



## ORDINANCE O-02-2021

### AN ORDINANCE TO AMEND CODIFIED ORDINANCES OF THE CITY OF NEW ALBANY CHAPTER 113 "COUNCIL", SPECIFICALLY SECTIONS 113.01 "SALARY OF THE MAYOR" AND 113.02 "SALARY FOR MEMBERS OF COUNCIL"

**WHEREAS**, Section 4.04 of the New Albany Charter authorizes council, by ordinance, to annually determine its compensation and benefits, and Codified Ordinance Chapter 113 provides for salary levels of the mayor and members of council, and

**WHEREAS**, salary amounts for the mayor, members of council, and President *Pro Tem* who presides over Mayor's Court were last set via ordinance O-02-2020; and

**WHEREAS**, as the city grows, so does the work for council, and a cost of living increase of 1.5% for city staff was approved as part of the 2021 budget; 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.** Chapter 113, specifically Sections 113.01, ~~and 113.02, and 113.03~~ of the New Albany Codified Ordinances, is hereby amended ~~, and a new section 113.03 created,~~ to read as follows:

#### **113.01 SALARY OF THE MAYOR.**

The annual salary of the Mayor shall be ~~Twenty-Five Thousand One Hundred Fifty-Six dollars and Ninety-Five cents (\$25,156.95) Twenty-Four Thousand Seven Hundred Eighty-Five dollars and Seventeen cents (\$24,785.17) paid bi-weekly; plus a payment of Nine Hundred Fifty-Three dollars and Twenty-Eight cents (\$953.28) to account for the extra pay period in 2020.~~

#### **113.02 SALARY FOR MEMBERS OF COUNCIL.**

The annual salary of each Council Member shall be ~~Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25) paid bi-weekly, plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~ The annual salary of the President *Pro Tem* shall be ~~Eleven Thousand Five Hundred Twenty-Eight dollars and Sixty-Two cents (\$11,528.62) Eleven Thousand Three Hundred Fifty-Eight dollars and Twenty-Five cents (\$11,358.25) paid bi-weekly, plus a payment of Four Hundred Thirty-Six dollars and Eighty-Six cents (\$436.86) to account for the extra pay period in 2020.~~

#### **113.03 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 Five Thousand Seven Hundred Sixty-Nine dollars and Ninety-Four cents (\$5,769.94) ~~Five Thousand Six Hundred Eighty-Four dollars and Sixty-Seven cents (\$5,684.67)~~ paid bi-weekly. ~~plus a payment of Two Hundred Eighteen dollars and Sixty-Four cents (\$218.64) to account for the extra pay period in 2020.~~

**Section 2.** The salary changes shall be effective as of January 1, 2021.

**Section 3.** 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 4.** 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 19 day of Jan, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchevsky  
Law Director

**Legislation dates:**

Prepared:	12/28/2020
Introduced:	01/05/2021
Revised:	
Adopted:	01   19   2021
Effective:	02   18   2021





## RESOLUTION R-05-2021

### A RESOLUTION TO AMEND THE CITY'S GROUND LEASE WITH THE NEW ALBANY PLAIN LOCAL JOINT PARK DISTRICT TO PROVIDE FOR THE DEVELOPMENT AND OPERATION OF THE NEW ALBANY MIRACLE FIELD

**WHEREAS**, on April 2, 2018, the City of New Albany entered into a ten year ground lease with the New Albany Plain Local Joint Park District to provide for the development and operation of the New Albany Miracle Field; and

**WHEREAS**, the New Albany Miracle League has obtained a grant from the Mirolo Foundation in the amount of \$150,000 to facilitate the construction of the Miracle Field conditioned upon the extension of the lease from ten to twenty years; and

**WHEREAS**, the city has been a leading supporter of the New Albany Miracle League through the contribution of land, the construction of infrastructure, and the solicitation of state Capital Grant funds;

**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 attached amendment to the city's Ground Lease with the New Albany Plain Local Joint Park District to provide for the development and operation of the New Albany Miracle Field is hereby approved.

**Section 2.** The city manager is hereby authorized to execute the amendment on behalf of the city in order to modify the lease and extend its term from ten years to twenty years.

**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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 4.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

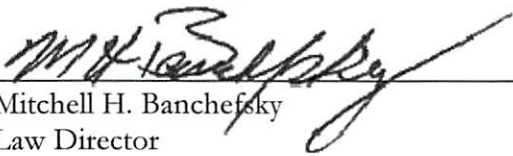
CERTIFIED AS ADOPTED this 19 day of January, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared: 01/08/2021

Introduced: 01/19/2021

Revised:

Adopted: 01/19/2021

Effective: 01/19/2021

**FIRST AMENDMENT TO SWICKARD WOODS GROUND LEASE BETWEEN  
THE CITY OF NEW ALBANY AND THE NEW ALBANY-PLAIN LOCAL  
JOINT PARKS DISTRICT**

This Amendment to the Swickard Woods Ground Lease (hereinafter referred to as “Lease”) is made on this \_\_\_ day of \_\_\_\_\_, 2021 between City of New Albany (hereinafter referred to as “Landlord”), with offices at 99 W. Main Street, New Albany, Ohio 43054 and the New Albany-Plain Local Joint Park District (hereinafter referred to as “Tenant” or “JPD”), with offices at 7860 Bevelhymer Road, New Albany, Ohio 43054.

