



ORDINANCE O-16-2024

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 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 be effective July 22, 2024.

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 _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/20/2024

Revised: 05/31/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective:

PROPOSED

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 Leave.	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. There may be more than one position in a classification (e.g. 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 not included in the unclassified 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. [Classified positions may be FLSA-exempt or non-exempt, depending on the nature of the position.](#)

Exhibit A – O-16-2024

- (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 an employee in charge of an established department and its subordinate divisions. Departments are created by Council under the Charter. 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.
- (~~nn~~) "Full-time Employee" means an employee ~~that who~~ is regularly scheduled to work not less than forty (40) hours within seven (7) consecutive calendar days.
- (~~oo~~) "Grievance" is any dispute, regarding the meaning, interpretation, application, or alleged violation in the administration of discipline.
- (~~pp~~) "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.
- (~~qq~~) "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.
- (~~rr~~) "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

Exhibit A – O-16-2024

under 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability.

- (sr) "Intermittent" means an employee working an irregular schedule less than 1,000 hours per fiscal year.
- (ts) "Official" means a person appointed by City Council or the City Manager who directs the functions of government.
- (ut) "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.
- (vu) "Human Resources Officer" means the position duly designated by the City Manager to coordinate the administration of this chapter.
- (wv) "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.
- (xw) "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.
- (yx) "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary.
- (zy) "Regular employee" –means an employee who has been appointed to a position in the classified service and who has satisfactorily completed their probationary period.
- (aaz) "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.
- (bbaa) "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.
- (eebb) "Transfer" is a change of job assignment and/or classification created by an employment need as determined by the City Manager.
- (ddcc) "Unclassified Service" ~~means includes positions that, according to Section 8.07, Personnel Systems, of the City Charter and Section 155.02 of these Codified Ordinances all employees of the City who occupy positions which~~ have been exempted from all competitive examinations and ~~who~~ serve at the pleasure of the City ~~including and~~ employees serving in a fiduciary capacity, ~~and who,~~ 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. Unclassified positions may be FLSA-exempt or non-exempt, depending on the nature of the position.
- (ffdd) "Workday" means a regularly scheduled working time assigned by a supervisor or manager.

Exhibit A – O-16-2024

(ggge) "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-compensation 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
6. Clerk of Council
7. Deputy Clerk of Council

Exhibit A – O-16-2024

8. Chief Communications & Marketing Officer
9. Engineer
10. Chief Building Official
11. Assistant Chief Building Official
12. Human Resources Officer
13. Police Lieutenant
14. ~~Public Information Officer~~ Multimedia Communications Specialist
15. Communications & Marketing Specialist
- ~~15~~16. Executive Assistant
- ~~16~~17. Systems Analysts
18. Management Analysts
19. Community Program Administrator
20. Network Administrator or similar and higher level IT

positions

- ~~21~~17. Any employee serving in a fiduciary capacity
- ~~18~~22. 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 shall be ineligible to move to the next succeeding step in the

Exhibit A – O-16-2024

classification during the probationary period or extension of probationary period. Upon successful completion of the probationary period extension, the employee is eligible to move to the next succeeding step, and 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. 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 the probationary period extended for an additional six (6) months. A probationary period may only be extended for an additional six (6) months after a 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, the employee shall be returned to his or her previous position and his or her seniority in that position shall be maintained. If the employee's previous

Exhibit A – O-16-2024

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 months~~six-month (6) probationary period. Thereafter, the employee will be eligible for merit-based adjustments upon the anniversary of the transfer date. if the employee has not already received a merit bonus or step increase previously in the 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 (6)~~ months. Thereafter, the appointment date to full-time employment shall serve as the anniversary date for merit pay purposes.

(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:

- (1) Be dismissed by reason of failing to adequately perform the duties and responsibilities required for the position;
- (2) Have 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, or C.O. 155.02(c)(2). The City Manager in consultation with the Department Head shall determine the practicality of competitive examinations where the

Exhibit A – O-16-2024

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, 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.
- 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) 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

Exhibit A – O-16-2024

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 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 who do not receive a holiday bank, 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 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 approved paid leave time such as vacation, sick leave, bereavement leave, jury duty, personal day(s) or other approved 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.

Exhibit A – O-16-2024

(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 one of the following ways:

- (1) The employee may elect to be paid at the rate of one and one-half times their hourly rate of pay for any hours worked on the holiday;
- (2) The employee may elect to be credited with one and one-half hours of compensatory leave for any hours actually worked on the holiday. 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.
- (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) FLSA non-exempt essential safety services positions within the Police Department, such as dispatchers and sergeants, will be provided 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 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 with accrued and unused holiday leave who separates or transfers to a position that does not receive holiday bank, will be paid out the accrued leave at the employee's base rate of pay. An employee who separates, or transfers to a position that does not receive a holiday bank, and 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 paycheck or may elect to forfeit the equivalent number of hours of other accrued leave that is eligible for payout.–Holiday leave hours not accrued are considered forfeited upon separation.
- (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.

Exhibit A – O-16-2024

(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 shall be paid out on the first full payroll period of January of the following year. Unused hours ~~or~~ when an employee terminates his/her employment shall be forfeited. Employees who are rehired after retirement from the City shall not be eligible for any personal leave payout.

(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, classified non-exempt employees shall accrue vacation on the following schedule:

(1) At employment up to the completion of the ~~4th-1st~~ year of employment - 3.077 hours per pay period

~~(2)~~ Upon completion of the first year of employment up to the completion of the 4th year of employment – 4.615 hours per pay period.

~~(2)~~ (3) Upon completion of the 4th year of employment up to the completion of the 9th year of employment - ~~4.615~~6.154 hours per pay period

~~(3)~~ (4) Upon completion of the 9th year of employment up to the completion of the ~~14th-18th~~ year of employment - ~~6.154~~7.70 hours per pay period

~~(4)~~ (5) Upon completion of the ~~14th-18th~~ year of employment and beyond - ~~7.70~~8.615 hours per pay period

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

(1) At appointment - three weeks. Employees appointed to an unclassified position upon hire, or, who move from a classified non-exempt position to an exempt-unclassified position, will be provided three weeks upon appointment to the exempt-unclassified position. Newly hired unclassified employees shall accrue 3.077 hours of vacation leave per pay period after six months of employment until the end of their first year of employment. Thereafter, accrual will be provided at the rate otherwise qualified for. Employees appointed to an unclassified position from a classified position will and continue to accrue at the rate otherwise qualified for based on length of continuous service with the City after 6 months of employment in the unclassified position.

Exhibit A – O-16-2024

- (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 and up to the completion of the 14th year of employment - 7.70 hours per pay period.
- (5) Upon completion of the 14th year of employment and beyond - 8.615 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 maximum carryover limits standing to the credit of the employee on December 1 shall become void on December 31, unless scheduled to be paid out in January. Employees with leave in excess of 480 hours as of December 1 may have up to 80 hours paid out upon request. Such payout shall be at the employee's rate of pay as of December 31 and occur in the following January.

(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 except as provided in (d), above.

(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.

(l) Employees who are re-hired by the City after retirement from the City shall accrue vacation leave at the rate accrued upon retirement and shall not be eligible for additional accrual steps or cash payment in (d), above, or cash payment for unused vacation leave upon final separation.

Exhibit A – O-16-2024

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 illness, pregnancy, non-work related injury, exposure of contagious disease which could be communicated to other employees, quarantine of the employee, and 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 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) 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.

Exhibit A – O-16-2024

- 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.

(n) Employees who are re-hired by the City after retirement from the City shall be allowed to carry over up to 120 hours of sick leave and upon reemployment will accrue sick leave under (a), above. Upon final separation, a maximum of 120 hours will be eligible for payout at a one-to-three basis. Any leave remaining above 120 hours shall be forfeited.

