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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinances were passed on 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

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22-02 continued:

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 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

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22-03 continued:

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

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.

The First Reading of the following Ordinances was held on January 24, 2022. The Second Reading/Public Hearing is scheduled for February 14, 2022.

22-04 AMENDING SECTION 149.07 OF THE HILLIARD CODIFIED ORDINANCES REGARDING MEMBERSHIP OF THE RECREATION AND PARKS ADVISORY COMMITTEE.

WHEREAS, the Council of the City of Hilliard established code Section 149.07 and the Recreation and Parks Advisory Committee (RPAC) by Resolution No. 21-R-06 on January 25, 2021; and

WHEREAS, City Council has appointed/reappointed members to the RPAC and desires to replace Destination Hilliard representative with an additional resident appointment; and

WHEREAS, changes to section 149.07, as shown in Exhibit "A", attached hereto and incorporated herein, will ensure that the RPAC continues to consist of ten (10) volunteer members; and

WHEREAS, amending the City's Codified Ordinances, as identified in Exhibit 'A', attached hereto and incorporated herein, is in the best interest 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 Section 149.07, as identified in Exhibit 'A', attached hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 149.07, as shown in track changes in the attached Exhibit 'A', are approved and shall be incorporated in the City's Codified Ordinances.

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22-04 continued:

SECTION 2. All other provisions of Section 149.07, not modified herein, remain unchanged and are in full force effect.

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

22-05 REPEALING CHAPTER 750 AND REPEALING AND REPLACING CHAPTER 753 REGULATING THE USE OF FOOD TRUCKS IN THE CITY.

WHEREAS, Chapter 750 of the Codified Ordinances regulates the licensure and permitting process for the use of vending carts, commonly referred to as pushcarts, in the City; and

WHEREAS, Chapter 753 of the Codified Ordinances regulates the licensure and permitting process for the use of food trucks in the City; and

WHEREAS, following a review by the Administration, the City finds that repealing Chapter 750 and replacing Chapter 753 with a streamlined process that covers the licensing of all mobile food vehicles will provide clarity to vendors; and

WHEREAS, repealing Chapter 750 and replacing Chapter 753, as shown on Exhibit "A" attached hereto and incorporated herein, is in the best of the City and its residents.

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

SECTION 1. Chapter 750 of the Codified Ordinances of the City is repealed.

SECTION 2. City Council finds that repealing and replacing Chapter 753 of the City's Codified Ordinances is in the City's best interest. Chapter 753 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

SECTION 3. Exhibit A of Chapter 190 is hereby revised to remove references to the Transient Vendors License and add a fee for a Mobile Food Vehicle, as shown on Exhibit "B", **attached** hereto and incorporated herein.

SECTION 4. 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 24, 2022.

22-R-02 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE; AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT VEHICLE REGISTRATION PERMISSIVE TAX FUNDS FROM THE BOARD OF COUNTY COMMISSIONS OF FRANKLIN COUNTY, OHIO; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE RESURFACING OF SCIOTO DARBY ROAD.

WHEREAS, the Franklin County Engineer's Office (FCEO) planned for the resurfacing of Scioto & Darby Creek Road between the western County line at the Big Darby Creek and the Hilliard corporation limit near Langton Road in 2021 as part of its annual street maintenance program; and

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22-R-02 continued:

WHEREAS, the City of Hilliard desired to include the section of Scioto Darby Road between Langton Road and Cosgray Road to improve its pavement condition rating and to allow for continuity in lane widths along the multi-jurisdictional corridor (hereinafter, "the Project"); and

WHEREAS, on August 9, 2021 in a Special Meeting, Hilliard City Council directed staff to participate with the FCEO to resurface the Hilliard portion of Scioto Darby Road as part of the County's resurfacing project; and

WHEREAS, the FCEO and the City desire to share the combined total costs of the Project proportionately, as set forth in a Cooperative Agreement, attached hereto as Exhibit "A" and incorporated herein (the "Cooperative Agreement"); and

WHEREAS, the City proposed to fund a portion of the Project with funds appropriated in the 2021 Capital Improvement Budget for CIP T-122 Citywide Street Rehabilitation and Right-of-Way Management Program, which were unused as part of the City's bid for the 2021 Street Maintenance & Rehabilitation Program (SMRP); and

WHEREAS, unused funds of the 2021 SMRP in the amount of eighty-nine thousand four hundred sixty-seven dollars and thirty-nine cents (\$89,467.39) were encumbered to FCEO in 2021 for this purpose; and

WHEREAS, the City of Hilliard desires to apply for Vehicle Registration Permissive Tax Funds from the Board of County Commissioners of Franklin County, Ohio in the amount of three hundred thirty-two thousand five hundred seventy-seven dollars and sixty-three cents (\$332,577.63) to supplement local funds for the Project.

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 a Cooperative Agreement with the Franklin County Engineer's Office for the Project in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 2. An expenditure in the amount of \$89,467.39 is authorized from Fund 206, Object 55 to reimburse FCEO for part of the City's portion of the Project's cost.

SECTION 3. The City of Hilliard is authorized to apply for and receive Vehicle Registration Permissive Tax funds in the amount of \$332,577.63 from the Board of County Commissioners of Franklin County, Ohio for the Project and to use those Funds to reimburse the FCEO for the balance of the City's portion of the Project.

SECTION 4. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any Agreement associated with the expenditure of funds authorized herein.

SECTION 5. This Resolution is effective immediately upon its adoption.

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