This Amendment modifies and amends the Lease between Landlord and Tenant dated April 2, 2018, the execution of which was approved by Landlord’s City Council via Resolution R-58-2017 regarding premises containing approximately five and four fifths (5.792) acres and known as Swickard Woods situated in the City of New Albany, County of Franklin, State of Ohio, which is more particularly described by the Franklin County Auditor as parcel number 222-003178. Except as modified herein, all of the terms and provisions of the Lease shall remain in full force and effect. In the event of a conflict between the terms and conditions of the Lease and this Amendment, this Amendment shall govern.

The Lease Agreement is modified and amended as follows:

1. **SECTION 2. TERM:** The Term is of the Lease is hereby extended from ten (10) years to twenty (20) years, from the April 2, 2018 Lease Commencement Date.
2. **SECTION 13(C). (New):** In addition to the provisions set forth in this Section 13 regarding Tenant’s repairs, in the event the Tenant fails or refuses to make the necessary repairs in accordance with this Section 13, such failure or refusal to comply with the provisions set forth herein shall be considered a substantial default subject to the termination provisions set forth in Section 20, herein.

IN WITNESS OF THE ABOVE, the Landlord and Tenant have caused this Amendment to be executed on the day and year set forth above.

*{Remainder of This Page Intentionally Left Blank}*

IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written.

Signed and acknowledged  
in the presence of:

LANDLORD:  
CITY OF NEW ALBANY,  
An Ohio Municipal Corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Joseph F. Stefanov,  
City Manager

Approved as to Form:

\_\_\_\_\_  
Mitchell H. Banchefsky, City Law Director

STATE OF OHIO :  
:ss.  
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2021 by Joseph F. Stefanov, City Manager of the City of New Albany, an Ohio Municipal Corporation,  
for and on behalf of said City.

\_\_\_\_\_  
Notary Public

Signed and acknowledged  
in the presence of:

TENANT:  
NEW ALBANY-PLAIN LOCAL  
JOINT PARK DISTRICT

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
David Wharton,  
Director

STATE OF OHIO :  
 :ss.  
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021 by David Wharton, Director of the New Albany-Plain Local Joint Park District, for and on behalf of said District.

\_\_\_\_\_  
Notary Public



## RESOLUTION R-04-2021

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR A CABLE BARRIER PROJECT ALONG S.R. 161 LOCATED BETWEEN HAMILTON ROAD AND THE FRANKLIN/LICKING COUNTY LINE, A PORTION OF WHICH IS LOCATED WITHIN THE CITY OF NEW ALBANY**

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

**WHEREAS**, the Ohio Department of Transportation has identified the need for the described project in the interest of public safety along the S.R. 161 corridor: install cable barrier in the median of SR 161 from Hamilton Road to the Franklin/Licking County line, further defined as PID 112968, FRA-161-18.63 Cable Barrier; and

**WHEREAS**, the city agrees with the need for the project and requests that ODOT proceed with the project.

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

**Section 1:** Consent Statement: Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**Section 2:** Cooperation Statement: The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The city hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

ODOT agrees to assume and bear the costs of preliminary engineering, right-of-way, and construction by administering Federal and State funds for this project.

The city agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the city which are not necessary for the improvement as determined by the State and Federal Highway Administration.



**Section 3.** Utilities and Right-of-Way Statement: The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 4.** Maintenance: Upon completion of the project and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

**Section 5.** Authority to Sign: The city manager is hereby empowered on behalf of the City of New Albany to enter into contracts with the Director of Transportation necessary to complete the above described project.


**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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 404 effective November 22, 2020.

**Section 7.** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 19 day of January, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	12/22/2020
Introduced:	01/19/2021
Revised:	
Adopted:	01/19/2021
Effective:	01/19/2021

CERTIFICATE OF COPY  
STATE OF OHIO

City of New Albany, Franklin County, Ohio

I, \_\_\_\_\_, 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 legislative Authority of the said City on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, 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 Ordinance have been taken; and that such Resolution and certificate of publication thereof are of record in Resolution Record Number, Page \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if applicable, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk

(SEAL)  
(If Applicable)

City of New Albany, Ohio.

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

For the City of New Albany, Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Contractual Officer

\*\*\*\*\*

For the State of Ohio

Attest: \_\_\_\_\_, Date \_\_\_\_\_  
Director, Ohio Department of Transportation