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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: March 1, 2022**

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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 February 28, 2022**

### **22-06 AMENDING CERTAIN SECTIONS OF PART NINE OF THE CITY'S CODIFIED ORDINANCES - THE "STREETS, UTILITIES, AND PUBLIC SERVICES CODE".**

**WHEREAS**, due to the change in the form of government and organizational changes, the Administration has conducted a thorough review of Part Nine of the City's Codified Ordinances – the "Streets, Utilities, and Public Services Code"; and

**WHEREAS**, it was determined that certain amendments to the "Streets, Utilities, and Public Services Code" are needed to align with this form of government and organizational structures; and

**WHEREAS**, substantive changes to certain Chapter were also needed to assist with the City's enforcement of the Code; and

**WHEREAS**, as shown on Exhibit "A", attached hereto and incorporated herein, the amendments are 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.** City Council finds that amending Part Nine of the City's Codified Ordinances – the "Streets, Utilities, and Public Services Code", as amended in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Streets, Utilities, and Public Services Code", as shown and identified in track changes on the attached Exhibit "A", are approved and shall be incorporated into the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Streets, Utilities, and Public Services 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.

### **22-07 AMENDING THE 2022 CAPITAL IMPROVEMENT BUDGET FOR THE PERIOD ENDING DECEMBER 31, 2022.**

**WHEREAS**, Section 6.09 of the Hilliard City Charter allows for the process of approval of the capital improvement budget to be developed and passed as City Council may establish by ordinance; and

**WHEREAS**, by the passage of Ordinance No. 21-41 on December 14, 2021, Council adopted the City's 2022 Capital Improvement Budget; and

**WHEREAS**, due the passage of Issue 22 on November 2, 2021, the City is collecting an additional 0.5% in income tax that must be used for recreation and park uses; and

**WHEREAS**, the Administration desire to appropriate the funds received in order to move forward with the design, and construction of the City's Recreation and Wellness Campus; and

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**WHEREAS**, it is also necessary to revise the City's 5-year (2022-2026) Capital Improvement Program due to the passage of Issue 22; and

**WHEREAS**, after reviewing the amended Capital Improvement Budget, City Council is prepared to authorize the amended 2022 Capital Budget, identified in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, after reviewing the 2022-2026 Capital Improvement Program, City Council is prepared to adopt the 5-year Capital Improvement Program, identified in Exhibit "B", attached hereto and incorporated herein.

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

**SECTION 1.** Ordinance No. 21-41 is amended as set forth in Exhibit "A", **attached** hereto and incorporated herein, and the sums indicated are hereby set aside and appropriated as set forth herein.

**SECTION 2.** City Council revises and adopts the 2022-2026 Capital Improvement Program for the City, as set forth in Exhibit "B", **attached** hereto and incorporated herein.

**SECTION 3.** This Ordinance shall be in full force and effect at the earliest time provided by law.

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**22-08 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO ADD AN ADDITIONAL NON-UNION POSITION.**

**WHEREAS**, by the passage of Ordinance No. 21-40 on November 22, 2021, City Council approved a new classification plan for the City, codified in Section 127.04 of the City's Codified Ordinances; and

**WHEREAS**, the City Manager desires to amend Section 127.04 to add an additional full-time non-union position; and

**WHEREAS**, due to the additional position, it is necessary to appropriate additional funds; and

**WHEREAS**, the City Manager believes that amending Section 127.04 for this additional position and appropriating additional funds, is in the best interests of the City.

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

**SECTION 1.** City council finds that amending Section 127.04 of the City's Codified Ordinances, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 127.04 as shown and identified in track changes on the attached Exhibit "A" are approved.

**SECTION 2.** All other provision of Section 127.04, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** An appropriation in the amount of \$63,500 is authorized from the following to fund the Human Resources Manager position:

- Fund 101, Object 51 \$60,000
- Fund 101, Object 52 \$2500
- Fund 101, Object 53 \$1000.

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

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**The First Reading of the following Ordinances was held on February 28, 2022. The Second Reading/Public Hearing is scheduled for March 14, 2022.**

## **22-09 ENACTING SECTION 149.08 OF THE CITY'S CODIFIED ORDINANCES AND ESTABLISHING AN AGING-IN-PLACE ADVISORY COMMITTEE.**

**WHEREAS**, Hilliard City Council desires to create an Age-in-Place Advisory Committee (APAC) to advise City Council on matters affecting older adult residents and focusing on creating an age-friendly community where residents of every age can enjoy the Hilliard community; and

**WHEREAS**, by establishing this Advisory Committee, Council desires that it will provide Council and City staff with input and recommendations regarding community development, programming and services affecting older adults and caregivers.

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

**SECTION 1.** Section 149.08 of the Codified Ordinances of the City of Hilliard is hereby enacted to read as follows:

**149.08. AGING-IN-PLACE ADVISORY COMMITTEE.** The Age-in-Place Advisory Committee (APAC) is established and shall be operated as provided herein:

(a) **Establishment and Purpose.**

- There is hereby established, in and for the City, an Aging-in-Place Advisory Committee consisting of up to ten (10) members.
  - The Committee will advise City Council on matters affecting older adult residents, with a focus on creating an age-friendly community where residents of every age can enjoy all the community has to offer and thrive throughout each stage of their lives.
- (3) The Committee will serve as a sounding board to City Staff as it relates to programs and services affecting older adults and caregivers.

