



Real People. Real Possibilities.

# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: January 11, 2022**

**Please Note: This Bulletin is posted to the City of Hilliard website and at the Hilliard Branch of the Columbus Metropolitan Library.**

Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains legislation considered by Council. If noted, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614-334-2365. Past issues are available at [hilliardohio.gov](http://hilliardohio.gov)

## ORDINANCES

**The following Ordinances were passed on January 10, 2022**

### **21-43 APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT-TERM NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS**

**WHEREAS**, on December 14, 2020, City Council passed Ordinance No. 20-32 authorizing the issuance of a 1.5M short term note for the construction of various public infrastructure improvement projects (the "Note"); and

**WHEREAS**, the funds from the Note were provided to satisfy its requirements related to the Hickory Chase Development, and

**WHEREAS**, rather than renewing, the City desires to pay off the Note prior to February 17, 2022, and

**WHEREAS**, the City desires to utilize funds received from the Wilcox TIF, as well as unappropriated funds in the Capital Fund; and

**WHEREAS**, by paying off the Note, the City will reduce its debt amount.

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

**SECTION 1.** An appropriation in the amount of \$534,175.99 is authorized from Fund 304, Object 56 in order to pay off a Short Term Note authorized for construction of various public infrastructure improvement projects.

**SECTION 2.** City Council authorized the expenditure of funds in the amount of \$534,175.99 from Fund 304, Object 56 to pay off the Note.

**SECTION 3.** City Council authorizes the expenditure of funds in the amount of \$982,652.14 from Fund 296, Object 59 (the Wilcox TIF) to pay off the Note.

**SECTION 4.** The City Manager is authorized to sign any document necessary to satisfy the payment of the Note.

**SECTION 5.** This Ordinance shall be in full force and effect at the earliest time provided for by law.

### **21-44 AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES REGARDING DEVELOPMENT IN THE B-4, I-270 CORRIDOR ZONING DISTRICT.**

**WHEREAS**, Section 1111.01(d) of the City's Codified Ordinances establishes the B-4, I-270 Corridor Zoning District ("B-4 District"); and

**WHEREAS**, the B-4 District's purpose is to provide for an intense, mixed-use, high quality development which includes office, residential, retail and personal service opportunities; and

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

---

## 21-44 continued:

**WHEREAS**, in order to satisfy these purposes, the Administration is recommending changes to the City's Codified Ordinances; and

**WHEREAS**, the Administration believes that amending the Code, as identified in Exhibits "A", "B", "C", and "D", 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 Part Eleven of the City's Codified Ordinances - the "Planning and Zoning Code", as identified in Exhibits "A", "B", "C", and "D", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Planning and Zoning Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Planning and Zoning Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

---

## 21-45 AUTHORIZING THE CITY TO ACCEPT ARTICLE 29 INTO THE COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC.

**WHEREAS**, the collective bargaining agreement ("Agreement") between the City and the Fraternal Order of Police, Ohio Labor Council, Inc. (the "OLC") expires on December 31, 2023; and

**WHEREAS**, through the course of negotiations, the parties were able to arrive at an agreement for Article 29 (Compensation) from January 1, 2022 through December 31, 2023; and

**WHEREAS**, on November 22, 2021, the City Administration was notified that the union membership had voted to accept Article 29 into the Agreement; and

**WHEREAS**, the Administration has recommended that Article 29 be approved as being in the best interest of the City; and

**WHEREAS**, Ohio Revised Code Section 4117.10(B) requires the Administration to submit Article 29 to City Council within 14 days of receipt of the final agreement and City Council shall approve or reject the submission as a whole within 30 days after the Administration submits it for City Council's consideration.

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

**SECTION 1.** The City Manager is hereby authorized and directed to execute Article 29 with the Agreement, in accordance with the terms and conditions **attached** hereto as Exhibit "A", excepting any typographical and/or grammatical edits that may be needed for the Agreement to be in final form for execution.

**SECTION 2.** This Ordinance shall be in effect from and after the earliest time provided for by law.

---

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

**The First Reading of the following Ordinances was held on January 10, 2022. The Second Reading/Public Hearing is scheduled for January 24, 2022.**

## **22-01 AMENDING CHAPTERS 1107 AND 1123 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE APPROVAL PROCESS FOR CONDITIONAL USES.**

**WHEREAS**, Chapter 1107 of the City's Codified Ordinances provides that the Planning and Zoning Commission (the "Commission") renders decision on conditional use applications; and

**WHEREAS**, Chapter 1123 of the City's Codified Ordinances provides for the standards and processes regarding the approval of conditional uses; and

**WHEREAS**, City Council desires to amend these Chapters to state that the Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

**WHEREAS**, amending Chapters 1107 and 1123, as identified in Exhibits "A" and "B", 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 Chapters 1107 and 1123 of the City's Codified Ordinances, as identified in Exhibits "A" and "B", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions Chapters 1107 and 1123, as shown in track changes in the attached Exhibits "A" and "B" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the City's Codified Ordinances, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## **22-02 ACCEPTING THE APPLICATION FOR ANNEXATION OF 6.0 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL DISTRICT.**

**WHEREAS**, on September 27, 2021, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 6.0 ±acres of real property in Norwich Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

**WHEREAS**, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 21-R-59 on October 11, 2021, which Resolution indicated the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

**WHEREAS**, on October 12, 2021, a certified copy of Resolution No. 21-R-59 was sent to the Office of the Clerk of the Franklin County Commissioners; and

**WHEREAS**, the Petition came on for public hearing before the Franklin County Board of Commissioners on November 2, 2021; and

**WHEREAS**, pursuant to an action of the Franklin County Commissioners after that hearing, the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 22-02 continued:

transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on November 8, 2021; and

**WHEREAS**, pursuant to Ohio Revised Code §709.04, the Clerk of Council is required to place the annexation documents before Council at its next regular meeting following the expiration of 60 days from receipt; and

**WHEREAS**, City Council is required to accept or reject the Petition for Annexation within 120 days thereafter; and

**WHEREAS**, Section 1104.04 of the City's Codified Ordinances requires that the City assign the newly annexed property a zoning classification that most resembles the property's zoning classification immediately prior to annexation.

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

**SECTION 1.** The proposed annexation of 6.0 ±acres from the unincorporated area of Norwich Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on September 27, 2021, and approved by the Board of County Commissioners on November 2, 2021, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A"** and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

**SECTION 2.** The 6.0 ±acres shall be assigned the zoning classification of "R-R" Rural Residential District, which classification most closely resembles the zoning classification prior to the annexation based on minimum lot sizes, minimum lot widths, acreage and dimensions of the 6.0 ±acres.

**SECTION 3.** The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

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

---

## 22-03 APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND AUTHORIZING AN EXPENDITURE.

**WHEREAS**, companies that conduct business within the City are required to file annual tax returns on net profits; and

**WHEREAS**, in order to avoid penalties and interest, most companies pay estimated taxes on net profits before finalizing its annual tax return; and

**WHEREAS**, any estimated taxes paid which are above the actual taxes owed, may be carried over to the next taxable year or the company may request a refund of the amount; and

**WHEREAS**, generally in issuing tax refunds, the City accounts for the amount refunded in the following percentages: sixty-two and one-half percent (62.5%) from the General Fund, twenty-five percent (25%) from the Capital Improvement Fund, and twelve and one-half percent (12.5%) from the Street Improvement Fund (the "Refund Accounts"); and

**WHEREAS**, in 2022, the City budgeted \$615,000 in the Refund Accounts; and

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 22-03 continued:

**WHEREAS**, due to the request for a refund from companies in Hilliard for overpaying their estimated taxes, the City is required to appropriate an additional \$840,000, which will be allocated in accordance to the percentages in the Refund Account (the "Refund").

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

**SECTION 1.** An appropriation in the amount of \$840,000 is authorized and shall be allocated from the following Funds for the Refund due to the overpayment of net profit taxes:

- \$525,000 from Fund 101, Object 58; and
- \$210,000 from Fund 304, Object 58; and
- \$105,000 from Fund 206, Object 58.

**SECTION 2.** City Council authorizes the expenditure of funds in the amount of \$840,000 upon appropriation in order pay the Refund due to the overpayment of net profit taxes.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## RESOLUTIONS

**The following Resolution was passed by Hilliard City Council on January 10, 2022.**

### **22-R-01 COUNCIL APPOINTMENT OF DIANE C. WERBRICH AS CLERK OF COUNCIL.**

**WHEREAS**, Article II, Section 2.13, of the Charter of the City of Hilliard, Ohio, requires a Clerk of Council to be appointed from outside its membership; and

**WHEREAS**, Diane C. Werbrich was appointed as Clerk of Council by Resolution No. 20-R-67 to fill an unexpired term through December 31, 2021; and

**WHEREAS**, City Council desires to re-appoint Ms. Werbrich as Clerk of Council to a new term beginning January 1, 2022; and

**WHEREAS**, Ms. Werbrich has expressed a desire to accept such re-appointment as Clerk of Council.

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

**SECTION 1.** Diane C. Werbrich is hereby re-appointed as Clerk of Council beginning January 1, 2022, and until such time as her successor is chosen and enters upon the duties of her office.

**SECTION 2.** This Resolution shall become effective upon its adoption.