



ORDINANCE O-18-2020

AN ORDINANCE TO AMEND SECTION 351.03 OF THE NEW ALBANY CODIFIED ORDINANCES ENTITLED "PROHIBITED STANDING OR PARKING PLACES" SO AS TO LIMIT THE PARKING OF RECREATIONAL VEHICLES ON PUBLIC STREETS OR ALLEYS LOCATED IN ZONING DISTRICTS WHERE RESIDENCES ARE A PERMITTED USE

WHEREAS, the long term parking of recreational vehicles on public streets or alleys located in zoning districts where residences are a permitted has a negative impact on residents' quality of life; and

WHEREAS, limiting the amount of time recreational vehicles that can be parked on such public streets will enhance the residents' quality of life and safety; and

WHEREAS, it is council's desire to protect the health, safety and welfare of New Albany's residents by enacting a parking law.

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: Existing Section 351.03 of the New Albany Codified Ordinances, entitled "PROHIBITED STANDING OR PARKING PLACES" is hereby amended to include the following deletion and additions shown in redline:

351.03 - PROHIBITED STANDING OR PARKING PLACES.

- (a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:
 - (1) On a sidewalk, curb or street lawn area, except a bicycle;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within ten (10) feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty (20) feet of a crosswalk at an intersection;
 - (7) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;

- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
 - (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (10) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;
 - (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
 - (12) Alongside any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
 - (14) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
 - (15) Within one foot of another parked vehicle;
 - (16) On the roadway portion of a freeway, expressway or thruway.
- (b) **Parking of Commercial Vehicles.**

- (1) Definitions. As used in this section: "Commercial Vehicle" means any vehicle, trailer, with or without motive power, designed or used for carrying merchandise, freight, professional materials and/or equipment, or used as a commercial tractor or motor bus, with a gross vehicle weight greater than one thousand four hundred (1,400) pounds.
- (2) Prohibitions. No person shall stand or park a ~~recreational or~~ commercial vehicle except when necessary to avoid conflict with other traffic or while obeying the direction of a police officer on a residential street.
- (3) Exceptions. This parking prohibition shall not apply to such vehicles used for conveying the necessary tools and materials to a premises where labor, using such tools and materials, is to be performed, during the time of parking such vehicles or to the time during which such vehicle is being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery, if such loading and unloading or other activities referred to in this provision are conducted diligently and without unnecessary delay.

(c) **Parking of Recreational Vehicles.**

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment shall not be parked on streets or alleys in any zoning district where residences are a permitted use, for a period of time exceeding twelve (12) hours.

- (e)(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two (2) or more


predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.


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 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 197 effective March 27, 2020.

Section 6. 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.

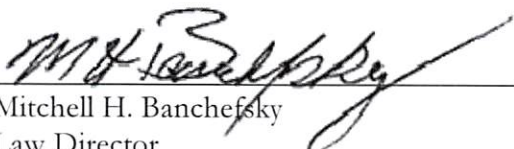
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 10/09/2020

Introduced: 10/20/2020


Revised:

Adopted: 11/03/2020

Effective: 12/03/2020

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

I certify that copies of Ordinance **O-18-2020** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on November 4, 2020.


Jennifer Mason, Clerk of Council

11/3/20
Date



ORDINANCE O-19-2020

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES RELATED TO THE CARES ACT DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020 ** Amended by council on the floor*

WHEREAS, on June 16, 2020 council passed RES-23-2020 "A Resolution Requesting 'Coronavirus Aid, Relief, and Economic Security Act', Also Known as 'CARES Act' Funding to be Distributed by Franklin County and Declaring Such Funds Shall be Used Only for Allowable Purposes" in relation to the funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in House Bill 481 of the 133rd General Assembly (HB481); and

WHEREAS, the City of New Albany received an initial distribution in the amount of \$65,230 in relation to the CARES Act, which was appropriated as part of Ordinance O-12-2020, approved on July 21, 2020; and

WHEREAS, additional CARES Act funding has been made available through HB 481 and newly adopted House Bill 614 of the 133rd General Assembly (HB 614) totaling \$418,702; and

WHEREAS, HB 481 and HB 614 require subdivisions receiving funds under the aforementioned acts to expend such funds only to cover costs of the subdivision consistent with the requirements of sections 5001 of the CARES Act as described in 42 U.S.C. 801, and any applicable regulations; and

WHEREAS, it is necessary to make adjustments to the 2020 appropriations to ensure compliance with budgetary requirements and reflect proposed and actual spending within the Local Coronavirus Relief fund.

