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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCE

The following ordinance was passed by Hilliard City Council on March 23, 2020.

20-08 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,850,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS ROAD IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO, APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Hilliard (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be constructed from the proceeds of the bonds herein described exceeds five years, the maximum maturity of said bonds is 20 years and notes being 20 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$3,850,000 of such notes under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, and the Charter of the City, for the purpose stated in the title of this ordinance; and

WHEREAS, the City Administration respectfully requests that due to the volatility in the municipal bond market due to the COVID-19 virus, that this piece of legislation be passed by emergency to provide for more flexibility.

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Hilliard, Ohio:

SECTION 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$3,850,000, for the purpose of paying the cost of the Project.

SECTION 2. Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 20 annual installments.

SECTION 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

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Ordinance 20-08 (continued)

SECTION 4. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$3,850,000, which sum does not exceed the amount of the Bonds. The Notes shall be designated "City of Hilliard, Ohio Various Purpose Road Improvement Notes, Series 2020," or as otherwise determined by the Director of Finance. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book-entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes may be issued in one or more serie.

The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this Ordinance, and to present the same to this Council after closing.

SECTION 5. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

SECTION 6. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

SECTION 7. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 4.50% per annum. The Notes shall be, and hereby are, awarded and sold at private sale to KeyBanc Capital Markets, Inc. (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer.

The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

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SECTION 8. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the City Manager, provided that any and all of such signatures may be a facsimile and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

SECTION 9. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this Ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

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In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered upon that transfer or exchange.

SECTION 10. Book-Entry System. For purposes of this Ordinance, the following terms shall have the following meanings:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of notes and to effect transfers of notes, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may initially be issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the City Manager, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book-entry system in substantially the form submitted to this Council.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Note certificates will be printed and delivered to the Depository.

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If any Depository determines not to continue to act as a depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

SECTION 11. Income Tax Pledge. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Notes and the Bonds in each year until full payment is made.

SECTION 12. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Director of Finance, or any other officer of the City, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer of the City, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

SECTION 13. Appointment of Bond Counsel. The Council hereby approves the appointments of the law firm of Bricker & Eckler LLP to serve as bond counsel to the City with respect to the issuance of the Notes. The fee to be paid to such firm shall be subject to review and approval by the Director of Finance and shall not exceed the fees customarily charged for such services.

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Ordinance 20-08 (continued)

SECTION 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 15. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

SECTION 16. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 17. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor of Franklin County, Ohio.

SECTION 18. In the event that the Notes cannot be sold to the Original Purchaser due to disruption caused in the municipal bond market by the COVID-19 virus, the Notes may be sold by private sale to such other purchaser as may be designated in the Certificate of Fiscal Officer (the "Alternative Purchaser"). The Director of Finance, or any other officer of the City, including the City Manager, is authorized and directed to execute on behalf of the City a purchase agreement, term sheet, or similar document with the Alternative Purchaser, setting forth the conditions under which the Notes are to be sold and delivered, which agreement, term sheet, or similar document shall be in such form not inconsistent with the terms of this Ordinance; provided, however, that under the terms of such private sale, the Notes shall not be subject to the provisions set forth in Section 4 requiring the Notes to be issued in book-entry form or the related terms set forth in Section 10 herein.

SECTION 19. Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the preservation and the public peace, health and safety of the City and its inhabitants for the reason that, due to the volatility of the municipal bond market due to COVID-19 virus, more flexibility is necessary in the issuance of these Notes authorized herein, therefore this Ordinance shall take effect and be in force from and immediately upon its adoption.

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RESOLUTIONS

The following resolutions were passed by Hilliard City Council on March 23, 2020.

20-R-28 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP LB-17, CENTER STREET PUBLIC SPACE, PARKING LOT, AND TRAILHEAD IMPROVEMENTS; AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of Hilliard has identified public parking as a need in Old Hilliard; and

WHEREAS, the City has included the Center Street Parking Lot and Trailhead Improvements, CIP LB-17 (the "Project"), in its 2020 Capital Improvement Budget; and

WHEREAS, the City has approved engineering plans for the Project which includes eighty-one (81) additional parking spaces, lighting, fencing, an extension of the Heritage Rail Trail along Center Street, and a storm water drainage system; and

WHEREAS, the City Engineer's estimated cost for the Project is Nine Hundred and Seventeen Thousand, Seven Hundred and Fifty Dollars (\$917,750); and

WHEREAS, after having duly advertised for bids for two consecutive weeks on February 27 and March 5, 2020, the City publicly opened and read aloud bids at 2:00 p.m. on Friday, March 13, 2020, and, Columbus Asphalt Paving, Inc. ("Contractor") who submitted a bid in the amount of \$793,675.30, was determined to be the lowest and best bidder; and

WHEREAS, the Project meets the criteria of an Eligible Project for inclusion in the Percent for Public Art Program Fund; and

WHEREAS, funds for the Project were appropriated in the 2020 Capital Improvement Budget by Ordinance No. 19-32, approved by Hilliard City Council on December 9, 2019 and by Ordinance No. 20-03, approved by Hilliard City Council on February 24, 2020, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is authorized from Fund 304, Object 55 to pay the cost of the Project in an amount not to exceed \$873,050.