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. 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 (80) hours of sick leave. Eligible employees must elect, no later than September 1 of each year, to convert up to eighty (80) hours of sick leave for payment in the first full pay period in January of the next calendar year (payable at the ~~employees~~ employee's 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

Exhibit A – O-16-2024

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 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 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~~ forty (40) hours of bereavement leave, without loss of pay in case of a death in the immediate family.

(b) Sick leave, vacation leave, holiday 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 Department Head.

(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, holiday 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

Exhibit A – O-16-2024

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 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 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.

Exhibit A – O-16-2024

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. -Actively serving council members may elect to enroll in city-sponsored health insurance at the time of open enrollment or upon a qualifying life event. The available benefits and cost of insurance provided to council members shall be the same as is offered to full-time non-bargaining employees. The benefits shall be based on the benefits of the carrier or carriers.

(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.

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.

Exhibit A – O-16-2024

155.21 MISCELLANEOUS COMPENSATION PROVISIONS.

(a) Call Out Pay. A full-time FLSA 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 of 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 forward the request to the City Manager for approval or denial. If approved, the written approval will be forwarded to Finance for future reimbursement.
- (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.

Exhibit A – O-16-2024

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 (~~\$1.0025~~) 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) and any employees for those who are regularly assigned to work second shift, third shift, or any shift that commences after the starting time of second shift (usually 2 p.m.) and ends prior to the ending time of third shift (usually 6 a.m.). Shift differential does not apply when an employee is assigned to work extra hours such as special events or responding to call-out or emergencies, that include second or third shift hours. -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 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) Authorized dispatchers and sergeants who are assigned to train new dispatchers or sergeants, respectively, shall earn \$1.50 above their base hourly rate on an hour-for-hour basis for all hours worked during a shift as a trainer, provided the trainer works a minimum of eight (8) consecutive hours.

(ij) 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.

(k) Employees placed in an on-call status by their Department Head will be compensated for time spent on-call at an amount determined by the City Manager.

(lj) 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 expenditures in keeping with the objective of an employee recognition program. -The City Manager may establish a monetary,

Exhibit A – O-16-2024

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.

Exhibit A – O-16-2024

(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, 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 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 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 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

Exhibit A – O-16-2024

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. Documented oral reprimand;
 - B. Written reprimand;
 - 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, shall be in writing and made a part of the employee's personnel file.
- (4) A suspension from duty without pay must be reviewed and approved by the City Manager prior to becoming effective. Reprimands 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. 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 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

Exhibit A – O-16-2024

be dealt with in a 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.

(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.

(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.

(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>
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)

Exhibit A – O-16-2024

Demotion in rank or reduction in salary	(1), (2), (3), (4)
Dismissal	(1), (2), (3), (4)

(d) 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. 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 meeting within fourteen (14) calendar days of the receipt of such written statement. At such meeting the Department/Division Head shall present the facts and circumstances upon which the disciplinary action was taken. Prior to such meeting the Human Resources Officer shall notify the employee, in writing as soon as is practicable, of the time and place of the meeting and the specific matters or charges which will be considered. At the 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 meeting, shall issue a written decision within fourteen (14) calendar days from the close of the 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 meeting. 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 meeting with the City Manager. If such request

is not made within seven (7) calendar days, the matter shall be closed. At such meeting, 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 meeting, the City Manager shall notify the employee in writing, as soon as is practicable, of the time and place of the meeting and the specific matters or charges which will be considered. At the meeting, 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 meeting upon written request to the Human Resources Officer. The City Manager shall issue a written decision, after the close of the meeting, 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.

Exhibit A – O-16-2024

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 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.

Exhibit A – O-16-2024

- 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.

Exhibit A – O-16-2024

(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-17-2024

AN ORDINANCE TO ACCEPT A RIGHT-OF-WAY DEDICATION OF 0.025 ACRES AS NEEDED TO SUPPORT THE SOUTH HARLEM ROAD ROADWAY IMPROVEMENTS AS REQUESTED BY SANDRA AND JEFFREY ROWLEY

WHEREAS, Jeffrey and Sandra Rowley, the grantors and owners of certain real property within the City of New Albany, desire to dedicate a portion of said property for public right-of-way purposes; and

WHEREAS, the existing right-of-way along the subject property on South Harlem Road lacks sufficient area to accommodate the proposed roadway improvements; and

WHEREAS, the city will be the recipient (grantee) of a total right-of-way dedication of 0.025 acres encompassing a tract of real property described and depicted in Exhibits A and B; and

WHEREAS, the public service director has reviewed the right-of-way dedication and has commented this dedication is appropriate; and

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

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. The city manager is hereby authorized to accept a right-of-way dedication of 0.025 acres as described and depicted in Exhibits A and B.

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 _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/24/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective:

Exhibit A - O-17-2024

LIMITED WARRANTY DEED

(O.R.C. 5302.07 – 5302.08)

KNOW ALL MEN BY THESE PRESENTS that Jeffrey A. Rowley and Sandra M. Rowley, (the "Grantors") for good and valuable consideration paid, grants, with limited warranty covenants, to the City of New Albany, Ohio an Ohio municipal corporation (the "Grantee"), its heirs, assigns and successors, whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain 0.025 acre tract situated in the City of New Albany, County of Franklin, and State of Ohio and being more particularly described in Exhibit A and depicted on Exhibit B, each of which are attached hereto and made a part hereof.

Instrument Reference(s): 200107120158843; Recorder's Office, Franklin County, Ohio

The grant of the Property is subject to all easements, conditions, covenants, restrictions, reservations and other matters of record in the Office of the Recorder, Franklin County, Ohio.

THE PROPERTY DESCRIBED IN EXHIBITS "A" AND "B" IS INTENDED BY GRANTEE TO BE HELD FOR USE AS A PUBLIC RIGHT-OF-WAY.

IN WITNESS WHEREOF, Grantor voluntarily caused this instrument's execution on this 30 day of April, 2024.

GRANTORS

JEFFREY A. ROWLEY
Name Jeffrey A Rowley
Title Land Owner

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 30 day of April, 2024 before me, the subscriber, a Notary Public in and for said County, personally came the above named Jeffrey Rowley, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to his/her voluntary act and deed.

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

Bridget E. Beck
Notary Public

My commission expires: 4/5/2028



SANDRA M. ROWLEY

Sandra M Rowley

Name

Land Owner

Title

BE IT REMEMBERED that on this 30 day of April, 2024 before me, the subscriber, a Notary Public in and for said County, personally came the above named Sandra Rowley, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to his/her voluntary act and deed.

