



ORDINANCE O-11-2022

AN ORDINANCE TO ACCEPT THE EXPEDITED TYPE 1 ANNEXATION OF 1,689.59+/- ACRES FROM JERSEY TOWNSHIP, LICKING COUNTY TO THE CITY OF NEW ALBANY

WHEREAS, pursuant to the petition filed by attorneys with Underhill & Hodge, LLC, agents for the petitioners named therein, with the Board of Licking County Commissioners on January 20, 2022, a request has been made to annex 1,689.59+/- acres to the City, and

WHEREAS, the Board of Licking County Commissioners, by and through its passage of Resolution #112-293, approved said petition, and

WHEREAS, the petition and the transcript of the proceedings related to the foregoing Resolution were delivered to the City of New Albany on February 11, 2022, and more than sixty (60) days have lapsed since the approved petition and transcript were transmitted to the City of New Albany, and

WHEREAS, pursuant to Resolutions R-01-2022, R-02-2022, and R-03-2022 of the City of New Albany, the New Albany City Manager was authorized to enter into Roadway Maintenance Agreements with the Licking County Board of Commissioners and/or Jersey Township for the maintenance of sections of roadways impacted by this annexation and/or otherwise committed the City to assume maintenance responsibilities for such streets, and

WHEREAS, pursuant to New Albany Codified Ordinance 1125.05, all newly annexed areas shall be immediately and automatically zoned into the Agricultural District and shall be subject to the regulations and restrictions pertaining thereto, and

WHEREAS, the real estate being annexed is located in Licking County and will be subject to the "New Albany East Community Authority" and subject to a special property assessment in compliance therewith, and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reason that this ordinance is required to be immediately effective upon passage to timely provide for infrastructure in support of active development projects, and

WHEREAS, the New Albany City Council has determined that annexation of the real estate is in the best interests of the residents of the City of New Albany.

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: The petition of property owners requesting the annexation of 1,689.59+/- acres, which are contiguous to the City of New Albany, is hereby accepted, and the corporate boundaries of New Albany shall be extended to include the territory, more particularly described in Exhibit A, attached hereto and incorporated herein as if fully written.

Section 2: Accurate maps of the territory, attached as Exhibit B, the petition for its annexation, other related documents, and a certified transcript of the proceedings of the Licking County Board of Commissioners regarding the annexation proceedings have been on file with the Clerk of Council of the City of New Albany for sixty (60) days prior to being presented to this Council as required by law, and are hereby accepted.

Section 3: Council of the City of New Albany hereby accepts the annexation of 1,689.59+/- acres, situated in Jersey Township, Licking County, Ohio, the same being land of the owners listed in the petition on the date the petition was filed, for annexation to the City of New Albany.

Section 4. For the reasons stated herein, Council hereby declares an emergency and waives the otherwise applicable referendum period.

Section 5: The clerk is herewith directed to deliver certified copies of this ordinance and other proceedings relative to the annexation to the County Auditor, County Recorder, and the Secretary of State.

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 121.22 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 effective immediately upon passage.

CERTIFIED AS ADOPTED this _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 03/11/2022

Introduced: 04/19/2022

Revised:

Adopted:

Effective:

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

I certify that copies of Ordinance **O-11-2022** were posted in accordance with Section 6.12 of the Charter, for 30 days starting on _____, 2022.

Jennifer Mason, Clerk of Council

Date

EXHIBIT "A"
PROPOSED ANNEXATION OF
1689.59± ACRES

FROM: JERSEY TOWNSHIP

TO: CITY OF NEW ALBANY

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 1, 2, 3 & 7, Quarter Township 1, and Lots 4 - 14, Quarter Township 2, Township 2, Lot 7, Range 15, United States Military District, being comprised of all of the following tracts of land. That 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849, that 31.878 acre tract conveyed to Paul J. Roehrenbeck and Angela M. Roehrenbeck by deed of record in Instrument Number 199812290050206, that 5.00 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202112010036587, that 128.851 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201004060006281, that 2.499 acre tract conveyed to Jeffrey A. Lane by deed of record in Instrument Number 201907170014256, that 2.502 acre tract conveyed to Michael L. Decenzo and Mary F. Decenzo by deed of record in Instrument Number 200407020024316, that 5.001 acre tract conveyed to Evan L. Axelbaum and Alannah R. Glickman by deed of record in Instrument Number 201705150010016, that 2.454 acre tract conveyed to Jason R. Evans, Trustee of the Wingo Preservation Trust dated January 7, 2019 by deed of record in Instrument Number 202006120013893, that 2.489 acre tract conveyed to Vincent S. Zeno and Joyce D. Zeno by deed of record in Instrument Number 200803100005254, that 2.469 acre tract conveyed to James Strebing and Stephanie S. Strebing by deed of record in Instrument Number 199712090010012, that 2.469 acre tract conveyed to Mary M. Lear and Richard Andrew Lear by deed of record in Instrument Number 201901300001832, that 2.515 acre tract conveyed to Ronald L. Mash and Linda S. Mash by deed of record in Official Record 673, Page 583, that 111.82 acre tract conveyed to John C. Foster and Joseph D. Foster by deed of record in Instrument Number 201605130009477, that 111.82 acre tract conveyed to Mary Alice Foster by deeds of record in Deed Book 577, Page 214 and Official Record 207, Page 821, that 111.82 acre tract conveyed to Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbaugh and Thomas M. Foster by deed of record in Instrument Number 201502120002686, that 33.0 acre tract conveyed to Carolyn E. Shepherd, Trustee of the Shepherd Family Trust dated June 17, 1999 by deed of record in Instrument Number 199911230047886, that 3.045 acre tract conveyed to Cindy W. Cupps by deed of record in Instrument Number 202007230018080, that 116.861 acre tract conveyed to Phyllis Klamfoth, Trustee of the Phyllis Klamfoth Trust dated August 25, 2017 by deed of record in Instrument Number 201808130016695, that 5.010 acre tract conveyed to Michael S. Cook by deed of record in Instrument Number 202005050010034, that 50 acre tract conveyed to 3704 Clover Valley Road, LLC by deed of record in Instrument Number 201906130011622, that 50.0 acre tract conveyed to John C. Foster and Joseph D. Foster by deed of record in Instrument Number 201605130009477, that 50 acre tract conveyed to Mary Alice Foster by deeds of record in Deed Book 577, Page 214 and Official Record 207, Page 821, that 50 acre tract conveyed to Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbaugh and Thomas M. Foster by deed of record in Instrument Number 201502120002686, that 33.119 acre tract conveyed to Timothy L. Erdy by deed of record in Instrument Number 201304220010092, that 78.10 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359, that 0.946 acre tract conveyed to Barbara A. Smith by deed of record in Instrument Number 201306270016486, that 0.780 acre tract conveyed to Lisa A. Russell and Douglas L. Russell, II by deed of record in Instrument Number 200508230026065, that 0.825 acre tract conveyed to Timothy S. Berkley by deed of record in Instrument Number 201109280018184, that 0.862 acre tract conveyed to Audra L. Mitchell by deed of record in Instrument Number 201112070023833, that 8.125 acre tract conveyed to Matthew D. Heimerl and Rachel M. Heimerl by deed of record in Instrument Number 201503130004749, that 2.7826 acre tract conveyed to David A. King and Deborah S. King by deed of record in Instrument Number 200405050015976, that 5.8624 acre tract conveyed to Anne Evans by deed of record in Instrument Number 200610090029635, that 7.3574 acre tract conveyed to David Thomas Howard and Janet Elaine Howard by deed of record in Instrument Number 199811160043633, that 7.338 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202112220038911, that 18.281 acre tract conveyed to Duane D. Baggerly and James D. Cushing by deed of record in Instrument Number 202112020036696, that 12.993 acre tract conveyed to Duane D. Baggerly and James D. Cushing by deed of record in Instrument Number 201809070018735, that 13.25 acre tract conveyed to Howard H. Daffin, III by deed of record in

**PROPOSED ANNEXATION OF
1689.59± ACRES**

-3-

January 23, 2007 by deed of record in Instrument Number 201209100020565, that 46.24 acre tract conveyed to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, that 7.72 acre tract conveyed to Deb Peterman by deed of record in Instrument Number 200203210010761, that 5.001 acre tract conveyed to Deb Peterman by deed of record in Instrument Number 200203210010760, that 6.90 acre tract conveyed to Reese L. Fields by deed of record in Instrument Number 200304080015519, that 6.65 acre tract conveyed to Dale Eugene Smith and Wanda Jean Smith by deed of record in Official Record 145, Page 361, that 6.657 acre tract conveyed to Vaughan J. Spencer and Andrea J. Spencer by deed of record in Instrument Number 201710310023647, that 6.66 acre tract conveyed to Bradley C. Deyo and Marcia A. Deyo by deed of record in Official Record 644, Page 595, that 16.0 acre tract conveyed to James E. Kitchen and Sharon Kitchen, Trustees of The Kitchen Family Trust by deed of record in Instrument Number 200110110036623, that 73.08 acre tract conveyed to Heimerl Family Limited Liability Company by deed of record in Instrument Number 201211060026175, that 73.08 acre tract conveyed to James Heimerl by deed of record in Official Record 866, Page 748, that 0.516 acre tract conveyed to Jeffery E. Sharrock by deed of record in Instrument Number 200405270019227, that 8.0 acre tract conveyed to Kevin C. Lawrence by deed of record in Instrument Number 200610240031123, that 15.0 acre tract conveyed to Alan R. Clark, Trustee of the Green Chapel Road Land Trust dated 3/20/1996 by deed of record in Instrument Number 200902190003218, that 10.5152 acre tract conveyed to Alan R. Clark, Trustee of the Green Chapel Road Land Trust dated 3/20/1996 by deed of record in Instrument Number 200902190003220, that 3.6423 acre tract conveyed to Alan R. Clark, Trustee of the Green Chapel Road Land Trust dated 3/20/1996 by deed of record in Instrument Number 200902190003217, that 1.6112 acre tract conveyed to James M. Hope and Mary J. Hope, Trustees under the Hope Family Trust Agreement dated May 30, 2014 by deed of record in Instrument Number 201406160010803, that 1.5 acre tract conveyed to Joshua R. Pickett by deed of record in Instrument Number 201902060002266, that 2.285 acre tract conveyed to Alan R. Clark, Trustee of the Green Chapel Road Land Trust dated 3/20/1996 by deed of record in Instrument Number 200902190003216, that 2.283 acre tract conveyed to Alan R. Clark, Trustee of the Green Chapel Road Land Trust dated 3/20/1996 by deed of record in Instrument Number 200902190003219, that 2.413 acre tract conveyed to Robert R. Myers and Melissa J. Myers by deed of record in Instrument Number 200401090000925, that 1.00 acre tract conveyed to David A. King and Deborah S. King by deed of record in Instrument Number 200707120018083, that 1.000 acre tract conveyed to Angela M. Tague and Shawn P. Tague by deed of record in Instrument Number 201909230020241, that 1.0022 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202111190035598, that 1.0008 acre tract conveyed to Dustin R. Scheidegger and Vicki Miller by deed of record in Instrument Number 202007230018110, that 1 acre tract conveyed to Betty J. Miller-Bolton, Trustee of the Betty J. Miller Bolton Trust Agreement by deed of record in Instrument Number 200601060000746, that 2.0 acre tract conveyed to Patricia L. Williams by deed of record in Instrument Number 202008260021854, that 14.0193 acre tract conveyed to Rebecca M. Ross, Trustee of the Bailey Keystone Inheritance Trust dated August 18, 2006 by deed of record in Instrument Number 201007140013411, that 1.52 acre tract conveyed to Roy E. Bailey, Jr. by deed of record in Instrument Number 200103200008631, that 1.196 acre tract conveyed to Rebecca M. Ross, Trustee by deed of record in Instrument Number 201007140013412, that 2.002 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202112220038916, and that 3.644 acre tract conveyed to Stephen A. Wright and Lisa V. Wright by deed of record in Instrument Number 201305170012704 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

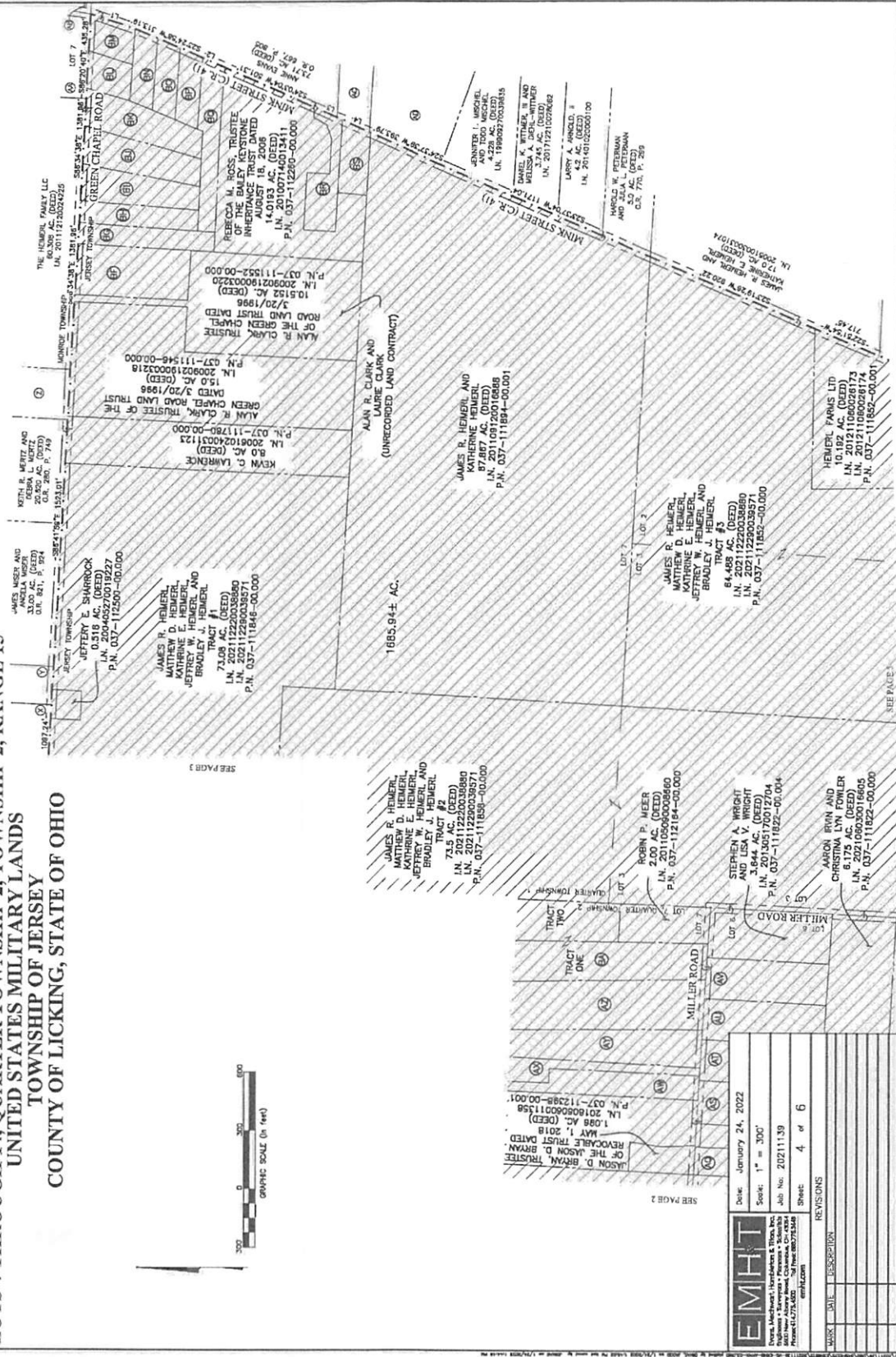
BEGINNING, at the centerline intersection of Jug Street Road and Clover Valley Road;

Thence North 86° 48' 01" West, with the centerline of said Jug Street Road and the existing City of New Albany corporation line, as established by Ordinance Number O-29-2016, of record in Instrument Number 201612050026928, and by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270, a distance of 1576.93 feet to the southeasterly corner of that 5.004 acre tract conveyed to Steven B. Bender by deed of record in Instrument Number 200708070020631;

SEE PAGE 3



TOWNSHIP OF JERSEY
COUNTY OF LICKING, STATE OF OHIO



STATE OF OHIO





ORDINANCE O-12-2022

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 1,689+/- ACRES OF LAND GENERALLY LOCATED SOUTH OF GREEN CHAPEL ROAD, WEST OF MINK STREET, AND NORTH OF JUG STREET, FROM AGRICULTURAL (AG) TO TECHNOLOGY MANUFACTURING DISTRICT (TMD) AS REQUESTED BY MBI HOLDINGS LLC, C/O AARON UNDERHILL

WHEREAS, council of the City of New Albany has determined that it is necessary to rezone certain property located in the city to promote orderly growth and development of lands; and

WHEREAS, the New Albany Planning Commission and council on separate occasions have held public hearings and received public input into the amendment of the zoning ordinance; and

WHEREAS, pursuant to the application by MBI Holdings LLC, c/o Aaron Underhill, Esq., the Planning Commission has reviewed the proposed ordinance amendment and recommended its approval unanimously.

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

Section 1. Council hereby amends the Zoning Ordinance Map of the City of New Albany to change the zoning classification of the following described site:

- A. A 1,689+/- acre site within Licking County, generally located south of Green Chapel Road, west of Mink Street and north of Jug Street, from its current zoning of Agricultural (AG) to Technology Manufacturing District (TMD).
- B. The zoning district's boundary map is hereby attached and marked 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 121.22 of the Ohio Revised Code.

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 _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 04/06/2022

Introduced: 04/19/2022

Revised:

Adopted:

Effective:



150 S. Front St., Suite 200
Columbus, OH 43215

614-225-6063
columbusregion.com

Mr. Stephen Mayer
Planning Manager
City of New Albany
99 West Main Street
New Albany, OH 43054

Re: Support for Application to Rezone 1,689+/- acres

The ask is to: *Please approve the application requesting the rezoning of the subject property into the Technology Manufacturing District designation*

Dear Mr. Mayer:

One Columbus is the economic development organization for the 11-county Columbus Region. We are the JobsOhio network partner for Central Ohio and have had the pleasure of partnering with the City of New Albany on business attraction and expansion work including projects in the International Beauty Campus, Lower.com, Amgen, the data center cluster on Beech Road, and now, Intel.

Intel's proposed development is a once-in-a-lifetime opportunity for the State of Ohio and the Columbus Region to grow and diversify our economy. The semiconductor industry is new to the state, and to Midwest. It is the ultimate diversification of our economy, driven by the global leader that made Silicon Valley what it is today. In 50 years, the semiconductor industry reached \$500 billion in output – a number that will double in the next 10 years to \$1 trillion. Semiconductors are critical to every supply chain ranging from automotive to aerospace, and Intel's presence here will substantially enhance Ohio's place as one of the most important locations in the global economy.

Intel in Ohio is also a win for the United States. Foreign markets heavily subsidized the semiconductor industry over recent decades, resulting in U.S. market share shrinking from 40% in 1990 to 12% today. The shock to supply chains caused by the pandemic revealed the gravity of this issue for the U.S. economy, as the shortage of semiconductors is a major driver of inflation and the current shortage of consumer goods. The war in Ukraine's impact on energy markets also shows how perilous a similar situation with China and Taiwan would be, given the volume of chips manufactured in Taiwan. This project is critical not only for balancing the global supply chain, but also for U.S. defense, as Intel is a trusted domestic source of semiconductors for the military.

We acknowledge that along with its immeasurable benefit, a project of this scale brings its challenges. We commend New Albany for taking on those challenges in order to help deliver a solution to a national problem. We also know that such challenges will be met with historic investment in our area – investment that will strengthen educational and career opportunities, positively impacting the lives of residents and families.

We wish to express a great deal of gratitude to the City for your role in transforming our region's future. New Albany presented the only site in the entire State of Ohio that could meet Intel's needs. Due to the agility of New Albany and the creation of the necessary zoning district, we were able to win this project – ultimately changing the trajectory of the entire State of Ohio for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt McQuade", with a long horizontal flourish extending to the right.

Matt McQuade
Managing Director of Business Development
One Columbus



OHIO COUNCIL OF
RETAIL
MERCHANTS



March 25, 2022

Stephen Mayer
Planning Manager
City of New Albany
99 W Main St
New Albany, Ohio 43054

RE: Support for Application to Rezone 1,689+/- acres

Dear Mr. Mayer and Members of the New Albany Planning Commission:

On behalf of our five organizations, and the thousands of Ohio businesses we collectively represent, we write to you today to urge the New Albany Planning Commission to approve the application requesting the rezoning of the subject property into the Technology Manufacturing District designation. This approval will allow the Intel investment to move forward.

As you know, Intel recently announced that Ohio was selected over 40 other states in landing its \$20 billion semi-conductor production facility. The Intel announcement represents the largest single private sector investment in Ohio history. The initial phase of the project is expected to create 3,000 Intel jobs and 7,000 construction jobs over the course of construction, and support tens of thousands of additional local long-term jobs across a broad ecosystem of suppliers and partners.

As representatives of Ohio's business community, we particularly want to stress the positive impact on economic growth and jobs that can be expected from this monumental project. The COVID-19 pandemic and its supply-chain disruptions, together with aggressive foreign trade practices, demonstrated to many organizations the importance of moving manufacturing capacity back to the United States from overseas; perhaps none more important than the semiconductor

industry. Domestic chip manufacturing is essential for our national security, and we are pleased Ohio is leading the way.

This investment by Intel establishes Ohio as a center for technology and innovation that will ensure economic opportunity now and into the future. Much like Honda, landing Intel will attract new businesses to our state and allow businesses already located in Ohio who serve Intel to grow. Both the construction jobs and the permanent jobs generated by Intel will create opportunity across the state, generating revenue for schools and communities alike.

Our organizations collectively applaud the collaboration that led to this milestone in our state's history, including the City of New Albany, One Columbus, the DeWine/Husted Administration, and JobsOhio. We believe the Intel investment is only the tip of the iceberg for new economic development in Ohio. Therefore, we strongly encourage this commission to move this project forward.

Thank you for the opportunity to provide input on this important matter. Please do not hesitate to reach out with any questions.

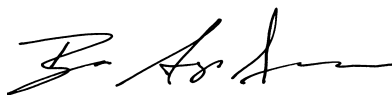
Sincerely,



Patrick J. Tiberi
President & CEO
Ohio Business Roundtable



Gordon M. Gough
President & CEO
The Ohio Council of Retail Merchants



Ryan Augsburger
President
Ohio Manufacturers' Association



Steve Stivers
President & CEO
Ohio Chamber of Commerce



Roger R. Geiger
Executive Director
NFIB-Ohio

Cc: jchrysler@newalbanyohio.org
smcafee@newalbanyohio.org
jstefanov@newalbanyohio.org

March 29, 2022

Mr. Stephen Mayer
Planning Manager
City of New Albany
99 W. Main St.
New Albany, Ohio 43054

SENT VIA EMAIL TO SMAYER@NEWALBANYOHIO.ORG

Dear Mr. Mayer,

I'm writing today regarding the April 4th meeting in which the Planning Commission will consider the rezoning of approximately 1,600 acres in western Licking County contiguous to the New Albany International Business Park.

VanTrust Real Estate is currently under construction on its sixth and seventh buildings in the New Albany International Business Park, bringing our presence to over 2.5 million square feet once completed. We are proud of our collaboration with the City of New Albany that has led to the retention of growing businesses and the attraction of new businesses to the state which in turn has benefited multiple school districts and provided significant employment opportunities along the 161 corridor. VanTrust Real Estate is confident in its investment in New Albany and western Licking County because of the track record and ongoing commitment the City has to land use planning and strategic infrastructure development.

The announcement of Intel's selection of Ohio as the location of its next fabrication facility is an historical moment for our state, the region, Licking County and New Albany. Intel's presence will put Ohio on an opportunity trajectory that has yet to be experienced in our state. Technology production and the high paying jobs that accompany this industry will help retain and attract new talent, create ancillary jobs across the state and establish Ohio as a center of technology.

As a commercial developer with a presence in many markets throughout the country, VanTrust is experiencing unprecedented interest in the New Albany International Business Park. We expect market demand for high quality options in proximity to the Intel site to continue to rise, bringing even more investment and jobs to the community.

I encourage Planning Commission Members to approve the rezoning of the subject site into a Technology Manufacturing District and allow this important project to move forward.


Andrew Weeks
Executive Vice President

cc: jchrysler@newalbanyohio.org
smcafee@newalbanyohio.org
jstefanov@newalbanyohio.org

March 31, 2022

Mr. Stephen Mayer
Planning Manager
City of New Albany
smayer@newalbanyohio.org
99 West Main Street
New Albany, Ohio 43054

RE: The New Albany Planning Commission's consideration of the rezoning of 1600 acres into the Technology Manufacturing District Classification

Dear Mr. Mayer,

As a resident of New Albany who has been involved in several economic transformation initiatives around the world, I respectfully request that the rezoning of 1600 acres be approved by the Planning Commission in order to secure Intel and the resulting economic development that will reenergize the Midwest.

The Midwest is home for tens of thousands of companies that contribute significantly to our economy. A large number of these companies and their products can benefit from Intel and its ecosystem of innovation and suppliers to enhance their global competitiveness. The clean technology manufacturing sector has very little presence in Ohio and the establishment of Intel fabrication facilities will act a magnet, bringing related businesses, high quality jobs and enhancements in education to prepare students for the increasing demand for technology talent in our region. All are key ingredients for establishing a semiconductors innovation district around Intel.

I see the benefits of innovation districts all over the world and can tell you how highly sought after they are for communities. They are intentional designs that create linkages across industries, education institutions, and innovative practices - all powered in part by public private partnerships.

This initiative provides Licking county with the opportunity to become a leading region globally in attracting best in class companies and talent, to be a vibrant platform for competitive skilled education, applied innovation, and entrepreneurship. Intel can be the anchor investment and driver of a vibrant technology platform that effectuates the transformation of the Midwest industrial base, uniquely positions it to lead the 4th Industrial Revolution (4IR), and enable us to reclaim our global position as the leading global manufacturing hub.

With regards,



Tariq Farwana

Cc: jchrysler@newalbanyohio.org
smcafee@newalbanyohio.org
jestefanov@newalbanyohio.org





Mr. Stephen Mayer
Planning Manager
City of New Albany
99 West Main Street
New Albany, OH 43054

RE: Support for Application to Rezone 1,689+/- acres

Please approve the application requesting the rezoning of the property from agricultural into the Technology Manufacturing District

Dr. Mr. Mayer:

JobsOhio is Ohio's private non-profit economic development corporation that focuses on business attraction, expansion, and retention. After months of intense work by the DeWine/Husted Administration, Ohio's bipartisan Congressional Delegation, the JobsOhio team, and Regional Network Partners across the state, including One Columbus, Team NEO, Licking County, New Albany, and many other local communities in the central Ohio region, Intel chose New Albany for the site of its most advanced chip manufacturing in the world. This decision presents New Albany and Ohio with a generational opportunity to become a center of chip manufacturing and make the U.S. competitive in this critical industry sector.

Intel chose the New Albany site over 40 other sites across the country. They told us their decision was due to New Albany's ability to present a site that met Intel's stringent requirements, its proximity to talent, and its willingness to work with the company, state, regional, and other local partners to get to "yes." We ask New Albany to take this next step to continue toward the big "YES" that will mean opportunities for Ohioans for generations to come.

The initial project will develop 926 acres with chip fabs that will employ 3,000 direct workers, add \$405 million in new payroll, and bring at least \$20 billion in capital investment. This single megaproject will launch a new industry sector in Ohio and provide a statewide economic impact. And Intel has publicly indicated that they have big plans for Ohio.

These new jobs will tap the full range of Ohio's world-class workforce: from mechanical, electrical, and software engineering; to supply chain, assembly, and maintenance; to quality assurance and control; to construction and skilled trades; to finance, human resources, and professional services; to military veterans and STEM graduates; to healthcare, food service, hospitality, and entertainment. It's an all-in opportunity tailor-made for Ohio's diverse and



inclusive array of businesses and job-ready talent. And it will surely attract more top talent to the state.

New Albany has been a critical partner in this journey with Intel since last May. We commend you for your continued leadership and partnership to make Ohio's generational opportunity a reality.

Very respectfully,

A handwritten signature in black ink that reads "J.P. Nauseef". The signature is written in a cursive, flowing style.

J.P. Nauseef
President and CEO
JobsOhio



Mr. Stephen Mayer
Planning Manager
City of New Albany
99 West Main Street
New Albany, OH 43054

RE: Support for Application to Rezone 1,689+/- acres

Please approve the application requesting the rezoning of the property from agricultural into the Technology Manufacturing District

Dr. Mr. Mayer:

JobsOhio is Ohio's private non-profit economic development corporation that focuses on business attraction, expansion, and retention. After months of intense work by the DeWine/Husted Administration, Ohio's bipartisan Congressional Delegation, the JobsOhio team, and Regional Network Partners across the state, including One Columbus, Team NEO, Licking County, New Albany, and many other local communities in the central Ohio region, Intel chose New Albany for the site of its most advanced chip manufacturing in the world. This decision presents New Albany and Ohio with a generational opportunity to become a center of chip manufacturing and make the U.S. competitive in this critical industry sector.

Intel chose the New Albany site over 40 other sites across the country. They told us their decision was due to New Albany's ability to present a site that met Intel's stringent requirements, its proximity to talent, and its willingness to work with the company, state, regional, and other local partners to get to "yes." We ask New Albany to take this next step to continue toward the big "YES" that will mean opportunities for Ohioans for generations to come.

The initial project will develop 926 acres with chip fabs that will employ 3,000 direct workers, add \$405 million in new payroll, and bring at least \$20 billion in capital investment. This single megaproject will launch a new industry sector in Ohio and provide a statewide economic impact. And Intel has publicly indicated that they have big plans for Ohio.

These new jobs will tap the full range of Ohio's world-class workforce: from mechanical, electrical, and software engineering; to supply chain, assembly, and maintenance; to quality assurance and control; to construction and skilled trades; to finance, human resources, and professional services; to military veterans and STEM graduates; to healthcare, food service, hospitality, and entertainment. It's an all-in opportunity tailor-made for Ohio's diverse and



inclusive array of businesses and job-ready talent. And it will surely attract more top talent to the state.

New Albany has been a critical partner in this journey with Intel since last May. We commend you for your continued leadership and partnership to make Ohio's generational opportunity a reality.

Very respectfully,

A handwritten signature in black ink that reads "J.P. Nauseef". The signature is written in a cursive, flowing style.

J.P. Nauseef
President and CEO
JobsOhio

2022 BOARD OF TRUSTEES

Terry Ziegler, Chair
Blacksmith Applications

Liz Morrison, Vice Chair
Meta, Inc.

Erik Zuika, Treasurer
Commercial Vehicle Group

Abe Jacob, Secretary
Kallner & Associates, LLC

Ian Kalinosky, Past Chair
KDC/One

Debbie Donahey
OhioHealth

Stephanie Kusta
Abercrombie & Fitch

Kurt Fulmer
FPL Financial Strategies, LLC

Jeff Ramm
Nth Degree Companies

Kernesa Samana
American Electric Power

EX OFFICIOS

Jennifer Chrysler
City of New Albany

Ben Collins
Plain Township

Debra Kalinosky
NAPLS District Board of Education

Cherie Nelson
New Albany Chamber of Commerce

Michael Sawyers
New Albany-Plain Local School District

April 8, 2022

Sloan Spalding
Mayor
City of New Albany
99 W Main Street
New Albany, Ohio 43054

RE: Support for Application to Rezone 1,689+/- acres

Dear Mayor Spalding & New Albany City Council Members,

On behalf of our Board of Trustees and Chamber members, I ask the New Albany Planning Commission to approve the application requesting the rezoning of the subject property into the Technology Manufacturing District designation at your April 19th meeting.

This approval is key to the Intel investment moving forward. Intel's planned \$20 billion semi-conductor production facility is the largest single private sector investment in Ohio history and the positive impact on economic growth and jobs will be historical to say the least.

The first phase is expected to create 3,000 Intel jobs and 7,000 construction jobs, and support tens of thousands of local long-term jobs within suppliers and partners. Benefits to residents, businesses, schools, and the community will be wide reaching and long ranging.

Supply chain security is strategic to our national defense. Moving critical manufacturing sectors back to the United States from overseas is essential, and none more crucial than the semiconductor industry.

This investment by Intel showcases Ohio as a center for technology and innovation. We urge this commission to move this project forward.

Sincerely,

Cherie Nelson

Cherie Nelson
Executive Director

Terry Ziegler

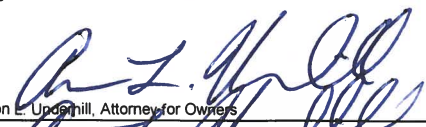

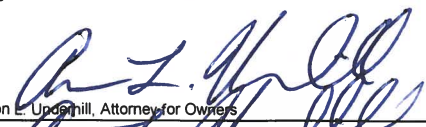

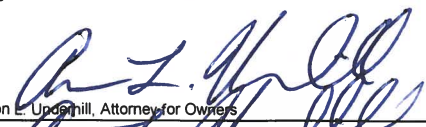

Terry Ziegler
Chair, Board of Trustees

cc: Jennifer Chrysler
Joe Stefanov
Scott McAfee

Permit # _____
Board _____
Mtg. Date _____



Community Development Planning Application

Project Information	Site Address <u>Property Located generally south of Green Chapel Rd., west of Mink St., SW, north of Jug Street Rd., NW and east of Beech Rd., NW, New Albany, OH 43054</u>																																																												
	Parcel Numbers <u>Please see attached list of subject property owners and parcel numbers.</u>																																																												
	Acres <u>+/- 1,689.59 Acres</u> # of lots created _____																																																												
	<table border="1"><thead><tr><th>Choose Application Type</th><th colspan="4">Circle all Details that Apply</th></tr></thead><tbody><tr><td><input type="checkbox"/> Appeal</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Certificate of Appropriateness</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Conditional Use</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Development Plan</td><td>Preliminary</td><td>Final</td><td>Comprehensive</td><td>Amendment</td></tr><tr><td><input type="checkbox"/> Plat</td><td>Preliminary</td><td>Final</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Lot Changes</td><td>Combination</td><td>Split</td><td>Adjustment</td><td></td></tr><tr><td><input type="checkbox"/> Minor Commercial Subdivision</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Vacation</td><td>Easement</td><td></td><td>Street</td><td></td></tr><tr><td><input type="checkbox"/> Variance</td><td></td><td></td><td></td><td></td></tr><tr><td><input type="checkbox"/> Extension Request</td><td></td><td></td><td></td><td></td></tr><tr><td><input checked="" type="checkbox"/> Zoning</td><td>Amendment (rezoning)</td><td></td><td>Text Modification</td><td></td></tr></tbody></table>	Choose Application Type	Circle all Details that Apply				<input type="checkbox"/> Appeal					<input type="checkbox"/> Certificate of Appropriateness					<input type="checkbox"/> Conditional Use					<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment	<input type="checkbox"/> Plat	Preliminary	Final			<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment		<input type="checkbox"/> Minor Commercial Subdivision					<input type="checkbox"/> Vacation	Easement		Street		<input type="checkbox"/> Variance					<input type="checkbox"/> Extension Request					<input checked="" type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification	
	Choose Application Type	Circle all Details that Apply																																																											
<input type="checkbox"/> Appeal																																																													
<input type="checkbox"/> Certificate of Appropriateness																																																													
<input type="checkbox"/> Conditional Use																																																													
<input type="checkbox"/> Development Plan	Preliminary	Final	Comprehensive	Amendment																																																									
<input type="checkbox"/> Plat	Preliminary	Final																																																											
<input type="checkbox"/> Lot Changes	Combination	Split	Adjustment																																																										
<input type="checkbox"/> Minor Commercial Subdivision																																																													
<input type="checkbox"/> Vacation	Easement		Street																																																										
<input type="checkbox"/> Variance																																																													
<input type="checkbox"/> Extension Request																																																													
<input checked="" type="checkbox"/> Zoning	Amendment (rezoning)		Text Modification																																																										
	Description of Request: <u>Request to rezone the subject property from the AG, Agricultural Zoning District classification to the TMD, Technology Manufacturing District classification.</u>																																																												
Contacts	Property Owner's Name: <u>Please see attached list of property owners.</u>																																																												
	Address: _____ City, State, Zip: _____ Phone number: _____ Fax: _____ Email: _____																																																												
	Applicant's Name: <u>MBJ Holdings LLC, c/o Aaron L. Underhill, Esq.</u>																																																												
	Address: <u>Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260</u>																																																												
	City, State, Zip: <u>New Albany, OH 43054</u>																																																												
	Phone number: <u>614.335.9320</u> Fax: <u>614.335.9329</u>																																																												
	Email: <u>aaron@uhlfirm.com</u>																																																												
Signature	Site visits to the property by City of New Albany representatives are essential to process this application. The Owner/Applicant, as signed below, hereby authorizes Village of New Albany representatives, employees and appointed and elected officials to visit, photograph and post a notice on the property described in this application. I certify that the information here within and attached to this application is true, correct and complete.																																																												
	<table><tr><td>Signature of Owner</td><td></td><td>Date: <u>3/4/2022</u></td></tr><tr><td>Signature of Applicant</td><td></td><td>Date: <u>3/4/2022</u></td></tr></table>	Signature of Owner		Date: <u>3/4/2022</u>	Signature of Applicant		Date: <u>3/4/2022</u>																																																						
Signature of Owner		Date: <u>3/4/2022</u>																																																											
Signature of Applicant		Date: <u>3/4/2022</u>																																																											

**APPLICATION TO ZONE 1,689.59+/- ACRES INTO THE
TMD, TECHNOLOGY MANUFACTURING ZONING DISTRICT CLASSIFICATION**

**Information concerning specific Code requirements for
zoning submittal**

Per C.O. 1111.03(g), a statement as to how the proposed zoning amendment will impact adjacent and proximate properties.

Response: The Property that is being zoned consists of 1,689.59+/- acres bounded by Green Chapel Road on the north and Mink Street on the east. At the time of this application, the property is in the process of being annexed to the City of New Albany from Jersey Township. Upon annexation, the City's Codified Ordinances provide that the property automatically will be given an AG, Agricultural District zoning classification.

The primary intent of the application is to facilitate a major semi-conductor chip manufacturing operation as well as numerous related suppliers, service providers, and other business opportunities that are likely to arise as a result of such a project locating in the area. Development similar to what is already found in the Business Park also is expected. The TMD zoning district was approved and incorporated into the City's zoning code in 2021. The pending annexation and this zoning application, when approved, will facilitate a substantial expansion of the City's Business Park. Historically, the Business Park has grown incrementally with separate annexations and zonings. Over time developers, landowners, City staff, the Planning Commission, and City Council have identified and implemented best practices into each of these zonings in order to facilitate well-planned development and mitigate impacts to adjoining areas. This has resulted in dozens of zonings of property within the Business Park into the L-GE, Limited General Employment District, each of which are administered separately but all contain similar standards and requirements.

The TMD zoning district was an effort by the City to consolidate, into a single zoning district, all of the best practices from these prior zonings to ease the administration of standards and requirements and reduce duplicative efforts through multiple zonings of property. These best practices include detailed requirements for buffering development from adjacent properties and providing adequate setbacks and screening. Particular attention has been given to design requirements within setbacks along major public streets to maintain the rural aesthetic in the Business Park while balancing the site and facility needs of businesses.

Per C.O. 1111.03(i), any deed restrictions, easements, covenants and encumbrances to be imposed to control the use, development and maintenance of the area to be rezoned.

Response: Upon the completion of the zoning for this property and prior to selling the property to any third party, the property will be made subject to (i) The New Albany Business Park East CCRs and will become part of The New Albany Business Park Association and (ii) The New Albany East Community Authority CCRs.



Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9321
F: 614.335.9329
aaron@uhlawfirm.com

March 4, 2021

Chris Christian
Development Service Manager
City of New Albany
99 West Main Street
New Albany, Ohio 43054

RE: School Impact: Zoning of 1,689.59+/- acres being annexed to New Albany generally located to the south of Green Chapel Road and to the west of Mink Street

Dear Chris:

At the time of this application, the property identified above is in the process of being annexed to the City of New Albany from Jersey Township. The subject property includes numerous existing homes as well as vacant land. The purpose of this letter is to analyze the impact of this zoning on the Johnstown-Monroe Local School District.

Upon annexation, the City's Codified Ordinances provide that the property automatically will be given an AG, Agricultural District zoning classification. This letter accompanies an application to rezone the Property from the AG, Agricultural District to the TMD, Technology Manufacturing District. The AG zoning classification allows, among other uses, residential development at a density of one unit per 5 acres. That provides the right to develop up to 337 homes on the property being annexed. Instead, this rezoning is to facilitate a major semi-conductor chip manufacturing operation as well as numerous related suppliers, service providers, and other business opportunities that are likely to arise as a result of such a project locating in the area. Development similar to what is already found in the Business Park also is expected.

The positive impact to the school district cannot be overstated. It has the potential to be transformative for many decades to come and will provide the opportunity for exponential growth of revenues to the district. At the same time, this rezoning will eliminate the possibility of 337 new homes in the area and the potential for new students whose educational costs would be borne by the school district. The obvious positive financial impact of developing the property within the TMD alleviates the need to undertake a detailed analysis.

The applicant is pleased to bring forth this application and looks forward to working with the City. Please let me know if you have any questions.

Sincerely,

Aaron L. Underhill
Attorney for the Owners/Applicants

**Subject Property Owners
with Parcel Numbers
Rezoning of +/- 1,689.59 Acres**

BUSH LORI ELLEN 12869 GREEN CHAPEL RD JOHNSTOWN OH 43031 PN: 037-111486-00.000, 037- 111480-00.001	BUSH CHERYL A TRUSTEE, BUSH BEYERLY JEAN, CHERYL ANN, SHARON LYNN (AKASHARONLYNN HOUSER), & LORI ELLEN 12685 GREEN CHAPEL RD JOHNSTOWN OH 43031 PN: 037-111480-00.000, 037- 111492-00.000, 037-111474- 00.000, 037-111486-00.000	BUSH BEYERLY JEAN 4425 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111492-00.001
BUSH JERRY L 13128 MILLER RD JOHNSTOWN OH 43031 PN: 037-111486-00.001	HEIMERL FAMILY LIMITED LIABILITY COMPANY AND JAMES HEIMERL 3891 MINK RD JOHNSTOWN OH 43031 PN: 037-111834-00.000, 037-111858-00.000, 037-111846-00.000, 037- 111852-00.000	JULIANA CHARLES 4255 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111828-00.000
KLAMFOTH PHYLLIS L TRUSTEE 4170 CLOVER VALLEY RD NW JOHNSTOWN OH 43031 PN: 037-111978-00.000, 037- 111960-00.000 037-111966-00.000, 037- 111828-00.001	KITCHEN JAMES E OR SHARON TRUSTEES 11863 GREEN CHAPEL RD JOHNSTOWN OH 43031	HEIMERL JAMES R & KATHERINEE 3891 MINK ST JOHNSTOWN OH 43031 PN: 037-111894-00.001, 037- 111414-00.000
HEIMERL FARMS LTD 3891 MINK RD JOHNSTOWN OH 43031 PN: 037-111852-00.001	TAGUE ANGELA M & SHAWNP 11031 GREEN CHAPEL RD JOHNSTOWN OH 43031 PN: 037-112410-00.000	WILLIAMS PATRICIA L 4579 E MINK ST NW JOHNSTOWN OH 43031 PN: 037-112734-00.000
ROSS REBECCA M TRUSTEE 4569 MINK ST JOHNSTOWN OH 43031 PN: 037-112260-00.000, 037- 112260-00.002	BAILEY ROYE JR 4439 MINK ST JOHNSTOWN OH 43031 PN: 037-112260-00.001	RADER BENJAMIN & KAITLIN 12062 MILLER RD JOHNSTOWN OH 43031 PN: 037-111660-01.000

CUPPS CINDY W 3445 CLOVER VALLEY RD JOHNSTOWN OH 43031 037-112620-00.000	CARR ROBERT A & DEBORAH B 1350 MINK RD PATASKALA OH 43062 PN: 037-111732-00.000, 037- 112062-00.000	ROEHRENBECK PAUL J & ANGELA 13030 JUG ST JOHNSTOWN OH 43031 PN: 037-112200-00.000
LANE JEFFREY A 3063 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.002	DECENZO MICHAEL L & MARY F 3101 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.007	AXELBAUM EVAN L & GLICKMAN ALANNAH R 3149 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.001
EVANS JASON R TRUSTEE 3211 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.005	ZENO VINCENT S & JOYCE D 3245 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.004	STREBING JAMES & STEPHANIE 3251 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.006
LEARMARY M & RICHARD ANDREW 3261 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.008	MASH RONALD & LINDA 3439 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111732-00.003	FOSTER MARY ALICE 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000, 037-111720-00.000,
ERDY TIMOTHY L 24076 DRAKE SKIDMORE RD WEST MANSFIELD OH 43358 PN: 037-111456-00.000	COOK MARYL (LE) & 3704 CLOVER VALLEY ROAD LLC 3704 CLOVER VALLEY RD NW JOHNSTOWN OH 43031 PN: 037-111588-00.000	FOSTER THOMAS M. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000
SCHLAEGEL ALICE M. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000	ANDERSON JUDITH A 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000	BISHOP SUSAN K. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000
LOSHBOUGH NANCY M. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037- 111720-00.000	FOSTER JOHN C. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000	FOSTER JOSEPH D. 3356 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111726-00.000 037-111720-00.000

COOK MICHAEL S 13335 MILLER RD JOHNSTOWN OH 43031 PN: 037-111588-00.001	HULL DAVID 3780 CLOVER VALLEY RD JOHNSTOWN OH 43031 PN: 037-111354-00.000	HEIMERL MATTHEW 11819 MILLER ROAD JOHNSTOWN OH 43031 PN 037-111834-00.000 037- 111846-00.000 037-111858- 00.000 037-111852-00.000
HEIMERL KATHERINE 3891 MINK STREET JOHNSTOWN OH 43031 PN 037-111834-00.000 037- 111846-00.000 037-111858- 00.000 , 037-111852-00.000	WALLS SHARON 3784 CLOVER VALLEY RD JOHNSTOWN, OH 43031 PN: 037-112566-00.000	HEIMERL BRADLEY 11184 MILLER ROAD JOHNSTOWN OH 43031 PN 037-111834-00.000 037- 111846-00.000 037- 111858- 00.000 037-111852-00.000
HEIMERL JEFFREY 10574 MILLER ROAD JOHNSTOWN OH 43031 PN 037-111834-00.000 037- 111846-00.000 037- 111858- 00.000 037-111852-00.000	BAGGERLY DUANE D & CUSHING JAMES D 12245 MILLER RD JOHNSTOWN OH 43031 PN: 037-111348-00.000	MBJ HOLDINGS LLC 8000 WALTON PARKWAY STE 120 NEW ALBANY OH 43054 PN: 037-112200-00.004, 037- 111564-00.000
WILLIAMS JACK A JR & CHERIL 12051 MILLER RD JOHNSTOWN OH 43031 PN: 037-111822-00.002	MAHAFFEY SHAWN W 12009 MILLER RD JOHNSTOWN OH 43031 PN: 037-111822-00.003	WRIGHT STEPHEN A & LISA V 2926 CASTLEWOOD RD COLUMBUS OH 43209 PN: 037-111822-00.004
IRVIN AARON & FOWLER CHRISTINA LYN 11901 MILLER RD NW JOHNSTOWN OH 43031 PN: 037-111822-00.000	HOWARD DAVID THOMAS & JANET PO BOX 314 JOHNSTOWN OH 43031 PN: 037-111822-01.000	EVANS ANNE 8853 WINDY HOLLOW RD JOHNSTOWN OH 43031 PN: 037-111816-01.000
HEIMERL MATTHEW D & RACHELM 11819 MILLER RD JOHNSTOWN OH 43031 PN: 037-111414-00.001	SMITH BARBARA A 3505 MINK STREET RD JOHNSTOWN OH 43031 PN: 037-112530-00.000	RUSSELL LISA A & DOUGLAS L 3473 MINK ST JOHNSTOWN OH 43031 PN: 037-112458-00.000
BERKLEY TIMOTHY S 3439 MINKST JOHNSTOWN OH 43031 PN: 037-112548-00.000	SMITH AUDRA FKA MITCHELL AUDRA 3411 MINK ST JOHNSTOWN OH 43031	SHARROCK JEFFERY E 11673 GREEN CHAPEL RD JOHNSTOWN OH 43031 PN: 037-112500-00.000

	PN: 037-112482-00.000	
<p>MCVGCM HOLDINGS LLC 100 SOUTH THIRD ST. COLUMBUS, OH 43215</p> <p>PN(S): 037-112194-00.000, 037-111660-01.000, 037- 112452-00.000, 037- 112272-00.000, 037- 112350-00.000,037- 112488-00.000, 037- 111552-00.000, 037-112038- 00.000, 037-111474-01.000, 037-112398-00.000, 037- 112098-00.000, 037-112098- 00.001, 037-112398-00.001, 037-112164-00.000, 037- 111546-00.000, 037-111780- 00.000, 037-111816-02.000, 037-111816-02.000, 037- 112494-00.000, 037- 111822-00.001, 037-112314- 00.001, 037-111660-00.000, 037-112170-00.000, 037- 112098-00.005, 037-112098- 00.004, 037-112098-00.002, 037-112098-00.003, 037- 112308-00.000, 037-112440- 00.000, 037-112290-00.000, 037-111624-00.001, 037- 111624-00.002, 037-111624- 00.000, 037-112746-00.000, 037-112356-00.000, 037- 112536-00.000, 037-112314- 00.000</p>		

AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn, Aaron L. Underhill, Esq. of Underhill & Hodge LLC, whose address is 8000 Walton Parkway, Suite 260, New Albany, Ohio, deposes and states that he is the duly authorized attorney for the zoning of 1,689.59+/- acres and that accompanying the zoning application is a list of the names and complete mailing addresses, as shown on the Licking County Auditor's website, of all of the owners of record of property what is located within 200 feet of the exterior boundaries of the property for which the application was filed.

SIGNATURE OF AFFIANT: _____

Aaron L. Underhill, Esq.

Sworn to before me and signed in my presence this 14th day of March, in the year 2022.

Kimberly R. Grayson
SIGNATURE OF NOTARY PUBLIC

1-11-2026
My Commission Expires



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
01-11-2026

APPLICANT:

MBJ Holdings LLC
8000 Walton Parkway, Suite 120
New Albany, OH 43054

PROPERTY OWNER(S):

Please see attached list of subject
property owners.

ATTORNEY:

Aaron L. Underhill
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

SURROUNDING PROPERTY OWNERS:

Daniel Potter
13061 Green Chapel Road
Johnstown, OH 43031

Robert Haycook (TOD)
13212 Miller Road
Johnstown, OH 43031

Kevin and Brooke Eckenrode
13050 Miller Road
Johnstown, OH 43031

Lisa Boyd
40 Bermuda Drive
Johnstown, OH 43031

Kiem Luc and Hoang Ngo
100 Bermuda Drive
Johnstown, OH 43031

Jeffrey and Jennifer Jennings
116 Bermuda Drive
Johnstown, OH 43031

Tiffany Poling
124 Bermuda Drive
Johnstown, OH 43031

Mark and Kristin Stanifer
132 Bermuda Drive
Johnstown, OH 43031

Frank and Marilyn Debelius
140 Bermuda Drive
Johnstown, OH 43031

Jeffrey and Donna Shadwick
148 Bermuda Drive
Johnstown, OH 43031

Scott Driscoll and Kristin Becknell
156 Bermuda Drive
Johnstown, OH 43031

MBJ Holdings LLC
8000 Walton Parkway, Suite 120
New Albany, OH 43054

Toby and Shannon Baker
2677 Harrison Road
New Albany, OH 43054

Amazon Data Services, Inc.
P.O. Box 80416
Seattle, WA 98108

Nine Properties Limited
Kennel Club USA
12525 Jug Street
Johnstown, OH 43031

Rusmisl LLC
12455 Jug Street Road
Johnstown, OH 43031

Claude and Peggy Richardson
2782 Clover Valley Road
Johnstown, OH 43031

Susan Mahaffey and Jason Arnett
2810 Clover Valley Road
Johnstown, OH 43031

Craig and Jessica Long
2886 Clover Valley Road
Johnstown, OH 43031

Tina and Richard Bezouska
2940 Clover Valley Road
Johnstown, OH 43031

Randy Wickiser
2970 Clover Valley Road NW
Johnstown, OH 43031

Kathie Frost
12228 Jug Street Road
Johnstown, OH 43031

Jeremy Kimble
12206 Jug Street Road
Johnstown, OH 43031

Lucke Wickline
12204 Jug Street Road
Johnstown, OH 43031

Brenda Hiles
12196 Jug Street
Johnstown, OH 43031

Jenny Davidson
12190 Jug Street
Johnstown, OH 43031

Stephanie and Brandon Trathen
11730 Green Chapel Road
Johnstown, OH 43031

Richard Burke
11798 Green Chapel Road
Johnstown, OH 43031

Lauren McCuen and Joshua Westfall
11820 Green Chapel Road
Johnstown, OH 43031

Andrea Ford
11850 Green Chapel Road
Johnstown, OH 43031

Adam and Beth Franz
11934 Green Chapel Road
Johnstown, OH 43031

Justin and Jennifer Price
11980 Green Chapel Road
Johnstown, OH 43031

Orrin and Patricia Thornton
12000 Green Chapel Road
Johnstown, OH 43031

Thomas and Dawn Dague, Trustees
5152 Clover Valley Road
Johnstown, OH 43031

Gregory and Sherri Fleig
12180 Green Chapel Road
Johnstown, OH 43031

Alve and Diana Holley, Co-Trustees
12318 Green Chapel Road
Johnstown, OH 43031

Biltwell Homes LLC
10189 Duncan Plains Road
Johnstown, OH 43031

Alex Luong
4673 Commons Park Drive
New Albany, OH 43054

Robert and Sheryl Vucich
12600 Green Chapel Road
Johnstown, OH 43031

Daniel and Sarah Potter
12786 Green Chapel Road
Johnstown, OH 43031

William and Tina Humphrey
12858 Green Chapel Road
Johnstown, OH 43031

Laura Smallsreed, Trustee
12888 Green Chapel Road
Johnstown, OH 43031

Jana Davis
12982 Green Chapel Road
Johnstown, OH 43031

Michael Smith
13010 Green Chapel Road
Johnstown, OH 43031

Kitty Guinsler
3010 Mink Street
Johnstown, OH 43031

Daniel Dunn and Kathleen France
27381 Oak Knoll Drive
Bonita Springs, FL 34134

Andrew and Amanda Dobosh
12038 Jug Street Road
Johnstown, OH 43031

Chris and Colleen Anderson
12030 Jug Street
Johnstown, OH 43031

William and Sharon Slader
3000 Mink Street
Johnstown, OH 43031

Louis and Linda Powell, Trustees
3113 Mink Street
Johnstown, OH 43031

Alan and Christine Gale
3089 Mink Street
Johnstown, OH 43031

Thomas and Dianne Dauer
3198 Mink Street
Johnstown, OH 43031

Kay Currens
3412 Mink Street
Johnstown, OH 43031

Danny and Rebecca Disbennett
P.O. Box 273
Johnstown, OH 43031

Green Chapel Properties LLC
10495 Green Chapel Road
Johnstown, OH 43031

Robert and Janet Bush
3644 Mink Street
Johnstown, OH 43031

Sherri Wagner
11153 Miller Road
Johnstown, OH 43031

Christie and Jeffrey Thomas
11089 Miller Road
Johnstown, OH 43031

Sarah Young and Keith Ramey
11282 Miller Road
Johnstown, OH 43031

Erich and Carrie Almendinger
5623 Caswell Road
Johnstown, OH 43031

Harold and Julia Peterman
4082 Mink Street
Johnstown, OH 43031

Larry Arnold
4186 Mink Street
Johnstown, OH 43031

Kevin Daniel and Melissa Ann
Wittmer
4200 Mink Street
Johnstown, OH 43031

Todd and Jennifer Mischel
4254 Mink Street
Johnstown, OH 43031

Lauren Nicole Verbeck and Jeremy
Lee Osterhout
4366 Mink Street
Johnstown, OH 43031

Jason and Kristen Hurst
10501 Green Chapel Road
Johnstown, OH 43031

Chad and Amy Harrison
11076 Green Chapel Road
Johnstown, OH 43031

Michael William and Maria Angela
Carter
11103 Duncan Plains Road
Johnstown, OH 43031

Dan Tschakert and Linda
Emmenegger, Trustees and Francis
Tschakert
11191 Duncan Plains Road
Johnstown, OH 43031

David Simon
11088 Duncan Plains Road
Johnstown, OH 43031

Wilbur and Carol Suver
11418 Green Chapel Road NW
Johnstown, OH 43031

Keith and Debra Mertz
11464 Green Chapel Road
Johnstown, OH 43031

James and Angela Miser
P.O. Box 720
Duarte, CA 91009

Danny and Barbara VanHoose
11662 Green Chapel Road
Johnstown, OH 43031

Ronald and Eunie Music
11718 Green Chapel Road
Johnstown, OH 43031

Michael and Jennifer Armentrout
160 Bermuda Drive NW
Johnstown, OH 43031

EXHIBIT "A"
ZONING EXHIBIT
1689.59± ACRES

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lots 1, 2, 3 & 7, Quarter Township 1, and Lots 4 - 14, Quarter Township 2, Township 2, Lot 7, Range 15, United States Military District, being comprised of all of the following tracts of land. That 62.547 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201909180019849, that 31.878 acre tract conveyed to Paul J. Roehrenbeck and Angela M. Roehrenbeck by deed of record in Instrument Number 199812290050206, that 5.00 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202112010036587, that 128.851 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201004060006281, that 2.499 acre tract conveyed to Jeffrey A. Lane by deed of record in Instrument Number 201907170014256, that 2.502 acre tract conveyed to Michael L. Decenzo and Mary F. Decenzo by deed of record in Instrument Number 200407020024316, that 5.001 acre tract conveyed to Evan L. Axelbaum and Alannah R. Glickman by deed of record in Instrument Number 201705150010016, that 2.454 acre tract conveyed to Jason R. Evans, Trustee of the Wingo Preservation Trust dated January 7, 2019 by deed of record in Instrument Number 202006120013893, that 2.489 acre tract conveyed to Vincent S. Zeno and Joyce D. Zeno by deed of record in Instrument Number 200803100005254, that 2.469 acre tract conveyed to James Strebing and Stephanie S. Strebing by deed of record in Instrument Number 199712090010012, that 2.469 acre tract conveyed to Mary M. Lear and Richard Andrew Lear by deed of record in Instrument Number 201901300001832, that 2.515 acre tract conveyed to Ronald L. Mash and Linda S. Mash by deed of record in Official Record 673, Page 583, that 111.82 acre tract conveyed to John C. Foster and Joseph D. Foster by deed of record in Instrument Number 201605130009477, that 111.82 acre tract conveyed to Mary Alice Foster by deeds of record in Deed Book 577, Page 214 and Official Record 207, Page 821, that 111.82 acre tract conveyed to Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbaugh and Thomas M. Foster by deed of record in Instrument Number 201502120002686, that 37.628 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 202202170004263, that 3.045 acre tract conveyed to Cindy W. Cupps by deed of record in Instrument Number 202007230018080, that 116.861 acre tract conveyed to Phyllis Klamfoth, Trustee of the Phyllis Klamfoth Trust dated August 25, 2017 by deed of record in Instrument Number 201808130016695, that 5.010 acre tract conveyed to Michael S. Cook by deed of record in Instrument Number 202005050010034, that 50 acre tract conveyed to 3704 Clover Valley Road, LLC by deed of record in Instrument Number 201906130011622, that 50.0 acre tract conveyed to John C. Foster and Joseph D. Foster by deed of record in Instrument Number 201605130009477, that 50 acre tract conveyed to Mary Alice Foster by deeds of record in Deed Book 577, Page 214 and Official Record 207, Page 821, that 50 acre tract conveyed to Alice M. Schlaegel, Judith A. Anderson, Susan K. Bishop, Nancy M. Loshbaugh and Thomas M. Foster by deed of record in Instrument Number 201502120002686, that 33.119 acre tract conveyed to Timothy L. Erdy by deed of record in Instrument Number 201304220010092, that 78.10 acre tract conveyed to James R. Heimerl and Katherine E. Heimerl by deed of record in Deed Book 784, Page 359, that 0.946 acre tract conveyed to Barbara A. Smith by deed of record in Instrument Number 201306270016486, that 0.780 acre tract conveyed to Lisa A. Russell and Douglas L. Russell, II by deed of record in Instrument Number 200508230026065, that 0.825 acre tract conveyed to Timothy S. Berkley by deed of record in Instrument Number 201109280018184, that 0.862 acre tract conveyed to Audra L. Mitchell by deed of record in Instrument Number 201112070023833, that 8.125 acre tract conveyed to Matthew D. Heimerl and Rachel M. Heimerl by deed of record in Instrument Number 201503130004749, that 2.7826 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202180004341, that 5.8624 acre tract conveyed to Anne Evans by deed of record in Instrument Number 200610090029635, that 7.3574 acre tract conveyed to David Thomas Howard and Janet Elaine Howard by deed of record in Instrument Number 199811160043633, that 7.338 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202112220038911, that 18.281 acre tract conveyed to Duane D. Baggerly and James D. Cushing by deed of record in Instrument Number 202112020036696, that 12.993 acre tract conveyed to Duane D. Baggerly and James D. Cushing by deed of record in Instrument Number 201809070018735, that 13.691 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202170004261, that 8.087 acre tract conveyed to David Hull by

ZONING EXHIBIT
1689.59± ACRES

-2-

deed of record in Instrument Number 201409300019021, that 2.168 acre tract conveyed to Monica J. Thomson, Daniel N. Ashbrook, Margaret J. Neil, Thomas E. Ashbrook and Chelsie Neiberine by deed of record in Instrument Number 201404280007499, that 2.168 acre tract conveyed to Margaret J. Neil, Thomas E. Ashbrook and Chelsie Neiberine by deed of record in Instrument Number 201409150017919, that 2.168 acre tract conveyed to Monica J. Thomson and Daniel N. Ashbrook by deed of record in Instrument Number 201409150017920, that 17.17 acre tract conveyed to Phyllis Klamfoth, Trustee of the Phyllis L. Klamfoth Trust dated August 25, 2017 by deed of record in Instrument Number 201808130016695, that 1.0 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202201060000519, that 5.000 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202250004935, that 3.013 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202250004935, that 3.013 acre tract conveyed to Jack A. Williams Jr. and Cheri L. Williams by deed of record in Instrument Number 201307120017898, that 3.013 acre tract conveyed to Shawn W. Mahaffey by deed of record in Instrument Number 201911140025123, that 6.175 acre tract conveyed to Aaron Irvin and Christina Lyn Fowler by deed of record in Instrument Number 202106030016605, that 3.644 acre tract conveyed to Stephen A. Wright and Lisa V. Wright by deed of record in Instrument Number 201305170012704, that 73.5 acre tract conveyed to Heimerl Family Limited Liability Company by deed of record in Instrument Number 201211060026175, that 73.5 acre tract conveyed to James Heimerl by deed of record in Official Record 866, Page 748, that 61.488 acre tract conveyed to Heimerl Family Limited Liability Company by deed of record in Instrument Number 201211060026175, that 61.488 acre tract conveyed to James Heimerl by deed of record in Official Record 866, Page 748, that 10.192 acre tract conveyed to Heimerl Farms Ltd. by deeds of record in Instrument Numbers 201211060026173 and 201211060026174, that 87.867 acre tract conveyed to James R. Heimerl and Katherine Heimerl by deed of record in Instrument Number 201109120016888, that 2.003 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202220004575, that 14.1268 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202201240001909, that 10.0 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202201270002398, that 5.8066 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202201040000231, that 2.00 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202160004073, that 4.5016 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202160004077, that 13.905 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202220004574, that 1.096 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002896, that 50 acre tract conveyed to Phyllis Klamfoth, Trustee of the Phyllis L. Klamfoth Trust dated August 25, 2017 by deed of record in Instrument Number 201808130016695, that 29.494 acre tract conveyed to Heimerl Family Limited Liability Company by deed of record in Instrument Number 201211060026175, that 1.5000 acre tract conveyed to Charles Juliana by deed of record in Instrument Number 201911010024011, that 23.50 acre tract conveyed to Phyllis Klamfoth, Trustee of the Phyllis L. Klamfoth Trust dated August 25, 2017 by deed of record in Instrument Number 201808130016695, that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust dated January 23, 2007 by deed of record in Instrument Number 201209100020565, that 47.245 acre tract conveyed to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, that 2.755 acre tract conveyed to Beverly Jean Bush by deed of record in Instrument Number 200101030000347, that 2.755 acre tract conveyed to Jerry I. Bush by deed of record in Official Record 553, Page 280, that 47.874 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust dated January 23, 2007 by deed of record in Instrument Number 201209100020565, that 47.874 acre tract conveyed to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, that 2.126 acre tract conveyed to Lori Ellen Bush by deed of record in Instrument Number 200202210006899, that 47.245 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust dated January 23, 2007 by deed of record in Instrument Number 201209100020565, that 47.245 acre tract conveyed to Beverly Jean Bush,

ZONING EXHIBIT
1689.59± ACRES

-3-

Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, that 2.510 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202220004573, that 46.24 acre tract conveyed to Cheryl A. Bush, Trustee of the Bush Keystone Inheritance Trust dated January 23, 2007 by deed of record in Instrument Number 201209100020565, that 46.24 acre tract conveyed to Beverly Jean Bush, Cheryl Ann Bush, Sharon Lynn Bush, and Lori Ellen Bush by deed of record in Instrument Number 200601310002957, that 7.72 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002889, that 5.001 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002889, that 6.90 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202070003121, that 6.65 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202170004260, that 6.657 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202160004078, that 6.66 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002890, that 16.523 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202201040000230, that 73.08 acre tract conveyed to Heimerl Family Limited Liability Company by deed of record in Instrument Number 201211060026175, that 73.08 acre tract conveyed to James Heimerl by deed of record in Official Record 866, Page 748, that 0.516 acre tract conveyed to Jeffery E. Sharrock by deed of record in Instrument Number 200405270019227, that 8.012 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202080003310, that 15.0 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202080003314, that 10.5152 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202201180001476, that 3.6423 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202080003314, that 1.6112 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202203010005181, that 1.5 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002891, that 2.285 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202080003314, that 2.283 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202080003314, that 2.413 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002897, that 1.00 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002887, that 1.000 acre tract conveyed to Angela M. Tague and Shawn P. Tague by deed of record in Instrument Number 201909230020241, that 1.0022 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202111190035598, that 1.0008 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002888, that 1 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202020002893, that 2.0 acre tract conveyed to Patricia L. Williams by deed of record in Instrument Number 202008260021854, that 14.0193 acre tract conveyed to Rebecca M. Ross, Trustee of the Bailey Keystone Inheritance Trust dated August 18, 2006 by deed of record in Instrument Number 201007140013411, that 1.52 acre tract conveyed to Roy E. Bailey, Jr. by deed of record in Instrument Number 200103200008631, that 1.196 acre tract conveyed to Rebecca M. Ross, Trustee by deed of record in Instrument Number 201007140013412, that 2.002 acre tract conveyed to MCVGCM Holdings, LLC by deed of record in Instrument Number 202112220038916, and that 3.644 acre tract conveyed to Stephen A. Wright and Lisa V. Wright by deed of record in Instrument Number 201305170012704 (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

BEGINNING, at the centerline intersection of Jug Street Road and Clover Valley Road;

Thence North 86° 48' 01" West, with the centerline of said Jug Street Road and the existing City of New Albany corporation line, as established by Ordinance Number O-29-2016, of record in Instrument Number 201612050026928, and by Ordinance Number O-31-2015, of record in Instrument Number 201601070000270, a distance of 1576.93 feet to the southeasterly

ZONING EXHIBIT
1689.59± ACRES

-4-

corner of that 5.004 acre tract conveyed to Steven B. Bender by deed of record in Instrument Number 200708070020631;

Thence North 03° 51' 20" East, with the easterly line of said 5.004 acre tract, a distance of 868.46 feet to the northeasterly corner thereof;

Thence North 86° 12' 17" West, with the northerly line of said 5.004 acre tract, the northerly line of that 5.004 acre tract conveyed to Steven W. Banks and Joni K. Banks by deed of record in Instrument Number 202004030007587, and the northerly line of that 5.004 acre tract conveyed to Jennifer L. Castle-Lust by deed of record in Instrument Number 202103050006796, a distance of 750.78 feet to a point;

Thence South 04° 02' 15" West, with the westerly line of said Castle-Lust tract, a distance of 872.48 feet to a point in the centerline of said Jug Street Road;

Thence North 86° 41' 20" West, with said centerline and said existing City of New Albany corporation line, a distance of 537.95 feet to the southeasterly corner of that 476.757 acre tract conveyed to MJB Holdings, LLC by deed of record in Instrument Number 201912030026846;

Thence North 03° 42' 44" East, with the easterly line of said 476.757 acre tract and the existing City of New Albany corporation line, as established by Ordinance Number O-12-2019, of record in Instrument Number 201906210012317, a distance of 728.21 feet to a point;

Thence North 03° 21' 43" East, with said easterly line and said corporation line, a distance of 2733.50 feet to the southeasterly corner of the subdivision entitled "Wagoner Farms Section 2", of record in Plat Book 16, Page 146, the southwesterly corner of the subdivision entitled "Wagoner Farms Section 1", of record in Plat Book 15, Page 392;

Thence North 03° 21' 47" East, with the easterly line of said "Wagoner Farms Section 1", a distance of 1702.86 feet to a point;

Thence North 03° 47' 39" East, with the easterly line of said "Wagoner Farms Section 1", the easterly line of that 1.977 acre tract conveyed to Lisa M. Boyd by deed of record in Instrument Number 201309050022713, the easterly line of that 5.010 acre tract conveyed to MCVGCM Holdings LLC by deed of record in Instrument Number 202202250004964, the easterly line of that 30.05 acre tract conveyed to Robert E. Haycock by deed of record in Official Record 429, Page 382, and the easterly line of that 50.0 acre tract conveyed to Daniel D. Potter by deed of record in Deed Book 841, Page 2, a distance of 5193.51 feet to a point in the centerline of Green Chapel Road, in the southerly line of Monroe Township;

Thence with the centerline of said Green Chapel Road and said Township Line the following courses and distances:

South 86° 28' 52" East, a distance of 2773.56 feet to a point;

South 87° 01' 21" East, a distance of 1307.72 feet to a point;

South 86° 57' 44" East, a distance of 343.16 feet to a point;

South 86° 44' 59" East, a distance of 1082.90 feet to a point;

South 86° 55' 23" East, a distance of 1097.24 feet to a point;

South 86° 41' 59" East, a distance of 1523.01 feet to a point;

ZONING EXHIBIT
1689.59± ACRES

-5-

South 86° 34' 38" East, a distance of 1381.96 feet to a point; and

South 86° 20' 40" East, a distance of 435.28 feet to a point in the centerline of Mink Street;

Thence with the centerline of said Mink Street the following courses and distances:

South 18° 05' 02" West, a distance of 239.44 feet to a point;

South 23° 24' 58" West, a distance of 313.19 feet to a point;

South 24° 07' 57" West, a distance of 187.65 feet to a point;

South 24° 03' 04" West, a distance of 501.31 feet to a point;

South 24° 08' 16" West, a distance of 159.52 feet to a point;

South 24° 49' 39" West, a distance of 159.53 feet to a point;

South 24° 37' 39" West, a distance of 393.79 feet to a point;

South 23° 37' 04" West, a distance of 1171.04 feet to a point;

South 23° 19' 26" West, a distance of 920.22 feet to a point;

South 22° 51' 54" West, a distance of 717.45 feet to a point;

South 23° 04' 40" West, a distance of 782.57 feet to a point;

South 23° 32' 42" West, a distance of 876.24 feet to a point;

South 23° 29' 47" West, a distance of 152.33 feet to a point;

South 23° 13' 30" West, a distance of 195.00 feet to a point; and

South 22° 37' 26" West, a distance of 309.51 feet to the northeasterly corner of that 0.539 acre tract conveyed to Arthur W. Ballantyne, IV by deed of record in Instrument Number 202008070019979;

Thence North 87° 59' 17" West, with the northerly line of said 0.539 acre tract, a distance of 168.13 feet to the northwesterly corner thereof;

Thence South 05° 03' 09" West, with the westerly line of said 0.539 acre tract, a distance of 208.54 feet to a point in the northerly line of that 35.745 acre tract conveyed to Alan R. Gale and Christine D. Gale;

Thence North 87° 23' 13" West, with said northerly line, a distance of 1746.36 feet to the northwesterly corner thereof;

Thence South 02° 53' 04" West, with the westerly line of said 35.745 tract, the westerly line of that 11.865 acre tract conveyed to Louis R. Powell and Linda S. Powell, Trustees by deed of record in Instrument Number 201706200012941, and the westerly line of that 13.912 acre tract conveyed to Robert A. Carr and Deborah B. Carr by deed of record in Instrument Number 201109230017882, a distance of 1776.83 feet to the northeasterly corner of that 6.440 acre tract conveyed to Chris A. Anderson and Colleen F. Anderson by deed of record in Instrument Number 201206010012102;

ZONING EXHIBIT
1689.59± ACRES

-6-

Thence North 86° 20' 38" West, with the northerly line of said 6.440 acre tract, the northerly line of that 6.101 acre tract conveyed to Andrew Dobosh and Amanda Dobosh by deed of record in Instrument Number 201810150021529, the northerly line of that 6.420 acre tract conveyed to Jenny L. Davidson by deed of record in Instrument Number 200510280034396, the northerly line of that 6.032 acre tract conveyed to Brenda K. Hiles by deed of record in Instrument Number 201702150002998, the northerly line of that 5.756 acre tract conveyed to Luke E. Wickline by deed of record in Instrument Number 201510280023467, the northerly line of that 5.856 acre tract conveyed to Jeremy Lee Kimble by deed of record in Instrument Number 202007020016023, and the northerly line of the subdivision entitled "Clover Valley Estates", of record in Plat Book 13, Page 210, a distance of 2792.69 feet to a point in the centerline of Clover Valley Road (County Road 26);

Thence South 03° 33' 18" West, with said centerline, a distance of 1713.30 feet to the POINT OF BEGINNING, containing 1703.456 acres of land, more or less.

EXCEPTING THE FOLLOWING TRACT OF LAND:

Situated in the State of Ohio, County of Licking, Township of Jersey, in Lot 11, Quarter Township 2, Township 2, Range 15, United States Military District, being comprised of all of that 4.846 acre tract conveyed to Michael F. Reilly and Erin M. Reilly by deed of record in Instrument Number 202007280018692, all of that 4.794 acre tract conveyed to Helen L. Campbell, Trustee by deed of record in Instrument Number 201507080013979, and all of that 4.309 acre tract conveyed to Kenton L. Suver and Mary Patricia Suver by deed of record in Official Record 673, Page 221, (all references refer to the records of the Recorder's Office, Licking County, Ohio), and more particularly bounded and described as follows:

Beginning, for reference, at the centerline intersection of Miller Road with Clover Valley Road;

Thence North 86° 29' 18" West, with the centerline of said Miller Road, a distance of 1449.96 feet to the northeasterly corner of said 4.309 acre tract, the TRUE POINT OF BEGINNING for this description;

Thence South 01° 01' 05" West, with the easterly line of said 4.309 acre tract, a distance of 688.52 feet to the southeasterly corner thereof;

Thence North 87° 29' 49" West, with the southerly line of said 4.309 acre, 4.794 acre and 4.846 acre tracts, a distance of 882.12 feet to a the southwesterly corner of said 4.846 acre tract;

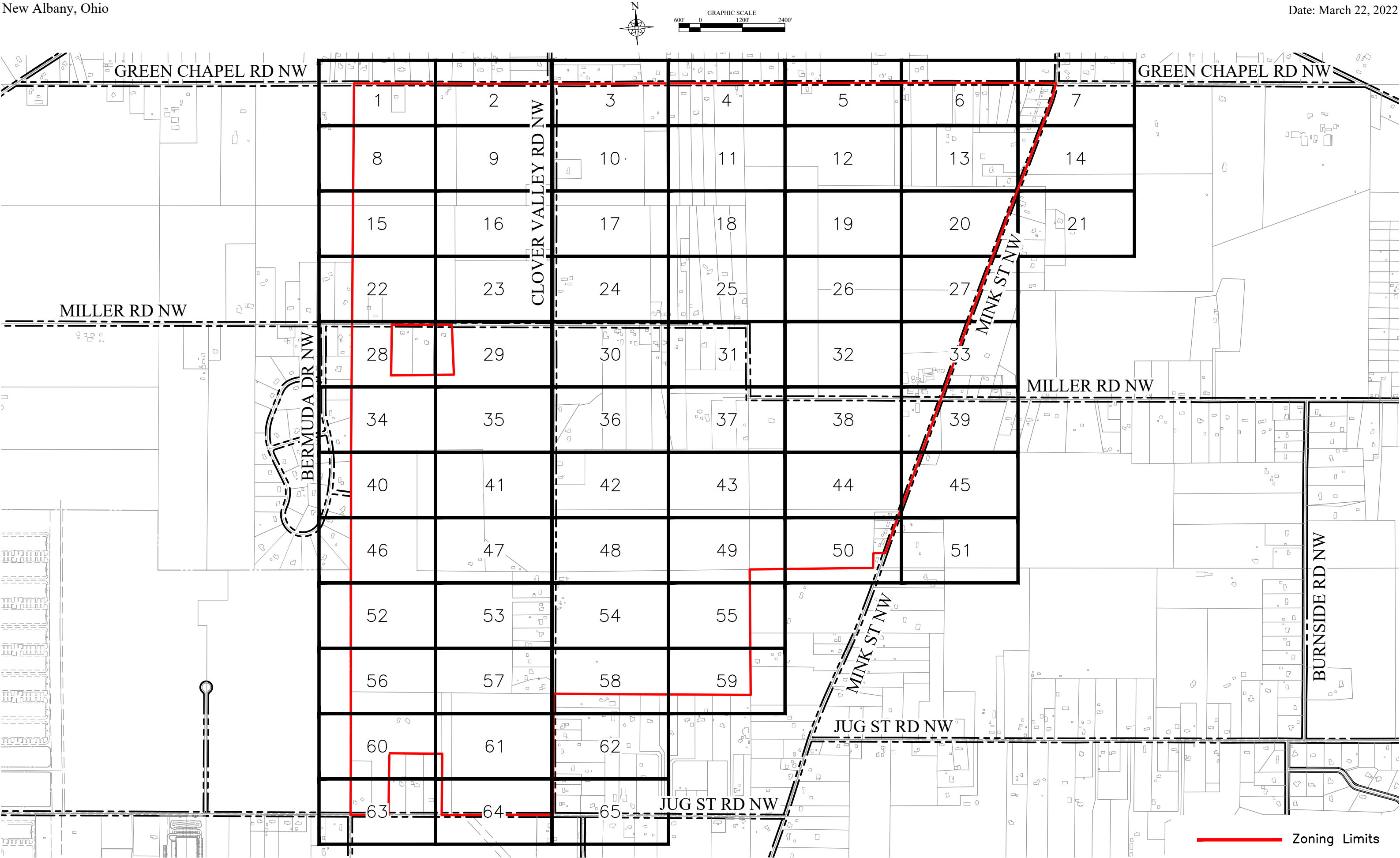
Thence North 03° 38' 13" East, with the westerly line of said 4.846 acre tract, a distance of 706.71 feet to a point in the centerline of said Miller Road;

Thence South 86° 15' 55" East, with said centerline, a distance of 850.49 feet to the TRUE POINT OF BEGINNING, containing 13.868 acres of land, more or less.

Leaving a total of 1689.588 acres of land, more or less.

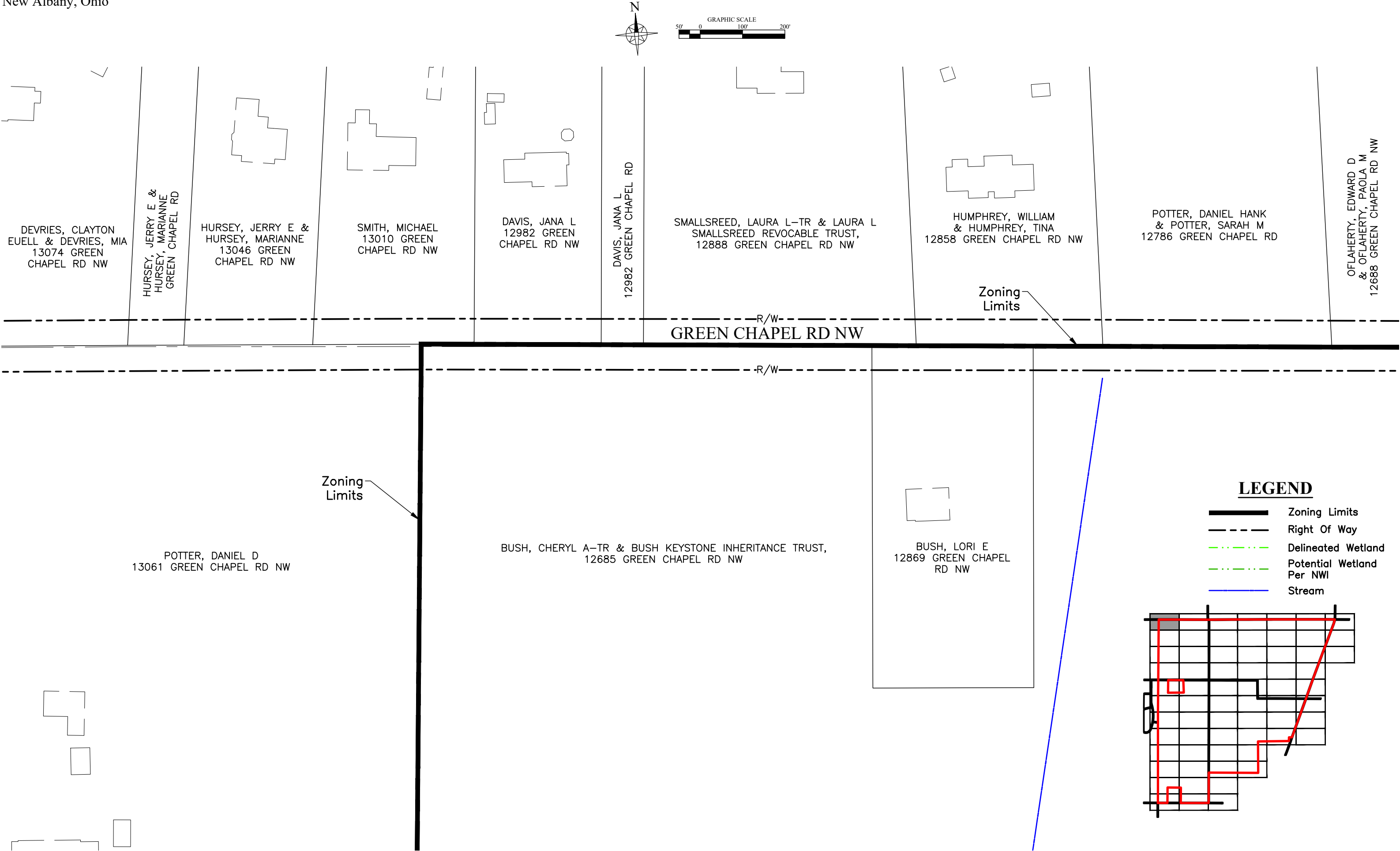
EVANS, MECHWART, HAMBLETON & TILTON, INC.