(b) **Membership, Organization and Procedures.**

- Appointments of the residents serving on the Committee shall be made by City Council.
- Members shall be residents of the City.
- Membership will include:
  - a. Up to nine (9) residents that are 55 years old or older and represent both the City's older adult population and caregiver population.
  - b. One (1) City Council Member, to be appointed by the President of Council.
- All members shall be voting members.
- The nine resident members will serve two-year terms and can be re-appointed for two additional terms but shall not serve more than six consecutive years.
- Initial terms for the nine (9) resident members, however, are as follows:
  - a. Three (3) of the members each shall serve an initial term of three (3) years.

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b. Three (3) of the members each shall serve an initial term of two (2) years.

c. Three (3) member shall serve an initial term of one (1) year.

(7) A majority of the voting members of the Committee shall constitute a quorum.

## (c) Function.

(1) The Aging-in-Place Advisory Committee shall be advisory in nature.

(2) The Committee shall meet on such dates and times as it deems necessary in order to fulfill its purpose, and to meet deadlines as required by Hilliard City Council. All meetings shall be advertised as public meetings and open to the public.

(3) The Aging-in-Place Advisory Committee shall elect every twelve (12) months, by majority vote, a Chair and Vice-Chair and shall establish and adopt procedural rules (bylaws) to govern its operations. The Committee will follow Roberts Rules of Order and shall keep a record of its meetings, which are subject to public inspection and copying as may be required under the Ohio Revised Code. The records of the Committee shall be kept at City Hall.

(4) The Aging-in-Place Advisory Committee shall, at times and dates determined by the City Council, provide reports and updates on its activities, initiatives, and progress.

(5) The Aging-in-Place Advisory Committee shall continue until dissolved by a majority vote of City Council.

(d) Staff Participation. The City Manager shall assure that the Committee is properly staffed. Staff shall assist with preparing meeting agendas and shall provide materials, presentations, recommendations, and other support as necessary and appropriate and shall do so under the ultimate direction of the City Manager.

**SECTION 2.** This Resolution is effective immediately upon its passage.

**22-10 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$95,000,000 OF INCOME TAX SPECIAL OBLIGATION SECURITIES FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING, FURNISHING AND EQUIPPING A RECREATION AND WELLNESS CAMPUS FOR FITNESS, RECREATION, AND GROUP ACTIVITIES FOR SENIORS, FAMILIES, YOUTH, AND OTHERS NEAR THE INTERSECTION OF ALTON DARBY CREEK ROAD AND SCIOTO DARBY ROAD, INCLUDING LANDSCAPING AND MAKING SITE IMPROVEMENTS, ACQUIRING LAND AND INTERESTS IN LAND, AND REIMBURSING PRIOR EXPENDITURES OF THE CITY IN CONNECTION WITH THE SAME; PROVIDING FOR THE PLEDGE OF CERTAIN REVENUES FROM THE CITY'S 2.5% INCOME TAX TO SECURE THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE SECURITIES; AUTHORIZING THE USE AND DELIVERY OF AN OFFICIAL STATEMENT RELATING TO THE SECURITIES.**

**WHEREAS**, the City of Hilliard, Ohio (the "City") levies an income tax at a rate of 2.00% pursuant to Chapter 183 of the Codified Ordinances of the City for the purposes of general municipal operations, maintenance, new equipment and capital improvements and to provide for the payment of principal and interest on certain bond issues of the City (the "2.0% Income Tax"); and

**WHEREAS**, the City levies an additional income tax of 0.5% (together with the 2.0% Income Tax, the "Income Tax") pursuant to Ordinance No. 21-22, which was approved by the electors of the City on November 2, 2021, to provide funds for recreational and parks capital, programming, and operational expenses; and

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**WHEREAS**, pursuant to Article XVIII, Section 3 of the Ohio Constitution, the City is authorized to issue special obligation revenue securities supported by the Income Tax and in anticipation of the receipt of revenues of the Income Tax (the "Revenues"); and

**WHEREAS**, the City has determined to acquire, construct, improve, furnish and equip a new recreation and wellness campus for fitness, recreation, and group activities for seniors, families, youth, and others near the intersection of Alton Darby Creek Road and Scioto Darby Road, including landscaping and site improvements, to acquire land and interests in land, and reimburse prior expenditures of the City in connection with the same (the "Project"); and

**WHEREAS**, the City Council (the "Council") of the City has determined that it is now necessary and proper to authorize the issuance of not to exceed \$95,000,000 of such income tax special obligation securities of the City for the purpose of providing funds to pay costs of the Project.

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

**SECTION 1. Definitions and Interpretation.** In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Additional Securities" means any additional bonds, or notes issued in anticipation of bonds, of the City which may be subsequently issued and payable solely from the Revenues on a parity with the Securities.

"Authorized Denominations" means, except as otherwise provided in the Certificate of Award, (A) in the case of Bonds, the denomination of \$5,000 or any integral multiple in excess thereof, and (B) in the case of Notes, the denomination of \$100,000 or any integral multiple of \$5,000 in excess thereof.

"Bond Counsel" means the law firm of Bricker & Eckler LLP.