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

Bridget E. Beck

Notary Public

My commission expires: 4/5/2028



This Instrument Prepared By:
Benjamin S. Albrecht
City of New Albany Law Director
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054

EXHIBIT A

LEGAL DESCRIPTION 0.025 ACRE RIGHT-OF-WAY DEDICATION

Situated in the State of Ohio, County of Franklin, City of New Albany, being in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being part of Lot 16 of the Oakfield Subdivision as recorded in Plat Book 53, Page 15, and as conveyed to Jeffrey A. Rowley and Sandra M. Rowley in Instrument Number 200107120158843, all being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING at a mag nail set at the intersection of the centerline of Harlem Road (50 foot width) and the centerline of Jason Court (50 foot width);

Thence along the centerline of said Harlem Road, North 42°07'29" West, 29.67 feet to a point;

Thence leaving the centerline and across the right-of-way of said Harlem Road, North 47°52'30" East, 30.00 feet to the TRUE POINT OF BEGINNING referenced by a 3/4" iron pipe found 0.12' South and 0.08' West at a point of tangency on the northeasterly right-of-way line of said Harlem Road, also being on a southwesterly corner of said Lot 16 and being referenced by a 3/4" iron pipe found 0.12' South and 0.08' West;

Thence along said northeasterly right-of-way line of Harlem Road and said southwesterly line of Lot 16 the following two (2) courses:

- 1) North 42°07'30" West, 183.73 feet to an iron pin set at a point of curvature;
- 2) Along a curve to the right having a deflection angle of 2°29'33", a radius of 1070.00 feet, an arc length of 46.55 feet, and a chord bearing and distance of North 40°52'44" West, 46.55 feet to an iron pin set;

Thence leaving said right-of-way line and across said Lot 16 the following three (3) courses;

- 1) South 43°40'02" East, 107.76 feet to an iron pin set;
- 2) South 44°30'21" East, 60.25 feet to an iron pin set;
- 3) South 42°13'01" East, 87.15 feet to an iron pin set on the northerly right-of-way line of Jason Court and a the southerly line of said Lot 16;

Thence along said northerly right-of-way line and said southerly lot line, along a curve to the right having a deflection angle of 47°45'39", a radius of 20.00 feet, an arc length of 16.67 feet, and a chord bearing and distance of North 68°00'20" West, 16.19 feet to the TRUE POINT OF BEGINNING, containing 0.025 acres (1086 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

Bearings referenced herein are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (2011) as determined by ODOT RTN observations, with centerline of Harlem Road having a bearing of South 42°07'30" East.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342 and is based on field surveys conducted by E.P. Ferris and Associates, Inc. between April 2019 and October 2023 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342.

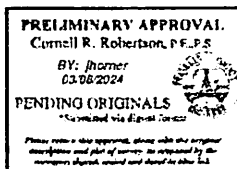
This description was prepared on March 6, 2024.



Matthew Lee Sloat 3/15/24

Matthew Lee Sloat, PS 8342

Date





ORDINANCE O-18-2024

AN ORDINANCE TO ACCEPT A RIGHT-OF-WAY DEDICATION OF 0.131 ACRES AS NEEDED TO SUPPORT THE SOUTH HARLEM ROAD ROADWAY IMPROVEMENTS AS REQUESTED BY MAYSHA TAMU BARMORE AND VERRON TIRRON BARMORE, TRUSTEES OF DEALS TO THE DOOR 401K TRUST

WHEREAS, Maysha Tamu Barmore and Verron Tirron Barmore, Trustees of Deals to the Door 401K Trust, the grantors and owners of certain real property within the City of New Albany, desire to dedicate a portion of said property for public right-of-way purposes; and

WHEREAS, the existing right-of-way along the subject property on South Harlem Road lacks sufficient area to facilitate the proposed city roadway improvements; and

WHEREAS, the city will be the recipient (grantee) of a total right-of-way dedication of 0.131 acres encompassing a tract of real property described and depicted in Exhibits A and B, and

WHEREAS, the public service director has reviewed the right-of-way dedication and has commented this dedication is appropriate; and

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

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. The city manager is hereby authorized to accept a right-of-way dedication of 0.131 acres as described and depicted in Exhibits A and B.

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 _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/24/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective:

Exhibit A - O-18-2024

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

LIMITED WARRANTY DEED

(O.R.C. 5302.07 – 5302.08)

KNOW ALL PERSONS BY THESE PRESENTS that **Maysha Tamu Barmore and Verron Tirron Barmore, Trustees of Deals to the Door 401K Trust** (the "Grantors") for good and valuable consideration paid, grants, with limited warranty covenants, to the **City of New Albany**, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

BEING A SPLIT FROM FRANKLIN COUNTY PARCEL NO.: 222-000908 AND BEING MORE PARTICULARLY DESCRIBED ON **EXHIBIT A** (THE "PROPERTY") AND DEPICTED ON **EXHIBIT B** BOTH ATTACHED HERETO AND MADE A PART HEREOF.

INSTRUMENT REFERENCES: 201902220020921; RECORDER'S OFFICE; FRANKLIN COUNTY, OHIO

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

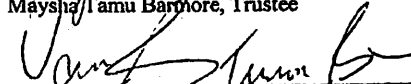
THE REAL PROPERTY DESCRIBED IN EXHIBITS "A" and "B" IS INTENDED BY GRANTEE TO BE HELD FOR PUBLIC RIGHT OF WAY.

IN WITNESS WHEREOF, Grantor voluntarily caused this instrument's execution on this 11th day of July, 2023.

GRANTORS:

MAYSHA TAMU BARMORE AND VERRON TIRRON BARMORE, TRUSTEES OF DEALS TO THE DOOR 401K TRUST


Maysha Tamu Barmore, Trustee


Verron Tirron Barmore, Trustee

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 11th day of July, 2023 before me, the subscriber, a Notary Public in and for said County, personally came the above named **Maysha Tamu Barmore** and **Verron Tirron Barmore**, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to be their voluntary acts and deeds.

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

Amanda L. Bonifield

Notary Public

My commission expires: June 6, 2025

This Instrument Prepared By:
Benjamin S. Albrecht
City of New Albany Law Director
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054



Exhibit A

**LEGAL DESCRIPTION
MAYSHA TAMU BARMORE AND VERRON TIRRON BARMORE,
TRUSTEES OF DEALS TO THE DOOR 401K TRUST
0.131 ACRE RIGHT-OF-WAY DEDICATION**

Situated in the State of Ohio, County of Franklin, in the City of New Albany, and being in Quarter Township 3, Township 2, Range 16, United States Military Lands, and being part of a 1.979 acre tract as conveyed to Maysha Tamu Barmore and Verron Tirron Barmore, Trustees of Deals to the Door 401K Trust in Instrument Number 201902220020921, all records being of record in the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING at a centerline monument designated as F.C.G.S 6625 being an aluminum disk in a concrete monument set over a found stone, at an angle point in the centerline of Harlem Road, 0.20 miles south of Johnstown Road, on a property line east and west, accessed through a Franklin County road monument box at the center of Harlem Road (width varies) of record in Road Record 7, Page 430;

Thence along the centerline of said Harlem Road, South 30°10'12" East, 170.47 feet to a mag nail set being the northwesterly corner of said 1.979 acre tract and being the southwesterly corner of the remainder of a 3.366 acre tract as conveyed to Maysha Barmore and Verron Barmore in Instrument Number 201307290126406, said mag nail being **THE TRUE POINT OF BEGINNING**;

Thence along the northerly line of said 1.979 acre tract and southerly line of said remainder of a 3.366 acre tract, also being the southerly line of a roadway easement as described to the City of New Albany in Instrument Number 200508030155705, South 86°45'21" East, 35.98 feet to an iron pin set;

Thence across said 1.979 acre tract, South 30°10'12" East, 56.75 feet to an iron pin set at a point of curvature;

Thence continuing across said 1.979 acre tract, along a curve to the left having a radius of 695.00 feet, a deflection angle of 09°41'40", an arc length of 117.59 feet, and a chord bearing and distance of South 35°01'02" East, 117.45 feet to an iron pin set on the southerly line of said 1.979 acre tract and the northerly line of the right-of-way dedicated in the Oakfield Subdivision of record in Plat Book 53, Page 15;

Thence along the southerly line of said 1.979 acre tract, also being the northerly right-of-way line of said Harlem Road, and along the northerly line of a 7.23 acre tract as conveyed to Harlem Road, LLC as Tract Number 1 in Instrument Number 200501210013173, North 86°43'35" West, 41.16 feet to a mag nail set at the southwesterly corner of 1.979 acre tract and the centerline of said Harlem Road and the southeasterly corner of a 0.557 acre tract as conveyed to the City of New Albany in Instrument Number 201107290094174;

Thence along the westerly line of said 1.979 acre tract, along the easterly line of said 0.557 acre tract, and along the centerline of said Harlem Road the following two (2) courses:

North 41°12'22" West, 59.99 feet to a mag nail set;

North 27°10'04" West, 112.19 feet to **THE TRUE POINT OF BEGINNING**, containing 0.131 acres (5723 S.F.), more or less.

Subject however to all legal easements, restrictions, and rights of way of record and of records in the respective utility offices.

The above described area contains a total of 0.131 acres, of which 0.131 acres lie within Auditor's Parcel Number 222-000908 and 0.080 acres being P.R.O.

All iron pins found are in good condition unless otherwise noted. All iron pins set are 5/8" rebar, 30" in length with a yellow cap with "EP FERRIS SURVEYOR 8342" inscribed on top.

Bearings referenced herein are based on a portion of the centerline of Harlem Road south of FCGS 6625 as being South 30°10'12" East as determined by GPS observations utilizing Ohio Department of Transportation's Virtual Reference Station, based on Ohio State Plane South Zone (NAD 83, 2011 adjustment).

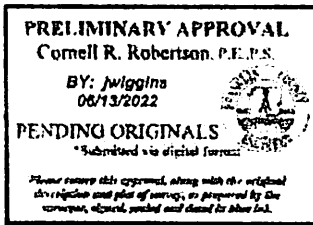
This description is based on a field survey conducted by E.P. Ferris and Associates from April 25, 2019 to May 20, 2019.

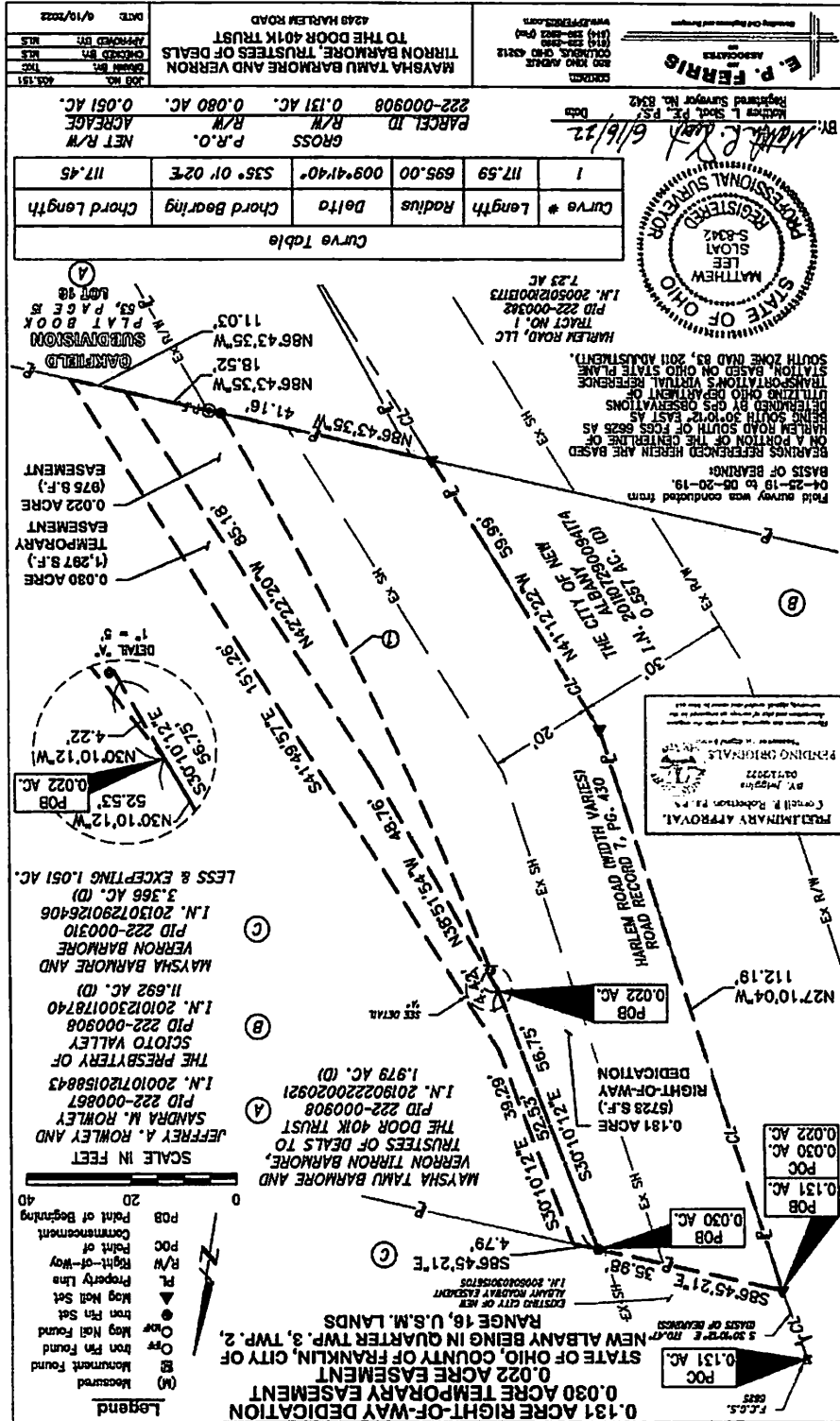
This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on June 13, 2022.



Matthew Lee Sloat 6/16/22

Matthew Lee Sloat, PS 8342 Date





DATE: 4/10/2022
 APPROVED BY: [Signature]
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 PLOT NO.: 423.131

BY: Matthew Lee, P.E., P.S.
 Registered Surveyor No. 8342
 Date: 6/16/22

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
1	117.59	695.00	009°41'40"	S35° 01' 02"E	117.45

PARCEL ID: 222-000908
 GROSS P.R.O.: 0.080 AC.
 R/W: 0.131 AC.
 NET R/W: 0.051 AC.
 AVERAGE

STATE OF OHIO
 REGISTERED PROFESSIONAL SURVEYOR
 MATTHEW LEE
 S-8342

FIELD SURVEY WAS CONDUCTED FROM 04-25-19 TO 05-19-19
 BASIS OF BEARING:
 BEARINGS REFERENCED HEREIN ARE BASED ON A PORTION OF THE CENTERLINE OF HARLEM ROAD SOUTH OF LOTS 8625 AS BEING SOUTH 90°12' EAST AS DETERMINED BY GPS OBSERVATIONS UTILIZING OHIO DEPARTMENT OF TRANSPORTATION'S VIRTUAL REFERENCE STATION BASED ON OHIO STATE PLANE SOUTH ZONE GRID 83, 2011 ADJUSTMENT.

HARLEM ROAD, LLC
 TRACT NO. 1
 PID 222-000382
 I.M. 200502001173
 1.23 AC

THE CITY OF NEW HAVEN
 S1/4-2010720019174
 0.587 AC (D)

0.080 ACRE
 EASEMENT
 TEMPORARY
 EASEMENT
 (1.287 S.F.)
 0.022 ACRE
 EASEMENT
 (875 S.F.)

PRELIMINARY APPROVAL
 BY: Matthew Lee, P.E., P.S.
 DATE: 6/16/22
 PENDING ORIGINALS

SCALE IN FEET
 0 20 40

LEGEND
 (M) Measured
 (F) Monument Found
 (C) Non Fm Found
 (O) Non Fm Found
 (X) Monument Found
 (N) Monument Found
 (S) Monument Found
 (E) Monument Found
 (W) Monument Found
 (P) Monument Found
 (Q) Monument Found
 (R) Monument Found
 (T) Monument Found
 (U) Monument Found
 (V) Monument Found
 (W) Monument Found
 (X) Monument Found
 (Y) Monument Found
 (Z) Monument Found

0.131 ACRE RIGHT-OF-WAY DEDICATION
 0.030 ACRE TEMPORARY EASEMENT
 0.022 ACRE EASEMENT
 STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY BEING IN QUARTER TWP. 3, TWP. 2, RANGE 16, U.S.M. LANDS

MAYSHA TAMU BARMORE AND VERRON TIRRON BARMORE, TRUSTEES OF DEALS TO THE DOOR 40K TRUST
 PID 222-000908
 1.979 AC. (D)

THE PRESBYTERY OF SCIOTO VALLEY
 PID 222-000808
 11.692 AC. (D)

VERRON BARMORE AND MAYSHA BARMORE
 PID 222-000310
 3.366 AC. (D)

MAYSHA BARMORE AND VERRON TIRRON BARMORE, TRUSTEES OF DEALS TO THE DOOR 40K TRUST
 PID 222-000867
 1.979 AC. (D)

THE PRESBYTERY OF SCIOTO VALLEY
 PID 222-000808
 11.692 AC. (D)

VERRON BARMORE AND MAYSHA BARMORE
 PID 222-000310
 3.366 AC. (D)

MAYSHA TAMU BARMORE AND VERRON TIRRON BARMORE, TRUSTEES OF DEALS TO THE DOOR 40K TRUST
 PID 222-000908
 1.979 AC. (D)

0.131 ACRE RIGHT-OF-WAY DEDICATION
 0.030 ACRE TEMPORARY EASEMENT
 0.022 ACRE EASEMENT
 STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF NEW ALBANY BEING IN QUARTER TWP. 3, TWP. 2, RANGE 16, U.S.M. LANDS

Exhibit B



ORDINANCE O-19-2024

AN ORDINANCE TO ACCEPT A RIGHT-OF-WAY DEDICATION OF 0.150 ACRES AS NEEDED TO SUPPORT THE SOUTH HARLEM ROAD ROADWAY IMPROVEMENTS AS REQUESTED BY MONIQUE AND ROBERT BRITTON

WHEREAS, Monique and Robert Britton, the grantors and owners of certain real property within the City of New Albany, desire to dedicate a portion of said property for public right-of-way purposes; and

WHEREAS, the existing right-of-way along the subject property on South Harlem Road lacks sufficient area to facilitate the proposed city roadway improvements; and

WHEREAS, the city will be the recipient (grantee) of a total right-of-way dedication of 0.150 acres encompassing a tract of real property described and depicted in Exhibits A and B, and

WHEREAS, the public service director has reviewed the right-of-way dedication and has commented this dedication is appropriate; and

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

NOW, THEREFORE, BE IT ORDAINED by council for the city of New Albany, counties of Franklin and Licking, State of Ohio, that:

Section 1. The city manager is hereby authorized to accept a right-of-way dedication of 0.150 acres as described and depicted in Exhibits A and B.

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 _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/24/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective:

PROPOSED

Exhibit A - O-19-2024

LIMITED WARRANTY DEED

(O.R.C. 5302.07 - 5302.08)

KNOW ALL MEN BY THESE PRESENTS that MONIQUE BRITTON AND ROBERT BRITTON (the "Grantors") for good and valuable consideration paid, grants, with limited warranty covenants, to the CITY OF NEW ALBANY, OHIO, an Ohio municipal corporation (the "Grantee"), whose tax mailing address is 99 West Main Street, New Albany, Ohio 43054, the real property more particularly described as follows:

Property: That certain 0.150 acre tract situated in the City of New Albany, County of Franklin, and State of Ohio and being more particularly described in Exhibit A and depicted on Exhibit B, each of which are attached hereto and made a part hereof.

Parcel Number(s): 222-000716

Instrument Reference(s): 201706300089297; Recorder's Office, Franklin County, Ohio

The grant of the Property is subject to all easements, conditions, covenants, restrictions, reservations and other matters of record in the Office of the Recorder, Franklin County, Ohio.

THE PROPERTY DESCRIBED IN EXHIBITS "A" AND "B" IS INTENDED BY GRANTEE TO BE HELD FOR USE AS A PUBLIC RIGHT-OF-WAY.

IN WITNESS WHEREOF, Grantor voluntarily caused this instrument's execution on this 23 day of June, 2023.

GRANTORS

MONIQUE BRITTON

Monique Britton

ROBERT BRITTON

Robert Britton

STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

BE IT REMEMBERED that on this 23 day of June, 2023 before me, the subscriber, a Notary Public in and for said County, personally came the above named Monique Britton and Robert Britton, Grantors in the foregoing Limited Warranty Deed, and acknowledged the signing of the same to his/her voluntary act and deed.

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

Bridget E. Beck
Notary Public

My commission expires: 4/5/2028



*This Instrument Prepared By:
Benjamin S. Albrecht
City of New Albany Law Director
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054*

Exhibit A

**LEGAL DESCRIPTION
0.150 ACRE
RIGHT OF WAY DEDICATION**

Situated in the State of Ohio, County of Franklin, City of New Albany, and being in Quarter Township 3, Township 2, Range 16, United States Military Lands, being part of a 3.0 acre tract as conveyed to Monique Britton and Robert Britton in Instrument Number 201706300069297, all records being of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

COMMENCING at FCGS 8608, being on aluminum disk in a concrete monument, at the centerline intersection of Harlem Road (Varies) (Road Record 7, Page 430) and Morse Road, being an angle point on Morse Road, on the Jefferson/Paris Township line;

Thence along the centerline of said Harlem Road, North 03°11'50" East, 1138.12 feet to a mag nail set, being the southwesterly corner of said 3.0 acre tract, and being the TRUE POINT OF BEGINNING of the parcel herein described;

Thence along the centerline of said Harlem Road, along the westerly line of said 3.0 acre tract, North 03°11'50" East, 217.80 feet to a mag nail set, being on the northwesterly corner of said 3.0 acre tract;

Thence along the northerly line of said 3.0 acre tract, South 88°48'10" East, 30.00 feet to a 1/2" iron pipe found, being the southwesterly corner of Lot 6 of Oakfield Subdivision of record in Plat Book 63, Page 15, as conveyed to Shelia P. Luther in Instrument Number 200810170154638;

Thence across said 3.0 acre tract, South 03°11'50" West, 217.80 feet to a 1/2" iron pipe found, being on the southerly line of said 3.0 acre tract and being the northwesterly corner of Lot 5 of said Oakfield Subdivision, as conveyed to Stanzel J. Jeffers and Alan T. Jeffers in Instrument Number 201408250079858;

Thence along the southerly line of said 3.0 acre tract, North 68°48'10" West, 30.00 feet to a mag nail set, said mag nail being the POINT OF TRUE BEGINNING, containing 0.150 acre (6,334 S.F.), more or less.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

The above described area contains a total of 0.150 acres, of which 0.150 acres lie within Auditor's Parcel Number 222-000718 with 0.100 acres being P.R.O.

All iron pins found are in good condition unless otherwise noted.

All iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top.

Bearings referenced herein are based on the centerline of Harlem Road as being South 03°11'50" West as determined by GPS observations utilizing Ohio Department of Transportation's Virtual Reference Station, based on Ohio State Plane South Zone (NAD 83, 2011 adjustment).

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342, of E.P. Ferris and Associates, Inc. on January 4, 2022 and is based on field surveys conducted by E.P. Ferris and Associates, Inc. on April 25, 2019 and May 20, 2019 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342.



Matthew Lee Sloat 1/4/22
Matthew Lee Sloat, PS 8342 Date

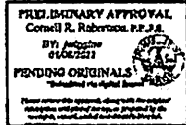
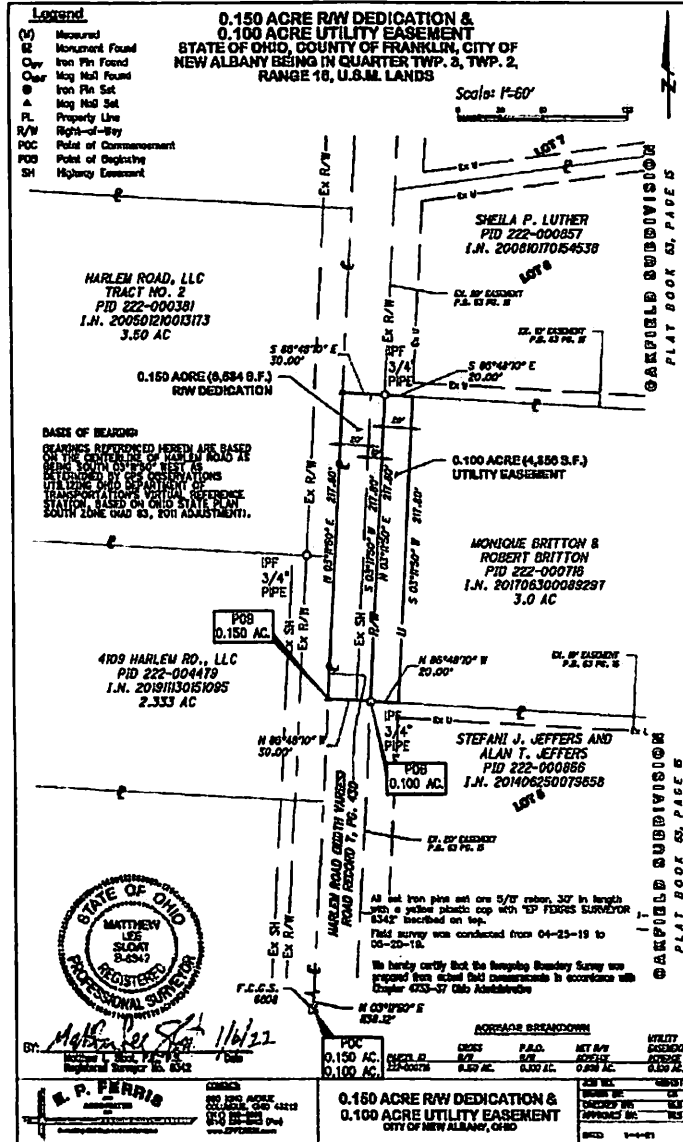


Exhibit B - O-19-2024

Exhibit B





RESOLUTION R-22-2024

A RESOLUTION DECLARING INTENT TO APPROPRIATE PROPERTY AND EASEMENTS FOR THE PUBLIC PURPOSE OF MAKING, REPAIRING, IMPROVING, OR CONSTRUCTING GREEN CHAPEL ROAD NW PHASE 2 AS EXTENDED TO JOIN WITH INTERSECTING ROADS WHICH ARE AND SHALL BE OPEN TO THE PUBLIC WITHOUT CHARGE

WHEREAS, the City of New Albany has the authority and power under the constitution, statutes, and laws of the State of Ohio, and the additional authority of the City under its charter to construct and repair roads and make road and street improvements, acquire necessary real property and interests therein, including temporary and permanent right-of-way and appurtenances thereto, and enter into agreements with other political subdivisions for the exercise of any and all powers, performance of any function or rendering of any service necessary to improve, construct, repair, and maintain street and road improvements and their appurtenances; and

WHEREAS, Intel Corporation is in the process of constructing a \$20 billion+ chip manufacturing project in New Albany on property between Clover Valley Road NW on the west, Mink Street NW on the east, and abutting and south of Green Chapel Road NW; and

WHEREAS, the city has determined that improving, making and repairing portions of Green Chapel Road NW as extended at the intersections and certain access points to join with improved and existing intersecting roads, all of which are and shall be open to the public, without charge, (the "Green Chapel Road Project Phase 2") is necessary and essential and will contribute to the promotion of the health, safety, public convenience and welfare of the people and City of New Albany and the traveling public.

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

Section 1. Council considers it necessary and declares its intention to appropriate, for the public purpose of improving, making, and repairing roads, which shall be open to the public, without charge, the fee simple interests and permanent and temporary easements in and to the real property and interests therein identified and described in the attached Exhibit A for the construction, repair and improvement of Green Chapel Road NW Phase 2 as extended at the intersections and certain access points to join with improved and existing roadways.

Section 2. The city manager is authorized and directed to cause written notice of the passage of this Resolutions to be given to the owner(s) of, person(s) in possession of, or person having an interest of record in the property sought to be appropriated, or to the authorized agent of the owner or such other persons. The notice shall be served and returned according to law.

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

Section 4. Pursuant to Article VI, Section 6.07(A) of the charter of the City of New Albany, and Ohio Revised Code Section 719.05, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/24/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective:

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from multiple property owners and properties. Each property owner, legal descriptions and depictions of the owner's real property intended to be appropriated and the owner's interest therein intended to be appropriated is identified, described, and depicted in the detailed Exhibit A which, due to its volume is on file and available from the City of New Albany Clerk's office and is not attached hereto in its entirety.

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Humphrey, William Humphrey, Tina	G30-WD Fee simple right of way without limitation of existing access rights 0.152 Acres G30-S1 Permanent Drainage Easement for public road 0.007 Acres G30-S2 Permanent Drainage Easement for public road 0.025 Acres G30-T1 Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.006 Acres G30-T2 Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.116 Acres	

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Smallsreed, Stephen W., Trustee of the Stephen W. Smallsreed Amended and Restated Revocable Trust Dated May 19, 2022	G28-WD Fee simple right of way without limitation of existing access rights 0.224 Acres G28-S Permanent Drainage Easement for public road 0.014 Acres G28-T1 Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.026 Acres G28-T2 Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.079 Acres	052-173490-00.004

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Davis, Jana L.	G27-WD Fee simple right of way without limitation of existing access rights 0.138 Acres G27-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.088 Acres	052-173490-01.000 052-173490-00.003

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Smith, Michael	G25-WD Fee simple right of way without limitation of existing access rights 0.131 Acres G25-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.009 Acres	052-175200-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Hursey, Jerry E. and Hursey, Marianne	G24-WD Fee simple right of way without limitation of existing access rights 0.150 Acres G24-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.028 Acres	052-173304-01.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
DeVries, Clayton Euell Devries, Mia	G23-WD Fee simple right of way without limitation of existing access rights 0.263 Acres G23-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.088 Acres	052-173304-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Piper, Randy, Trustee of The Randy Piper Living Trust, dated November 27, 2006	G20-WD Fee simple right of way without limitation of existing access rights 0.910 Acres G20-S Permanent Drainage Easement for public road 0.009 Acres G20-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.253 Acres	052-173658-00.000 052-173664-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Link, Matthew R. Link, Hope E.	G18-WD Fee simple right of way without limitation of existing access rights 0.136 Acres G18-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.045 Acres	052-173658-00.005

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
BKPiper LLC	G17-WD Fee simple right of way without limitation of existing access rights 0.136 Acres G17-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.045 Acres	052-173658-00.004

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Piper, Dennis Lynn	G16-WD Fee simple right of way without limitation of existing access rights 0.136 Acres G16-S Permanent Drainage Easement for public road 0.005 Acres G16-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.092 Acres	052-173658-00.003

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Parsons, Robert A., Trustee Parsons, Beth A., Trustee Or Successor Trustee(s) of the Parsons Trust Dated March 21, 2017	G15-WD Fee simple right of way without limitation of existing access rights 0.482 Acres G15-T Temporary Easement for a public road including grading, seeding, drainage, relocation or maintenance without limitation of access 0.006 Acres G15-U Perpetual Easement for facilities and utilities appurtenant to the right of way with reservation of any existing access 0.181 Acres	037-111762-00.001

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Parsons, Robert A., Trustee Parsons, Beth A., Trustee Or Successor Trustee(s) of the Parsons Trust Dated March 21, 2017	G14-WD Fee simple right of way without limitation of existing access rights 0.211 Acres G14-U Perpetual Easement for facilities and utilities appurtenant to the right of way with reservation of any existing access 0.079 Acres	037-111954-00.002

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Conrad, Kimberly S., Trustee Or her Successor(s) as Trustee(s) of "The Parsley Preservation Trust, Dated May 25, 2023"	G13-WD Fee simple right of way without limitation of existing access rights 0.253 Acre G13-T Temporary Easement for a public road including grading, seeding, drainage, relocation or maintenance without limitation of access 0.088 Acres	052-174798-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owner	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Blicharz, Bozena Blicharz, Dariusz	G12-WD Fee simple right of way without limitation of existing access rights 0.084 Acres G12-T Temporary Easement for a public road including grading, seeding, drainage, relocation or maintenance without limitation of access 0.068 Acres	052-175212-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Hall, Heather M.	G11-WD Fee simple right of way without limitation of existing access rights 0.190 Acre G11-U Perpetual Easement for facilities and utilities appurtenant to the right of way with reservation of any existing access 0.071 Acres	037-111954-00.003

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Huber, Benjamin	G10-WD Fee simple right of way without limitation of existing access rights 0.084 Acre G10-T Temporary Easement for a public road including grading, seeding, drainage, relocation or maintenance without limitation of access 0.062 Acres	052-174762-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Wright, Jean K.	G9-WD Fee simple right of way without limitation of existing access rights 0.084 Acre G9-S Permanent Drainage Easement for a public road 0.009 Acres G9-T Temporary Easement of a public road including grading, seeding, drainage, relocation or maintenance without limitation of access 0.052 Acres	052-175104-00.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owner	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Tripp, John E. Tripp, Deborah L.	G8-WD Fee simple right of way without limitation of existing access rights 0.267 Acres G8-U Perpetual Easement for facilities and utilities appurtenant to the right of way with reservation of any existing access 0.101 Acres	037-111954-00.004

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owner, the owner's real property intended to be appropriated, the owner's interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Fee, Mary E. Bullard	G7-WD Fee simple right of way without limitation of existing access rights 0.121 Acre G7-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.033 Acres	052-173520-01.000

RESOLUTION R-22-2024

EXHIBIT A

This resolution of intent to appropriate includes the acquisition of real property and property interests from the following property owners, the owners' real property intended to be appropriated, the owners' interest therein intended to be appropriated and a legal description and depiction of that real property.

Property Owners	Property Interests and Reference to Descriptions	Licking County Auditor Parcel ID Number
Deborah Tripp and Sharon Smart, Co-Trustees or their Successor(s) as Co-Trustees of "The Cross Keystone Inheritance Trust" dated February 2, 2011	G2-WD Fee simple right of way without limitation of existing access rights 0.447 Acres G2-SH Perpetual Easement for right of way without limitation of existing access 0.047 Acres G2-T Temporary Easement for a public road including grading, seeding, drainage, relocation and maintenance without limitation of access 0.019 Acres G2-U Perpetual Easement for facilities and utilities appurtenant to the right of way with reservation of any existing access 0.184 Acres	037-111954-00.000



RESOLUTION R-23-2024

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT AND A MEMORANDUM OF UNDERSTANDING WITH C1 NEW ALBANY LLC, AND MAKING RELATED AUTHORIZATIONS

WHEREAS, the Council for the City of New Albany, Ohio (the "City") by its Resolution No. R-17-09 adopted March 3, 2009 (the "Original CRA Legislation"), created the Oak Grove II Community Reinvestment Area (the "Original Area"), and by its Resolutions No. R-41-10 adopted July 6, 2010, No. R-72-10 adopted November 16, 2010, No. R-53-2012 adopted October 2, 2012, No. R-26-2013 adopted August 6, 2013, No. R-72-2014 adopted September 16, 2014, and R-49-2015 adopted November 17, 2015, No. R-45-2016 adopted November 1, 2016, No. R-02-17 adopted February 7, 2017, No. R-17-18 adopted July 17, 2018, No. R-41-18 adopted November 6, 2018, No. R-05-2019 adopted February 19, 2019, No. R-37-2019 adopted August 6, 2019, No. R-15-2021 adopted April 6, 2021, No. R-46-21 adopted September 21, 2021, No. R-09-2022 adopted February 1, 2022, No. R-18-2022 adopted May 3, 2022, and No. R-38-2022 adopted November 15, 2022, No. R-21-2023 adopted April 18, 2023, and No. R-46-2023 adopted November 7, 2023 (together the "CRA Expansion Legislation" and collectively with the Original CRA Legislation the "CRA Legislation"), amended the designation of the Original Area to include the area known as the "Johnstown Monroe Area", "Johnstown Monroe Annex", "Licking Heights Annex", "Cobbs Road Annex", "Harrison Road Area", "Innovation Campus Area", "Innovation Campus Way Extension", "Beech Road South", "Babbitt Road", "Central College Road Area", "Jug Street North", "Jug Street South", "Innovation District East", "Innovation District East Expansion", "Mink Street and Green Chapel Road Expansion", "Beech Rd. & US 62 District", "Northeast Business Park District", and Jug and Harrison respectively, and certain other parcels within the City (collectively, with the Original Area, the "Area"), and designated that entire Area the Oak Grove II Community Reinvestment Area; and

WHEREAS, the Directors of the Department of Development of the State of Ohio and the Ohio Development Services Agency (successor and predecessor to one another) have determined and certified that the aforementioned Area contains the characteristics set forth in Ohio Revised Code Section 3735.66 and confirmed that Area as a "Community Reinvestment Area" pursuant to that Section 3735.66; and

WHEREAS, C1 NEW ALBANY LLC (the "Company") has submitted to the City the application attached to the Community Reinvestment Area Agreement (the "CRA Agreement") referred to in Section 1 of this Resolution (the "Agreement Application"), together with the fee referred to in Section 6 of that CRA Agreement; and

WHEREAS, the Housing Officer of the City designated under Ohio Revised Code Section 3735.65 has reviewed the Application and has recommended the same to this Council on the basis

that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City; and

WHEREAS, the City, having appropriate authority, desires to provide certain property tax incentives to encourage the development of the Project (as defined in the CRA Agreement); and

WHEREAS, the Boards of Education of both the Johnstown-Monroe Local School District and the Licking County Joint Vocational School District (also known as "Career and Technology Education Centers of Licking County" or "C-TEC") have each waived their rights to receive notice under Section 5709.83 of the Revised Code in accordance with their respective compensation agreements entered into with the city of New Albany; and

WHEREAS, the Company requires an adequate supply of water and sewer services for the development and operation of the Project and the City and Company desire to enter into a Memorandum of Understanding (the "MOU") addressing the availability and supply of water and sewer services for the development and operation of the Project;

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

Section 1. Community Reinvestment Area Agreement. The CRA Agreement for the Project, by and between the City and the Company, in the form presently on file with the Clerk of the Council which provides for a 100% CRA exemption for 15-years for the proposed Project is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that CRA Agreement and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that CRA Agreement.

Section 2. Water and Sewer Services Memorandum of Understanding. The Memorandum of Understanding by and between the City and the Company, in the form presently on file with the Clerk of the Council which addresses the availability and supply of water and sewer services for the development and operation of the Project, is hereby approved and authorized with any changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to this City which shall be approved by the city manager. The city manager, for and in the name of this City, is hereby authorized to execute that MOU and approve the character of any changes or amendments thereto as not inconsistent with this Resolution and not substantially adverse to this City that are approved by the city manager, which approval shall be conclusively evidenced by the city manager's execution of that MOU.

Section 3. Further Authorizations. This Council hereby further authorizes and directs the city manager, the director of law, the director of finance, the community development director, the clerk of council, or any such other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions (including by not limited to making application and

preliminary arrangements for financing that is then subject to formal approval by this Council) as may be appropriate to implement this Resolution and the transactions referenced or contemplated in this Resolution and the CRA and the MOU authorized and approved in this Resolution.

Section 4. Compliance with the Law. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:	
Prepared:	05/09/2024
Introduced:	06/04/2024
Revised:	
Adopted:	
Effective:	



RESOLUTION R-24-2024

A RESOLUTION PROVIDING THE DULY AUTHORIZED WRITTEN CONSENT OF THE CITY OF NEW ALBANY TO OHIO REVISED CODE SECTION 5709.911(B) TO A REAL PROPERTY TAX EXEMPTION UNDER OHIO REVISED CODE SECTIONS 5709.12 AND 5709.121 FOR THE WELLNESS CENTER SPACE LEASED TO OHIO STATE UNIVERSITY IN THE HEIT CENTER

WHEREAS, Council, by its Ordinance No. O-8-98 adopted May 5, 1998 (the “Original TIF Ordinance”) declared as a public purpose improvements to parcels of certain real property located within the City’s downtown area and established the Existing Village Center TIF (as defined in the Original TIF Ordinance); and

WHEREAS, Council, by its Ordinance No. O-32-2013 adopted November 13, 2013 (the “Amended TIF Ordinance”), amended the Original TIF Ordinance to, among other things, remove certain undeveloped parcels from the Existing Village Center TIF and established a new tax increment financing area on the area described and depicted in Exhibit A to the Amended TIF Ordinance (the “New TIF Area”); and

WHEREAS, the Amended TIF Ordinance provides for a 100% exemption on all increases in assessed value within the New TIF Area for a period of not more than 30 years, and for payments to the New Albany-Plain Local School District and the Eastland Joint Vocational School District in the amount of real property taxes that the School District would have received without that exemption; and

WHEREAS, the City of New Albany (the “City”) and the Ohio State University (“OSU”) entered into a lease dated May 21, 2013 (together with any amendments thereto, the “Lease”), pursuant to which the City, as landlord, leased to OSU, as tenant, 37,510 leasable square feet, which consists of 12,822 leasable square feet for clinical/office space and 24,688 leasable square feet of health and wellness center space (“Wellness Center Space”), within the two-story building known as the Philip Heit Center for Healthy New Albany (the “Heit Center”), located at the intersection of Village Hall Road and Main Street, New Albany, Ohio on parcel 222-004557; and

WHEREAS, the City and OSU intended for the Wellness Center Space to be subject to a use-based exemption pursuant to Ohio Revised Code Sections 5709.12 and 5709.121; and

WHEREAS, in 2015, the City, as owner, applied for a use-based real property tax exemption for the Heit Center; however, the application was denied with respect to the Wellness Center Space due to a sublease of that space to a for-profit entity; and

WHEREAS, in 2019, the City filed a DTE Form 24, DTE application number BE 1873, for a TIF exemption under Ohio Revised Code Section 5709.40(B) (the “TIF Exemption”) for the Wellness Center Space; and

WHEREAS, the Tax Commissioner issued a Final Determination dated June 26, 2020 approving the TIF Exemption for the Wellness Center Space, which resulted in the TIF Exemption taking priority over any and all subsequently approved/granted property tax exemptions, including the use-based exemption under Ohio Revised Code Sections 5709.12 and 5709.121 that will be claimed for the Wellness Center Space (the “Subsequent Exemption”); and

WHEREAS, the City intends to amend the current exemption priority status in order to ensure the Wellness Center Space is subject to the Subsequent Exemption; and

WHEREAS, pursuant to Ohio Revised Code Section 5709.911, in order for a use-based property tax exemption, such as the Subsequent Exemption, to take priority over a TIF Exemption that has been established as one with priority over other exemptions, the political subdivision’s legislative authority must pass a resolution or ordinance consenting to the priority of the Subsequent Exemption over the TIF Exemption.

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

Section 1. Written Consent of the City Pursuant to Revised Code Section 5709.911 to Use-Based Real Property Tax Exemption. Pursuant to Division (B) of Ohio Revised Code Section 5709.911, the City hereby provides its duly authorized written consent to the priority of the Subsequent Exemption for the Wellness Center Space. Pursuant to this consent, the TIF Exemption for the Wellness Center Space shall be subordinate to the Subsequent Exemption effective as of tax year 2021, the first year for which remission of property tax can be claimed in respect of the Wellness Center Space pursuant to the Subsequent Exemption. Further, OSU shall not be subject to or required to make any service payments in lieu of taxes under Revised Code Section 5709.42, including, but not limited to, the service payments as set forth in Section 5 of the Amended TIF Ordinance, so long as the Subsequent Exemption is in effect. The duly authorized written consent adopted by this Resolution is provided under, and for the purpose of satisfying the requirements of, Revised Code Section 5709.911(B).

Section 2. Authorizations. Council hereby authorizes and directs the City Manager, the Director of Finance, the Clerk of Council, the Director of Law, or other appropriate officers of the City to make such arrangements as are necessary and proper, including, but not limited to, signing any documents that are necessary and proper, for the Subsequent Exemption to take priority over the TIF Exemption for the Wellness Center Space.

Section 3. 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 Ohio Revised Code Section 121.22.

Section 4. Effective Date. Pursuant to Article 6.07 of the New Albany Charter, this Resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/24/2024
Introduced: 06/04/2024
Revised:
Adopted:
Effective:

PRO



RESOLUTION R-25-2024

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO ANY AND ALL CONTRACTS FOR THE PURCHASE AND UPFITTING OF A LEAF VACUUM

WHEREAS, council desires to make capital equipment investments as necessary to provide for the delivery of municipal services such as residential leaf collection; and

WHEREAS, the City of New Albany needs to replace an existing leaf vacuum that is nearing the end of its useful life; and

WHEREAS, the public service department will use the leaf vacuum to support the city's annual residential leaf collection program, which occurs over an 8-week period in the fall, and

WHEREAS, the city will purchase the subject leaf vacuum through pricing provided in the Sourcewell contact #903021-GEP; and

WHEREAS, the total cost of the subject leaf vacuum is \$212,273; and

WHEREAS, funding for this purchase was approved in the 2024 Capital Equipment budget and provided for in the Annual Appropriations Ordinance.

NOW, THEREFORE, be it resolved by the Council of the City of New Albany, Counties of Franklin and Licking, State of Ohio, that;

Section 1. The city manager is hereby authorized and directed to enter into any and all contracts for the purchase and upfitting of a leaf vacuum.

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(A) of the New Albany Charter, this resolution shall take effect upon adoption.

CERTIFIED AS ADOPTED this _____ day of _____, 2024.

Attest:

Sloan T. Spalding
Mayor

Jennifer H. Mason
Clerk of Council

Approved as to form:

Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 05/28/2024

Introduced: 06/04/2024

Revised:

Adopted:

Effective: