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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinances were passed by Hilliard City Council on July 13, 2020.

20-16 ESTABLISHING THE LOCAL CORONAVIRUS RELIEF FUND FOR THE CITY OF HILLIARD, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), the Ohio General Assembly established a process for distributing funds provided by the CARES Act in House Bill 481 of the 133rd General Assembly (H.B. 481); and

WHEREAS, H.B. 481 requires subdivisions receiving funds under Section 1 of the Act to create a special fund, the "Local Coronavirus Relief Fund", so that any funds received shall only be used to cover expenses consistent with the CARES Act; and

WHEREAS, in order to receive the funds distributed by H.B. 481 in a timely manner, the City respectfully requests that this Ordinance be passed by emergency.

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

SECTION 1. City Council finds and determines that the creation of the Local Coronavirus Relief Fund, Fund 897, for the collection and disbursement of funds consistent with the CARES Act and H.B. 481 is in the City's best interest and promotes the City's general health, welfare and safety of its residents.

SECTION 2. So that Funds can be received in a timely manner, this Ordinance is declared an emergency measure and shall be effective immediately upon its passage.

20-17 AMENDING THE CITY'S FIRE PREVENTION CODE, CHAPTER 1501 OF THE HILLIARD CODIFIED ORDINANCES.

WHEREAS, the City's Fire Prevention Code is codified in Chapter 1501 of the Codified Ordinances ("Chapter 1501"); and

WHEREAS, the Norwich Township Fire Department ("NTFD"), which serves the City in fire prevention matters, has adopted the Ohio Fire Code, as adopted by the State Fire Marshal pursuant to ORC § 3737.82 ; and

WHEREAS, to align the City's Fire Prevention Code with NTFD, it is necessary to amend Chapter 1501 to adopt the Ohio Fire Code, as shown on Exhibit "A", attached hereto and incorporated herein; and

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20-17 continued:

WHEREAS, the amendment provided in Exhibit "A" will provide consistency in all property served by the NTFD; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Chapter 1501 of the City's Codified Ordinances to adopt the Ohio Fire Code promotes the general health, safety, and welfare of its citizens, as identified in Exhibit "A", **attached** hereto and incorporated herein. The additions to the Amended Chapters 709 as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. This Ordinance shall be in full force and effect at the earliest time provided for by law.

20-18 REZONING 104 +/-ACRES OF LAND LOCATED ON THE EAST SIDE OF COSGRAY ROAD AND THE WEST SIDE OF LEPPERT ROAD APPROXIMATELY 2,500 FEET SOUTH OF HAYDEN RUN ROAD FROM S-1, SUPPORT FACILITIES DISTRICT TO A PLANNED UNIT DEVELOPMENT ("PUD") TO BE KNOWN AS THE GRENER DEVELOPMENT.

WHEREAS, the City of Hilliard and the Hilliard City School District (the "Owners") own approximately 104± acres of land located on the east side of Cosgray Road and the west side of Leppert Road approximately 2,500 feet south of Hayden Run Road, identified as parcel numbers 050-009807, 050-011197, and 050-011455 by the Franklin County Auditor's Office (the "Property"); and

WHEREAS, the Owners submitted application number 20-0508LC to the City's Planning and Zoning Commission to rezone the Property from its current classification of S-1, Support Facilities District to that of a Planned Unit Development ("PUD") district to be identified as the Grener PUD ("Grener PUD"); and

WHEREAS, the Grener PUD will permit S-1 District uses and data centers in the PUD; and

WHEREAS, the City Planner recommended that the City's Planning and Zoning Commission (the "Commission") approve the rezoning request because 1) the proposal to add data center as a permitted use with the required architectural standards and landscape buffers will be complementary to existing developments in the vicinity; 2) the proposal could further the goals of the City's Comprehensive Plan to redevelop and revitalize under-utilized buildings and land and to make Hilliard a more connected city; 3) the proposal supports the Comprehensive Plan goal of being a fiscally balanced community that takes advantage of new and emerging markets, as well as underutilized properties, to increase its tax base and maintain the high level of services residents have come to expect; and 4) the proposed PUD zoning is consistent with the purposes for planned unit development; and

WHEREAS, at its regularly scheduled and advertised meeting on June 11, 2020, the Commission voted to forward a positive recommendation to City Council to rezone the Property to a PUD, based upon their agreeing with the City Planner's recommendations listed above; and

WHEREAS, the Owners are seeking approval of the application from City Council pursuant to Section 1117.05(b)(3) of the City of Hilliard's Codified Ordinances.

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

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SECTION 1. The 104+/- acres of Property located on the east side of Cosgray Road and the west side of Leppert Road approximately 2,500 feet south of Hayden Run Road, the outline of which is **attached** hereto as Exhibit "A", and incorporated by reference herein, is rezoned from S-1, Support Facilities District, to Planned Unit Development, to be identified as the Grener PUD, pursuant to Chapter 1117 of the City's Codified Ordinances.

SECTION 2. The Grener PUD Text dated June 4, 2020, and the Concept Plan, dated May 21, 2020, **attached** hereto as Exhibits "B" and "C" respectively (collectively, "The Grener PUD Concept Plan"), and incorporated by reference herein, are approved. Upon the effective date of this Ordinance, the City's official zoning map shall be changed to reflect the rezoning approved herein.

SECTION 3. This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

20-19 DESIGNATING THE HILLIARD DEVELOPMENT CORPORATION AS THE AGENCY FOR THE CITY OF HILLIARD, FRANKLIN COUNTY, OHIO, FOR INDUSTRIAL, COMMERCIAL, DISTRIBUTION, AND RESEARCH DEVELOPMENT, AND AUTHORIZING THE EXECUTION OF AN AGREEMENT AND PLAN.

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is in the public interest and a proper public purpose for a municipality, its agencies or instrumentalities, or corporations not for profit designated by such municipality as its agency or instrumentality, to perform the acts and exercise the powers therein provided; and

WHEREAS, under Chapter 1724 of the Ohio Revised Code, a corporation not for profit, known as a "community improvement corporation," may be organized for the sole purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of a community or area; and

WHEREAS, a community improvement corporation organized under Chapter 1724 may be designated by a municipality as its agency for the purpose of industrial, commercial, distribution, and research development, and such municipality may then enter into an agreement with and confirm a plan prepared by said designated community improvement corporation in accordance with Section 1724.10 of the Ohio Revised Code; and

WHEREAS, the agreement and plan for industrial, commercial, distribution and research development is determined by City Council's vision and the City's planning process.

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

SECTION 1. Pursuant to the provisions of Section 1724.10 of the Ohio Revised Code, the Council hereby finds and determines that it is the policy of this municipal corporation to promote the health, safety, morals, and general welfare of its inhabitants through the designation of a community improvement corporation as the agency and instrumentality of the municipal corporation for the industrial, commercial, distribution, and research development within this municipal corporation. Therefore, the Hilliard Development Corporation, a community improvement corporation organized as a corporation not for profit in the manner provided in Chapter 1724 of the Ohio Revised Code, is hereby designated as this municipal corporation's agency and instrumentality for the industrial, commercial, distribution, and research development in this municipal corporation.

SECTION 2. The Council hereby authorizes the City Manager to enter into an Agreement and Plan of Industrial, Commercial, Distribution, and Research Development with the aforesaid community improvement corporation substantially in the form and containing the provisions **attached** hereto, incorporated herein and marked "Exhibit A," and

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conforming the terms and provisions of such Agreement and Plan in all respects insofar as it embodies and constitutes the Plan of Industrial, Commercial, Distribution, and Research Development for this municipal corporation under Section 1724.10 of the Ohio Revised Code. This Council hereby confirms that the City of Hilliard Plan of Industrial, Commercial, Distribution, and Research Development is on file with the Clerk of Council, and shall constitute, as it may be amended and supplemented from time to time, the Plan of Industrial, Commercial, Distribution, and Research Development for the municipal corporation under Section 1724.10 of the Ohio Revised Code.

SECTION 3. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council any of its committees that resulted in such formal action were in meetings open to the public or lawful executive session in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Charter of the City of Hilliard.

SECTION 4. This Ordinance shall be in full force and effect from and after the earliest period provided by law.

RESOLUTIONS

The following resolutions were passed by Hilliard City Council on July 13, 2020.

19-R-98 APPROVING THE INSTALLATION/APPLICATION OF A MURAL LOCATED AT 4142 MAIN STREET, HILLIARD, OHIO.

WHEREAS, by the passage of Ordinance No. 18-21, City Council amended Chapter 1129 of the City's Codified Ordinances to enact a mural program in the City; and

WHEREAS, on July 18, 2019, Nick Drakos (the "Applicant") submitted an application to the Public Arts Commission requesting approval of a mural at 4142 Main Street, Hilliard, Ohio, depicted on Exhibit "A", attached hereto and incorporated herein (the "Mural"); and

WHEREAS, at its regularly scheduled meeting on September 16, 2019, the Public Arts Commission voted to forward a positive recommendation to City Council that the Mural, as shown on Exhibit "A", be approved for installation/application.

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

SECTION 1. The Mural Application as submitted, **attached** hereto as Exhibit "A" and incorporated herein, is approved.

SECTION 2. Pursuant to 1129.16(e), the Applicant shall begin installing/applying the Mural within 180-days of this approval and it shall be fully complete within six (6) months of this Approval.

SECTION 3. The City, the Artist, and Property Owner shall enter into an agreement/permit to install, similar to the one **attached** hereto as Exhibit "B" and incorporated herein, regarding the mural. Changes to the attached Exhibit "B" are authorized so long as not inconsistent with this Resolution and that are not adverse to the City.

SECTION 4. This Resolution is effective upon its adoption.

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20-R-51 AUTHORIZING THE FIRST AMENDMENT TO THE OPERATING AGREEMENT WITH THE HILLIARD OHIO HISTORICAL SOCIETY REGARDING THE NORWICH PAVILION.

WHEREAS, on July 9, 2018, City Council adopted Resolution No. 18-R-69 expressing its support and approval for the Board of Trustees of Norwich Township (the "Township") to construct a pavilion in Weaver Park (the "Norwich Pavilion"); and

WHEREAS, in order to facilitate the construction of the Norwich Pavilion, the Administration entered into a Memorandum of Understanding ("MOU") with the Norwich Township Board of Trustees and the Historical Society which outlined the parties' duties and responsibilities; and

WHEREAS, on September 28, 2019, City Council adopted Resolution No. 19-R-80 accepting the dedication of the Norwich Pavilion as required by the MOU; and

WHEREAS, on November 25, 2019, City Council adopted Resolution No. 19-R-88 authorizing an Operating Agreement for the Norwich Pavilion

WHEREAS, the City and the Historical Society desire to enter into a First Amendment of the Operating Agreement ("First Amendment") to permit alcohol during rentals of the Norwich Pavilion; and

WHEREAS, it is to the benefit of the City's residents and the public at large that the City enter into this First Amendment with the Historical Society regarding the operation of the Norwich Pavilion.

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 the First Amendment to the Operating Agreement with the Hilliard Ohio Historical Society regarding the operation of the Norwich Pavilion at Weaver Park, substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein (the "Agreement"), with such changes therein that are not inconsistent with this Resolution and not detrimental to the City, with her execution thereof being conclusive evidence that such changes are approved by Council.

SECTION 2. The City Manager and Director of Law are authorized to sign any and all documents as may be necessary to effectuate the First Amendment to the Operating Agreement and its terms and conditions.

SECTION 3. This Resolution is effective upon its adoption.

20-R-52 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.

WHEREAS, the United States Economic Development Administration (EDA), which is a bureau within the U.S. Department of Commerce, facilitates regional economic development efforts in communities across the United States; and

WHEREAS, in order to support this economic development, EDA provides financial assistance to communities through a number of grants; and

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20-R-52 continued:

WHEREAS, the EDA recently issued a Notice of Funding Opportunity to provide grants to communities that are designed to leverage existing regional assets and support the implementation of strategies that advance new ideas and creative approaches to advance economic prosperity (the “EDA Grant”); and

WHEREAS, the City will request an EDA Grant that requires a cost-sharing/matching requirement so an additional appropriation may be necessary, however, because the EDA Grant can be used for prior expenses, prior expenses/investments by the City will also be considered; and

WHEREAS, applying for the EDA Grant is in the best interest of the City, the City's residents, and the public at large.

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

SECTION 1. The City Manager is hereby authorized to submit an application to the United States Economic Development Administration for the Public Works and Economic Adjustment Assistance Program.

SECTION 2. The City Manager is further authorized to enter into agreements as may be necessary to receive any grant provided by the Economic Development Administration.

SECTION 3. This Resolution is effective upon its adoption.

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