"Bonds" means the Recreation and Wellness Campus Income Tax Special Obligation Bonds, Series 2022, authorized in Section 2 hereof.

"Book-entry form" or "book-entry system" means a form or system under which (a) the ownership of book-entry interests in Securities and the principal of and interest on the Securities may be transferred only through a book-entry, and (b) physical certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Securities "immobilized" in the custody of the Depository or its designated agent. The book-entry maintained by others than the City is the record that identifies the owners of book-entry interests in those Securities and that principal and interest.

"Certificate of Award" means one or more certificates authorized by Section 4, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Securities and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

"Code" means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book-entry system to record ownership of book-entry interests in

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Securities or the principal of and interest on Securities, and to effect transfers of Securities, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Financing Costs" means any Original Purchaser compensation, rating fees, Registrar fees, Municipal Advisor fees, printing and distribution costs, Bond Counsel and other legal fees, and other miscellaneous expenses associated with the issuance of the Securities.

"Holder" or "holder" or "registered owner", or any similar term means the person in whose name any of the Securities are registered, or the Holder or owner of Securities as may otherwise be prescribed by the Certificate of Award.

"Interest Payment Dates" means the dates specified in the Certificate of Award.

"Municipal Advisor" means Bradley Payne, LLC.

"Notes" means the notes, if any, issued in anticipation of the Bonds and authorized in Section 2 hereof.

"Original Purchaser" means KeyBanc Capital Markets Inc.

"Participant" means any participant contracting with a Depository under a book-entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

"Purchase Agreement" means the Purchase Agreement between the City and the Original Purchaser, and executed by the Director of Finance in accordance with Section 12.

"Register" means all books and records necessary for the registration, exchange and transfer of Securities as provided in Section 9.

"Registrar" means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 9 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Securities under the Registrar Agreement and until a successor Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, "Registrar" shall mean the successor Registrar.

"Registrar Agreement" means the Registrar Agreement between the City and the Registrar, and executed by the Director of Finance in accordance with Section 9.

"Regulations" means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

"Revenues" means, proceeds of the Income Tax, except for any proceeds to be transferred to the City's Street Improvement Fund pursuant to Chapter 183 of the Codified Ordinances of the City and not pledged for payment of the Securities, which amount is currently 8% of the Revenues.

"Securities" means, collectively, the Bonds and Notes.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**SECTION 2. Authorization of Issuance of Securities.** It is hereby declared necessary to issue bonds of the City, or notes in anticipation of the issuance of bonds, in one or more series, in anticipation of the levy of the 0.5% Income Tax



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and receipt of the Revenues, in the aggregate principal sum of not to exceed \$95,000,000, or such lesser amount as shall be determined by the Director of Finance and certified to this Council, which Securities shall be designated "Recreation and Wellness Campus Income Tax Special Obligation Bonds, Series 2022" or as otherwise designated by the Director of Finance, for the Project.

**SECTION 3. Authorized Denominations.** The Securities shall be issued as fully registered bonds in Authorized Denominations; shall be numbered consecutively from R-1 upward, as determined by the Director of Finance; shall be dated the date determined by the Director of Finance and set forth in the Certificate of Award provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the Director of Finance and set forth in the Certificate of Award, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. Coupons shall not be attached to the Securities.

**SECTION 4. Certificate of Award.** The sale and award of the Securities shall be evidenced by one or more Certificates of Award. Each Certificate of Award shall (a) set forth the aggregate principal amount and the final terms of the Securities, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, (b) the dated date for the Securities, (c) the dates on which interest on the Securities is to be paid (each, an "Interest Payment Date"), (d) the purchase price for the Securities (which shall be not less than 97% of the face value thereof), (e) the maturity schedule for the Securities, (f) the interest rates for the Securities (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum), (g) the optional and mandatory redemption provisions, if any, and (h) such other terms not inconsistent with this Ordinance as the Director of Finance shall deem appropriate.

**SECTION 5. Interest Payments on the Securities.** The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Award. The Current Interest Bonds shall be in Authorized Denominations, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser (as defined hereinbelow), and each Interest Payment Date thereafter, will equal the Authorized Denominations. The Current Interest Bonds shall be dated such date as shall be determined by the Director of Finance and set forth in the Certificate of Award and the Capital Appreciation Bonds shall be dated their date of delivery to the Original Purchaser. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months. Coupons shall not be attached to the Securities. Any Notes issued pursuant to this Ordinance shall be issued with interest payable at maturity or as otherwise specified in the Certificate of Award.

**SECTION 6. Redemption Provisions.** The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity as provided in the Certificate of Award. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Registrar prior to the selection of the Current Interest Bonds to be redeemed at par pursuant to mandatory redemption on the same date.

When partial redemption is authorized, the Registrar shall select a Current Interest Bond or portions thereof by lot within a maturity in such manner and in such denominations as the Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected will be in Authorized Denominations.

The notice of the call for redemption of a Current Interest Bond shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bond or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bond (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each Holder of the Current Interest Bond to be redeemed at the address shown in the Register on the 15th day

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preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

Any Notes issued pursuant to this Ordinance shall be subject to redemption as provided in the Certificate of Award.

