



## ORDINANCE O-42-2021

### ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NEW ALBANY, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022 \*

\* As amended.  
See 12/7/21  
minutes  
+ interlineation

**WHEREAS**, Ohio Revised Code §5705.38(A) requires the taxing authority of each political subdivision to pass an annual appropriation measure on or about the first day of each year; and

**WHEREAS**, Council for the City of New Albany, State of Ohio, wishes to provide for funding for current expenses and other expenditures of the city during fiscal year 2022.

**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.** To provide for the current expenses and other expenditures within the 2022 Annual Budget Program of the City of New Albany during the fiscal year ending December 31, 2022, the annual sums as follows are hereby set aside and appropriated:

Fund	Department	Category	Amount
General	Police	Personal Services	6,476,621
General	Police	Operating and Contractual Services	315,585
General	Community Development	Personal Services	1,900,150
General	Community Development	Operating and Contractual Services	1,334,950
General	Public Service	Personal Services	4,704,389
General	Public Service	Operating and Contractual Services	1,170,500
General	Land & Building Maintenance	Personal Services	173,457
General	Land & Building Maintenance	Operating and Contractual Services	1,693,550
General	Council	Personal Services	322,891
General	Council	Operating and Contractual Services	41,750
General	Administrative Services	Personal Services	1,722,406
General	Administrative Services	Operating and Contractual Services	2,272,485
General	Finance	Personal Services	831,108
General	Finance	Operating and Contractual Services	682,000
General	Legal	Personal Services	3,800
General	Legal	Operating and Contractual Services	354,500

Floor  
+ 330,000 =  
645,585

Fund	Department	Category	Amount
General	General Administration	Personal Services	235,799
General	General Administration	Operating and Contractual Services	832,500
General	N/A	Transfers & Other Financing Uses	2,646,807
		<b>Total General Fund</b>	<b>27,715,246</b>

+330,000 =  
28,045,246

Fund	Department	Category	Amount
Severance Liability	General Administration	Personal Services	150,000
Street Construction, Maintenance & Repair	Public Service	Operating and Contractual Services	155,000
Street Construction, Maintenance & Repair	N/A	Capital	1,000,000
State Highway	Public Service	Operating and Contractual Services	20,000
State Highway	N/A	Capital	20,000
Permissive Tax	Public Service	Operating and Contractual Services	65,000
Permissive Tax	N/A	Capital	130,000
Permissive Tax	N/A	Transfers & Other Financing Uses	400,000
Alcohol Education	Police	Operating and Contractual Services	1,000
Drug Use Prevention Program Grant	Police	Personal Services	20,000
Law Enforcement & Education	Police	Operating and Contractual Services	2,250
K-9 Patrol	Police	Personal Services	16,000
K-9 Patrol	Police	Operating and Contractual Services	3,000
Safety Town	Police	Operating and Contractual Services	59,930
DUI Grant	Police	Personal Services	10,000
Law Enforcement Assistance	Police	Personal Services	1,200
Economic Development (NACA)	Community Development	Operating and Contractual Services	2,874,212
Economic Development (NACA)	Public Service	Operating and Contractual Services	100,000
Economic Development (NACA)	N/A	Transfers & Other Financing Uses	525,788
Economic Development (NAECA)	N/A	Transfers & Other Financing Uses	2,199,945
Local Fiscal Recovery	General Administration	Operating and Contractual Services	572,622
Hotel Excise Tax	Community Development	Operating and Contractual Services	90,000
Healthy New Albany Facilities	General Administration	Operating and Contractual Services	90,000
Healthy New Albany Facilities	Land & Building Maintenance	Operating and Contractual Services	479,000
Healthy New Albany Facilities	N/A	Transfers & Other Financing Uses	494,923
Hinson Amphitheater Fund	General Administration	Operating and Contractual Services	60,000
Alcohol Indigent	Administrative Services	Operating and Contractual Services	1,000
Mayors Court Computer	Administrative Services	Operating and Contractual Services	1,000
Court Special Projects	Administrative Services	Operating and Contractual Services	1,000
Clerk's Office Computer	Administrative Services	Operating and Contractual Services	1,000
Subdivision Development	Community Development	Operating and Contractual Services	1,000,000
Builder's Escrow	Community Development	Operating and Contractual Services	600,000