Matthew A. Kirk
Professional Surveyor No. 7865

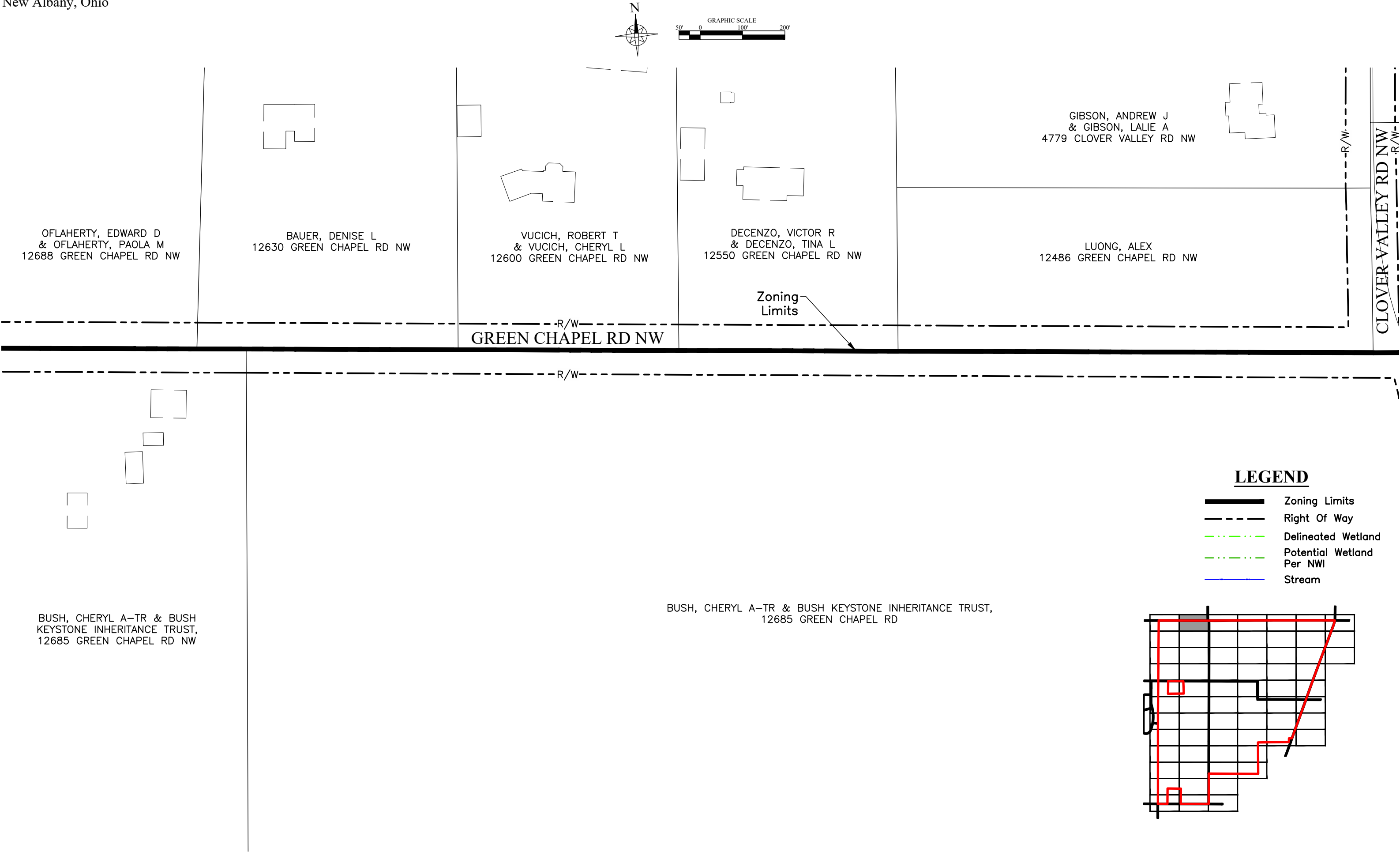


J:\20210901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit Overall.dwg

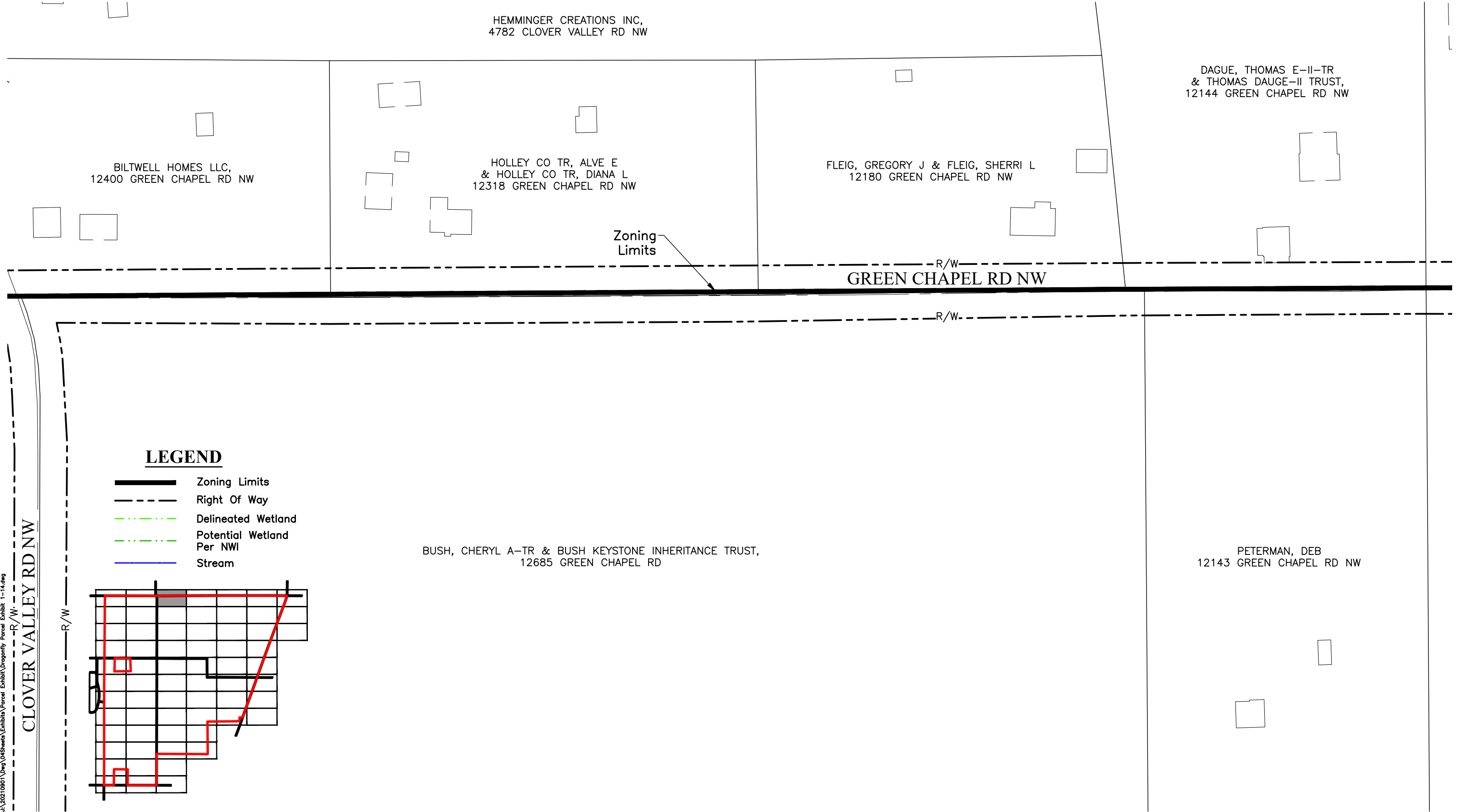
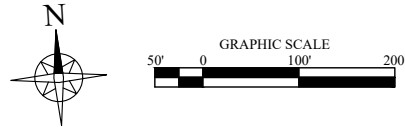
New Albany, Ohio



New Albany, Ohio

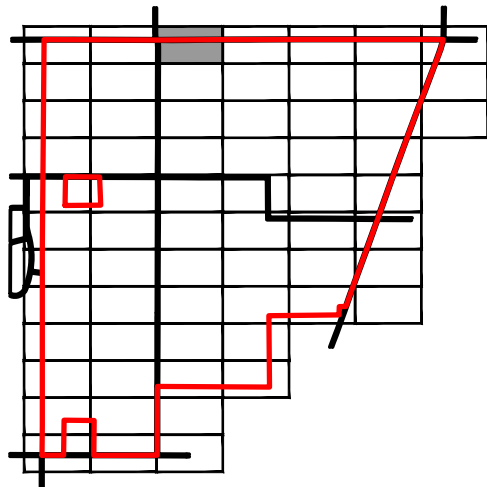


New Albany, Ohio



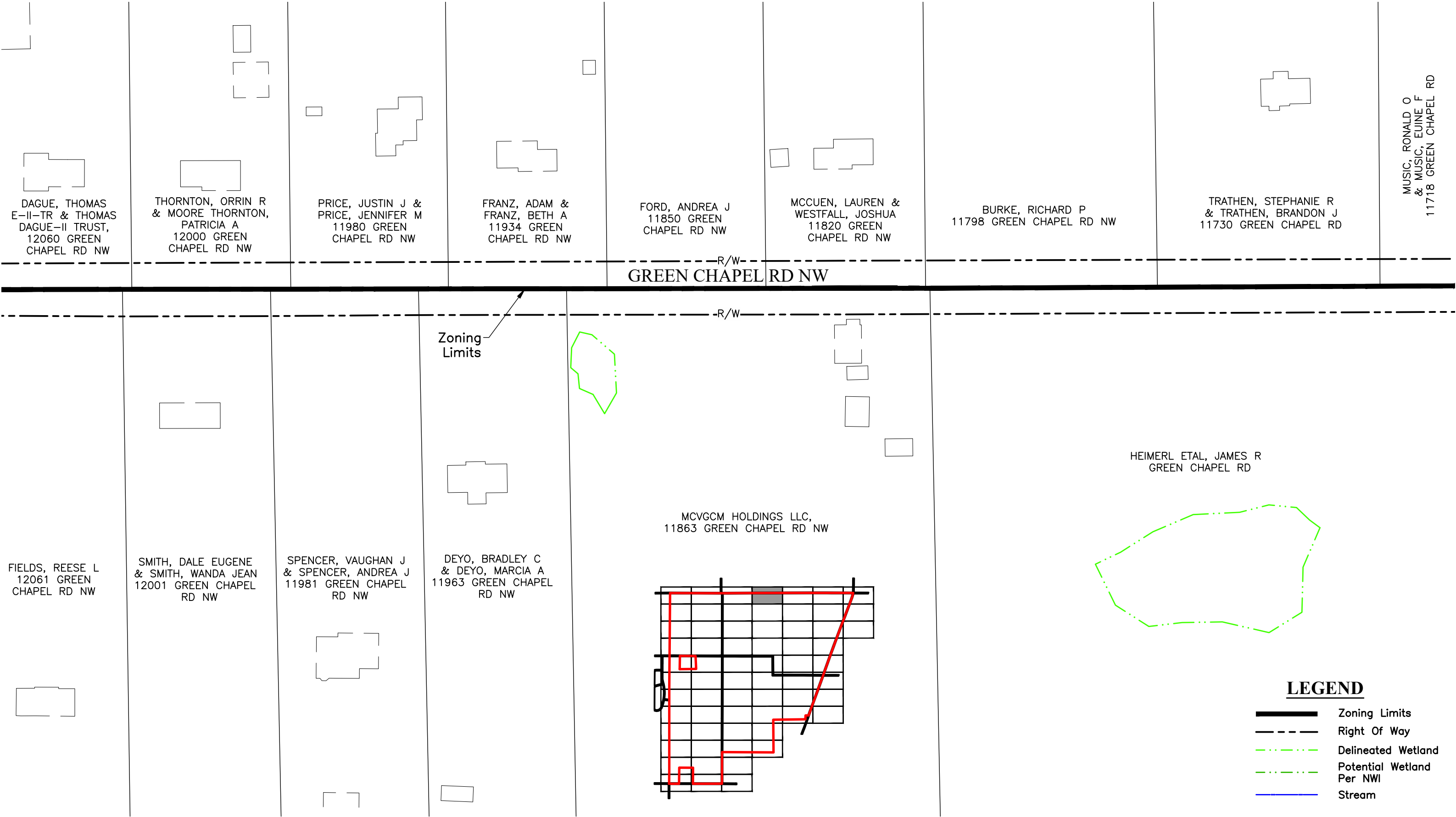
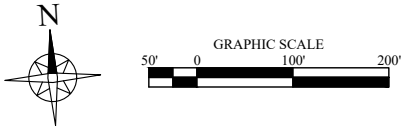
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

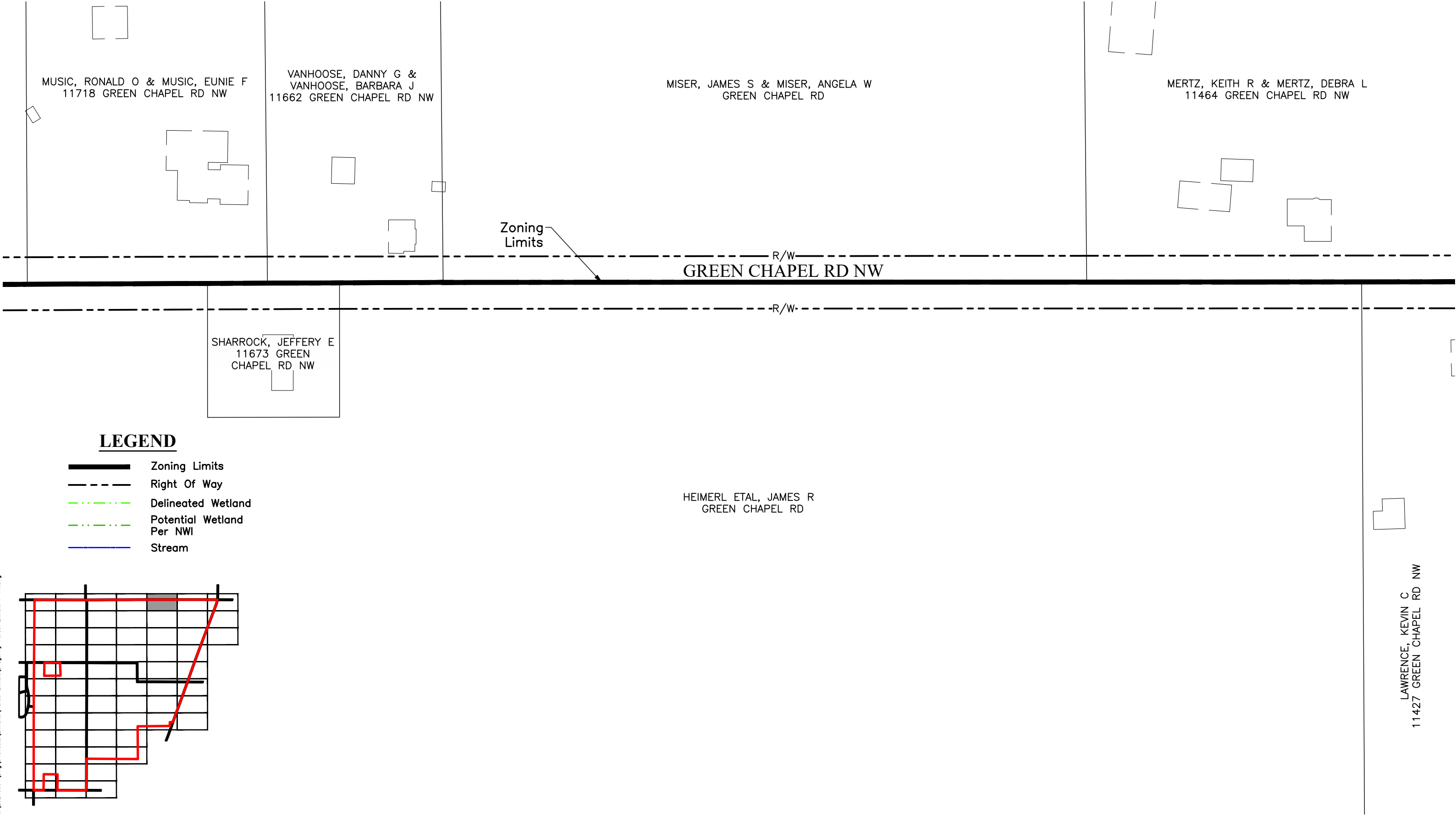
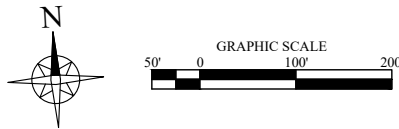


J:\20210901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 1-14.dwg

New Albany, Ohio

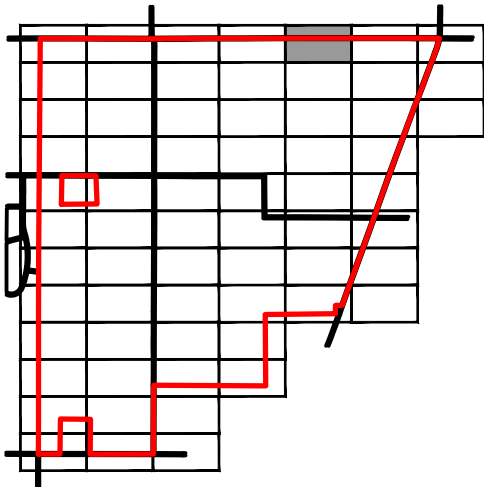


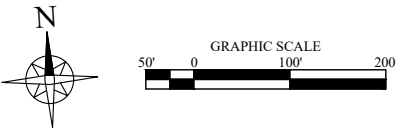
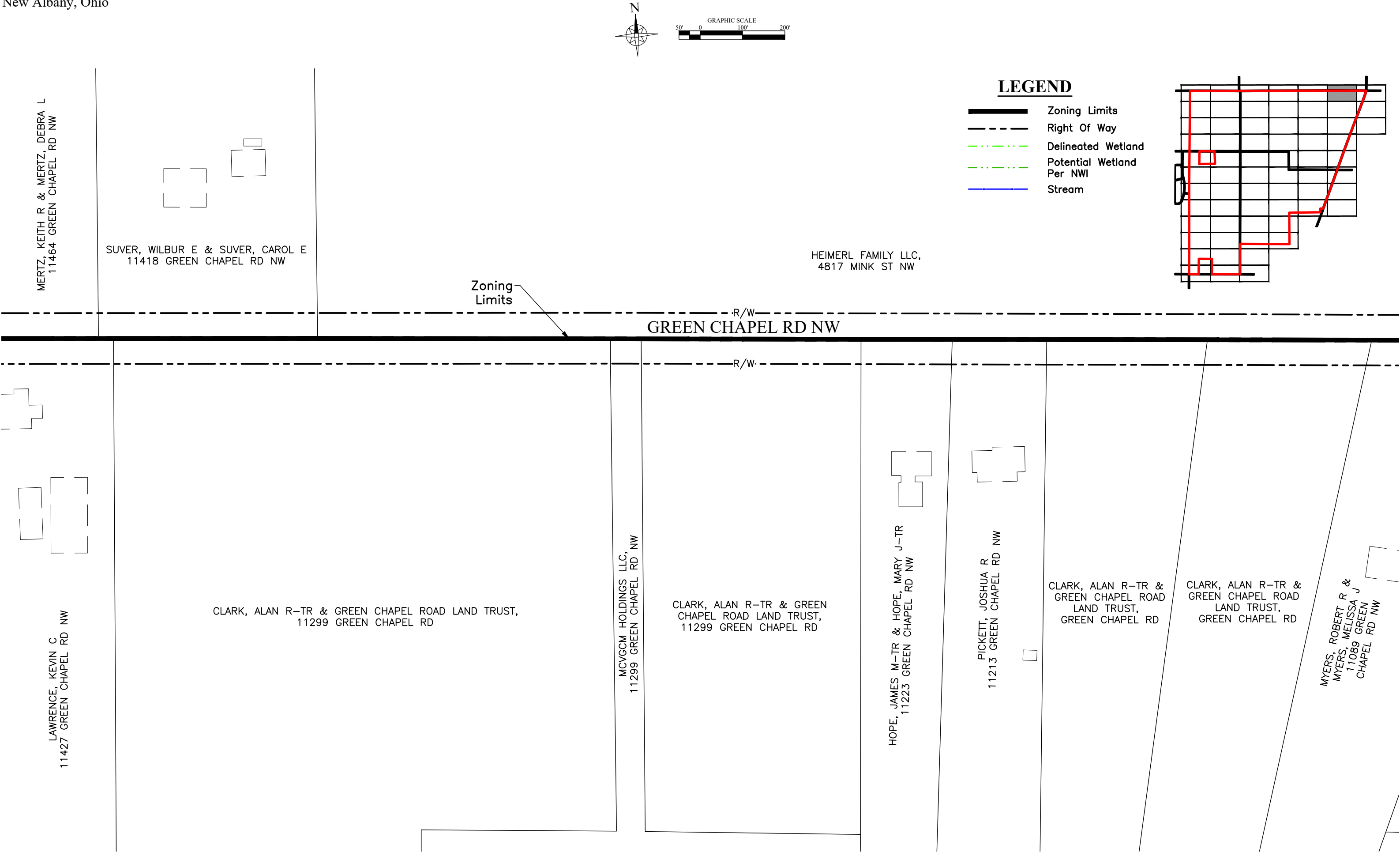
New Albany, Ohio



LEGEND

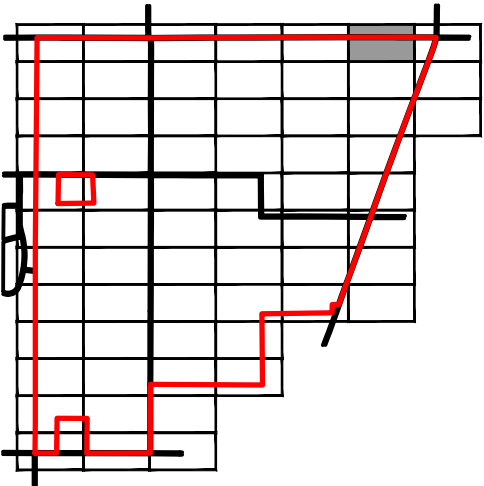
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

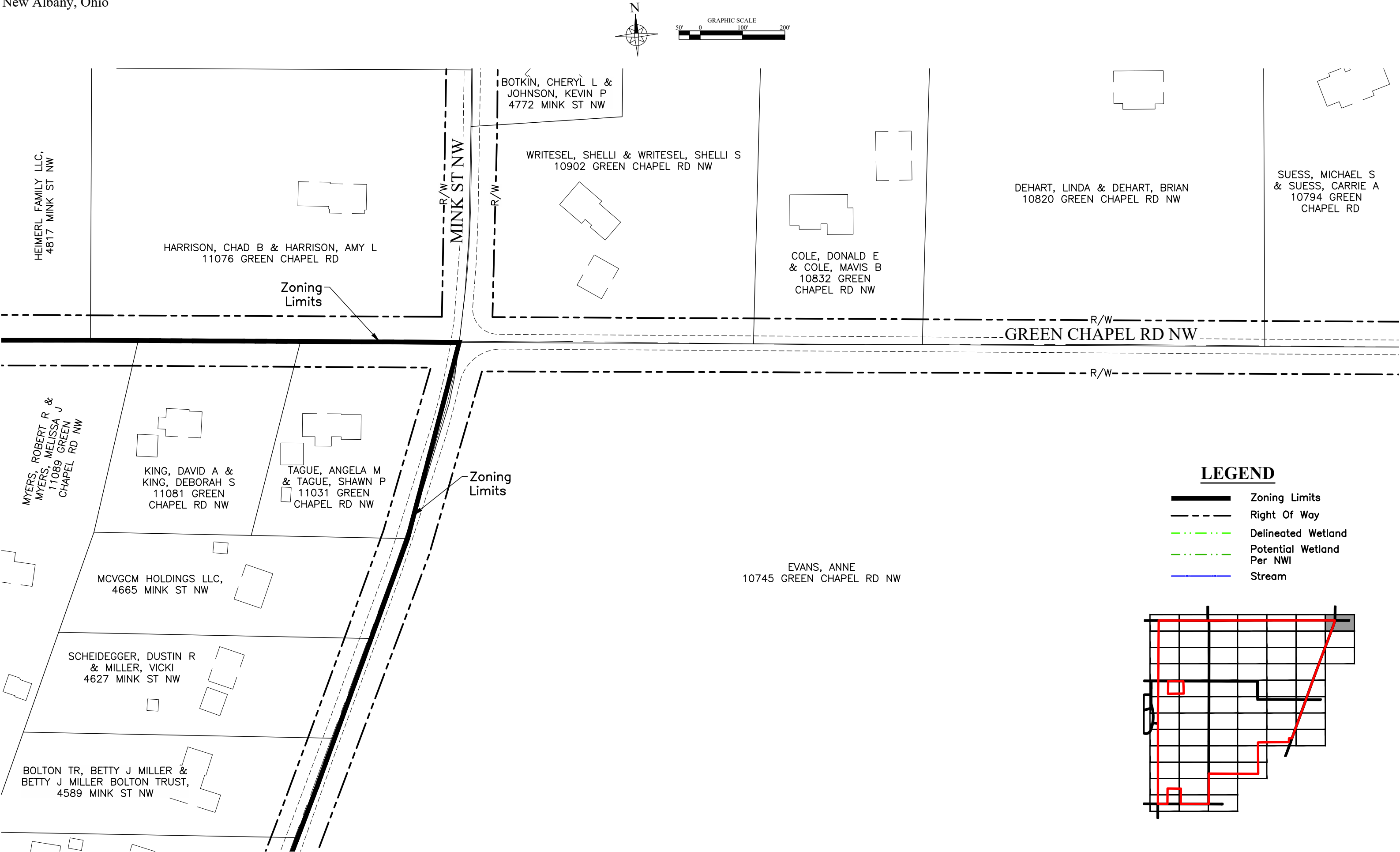




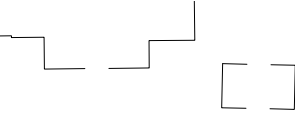
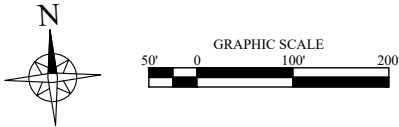
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream





New Albany, Ohio



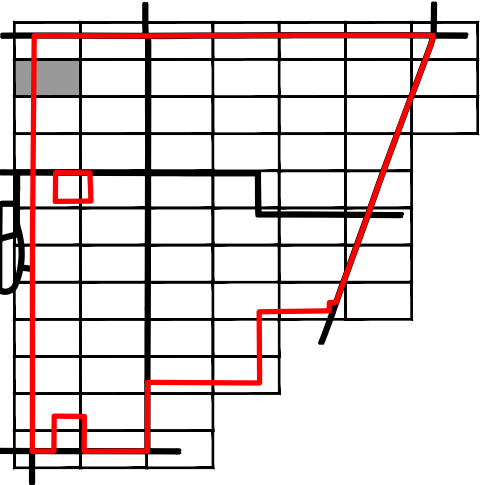
Zoning
Limits

POTTER, DANIEL D
13061 GREEN CHAPEL RD NW

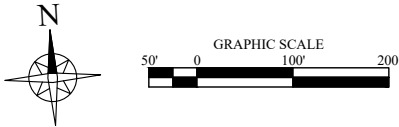
BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD NW

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

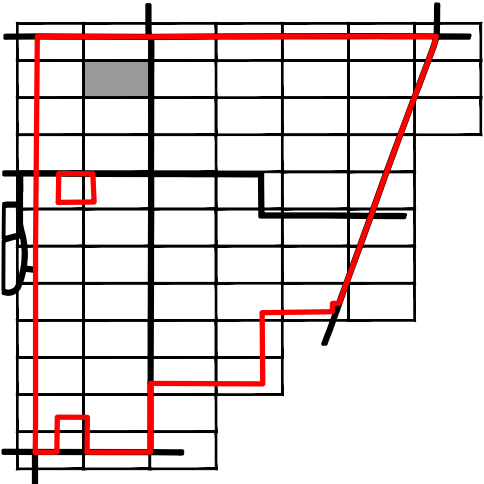


New Albany, Ohio



LEGEND

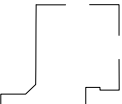
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



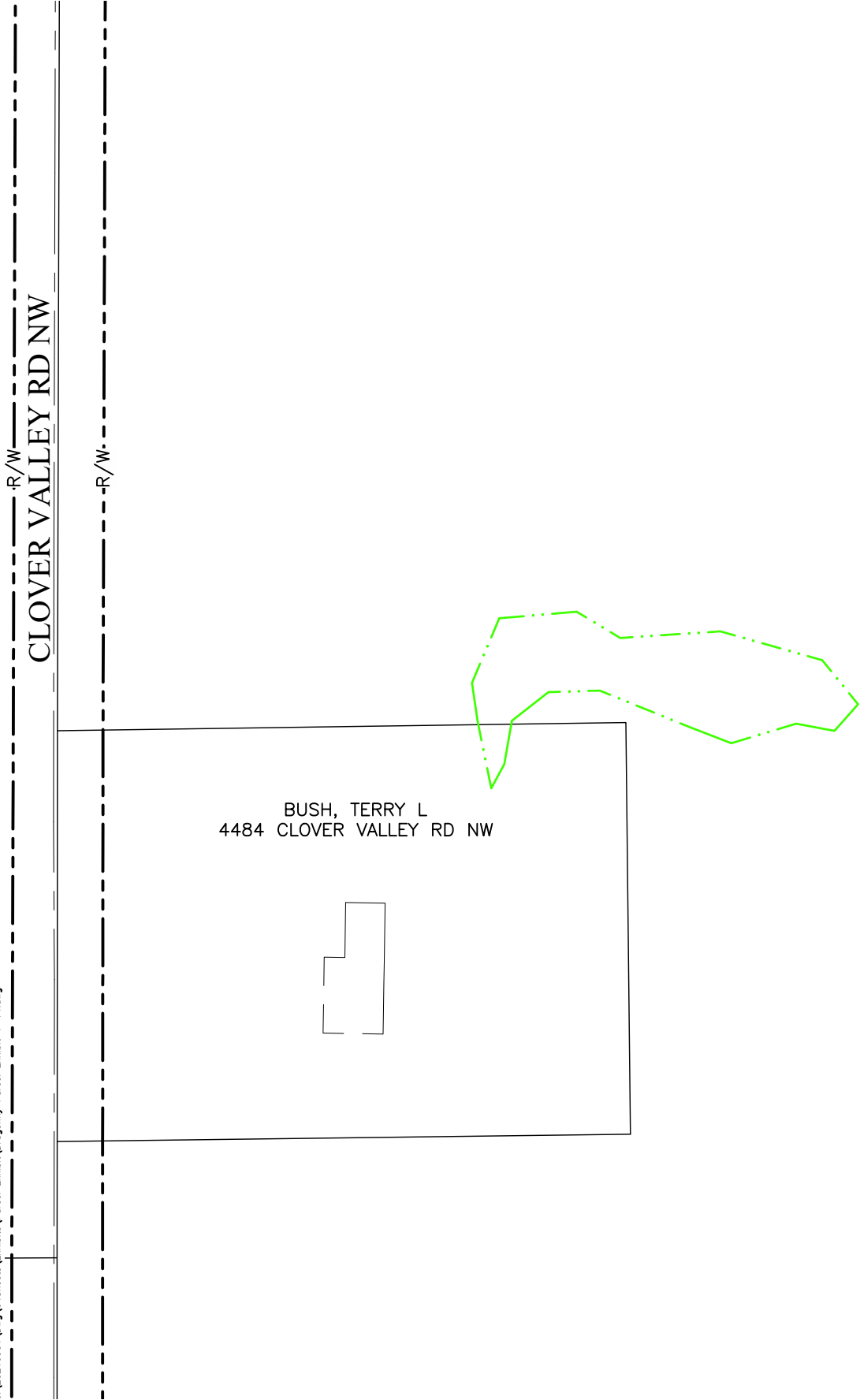
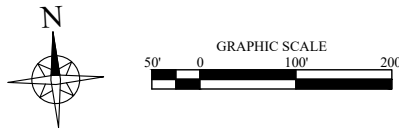
BUSH, CHERYL A-TR & BUSH
KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD NW

BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD

BUSH, BEVERLY J
4425 CLOVER VALLEY RD NW



New Albany, Ohio



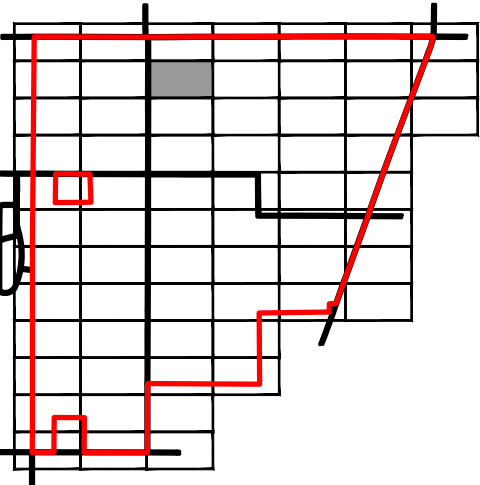
BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD

PETERMAN, DEB
12143 GREEN CHAPEL RD NW

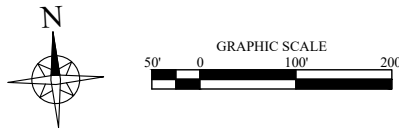
PETERMAN, DEB
12143 GREEN CHAPEL RD

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

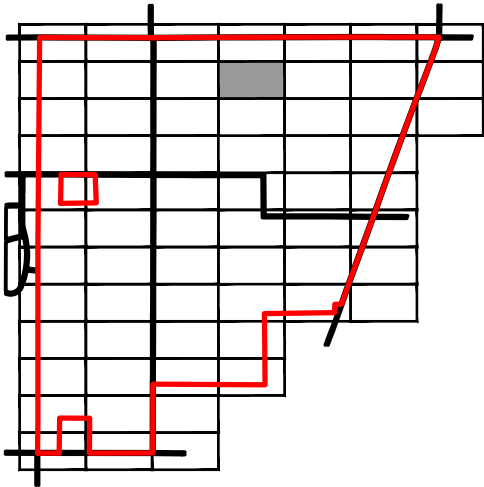


New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



FIELDS, REESE L
12061 GREEN
CHAPEL RD NW

SMITH, DALE EUGENE
& SMITH, WANDA JEAN
12001 GREEN
CHAPEL RD NW

SPENCER, VAUGHAN J
& SPENCER, ANDREA J
11981 GREEN
CHAPEL RD NW

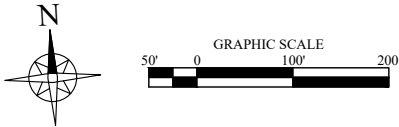
DEYO, BRADLEY C
& DEYO, MARCIA A
11963 GREEN
CHAPEL RD NW

MCVGCM HOLDINGS LLC,
11863 GREEN CHAPEL RD NW

HEIMERL ETAL, JAMES R
GREEN CHAPEL RD

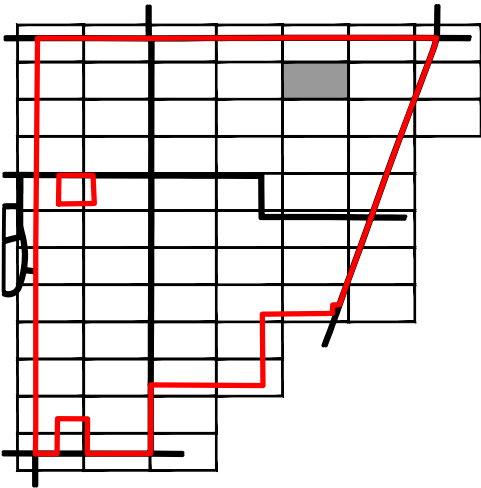
HEIMERL ETAL, JAMES R
GREEN CHAPEL RD

New Albany, Ohio



LEGEND

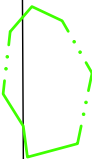
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

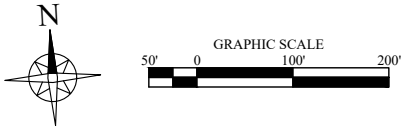


HEIMERL ETAL, JAMES R
GREEN CHAPEL RD

LAWRENCE, KEVIN C
11427 GREEN CHAPEL RD NW

HEIMERL ETAL, JAMES R
GREEN CHAPEL RD





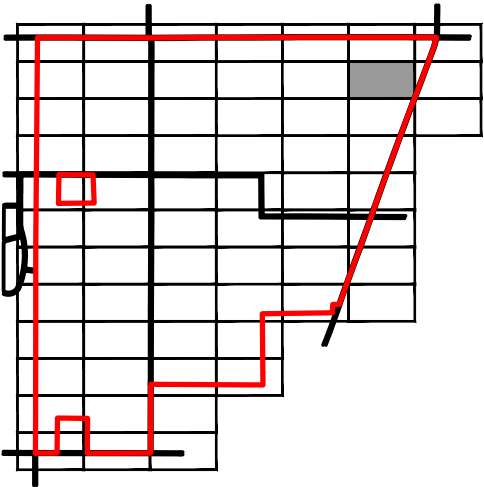
LAWRENCE, KEVIN C
11427 GREEN CHAPEL RD NW

CLARK, ALAN R-TR & GREEN
CHAPEL ROAD LAND TRUST,
11299 GREEN CHAPEL RD

MCVGCM HOLDINGS LLC,
11299 GREEN CHAPEL RD NW

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



HOPE, JAMES
M-TR & HOPE,
MARY J-TR
11223 GREEN
CHAPEL RD NW

WILLIAMS, PATRICIA L
4579 MINK ST

ROSS, REBECCA M-TR & BAILEY KEYSTONE INHERITANCE TRUST,
4569 MINK ST NW

BAILEY JR, ROY E
4439 MINK ST NW

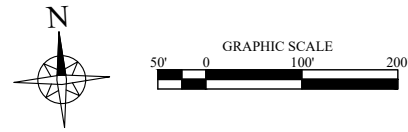
THE BAILEY KEYSTONE INHERITANCE TRUST,
4435 MINK ST NW



TMD - P_{AN}EL 14

Date: March 22, 2022

New Albany, Ohio








WILLIAMS, PATRICIA L
4579 MINK ST NW

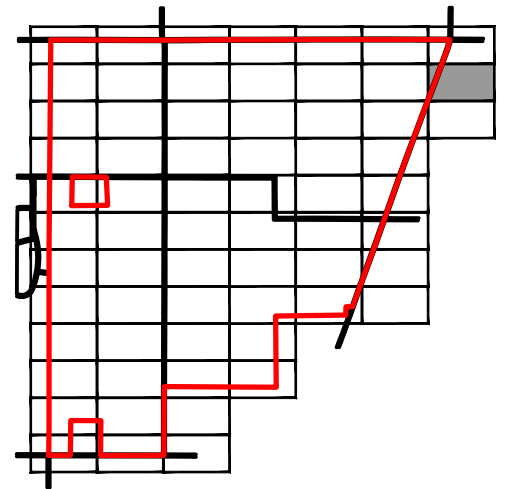
ROSS, REBECCA M-TR &
BAILEY KEYSTONE
INHERITANCE TRUST,
4569 MINK ST NW

EVANS, ANNE
10745 GREEN CHAPEL RD NW

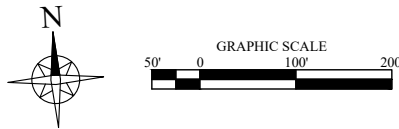
GREEN CHAPEL PROPERTIES LLC,
4438 MINK ST NW

LEGEND

- | | |
|---|------------------------------|
|  | Zoning Limits |
|  | Right Of Way |
|  | Delineated Wetland |
|  | Potential Wetland
Per NWI |
|  | Stream |



J:\20210901\Drawg\04Sheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 1-14.dwg



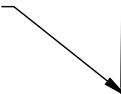
POTTER, DANIEL D
13061 GREEN CHAPEL RD NW

BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD NW






HAYCOOK, ROBERT E
13212 MILLER RD NW

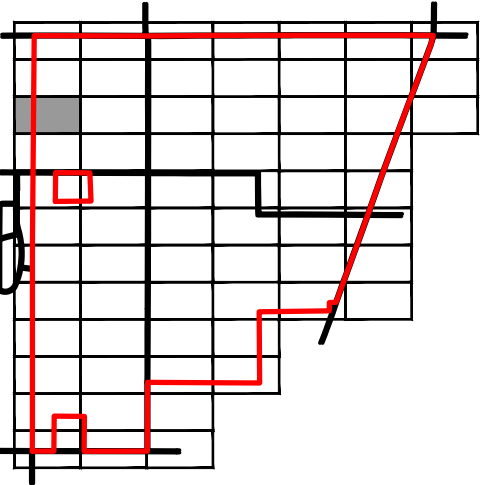
BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
GREEN CHAPEL RD

Zoning
Limits

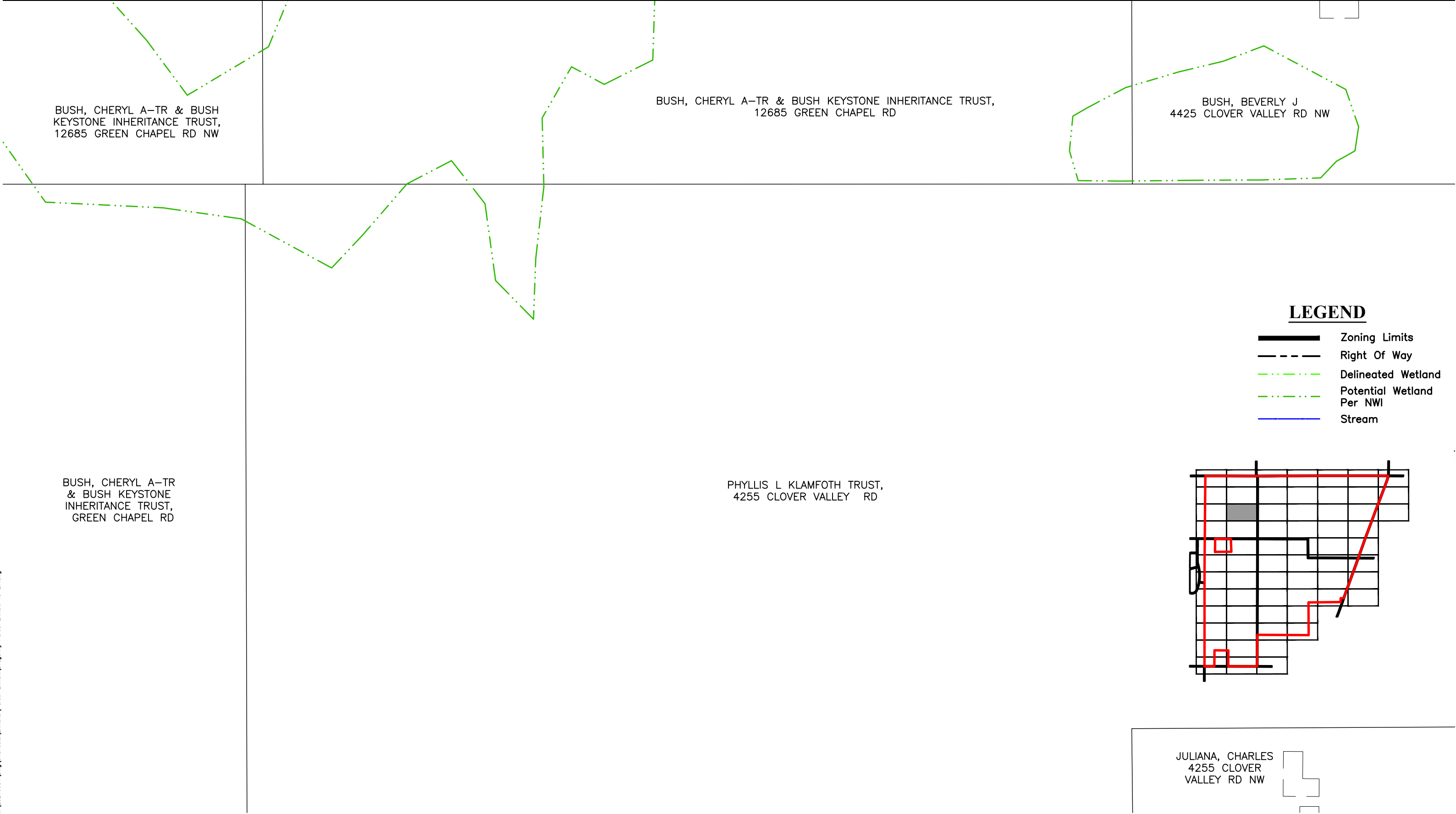
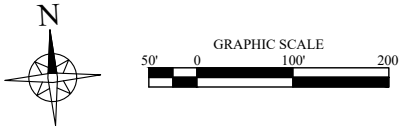