**SECTION 7. Execution and Authentication of Securities.** The Securities shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance and shall be executed by the Director of Finance and the City Manager of the City (the "City Manager"), in their official capacities; provided that either or both of their signatures may be a facsimile. No Securities 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 Securities, is signed by the Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Securities so authenticated have been duly issued and delivered under this Ordinance and are entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Registrar or by such other person acting as an agent of the 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 Securities.

**SECTION 8. Interest Payments.** The principal of and interest on the Securities shall be payable in lawful money of the United States of America without deduction for the services of the Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Registrar. Each of the Securities shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any of the Securities is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Except in the case where interest on the Notes is payable at maturity, interest on any of the Securities shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Securities are registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Register at the address appearing therein.

Unless otherwise provided in the Certificate of Award, the principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at the office of the Registrar.

Any interest on any Securities which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Securities are registered at the close of business on a date (the "Special Record Date") to be fixed by the Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Holder, at such Holder's address as it appears in the Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Securities are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, any Securities delivered by the Registrar upon transfer of or in exchange for or in lieu of any other Securities shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Securities.

**SECTION 9. Registration; Transfer and Exchange.** The Director of Finance is hereby authorized and directed to serve as the Registrar or to execute on behalf of the City a 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 the Registrar for the Securities. If at any time the Registrar shall be



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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 Registrar hereunder. Each such successor Registrar shall promptly advise all Holders of the change in identity and new address of the Registrar. So long as any of the Securities remain outstanding, the City shall cause to be maintained and kept by the Registrar, at the office of the Registrar, the Register. Subject to the provisions hereof, the person in whose name any Bond shall be registered on the 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 Securities shall be made only to or upon the order of that person. Neither the City nor the 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 Securities, including the interest thereon, to the extent of the amount or amounts so paid.

Any Securities, upon presentation and surrender at the office of the 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 Registrar, may be exchanged for Securities of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Securities surrendered, and bearing interest at the same rate and maturing on the same date.

Securities may be transferred only on the Register upon presentation and surrender thereof at the office of the 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 Registrar. Upon that transfer, the Registrar shall complete, authenticate and deliver Securities of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Securities surrendered, and bearing interest at the same rate and maturing on the same date.

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

In all cases in which Securities are exchanged or transferred hereunder, the City shall cause to be executed and the Registrar shall authenticate and deliver Securities in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and 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 City or the Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Securities. All Securities 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 Securities surrendered upon that transfer or exchange.

**SECTION 10. Book-entry System.** All or any portion of the Securities may be initially 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 Bond of each maturity; (ii) those Securities 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 Securities in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Securities 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 Securities 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. Bond service charges on Securities in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to

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the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Securities as provided in this Ordinance.

The Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond 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 above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Registrar and the City. That payment in any event shall be made to the person who is the registered owner of that Bond 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 Registrar shall furnish a copy of each of those agreements, certified to be correct by the Registrar, to other paying agents for Securities 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 Director of Finance, or any other officer of the City, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, a letter agreement among the City, the Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Securities 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, physical Securities certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the depository for the Securities for use in a book-entry system, the City and the Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Registrar do not or are unable to do so, the City and the Registrar, after the Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Securities 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 definitive Securities), if the event is not the result of action or inaction by the City or the Registrar, of those persons requesting such issuance.

**SECTION 11. Security for and Covenants Relating to Securities.** The Securities and any Additional Securities that may be issued hereafter on a parity therewith, shall be special obligations of the City, and the principal of and interest and any premium on the Securities shall be payable solely from the Revenues, and such payment shall be secured by a pledge of the Revenues as provided in this Ordinance.

The City hereby covenants and pledges, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate from the Revenues amounts sufficient to pay principal and interest due on the Securities on each Interest Payment Date any other amounts that may be required in connection with the issuance of the Securities. The City hereby covenants and agrees that, so long as the Securities are outstanding and except in the case of Additional Securities, the City shall not attempt to create or otherwise permit a pledge or any other lien on the Revenues that is senior to or on a parity with the pledge of the Revenues contained in this Ordinance to pay the principal of and interest on the Securities; provided, however, that this provision shall not be read to limit the City's ability to issue general obligation debt for any municipal purpose. The City hereby covenants and agrees that, so long as the Securities are outstanding, it shall not suffer the repeal, amendment or any other change in this Ordinance or in the City's income tax ordinances that in any way materially and adversely affects or impairs (i) the sufficiency of the Revenues levied and collected or otherwise available for the payment of the Securities or (ii) the pledge or the application of the Revenues to the payment of the Securities.

Nothing in this Ordinance, the Securities or any Additional Securities shall constitute a general obligation, debt or bonded indebtedness of the City; neither the general resources of the City shall be required to be used, nor the general credit of the City pledged for the performance of any duty under this Ordinance, the Securities and the Additional

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Securities; and further, nothing therein gives the Holders of the Securities or any Additional Securities, and they do not have, the right to have excises or taxes levied by the City, or by the State or the taxing authority of any other political subdivision, for the payment of principal of, redemption premium, if any, and interest on the Securities and any Additional Securities, but the Securities and any Additional Securities are payable from the Revenues and any funds established in accordance with this Ordinance, and each of the Securities and any Additional Securities shall contain on the face thereof a statement to that effect; provided, however, that nothing herein shall be construed as requiring the City to use or apply to the payment of principal of and interest on the Securities or any Additional Securities any funds or revenues from any source other than Revenues and, provided further, that nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance, the Securities or any Additional Securities.

The City will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Ordinance and the Securities and under all proceedings of this Council pertaining thereto. The City represents that (i) it is, and upon delivery of the Securities covenants that it will be, duly authorized by the Constitution and laws of the State and its Charter, to issue the Securities and to provide the security for payment of the debt service charges in the manner and to the extent set forth herein and in the Securities; (ii) all actions on its part for the issuance of the Securities have been or will be taken duly and effectively; and (iii) the Securities will be valid and enforceable special obligations of the City according to their terms. Each obligation of the City required to be undertaken pursuant to this Ordinance and the Securities is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

The Director of Finance is hereby authorized, based upon input from the Municipal Advisor, Bond Counsel, and the Original Purchaser, to agree to additional covenants regarding the Securities and the pledge of Revenues, including the establishment of any funds necessary in connection with the sale of the Securities. Such additional provisions shall be set forth in the Certificate of Award.

**SECTION 12. Additional Securities.** The City shall have the right from time to time to issue Additional Securities on a parity with the Securities, which Additional Securities shall be payable solely from the Revenues, and such payment shall be secured by a pledge of and a lien on the Revenues and by an ordinance passed by this Council authorizing the issuance of those Additional Securities.

Before any Additional Securities are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the aggregate amount of Income Tax, less any amounts allocated to the City's Street Improvement Fund, received during the fiscal year immediately preceding the issuance of those Additional Securities is at least equal to 150% of the largest amount required to be paid in any succeeding calendar year to meet interest and principal maturities of the Bonds and any Additional Securities to be outstanding immediately after the issuance of such Additional Securities, or in the case of the issuance of notes issued in anticipation of Additional Securities, the largest amount required to be paid in any succeeding calendar year to meet the estimated interest and principal maturities of those Additional Securities in anticipation of which the notes are issued.

The proceeds of any sale of Additional Securities shall be allocated in the manner provided in the ordinance authorizing their issuance. Junior lien or other subordinate bonds and other subordinate City obligations payable from the Income Tax, less any amounts allocated to the City's Street Improvement Fund, may be issued or incurred without limitation.

The Additional Securities shall bear such designation as may be necessary to distinguish them from the Bonds or other Additional Securities having different provisions and shall have maturities, interest rates, interest payment dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for

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the issuance of the Additional Securities; provided, however, that those terms and provisions shall not be inconsistent with this Ordinance to the extent it governs the issuance and terms of Additional Securities.

The Director of Finance is hereby authorized, based upon input from the Municipal Advisor, Bond Counsel, and the Original Purchaser, to agree to the provisions under which Additional Securities may be issued. Such additional provisions shall be set forth in the Certificate of Award.

**SECTION 13. Sale of the Securities to the Original Purchaser.** The Securities shall be sold at private sale to the Original Purchaser at the purchase price set forth in the Certificate of Award, plus interest accrued to the date of delivery of the Securities to the Original Purchaser. The Director of Finance and the City Manager, or either of them individually, are authorized and directed to execute on behalf of the City a Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Securities are to be sold and delivered, which Purchase Agreement shall be in such form, not inconsistent with this Ordinance, as the Director of Finance shall determine.

The proceeds from the sale of the Securities received by the City (or withheld by the Original Purchaser or disbursed to and held by the Registrar on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Securities are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Securities, printing and delivery of the Securities, legal services including obtaining the approving legal opinion of Bond Counsel, fees and expenses of the Municipal Advisor, paying agent and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Director of Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Securities or to deposit such proceeds with the Registrar in order to provide for the payment of Financing Costs related to the Securities on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award and the Purchase Agreement) or accrued interest shall be paid into the bond retirement fund.

**SECTION 14. Federal Tax Considerations.** The Director of Finance may determine to issue all or any series or portion of the Securities as obligations that the interest thereon is excluded from the bondholders' gross income for federal income tax purposes, and the following provisions of this Section shall apply to such Securities (or series or portions thereof):

The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Securities that is intended to be excluded from gross income for federal income tax purposes, in accordance with the Internal Revenue Code of 1986, as amended (the "Code") is and will continue to be excluded from gross income for federal income tax purposes. The City further covenants that it shall restrict the use of the proceeds of the Securities in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Securities are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the Regulations.

The Director of Finance, or any other officer, including the Clerk, 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 Securities 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 Securities 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, including the Clerk, 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 such exclusion of interest from gross income and the intended tax status of the Securities; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings,

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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 Securities 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 Securities which limits the amount of proceeds of the Securities which may be invested at an unrestricted yield or requires the City to rebate arbitrage profits (or penalties in lieu thereof) to the United States Department of the Treasury. The Director of Finance is hereby authorized and directed to file such reports with, and rebate arbitrage profits (or penalties in lieu thereof) to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Securities requires any such reports or rebates, and moneys necessary to make such rebates are hereby appropriated for such purpose. The payment of any rebate arbitrage profits (or penalties in lieu thereof) made to the United States Department of the Treasury shall be authorized and paid from such fund or funds as determined by the Director of Finance.