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 authorizes an appropriation of the unappropriated balance of the Local Coronavirus Relief Fund in the amount of \$418,702.

Section 2. Council hereby authorizes the appropriated funds within the Local Coronavirus Relief fund may be used for the following purposes:

- a. Excess administrative pay otherwise known as “Pandemic Pay”, as established by the City Manager’s state of emergency dated April 8, 2020, or other emergency leave related to COVID-19.
- b. Automation of plan review, permitting and inspection process within the development department to improve telework capabilities for employees to enable compliance with COVID-19 public health precautions; social distancing, remote work, touchless exchange of plans, and enhanced remote building inspections.
- c. A community grant program to provide assistance in the form of personal protective equipment and financial aid to businesses and residents that meet federal and state requirements for CARES Act funds.
- d. Other COVID-19 related costs including, but not limited to, personal protective equipment, enhanced cleaning and sanitization services and supplies, remote access to public and administrative meetings, improving telework capabilities and providing for social distancing, and other miscellaneous expenses allowable under federal guidelines.

*


e. Update HVAC system to incorporate ultraviolet air purification system.


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 197 effective March 27, 2020.

Section 4. Pursuant to Article VI, Section 6.07 of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.

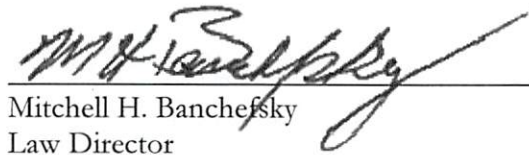
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared:	10/11/2020
Introduced:	10/20/2020
Revised:	11/03/2020
Adopted:	11/03/2020
Effective:	11/03/2020



ORDINANCE O-20-2020

AN ORDINANCE TO ACCEPT A RIGHT OF WAY DEDICATION OF 0.087 ACRES AT 6000 KITZMILLER ROAD AS REQUESTED BY BRAD GLUMAC

WHEREAS, the land parcel currently extends to the centerline of Kitzmiller Road and has historically been served by a highway easement. The property owner requests to dedicate the highway easement area to the city as public right-of-way; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of 0.087 acres; and

WHEREAS, the city engineer has reviewed the right of way dedication and has commented this dedication is appropriate; and

WHEREAS, the city will benefit from this dedication of right of way.

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

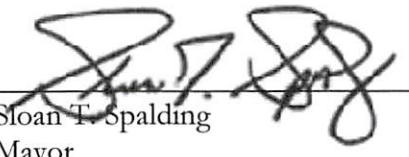
Section 1. The city manager is hereby authorized to accept a right of way dedication of 0.087 as depicted on Exhibit A.

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 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 197 effective March 27, 2020.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

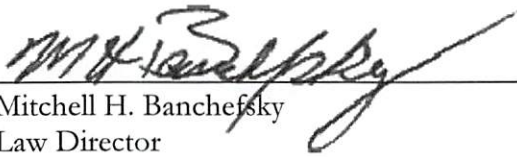
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 10/07/2020

Introduced: 10/20/2020

Revised:

Adopted: 11/03/2020

Effective: 12/03/2020

Portion above reserved for State of Ohio Auditor, Engineer and Recorder's Offices use

LIMITED WARRANTY DEED

(O.R.C. 5302.07 – 5302.08)

KNOW ALL PERSONS BY THESE PRESENTS that Bradley Glumac and Jenna Glumac (the "Grantors") for good and valuable consideration paid, grant, with limited warranty covenants, to the City of New Albany, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

BEING A SPLIT FROM FRANKLIN COUNTY PARCEL No.: 222-001959-00 AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT A (THE "PROPERTY") AND DEPICTED ON EXHIBIT B BOTH ATTACHED HERETO AND MADE A PART HEREOF.

INSTRUMENT REFERENCES: 202001070002431; RECORDER'S OFFICE; FRANKLIN COUNTY, OHIO

The grant of the Property is subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances and legal highways, and real estate taxes and assessments not yet due and payable.

THE REAL PROPERTY DESCRIBED IN EXHIBITS "A" and "B" IS INTENDED BY GRANTEE TO BE HELD FOR PUBLIC RIGHT OF WAY.