Fund	Department	Category	Amount
Oak Grove EOZ	Community Development	Operating and Contractual Services	3,797,793
Central College EOZ	Community Development	Operating and Contractual Services	2,125,962
Oak Grove II EOZ	Community Development	Operating and Contractual Services	1,567,646
Blacklick EOZ	Community Development	Operating and Contractual Services	3,656,818
Windsor TIF	General Administration	Operating and Contractual Services	800,000
Windsor TIF	N/A	Capital	2,500,000
Windsor TIF	N/A	Transfers & Other Financing Uses	726,015
Wentworth Crossing TIF	General Administration	Operating and Contractual Services	120,000
Wentworth Crossing TIF	N/A	Transfers & Other Financing Uses	160,000
Hawksmoor TIF	General Administration	Operating and Contractual Services	63,000
Hawksmoor TIF	N/A	Transfers & Other Financing Uses	96,201
Enclave TIF	General Administration	Operating and Contractual Services	21,500
Enclave TIF	N/A	Transfers & Other Financing Uses	60,000
Saunton TIF	General Administration	Operating and Contractual Services	49,500
Saunton TIF	N/A	Transfers & Other Financing Uses	120,000
Richmond Square TIF	General Administration	Operating and Contractual Services	63,500
Richmond Square TIF	N/A	Transfers & Other Financing Uses	105,283
Tidewater I TIF	General Administration	Operating and Contractual Services	122,500
Tidewater I TIF	N/A	Transfers & Other Financing Uses	300,000
Ealy Crossing TIF	General Administration	Operating and Contractual Services	124,000
Ealy Crossing TIF	N/A	Transfers & Other Financing Uses	300,000
Upper Clarenton TIF	General Administration	Operating and Contractual Services	185,000
Upper Clarenton TIF	N/A	Transfers & Other Financing Uses	235,225
Balfour Green TIF	General Administration	Operating and Contractual Services	11,500
Balfour Green TIF	N/A	Transfers & Other Financing Uses	17,130
Straits Farm TIF	General Administration	Operating and Contractual Services	306,000
Oxford TIF	General Administration	Operating and Contractual Services	43,000
Oxford TIF	N/A	Transfers & Other Financing Uses	67,000
Schleppi (Residential) TIF	General Administration	Operating and Contractual Services	60,000
Schleppi (Residential) TIF	N/A	Transfers & Other Financing Uses	160,000
Blacklick TIF	General Administration	Operating and Contractual Services	1,025,000
Blacklick TIF	N/A	Transfers & Other Financing Uses	265,386
Blacklick II TIF	General Administration	Operating and Contractual Services	500
Village Center TIF	General Administration	Operating and Contractual Services	615,000
Village Center TIF	N/A	Transfers & Other Financing Uses	360,000
Research & Technology District TIF	General Administration	Operating and Contractual Services	5,000
Oak Grove II TIF	General Administration	Operating and Contractual Services	27,500
Oak Grove II TIF	N/A	Capital	6,000,000
Village Center II TIF	General Administration	Operating and Contractual Services	445,000
		<b>Total Special Revenue Funds</b>	<b>37,851,829</b>



Fund	Department	Category	Amount
Debt Service	N/A	Debt Service	6,609,983
		<b>Total Debt Service Funds</b>	<b>6,609,983</b>

Fund	Department	Category	Amount
Capital Improvement	N/A	Capital	17,860,000
Capital Improvement	Finance	Operating and Contractual Services	80,000
Park Improvement	N/A	Capital	<del>4,630,000</del>
Park Improvement	Finance	Operating and Contractual Services	25,000
Water & Sanitary Sewer Improvement	N/A	Capital	<del>15,000</del>
Leisure Trail Improvement	N/A	Capital	300,000
Infrastructure Replacement	Finance	Operating and Contractual Services	1,500
Capital Equipment Replacement	N/A	Capital	980,550
Oak Grove II Infrastructure	N/A	Capital	5,000,000
Oak Grove II Infrastructure	Finance	Operating and Contractual Services	40,000
Economic Development Capital	N/A	Capital	7,000,000
		<b>Total Capital Projects Funds</b>	<b><del>35,932,050</del></b>
		<b>Total All Funds</b>	<b><del>408,409,409</del></b>

Floor  
5,630,000

Floor  
2,265,000

39,182,050

111,689,109

**Section 2.** To affect the purposes of the foregoing appropriations, the city manager is authorized to enter into agreements on such terms determined in the city manager's discretion, consistent with all other ordinances and resolutions in effect and enacted from time to time.

**Section 3.** The director of finance is authorized to allocate the appropriations for a department within activities. Except as provided in Section 4 and Section 5, the director of finance is authorized to approve transfers between activities, provided that funds may not be transferred between appropriation line items.

**Section 4.** The director of finance is authorized to transfer up to \$10,000 between appropriation line items, provided that such transfers are within the same fund and department, where applicable.

**Section 5.** The director of finance is authorized to transfer appropriations between the General fund and various special revenue funds which include the police department, provided that such transfers are for an expense meeting the restrictions of said fund or funds, where applicable.

**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 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.

**Section 7.** Pursuant to Article VI, Section 6.07(A) of the Charter of the City of New Albany, this ordinance shall be in effect on and after the earliest period allowed by law.


3,515,000  
total increase ↑

\*As amended. See 12/7/21 minutes and interlineations.

CERTIFIED AS ADOPTED this 7 day of December, 2021. \*

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	10/25/2021
Introduced:	11/02/2021
Revised:	11/24/2021
Adopted:	12/07/2021
Effective:	12/07/2021



## **RESOLUTION R-59-2021**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE ROSE RUN II PROJECT**

**WHEREAS**, in 2018, the city undertook a competitive and qualifications-based selection process to procure a construction manager at risk for the Rose Run Park project, and a selection committee found Messer Construction as the successful offeror based on qualifications and a Technical and Fee Proposal; and

**WHEREAS**, on November 9, 2018, city council approved R-46-2018 authorizing the city manager to enter into Construction Manager at Risk (CMR) contract with Messer Construction for the purposes of constructing Rose Run Park; and

**WHEREAS**, Messer Construction delivered the park on time and under budget. They demonstrated an unparalleled level of quality control and customer service while working under an accelerated schedule; and

**WHEREAS**, council has budgeted for the design of a subsequent phase of Rose Run Park, known as Rose Run II (the project); and

**WHEREAS**, Messer Construction will honor the contractual terms and fee proposal of the first phase, providing favorable pricing for this phase of the project; and

**WHEREAS**, execution of a contract will enable the CMR to provide pre-construction services for the project and will allow for a faster delivery of the project between the design and construction phases; and

**WHEREAS**, the contract enables the CMR to submit a Guaranteed Maximum Price (GMP) once project design reaches 90% completion; and

**WHEREAS**, once the GMP is established, council will be presented with additional legislation authorizing the city manager to enter into a Guaranteed Maximum Price Amendment to the contract. Prior to the execution of this Amendment, the city may terminate the CMR contract without cause; and

**WHEREAS**, the CMR construction delivery method is exempt from the city's traditional competitive bidding requirements under Section 123.121 of the New Albany Codified Ordinances.

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

**Section 1:** Council hereby finds that for the reasons set forth above, the city manager is hereby authorized to enter into a CMR contract with Messer Construction under the procedures established previously by the city manager and approved by council for Rose Run I.


**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 all legal requirements, including Section 121 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this 7 day of December, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	11/17/2021
Introduced:	12/07/2021
Revised:	
Adopted:	12/07/2021
Effective:	12/07/2021



## **RESOLUTION R-60-2021**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE BI-ANNUAL REVENUE SHARING PAYMENTS TO PLAIN TOWNSHIP IN AMOUNTS EQUAL TO THOSE THE TOWNSHIP WOULD HAVE RECEIVED FROM PROPERTY TAX LEVIES FOR FIRE AND EMERGENCY MEDICAL SERVICES IN THE ABSENCE OF TAX INCREMENT FINANCING DISTRICTS CREATED FOR THE BLACKLICK TIF AND THE BLACKLICK II FOREST DRIVE TIF AS AMENDED**

**WHEREAS**, council recognizes the importance and value of the fire and emergency medical services that Plain Township provides to New Albany residents and desires to help the township sustain those services; and

**WHEREAS**, the New Albany and Plain Township have a long history of cooperation on matters relating to economic and community development; and

**WHEREAS**, the city has a history of compensating the township for fire and EMS revenues that would have been received if not for the establishment of Tax Increment Financing (TIF) Districts in the city; and

**WHEREAS**, the Blacklick TIF District was created via Ordinance 0-10-99, and subsequently amended via Ordinance O-27-99, and a TIF district known as Blacklick II Forest Drive TIF district was created by Ordinance O-17-20, and these TIF Districts did not include a compensation provision for township fire and EMS services; and

**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 director of finance is hereby authorized to make semi-annual payments to Plain Township in amounts equal to those that would have been received by the township from fire and EMS levies if not for the city's establishment of TIF districts known as the Blacklick TIF District and the Blacklick II Forest Drive TIF district, referenced above.

**Section 2.** The city manager is hereby authorized to execute any documents associated with the implementation of this legislation, including amending the related TIF Reimbursement Agreements dated July 15, 1999, September 28, 2016, August 21, 2018 and September 6, 2018 between the city and township to reflect this ordinance.




**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 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.

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

CERTIFIED AS ADOPTED this 7 day of December, 2021.

Attest:

  
Sloan T. Spalding  
Mayor

  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

  
Mitchell H. Banchefsky  
Law Director

**Legislation dates:**

Prepared:	11/18/2021
Introduced:	12/07/2021
Revised:	
Adopted:	12/07/2021
Effective:	12/07/2021



## **RESOLUTION R-61-2021**

### **A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE CITY OF NEW ALBANY WITH FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP TO PROVIDE INTERIM LAW DIRECTOR SERVICES TO THE CITY**

**WHEREAS**, the City of New Albany is in need of a director of law (a.k.a. law director) to be the prosecuting attorney and legal counsel for the city, to represent the city in all proceedings in court or before any administrative board or body, and to perform other duties as required in accordance with New Albany City Council Charter Section 8.04(b), by city legislation, by council, or by the city manager; and

**WHEREAS**, the City of New Albany wishes to engage Fishel Downey Albrecht & Riepenhoff LLP to perform general legal services and serve as the interim New Albany Director of Law; and

**WHEREAS**, Benjamin Albrecht, and other attorneys as may be necessary, of Fishel Downey Albrecht & Riepenhoff LLP are qualified and willing to perform these services; and

**WHEREAS**, it is anticipated the interim law director services will require approximately 40 to 50 hours per month; and

**WHEREAS**, it is the city's desire to contract with Fishel Downey Albrecht & Riepenhoff LLP through a professional services contract in the capacity of law director effective January 1, 2022 through March 31, 2022 or until such time that the city manager can complete the selection and recommendation process for a new law director.

**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 city manager is hereby authorized to execute a professional services contract with Fishel Downey Albrecht & Riepenhoff LLP, the same or substantially similar to the attached Exhibit A, to serve as New Albany Director of Law and to provide legal services to the City of New Albany for the period of January 1, 2022, through March 31, 2022 or until such time that the City Manager can complete the selection and recommendation process for a new director of law.

**Section 2:** 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 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 3:** Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this 7 day of December, 2021.

Attest:

  
\_\_\_\_\_  
Sloan T. Spalding  
Mayor

  
\_\_\_\_\_  
Jennifer H. Mason  
Clerk of Council

Approved as to form:

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

**Legislation dates:**

Prepared: 11/24/2021

Introduced: 12/07/2021

Revised:

Adopted: 12/07/2021

Effective: 12/07/2021