their council rules as the Safety, Public Utilities, Service and Public Facilities, Planning and Economic Development, and Administration standing committees had not convened a meeting in over a decade; and

WHEREAS, there are several instances in New Albany city code where a standing committee chair is given responsibilities, such as signing off on documents, and appointed committee chairs have been signing as required; and

WHEREAS, city code also requires the mayor to sign off on those same documents to indicate council's involvement and consent; and

WHEREAS, there are instances where older city code refers to New Albany as the "village" rather than the "city" and to the "village administrator" rather than the "city manager"; and

WHEREAS, this ordinance updates city code to conform with council's actions, reflect current practices and city status, and remove references to the abolished standing committees.

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. Council hereby amends Codified Ordinance Chapters 183.21, 939.01, 1187.08, 1187.09, 1187.10, and 1187.11 to strike references to the abolished standing committees and reflect New Albany's status as a city as set forth in the attached red-lined Exhibit A.


Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this ordinance shall be in effect immediately upon adoption.


CERTIFIED AS ADOPTED this 6 day of FEB, 2024.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	01/04/2024
Introduced:	01/16/2024
Revised:	
Adopted:	02/06/2024
Effective:	03/07/2024

183.21 BOARD OF REVIEW.

- (a) A Board of Review, consisting of a chairperson and two (2) other individuals to be appointed by the Village Council ~~with a recommendation from the Finance Committee~~ is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 183.11 with reference to the confidential character of information required to be disclosed by the chapter shall apply to such matters as may be heard before the Board on appeal.
- (b) All rules and regulations and amendments or changes thereto, which are adopted by the Finance Director under the authority conferred by this chapter, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Finance Director, and, at the request of the taxpayer or Finance Director, is empowered to substitute alternate methods of apportionment. After such approval, such rules, regulations and changes shall be filed with the Clerk of Council and shall be open to public inspection.
- (c) Whenever the Finance Director issues a decision regarding an income tax obligation that is subject to appeal as provided in this section, or in an ordinance or regulation of the Municipality, the Finance Director shall notify the taxpayer in writing at the same time of the taxpayer's right to appeal the decision and of the manner in which the taxpayer may appeal the decision.
- (d) Any person who is aggrieved by a decision of the Finance Director and who has filed with the Municipality the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision may appeal the decision to the Board of Review by filing a request with the Board. The request shall be in writing, shall state with particularity why the decision should be deemed incorrect or unlawful, and shall be filed within thirty (30) days after the Finance Director has issued the decision.
- (e) The imposition of penalty and interest as prescribed in the Codified Ordinances of the Municipality is not a sole basis for an appeal.
- (f) The Board of Review shall schedule a hearing within forty-five (45) days after receiving the request, unless the taxpayer waives a hearing. If the taxpayer does not waive the hearing, the taxpayer may appear before the Board and may be represented by an attorney at law, certified public accountant or other representative.
- (g) The Board may affirm, reverse, or modify the Finance Director's decision or any part of that decision. The Board shall issue a decision on the appeal within ninety (90) days after the Board's final hearing on the appeal, and send notice of its final decision by ordinary mail to all of the parties to the appeal within fifteen (15) days after issuing the decision. The taxpayer or the Finance Director may appeal the Board's decision as provided in ORC 5717.011.
- (h) Each Board of Review created pursuant to this section shall adopt rules governing its procedures and shall keep a record of its transactions. Such records are not public records available for inspection under ORC 149.43. Hearings requested by a taxpayer before a Board of Review created pursuant to this section are not meetings of a public body subject to ORC 121.22.

(Ord. 43-2003. Passed 1-13-04.)