IN WITNESS WHEREOF, Grantors voluntarily caused this instrument's execution on this 9th day of September, 2020.

GRANTORS

Bradley Glumac

Printed Name: Bradley Glumac

Jenna Glumac

Printed Name: Jenna Glumac

{ACKNOWLEDGEMENT ON THE FOLLOWING PAGE}

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 9th day of September, 2020 before me, the subscriber, a Notary Public in and for said County, personally came the above named Bradley Glumac and Jenna Glumac, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.



Amanda L. Bonfield

Notary Public

My commission expires: June 6, 2025

This Instrument Prepared By:
Mitchell H. Banchevsky
City of New Albany Law Director
99 West Main Street, P.O. Box 188
New Albany, Ohio 43054

EXHIBIT A

DESCRIPTION
0.087 ACRE PARCEL,
30' RIGHT OF WAY DEDICATION

Situated in the Lot 9, Quarter Township 4, Township 4N, Range 16W, USML, Plain Township, City of New Albany, County of Franklin, State of Ohio, and being part of the Bradley and Jenna Glumac parcel, as recorded in Instrument Number 202001070002431, all references are the Records of the Franklin County Recorder, said parcel being further described as follows:

Beginning at Franklin County Geodetic Survey Monument 2258, at the centerline intersection of Central College Road and Kitzmiller Road (60 feet wide);

Thence, South $13^{\circ} 30' 20''$ West, 2371.50 feet, along the centerline of Kitzmiller Road, to a Franklin County Geodetic Survey Monument 5579 found, at a Point of Curvature;

Thence, continuing along said centerline of Kitzmiller Road and along a curve to the right, having a Delta of $10^{\circ} 42' 57''$, a Radius of 1910.00 feet, an arc length of 357.22 feet, a chord length of 356.70 feet, which bears South $18^{\circ} 51' 49''$ West, to a point at the southwest corner of the Jamey Sinai parcel, as recorded in Instrument Number 201609130122607, said point being the **True Point of Beginning** for the parcel herein described;

Thence, South $86^{\circ} 24' 20''$ East, 32.02 feet, along the southerly line of said Sinai parcel to a $5/8''$ dia. iron pin found at the existing right-of-way line of Kitzmiller Road;

Thence, along the easterly Right of Way line of Kitzmiller Road and a curve to the right, having a Delta of $03^{\circ} 50' 21''$, a Radius of 1940.00 feet, an arc length of 129.99 feet, a chord length of 129.97 feet, which bears South $25^{\circ} 48' 29''$ West to a $5/8''$ dia. iron pin found on the northerly line of the Douglas L. and Dawn Auld parcel, as recorded in Instrument Number 200610110203711;

Thence, North $74^{\circ} 32' 22''$ West, 30.72 feet, along the north line of said Auld parcel, to a point on the centerline of said Kitzmiller Road;

Thence, along the centerline of Kitzmiller Road and a curve to the left, having a Delta of $03^{\circ} 42' 07''$, a Radius of 1910.00 feet, an arc length of 123.40 feet, a chord length of 123.38 feet, which bears North $26^{\circ} 04' 21''$ East, to the **True Point of Beginning**.

Containing 0.087 Acres, more or less, subject to all legal highways, all limitations of public access to highways, leases, zoning regulations, easements of record and restrictive covenants.

Bearings are based on State Plane Grid, South Zone NAD83(2011). Bearings based on monuments FCGS 2258 and FCGS 5579, having a bearing of South $13^{\circ} 30' 20''$ West, as established by the Franklin county Engineering Department using Global Positioning System procedures and equipment.

PART OF PARCEL: 220-001959-00

This Description is based on a survey made under the direct supervision of Todd D. Willis in July 2020, Reg. Surveyor No. 7996. Phone No. 740-739-4030, Willis Engineering & Surveying.