LEGEND

-  Zoning Limits
-  Right Of Way
-  Delineated Wetland
-  Potential Wetland Per NWI
-  Stream

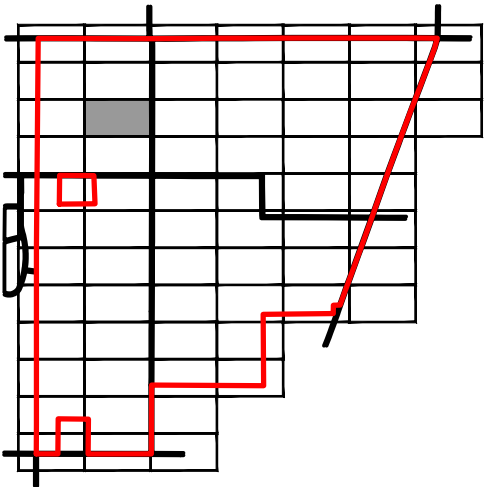


New Albany, Ohio

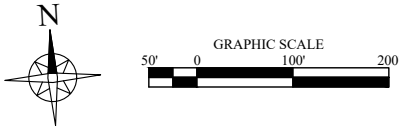


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio



BUSH, CHERYL A-TR & BUSH KEYSTONE INHERITANCE TRUST,
12685 GREEN CHAPEL RD

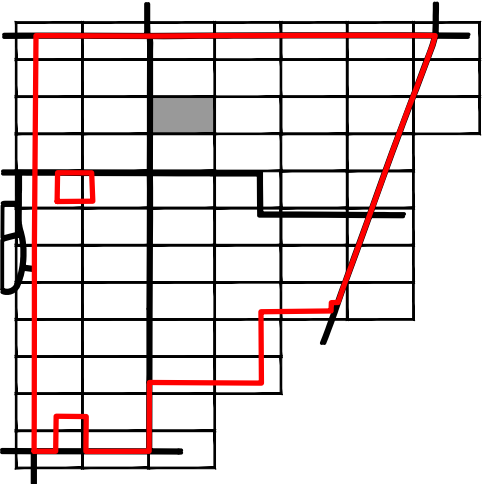
PETERMAN, DEB
12143 GREEN CHAPEL RD

KNIGHT, JARED L
12158 MILLER RD NW

PHYLLIS L KLAMFOTH TRUST,
4170 CLOVER VALLEY RD NW

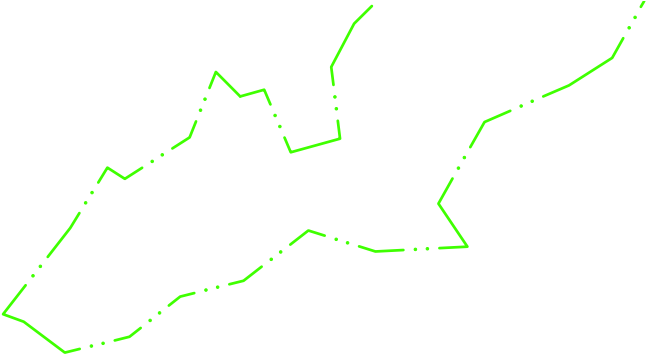
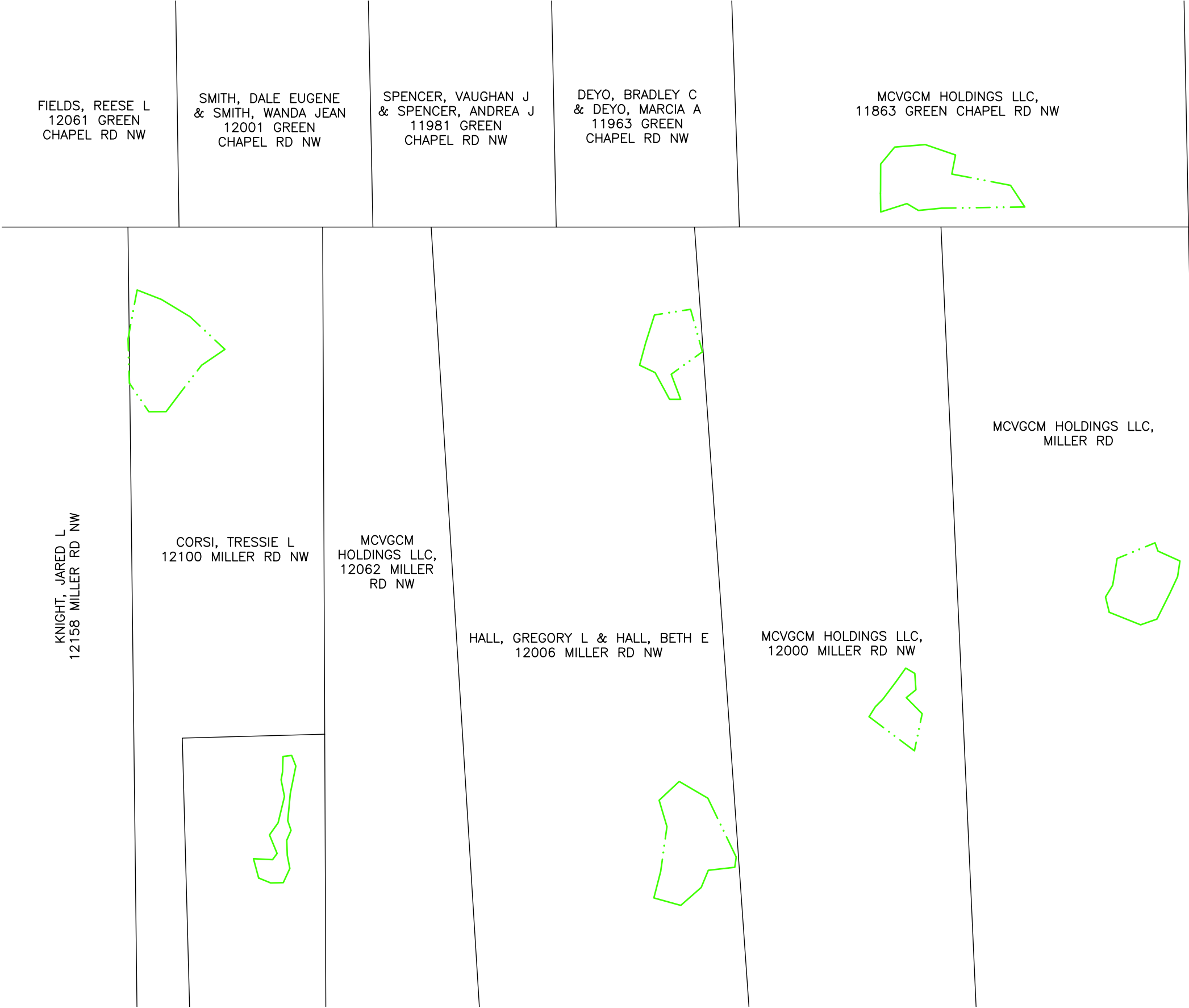
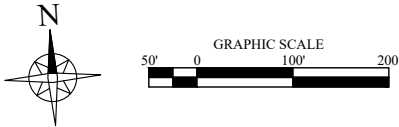
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



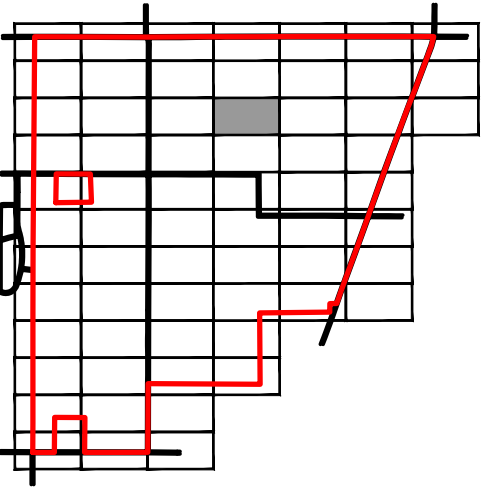
R/W
CLOVER VALLEY RD NW
R/W

New Albany, Ohio

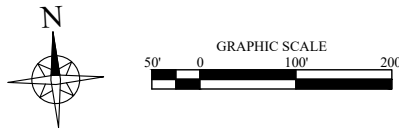


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio

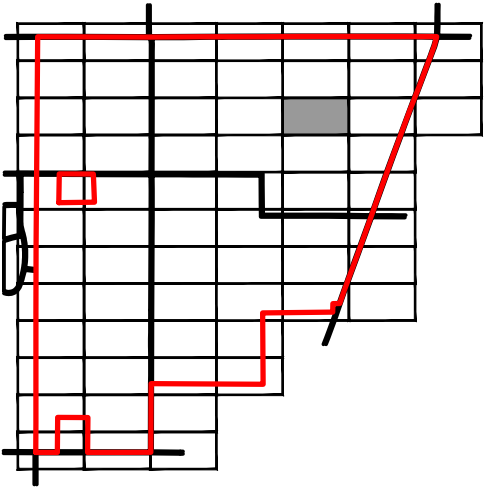


HEIMERL ETAL, JAMES R
GREEN CHAPEL RD

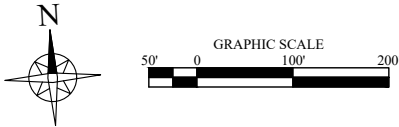
HEIMERL, JAMES R & HEIMERL, KATHERINE
MINK ST

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

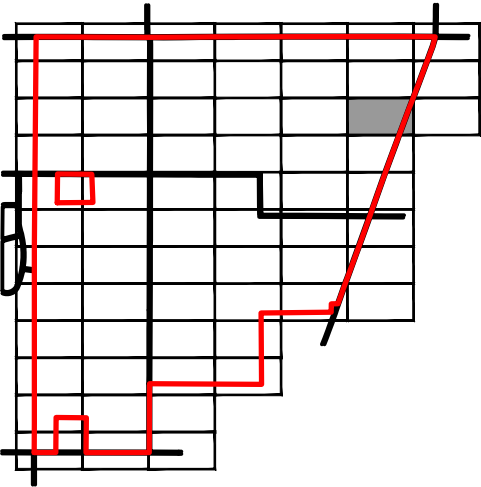


New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



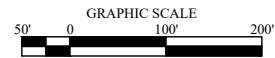
HEIMERL, JAMES R & HEIMERL, KATHERINE
MINK ST

MINK ST NW

MISCHEL, JENNIFER L
& MISCHEL, TODD
4254 MINK ST NW

WITTMER III, DANIEL KEVIN &
DIEHL WITTMER, MELISSA ANN
4200 MINK ST NW

VERBECK, NICOLE LAUREN
& OSTERHOUT, JEREMY LEE
4366 MINK ST NW



VERBECK, NICOLE LAUREN
& OSTERHOUT, JEREMY LEE
4366 MINK ST NW






MISCHEL, JENNIFER E & MISCHEL, TODD
4254 MINK ST NW

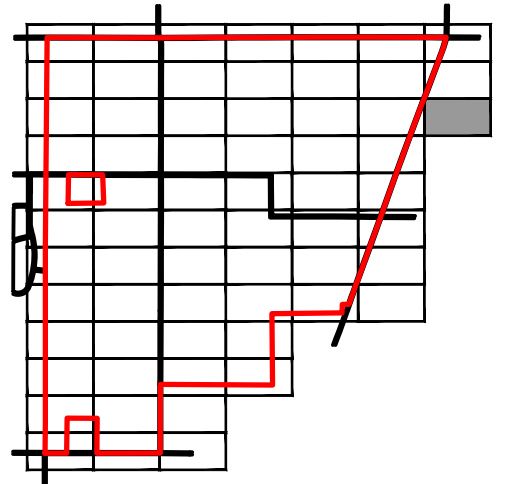
DAVIS, SCOTT & DAVIS, SHELLY
4436 MINK ST

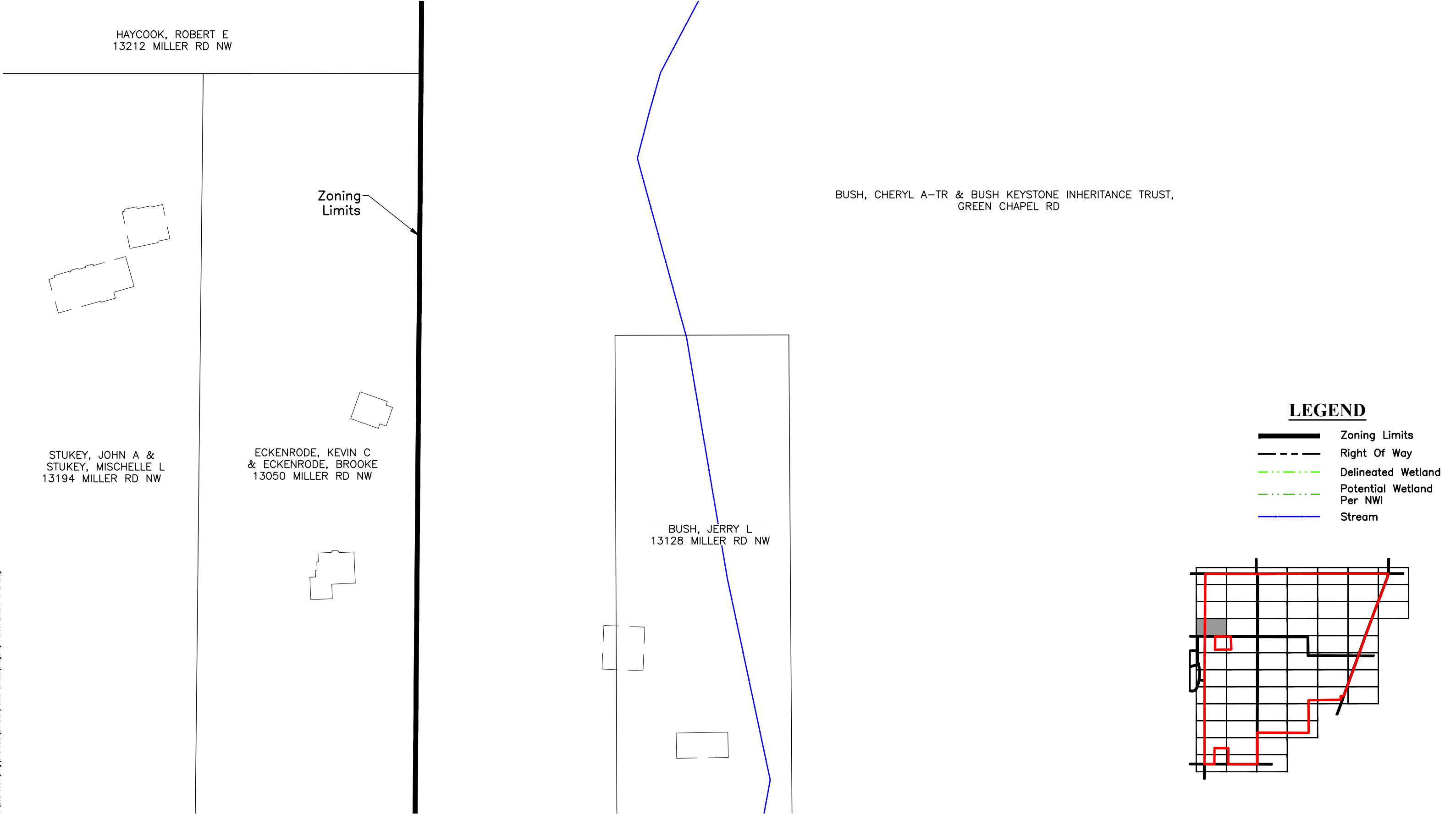
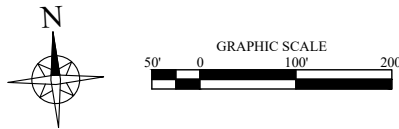
WITTMER III, DANIEL KEVIN &
DIEHL WITTMER, MELISSA ANN
4200 MINK ST NW

GREEN CHAPEL PROPERTIES LLC,
4438 MINK ST NW

LEGEND

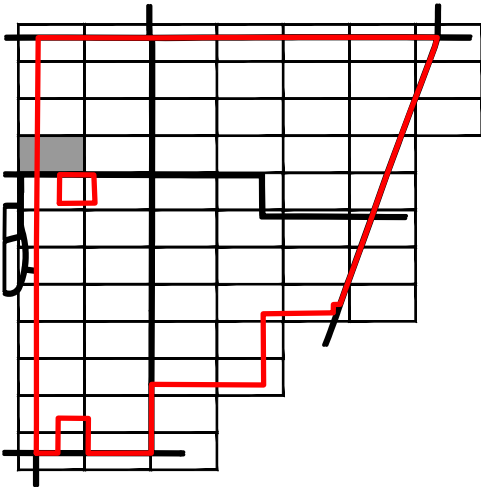
-  Zoning Limits
 Right Of Way
 Delineated Wetland
 Potential Wetland Per NWI
 Stream



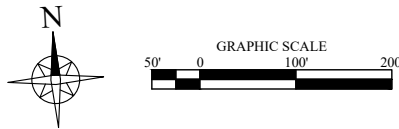


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio



PHYLLIS L KLAMFOTH TRUST,
4255 CLOVER VALLEY RD

JULIANA, CHARLES
4255 CLOVER
VALLEY RD NW

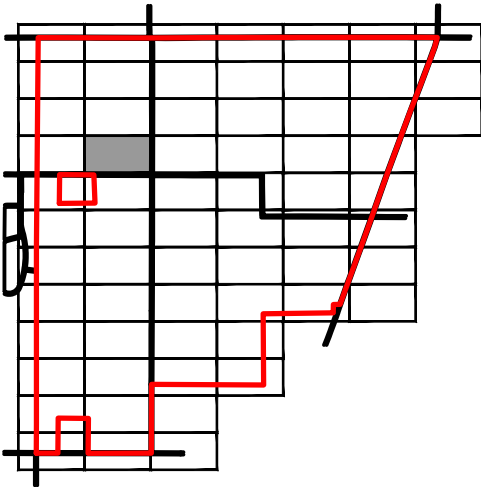


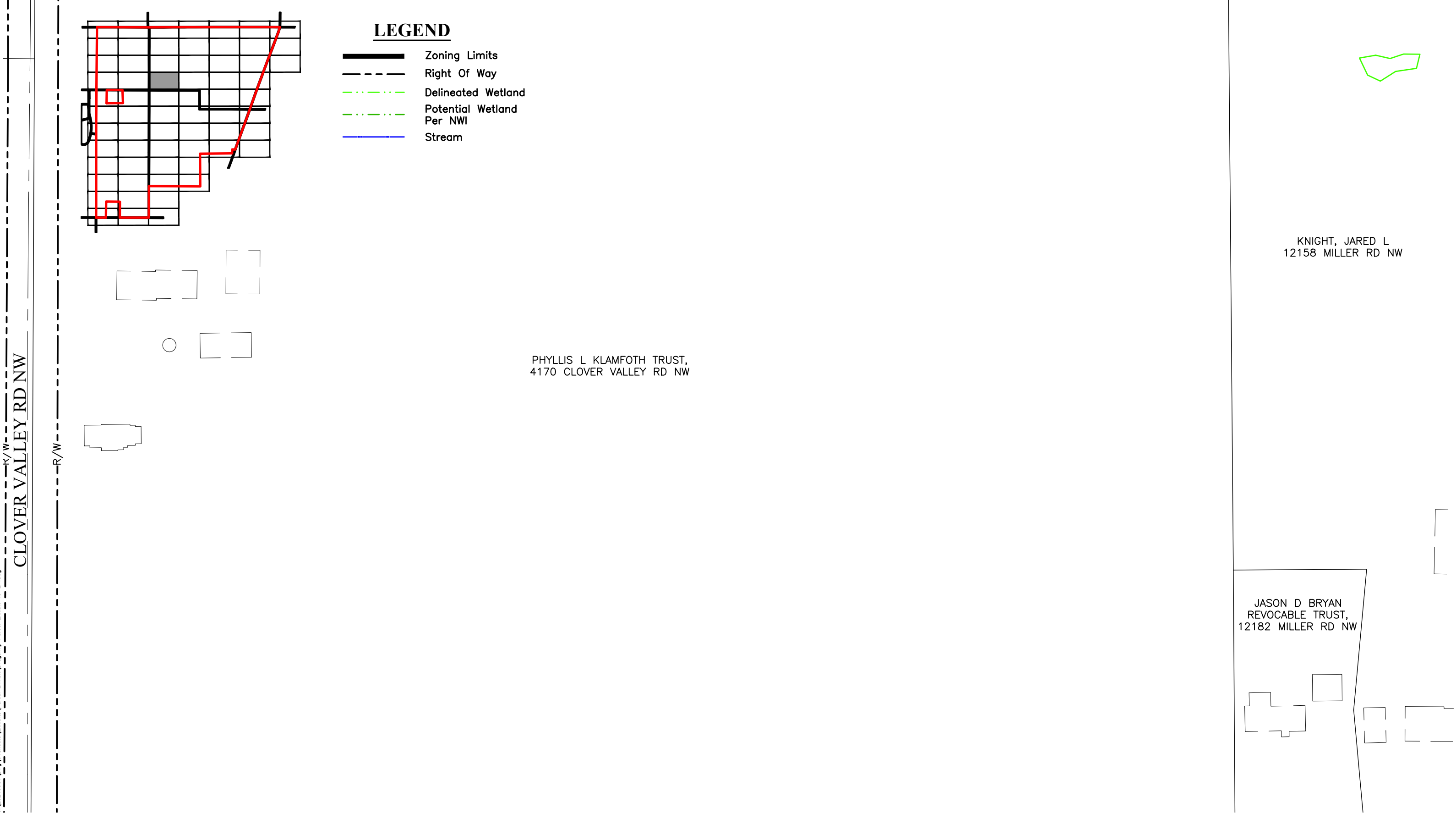
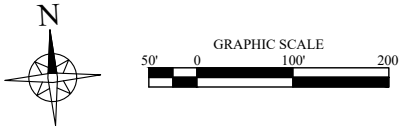
BUSH, CHERYL A—TR & BUSH
KEYSTONE INHERITANCE TRUST,
GREEN CHAPEL RD

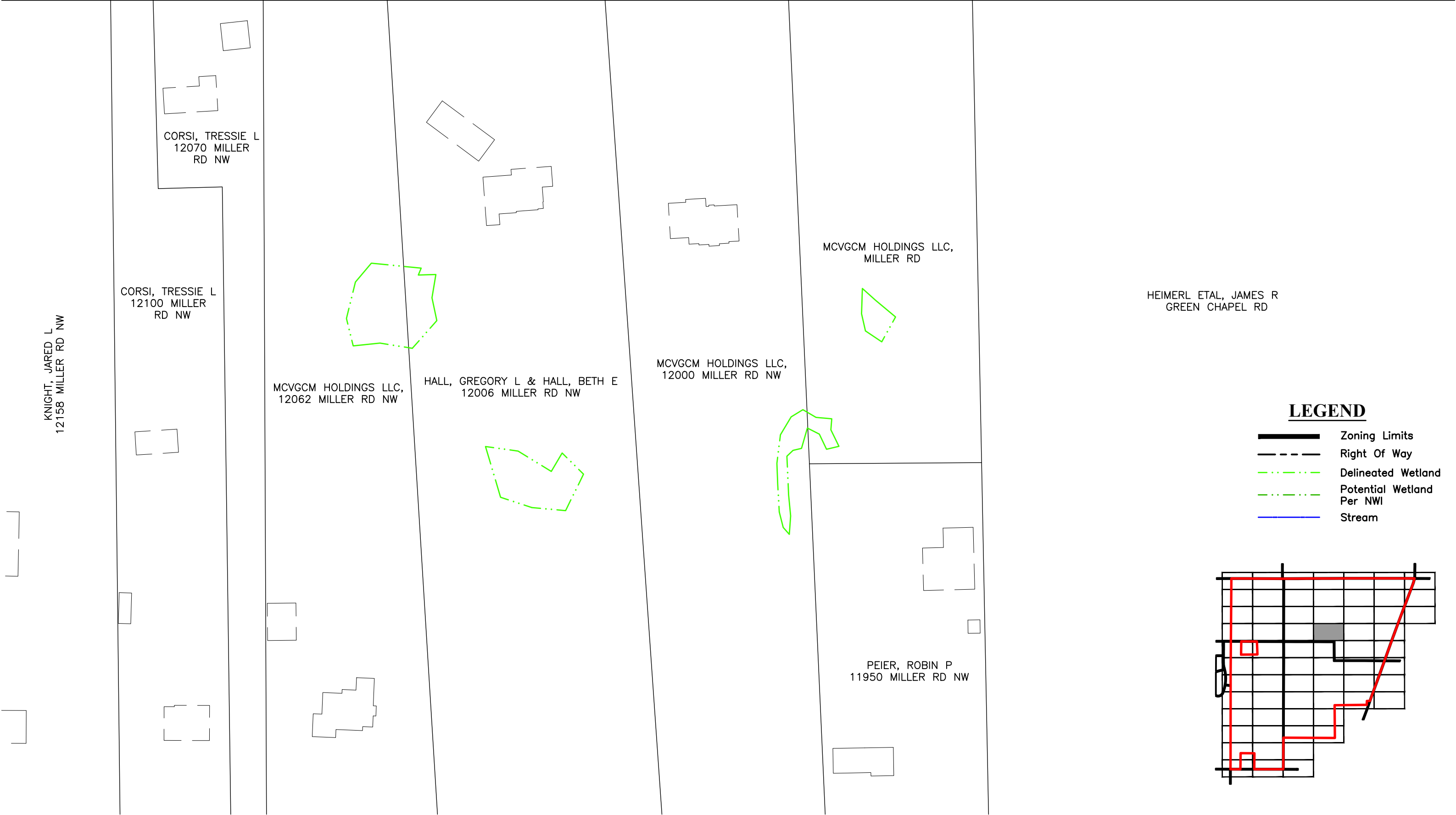
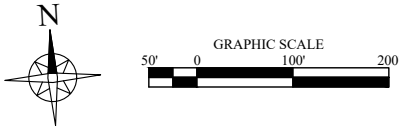
HEIMERL ETAL, JAMES R
MILLER RD

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

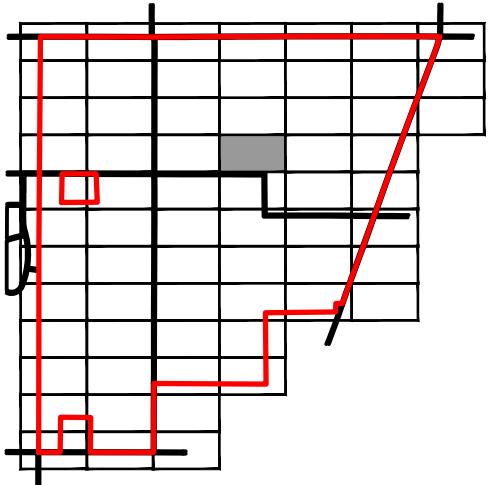




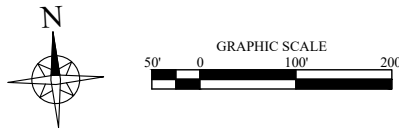


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio



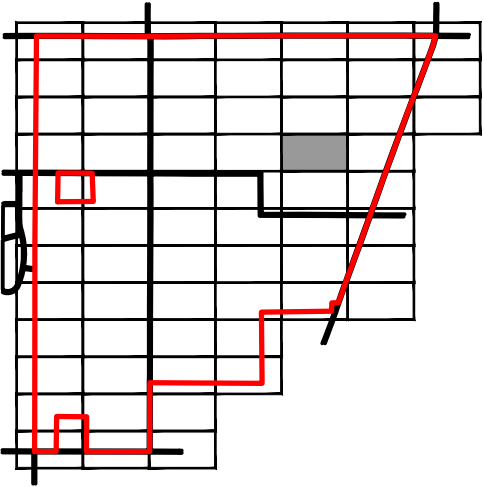
HEIMERL, JAMES R & HEIMERL, KATHERINE
MINK ST

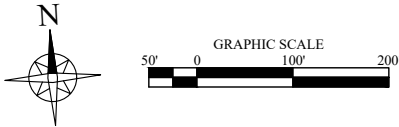
HEIMERL ETAL, JAMES R
GREEN CHAPEL RD

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

JAMES R HEIMERL ETAL,
MINK ST NW





HEIMERL, JAMES R & HEIMERL, KATHERINE
MINK ST

ARNOLD, LARRY A-II
4186 MINK ST NW

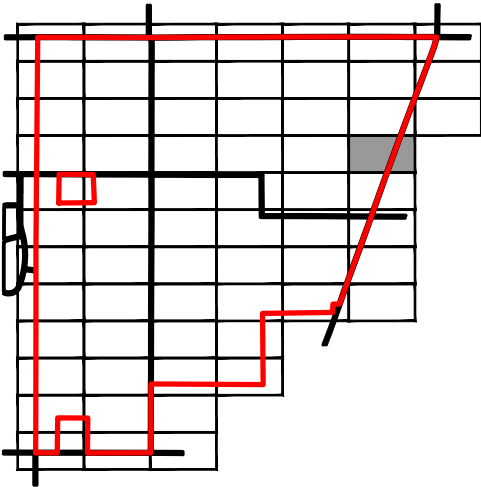
PETERMAN, HAROLD & PETERMAN, JULIA
4082 MINK ST NW

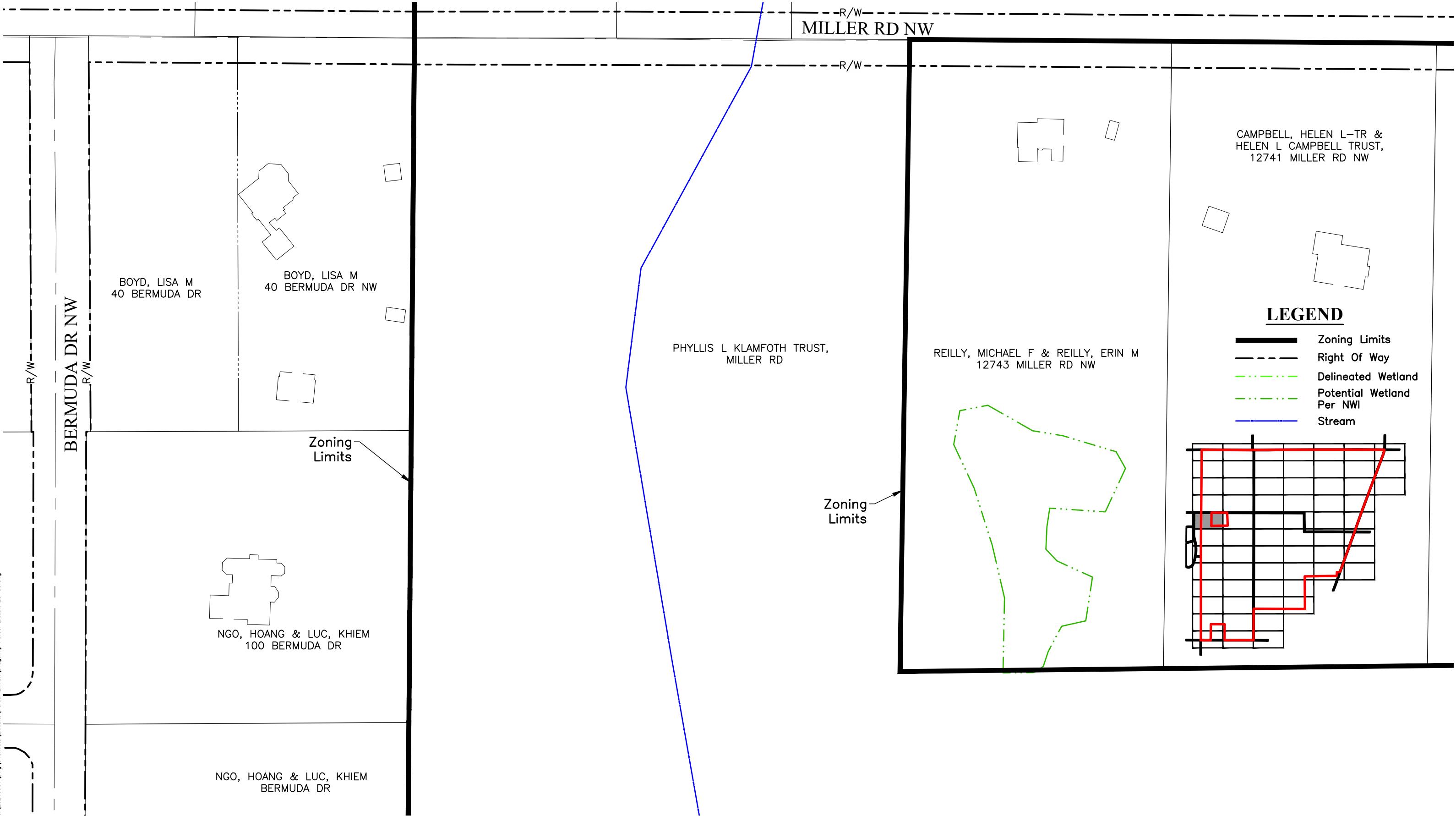
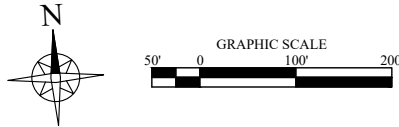
JAMES R HEIMERL ETAL,
MINK ST NW

HEIMERL, JAMES R & HEIMERL, KATHERINE E
3906 MINK ST NW

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream





MILLER RD NW

BERMUDA DR NW

BOYD, LISA M
40 BERMUDA DR

BOYD, LISA M
40 BERMUDA DR NW

PHYLLIS L KLAMFOTH TRUST,
MILLER RD

REILLY, MICHAEL F & REILLY, ERIN M
12743 MILLER RD NW

CAMPBELL, HELEN L-TR &
HELEN L CAMPBELL TRUST,
12741 MILLER RD NW

LEGEND

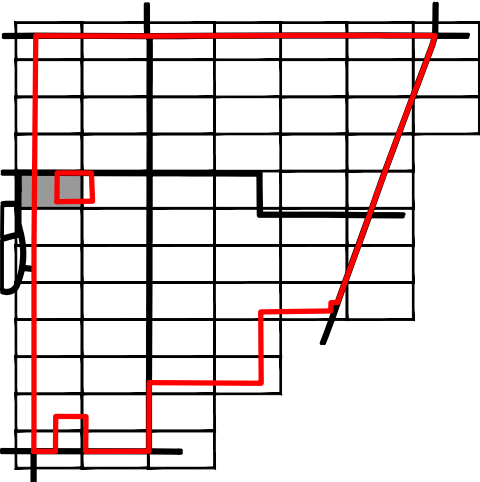
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

Zoning Limits

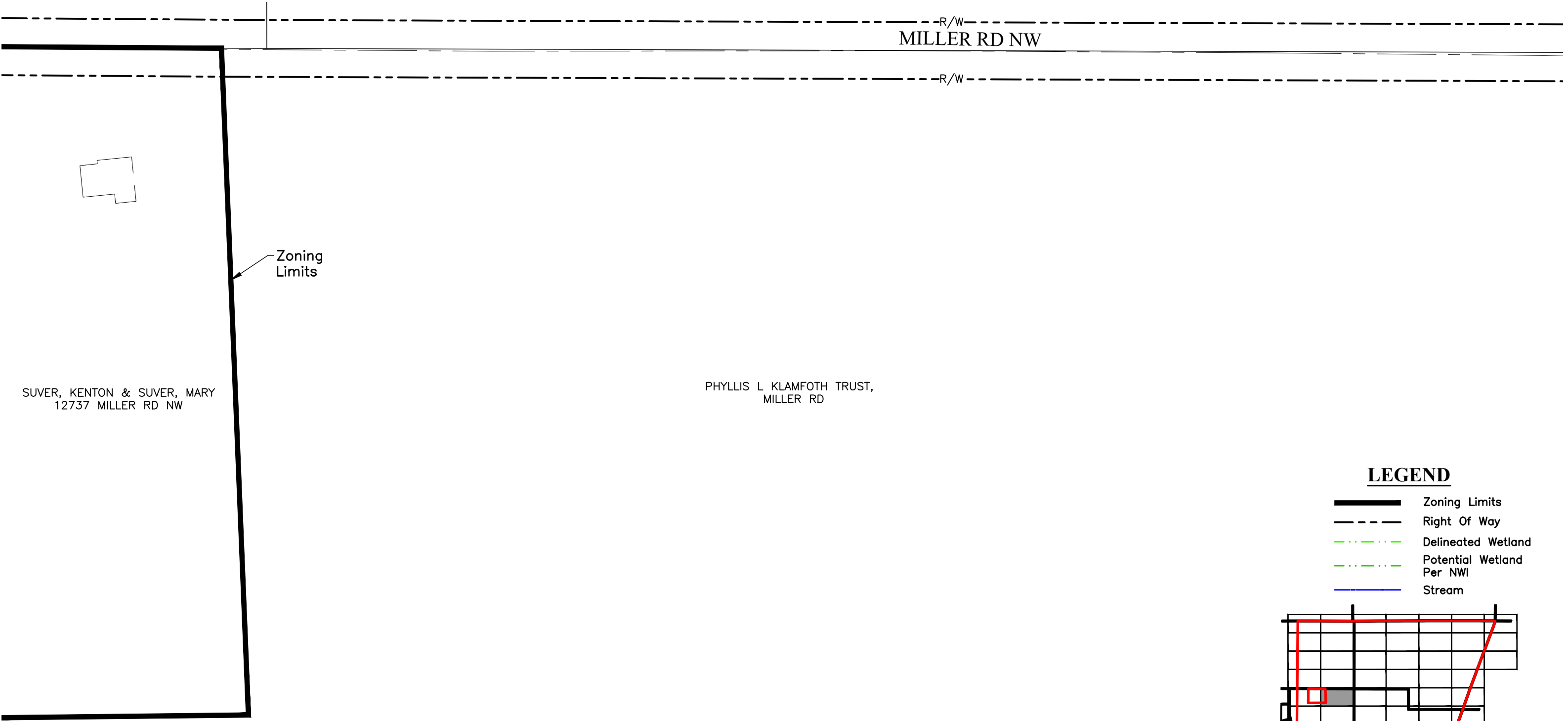
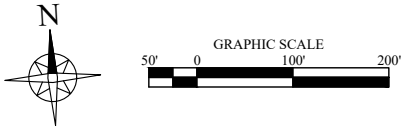
Zoning Limits