SECTION 2. The City Manager is authorized to enter into a contract with Columbus Asphalt Paving, Inc., for CIP LB-17, the Center Street Public Space, Parking Lot, and Trailhead Extension Improvements in an amount not to exceed \$873,050, which includes a contingency of 10% of the bid amount for approved change orders associated with the Project.

SECTION 3. The Finance Director is authorized to pay the cost of city staff services to provide construction inspection and engineering oversight services required for the Project in an amount not to exceed \$79,370.

SECTION 4. The Finance Director is authorized to transfer \$8,730.50 from Fund 304, Object 55 to the Public Art Fund.

SECTION 5. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

SECTION 6. This Resolution is effective upon its adoption.

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RESOLUTIONS

20-R-29 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH EMH&T, INC. FOR GENERAL ENGINEERING SERVICES - ENVIRONMENTAL SERVICES (CIP ST-32) AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, an existing General Engineering Services (“GES”) contract for environmental services has expired; and

WHEREAS, on February 28, 2020 the Division of Engineering issued a Request for Proposals to three consultants for environmental services (CIP ST-32); and

WHEREAS, the City of Hilliard uses a qualifications-based selection (QBS) process to select consultants for GES contracts based on technical experience and training of staff, breadth and depth of staff, and familiarity with the Hilliard Capital Improvement Program and the Hilliard Engineering Design Manual; and

WHEREAS, City Engineering staff reviewed and evaluated the proposals received and determined that EMH&T, Inc. possesses the best technical experience and knowledge of the City’s Capital Improvement Program; and

WHEREAS, the City of Hilliard desires to enter into a GES contract, with EMH&T, Inc. (“EMH&T”) to provide environmental services to the City (ST-32); and, with four (4) one-year extensions subject to the appropriation of funds by City Council in subsequent years; and

WHEREAS, engineering services to be performed by EMH&T, Inc. include tasks associated with the City’s National Pollutant Discharge Elimination System (NPDES) Phase II program, Clover Groff Run stream monitoring services, and miscellaneous storm water and environmental engineering services; and

WHEREAS, by the passage of Ordinance No. 19-32 on December 9, 2019 funds in the amount of \$100,000 were appropriated in the Capital Improvements Budget for CIP ST-32, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. An expenditure is authorized in the amount of Sixty-Five Thousand Dollars (\$65,000) from Fund 269, Object 53 to fund the Services Agreement with EMH&T, Inc.

SECTION 2. The City Manager is authorized to enter into a professional services agreement (“PSA”) with EMH&T, Inc., similar to the agreement **attached** hereto as Exhibit “A”, in the amount of Sixty-Five Thousand Dollars (\$65,000) to provide the General Engineering Services (“GES”) to the City (the “Agreement”). The Agreement may be extended beyond one year, subject to the appropriation of additional funds by City Council, for a period not to exceed four additional years. The City Manager is authorized to make such changes to the attached Agreement that are not inconsistent with this Resolution and that are not averse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by City Council.

SECTION 3. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

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RESOLUTIONS

20-R-30 AUTHORIZING THE CITY MANAGER TO PURCHASE ROCK SALT FROM CARGILL, INC. THROUGH THE JOINT PURCHASING PROGRAM WITH THE SOUTHWEST OHIO PURCHASERS FOR GOVERNMENT (SWOP4G) AND AUTHORIZING AN EXPENDITURE (\$150,000).

WHEREAS, it is necessary for the health, safety, and welfare of the citizens of Hilliard, Ohio that the City appropriately maintain its streets and highways; and

WHEREAS, the City Manager has determined that rock salt is needed for snow and ice control operations to efficiently and effectively perform these services; and

WHEREAS, it is proposed that rock salt purchases be made pursuant to a public bid joint purchasing program with Southwest Ohio Purchasers for Government ("SWOP4G"), which eliminates the necessity of the City competitively bidding for this commodity as the same has been conducted by the SWOP4G of which the City of Hilliard is a member; and

WHEREAS, bids received July 1, 2019, by SWOP4G were reviewed by the City Manager who determined that Cargill, Inc. submitted the lowest and best bid for the City of Hilliard; and

WHEREAS, the City desires to purchase rock salt from Cargill, Inc. before contract terminates on July 31, 2020, at the unit price of \$82.72 per ton, in an amount not to exceed \$150,000; and

WHEREAS, by the passage of Ordinance No. 19-33 by City Council on December 9, 2019, funding for rock salt purchases in the amount of \$150,000 was appropriated by Council and pursuant to Section 3.10 of the Charter of the City, authorization for this purchase may be established by resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is hereby authorized in an amount not to exceed \$150,000 from Fund 202, Object 52 to provide funds for the purchase of rock salt.

SECTION 2. The City Manager is hereby authorized to purchase rock salt from Cargill, Inc., an approved vendor with the Southwest Ohio Purchasers Program for Government (SWOP4G), on the terms and conditions contained in an existing and valid contract between Cargill, Inc. and the City, as authorized by Ohio Revised Code §125.04.

SECTION 3. The City Manager is authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of rock salt as authorized hereunder.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

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RESOLUTIONS

20-R-31 AUTHORIZING THE CITY MANAGER TO PURCHASE FUELS THROUGH THE COLUMBUS REGIONAL AIRPORT AUTHORITY COOPERATIVE PURCHASING PROGRAM (\$185,000).

WHEREAS, it is necessary for the health, safety, and welfare of the citizens of Hilliard, Ohio that the City appropriately maintain its streets, rights-of-way, parks, and public lands; and

WHEREAS, the City Manager has determined that fuels are needed for city-owned vehicles and equipment to perform necessary services for its residents; and

WHEREAS, it is proposed that the purchase of fuels be made pursuant to the Columbus Regional Airport Authority Cooperative Purchasing Program, eliminating the time and expense of competitive bidding, as the same has been conducted by the Columbus Regional Airport Authority; and

WHEREAS, in accordance with Ohio R.C. Section 9.48, the City, as an authorized political subdivision, is permitted to participate in contracts that the Columbus Regional Airport Authority has entered into for the purchase of supplies, services, materials, and equipment; and

WHEREAS, Beem's BP Distributing, Inc., was determined to be the lowest and best bidder for the supply and delivery of gasoline and diesel fuel; and

WHEREAS, fuels will be sold to the City at a rate of one and a half cents (1.5 cents) per gallon below the daily fuel rate identified in the State of Ohio Department of Administrative Services Contract GDC027, Bid District 6; and

WHEREAS, the term of the Master Ordering Agreement (the "Agreement") with Beem's BP Distributing, Inc. was originally executed on January 1, 2014, with the option to extend the Agreement; and

WHEREAS, the Agreement was extended through December 31, 2020, effective August 5, 2019, as provided for in Exhibit "A", **attached** hereto and incorporated herein; and

WHEREAS, by the passage of Ordinance No. 19-33 by City Council on December 9, 2020, funding for fuel purchases was appropriated by Council, and pursuant to Section 3.10 of the City's Charter, authorization to purchase the fuel may be established by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is authorized in an amount not to exceed \$185,000 from Funds 202 and 266, Object 52 to provide funds for the purchase of fuel, which funds were appropriated in Ordinance No. 19-33.

SECTION 2. The City Manager is authorized to purchase fuels from, Beem's BP Distributing, Inc., an approved vendor with the Columbus Regional Airport Authority, in an amount not to exceed \$185,000 on the terms and conditions contained in identified in the Columbus Regional Airport Authority Master Ordering Agreement Extension, as authorized by R.C. Section 9.48.

SECTION 3. The City Manager is authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of fuel as authorized hereunder.

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

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SECTION 5. This Resolution is effective upon its adoption.

20-R-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA (“CRA”) TAX ABATEMENT AGREEMENT WITH DMK DEVELOPMENT GROUP, LLC (“DMK”) AND TRILOGY HEALTH SERVICES, LLC (“TRILOGY”).

WHEREAS, on April 23, 2018, Council passed Resolution No. 18-R-40 authorizing the City to enter into a 15-year, 30% CRA Tax Abatement Agreement (the “CRA Agreement”) with DMK and Trilogy (collectively, the “Company”); and

WHEREAS, due to unforeseen delays, the Company’s project will not be completed by the end of 2020, as required by the CRA Agreement; and

WHEREAS, to conform to the revised project schedule, the City desires to amend the CRA Agreement, as shown on Exhibit “A”, attached hereto and incorporated herein (the “Amended CRA Agreement”); and

WHEREAS, the amended CRA Agreement does not change the Company’s job commitment and projected annual payroll.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is authorized to enter into an Amended CRA Agreement with the Company substantially similar to the one **attached** hereto as Exhibit “A” and not substantially adverse to the City, which shall be evidenced conclusively by her execution thereon that such changes are approved by Council.

SECTION 2. The Clerk of Council shall forward a certified copy of this Resolution, along with the Exhibit “A”, to the Ohio Development Services Agency within fifteen days after the Agreement is entered into pursuant to R.C. Section 3735.671(D).

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations 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 the law including Section 121.22 of the Revised Code.

SECTION 5. This Resolution is effective upon its adoption.