Todd D. Willis

8-19-2020

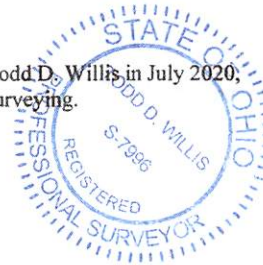
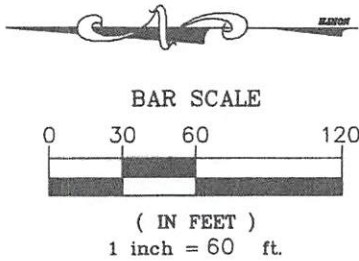


EXHIBIT "B"
PLAT OF SURVEY
GLUMAC PARCEL
30' R/W DEDICATION

SITUATED IN LOT 9, QTR. TWP 4,
TWP 2N, RNG 16W, U.S.M.L., PLAIN TWP,
CITY OF NEW ALBANY, FRANKLIN COUNTY, OHIO



Jamey Sinai
PAR: 222-001964-00
IN: 201609130122607
1.480 AC.

Bradley & Jenna Glumac
PAR: 222-001959-00
IN: 202001070002431
1.580 AC.

Douglas L. & Dawn Auld
PAR: 222-002272-00
IN: 200610110203711
1.920 AC.

Abercrombe & Fitch Management Co.
PAR: 222-001950-00

FLOOD PLANE LIMIT

PT. OF CURVATURE
KITZMILLER ROAD,
FCGS 5579
IN F.C. MON. BOX

CENTRAL
COLLEGE
ROAD

POC CL INT.,
CENTRAL COLLEGE RD. &
KITZMILLER ROAD,
FCGS 2258
IN F.C. MON. BOX

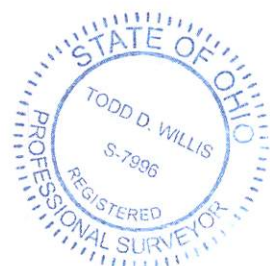
T POB

L=123.40'
R=1910.00'
CB=N26°04'21"E
CH=123.38'
Δ=3°42'07"

R/W DEDICATION

0.087 AC.

KITZMILLER ROAD
(60')



LEGEND

- ⊗ Franklin County Monument Box Found
- 5/8" Dia. Iron Pin Found
- ⊙ 3/4" O.D. Iron Pipe Found
- Iron Pin Set 5/8" Dia x 30" L rebar w Org ID Cap

BASIS OF BEARINGS

Ohio State Plane Grid, South Zone, NAD83(2011). Bearings based on monuments FCGS 2258 and FCGS 5579, having a bearing of South 13° 30' 20" West, as established by the Franklin County Engineering Department using Global Positioning System procedures and equipment.

PROJ. NO. 20085

I hereby certify that this plat represents a true and accurate survey made under my direct supervision of the parcel herein shown and all measurements were made in accordance with Chapter 4733-37 of the Ohio Administrative Code.

Todd D. Willis
8-19-2020

Todd D. Willis, PS
Reg. No. S-7996
Willis Engineering & Surveying
740-739-4030



RESOLUTION R-36-2020

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ODOT CONSENT LEGISLATION FOR THE REFERENCED PROJECT WHICH PROPOSES TO REPLACE/UPGRADE VARIOUS GUARDRAIL END ASSEMBLIES ON US 62 AND SR 605 WITHIN THE CITY OF NEW ALBANY TO BETTER CONTROL VEHICLE IMPACT IN THE EVENT OF A COLLISION

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

WHEREAS, the State of Ohio has identified the need for the described project: Replace/upgrade various guardrail end assemblies on US 62 and SR 605 within the city limits, as part of the project PID 111195, D06 City NHS Guardrail Upgrade.

WHEREAS, the city desires the state to proceed with the aforesaid 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: Consent Statement: Being in the public interest, the city gives consent to the Director of Transportation of the State of Ohio to complete the above described project.

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

The city hereby agrees to cooperate with the Director 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 city 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. The city also understands that right-of-way costs include eligible utility costs. ODOT agrees to be responsible for all utility accommodation, relocations and reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 4: Maintenance: Upon completion of the project, and unless otherwise agreed, the city 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 the 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.

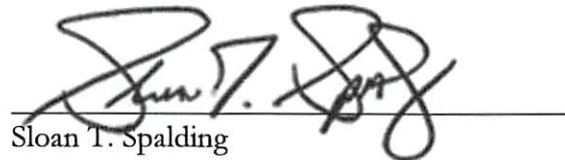
Section 5: Authority to Sign: The city manager is hereby empowered on behalf of the city to enter into contracts with the Director of Transportation necessary to complete the above described project.


Section 6: It is hereby found and determined that all formal actions of 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 of the Ohio Revised Code, and further pursuant to Ohio General Assembly 133 – House Bill 197 effective March 27, 2020, and that the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

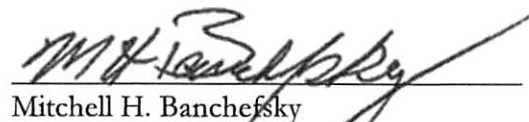
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchevsky
Law Director

Legislation dates:

Prepared: 10/19/2020

Introduced: 11/03/2020

Revised:

Adopted: 11/03/2020

Effective: 11/03/2020

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

I certify that copies of R-36-2020 were posted in accordance with Section 6.12 of the Charter, for 30 days starting on November 4, 2020.



Jennifer H. Mason, Clerk of Council

11/3/20

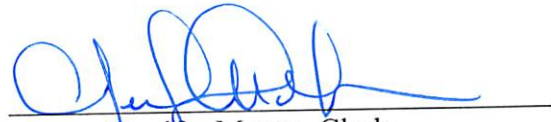
Date

CERTIFICATE OF COPY
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 3rd day of November, 2020, 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 2020 Resolutions of the City of New Albany.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of November, 2020.


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



RESOLUTION R-37-2020

A RESOLUTION GRANTING A NON-EXCLUSIVE RIGHT-TO-SERVE TO THE OHIO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, PROVIDING IT THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF NEW ALBANY, AS SUCH BOUNDARIES CURRENTLY EXIST OR MAY EXIST IN THE FUTURE, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO NEW ALBANY, AND THE RESIDENTS AND BUSINESSES THEREOF FOR LIGHT, HEAT, POWER, AND OTHER ELECTRIC ENERGY PURPOSES

WHEREAS, The Ohio Power Company has requested a non-exclusive Right-To-Serve (Right-To-Serve) to enable it and its successors and assigns to acquire, construct, maintain, and operate in accordance with local, state and federal laws, rules and regulations (Law) within the corporate boundaries of the City of New Albany, State of Ohio as such boundaries currently exist or may exist in the future, lines for the transmission and distribution of electric energy to New Albany, and the residents and businesses thereof for light, heat, power, and other electric energy purposes, and for the transmission and distribution of the same within, though, on or across New Albany; and

WHEREAS, pursuant to Home Rule authority granted to municipalities under Section 4 of Article XVIII of the Ohio Constitution, the city has the inherent authority to grant such Rights-To-Serve to electric utility providers; and

WHEREAS, it is council's desire to protect the health, safety and welfare of New Albany's residents by enacting this Right-To-Serve.

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. Subject to the limitations contained herein, the Ohio Power Company, its successors, and assigns (hereinafter called "Grantee") is hereby granted the Right-to-Serve within New Albany, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances and appliances, including electric substations, to render non-exclusive public utility service in New Albany and to its residents and businesses thereof by supplying electric energy to New Albany and its residents and businesses, for light, heat, power, or any other electric purposes or purpose for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, on or across New Albany.

Section 2. In exercising its rights pursuant to this Right-to-Serve, Grantee shall fully comply with the law, specifically including, but not limited to, New Albany's Right-of-Way Ordinance contained within Chapter 907 of New Albany Codified Ordinances, entitled "Rights-of-Way" as it currently exists or is amended or modified from time to time.

Section 3. Said lines, appurtenances, and appliances ("Equipment") shall be constructed in accordance with law so as to interfere as little as possible with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

Section 4. This Right-to-Serve shall be in force and effect for a period of ten (10) years from the effective date of this Resolution.

Section 5. This Right-to-Serve hereby granted shall not be construed to be exclusive and Council hereby reserves the power to grant a similar Rights-to-Serve to any other person or persons, firm or firms, corporation or corporations.

Section 6. Said Grantee shall save New Albany harmless from any and all liability cost or expense arising in any way from Grantee's erection, operation and/or maintenance of said lines for the distribution and transmission of electric energy.

Section 7. Whenever said Grantee shall begin the erection or installation of any Equipment it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys, bridges, and public places where such work is done in as good condition of repair as before such work was commenced, in accordance with law.


Section 8. Wherever in this resolution, reference is made to New Albany or the Grantee, it shall be deemed to include the respective successors or assigns of either; the provisions of this Right-to-Serve shall be binding upon, and inure to the benefit of the respective successors or assigns of New Albany, or of said Grantee.

Section 9. 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 197 effective March 27, 2020.

Section 10. Pursuant to Article VI, Section 6.07(A) of the City of New Albany Charter, this resolution shall be in effect on and after the earliest period allowed by law.

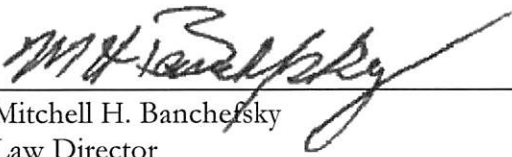
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director

Legislation dates:

Prepared: 10/23/2020

Introduced: 11/03/2020

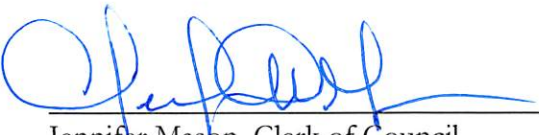
Revised:

Adopted: 11/03/2020

Effective: 11/03/2020

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

I certify that copies of Resolution **R-37-2020** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on November 4, 2020.


Jennifer Mason, Clerk of Council

11/3/20
Date



RESOLUTION R-38-2020

A RESOLUTION TO WAIVE THE COMPETITIVE BIDDING REQUIREMENT AND AUTHORIZE THE CITY MANAGER TO ENTER INTO ALL CONTRACTS NECESSARY FOR THE PURCHASE OF ELECTRONIC PLAN REVIEW SOFTWARE IN ORDER TO ENHANCE PUBLIC AND STAFF SAFETY DURING THE COVID 19 PANDEMIC AND MORE EFFECTIVELY SERVE THE CITY'S DEVELOPMENT CUSTOMERS

WHEREAS, the New Albany Development Department requires commercial and residential builders to submit paper plans for review and permit approval because it does not have an electronic plan review option; and

WHEREAS, paper plan review and permit processing requires extensive interpersonal contact, thereby exposing the staff and builders involved in the process to increased health risks related to COVID-19; and

WHEREAS, earlier in the year, during the COVID-19 pandemic shutdown, the development department staff performed a detailed assessment of six software vendors and then solicited proposals from the top three software vendors in order to determine the best software solution for the city's plan review and permit processing needs; and

WHEREAS, after an extensive evaluation process and a narrowing of the field of software firms, the development department selected Accela as the city's preferred vendor; and

WHEREAS, the Accela software is available for purchase through Carahsoft under a cooperative purchasing agreement at a savings of approximately \$3,000 to the city; and

WHEREAS, the Federal CARES Act, which provides funding for the reimbursement of local COVID-19 related expenses, requires local governments to encumber funds by November 20, 2020 and as such, the city does not have adequate time to solicit bids through a formal process; and

WHEREAS, council declared the purchase of the software to be a proper CARES Act expenditure through its approval of Ordinance O-19-2020 on November 3, 2020; and

WHEREAS, Section 9.04(C) of the New Albany City Charter provides for the waiver of the competitive bidding requirement for the public health, safety and welfare; and

WHEREAS, a health emergency has been declared by the state and local governments in response to the COVID-19 pandemic.

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 purchase of electronic plan review and permitting software is necessary for the public health, safety, and welfare due to its ability to eliminate interpersonal contact and reduce risk of exposure to the COVID-19 virus.

Section 2. Per section 9.04(C) of the New Albany Charter, and for the reasons set forth herein, council finds that it is in the best interest of the city to waive the competitive bidding requirement.

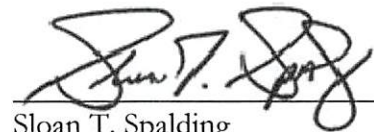
Section 3. The city manager is hereby authorized to execute all necessary contracts with Carahsoft for the purchase and implementation of Accela electronic plan review and permitting software in an amount not to exceed \$150,000.00.

Section 4. 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 197 effective March 27, 2020.

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

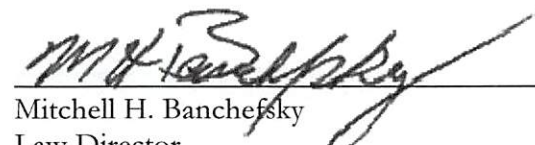
CERTIFIED AS ADOPTED this 3rd day of November, 2020.

Attest:


Sloan T. Spalding
Mayor


Jennifer H. Mason
Clerk of Council

Approved as to form:


Mitchell H. Banchefsky
Law Director

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