NGO, HOANG & LUC, KHIEM
100 BERMUDA DR

NGO, HOANG & LUC, KHIEM
BERMUDA DR

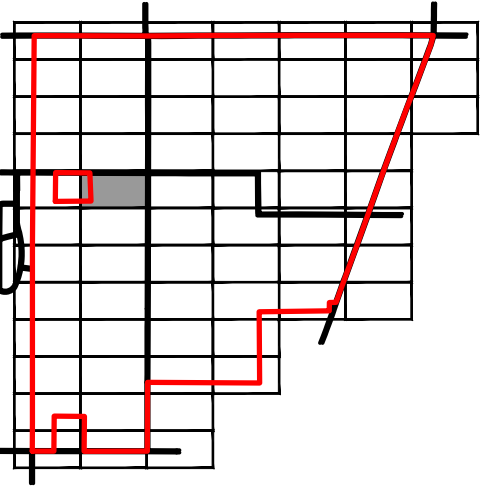


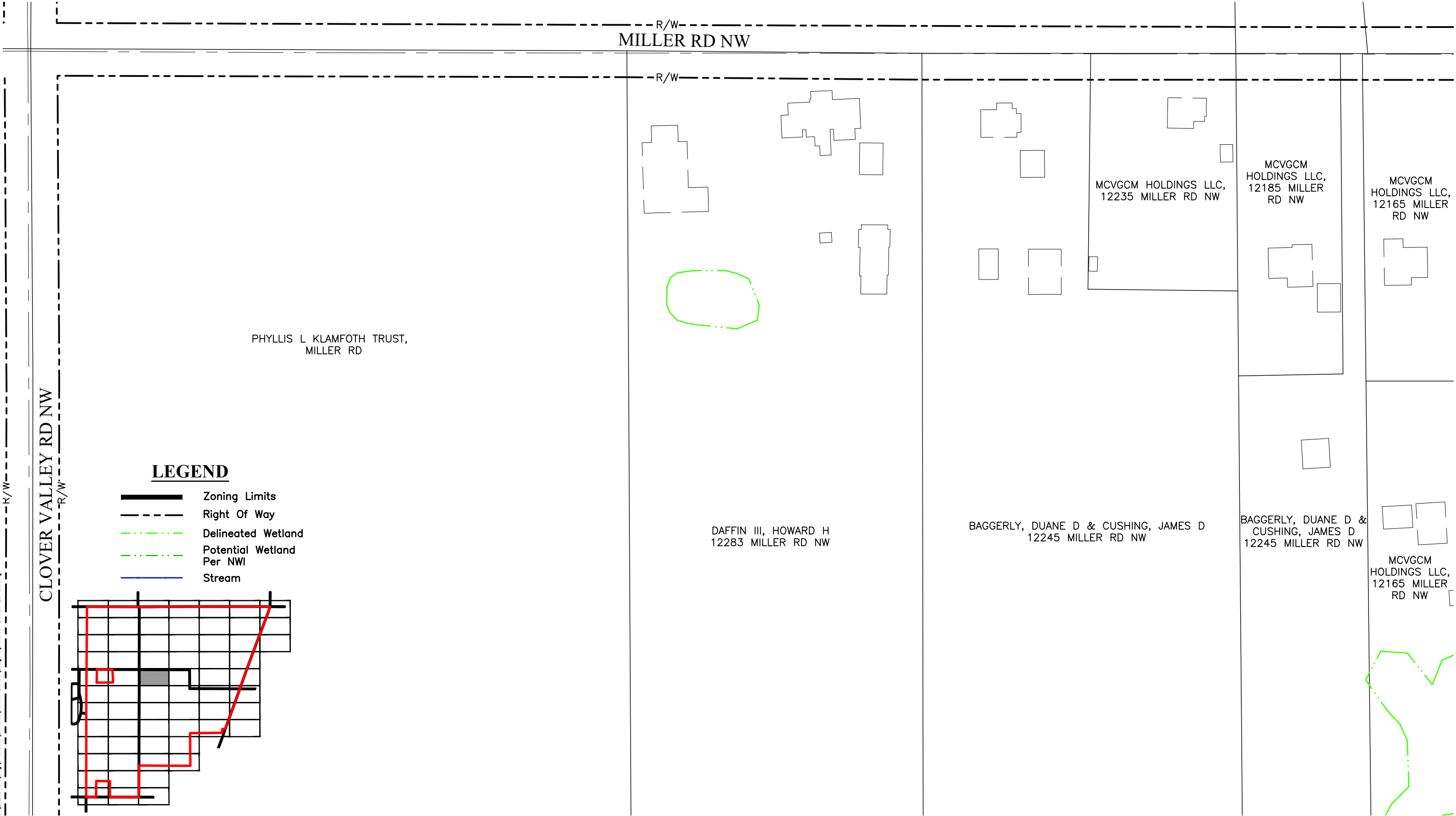
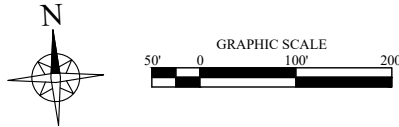
New Albany, Ohio



LEGEND

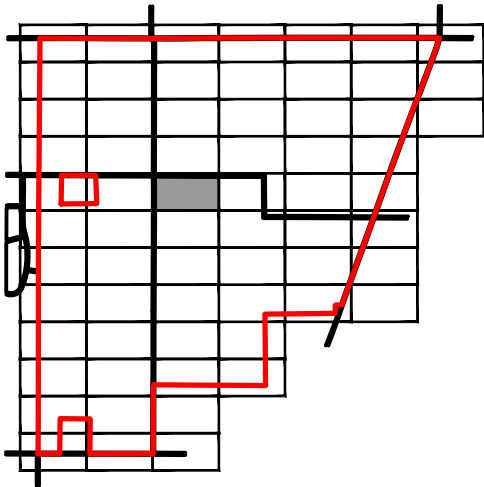
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

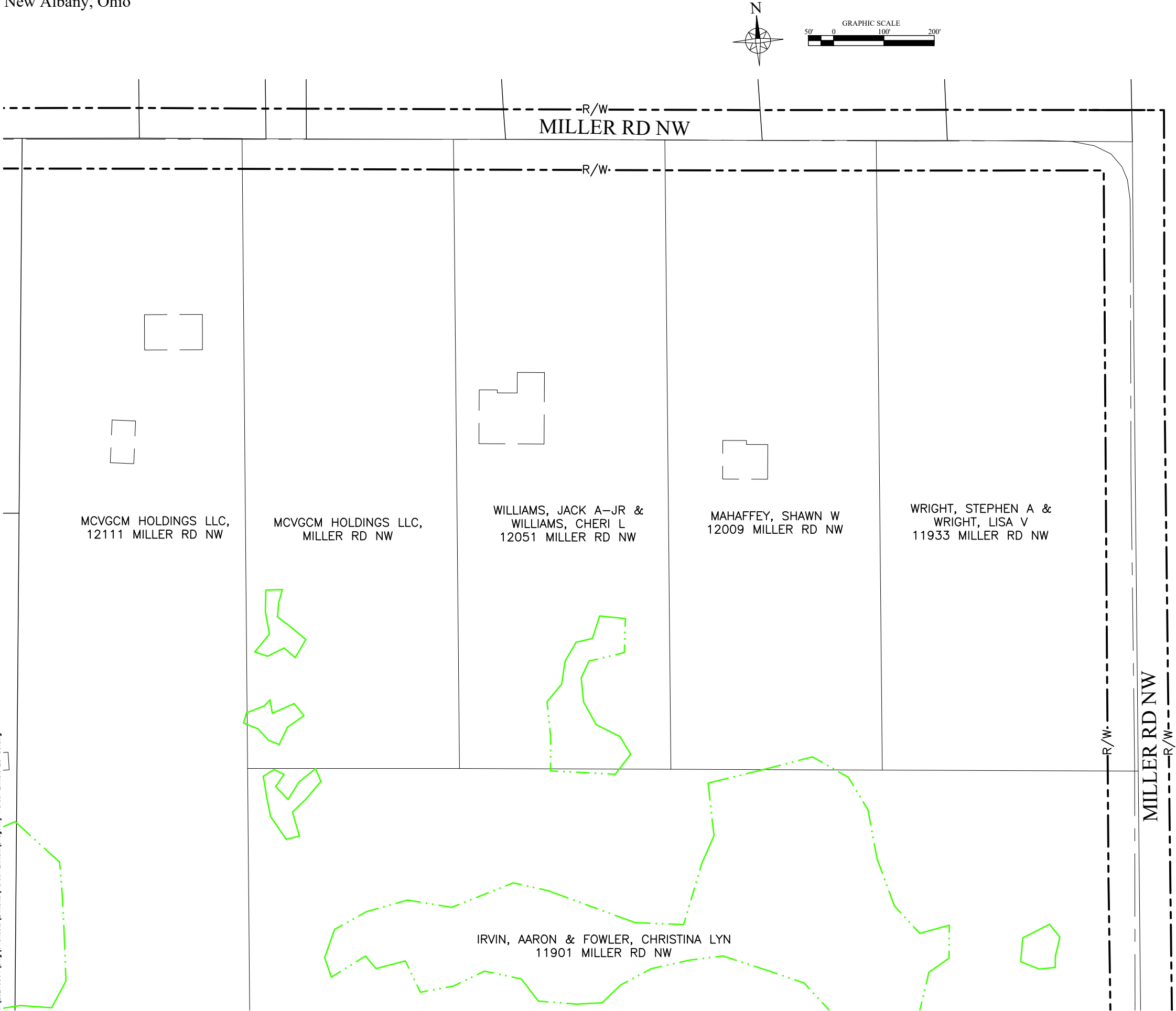




LEGEND

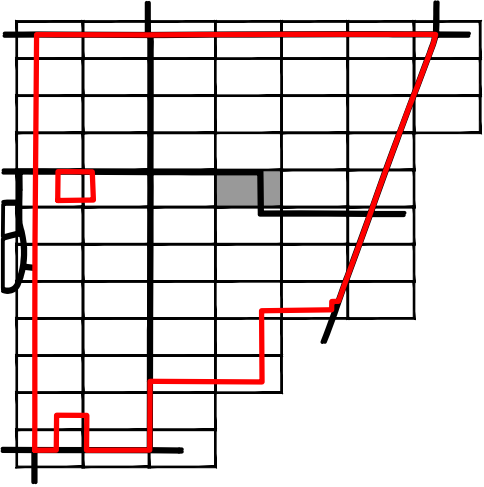
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream





LEGEND

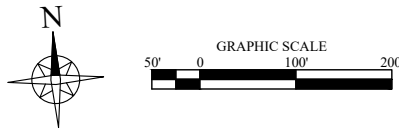
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



HEIMERL ETAL, JAMES R
MILLER RD

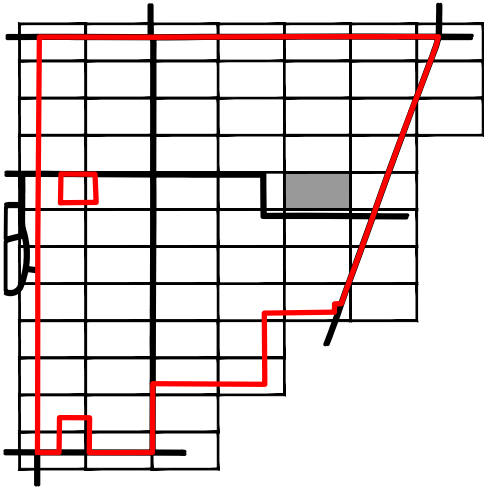
J:\20210901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 28-39.dwg

New Albany, Ohio



LEGEND

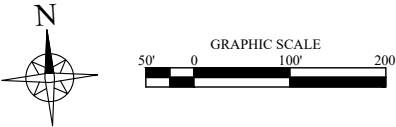
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



HEIMERL ETAL, JAMES R
MILLER RD

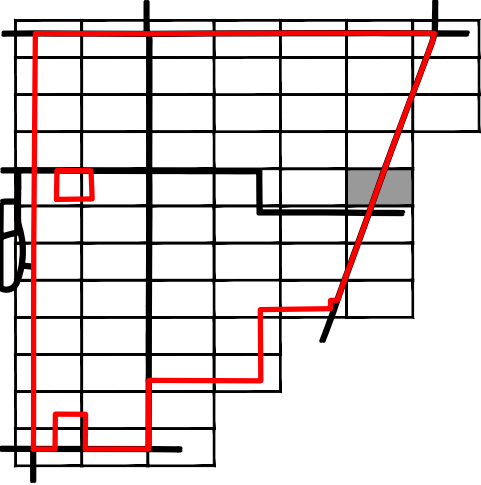
JAMES R HEIMERL ETAL,
MINK ST NW





LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



JAMES R HEIMERL ETAL,
MINK ST NW

Zoning
Limits

MINK ST NW

HEIMERL, JAMES R & HEIMERL, KATHERINE E
3906 MINK ST NW

HEIMERL FARMS LTD,
MINK ST NW

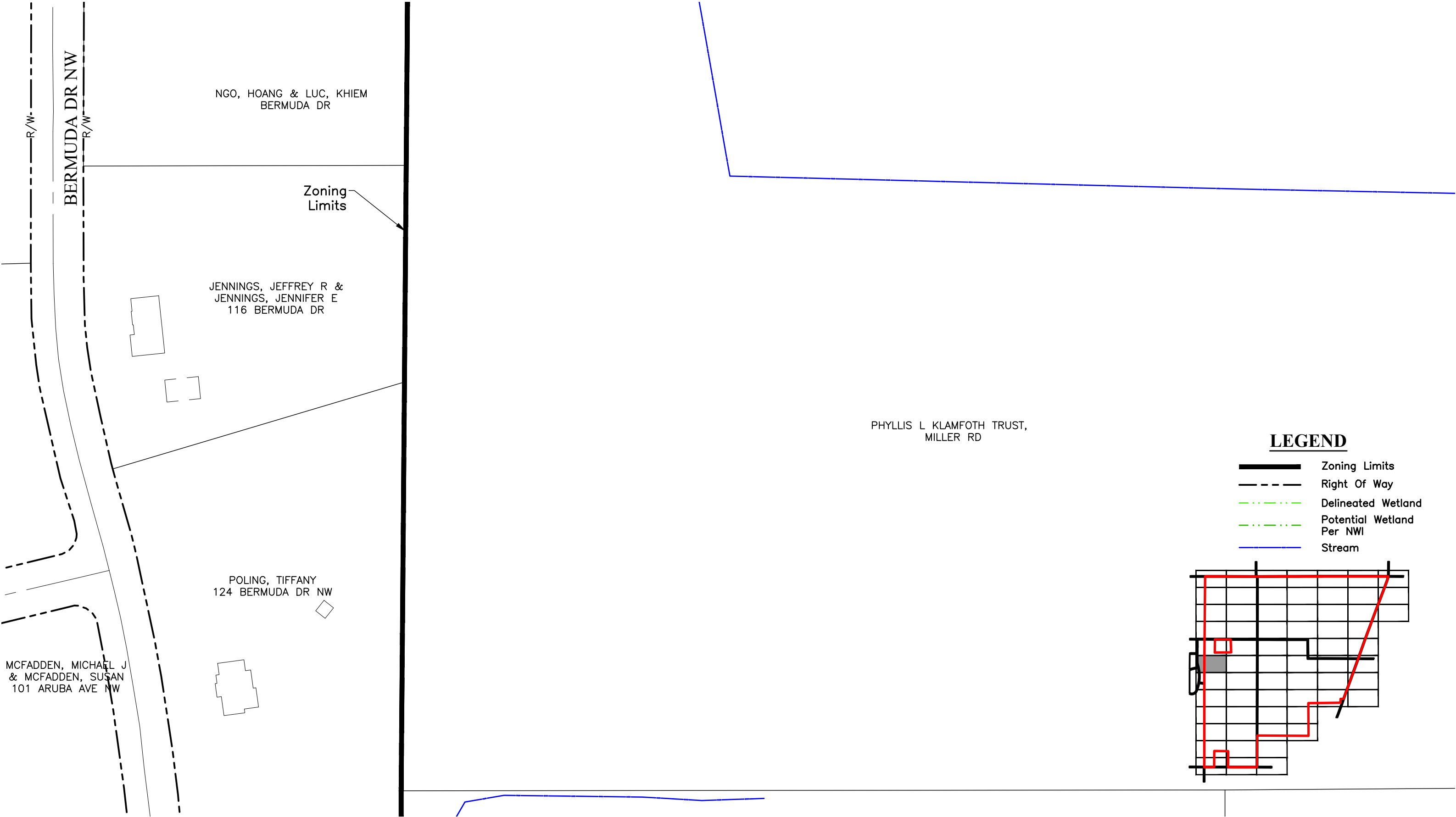
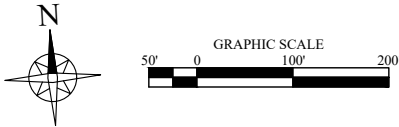
HEIMERL FARMS LTD,
11330 MILLER RD NW

YOUNG, SARAH &
RAMEY, KEITH D-JR
11282 MILLER RD NW

HEINRICHS, JONATHAN M &
LOWERY, HEATHER L
11272 MILLER RD

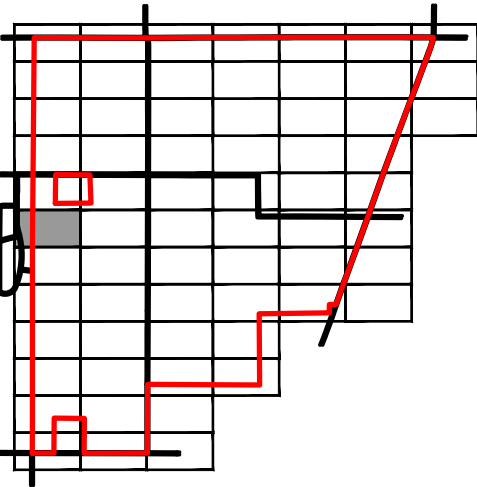
KING, RYAN D
11242 MILLER RD

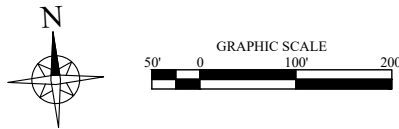
HEIMERL, BRADLEY J
11184 MILLER RD NW



LEGEND

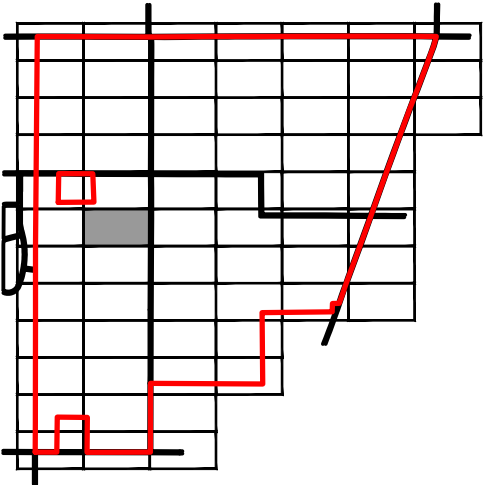
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream





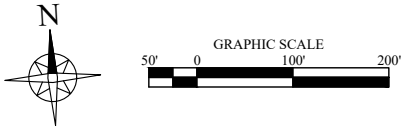
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



PHYLLIS L. KLAMFOTH TRUST,
MILLER RD

D / M



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

CLOVER VALLEY RD NW

THOMSON, MONICA J &
ASHBROOK, DANIEL N
3784 CLOVER VALLEY RD NW

PHYLLIS L KLAMFOTH TRUST,
MILLER RD

HULL, DAVID
3780 CLOVER VALLEY RD NW

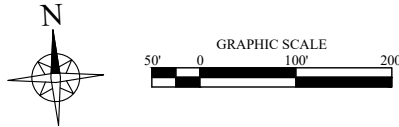
DAFFIN III, HOWARD H
12283 MILLER RD NW

BAGGERLY, DUANE D & CUSHING, JAMES D
12245 MILLER RD NW

BAGGERLY, DUANE D &
CUSHING, JAMES D
12245 MILLER RD NW

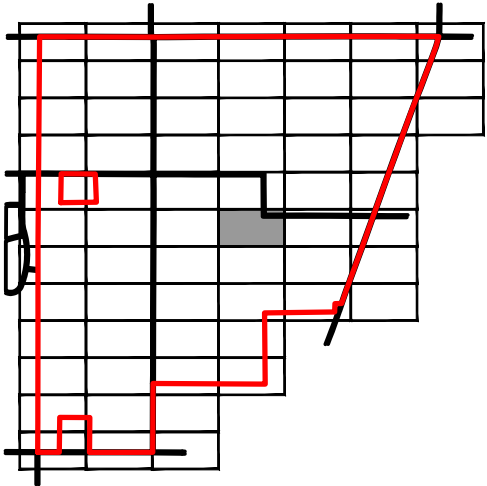
MCV GCM
HOLDINGS LLC,
12165 MILLER
RD NW

J:\2021\0901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 28-39.dwg

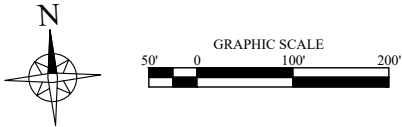


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio








HEIMERL ETAL, JAMES R
MILLER RD

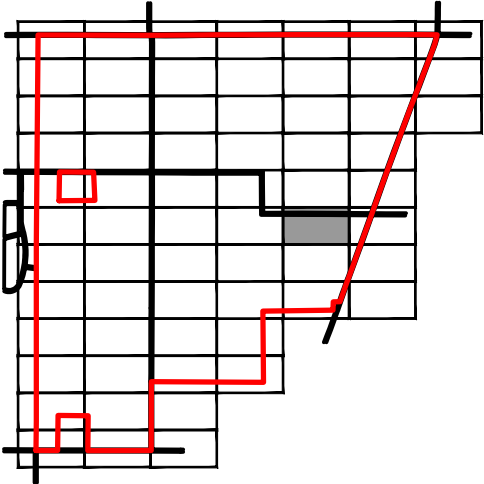
JAMES R HEIMERL ETAL,
MINK ST NW

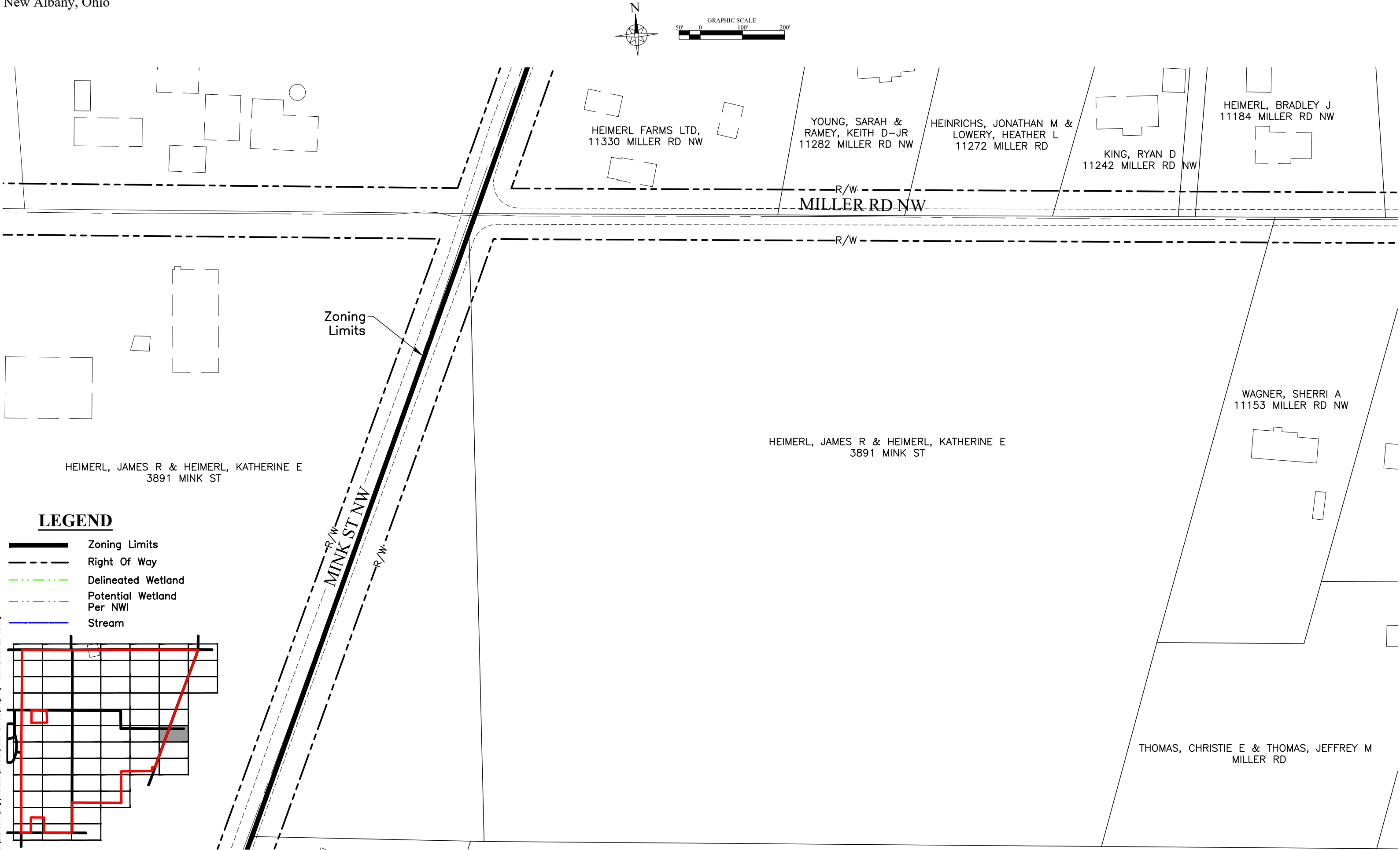
—R/W—
MILLER RD NW

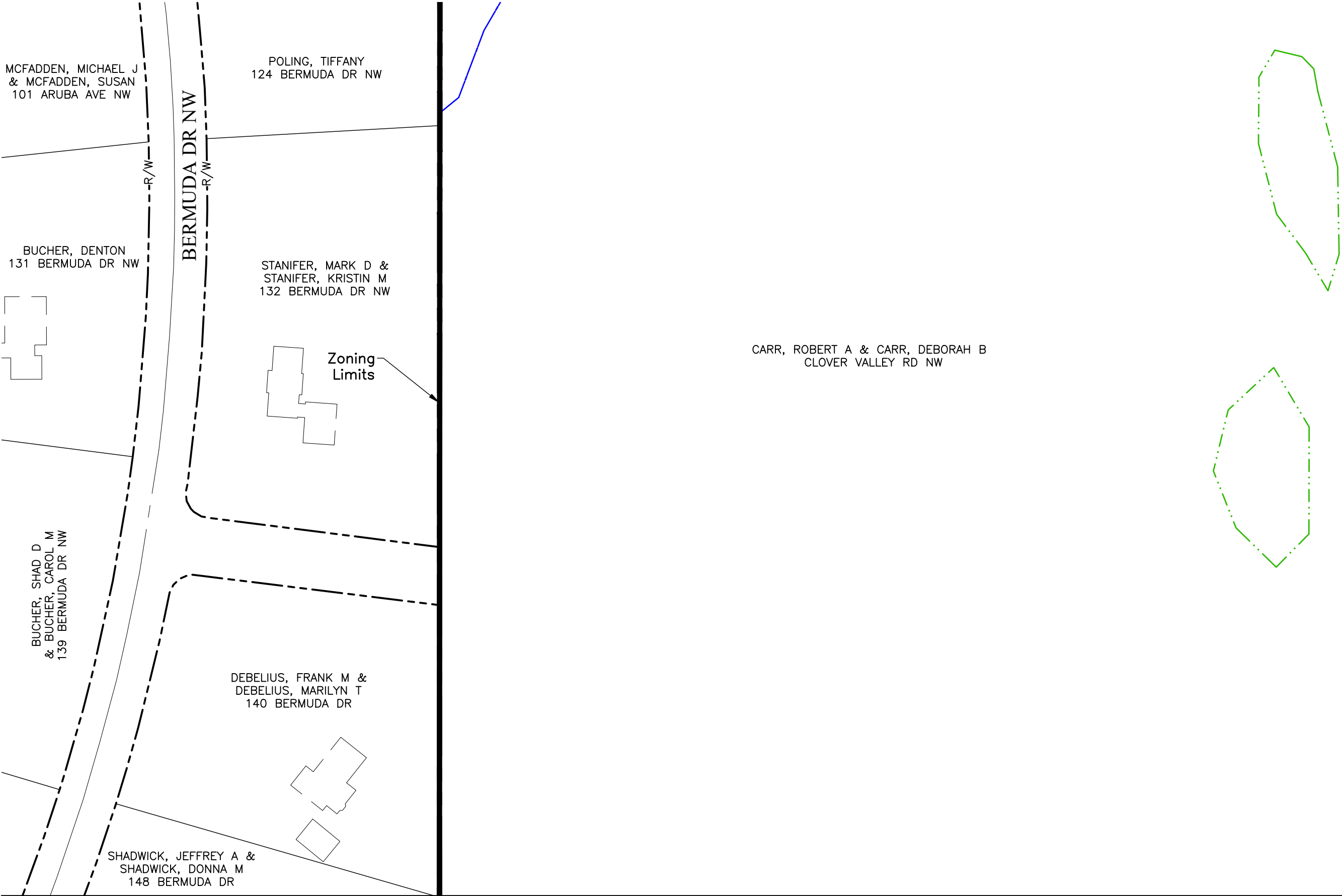
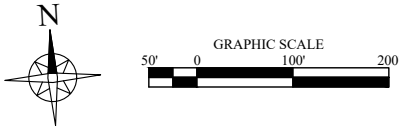
HEIMERL, JAMES R & HEIMERL, KATHERINE E
3891 MINK ST

LEGEND

-  Zoning Limits
-  Right Of Way
-  Delineated Wetland
-  Potential Wetland Per NWI
-  Stream



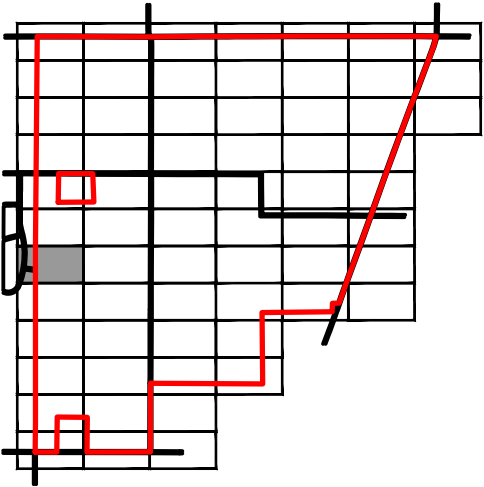


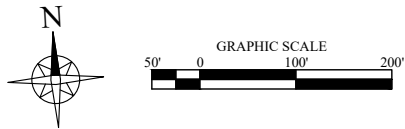


SHEPHERD TR, CAROLYN E
3447 CLOVER VALLEY RD

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



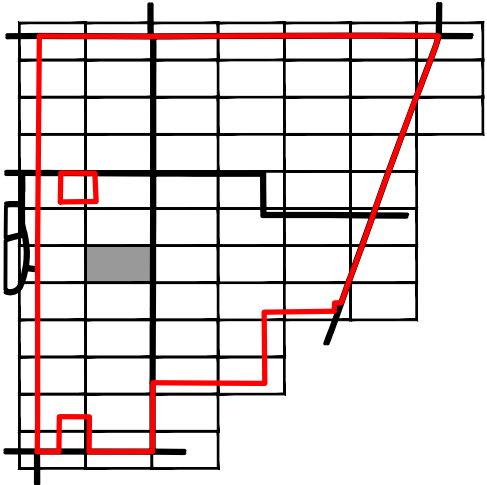


SHEPHERD TR, CAROLYN E
3447 CLOVER VALLEY RD

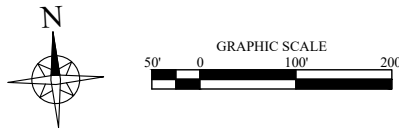
PHYLLIS L KLAMFOTH TRUST,
MILLER RD

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

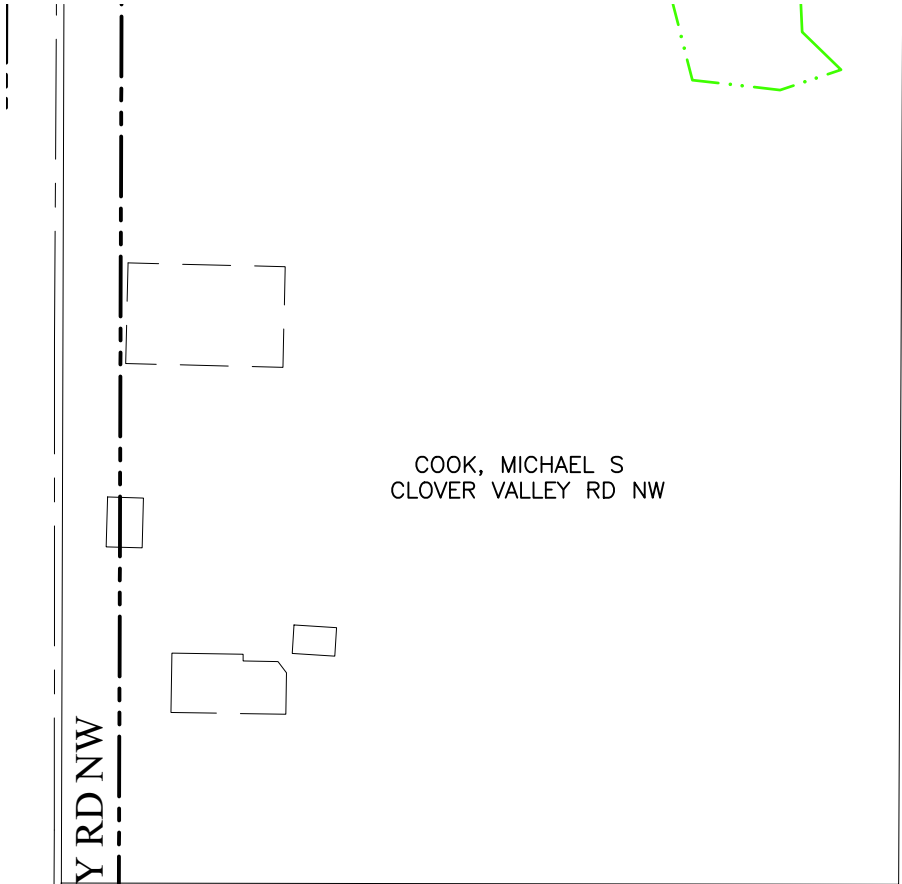
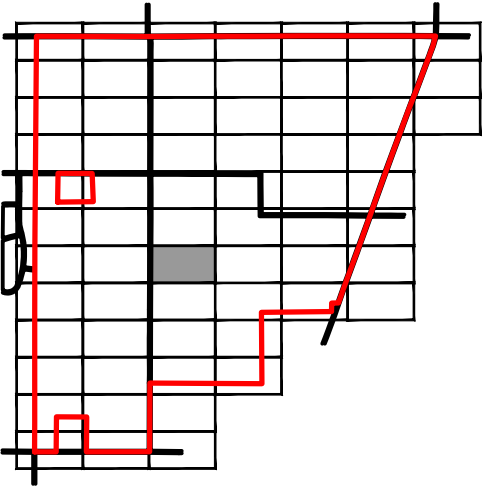


New Albany, Ohio



LEGEND

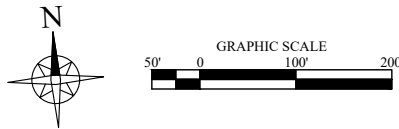
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



NUMBER — 3704 CLOVER VALLEY ROAD LLC,
3704 CLOVER VALLEY RD NW

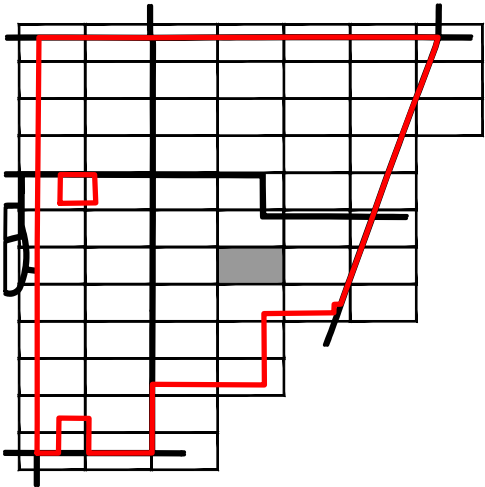
FOSTER, JOHN C & FOSTER, JOSEPH D
CLOVER VALLEY RD NW

New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



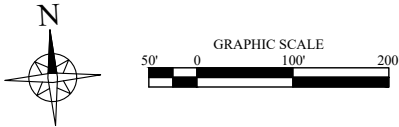
NUMBER – 3704 CLOVER VALLEY ROAD LLC,
3704 CLOVER VALLEY RD NW

HEIMERL, JAMES R & HEIMERL, KATHERINE E
3891 MINK ST

FOSTER, JOHN C & FOSTER, JOSEPH D
CLOVER VALLEY RD NW

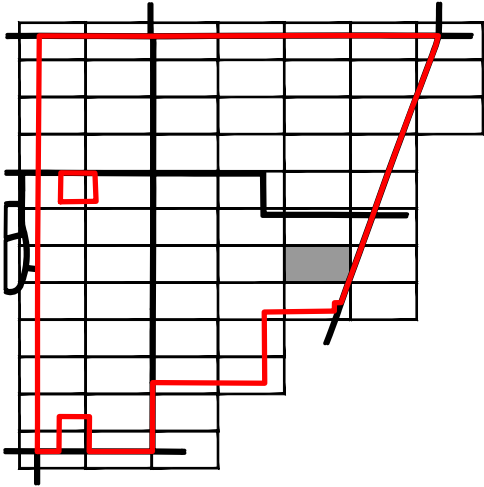
ERDY, TIMOTHY L
MINK ST

New Albany, Ohio



LEGEND

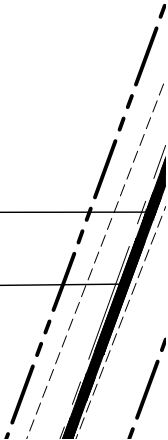
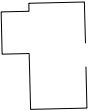
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



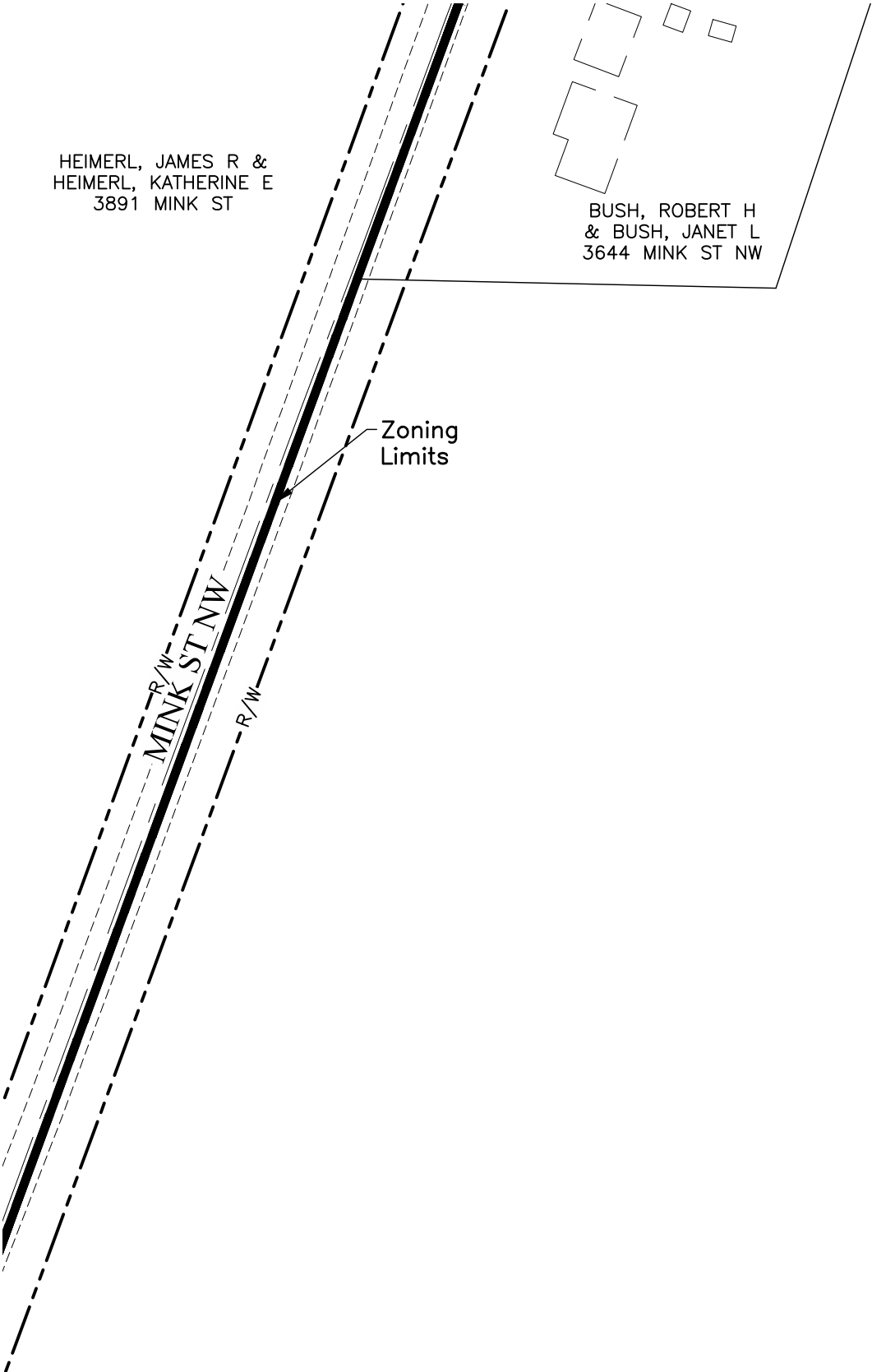
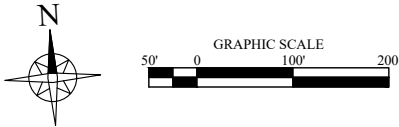
HEIMERL, JAMES R & HEIMERL, KATHERINE E
3891 MINK ST

ERDY, TIMOTHY L
MINK ST

SMITH, BARBARA A
3505 MINK ST NW

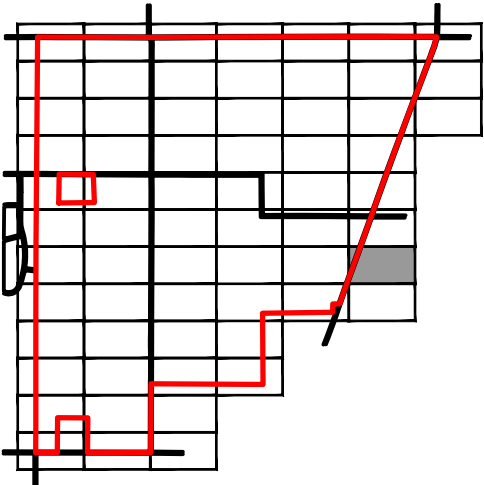


New Albany, Ohio

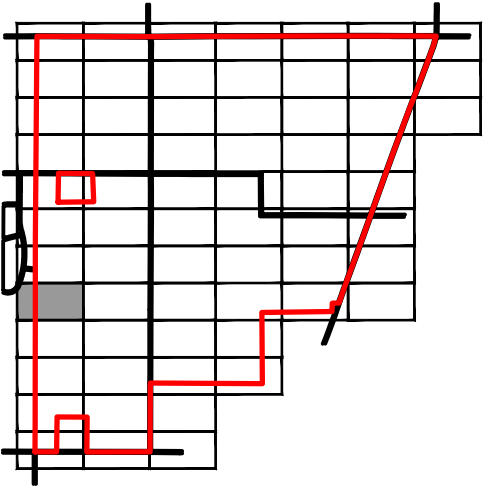
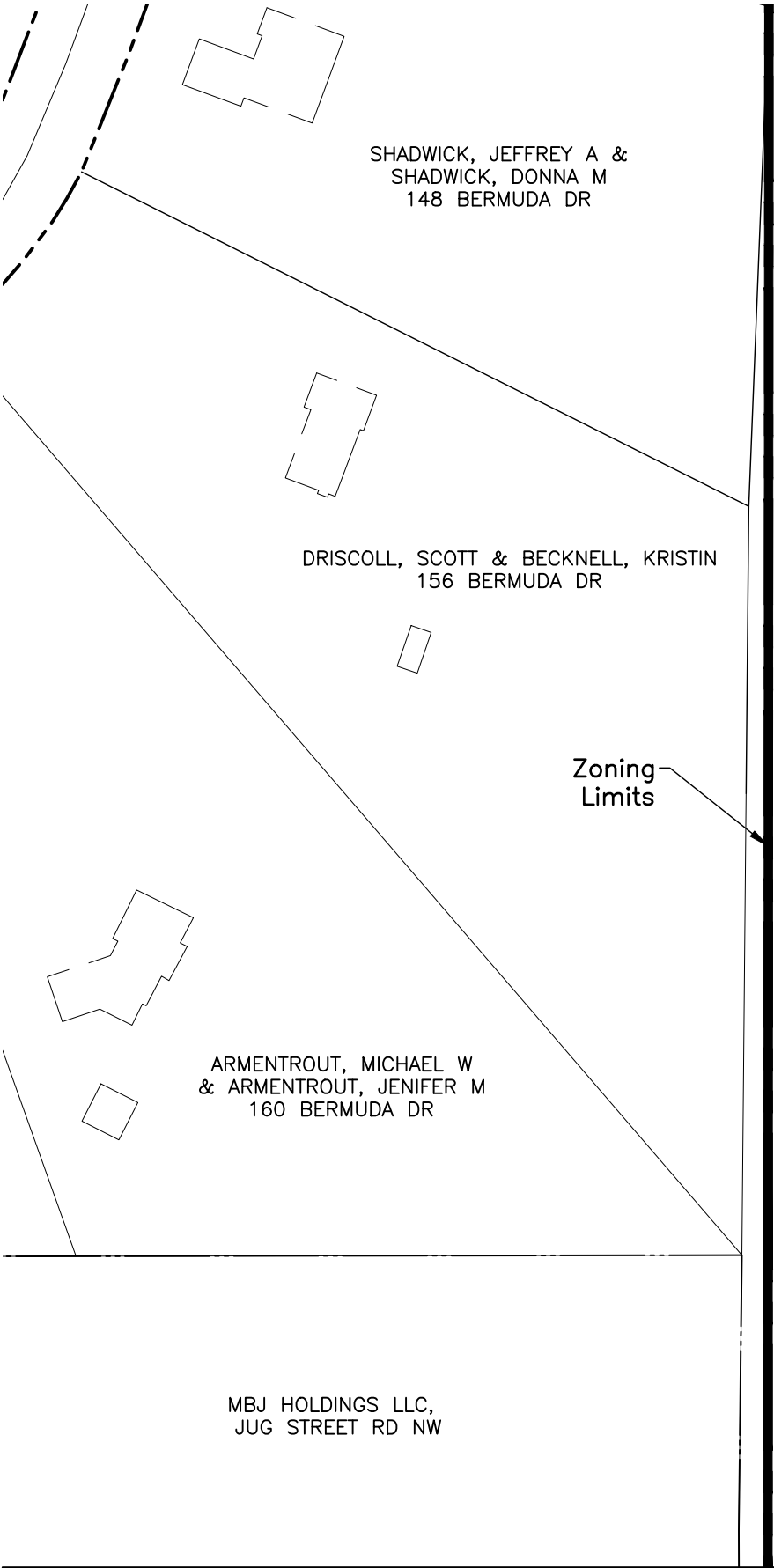
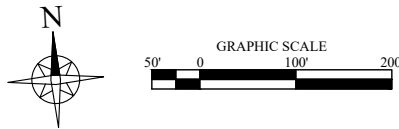


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



New Albany, Ohio

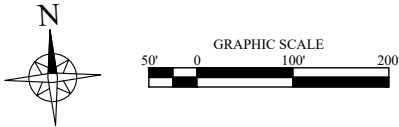


LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

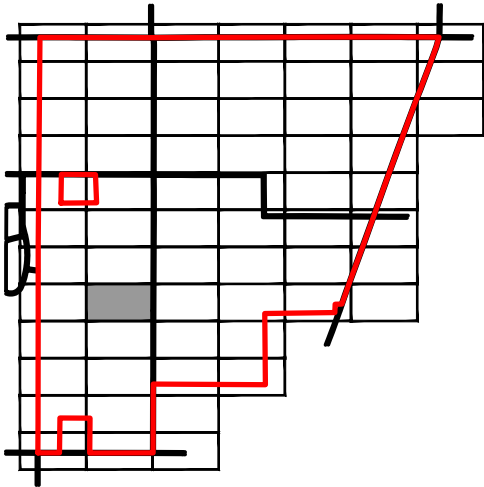
SHEPHERD TR, CAROLYN E
3447 CLOVER VALLEY RD

New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



SHEPHERD TR, CAROLYN E
3447 CLOVER VALLEY RD

PHYLLIS L KLAMFOTH TRUST,
MILLER RD

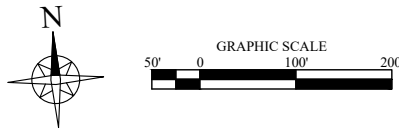
CUPPS, CINDY W
3445 CLOVER VALLEY RD NW

CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

MASH, RONALD & MASH, LINDA
3439 CLOVER VALLEY RD NW

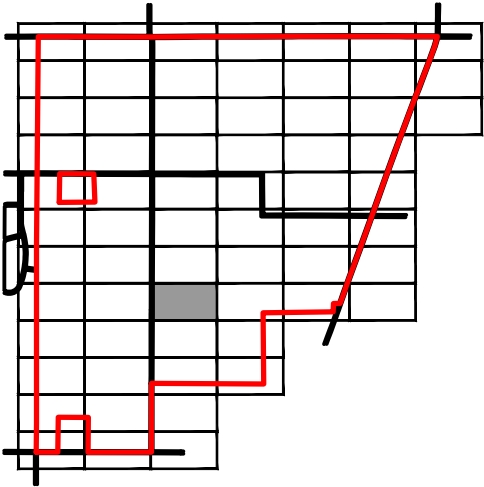
R/W

New Albany, Ohio



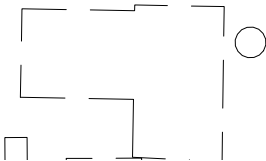
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

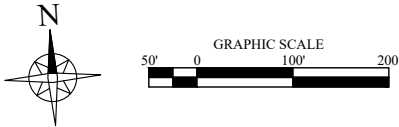


FOSTER, JOHN C & FOSTER, JOSEPH D
CLOVER VALLEY RD NW

CLOVER VALLEY RD NW
R/W

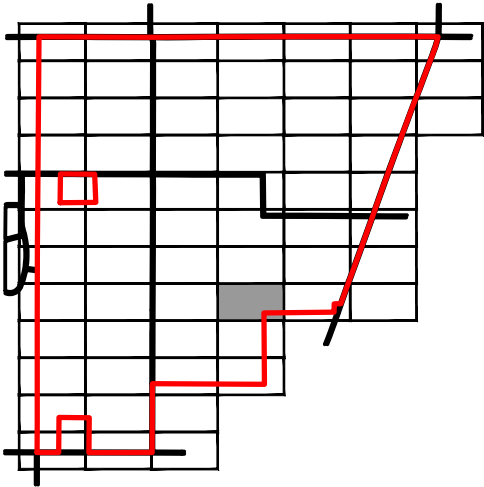


New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



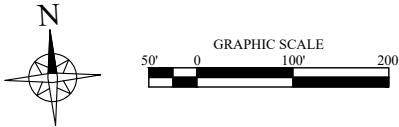
FOSTER, JOHN C & FOSTER, JOSEPH D
CLOVER VALLEY RD NW

ERDY, TIMOTHY L
MINK ST

FOSTER, JOHN C & FOSTER, JOSEPH D
3356 CLOVER VALLEY RD NW

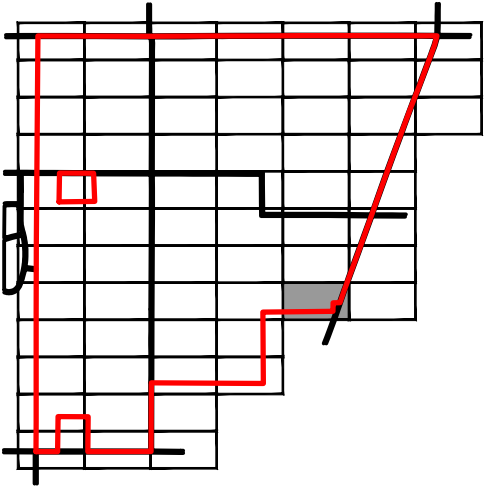
GALE, ALAN R & GALE, CHRISTINE D
3089 MINK ST NW

New Albany, Ohio



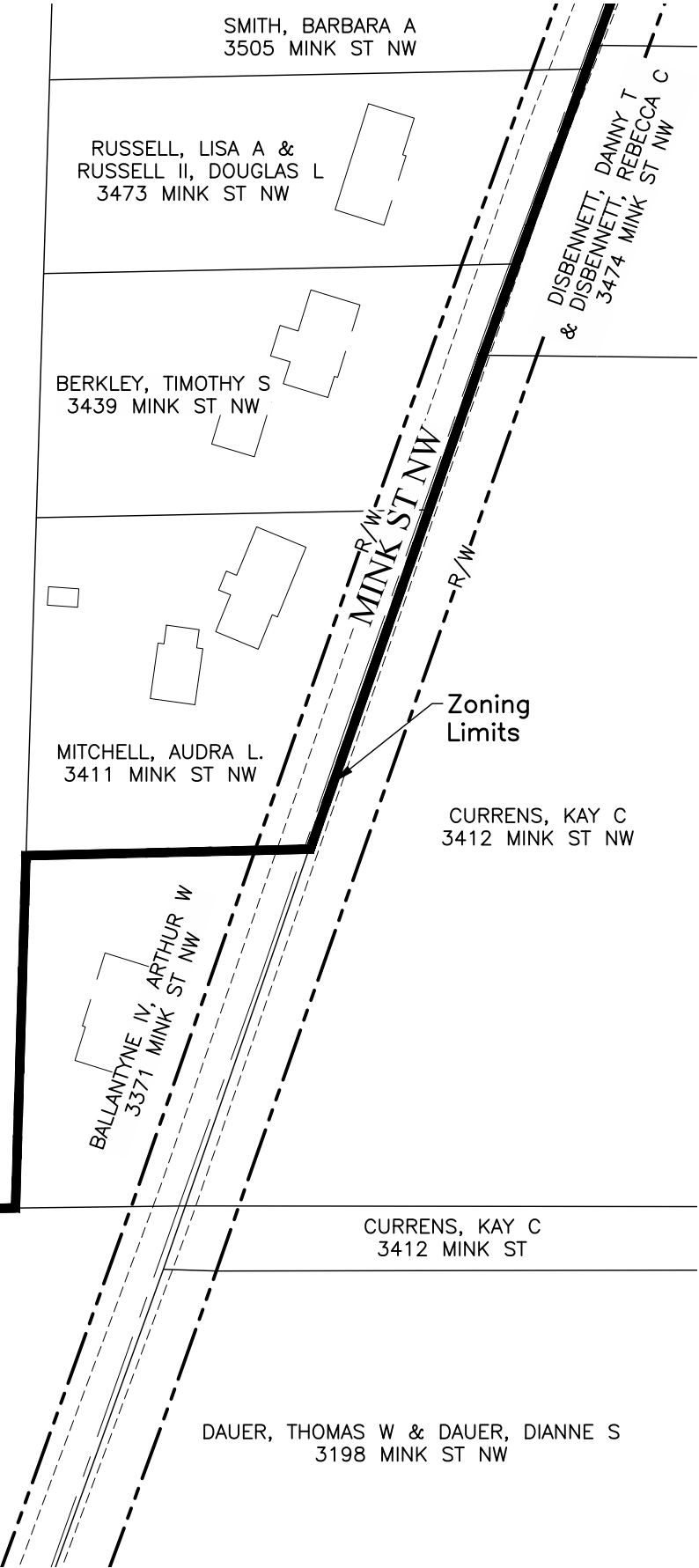
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

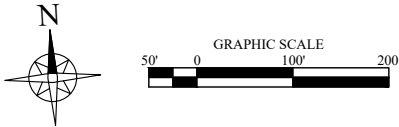


ERDY, TIMOTHY L
MINK ST

GALE, ALAN R & GALE, CHRISTINE D
3089 MINK ST NW

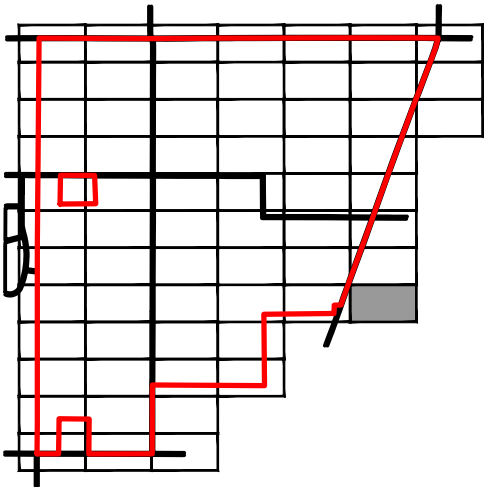


New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



DISBENNETT, DANNY T & DISBENNETT, REBECCA C
3474 MINK ST NW

CURRENS, KAY C
3412 MINK ST NW

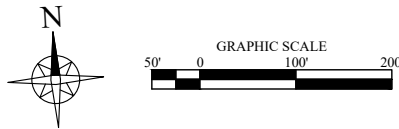
CURRENS, KAY C
3412 MINK ST

DAUER, THOMAS W & DAUER, DIANNE S
3198 MINK ST NW

GREEN CHAPEL PROPERTIES LLC,
3628 MINK ST

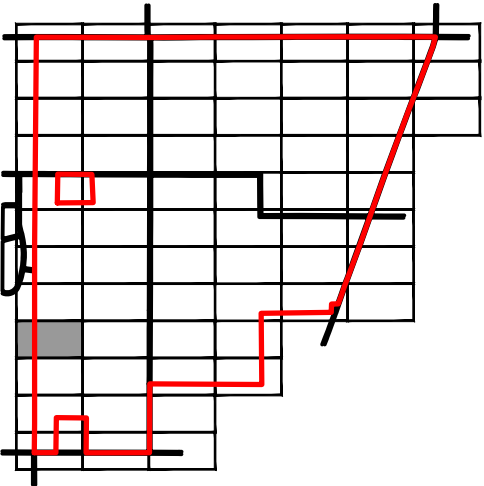
JULIAN FARMS LLC,
11272 JUG STREET RD NW

New Albany, Ohio



LEGEND

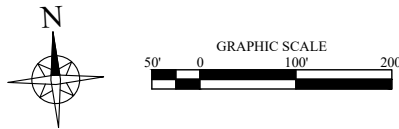
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

Zoning
Limits

CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

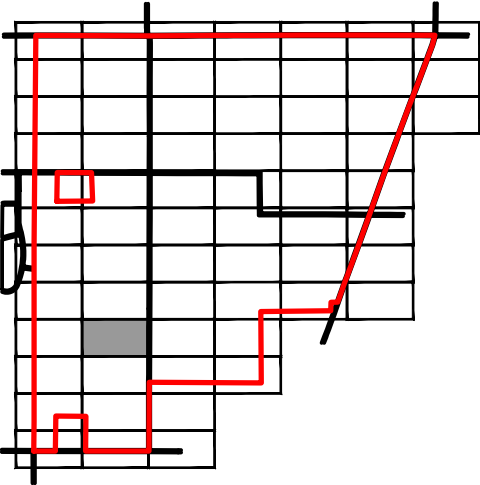
LEAR, MARY M & LEAR, RICHARD ANDREW
3261 CLOVER VALLEY RD

STREBING, JAMES & STREBING, STEPHANIE S
3251 CLOVER VALLEY RD NW

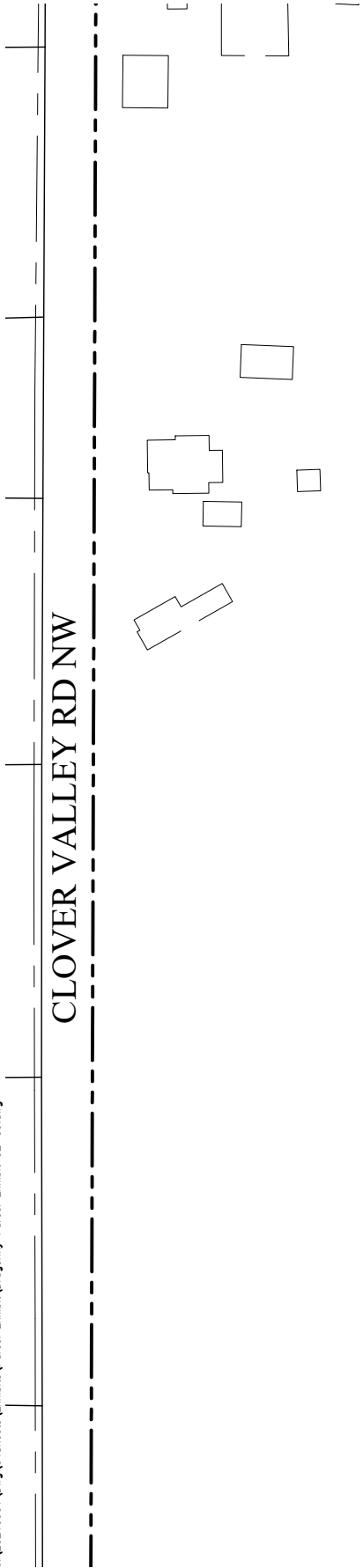
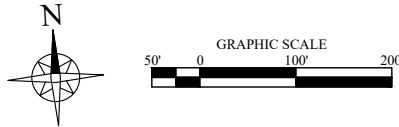
ZENO, VINCENT S & ZENO, JOYCE D
3245 CLOVER VALLEY RD NW

WINGO PRESERVATION TRUST,
3211 CLOVER VALLEY RD NW

AXELBAUM, EVAN L & GLICKMAN, ALANNAH R
3149 CLOVER VALLEY RD NW



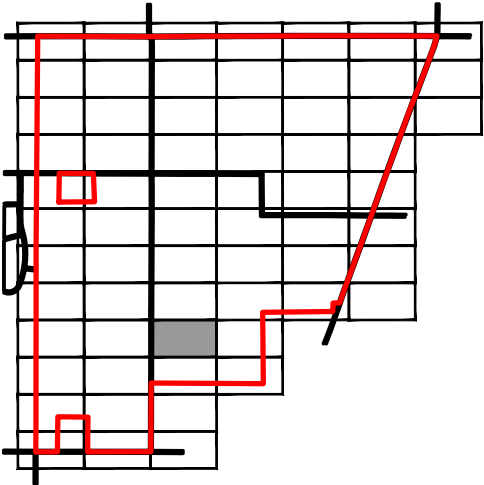
New Albany, Ohio

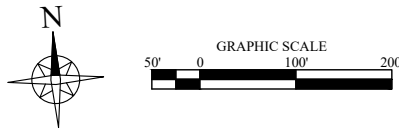


FOSTER, JOHN C & FOSTER, JOSEPH D
3356 CLOVER VALLEY RD NW

LEGEND

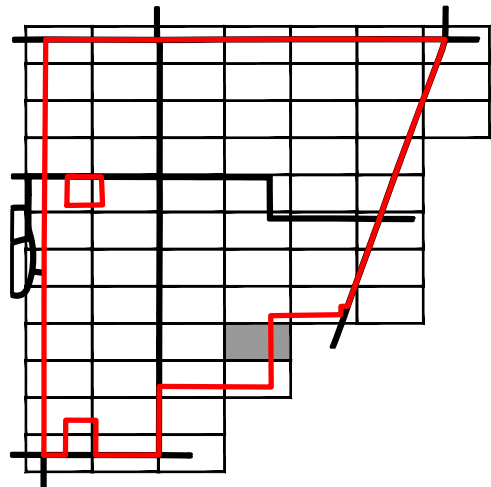
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream





LEGEND

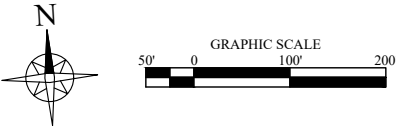
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



FOSTER, JOHN C & FOSTER, JOSEPH D
3356 CLOVER VALLEY RD NW

GALE, ALAN R & GALE, CHRISTINE D
3089 MINK ST NW

POWELL, LOUIS R-TR & POWELL, LINDA S-TR
3113 MINK ST NW



CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

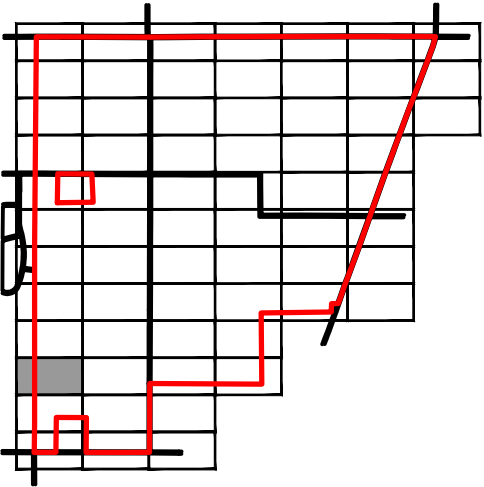
Zoning
Limits

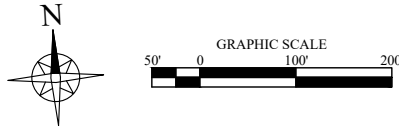
CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

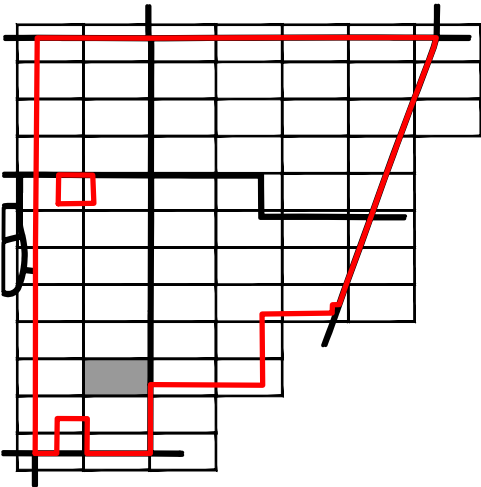
ROEHRENBECK, PAUL J & ROEHRENBECK, ANGELA M
13030 JUG STREET RD NW





LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



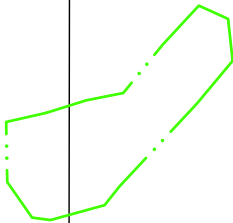
CARR, ROBERT A & CARR, DEBORAH B
CLOVER VALLEY RD NW

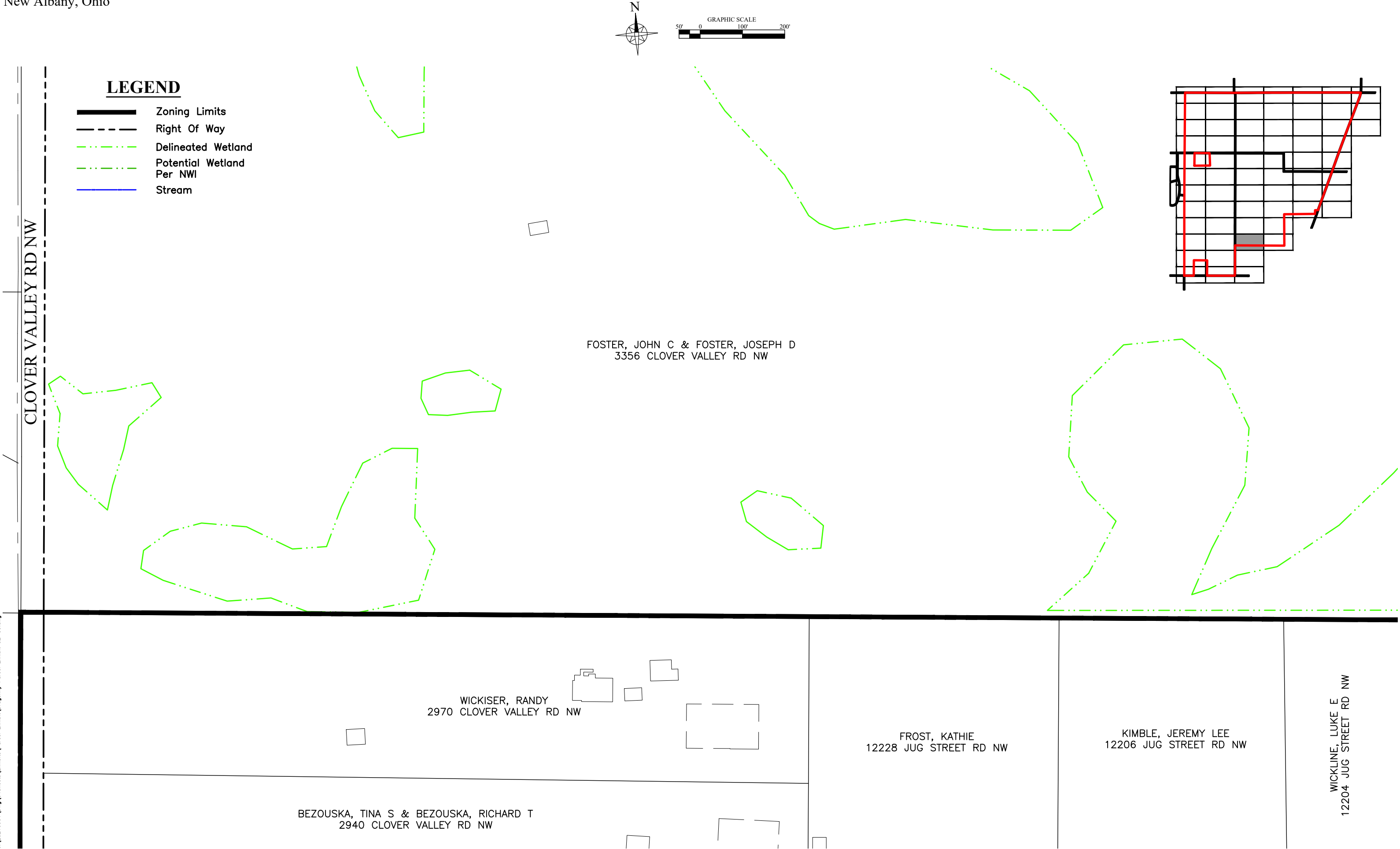
AXELBAUM, EVAN L & GLICKMAN, ALANNAH R
3149 CLOVER VALLEY RD NW

DECENZO, MICHAEL L & DECENZO, MARY
3101 CLOVER VALLEY RD NW

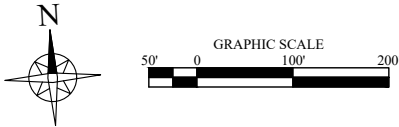
LANE, JEFFREY A
3063 CLOVER VALLEY RD NW

CARR, ROBERT A & CARR, DEBORAH B
JUG STREET RD NW



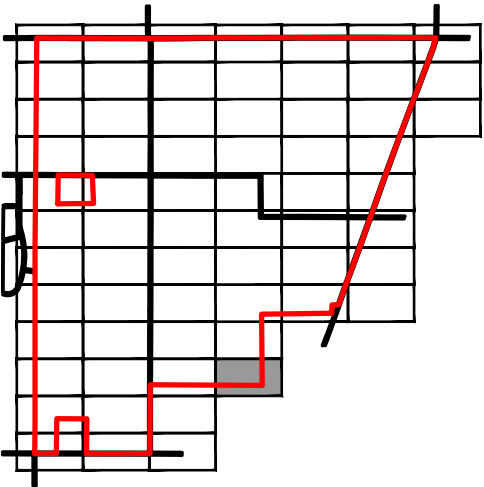


New Albany, Ohio



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



FOSTER, JOHN C & FOSTER, JOSEPH D
3356 CLOVER VALLEY RD NW

POWELL, LOUIS R-TR & POWELL, LINDA S-TR
3113 MINK ST NW

CARR, ROBERT A & CARR, DEBORAH B
3011 MINK ST

ANDERSON, CHRIS A & ANDERSON, COLLEEN F
12030 JUG STREET RD NW

CAMPBELL, GERALDINE M
2983 MINK ST NW

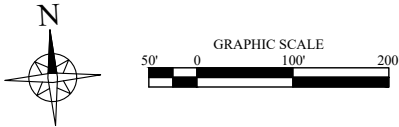
HILES, BRENDA L
12196 JUG STREET RD NW

DAVIDSON, JENNY L
12190 JUG STREET RD NW

DOBOSH, ANDREW & DOBOSH, AMANDA
12038 JUG STREET RD NW

WICKLINE, LUKE E
12204 JUG STREET RD NW

J:\20210901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 52-59.dwg



LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

MBJ HOLDINGS LLC,
JUG STREET RD NW

ROEHRENBECK, PAUL J & ROEHRENBECK, ANGELA M
13030 JUG STREET RD NW

Zoning
Limits

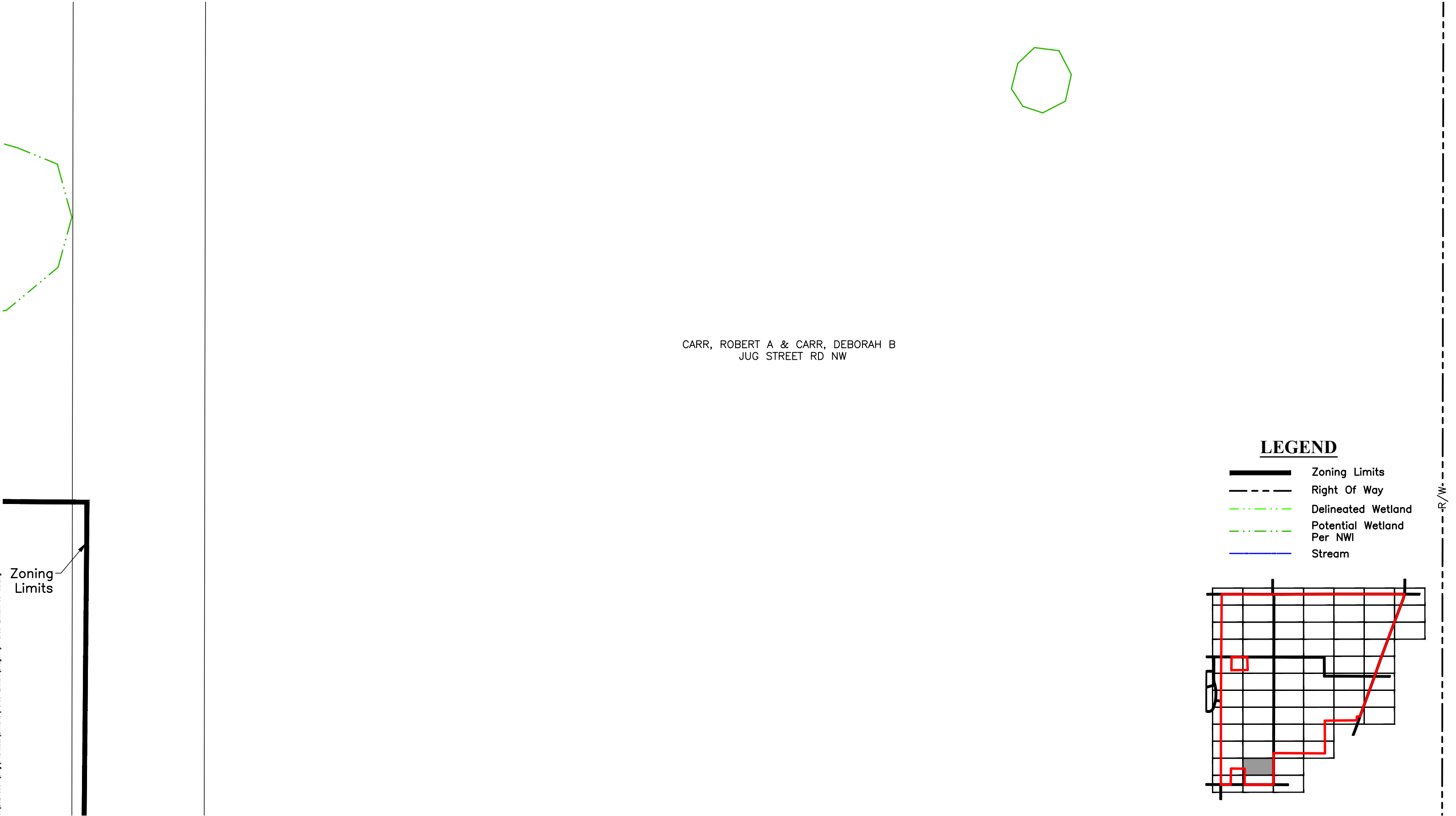
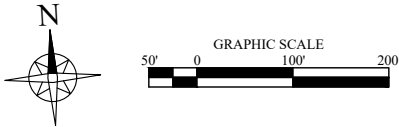
MBJ HOLDINGS LLC,
13094 JUG STREET RD NW

Zoning
Limits

CASTLE LUST, JENNIFER L
12934 JUG STREET RD NW

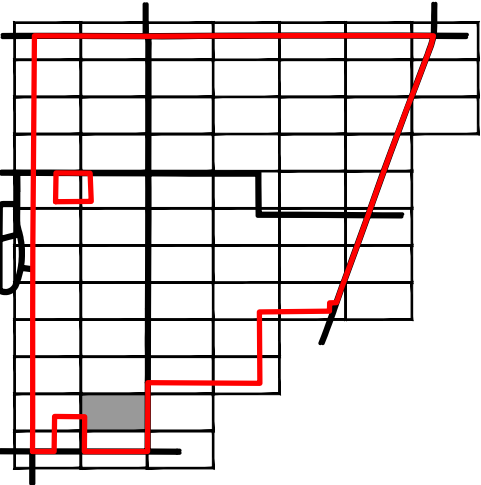
BANKS, STEVEN W &
BANKS, JONI K
12910 JUG STREET RD NW

BENDER, STEVEN B
12852 JUG STREET RD NW



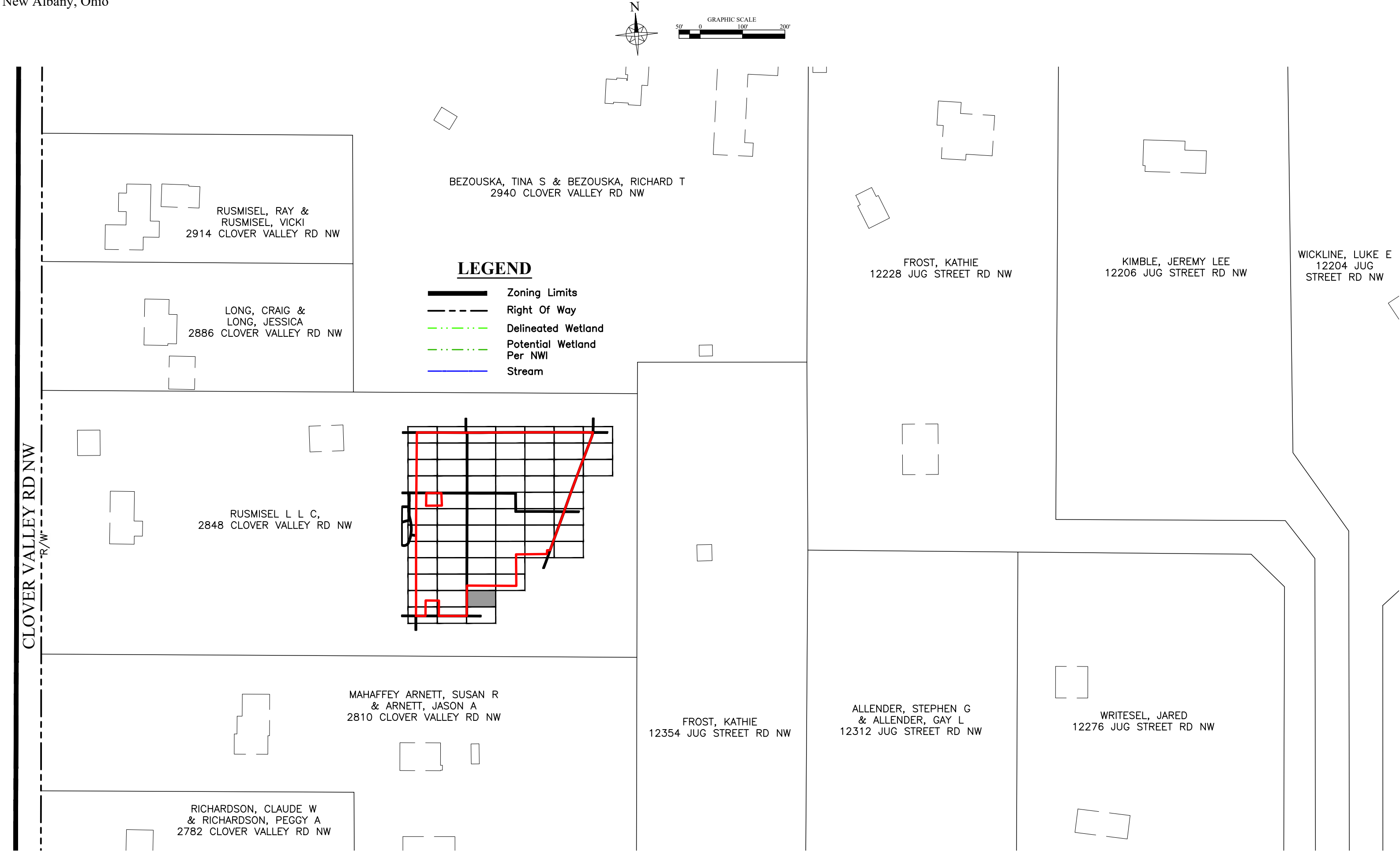
LEGEND

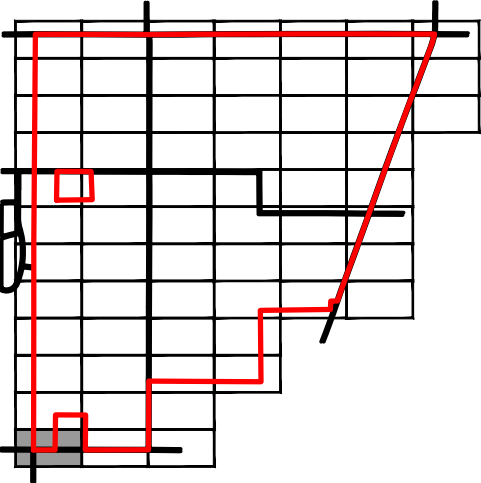
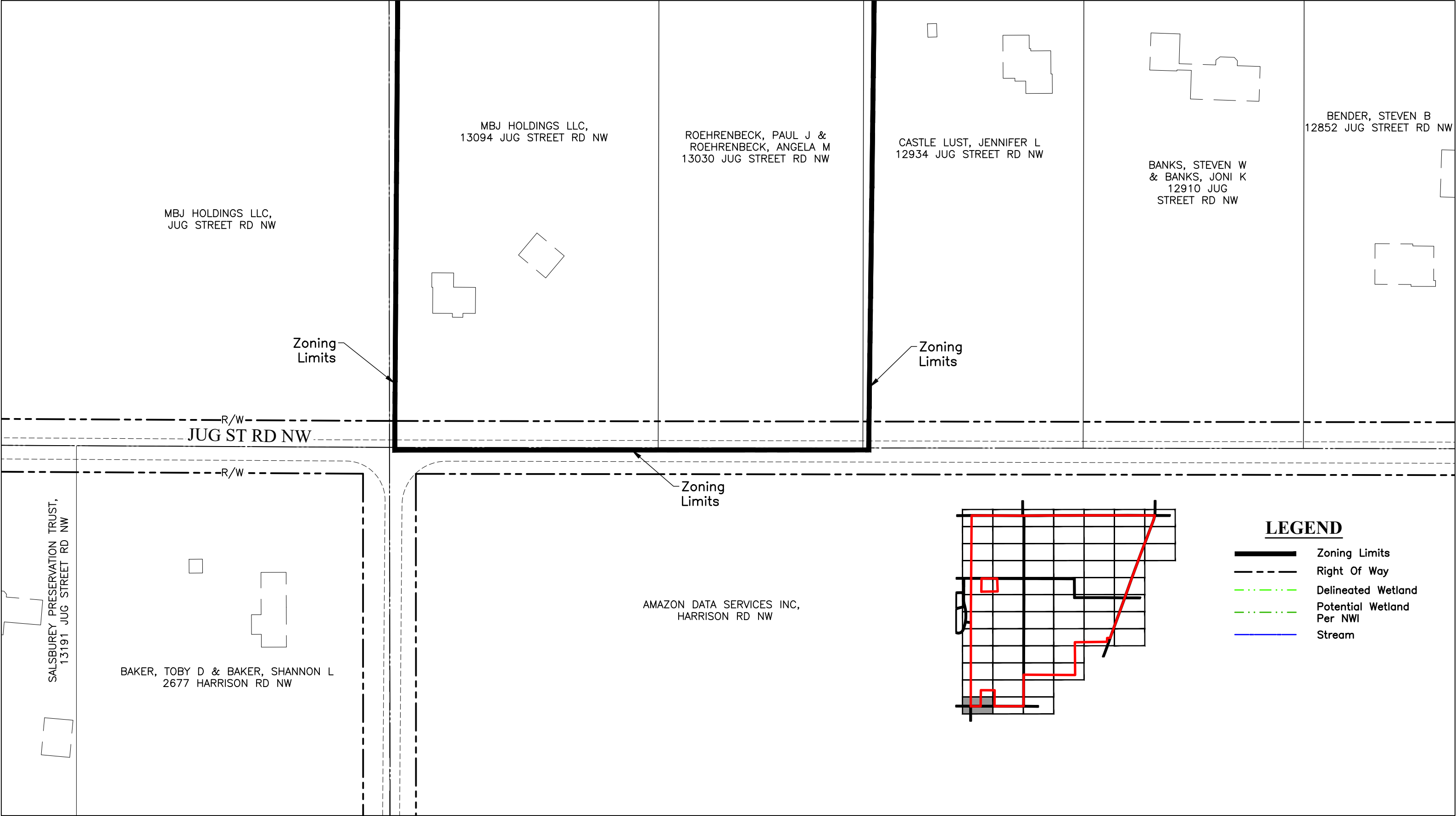
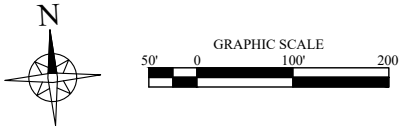
- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



Zoning Limits

New Albany, Ohio

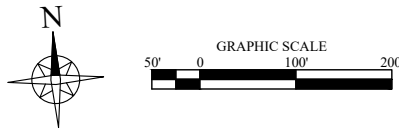




LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream

New Albany, Ohio



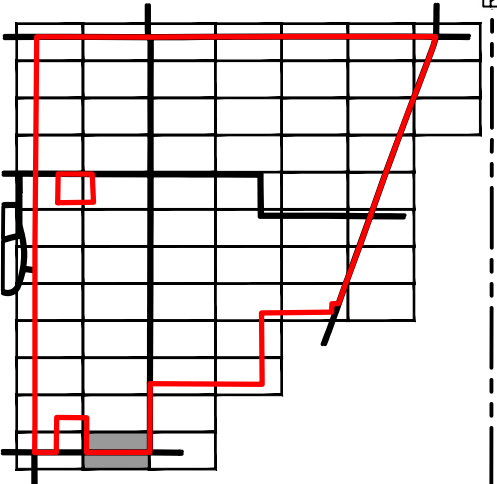
LEGEND

- Zoning Limits
- Right Of Way
- Delineated Wetland
- Potential Wetland Per NWI
- Stream



Zoning Limits

CARR, ROBERT A & CARR, DEBORAH B
JUG STREET RD NW

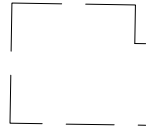
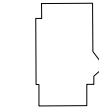


-R/W-
JUG ST RD NW

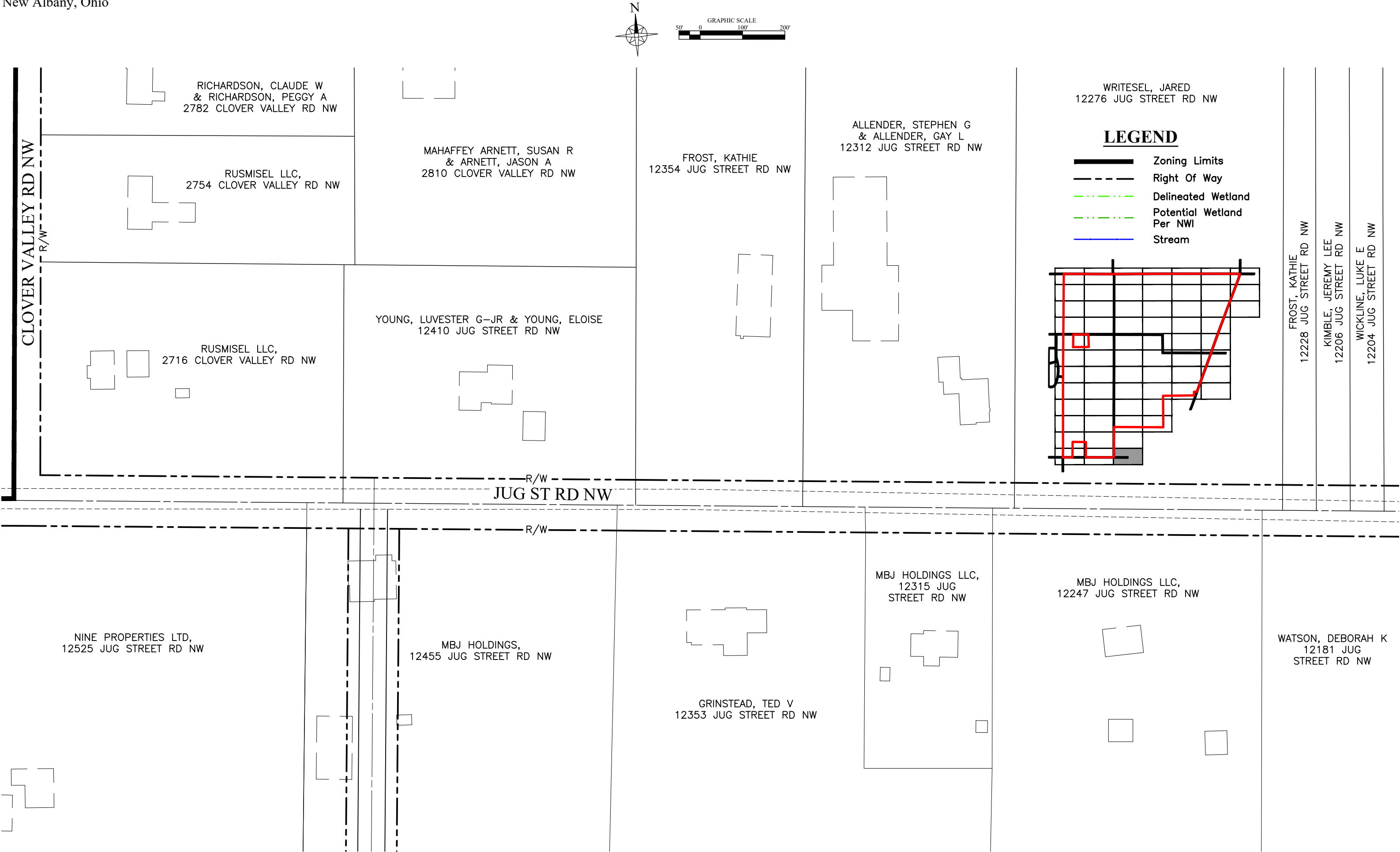
-R/W-

AMAZON DATA SERVICES INC,
HARRISON RD NW

NINE PROPERTIES LTD,
12525 JUG STREET RD NW



New Albany, Ohio



J:\20210901\Draw\GISheets\Exhibits\Parcel Exhibit\Dragonfly Parcel Exhibit 60-65.dwg



ORDINANCE O-13-2022

**AN ORDINANCE TO APPROVE THE FINAL PLAT AND ACCEPT
RIGHT-OF-WAY DEDICATION FOR GANTON PARKWAY WEST
PHASE 2 AS REQUESTED BY THE CITY OF NEW ALBANY**

WHEREAS, an application to approve the Final Plat for Ganton Parkway West Phase 2 has been submitted by the City of New Albany; and

WHEREAS, the city will be the recipient (grantee) of the right of way dedication of approximately 3.163 acres; and

WHEREAS, the New Albany Planning Commission, after review in a public meeting on April 18, 2022, recommended approval of the Final Plat; and

WHEREAS, the city engineer certifies that Ganton Parkway West Phase 2 meets all the requirements of Chapter 1187 of the Codified Ordinances, storm water management, design requirements and will meet all other requirements of the city.