**SECTION 15. Official Statement.** The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Securities is hereby authorized if the Director of Finance determines that it is necessary or advisable to prepare and distribute an Official Statement in connection with the original issuance of the Securities. If the Director of Finance so determines, then the Director of Finance and City Manager are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Securities, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Securities as they deem necessary or appropriate to protect the interests of the City. The Director of Finance, City Manager, and Director of Law (the "Director of Law") are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of an Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

**SECTION 16. Ratings.** The obtaining or updating of a rating or ratings on the Securities and the City is hereby authorized if the Director of Finance determines that it is necessary or advisable in connection with the original issuance of the Securities. If the Director of Finance so determines, then the Director of Finance and City Manager are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

**SECTION 17. Municipal Advisor.** Bradley Payne, LLC is hereby appointed to serve as Municipal Advisor to the City for the Securities. The Director of Finance is hereby authorized to enter into any agreements necessary to memorialize this relationship. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Securities or as otherwise determined by the Director of Finance.

**SECTION 18. Bond Counsel.** Bricker & Eckler LLP is hereby appointed to serve as Bond Counsel to the City for the Securities. The Director of Finance is hereby authorized to enter into any agreements necessary to memorialize this relationship. The fees to be paid to such firm shall be subject to review and approval of the Director of Finance, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from the proceeds of the Securities or as otherwise determined by the Director of Finance.

**SECTION 19. Transcript.** 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 Securities 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 Securities 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 Director of Finance and a no-litigation certificate of the



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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. Except for the procedure for authenticating the Securities set forth herein, documents (including this Ordinance) executed, scanned and transmitted electronically and electronic and digital signatures shall be deemed original signatures for said transcript of the Securities, for the purposes of this Ordinance, and for all matters related thereto, with any such scanned, electronic, and digital signatures having the same legal effect as original signatures.

**SECTION 20. Additional Agreements and Instruments.** This Council further hereby authorizes and directs the City Manager, the Director of Law, the Director of Finance, the Clerk of Council, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions, that may be appropriate to implement and that are in substantial compliance with this Ordinance.

**SECTION 21. Satisfaction of Conditions for Issuance of Securities.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Securities in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Securities have been performed and have been met, in regular and due form as required by law; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Securities; and that the Securities are being authorized and issued pursuant to the Constitution and laws of the State, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

**SECTION 22. 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 23. Effective Date.** This Ordinance shall be in effect from and after the earliest time provided for by law.

## RESOLUTIONS

**The following Resolutions were passed by Hilliard City Council on February 28, 2022.**

**22-R-10 APPROVING A MODIFICATION TO THE HILLIARD CONSERVATION DISTRICT (HCD) TEXT FOR THE 343.426± ACRES KNOWN AS THE ALTON PLACE DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF ROBERTS ROAD AND ALTON DARBY ROAD TO AMEND THE ARCHITECTURAL AND FENCE REQUIREMENTS.**

**WHEREAS**, City Council approved a Hilliard Conservation District ("HCD") consisting of 343.426± acres of land for the Alton Place Development by passage of Ordinance No. 19-26, effective August 8, 2020; and

**WHEREAS**, on May 28, 2020, at its regularly scheduled and advertised meeting, the Planning and Zoning Commission approved a HCD development plan consisting of 167 single-family lots, 280 attached residential units, 53 acres of commercial uses and 177.01 acres of open space on 343.426± acres; and

**WHEREAS**, Alton Place LLC and American Structurepoint (the "Applicant") submitted application number PZ-22-2 to the City's Planning and Zoning Commission to modify the Alton Place HCD Development Plan text concerning architecture, fencing and related provisions; and

**WHEREAS**, the proposal calls for amending architecture requirements regarding garages, site placement, roof pitches, materials review and fence/buffer restrictions to encourage high-quality homes; and



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**WHEREAS**, staff determined that the proposed text amendments are generally consistent with development expectations and standards established at the time of zoning while not impacting the approved development plan.

**WHEREAS**, at its regularly scheduled and advertised meeting on February 10, 2022, the City's Planning and Zoning Commission voted to forward a positive recommendation to City Council that the Alton Place HCD text be revised as proposed; and

**WHEREAS**, a copy of the amended portions of the Development Text for the Alton Place HCD is attached hereto as Exhibit "A" and incorporated herein by reference ("Alton Place HCD Development Plan and Text").

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

**SECTION 1.** The Alton Place HCD Development Text is amended to modify architecture, fence and related requirements as requested.

**SECTION 2.** The amended Development Text, **attached** hereto as Exhibit "A" and incorporated herein by reference, is approved and shall hereafter be referred to as the Alton Place HCD Development Plan and Text.

**SECTION 3.** This Resolution is effective upon its adoption.

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## 22-R-11 ACCEPTING THE DEDICATION OF ROADS AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1, PHASE 1 OF ALTON PLACE.

**WHEREAS**, on June 8, 2020, Council passed Ordinance No. 19-26 rezoning 343.426± acres of land owned by Homewood Corporation and H&G LLC, from R-R, Rural Residential, to Hilliard Conservation District consisting of 167 single-family lots, 280 attached residential units, 53 acres of commercial uses and 177.01 acres of open space which is identified as the Alton Place Development; and

**WHEREAS**, upon application by Alton Place LLC and American Structurepoint (collectively, the "Owner"), on February 10, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 1, Phase 1 of Alton Place for the development of 69 single-family lots and 5 reserves on 77.932± acres of land (the "Property"); and

**WHEREAS**, the Owner has offered to dedicate to the City of Hilliard the public roads known as Bridgeview Trace, Forest Lane, Lakeside Place, Sycamore Trace, Western Way and Woodedge Lane and easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground, for the construction, operation, and where necessary, easements for the construction operation, and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

**WHEREAS**, it is to the interest and benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

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

**SECTION 1.** The City of Hilliard accepts the dedication of the public roads known as Bridgeview Trace, Forest Lane, Lakeside Place, Sycamore Trace, Western Way and Woodedge Lane and easements for public and private utilities,

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**22-R-11 continued:**

cable television, service connections and storm water drainage, within Alton Place Section 1, Phase 1, as shown on Exhibit "A", **attached** hereto and incorporated by reference herein.

**SECTION 2.** The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat identified on Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

**SECTION 3.** The Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

**SECTION 4.** This Resolution is effective upon its adoption.

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**22-R-12 RE-APPOINTING MEMBERS TO THE BOARD OF TRUSTEES OF THE ALTON PLACE COMMUNITY AUTHORITY.**

**WHEREAS**, on February 22, 2021, City Council adopted Resolution No. 21-R-15 appointing Erin Duffee and Angela Zody as citizen members to the Board of Trustees of the Alton Place Community Authority ("Board"), for a term a term that expired February 21, 2022; and

**WHEREAS**, Angela Zody and Erin Duffee have expressed a desire and willingness to continue to serve as Trustee and to accept a reappointment to the Board; and

**WHEREAS**, pursuant to Ohio Revised Code Section 349.04, following the initial one-year terms, members shall serve two-year overlapping terms.

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

**SECTION 1.** Hilliard City Council re-appoints the following members to the Board of Trustees of the Alton Place Community Authority, each in the position and for the term indicated beside such member's name:

Erin Duffee	Citizen Member	Term: February 28, 2022 – February 26, 2024
Angela Zody	Citizen Member	Term: February 28, 2022 – February 26, 2024

**SECTION 2.** This Resolution is effective upon its adoption.

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**22-R-13 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 5 OF THE COURTYARDS AT CARR FARMS.**

**WHEREAS**, on October 11, 2021, Council adopted Resolution No. 21-R-62 approving a modification of the Carr Farms PUD Concept Plan consisting of 227 empty-nester homes and 16 townhomes on 79.45 acres; and

**WHEREAS**, upon application by Epcon Carr Farms, LLC, and EMH&T (collectively, the "Owner"), on February 10, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 5 of The Courtyards at Carr Farms for the development of 35 single-family lots (including 19 single-family detached lots and 16 townhouse lots) on 13.2973± acres of land (the "Property"); and

**WHEREAS**, the Owner has offered to dedicate to the City of Hilliard public right-of-way along Leppert Road and easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and

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**22-R-13 continued:**

beneath the surface of the ground, for the construction, operation, and where necessary, easements for the construction operation, and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

**WHEREAS**, it is to the interest and benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

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

**SECTION 1.** The City of Hilliard accepts the dedication of the public right-of-way along Leppert Road, and easements for public and private utilities, cable television, service connections and storm water drainage, within The Courtyards at Carr Farms Section 5, as shown on Exhibit "A", **attached** hereto and incorporated by reference herein.

**SECTION 2.** The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat identified on Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

**SECTION 3.** The Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

**SECTION 4.** This Resolution is effective upon its adoption.

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**22-R-14     AUTHORIZING THE CITY MANAGER TO ACCEPT A PERMANENT CONSERVATION EASEMENT FROM FERGUSON ENTERPRISES, LLC ALONG HOLCOMB DITCH, SAID EASEMENT BEING LOCATED ALONG THE WEST SIDE OF LYMAN DRIVE NORTH OF ANSMIL DRIVE**

**WHEREAS**, Ferguson Enterprises, LLC ("Ferguson") owns 3.48± acres of property at 4363 Lyman Drive, identified as parcel number 050-003400 by the Franklin County Auditor's Office, in the City of Hilliard; and

**WHEREAS**, the City of Hilliard ("City") recently approved plans for a building addition to the existing building on the Ferguson property; and

**WHEREAS**, the Ferguson property abuts Holcomb Ditch in the City, and Section 7.1.3 of the City's Engineering Design Manual requires a Stream Corridor Protection Zone (SCPZ) be designated along any active stream channel in the City as a means of establishing a riparian corridor along the water course to perform its inherent function of erosion protection, flood storage, and water quality protection; and

**WHEREAS**, as a condition of their building addition approval, Ferguson has agreed to establish a SCPZ on their property by dedicating a permanent conservation easement, being 0.458± acres, to the City, described in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, this conservation easement restricts the use and activities allowed in the easement area in an effort to maintain the area in as natural a state as possible so it can perform its inherent function of erosion protection, flood storage, and water quality protection, consistent with the restrictions and conditions of the Deed of Easement from Ferguson to the City, attached hereto as Exhibit "B" and incorporated herein; and

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**22-R-14 continued:**

**WHEREAS**, it is to the interest and benefit of the City and the public at large that the easement from Ferguson be accepted by the City of Hilliard for the aforementioned purpose.

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

**SECTION 1.** The City of Hilliard accepts a permanent 0.458± acre conservation easement from Ferguson Enterprises, LLC, as described in Exhibit "A" attached hereto and incorporated herein.

**SECTION 2.** The City Manager is authorized to execute and deliver a "Deed of Easement" document with the aforementioned property owner, in a form substantially similar to the one attached hereto as Exhibit "B", for and in the name of the City, with such changes approved by the City Engineer that are not adverse to the City and that shall not be inconsistent with this Resolution, which approval shall be evidenced conclusively by her execution thereof, and the City Manager is authorized to execute and deliver all documents necessary and appropriate to consummate acceptance of the easements, and to require conveyance documents to be delivered and recorded evidencing the granting of such easement to the City.

**SECTION 3.** This Resolution shall become effective upon its adoption.

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**22-R-15     AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CDM SMITH, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS. (\$130,000)**

**WHEREAS**, the City of Hilliard desires to enter into General Engineering Service ("GES") contracts, also known as Professional Services Agreements ("PSAs") with private contractors to:

- provide the City with technical expertise to support the City of Hilliard Engineering Division (the "Division of Engineering") staff;
- provide planning, design, review, or construction services, on an as-needed basis, for small to medium sized public improvements and/or private development projects that may arise throughout the year;
- provide professional services for an established or a new program or initiative identified in the City's Capital Improvement Plan (CIP); and

**WHEREAS**, the PSA for GES is an annual contract and tasks will be performed on an "as-directed" basis, whereby the Contractor will provide services only as requested and directed by the City based on specific work to be performed; and

**WHEREAS**, per Resolution No. 18-R-49 approved on June 25, 2018, City Council approved a PSA with CDM Smith, Inc. ("CDM Smith") for GES services, namely all aspects of the City's Capacity, Management, Operations, and Maintenance (CMOM) program, CIP S-20; and

**WHEREAS**, CDM Smith's existing GES contract expires in 2022; and

**WHEREAS**, it is advantageous to maintain continuity in the planning, design, evaluation, and review of all projects associated with the CMOM program, and therefore the City is proposing to enter into a GES contract with CDM Smith; and

**WHEREAS**, engineering services to be performed by CDM Smith include all aspects of the City's Capacity, Management, Operations, and Maintenance (CMOM) program, CIP S-20, including Capital Improvement Projects S-33, Annual Sanitary Sewer Cleaning and CCTV program; S-37 Annual Sanitary Sewer Lining Program; S-43, Sanitary Sewer Trunk Maintenance; S-44, Sanitary Sewer Backflow Prevention Program; and ST-43, Leap Road Storm Sewer Improvements; and

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## 22-R-15 continued:

**WHEREAS**, by the passage of Ordinance No. 21-41 on December 13, 2021, funds in the amount of \$140,000 were appropriated in the Capital Improvements Budget, 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 as follows: One Hundred Thirty Thousand Dollars (\$130,000) Fund 304, Object 55 to fund the Services Agreement with CDM Smith, Inc.

**SECTION 2.** The City Manager is authorized to enter into a professional services agreement (PSA) with CDM Smith, Inc., in the amount of One Hundred Thirty Thousand Dollars (\$130,000) 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, except for fees deposited into Fund 283, Object 53, which funds are appropriated upon deposit and may be used to fund additional Services under this PSA related to the design and/or review of improvements to private development, for a period not to exceed three 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 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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## 22-R-16 **AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM FUND ADMINISTERED BY THE OHIO PUBLIC WORKS COMMISSION FOR THE CLOVER GROFF STREAM RESTORATION PROJECT, PHASE II AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.**

**WHEREAS**, natural stream restoration is consistent with the Big Darby Accord Plan, and will improve water quality, aquatic, and terrestrial habitat of the restored stream; and

**WHEREAS**, the City of Hilliard is always seeking opportunities to restore streams in the Big Darby Creek watershed; and

**WHEREAS**, the City of Hilliard completed the Clover Groff Stream Restoration, Phase I in 2016, restoring the northern portion of Clover Groff Run in Hilliard Municipal Park; and

**WHEREAS**, a requirement of funds received for Phase I was the project be monitored annually for a period of five years after construction to determine the health and vitality of the restored stream, and thus the success of the restoration project; and

**WHEREAS**, the results of the five year monitoring showed an improved, healthy stream for the portion restored in Phase I, and therefore the City wishes to continue the improvement of the stream in Hilliard Municipal Park by completing Phase II of the stream restoration project; and

**WHEREAS**, the Ohio Public Works Commission (OPWC) has grants available from the Clean Ohio Conservation Program Fund for green space acquisition and the protection and enhancement of stream corridors; and

**WHEREAS**, it is in the best interest of the City of Hilliard to take advantage of the opportunities provided by this program by applying for Clean Ohio Conservation funding.

**City of Hilliard Legislative Bulletin**  
an Official Publication of the Hilliard City Council

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**22-R-16 continued:**

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

**SECTION 1.** The City Manager is hereby authorized to submit an application to the OPWC for Clean Ohio Conservation Program funds for the Clover Groff Stream Restoration Project, Phase II.

**SECTION 2.** The City Manager is further authorized to enter into any agreements as may be necessary and appropriate to apply for and obtain financial assistance from the Clean Ohio Conservation Program fund.

**SECTION 3.** This Resolution is effective upon its passage.

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