939.01 WATER LINES.

- (a) All water line and fire hydrant construction, material and specifications shall be in accordance with "City of Columbus Construction and Material Specifications" latest edition and the Division of Water standard drawings or the Village-City of New Albany standards when promulgated and adopted as approved by the City of Columbus.
- (b) All public water lines within a right-of-way, dedicated, highway easement or utility easement shall be maintained as per the water contract agreements with the City of Columbus then in force. Private water lines will not be maintained by the City of Columbus and will not be permitted in a public right-of-way.
- (c) A developer for the purpose of this section shall be any individual or entity who improves land for subdivision(s), commercial, industrial, institutional, recreational or other purpose. The developer shall construct a water line, consistent with the Master Water Line Plan then in effect, along the entire length of the development abutting any existing road or street with or without access to that road or street. Where the Master Water Line Plan indicates a line larger than would be required by the development contemplated by the developer, ~~and there is an immediate benefit to the community as determined by the Public Utilities Committee~~, the Village-City Council may authorize an expenditure of up to one hundred ten percent (110%) of the difference in the cost of the pipe, fittings and valves between the size pipe required for the development and the size pipe required by the Master Water Line Plan.
- (d) Water customers will be responsible for determining the size of the service line from the service box to their house or business. The minimum service tap for multi-dwelling units shall be in accordance with Division of Water Rule and Regulation 91-1.
- (e) When no other water service (line two (2) inches or less) is available, water service lines constructed through new subdivision lots within a private easement to undeveloped adjacent existing residential parcels shall be permitted on the following basis:
 - (1) The abutting property owner makes a written request to both the Village-city and the developer and agrees to pay for engineering plans and construction related to the water service line.
 - (2) The request from the abutting property owner is received prior to or during the engineering plan development stage.
 - (3) The developer agrees to work with the Village-city in good faith and with best efforts to provide the requested service.
 - (4) The Village-City of New Albany and City of Columbus grant approval.
- (f) Water lines after the master meter pit into the commercial, industrial, institutional or other developments shall be private water lines including the fire hydrants and are to be maintained by the owner. The owner shall be responsible to winterize the fire hydrants (pump water out of the fire hydrant barrel before freezing temperatures).
- (g) The developer shall be responsible to pay for all chlorination charges assessed by the City of Columbus.
- (h) Minimum width of water line easements shall be thirty (30) feet with no permanent structure closer than twenty (20) feet to a water line.

- (i) Public water lines will not be permitted in a dead-end easement.
- (j) Water lines constructed in a dedicated right-of-way shall be a minimum of seven and one-half (7.5) feet from the right-of-way line for six-inch and eight-inch lines and eight (8) feet for twelve-inch lines and over or unless provided by a dedicated utility easement.
- (k) Backflow prevention devices may be required by the City of Columbus in conformance with their regulations, Rules and Regulations No. 93-5 dated December 9, 1993 and all costs incurred shall be the responsibility of the owner.
- (l) If a homeowner taps into a water line constructed by a developer outside a subdivision and along an existing road, the developer shall be reimbursed by the Village-city front footage charges assessed to the homeowner. The frontage charge will be established by Village-City Council or if none is established by Village-City Council, then the charge will be the same rate as charged by the City of Columbus.
- (m) If a developer (Developer "A") develops a tract of land abutting an existing street where a previous developer (Developer "B") constructed the water line, then Developer "B" shall be reimbursed by Developer "A" one-half the project cost of the water line which includes engineering plan preparation, inspection, easements cost etc. All documented costs shall be submitted to the Village City Engineer.
- (n) Appeals to Village-City Council concerning the interpretation or administration of this policy may be taken by any person aggrieved in a letter to the Village-AdministratorCity Manager specifying the appeal being taken. Such appeal shall be taken within twenty (20) days after such interpretation or administrative decision has been formally given.

(Ord. 5-99. Passed 4-6-99.)

1187.08 SUBDIVISION STANDARDS, STREETS.

- (a) Streets shall be dedicated to public use by the subdivider. Streets shall be arranged in a simple connecting pattern. Residential streets shall be so designed so as to discourage their use by non-local traffic. Alleys should be used as driving aisles to provide access to parking areas and garages. Dead ends and cul-de-sacs should be limited in all districts. Easements for utilities must be provided along side or rear lot lines where possible. Street rights-of-way shall have the following minimum widths:
 - (1) Major arterial (includes federal, state and county roads which are main arteries of access to the Municipality): one hundred (100) feet; an additional width of forty-five (45) feet shall be provided to accommodate a service drive wherever lots are to face a primary road.
 - (2) Minor arterial (next in importance as avenues of access between sections of the Municipality as opposed to commercial traffic and non-local traffic): eighty (80) feet.
 - (3) Collector (within new subdivision): sixty (60) feet.
 - (4) Minor (completely residential in nature): fifty (50) feet.
 - (5) Cul-de-sac circles: minimum right-of-way radius of sixty (60) feet with curbs and gutters and seventy (70) feet without curbs and gutters and no cul-de-sac shall exceed six hundred (600) feet in length unless lot widths exceed one hundred (100) feet at building setback lines, then the maximum length shall not exceed one thousand (1,000) feet.

- (6) Alleys: twenty (20) feet.
 - (7) Easements (as required): Where alleys are not required, utility easements of not less than five (5) feet in width shall be provided on each side of rear lot lines to provide access for the installation and maintenance of all utility lines, overhead or underground. Wider easements may be required along or across lots for main storm or sanitary sewers or other utilities, or where a combination of utility lines is indicated.
- (b) Narrower streets are encouraged where appropriate to promote a pedestrian friendly scale and as a tool for traffic-calming. Minimum pavement widths shall be as follows:
- (1) Major arterial: variable as conditions may require.
 - (2) Minor arterial: thirty-six (36) feet from face to face of curbs.
 - (3) Collector: thirty-two (32) feet from face to face of curbs or twenty-six (26) feet without curbs and no street parking permitted.
 - (4) Minor: twenty-six (26) feet from face to face of curbs; 24-foot pavement width if curbs and gutters are not provided.
 - (5) Cul-de-sac circles: minimum outside pavement radius of forty-eight (48) feet with a minimum twenty-four (24) feet of pavement width.
 - (6) Alleys: eighteen (18) feet.
 - (7) One-way divided streets: twenty (20) feet from face to face of curbs, with 50-foot radius on "hammer-head" cul-de-sacs.
 - (8) Sidewalks: Five-foot minimum or greater as determined by width of existing sidewalks, as approved by the Community Development Department. Sidewalks shall be concrete, constructed per the [village-city](#) standard.
 - (9) Leisure Trails: Eight-foot minimum unless otherwise specified by the Planning Commission. Leisure trails shall be asphalt unless otherwise specified by the Planning Commission and shall be constructed per the [village-city](#) standard.
- (c) The maximum grades shall be:
- (1) Major arterial: four percent (4%).
 - (2) Minor Arterial: five percent (5%).
 - (3) Collector, minor and alleys: six percent (6%).

The minimum grade for any street shall be one-half of one percent (.5%) at the gutter, unless otherwise approved by the Municipal Engineer. Street intersections shall be rounded by radii not less than twenty (20) feet at the curb line. Sidewalks shall be located as approved by the Municipal Engineer.

All street construction and specifications for materials shall be in conformity with standards required by the Municipality.

The plans must bear the approval of the Engineer, ~~Street Committee chairperson~~ and Mayor, and places shall be provided for such signatures, including that of the Finance Director.

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

1187.09 SUBDIVISION STANDARDS, SANITARY SEWERS.

- (a) Plans and profiles of sanitary sewers shall be submitted to the Municipal Engineer for approval. All grades, pipe sizes, manholes and other appurtenances shall be shown and such installation and materials shall be in conformity with Municipal standards. In addition, review and approval by the City of Columbus is required.
- (b) Sewer plans must bear the approval of the Municipal Engineer, Mayor, ~~the Utilities Committee chairperson,~~ and the City of Columbus. Places shall be provided for such signatures, including that of the Finance Director.

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

1187.10 SUBDIVISION STANDARDS, WATER DISTRIBUTION SYSTEM.

- (a) Plans of proposed water distribution systems shall be submitted to the Municipal Engineer for approval. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances. Such installation and materials shall be in conformity with Municipal standards. In addition, review and approval by the City of Columbus is required.
- (b) Water distribution systems must bear the approval of the Municipal Engineer, Mayor, ~~the Utilities Committee chairperson,~~ and the City of Columbus. Places shall be provided for such signatures, including that of the Finance Director.

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

1187.11 SUBDIVISION STANDARDS, STORM SEWER SYSTEM.

- (a) Proposed storm sewers, including grades, materials, pipe sizes, manholes, inlets and appurtenances, may be shown on the street improvement plans. The plans must be submitted to the Municipal Engineer for approval. Installation and materials shall be in conformity with Municipal standards.
- (b) The subdivider or developer shall follow the recommendations of the Municipal Engineer with regard to the proper method and direction of draining storm water following review of the proposed plan of such drainage as submitted by the subdivider or his engineer.
- (c) The storm sewer plans, if not incorporated as a part of the street improvement plans, must bear the approval of the Municipal Engineer, and the Mayor ~~and the Utility Committee chairperson.~~ Places shall be provided for such signatures, including that of the Finance Director.

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



RESOLUTION R-02-2024

A RESOLUTION TO ADOPT THE UPDATED SOLID WASTE MANAGEMENT PLAN FOR THE SOLID WASTE AUTHORITY OF CENTRAL OHIO (SWACO)

WHEREAS, the City of New Albany is located within the jurisdiction of the Solid Waste Authority of Central Ohio (SWACO); and

WHEREAS, the SWACO Board of Trustees has prepared and adopted a final Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, 3734.55 and 3734.56 on December 13, 2023; and

WHEREAS, SWACO has provided a copy of the plan for ratification to each of the legislative authorities in the authority's jurisdiction; and

WHEREAS, the City of New Albany must decide whether it approves of said plan within ninety (90) days of receipt of the plan.

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 New Albany City Council hereby approves the Solid Waste Management Plan.

Section 2. The clerk is hereby directed to send SWACO a certified copy of this resolution via email to the attention of Andrew Booker at Andrew.Booker@swaco.org, or via regular U.S. Mail to:

Solid Waste Authority of Central of Ohio
Attn: Andrew Booker
4239 London Groveport Rd.
Grove City, OH 43123

Section 3. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this resolution were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(A) of the Charter of the City of New Albany, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 11 day of FEB, 2024.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	01/24/2024
Revised:	01/31/2024
Introduced:	02/06/2024
Revised:	
Adopted:	02/06/2024
Effective:	02/06/2024



RESOLUTION R-03-2024

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT BETWEEN THE CITY OF NEW ALBANY, OHIO AND THE NEW ALBANY COMMUNITY IMPROVEMENT CORPORATION AND RELATED AUTHORIZATIONS RELATED TO THE SUPPORT AND OPERATION OF INNOVATE NEW ALBANY

WHEREAS, pursuant to Chapter 1724, Ohio Revised Code, a not-for-profit corporation known as the “New Albany Community Improvement Corporation” (“CIC”) has previously been incorporated; and

WHEREAS, the city previously designated the CIC as an agency of the city consistent with Section 1724.10 of the Ohio Revised Code, so that it may provide assistance with any one or more of the services specified in Chapter 1724 of the Ohio Revised Code, including but not limited to the development and encouragement of industry, commerce, distribution and research within the confines of the city; and

WHEREAS, among the services provided by the CIC, it is responsible for operating Innovate New Albany; and

WHEREAS, due to the expiration of its existing lease, Innovate New Albany is relocating to a new space; and

WHEREAS, the city desires the CIC to continue its operation of Innovate New Albany in its new space; and

WHEREAS, any political subdivision which has designated a community improvement corporation as such agency may enter into an agreement with said corporation to provide any one or more services specified in Chapter 1724, Ohio Revised Code, and

WHEREAS, the city and CIC wish to execute a Letter of Agreement related to the operation of Innovate New Albany; and

WHEREAS, council has determined that it would be in the best interests of the city to approve and authorize the execution of a Letter of Agreement for Industrial, Commercial, Distribution and Research Development regarding the operation of Innovate 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. CIC as Agency of the City. As previously designated, the CIC remains an agency of the city for the industrial, commercial, distribution and research development of the City of New Albany, Ohio, including but not limited to the operation of Innovate New Albany.

Section 2. Letter of Agreement. The Letter of Agreement (“LOA”) between the city and CIC regarding the operation of Innovate New Albany, in the form presently on file with the clerk of council, is hereby approved and authorized with any changes therein not inconsistent with this resolution and not substantially adverse to this city and which shall be approved by the city manager and director of finance. The city manager and director of finance, for and in the name of the city, are hereby authorized to execute the LOA, provided further that the approval of changes thereto by those officials, and their character as not being substantially adverse to the city, shall be evidence conclusively by the execution thereof.

Section 3. City Manager Authority to Execute Agreements. The city manager shall have the authority to execute agreements on behalf of the city as may be required by and/or in a manner consistent with the LOA in support of the continued operation of Innovate New Albany, including any required guarantees.

Section 4. Open Meetings. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of the council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. Effective Date. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 6 day of FEB, 2024.

Attest:

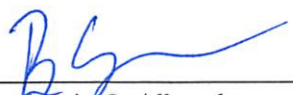


Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	01/26/2024
Introduced:	02/06/2024
Revised:	
Adopted:	02/06/2024
Effective:	02/06/2024