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 final plat to create Ganton Parkway West Phase 2 extension is attached to this ordinance as Exhibit A and made a part herein is approved.

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 121.22 of the Ohio Revised Code.

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 _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 04/07/2022

Introduced: 04/19/2022

Revised:

Adopted:

Effective:

Is Witness DAVID B. BLOOMBERG, Treasurer of NEH HOLDINGS, LLC, an
 interested party to this case? Yes No

Signed and acknowledged

 In me presence of: _____

By DAVID B. BLOOMBERG

 Treasurer

STATE OF CALIFORNIA
 COUNTY OF PLACERMAN re:

Before me, a Notary Public in and for said State, personally appeared DAVID B. BLOOMBERG, Treasurer of NEH HOLDINGS, LLC, who acknowledged to me that he is the owner of said NEH HOLDINGS, LLC and that he owns and possesses exclusive rights in and to the NEH trademark.

I, Witness DAVID, have witnessed my said said and affirmed my official seal this _____ day
 of _____ 20____.

My commission expires _____

Notary Public _____ Seal of Office

GANTON PARKWAY WEST DEDICATION PHASE 2

AMGEN INC.
4.5,839 AC. (DEED)
I.N. 202109030156646
P.N. 222-005172

MBJ HOLDINGS, LLC
177,497 AC. (DEED)
I.N. 201608070105494
P.N. 222-004864

MBJ HOLDINGS, LLC
242,648 AC. (DEED)
I.N. 201805020008526
P.N. 094-106404-00.002

MBJ HOLDINGS, LLC
68,591 AC. (DEED)
I.N. 200212230049294
P.N. 094-108192-00.000

AMGEN INC.
1.31,455 AC. (DEED)
I.N. 202109010026622
P.N. 094-106644-00.000



- Line Type Legend**
- Existing Property Line
 - Existing R/W Line
 - Existing R/W Centerline
 - Existing Easement Line
 - Proposed Subdivision Boundary Line
 - Proposed Lot Line
 - Proposed R/W Line
 - Proposed R/W Centerline
 - Proposed Easement Line

NOTE: "A" - ALLIANCE BEADOWN, Queen Parkway
Parcel Number: 094-108192-00.000
Parcel Number 094-108192-00.000
Parcel Number 094-108192-00.000
9.713 Ac.
2.228 Ac.

NOTE: "B" - No vehicle access to be in effect until such
time as the street right-of-way is extended and dedicated
by act of deed.



ORDINANCE O-15-2022

AN ORDINANCE TO AMEND CHAPTER 155 "PERSONNEL POLICIES" OF THE CITY OF NEW ALBANY, OHIO'S CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, Chapter 155 the Codified Ordinances of the City of New Albany sets forth the city's personnel policies including definitions, classified and unclassified service, probationary periods, leave accruals, discipline, and other personnel-related matters; and

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, chapter 155 needs to be amended to update the provisions to reflect and codify the city's preferred policies and practices and maintain market competitiveness; and

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, Chapter 155 Personnel Policies, should be amended accordingly.

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

Section 1: That portions of Codified Ordinance Chapter 155 "PERSONNEL POLICIES" be amended as set forth in Exhibit A, which depicts these amendments in color type.

Section 2. The attached Personnel Policies changes shall become June 16, 2022.

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 121.22 of the Ohio Revised Code.

Section 4. 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 _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 04/21/2022

Introduced: 05/03/2022

Revised:

Adopted:

Effective:

CHAPTER 155 Personnel Policies

155.01	Definitions.	155.17	Jury Service.
155.02	Administration.	155.18	Precinct Election Official Leave.
155.03	Compensation.	155.19	Insurance Benefits.
155.04	Probationary Period.	155.20	Merit Compensation.
155.05	Promotions, Transfers and Demotions	155.21	Miscellaneous Compensation
155.06	Overtime.	155.22	OPERS and OPFPF.
155.07	Holidays.	155.23	Licensing; Certification.
155.08	Personal DaysLeave .	155.24	Personnel Records.
155.09	Vacation.	155.25	Individuals with Disabilities.
155.10	Sick Leave.	155.26	Disciplinary Actions.
155.11	Sick Leave Reciprocity	155.27	Procedure for Appeal of Disciplinary Action
155.12	Injury Leave.	155.28	Investigative Procedures.
155.13	Family Medical Leave.		
155.14	Bereavement Leave.		
155.15	Leaves of Absence.		
155.16	Military Leave.		

CROSS REFERENCES

Powers of Council - see CHTR. 4.02
Conflict of interest - see CHTR. 12.01
Personnel Appeals Board - see CHTR. 10.04
Personnel systems - see CHTR. 8.07

155.01 DEFINITIONS.

- (a) "Applicant" means a person requesting consideration for employment in the unclassified or classified service.
- (b) "Appointing Authority" means the City Manager or body having the power of appointment to, or removal from a position in the classified service and unclassified service.
- (c) "Class or (Classification)" means one or more positions sufficiently alike in duties, authority and responsibility to justify the same title, qualification and pay range a group of positions with the same descriptive title having equivalent duties and responsibilities and requiring equivalent qualifications, which can be distinguished from other groups of positions. There may only be more than one position in a classification (e.g. Deputy City Manager clerk in development, clerk in police department).
- (d) "Class Series" means two or more classes which are similar as to type of work but which differ as to degree of responsibility, difficulty, complexity, skill and/or technical knowledge and which have been arranged in a ladder of steps in a normal line of promotion.
- (e) "Classified Service" means all employees of the City of New Albany unless not included in the unclassified the positions which they occupy have been exempted from "classified service" service pursuant to Section 8.07, personnel systems, of the City Charter and Section 155.02 of these Codified Ordinances; and who, after completion of the original

- probationary period, or the probationary period following a promotion, may only be disciplined, dismissed or reduced in pay or position for just cause in accordance with the procedures contained within these Codified Ordinances.
- (f) "Continuous Service" means the length of service as a full-time employee uninterrupted by resignation, retirement, discharge for cause or any other separation from municipal employment. –Military leave, leave resulting from injury in the line of duty, leave for approved disability coverage, authorized leave without pay or administrative leave without pay for periods of six (6) weeks or less is not considered separation from municipal service.
 - (g) "Demotion" means a change in employment status from a position of one classification to a position in another classification or a change in employment status from one position to a position with lesser duties, having a lower maximum salary limit than the original classification.
 - (h) "Department head" means any-an employee in charge of an established department and its subordinate divisions. Departments are created by Council, office, commission, board or other body as defined under the Charter or Codified Ordinances. Department heads may also be referred to as "Directors."
 - (i) "Discipline" means positive corrective action taken by supervisory personnel to change or control the behavior of subordinate employees to conform with prescribed policy.
 - (j) "Eligible" means a person who has satisfactorily met all qualifications and requirements for employment in the job class for which the person has made application and whose name should appear on an eligible list.
 - (k) "Essential safety services" includes police officers, dispatchers, sergeants, and other employees within the police department for which twenty-four hour, seven days a week operations exist.
 - (l) "Exempt" for purposes of classification status means a position that is unclassified according to Section 8.07, Personnel Systems, of the City Charter and Section 155.02 of these Codified Ordinances not subject to competitive testing.
 - (m) "Flex time" means a work schedule that varies from the standard work hours by altering the workday start and/or finish times (including breaks) to complete a 40-hour workweek.
 - (~~kn~~) "Full-time Employee" means an employee that is regularly scheduled to work not less than forty (40) hours within seven (7) consecutive calendar days.
 - (ol) "Grievance" is any dispute, regarding the meaning, interpretation, application, or alleged violation in the administration of discipline.
 - (p) "Holiday Pay" means the regular rate of pay an employee receives in observance of a holiday regardless of whether the employee works on the holiday or is excused from work in observance of the holiday.
 - (~~mg~~) "Immediate Family" means parents, parents-in-law, step-parents, in loco parentis, legal guardian, brother-in-law, sister-in-law, spouse, children, daughters- and sons-in-law, step-children, brothers, sisters, grandchildren, grandparents, and grandparents-in-law unless otherwise specified.

- (r) "In loco parentis" refers to a relationship in which a person puts himself or herself in the situation of a parent by assuming and discharging the obligations of a parent to a child. The *in loco parentis* relationship exists when an individual intends to take on the role of a parent to a child who is under 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability.
- (rs) "Intermittent" means an employee working an irregular schedule less than 1,000 hours per fiscal year.
- (ot) "Official" means a person appointed by City Council or the City Manager who directs the functions of government.
- (pu) "Part-time Employee" means any employee regularly working less than 40 hours per week and having been hired with the intention of working on an ongoing basis until an appropriate reason for termination of employment arises.
- (qv) "Human Resources Officer" means the position duly designated by the City Manager to coordinate the administration of this chapter.
- (fw) "Position" means any office, employment or job calling for the performance of certain duties and the exercise of certain responsibilities by one individual. A position may be vacant or occupied (part-time or full-time) and it may be designated regular, part-time, intermittent, temporary or seasonal.
- (sx) "Probationary Period" means a working test period during which an employee is required to demonstrate fitness for the duties to which appointed by actual performance of the duties of the position.
- (ty) "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary.
- (z) "Regular employee" means an employee who has been appointed to a position in the classified service and who has satisfactorily completed their probationary period.
- (uaa) "Seasonal Employee" means any employee hired for a specified short term or interim period of time to perform work or activity limited to a season or period of year. Seasonal employees may not exceed 1,560 hours in a rolling 12 month period.
- (vbb) "Temporary Position" means a position of non-permanent character not to exceed 120 days, unless for sickness, illness or disability. Temporary positions cannot exceed 1,560 hours in a rolling 12 month period.
- (wcc) "Transfer" is a change of job assignment and/or classification created by an employment need as determined by the City Manager.
- (xdd) "Unclassified Service" means all employees of the City who occupy positions which have been exempted from all competitive examinations the "classified service" and who serve at the pleasure of the City and employees serving in a fiduciary capacity, do not serve a probationary period, and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within these Codified Ordinances and without a right of appeal.
- (yff) "Workday" means a regularly scheduled working time assigned by a supervisor or manager.

(zgg) "Workweek" means a regularly recurring period of seven (7), twenty-four (24) hour days.

155.02 ADMINISTRATION.

(a) The City Manager shall appoint a Human Resources Officer, to serve part-time or full-time, to administer the personnel system of the City. The Human Resources Officer shall:

(1) Prepare and recommend to the City Manager for approval rules to establish and maintain the merit system of the City. When approved by the City Manager, the rules shall be proposed to the City Council for adoption by ordinance, with or without amendment.

(2) Classify positions, establish job standards with adequate provisions for reclassification, and establish the probation period. Conduct recruitment, examinations, in-service training programs, and other such duties in relation to personnel as the City Manager may direct.

(3) Maintain a personnel file for each employee and official and keep all personnel information and necessary records.

(b) All classified positions shall be filled pursuant to a competitive selection process.

(c) City Council shall establish a classified and unclassified service for employees of the City. The classified and unclassified service is hereby established as follows:

(1) All employees of the City are presumed to be classified employees unless the positions which they occupy have been exempted from the classified service pursuant to Section 8.07, Personnel Systems, New Albany Charter. After completion of the original probationary period, or the probationary period following a promotion, classified employees may only be disciplined for just cause and in accordance with the procedures contained within these Codified Ordinances.

(2) Some employees of the City serve in the unclassified service, or occupy positions which have been exempted from the classified service. Such employees serve at the pleasure of the City, do not serve a probationary period, and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within these Codified Ordinances. The following positions/personnel are hereby designated as unclassified:

A. All seasonal, intermittent, temporary, interns and part-time personnel.

B. Other positions/personnel identified as follows:

1. City Manager
2. Deputy City Manager
3. Department Heads
4. Deputy Directors

5. Managers

56. Clerk of Council

7. Deputy Clerk of Council

68. Chief Communications & Marketing Officer

79. Engineer

- 10. Chief Building Official
- 11. Assistant Chief Building Official
- 812. Human Resources Officer~~Fiscal Manager~~
- 913. Operations Manager~~Police Lieutenant~~
- 1014. Development Services Manager~~Public Information Officer~~
- 1115. Dispatch Manager
- 16. Executive Assistant
- 17. Systems Analysts
- 1218. Any employee serving in a fiduciary capacity
- 19. Any newly created positions designated by the City Manager and approved by Council in advance of the position being filled.

(d) After June 1, 2019, applicants for police officer may be considered for employment regardless of the maximum age limitation provided in the Ohio Revised Code, Chapter 124:41 Police Department Qualifications.

155.03 COMPENSATION.

(a) A compensation plan consisting of pay grades and step schedules for all authorized positions shall establish minimum and maximum rates of pay defined on an hourly, biweekly and/or annual basis.

(b) The following are the categories of compensation: Administrative, Professional/Mid-management, Clerical, and Technical/Service.

(c) The entry level of pay for all positions shall be the minimum rate established for the classification, except that appointment rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the appointee or the inability to employ adequately qualified personnel at the minimum rate.

(d) It shall be the responsibility of the City Manager to implement the performance appraisal process by conducting or having conducted an appraisal of the performance of officials and employees.

(e) The pay schedule of all employees, including City Council members, shall be on a biweekly basis.

(f) Full-time and part-time employees are eligible for merit-based performance adjustments in accordance with the procedures established by the City Manager. Employees shall be evaluated at or upon their anniversary date. The anniversary date shall be the effective date of appointment to the current classification or date of employment. An employee placed on probationary status as set forth in Codified Ordinance 155.04(e) shall be ineligible to move to the next succeeding step in the classification during that the probationary period or extension of probationary period. Upon successful completion of the probationary period extension, the anniversary of appointment to the new position will serve as the evaluation date for merit-based performance adjustments.

(g) Any employee assigned temporarily to a position of higher classification shall be compensated at the minimum of that class or seven percent (7%) above the

employee's present rate, whichever is higher, for all hours worked at the higher classification, provided a minimum of eight (8) hours are worked in the higher class.

(h) When an employee does not possess the necessary minimum training, experience and/or special requirements to independently perform the essential duties and responsibilities of a position, the City Manager shall have the discretion to establish a training wage. Such wage shall be agreed upon, in writing, by the affected employee and the City Manager.

155.04 PROBATIONARY PERIOD.

(a) An employee entering the service of the City on a full-time or part-time basis shall be considered a probationary employee for a period of one (1) year. Probationers may be removed or demoted any time during the probationary period by a written notice to the employee from the City Manager indicating that his/her services and performance are not satisfactory. Such removals and demotions are not subject to appeal. ~~At Before~~ the end of the one-year probationary period, the employee shall be evaluated. If the employee is adequately performing the duties and responsibilities required for the position and is complying with City policies, he/she shall be considered a permanent employee in the classification to which he/she is assigned. If the employee has failed to adequately perform the duties and responsibilities required for the position and/or has failed to comply with City policies, the employee shall:

(1) Be dismissed; or

(2) Have ~~his/her~~the probationary period extended for an additional six months. A probationary period may only be extended for an additional six months ~~if the Department Head and City Manager agree after a conference meeting with the employee. Any extension of probation must be approved by the City Manager or designee. Probation may be extended to provide an opportunity for the employee to demonstrate that the employee has the knowledge, skills, ability, work habits, and other job-related attributes necessary to obtain a permanent employment status. The employee must be notified in writing of the extension and acknowledge the extension of the probationary period.~~

(b) A probationary employee shall accrue vacation leave and sick leave. Vacation leave and sick leave may be used during the probationary period in accordance with Codified Ordinance 155.09 and Codified Ordinance 155.10.

(c) Leave without pay during the probationary period shall not be counted as part of the probationary period.

(d) An employee promoted to a higher position or transferred to another classification shall be classified as a probationary employee in that position for a period of six months. If the employee does not perform satisfactorily during the six-month probationary period, ~~he-the employee~~ shall be returned to his ~~or her~~ previous position and ~~his-his or her~~ seniority in that position shall be maintained. If the employee's previous position is occupied, the employee may be returned to a similar position the employee is otherwise qualified to occupy. An employee transferred to another classification within the same paygrade will retain the ability to achieve a merit bonus or step increase, whichever applies, at the end of the six month probationary period if the employee has not already received a merit bonus or step increase previously in the

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

calendar year of the transfer. An employee who received a merit bonus or step increase in the calendar year before the transfer will be eligible for a merit bonus or step increase upon the anniversary date of the transfer.

(e) An employee who is changing his status from part-time or seasonal status to full-time status, even if he is performing the same tasks as performed in the part-time or seasonal status, shall be considered a probationary employee for a period of six months.

(f) An employee who fails to achieve a satisfactory level of performance as documented through the annual performance evaluation process may be placed on probationary status for a six (6) month period. After the six (6) month period a performance evaluation shall be made. The employee shall ~~either~~:

- (1) Be dismissed by reason of failing to adequately perform the duties and responsibilities required for the position;
- (2) Have ~~his/her~~the probationary period extended for an additional six (6) months; or
- (3) Be returned to regular status.

155.05 PROMOTIONS, TRANSFERS and DEMOTIONS.

(a) If an employee is transferred, promoted or demoted, the rate of pay for the new position shall be determined as follows:

- (1) If the rate of pay in the former classification is less than the minimum rate established for the classification of the new position, the rate of pay shall be advanced to the minimum for the classification.
- (2) If the rate of pay in the former classification is more than the maximum rate established for the new classification, the pay range shall be reduced to the maximum rate or an intermediate rate within the new range, as recommended by the Department Head and approved by the City Manager.
- (3) If the rate of pay of the former classification falls within the new range of pay, the rate shall remain the same in the case of a transfer; increase in the case of a promotion; or remain the same or be lowered in the case of demotion as determined by the City Manager.

(b) All promotions of employees shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations, unless the promotion is to a position exempted from competitive examinations under Section 8.07 of the Charter. The City Manager in consultation with the Department Head shall determine the practicality of competitive examinations where the vacancy exists. An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Tests may include structured

interviews, assessment centers, work simulations, examinations of knowledge, skills, and abilities, and any other acceptable testing methods.

155.06 OVERTIME.

(a) The use of overtime may be authorized by the Department Head in order to meet emergency service requirements or to maintain existing services.

(b) The City shall use a forty-hour workweek as the basis for making any Fair Labor Standards Act (FLSA) related overtime determinations.

(c) The calculation of an employee's 'paid status' shall include all hours permitted or suffered to be worked, as well as all hours in other paid status while on any approved leave, including holiday, vacation, personal, injury, paid military leave, sick, ~~call out~~ training or other paid leave accrued to an employee on an hour-for-hour basis. The use of compensatory time is specifically excluded from the calculation of paid status.

(1) When calculating "paid status" for a week which includes a holiday:

A. Employees who do not receive a holiday leave bank shall have holiday pay hours paid pursuant to 155.07(c) and hours actually worked above eight (8) hours on a holiday counted as "paid status." Hours actually worked on the holiday up to 8 hours are not counted toward paid status for calculating overtime because the eight (8) hours of holiday pay are already included in paid status.

(e) B. Employees who receive a holiday leave bank shall have all hours worked on the holiday and any holiday leave hours when taken counted as "paid status."

(d) Employees who are not overtime-exempt based on FLSA regulations and who work a forty-hour workweek shall be compensated at a rate of one and one-half times their regular hourly rate for hours in paid status in excess of forty. Pursuant to C.O. 155.06, the use of previously earned compensatory time shall not be considered "hours worked" or "paid status" for the purpose of calculating any overtime hours worked in accordance with FLSA requirements. Except under the circumstances specifically provided for in this Codified Ordinance, any hours paid at a premium rate are not included in paid status for purposes of calculating overtime because separate compensation is already paid for those hours.

(e) An A full-time employee may elect to take compensatory time in lieu of the compensation provided herein. Part-time, seasonal, temporary employees will be compensated in pay only for hours worked over 40 (forty) hours in a workweek. An employee's election to take compensatory time is the sole decision of the employee and no one should coerce or pressure the employee to take compensatory time. Such compensatory time shall not exceed a total accumulation over eighty (80) hours. Public Service Department employees who engage in snow removal activities may accumulate in excess of eighty (80) hours, provided that any hours in excess of the eighty (80) hour limit shall be taken by the last pay period in the month of June. Any remaining compensatory time in excess of eighty (80) hours remaining at the last pay period in June shall be paid out. ~~In no case shall the total hours accrued be in excess of one hundred twenty (120) hours. Compensatory time may be taken at a time that is~~

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

convenient to both the employee and employer. The balance remaining at the conclusion of the first pay period ending in December shall be paid out in full. Employees appointed from an FLSA non-exempt position to an FLSA exempt position will have any accrued compensatory leave paid out at the FLSA non-exempt rate of pay upon appointment to the FLSA exempt position.

(f) With the approval of the Department Head, employees may use "flex time" for the benefit of the employee or the City to accommodate scheduling needs.

155.07 HOLIDAYS.

(a) The following days are declared paid holidays from which the full-time employees and officials will be excused from work and shall receive eight (8) hours of compensation at their base rate.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	The day following Thanksgiving
Christmas Eve	second half of the last work day before Christmas
	Day observed, four (4) hours
Christmas Day	December 25

(b) For employees whose normal work week is Monday through Friday, when any holiday listed above falls on Saturday, the preceding workday shall be considered the holiday. When the holiday falls on a Sunday, the following workday shall be considered the holiday. For employees (essential safety services) whose normal work week includes the weekend, the holiday shall be observed on the actual holiday. For employees who receive a holiday bank, the holiday is observed on the actual holiday.

(c) Each full-time employee shall be paid eight (8) hours pay for a holiday. In order for an employee to be entitled to a holiday, he/she must have actually worked on the day before and the day after the holiday unless utilizing permissible leave time such as vacation, sick leave, bereavement leave, jury duty, personal day(s) or other paid leave approved by the City Manager.

(d) When any holiday listed above falls while an employee or official is on approved vacation time, such holiday shall not be charged against vacation leave.

(e) In the event the Federal and State governments shall designate a day of the week for any of the holidays specified above, then said day shall be observed in accordance with said designation.

(f) Each full-time FLSA non-exempt employee, except as provided in (g), below, who is required to work on a day designated as a holiday shall, in addition to receiving eight hours pay for the holiday, be compensated in either one of the following ways:

- (1) The employee ~~shall~~may elect to be paid at the rate of one and one half times their hourly rate of pay for ~~all~~any hours worked on the holiday;
- (2) The employee ~~shall~~may elect to be credited with one and one half hours of ~~personal compensatory~~ leave ~~at their regular, hourly rate of pay,~~ for ~~all~~any hours actually worked on the holiday. Personal Compensatory leave may be taken as time off, with the approval of their supervisor, at any time during the calendar year in which it is credited. -Any balance of unused time remaining at the end of the calendar year will be paid in cash at the employee's base rate of pay.
- ~~(2)(3)~~ Example: An FLSA non-exempt employee works eight (8) hours on July 4th. The employee may elect to be paid for four hours at time and one-half and credited with a total of six (6) hours of compensatory time to account for the other four (4) hours of time worked on the holiday.
- (g) Effective January 1, 2019, FLSA non-exempt essential safety services positions within the Police Department, such as dispatchers and sergeants, will be provided a holiday leave bank, ~~prorated for the holidays remaining in the calendar year. Thereafter, employees will receive a holiday leave bank~~ at the beginning of each calendar year. Employees may use holiday leave hours on the actual holiday or another day of the year with supervisor approval. In the event an employee with holiday leave does not use or submit to use all the leave remaining ~~as of the next to last pay period of the fiscal year by December 31,~~ such amount will be paid to the employee at the employee's base rate in the last pay period of the fiscal year.
 - (1) Upon initial appointment to a position described under (g), above, a pro-rated bank of hours for remaining holidays will be provided for the employee.
 - (2) An employee ~~who with accrued and unused holiday leave terminates who separates or transfers to a position that does not receive holiday bank, with unused holiday leave~~ will be paid out the ~~remaining accrued~~ leave at the employee's base rate of pay. ~~Employees~~An employee who separates, or transfers to a position that does not receive a holiday bank, and have~~has~~ used more holiday leave than has accrued will have the equivalent number of hours at the employee's base rate withheld from the employee's ~~final paycheck or may elect to forfeit the equivalent number of hours of other accrued leave.~~ -Holiday leave hours not accrued are considered forfeited upon separation.
 - ~~(2)(3)~~ An employee who works on the holiday shall be paid at a rate of one and one-half times their hourly rate of pay for hours actually worked on the holiday.
- (h) Employees who begin a shift on the day prior to the designated holiday, but work more than 50% of their hours on the holiday, shall be credited for the holiday on the date that their shift begins.

155.08 PERSONAL LEAVE.

(a) In addition to the observed holidays set forth in C.O. 155.07(a), all full-time employees shall be authorized to observe sixteen (16) hours designated as "personal leave". Such time shall be scheduled as far in advance as possible and approved by the supervisor, except that no reasonable request shall be denied. Wages shall be computed on the basis of the employee's existing rate of compensation at the time the leave is taken. Any unused personal leave remaining after the last pay period of the same year or when an employee terminates his/her employment shall be forfeited.

(b) New employees hired before June 30 will be authorized to observe sixteen (16) hours of personal leave. New employees hired between July 1 and November 30 will be authorized to observe eight (8) hours of personal leave. –New employees hired December 1 or after will not be eligible for any personal leave that year.

155.09 VACATION.

(a) Full-time, non-exempt employees shall accrue vacation on the following schedule:

- (1) At employment up to the completion of the 4th year of employment - 3.077 hours per pay period
- (2) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - 4.615 hours per pay period
- (3) Upon completion of the 9th year of employment up to the completion of the 14th year of employment - 6.154 hours per pay period
- (4) Upon completion of the 14th year of employment and beyond - 7.70 hours per pay period

(b) The annual vacation schedule for full-time, exempt employees shall be as follows:

(1) At appointment - three weeks. Employees who move from a non-exempt position to an exempt position will be provided three weeks upon appointment to the exempt position and continue to accrue at the rate otherwise qualified for based on length of continuous service with the City.

- (2) Upon completion of the 1st year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period
- (3) Upon completion of the 4th year of employment up to the completion of the 7th year of employment – 6.154 hours per pay period
- (4) Upon completion of the 7th year of employment and beyond - 7.70 hours per pay period.

(c) Vacations shall be at full pay at the current salary rate.

(d) Each full-time employee and official shall be permitted an annual standard maximum carryover of three (3) times the annual vacation accrual rate. Any accrued vacation leave in excess of the ~~appropriate above~~ maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31. Leave in excess of 480 hours as of December 1 may be carried over or up to 80 hours may be paid out upon request to and approval by the City Manager by December 1. The leave elected to be paid out will be paid in January. ~~unless used by the employee, or carried over, to the subsequent calendar year following the submission to and approval of such~~

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

request by the City Manager on December 1. Approval of carryover ~~such~~ requests above the maximum carryover limit will be limited to instances where factors beyond the employee's control or directly related to the operational needs of the City prevented the employee from using the accrued vacation.

(e) No advance of vacation is permitted. Only requests for vacation less than or equal to the accrued balance will be approved.

(f) Leave is accrued on the basis of an 80 hour pay period such that any time not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced, pro-rated accrual for that pay period.

(g) In order to recruit and retain qualified persons, employees shall accrue vacation leave as provided in (a) or (b), above, except that accrual rates above the minimum may be authorized if the Department Head and the Human Resources Officer submit adequate reasons in writing and the action is approved by the City Manager. Approval will be based upon the exceptional qualification of the applicant or the inability to employ adequately qualified personnel. In awarding a higher accrual rate, consideration shall be given to the applicant's qualifications, work experience, the level of responsibility required in the position and the availability of qualified applicants or other relevant market factors. Employees granted higher accrual rates shall move to the next accrual rate upon completion of four (4) years of employment with the City.

(h) Compensation for vacation leave in lieu of time off shall not be granted.

(i) Vacation leave shall be scheduled as far in advance as possible and at the discretion of the supervisor. In the event of conflicting requests, the Department Head shall resolve the conflict based on the operating needs of the department/division.

(j) Where an employee becomes deceased while in paid status in municipal employment, any accrued vacation leave to his/her credit shall be paid in a lump sum first to the surviving spouse, then to the deceased's estate.

(k) Upon retirement or termination, unused accrued vacation leave will be cashed out in the form of a lump sum monetary payment.

155.10 SICK LEAVE.

(a) All full-time employees and officials shall be credited sick leave at the rate of 4.615 hours for each pay period. Leave is accrued on the basis of an 80 hour pay period such that any hours not in a paid status, i.e. unpaid time off, during a pay period will result in a reduced pro-rated accrual for that pay period.

(b) Sick leave may be accumulated without limit.

(c) When used, sick leave shall be deducted from the cumulative total on a quarter-hour basis.

(d) Employees may use leave for absence due to ~~personal~~ illness, pregnancy, non-work related injury, exposure of contagious disease which could be communicated to other employees, quarantine of the employee, and ~~to for~~ illness or injury of the employee's spouse, child, mother, father, or other relative residing in the employee's household. Sick leave may also be used for medical, vision or dental related examination and care.

(e) Employees may be required to furnish proof of illness by furnishing a doctor's statement if the duration of the illness exceeds three (3) consecutive working days.

(f) Absence due to sickness in the immediate family not residing in the employee's household, and requiring the continuing presence of the employee to make arrangements for hospitalization or other care shall not exceed three consecutive workdays. ~~The City Manager may approve additional absences for this purpose without approval from the Department Head.~~

(g) Excessive use, abuse of, or misuse of sick leave may be cause for disciplinary action or dismissal.

(h) Employees for whom a replacement must be found and who are unable to report to work for any reason listed herein must report their anticipated absence to their supervisor at least one hour prior to the start of their shift on the first day of their absence. Other employees must report their anticipated absence before the expiration of the first half-hour of the start of their shift. All employees shall report accordingly on each succeeding day of their absence unless other arrangements are authorized.

(i) Sick leave may be transferable between employees due to exigent circumstances, with the approval of the City Manager.

(j) ~~Use of sick leave is limited to employee absence due to illness or non-work-related injury and quarantine of the employee by health authorities.~~ For family medical incidents, an employee may use up to four (4) days for each discrete incident.

(k) Following the fourth (4th) occurrence of sick leave absence of one day or more in a twelve month period of time, the employee may be required to secure and present a certificate from a doctor giving information as to the circumstances involved or nature of the illness to receive pay for each subsequent absence involving sick leave in the remainder of that twelve month period. The documentation shall be sent to the Human Resources Officer to be placed in the individual's personnel file.

(l) Sick leave accumulated during former employment with the City or with another public agency may be credited to the employee upon his/her re-employment or hire with the City provided such re-employment/employment takes place within ten (10) years of the former termination date.

a. Up to 1,920 hours of previously accumulated sick leave from another public agency may be transferred to the employee's credit at a rate of two (2) to one (1) for each hour accrued as an employee of the City of New Albany.

b. Rate of accrual shall be in conformance with C.O. 155.10(a).

(m) Upon retirement or separation in good standing, full-time employees may convert unused accrued sick leave to a lump sum monetary payment on the following conditions:

(1) For the first 120 hours (15 days) of sick leave accrued, payment shall be hour for hour. Accumulated sick leave above 120 hours shall be paid at the rate of eight (8) hours pay for every 24 hours accumulated.

(2) Payment will be at the hourly rate in effect at the time of retirement or termination.

(3) Employees terminated for cause or who fail to give two weeks' written notice of intent to terminate are not eligible for the sick leave conversion benefit.

155.11 SICK LEAVE RECIPROCITY

(a) During January, each permanent full-time non-union employee may receive payment in cash for a portion of unused accrued sick leave hours at the end of the preceding fiscal year, provided such employee was entitled to sick leave benefits during all of the twenty-six (26) pay periods of the previous year ~~and did not use more than 40 hours of paid sick leave or injury leave during the calendar year~~. Additionally, in order to participate, an employee must have at least 480 hours of sick leave after cash benefit hours are taken. Those who are eligible may cash in up to ~~eighty 48-(80)~~ hours of sick leave. ~~Eligible employees must elect, no later than September 1 of each year, to convert up to forty-eight~~ eighty (4880) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the employees base rate of pay as of December 31 of the year of the election).

(b) The number of reciprocity hours paid each employee will be subtracted from the total accrued unused sick leave. ~~The balance of unused sick leave will be carried forward each year as the current sick leave account.~~

155.12 INJURY LEAVE.

When a full-time non-union employee's absence from work is necessitated because of an illness or injury incurred while on the job with the City and the illness or injury is compensable under Ohio Workers' Compensation Law, injury leave may be granted at the discretion of the City Manager for a period of time not to exceed 180 calendar days. ~~Such leave may be granted by the City Manager based upon the recommendation of the employee's Department Head and upon submittal by the employee~~ or which includes a statement from a licensed physician justifying that the employee is unable to return to full work status due to the illness/injury. Such leave shall not be charged against the employee's sick leave balance unless it is determined that the illness or injury is a non-work related illness or injury and is not compensable under Ohio Workers' Compensation Law. In order to be eligible for injury leave, the employee must report the illness/injury to his supervisor ~~within three workdays of the incident giving rise to the illness/injury in compliance with the city's injury reporting policy~~. Simultaneously with the request for injury leave, the employee shall make application and actively prosecute a claim for lost wage benefits under Ohio Workers' Compensation Law. If the application is favorably considered, the City's obligation under the continued use of injury leave shall be the monetary difference between the employee's regular rate of pay and the benefits received under Workers' Compensation.

155.13 FAMILY MEDICAL LEAVE

The City offers family medical leave in compliance with all federal provisions of the Family and Medical Leave Act (FMLA).

155.14 BEREAVEMENT LEAVE.

(a) A full-time employee may be granted up to five (5) regularly scheduled workdays without loss of pay in case of a death in the immediate family.

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

(b) Sick leave, vacation leave, personal day(s) or compensatory time may be used for bereavement leave for additional days for immediate family, with the approval of the City Manager.

(c) Up to three (3) days of leave is permissible for deaths other than the immediate family, but such leave shall be charged to vacation leave, compensatory time or personal day(s).

155.15 LEAVES OF ABSENCE.

(a) In an effort to be flexible and provide latitude to employees in unique or special circumstances, leaves of absence may be granted to employees under special circumstances. Eligibility for a leave of absence will be reviewed on a case-by-case basis and will be limited to full-time, regular employees with at least two (2) consecutive years of service.

(b) Leaves of absence for the following situations or emergencies will be considered:

(1) To allow employees to attend courses at recognized colleges or universities, if the courses are deemed to be of benefit to the City.

(2) Family leave of absence. Female employees (not disabled by childbirth or pregnancy) and male employees may be granted a leave for the purpose of caring for a newborn child, adopted child, or a seriously ill child or other member of the family.

(3) Personal leave of absence may be granted to an employee to attend to personal matters in cases in which the City Manager determines that an extended period of time off would be in the best interest of the employee and the City, including but not limited to inpatient substance abuse treatment.

(4) For other purposes deemed beneficial to the City and the employee.

(c) Leaves of absence are granted without pay except in special and unusual circumstances. Insurance benefits may be continued during leaves of absence, based on a determination by the City Manager.

(d) A request for a leave of absence must be made in writing by the employee. All leaves must be approved by the City Manager and Department Head. Permitted leaves are limited to six weeks at which time any request for additional leave must be made.

(e) An employee returning to work from leave shall be reinstated to the employee's former position or a comparable position.

(f) If an employee fails to return to work at the conclusion of a permitted leave, the employee will be terminated from employment, unless the City Manager, in consultation with the Department Head, grants an extension.

155.16 MILITARY LEAVE.

The City will adhere to all applicable state and federal provisions for military leave.

155.17 JURY SERVICE.

The City of New Albany encourages employees to fulfill their civic responsibilities by serving jury duty when required.

(a) Full-time employees may request jury duty leave. Jury duty pay will be calculated on the employee's regular pay rate times the number of hours the employee would otherwise have worked on the day of the absence.

(b) The employee, upon notice of jury service, shall present such notice to ~~his~~ his or her immediate supervisor. A copy of such notice shall be filed in the employee's personnel file.

(c) Jury service requiring less than four (4) hours of the employee's regular work day as verified by the time report, shall require the employee to report to ~~his~~ his or her supervisor for completion of his/her regular work day with the City.

(d) Either the City or the employee may request that an employee be excused from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

155.18 PRECINCT ELECTION OFFICE LEAVE.

The City of New Albany encourages employees to fulfill their civic responsibility by working on Election Day at the polls.

(a) Any employee who is a registered voter and meets the other requirements established by law and the Board of Elections may request Precinct Election Official Leave with pay for the purposes of being a judge of an election engaged by the Board of Elections. ~~Precinct Election Official Leave~~ will be calculated on the employee's regular pay times the number of hours the employee would otherwise have worked on the day of the absence.

(b) If the employee must attend the Precinct Election Official training courses, as mandated by Ohio Law and conducted by the Board of Elections, the employee must request leave with vacation, personal day(s) or compensatory time if the training is during regular work hours. ~~Leave without pay~~ will not be permitted to attend the training session(s).

(c) This leave with pay is not considered "hours worked" for the purpose of computing overtime.

(d) The employee must provide the City with a copy of the employee's poll worker pay stub provided by the Board of Elections.

155.19 INSURANCE BENEFITS.

(a) The City shall make available group medical, prescription drug, dental, and vision benefits to all full-time non-union employees and their dependents as well as to all currently serving, elected members of City Council and Mayor. The benefits shall be based on the benefits of the carrier or carriers.

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

(b) All full-time non-union employees shall be entitled to group term life and accidental death and dismemberment insurance coverage.— The City shall provide coverage in the amount equal to the employee's annual salary, rounded up to the nearest thousand dollars. The maximum coverage shall be one and one half times their annual base wages, up to a maximum of one hundred and fifty thousand dollars (\$150,000).

(c) The City may offer an incentive for opting out of City provided insurance benefits on an annual basis.

155.20 MERIT COMPENSATION.

~~Non-Exempt and Exempt Employees.~~ In recognition of exceptional City service, each non-union employee shall be eligible for additional compensation in the form of cash payment and/or additional personal leave as prescribed in the City's merit bonus program. —An employee becomes eligible for merit bonus program compensation in the year following their attainment of the maximum rate of compensation on the City's merit based compensation program.

155.21 MISCELLANEOUS COMPENSATION PROVISIONS.

(a) Call Out Pay. A full-time non-exempt employee who is called to return to duty after leaving work for at least thirty (30) minutes or another time when the employee is not scheduled to work will be guaranteed a minimum of three (3) hours at time and one-half times the regular rate of pay in pay or compensatory time, so long as the hours do not abut the employee's regularly scheduled hours. Such pay does not apply to pre-scheduled meetings or other events that an employee attends even though the hours do not abut the employee's scheduled hours, e.g., boards and commission meetings, pre-scheduled inspections, scheduled special events, etc.

(b) A full-time FLSA non-exempt, non-union employee who is required to attend a court session due to professional obligations while not on regular duty shall be entitled to a minimum of three (3) hours pay at time and one-half for the actual hours spent in court.

(c) Municipal employees who use a personal automobile for municipal use shall be reimbursed for such at the rate set annually by the Internal Revenue Service as tax-deductible mileage rate.

(d) The City shall have the right to require a physical examination of all new employees, and to require periodic physical examinations, including drug testing, of all employees. All required physical examinations shall be at the expense of the City.

(e) The City shall provide uniforms and/or a uniform allowance for non-union staff prescribed or permitted to wear a uniform. —Such benefits shall be processed in compliance with any and all applicable Internal Revenue Service regulations.

(f) Tuition Reimbursement Program.

(1) All full-time employees and officials with twelve or more months of satisfactory service shall be eligible to participate in a tuition reimbursement or professional certification program.

(2) An employee or official shall provide a written request to the Department Head indicating the course of instruction that is to be followed and how the course of instruction will benefit both the employee and the City. The Department Head shall make a recommendation and ~~shall forward the request to the City Manager for approval or denial. If approved, the written approval will be forwarded to Finance for future reimbursement. Human Resources Officer. The Human Resources Officer shall evaluate the course work or degree program for job-relatedness and shall notify the employee in writing regarding approval or disapproval. The approval may be for the entire course of study for an entire degree program, and the employee or official need not reapply for each course within the overall program. If the request is disapproved, a request may be made to the City Manager for reconsideration. The City Manager's decision shall be final.~~

(3) Courses are to be taken on other than scheduled working hours, unless approval is obtained from the Department Head, Human Resources Officer and City Manager.

(4) Reimbursement shall be made upon successful completion of the course with a grade of B (3.0) or better. The employee/official shall submit an official transcript or certificate demonstrating successful completion of the course and a receipt from the institution confirming the amount paid for tuition and textbooks.

(5) In the event that the employee/official receiving reimbursement separates from the City following any reimbursement, he/she shall pay back to the City 100% of the reimbursement amount made during the thirty-six (36) previous months preceding the separation from City.

A. Newly hired police officers who are required to attend a basic police academy and have the expense for attendance at the academy paid by the city will be subject to reimbursing the city for the cost of the academy if the officer voluntarily separates employment within thirty-six (36) months from the academy graduation.

(6) Employees shall be eligible for up to a maximum of three thousand dollars (\$ 3,000) per calendar year for tuition and textbooks. The total amount for tuition and textbooks paid to any individual without special consideration from City Council shall be twelve thousand dollars (\$ 12,000).

(7) Courses of instruction eligible for reimbursement under this program shall be provided by a recognized institution (e.g., college, university, community college, post-secondary technical school, etc.). No reimbursement shall be provided for correspondence courses.

(g) Police Officers shall be eligible to receive Special Duty Pay directly from the contractor of special duty services in accordance with such rules, regulations and procedures in effect with the New Albany Police Department. The rates for Special Duty shall be established by the City Manager.

(h) A shift differential of one dollar (\$1.00) per hour shall be provided to non-union police sergeants and non-union dispatch personnel (excluding hours in paid status while on approved leaves, restricted duty, and off-duty court time hours) for those who are regularly assigned to work second shift, third shift, or any shift that commences after the starting time of second shift and ends prior to the ending time of third shift. Shift differential will be paid for actual hours worked. ~~Shift differential shall not be paid in addition to regular pay for any hours spent on approved paid leave. Time spent in~~

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

optional training programs shall not qualify for shift differential pay. If shift differential pay is applicable, and overtime occurs, the shift differential pay shall be added to the base hourly rate prior to computing the overtime rate.

(i) The City Manager shall have the authority to establish monetary and non-monetary compensation programs that recognize the special efforts of employees that benefit the community and/or the organization.

(j) The City Manager shall have the authority to establish an employee recognition program and may, at his/her discretion, provide awards in recognition of service such as plaques, trophies, service pins, etc.; and any other type of non-monetary remuneration. The City Manager may expend City funds for such items including recognition luncheons, dinners, or other such expenditure in keeping with the objective of an employee recognition program. The City Manager may establish a monetary, performance-based merit program in addition to the merit compensation under the provisions of C.O. 155.20.

155.22 OPERS and OPFPF.

(a) The full amount of the statutorily required employee contributions to the Ohio Public Employees Retirement System of Ohio (OPERS) and to the Ohio Police and Fire Pension Fund (OPFPF) shall be withheld from the gross pay of each employee and shall be paid to OPERS and to OPFPF by the City on the employee's behalf. This withholding shall be in lieu of direct contributions to OPERS and OPFPF by each employee. No person subject to this withholding shall have the option of choosing to receive the statutorily required contribution to OPERS or to OPFPF directly. The City shall, in reporting and making remittance to OPERS and OPFPF, report that the public employee's contribution for each person subject to this payment has been made as provided by the statute.

(b) The payment by the City provided by this section shall apply to all persons that are employees of the City who are or become contributing members of OPERS or OPFPF.

(c) The total salary for each employee shall be the salary otherwise payable under the City's Policies. Such total salary of each employee shall be payable by the City in two parts:

- (1) Deferred salary and
- (2) Cash salary.

An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by OPERS and OPFPF to be paid as an employee contribution by that employee, and shall be paid by the City to OPERS and OPFPF on behalf of that employee as a pickup and in lieu of the OPERS and OPFPF employee contribution otherwise payable by that employee.

An employee's cash salary shall be equal to that employee's total salary less the amount of the pickup for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. The City shall compute and remit its employer contributions to OPERS and OPFPF based upon an employee's total salary. The total combined expenditures of the City for such employees' total salaries payable under applicable municipal policies and the pickup provisions of this chapter shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

155.23 LICENSING; CERTIFICATION.

(a) Certain job classifications within the City require the employee to maintain current licenses and/or certifications pursuant to the performance of the job. It is the responsibility of the employee who holds a position that mandates special licensing or certification to keep same in full force and effect while in the employ of the City. A complete and updated training record shall be forwarded to the Human Resources Officer to be kept in the employee's personnel file.

(b) The City may pay for training required to maintain certification and/or special licenses of employees. However, failure of the employee to notify the City of needed training in such a manner so as to avoid loss of certification and/or license shall result in disciplinary action, including, but not limited to, requiring the employee, at his/her own expense and on his/her own time, to take the necessary training or tests to regain his/her license and/or certification.

155.24 PERSONNEL RECORDS.

(a) Personnel File. One, and only one, personnel file shall be maintained for each employee and shall be in the custody of the Human Resources Officer. The personnel file shall contain all the official records of the City regarding an individual employee. An employee may review his personnel file at reasonable times in the presence of the Human Resources Officer upon written request to the Human Resources Officer. Copies of documents shall be made available to the employee at a cost as established in the City's Schedule of Fees and Service Charges. All such copies shall be marked "copy". The confidentiality of matters contained in the personnel files shall be the responsibility of the Human Resources Officer who shall release only such information permitted by law.

(b) Retention of Records. All actions of records, including appointment, evaluations, promotions, transfers, demotions, ~~written~~—reprimands, dismissals, suspensions, will be maintained in each employee's personnel file throughout his/her period of employment with the following exceptions: Records of documented oral reprimand appeals will be removed from the file upon the written request of the employee twelve months after such reprimand was issued, provided no further disciplinary action has occurred within that twelve month period of time. Records of written reprimands will be removed from the file upon the written request of the employee two years after such was given, provided no further disciplinary action has occurred within that two year period of time. ~~Records of suspensions of three days or less will be removed from the file upon the written request of the employee five years after such was given, provided no further disciplinary action has occurred within that five year period of time. In any case in which a written suspension, demotion or dismissal is disaffirmed through the appeal procedure, the personnel record shall clearly indicate such disaffirmance. Copies of commendations, letters of appreciation, and training certificates or records, shall also be maintained in the personnel file.~~

(c) Inaccurate Documents. ~~If an employee has reason to believe that there are inaccuracies in documents contained in their personnel file, the employee may write a memorandum to the Human Resources Officer explaining the alleged inaccuracy. If~~

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

the Human Resources Officer concurs with the employee's contentions, the Human Resources Officer shall either correct or remove the faulty document or attach the employee's memorandum to the document and note thereon concurrence with the memorandum. The Human Resources Officer may also attach the memorandum to the document and note disagreement with memorandum's contents. ~~The decision of the Human Resources Officer with regard to inaccurate documents shall be final.~~

155.25 INDIVIDUALS WITH DISABILITIES

The City will adhere to all applicable state and federal provisions including the American with Disabilities Act.

155.26 DISCIPLINARY ACTIONS.

It shall be the responsibility of each Department Head to maintain control and discipline in his/her Department. ~~This responsibility involves dealing promptly with violations of this chapter, municipal ordinances, the Charter, administrative orders of the City Manager, and federal and state laws by employees in their Department.~~

(a) Just Cause. No employee shall be reduced in pay or position, suspended (paid or unpaid), removed or reprimanded except for just cause, including incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy, work rule, or codified ordinance of New Albany, any other failure of good behavior, unbecoming conduct, any act of misfeasance, malfeasance or nonfeasance or the conviction of a felony. ~~The denial of a one-time pay supplement or bonus is not a reduction in pay.~~

(b) Progressive Discipline.

(1) The principles of progressive disciplinary action will be followed with respect to minor offenses. For minor offenses, an oral reprimand, a written reprimand and a suspension shall be given prior to demotion or dismissal. However, more serious discipline may be imposed for more serious offenses consistent with "just cause".

(2) Disciplinary action may consist of any action which is appropriate to the offense, including:

- A. ~~Informal (oral)~~ Documented oral reprimand;
- B. ~~Formal, written~~ Written reprimand ~~which becomes part of the employee's personnel file;~~
- C. Suspension from duty with or without pay;
- D. Demotion in rank or reduction in salary; or
- E. Dismissal;
- F. Or other agreed upon penalty.

(3) Disciplinary action noted in A through F, above, taken against an employee, which is other than in the nature of a minor first offense warning, shall be in writing and made a part of the employee's ~~permanent~~ personnel file.

(4) A suspension from duty without pay ~~for a period exceeding three days~~ must be reviewed and approved by the City Manager prior to becoming effective. ~~Informal reprimands, formal reprimands~~ Reprimands and suspensions from duty without pay for three days or less shall not require prior approval by the City Manager. However, it is suggested that the Department Head notify the City Manager whenever an employee is going to receive disciplinary action, suspended for three days or less. All demotions in rank, suspensions without pay, reductions in salary and dismissals must be reviewed and approved by the City Manager prior to becoming effective. Nothing in this section shall be deemed to preclude an employee from being relieved of duty by the Department Head and placed on paid administrative leave if in the judgment of ~~his~~ the supervisor such action is necessary. ~~In all cases of discipline, the grievance procedure set forth in Section 155.27 shall control. Disciplinary actions shall in all cases be dealt with in a confidential-private manner. Specifically, employees who are or who may be the subject of any disciplinary action and supervisors/superiors who take or are considering taking any disciplinary action shall refrain from discussing or otherwise disclosing such action to any persons except those who by this chapter or other law are entitled to such information. Whenever a written communication is transmitted to a higher supervisory authority in which matters are discussed which, if true, could become the basis of disciplinary action against an employee, whether or not such disciplinary action is subsequently taken, the employee who is the subject of such communication shall be given a copy of it at the time of its transmittal. This subsection does not apply to communications regarding a criminal investigation into activities of any employee.~~

(c) Responsibility for Discipline. –The duty of maintaining discipline among employees shall rest initially with the immediate supervisor and finally with the City Manager. –The City Manager has the power and duty, when he/she deems it necessary for the good of the service, to suspend, remove, or otherwise discipline all municipal employees and appointive administrative officers.

(d) Pre-disciplinary meeting. In cases of suspension, demotion, reduction in salary or dismissal, a regular, classified employee is entitled to a pre-disciplinary hearing prior to any suspension without pay being issued. The pre-disciplinary hearing requires written notice of the date, time and location of the hearing, behavior and work rules at issue, and opportunity for the employee to present information on the employee's behalf.

~~(d)~~(e) Copy of Discipline Record. –Whenever a disciplinary action is taken which results in a disciplinary action of record, the employee shall be given a written copy of such record at the time it is placed in the employee's personnel file. No public statement regarding the final decision shall be made until the written decision has been distributed to the employee.

155.27 PROCEDURE FOR APPEAL OF DISCIPLINARY ACTION.

(a) An employee of the City who feels aggrieved by the action of his/her supervisor in the administration of discipline may appeal such disciplinary action according to the step(s) set forth in Table I herein. For a particular disciplinary action, the employee shall follow the procedural steps in the order established, and the last step listed is the final point of appeal. The City Manager shall discipline employees and the Personnel Appeals Board has the power to hear appeals from administrative determinations made pursuant to this chapter and as may be authorized by this chapter.

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

(b) In accordance with the provisions of C.O. 155.02, employees serving in the unclassified service, or occupying positions which have been exempted from the classified service, serve at the pleasure of the City and may be dismissed, disciplined or reduced in pay or position at any time without regard to the procedures contained within these Codified Ordinances.

(c) Disciplinary actions and the associated appeal steps are as follows:

TABLE I
DISCIPLINE APPEAL PROCEDURE

<i>Disciplinary Action</i>	<i>Appeal Steps</i>
Formal (written) Written reprimand	(1), (2)
Suspension from duty without pay for 5 or less working days	(1), (2), (3)
Suspension from duty without pay for 6 or more working days	(1), (2), (3), (4)
Demotion in rank or reduction in salary	(1), (2), (3), (4)
Dismissal	(1), (2), (3), (4)

(b) Appeal Steps.

(1) Department/Division Head review. The aggrieved employee may present a written statement of his/her appeal to the Department/Division Head within fourteen (14) calendar days of the effective date of the disciplinary action being appealed and shall ask for a review and modification or reversal of the action and grounds for modification or reversal. The Department/Division Head shall issue a written response within fourteen (14) calendar days of receipt of the written appeal.

(2) Appeal to Human Resources Officer~~hearing~~. If an appeal is not resolved to the satisfaction of the employee under step (1) and the action being appealed is allowed to proceed to step (2), the employee may request in writing a review by the Human Resources Officer. The written appeal must be presented to the Human Resources Officer within seven (7) calendar days of receipt of the Department/Division Head response. ~~The Human Resources Officer shall hold a hearing~~meeting within fourteen (14) calendar days of the receipt of such written statement. At such hearing meeting the Department/Division Head shall present the facts and circumstances upon which the disciplinary action was taken. Prior to such hearing meeting the Human Resources Officer shall notify the employee, in writing as soon as is practicable, of the time and place of the hearing meeting and the specific matters or charges which will be considered. At the hearing meeting, the employee may be represented by an individual of his/her choosing, and will be permitted to present witnesses. The employee's personnel file shall be made available for him/her to review prior to the hearing upon written request to the Human Resources Officer. The Human Resources Officer, after the close of the hearing meeting, shall issue a written decision within fourteen (14) calendar days from the close of the hearing meeting that shall be forwarded to the employee. A copy of the written decision shall be provided to the employee and his/her representative at the time it is placed in the employee's personnel file. No public statements shall be made by the employee or employer regarding the final decision, until the written decision

has been given to the employee. The written decision of the Human Resources Officer shall be a prerequisite to a request for a hearing before the City Manager.

(3) City Manager hearingmeeting. If an appeal is not resolved to the satisfaction of the employee by the Human Resources Officer under step (2) and the action being appealed is allowed to proceed to step (3), the employee may request in writing within seven (7) calendar days of the issuance of the Human Resources Officer's written decision, a hearing-meeting before-with the City Manager. If such request is not made within seven (7) calendar days, the matter shall be closed. At such hearingmeeting, which shall occur within fourteen (14) calendar days, the department/division shall present the facts and circumstances upon which the disciplinary action was taken. Prior to the hearing meeting, the City Manager shall notify the employee in writing, as soon as is practicable, of the time and place of the hearing meeting and the specific matters or charges which will be considered. At the hearingmeeting, the employee may be represented by an individual of his/her choosing; he/she will be permitted to present witnesses. The employee's personnel file shall be made available to him/her for review prior to the hearing-meeting upon written request to the Human Resources Officer. The City Manager shall issue a written decision, after the close of the hearingmeeting, which shall be forwarded to the employee within twenty-one (21) calendar days. A copy of the written decision shall be provided to the employee and his/her representative at the time it is placed in the employee's personnel file. No public statements shall be made by the employee or employer regarding the final decision, until the written decision has been given to the employee. The written decision of the City Manager shall be a prerequisite to a request for a hearing before the Personnel Appeals Board.

(4) Personnel Appeals Board Hearing. The Charter provides for a three member Personnel Appeals Board. An aggrieved non-exempt classified employee may request in writing a hearing before the Personnel Appeals Board. The Personnel Appeals Board may also hear appeals of union employees in accordance with the grievance procedure in the applicable collective bargaining agreement. Such request must be submitted within fourteen (14) calendar days of receipt by the employee of the City Manager's decision under step (3). Such request shall be submitted to the Human Resources Officer, who will notify the Personnel Appeals Board. The Board shall set a time, date and location to hear such appeal and notify the Human Resources Officer as well as the employee, or designated representative, if any/known. The notice of the hearing will be either hand-delivered upon the employee or known representative or mailed to the employee's last known post office address. Alternate methods of notice may also be provided, such as pursuant to electronic means, upon the request of the employee, or the employee's designated representative, if any. Such notice of the hearing will be provided as outlined above at least fourteen (14) calendar days prior to the date of the hearing, unless an extension of time is requested or waived by the employee.

During the hearing, all witnesses must testify under oath or affirmation. Any Board member shall have power to administer oaths and affirmations to witnesses and to take testimony concerning any matter which the Board has the authority to hear.

The Board shall have the power to issue a subpoena and require the attendance of witnesses and the production of documents pertinent to any hearing. Either party may

Draft 4-18-2022

O-27-2018; 2nd Reading/Public Hearing/Adoption December 18, 2018

Effective January 1, 2019

request that a subpoena be issued by the Board. Such requests for a subpoena or a request for production of documents shall be submitted no later than seven (7) days prior to the hearing. It is the responsibility of the requesting party to ensure proper service of the subpoena.

Amendments or modifications to the orders of dismissal, discipline or reduction in pay or position may be made by the appointing authority at any time prior to the start of the hearing, provided the employee and his/her attorney, if any, receive copies of the amended order prior to the time set for the hearing as provided herein.

Hearings before the Board shall be conducted in an orderly manner. The Board is not required to strictly follow the rules of evidence as applied by the courts in civil cases. The parties may be represented by counsel or other representative. The Board may also be represented by independent legal counsel when, in the Board's opinion, such independent legal counsel is needed and the cost of such representation shall be paid by the City.

In a hearing on an appeal before the Board, the following procedure shall be followed:

- a) Hearings may be public as required by Ohio law; however, upon the request of either party, witnesses may be separated during the hearing.
- b) The appointing authority taking the action affecting the employee shall proceed first with the burden of supporting the charges and specifications.
- c) The affected employee shall then produce such evidence as they wish to rebut the charges and specifications brought against the employee.
- d) The appointing authority will have the opportunity to offer rebuttal evidence.
- e) The burden of proof to be utilized by the Board shall be by a preponderance of the evidence.
- f) Each party may call witnesses to testify on their behalf. The Board on its own initiative may call witnesses other than those called by either party if in its judgment the merits of the case so require. In no instance shall more than five (5) witnesses be called by each party without the consent of the Board.
- g) The Board may, in its discretion, hear final arguments or allow post-hearing briefs.
- h) Hearings may be recorded by the Board in a manner it deems appropriate. Copies of any transcript may be provided to any parties upon written request.
- i) The Board will render its decision within a reasonable time from the date of the hearing. Upon the completion of all evidence introduced, the Board may render its final order immediately, or may take the matter under advisement and render its final order within a reasonable time thereafter.

- j) A written copy of the final order shall be transmitted to the appointing authority and the employee or their designated representative, if any.
- k) If the employee fails to appear at the hearing, the Board may hear the evidence offered by the appointing authority and render judgment thereon. If the appointing authority, or its designated representative fails to appear at the time fixed for the hearing, and if no evidence is offered in support of the charges against the employee, the Board may render judgment as by default or may hear evidence offered by the employee and render judgment thereon.

The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Board, will terminate the appeal process. Notice of the employee's resignation shall be submitted immediately to the Board and shall be entered into the Board's records.

The decision of the Personnel Appeals Board is final.

155.28 INVESTIGATIVE PROCEDURES.

With the approval of the City Manager, investigative procedures shall be undertaken any time an employee is suspected of or charged with an act which could result in criminal and/or administrative charges being filed against such employee. The investigative procedure for an administrative investigation shall be determined by the City Manager. The investigative procedure for a criminal investigation shall be as set forth hereinafter.

(a) When any anonymous complaint is made against an employee and there is no corroborative evidence of any kind, then the complaint shall be classified as unfounded and the accused employee shall not be required to submit a written report.

(b) An employee shall be informed of the nature of an investigation prior to any questioning.

(c) An employee who is to be questioned as a suspect in an investigation that may lead to criminal charges shall be advised of his constitutional rights in accordance with law and shall then and continually thereafter have a right to counsel or other representative of his choosing.

(d) The use of administrative pressures, threats, coercion or promises shall not be employed for any purpose during the course of an investigation regarding any employee.

(e) An employee who declines or refuses to answer questions or to otherwise participate in an investigation may be charged with insubordination or a like offense except where such refusal is based on an exercise of his constitutional rights as referenced in subsection (c) hereof.

(f) The interrogation of an employee in connection with an investigation shall be conducted at reasonable times and for reasonable periods of time that shall include rest periods and time to attend to physical necessities.

(g) Commencing at the time during an investigation when an employee is advised of his constitutional rights as provided in subsection (c) hereof, an interrogation shall be recorded at the request of either party.

(h) In the course of an investigation, an employee may be given a polygraph examination, in compliance with applicable laws.

(i) During the course of an investigation, interviews of employees not the subject of such investigation may be conducted. Where appropriate, the procedures set forth herein shall be followed with respect to such other employees.

(j) Upon request, an employee shall be afforded reasonable access to written documents and to taped interviews made in accordance with subsection (g) hereof during which time he/she may listen to and make personal notes. If a written transcript of a recorded interview is made, the employee will be provided a copy of such transcript upon written request to the City Manager.

(k) If in lieu of the filing of criminal charges an investigation results in the necessity of disciplinary action in accordance with Section 155.26, disciplinary actions shall be taken. An employee whose conduct is the subject of such disciplinary action shall be afforded access to evidentiary matters expected to be presented in the course of any appeal process hearing associated with the disciplinary action.

(l) If any of these procedures are alleged to have been violated, such allegations shall be subject to the appeal procedure provided in Section 155.27 beginning at the level of the Human Resources Officer.



ORDINANCE O-16-2022

APPROPRIATION AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022, TO TRANSFER AND ADVANCE FUNDS FROM THE GENERAL, ECONOMIC DEVELOPMENT SPECIAL REVENUE AND BLACKLICK TAX INCREMENT FINANCING FUNDS, AUTHORIZING THE ACCEPTANCE OF NOT TO EXCEED \$85,000,000 OF INFRASTRUCTURE GRANT FUNDING FROM THE STATE OF OHIO AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE STATE FOR THAT FUNDING, AND DECLARING AN EMERGENCY TO WAIVE THE SECOND READING

WHEREAS, in December 2021, the 2022 Annual Budget Program and the related permanent appropriations were adopted by council; and

WHEREAS, it is necessary to make adjustments to the 2022 appropriations to ensure compliance with budgetary requirements and reflect proposed and actual spending; and

WHEREAS, in December 2021, upon the recommendation of the finance director and city manager, council opted to postpone end-of-year transfers from the General Fund excess reserve balance in order to more accurately assess the availability of general fund revenue for transfer in light of the global pandemic and its potential effect on income tax revenue; and

WHEREAS, upon the close of 2021 fiscal year and currently projected for the close of 2022 fiscal year, the General Fund balance exceeds the city's 60-65% General Fund reserve goal; and

WHEREAS, council desires to transfer a portion of the General Fund available cash balance that exceeds the amount of the city's reserve goal to the Debt Service Fund for the purpose of redeeming a portion of callable bonds within the City's Series 2012 issuance; and

WHEREAS, council desires to advance a portion of the General Fund available cash balance that exceeds the amount of the city's reserve goal to the Economic Development – NACA and Blacklick Tax Increment Financing Funds for the purpose of redeeming all of the City's Series 2013 and a portion of callable bonds within the City's Series 2012 issuances payable from each fund, respectively;

WHEREAS, council desires to transfer funds received by the Economic Development - NACA and Blacklick Tax Increment Financing Funds to the Debt Service Fund for the purpose of redeeming a portion of callable bonds within the City's Series 2013 and 2012 issuances, respectively;

WHEREAS, council desires to return monies advanced from the General Fund as related revenue in each fund is received; and

WHEREAS, the State of Ohio has authorized not to exceed \$85,000,000 of grant funding to the city for infrastructure improvements urgently needed for a significant economic development project to be located in the New Albany International Business Park; and

WHEREAS, it is necessary to accept that grant and appropriate said grant funding in a timely matter due to the accelerated schedule for the construction of infrastructure improvements necessary to meet commitments for that economic development project; and

WHEREAS, this ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the city, and for the further reasons that this ordinance is required to be immediately effective to ensure the redemption of bonds is processed as soon as possible preventing additional accrued interest to be paid at redemption and to meet the urgent time requirements to provide infrastructure for the economic development project referred to above.

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 following funds in relation to the redemption of all or a portion of the city's Series 2012 and Series 2013 callable bonds:

Fund	Department	Category	Increase/ (Decrease)
101 - General	N/A	Transfers & Other Financing Uses	3,000,000
222 - Economic Development - NACA	N/A	Transfers & Other Financing Uses	1,122,887
250 - Blacklick TIF	N/A	Transfers & Other Financing Uses	469,278
301 - Debt Service Fund	N/A	Debt Service	3,000,000
Total Appropriation Amendments			\$ 7,592,165

Section 2. Council hereby authorizes the following transfer of funds from the funds listed below to the Debt Service Fund:

Fund	Amount
101 - General	\$ 1,407,835
222 - Economic Development - NACA	1,122,887
250 - Blacklick TIF	469,278
Total Transfers	3,000,000

Section 3. Council hereby authorizes the advance of funds from the General fund to the following funds:

Fund	Amount
222 - Economic Development - NACA	\$ 1,122,887
250 - Blacklick TIF	469,278
Total Advances	1,592,165

Section 4. Council hereby authorizes the city manager to accept the award of an infrastructure grant of \$85,000,000 from the State of Ohio. The city manager is further authorized and directed, on behalf of the city, to execute and deliver a grant agreement with the State of Ohio in the customary form, and the City Manager, Director of Finance and Director of Community Development are each also authorized and directed to execute and deliver any other agreements and take all other actions and do all other things necessary and consistent with this Ordinance to authorize the purposes of that grant.

Section 5. Council hereby authorizes an appropriation of the unappropriated balance of the following funds in relation to increased economic development activity and infrastructure projects which includes the appropriation of grant funding to be received by the State of Ohio:

Fund	Department	Category	Increase/ (Decrease)
101 - General	Community Development	Personal Services	550,000
101 - General	Community Development	Operating and Contractual Services	500,000
101 - General	Land & Building Maintenance	Operating and Contractual Services	60,000
101 - General	Administrative Services	Personal Services	100,000
101 - General	Administrative Services	Operating and Contractual Services	50,000
101 - General	Finance	Personal Services	50,000
222 - Economic Development - NACA	Community Development	Operating and Contractual Services	500,000
422 - Economic Development Capital	N/A	Capital	(500,000)
422 - Economic Development Capital	N/A	Capital	85,000,000
Total Appropriation Amendments			\$ 86,310,000

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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 7. Pursuant to Article VI, Section 6.07(A) of the charter of the City of New Albany, and by reason of emergency necessary for the immediate preservation of the public peace, health safety, or welfare, and for the reasons set forth in the preamble hereto, the second reading is waived and this ordinance shall be effective immediately upon passage.

CERTIFIED AS ADOPTED this _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin Albrecht
Interim Law Director

Legislation dates:

Prepared: 04/22/2022

Introduced: 05/03/2022

Revised:

Adopted:

Effective:



RESOLUTION R-18-2022

A RESOLUTION TO AMEND THE OAK GROVE II COMMUNITY REINVESTMENT AREA TO ADD APPROXIMATELY 1,689.59 +/- ACRES TO THAT AREA, CONFIRM THE DESIGNATION OF A HOUSING OFFICER AND THE CREATION OF A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCIL, EXPAND THE OAK GROVE II ECONOMIC OPPORTUNITY ZONE TO ADD THAT AREA, AND APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT PROVIDING COMPENSATION BY THE CITY TO THE CAREER AND TECHNOLOGY EDUCATION CENTERS OF LICKING COUNTY (C-TEC) FOR FUTURE TAX EXEMPTIONS IN THE EXPANSION AREA

WHEREAS, the Council of the City of New Albany, Ohio (the "City") desires to pursue all reasonable and legitimate incentive measures to assist and encourage commercial and industrial development in specific areas; and

WHEREAS, Council, by its Resolution No. R-17-09 adopted March 3, 2009, designated the Oak Grove II Community Reinvestment Area (the "Original Oak Grove II Area"), and by each of its Resolutions No. R-41-2010 adopted July 6, 2010, R-72-2010 adopted November 16, 2010, R-53-2012 adopted October 2, 2012, R-26-2013 adopted August 6, 2013, R-72-2014 adopted September 16, 2014, R-49-2015 adopted November 17, 2015, R-45-16 adopted November 1, 2016, R-02-2017 adopted February 7, 2017, R-17-2018 adopted July 17, 2018, R-41-2018 adopted November 6, 2018, R-50-2018 adopted December 10, 2018, R-05-2019 adopted February 19, 2019, R-37-2019 adopted on August 6, 2019, R-15-2021 adopted on April 6, 2021, R-46-2021 adopted September 21, 2021, and R-09-2022 adopted February 6, 2022 expanded that Original Oak Grove II Area (as expanded to date, the "Current Oak Grove II Area"), which enabled the City to offer in that Current Oak Grove II Area real property tax exemptions on the construction of certain new structures and the remodeling of certain existing structures as described in Ohio Revised Code ("R.C.") Section 3735.67; and

WHEREAS, the City desires to promote commercial and industrial development in an additional area contiguous to the Current Oak Grove II Area, which contiguous area includes approximately 1,689.59 +/- acres and which is depicted on Exhibit A attached hereto (the "Oak Grove II Expansion Area"); and

WHEREAS, the City believes that industrial and commercial development in the Oak Grove II Expansion Area will encourage economic stability, maintain real property values and generate new employment opportunities and therefore desires to designate the Oak Grove II Expansion Area as a community reinvestment area pursuant to R.C. Sections 3735.65 to 3735.70 in order to facilitate and

support that development, including but not limited to the development and construction by the Intel Corporation of semiconductor wafer fabrications buildings and other related structures and administrative buildings (the "Intel Project"); and

WHEREAS, as required by R.C. Section 3735.66, a survey of housing was prepared for the Oak Grove II Expansion Area (the "Survey"); and

WHEREAS, that Survey shows the facts and conditions relating to existing housing and commercial structures and undeveloped land in the Oak Grove II Expansion Area, including, among other things, evidence of deterioration and lack of new construction or repair or rehabilitation of structures in that Oak Grove II Expansion Area; and

WHEREAS, the construction of new commercial or industrial structures in the Oak Grove II Expansion Area constitutes a public purpose for which real property tax exemptions may be granted; and

WHEREAS, the City created an economic opportunity zone (the "Oak Grove II EOZ") to encourage commercial and other business development in the City and now the City, to consistently preserve areas and zones, wishes to expand the Oak Grove II EOZ in conjunction with the expansion of the Oak Grove II CRA so that the two, when mapped, have the same area and boundaries; and

WHEREAS, the City desires to grant in the future certain real property tax exemptions in the Oak Grove II Expansion Area for building and structures located within the boundaries of the City, The Career and Technology Education Centers of Licking County and the Johnstown-Monroe Local School District pursuant to and consistent with (a) Revised Code Section 3735.671 (each a "CRA Exemption"), and (b) Revised Code Sections 5709.40, 5709.42 and 5709.43 of the Revised Code (each a "TIF Exemption") to support the development of public infrastructure improvements; and

WHEREAS, the City and the Johnstown-Monroe Local School District ("JMLSD") on February 18, 2010 entered into a Compensation Agreement that provides for the JMLSD to receive (i) payments equal one half of the amount credited to the Village Account under Section 2(c) of City Resolution No. R-14-2010 adopted by this City Council on March 23, 2010 from a building or structure subject to an exemption under Revised Code Section 3735.671 but not exceeding the aggregate amount that would have been payable to JMLSD absent the real property tax exemption, and (ii) for any real property exemption approved by the City under Revised Code Sections 5709.40, 5709.42 and 5709.43 the amount that would have been payable to the JMLSD absent that exemption, and in exchange for (i) and (ii) the JMLSD has approved and consented to, and waived requirements the City provide notice to JMLSD in connection with, those real property tax exemptions; and

WHEREAS, the City desires, pursuant to the applicable provisions of Substitute Senate Bill No. 166 of the 134th Ohio General Assembly, effective March 23, 2022, to provide for compensation to the Career and Technology Education Centers of Licking County ("C-TEC"), as a joint vocational school district, at the same rate or amount and under the same terms received by the Johnstown-Monroe Local School District ("JMLSD") from the City any CRA Exemption and TIF Exemption, and the City and C-TEC agree that C-TEC should receive that compensation in connection with those exemptions and, and in exchange C-TEC will approve and consent to, and waive any notices

from the City to C-TEC that may otherwise be required by the Revised Code in connection with, the approval and implementation of those CRA Exemptions and TIF Exemptions.

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

Section 1. Conditions in the Oak Grove II Expansion Area. Based on the findings in the Survey and on this Council's own knowledge of the facts and conditions existing in the Oak Grove II Expansion Area, this Council hereby finds that the Oak Grove II Expansion Area is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

Section 2. Creation of Oak Grove II Expanded CRA. This Council hereby designates the Oak Grove II Expansion Area as a community reinvestment area (collectively with the Current Oak Grove II Area, the "Oak Grove II CRA") in accordance with R.C. Section 3735.66. Only new commercial and/or industrial structures consistent with the applicable zoning regulations within the Oak Grove II CRA will be eligible for the exemptions provided for in Section 3 of this Resolution, and residential remodeling or new structures, including, but not limited to, multi-family condominium or apartment structures or remodeling thereof, shall not be eligible for the exemptions granted in that Section 3.

Section 3. Tax Exemptions in the Oak Grove II CRA. Within the Oak Grove II CRA, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial real property and the term of those exemptions shall be negotiated in advance of construction occurring in accordance with R.C. Section 3735.67. The City has the authority to negotiate, approve or deny any request for such a tax exemption. The results of the negotiation as approved by this Council will be set forth in writing in a Community Reinvestment Area Agreement as provided in R.C. Section 3735.671. If the newly constructed structure qualifies for an exemption, during the period of the exemption the exempted percentage of the value of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

The City Manager, the City Community Development Director, and the City Economic Development Manager, or any one of them, are hereby authorized to give any and all notices on behalf of this Council that may be required by law, including, without limitation, those notices required by R.C. Sections 3735.671, 3537.673 and 5709.83, in connection with the consideration, approval or entering into of any agreements under R.C. Section 3735.671.

Section 4. Estimation of Taxes Charged and Payable to Johnstown-Monroe School District. This Council hereby determines in good faith that the estimates for the Intel Project to be located within the Oak Grove II Expansion Area are on file with the City Director of Community Development, show that the aggregate of the following amounts will equal or exceed fifty percent (50%) of the amount of taxes that would have been charged and payable to the Johnstown-Monroe Local School District ("JMLSD") each year any portion of the Intel Project is expected to be exempted from real property under the Oak Grove II CRA as shown in those estimates: (i) the amount of taxes charged and payable on any portion of the assessed valuation of the new structure or of the increased assessed valuation of an existing structure after remodeling began that will not be exempted from taxation under any agreement entered into pursuant to R.C. 3735.671(A), (ii) the

amount of taxes charged and payable on tangible personal property located on the premises of the new structures or of the structure to be remodeled under the agreement, and (iii) the amount of any cash payment by the owner of the new structure or structure to be remodeled, the dollar value, as mutually agreed to by the owner and JMLSD, or any property or services provided by the owner of the property to JMLSD, whether by gift, loan, or otherwise, and any payment by the City to JMLSD pursuant to R.C. 5709.82. The City Director of Community Development is hereby directed to certify those estimates to the JMLSD and that they have been made by this Council in good faith.

Section 5. Compensation Agreement with C-TEC. The City Manager is hereby authorized and directed, on behalf of the City, to execute and deliver the compensation agreement with C-TEC (the "Compensation Agreement") substantially similar to the form on file with the Director of Community Development and with changes that are not materially inconsistent with this Resolution and not substantially adverse to the City and that are permitted by law, all of which shall be conclusively evidenced by the execution of the Compensation Agreement on behalf of the City. The City Manager, Director of Finance and Director of Community Development are each also authorized and directed to execute and deliver any other agreements and to take all other actions and do all other things necessary and consistent with this Resolution in order to accomplish the purpose of this Resolution.

Section 6. Designation of Housing Officer. To administer and implement the provisions of this Resolution, the Council hereby confirms the prior designation of the City Manager as the Housing Officer for the Oak Grove II CRA as described in R.C. Sections 3735.65 to 3735.70.

Section 7. Application Fee. All projects are required to comply with the State application fee requirements of R.C. Section 3735.672(C). The City may also require a local annual monitoring fee of one percent of the amount of taxes exempted under an agreement, provided there shall be a minimum local annual monitoring fee of \$500 and a maximum local annual monitoring fee of \$2,500.

Section 8. Housing Council and Tax Incentive Review Councils. This Council hereby confirms the prior creation of a Community Reinvestment Area Housing Council (the "Housing Council") for the Oak Grove II CRA. That Housing Council is composed of two members appointed by the Mayor, two members appointed by this Council and one member appointed by the City's Municipal Planning Commission. A majority of those five members shall appoint two additional members who shall be residents of the City. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Housing Council shall make an annual inspection of the properties within the Oak Grove II CRA for which an exemption has been granted under R.C. Section 3735.67. The Housing Council also shall also hear appeals under R.C. Section 3735.70.

The "Franklin County Tax Incentive Review Council" and the "Licking County Tax Incentive Review Council" (each a "TIRC") were both previously created pursuant to R.C. Section 5709.85. Each TIRC reviews annually the compliance of each agreement involving the granting of exemptions for commercial or industrial real property improvements under R.C. Section 3735.671 and makes written recommendations to this Council as to continuing, modifying or terminating each agreement based upon the performance of each agreement.

Section 9. Resolution to be Forwarded and Published. The Housing Officer or the Housing Officer's designee is hereby authorized and directed to cause to be published a copy of this Resolution in a newspaper of general circulation in the City once per week for two consecutive weeks following its adoption. The Housing Officer or the Housing Officer's designee is hereby authorized to forward a copy of this Resolution to the Licking County Auditor.

Section 10. Authorization to Petition the State of Ohio Director of Development. The Housing Officer, or the Housing Officer's designee, is hereby authorized and directed, on behalf of the City, to petition the State Director of Development in accordance with R.C. Section 3735.66, for confirmation of the Oak Grove II CRA as expanded to include the Oak Grove II Expansion Area.

Section 11. Open Meeting. The Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Council and any of its committees and that all deliberations of this Council and of its committees that resulted in formal action were taken in meetings open to the public in full compliance with the applicable legal requirements, including R.C. Section 121.22.

Section 12. Effective Date. Pursuant to Article 6.07(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2022.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Interim Law Director

Legislation dates:

Prepared: 04/21/2022

Introduced: 05/03/2022

Revised:

Adopted:

Effective: