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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: August 23, 2022**

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## ORDINANCES

**The following Ordinance was passed on August 22, 2022**

### **22-25 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED DEVELOPMENT AGREEMENT WITH EPCON CARR FARMS, LLC.**

**WHEREAS**, Epcon Carr Farms, LLC ("Epcon") owns 79.45 ± acres of land located on the east side of Leppert Road and located approximately 200 feet north of Davidson Road, identified as parcel numbers 050-008252 and 050-011719 by the Franklin County Auditor's Office (the "Property"); and

**WHEREAS**, on December 14, 2020, City Council approved Ordinance No. 20-34 authorizing a Developer's and Reimbursement agreement with Epcon (the "Original Agreement"); and

**WHEREAS**, on October 11, 2021, City Council adopted resolution No. 21-R-62, approving a PUD Modification for the Property amending the number of residential units on the Property; and

**WHEREAS**, due to the change in the number of residential units, it is necessary to enter into a revised and restated Development Agreement; and

**WHEREAS**, this Amended Agreement also incorporates, restates and amends the material terms and conditions of the Original Agreement, and as such, replaces the Original Agreement in its entirety.

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

**SECTION 1.** The City Manager is authorized to enter into an Amendment Development Agreement with Epcon Carr Farms, LLC for the construction and installation of public infrastructure improvements, in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein, with such non-material and non-adverse changes to the City as may be deemed appropriate by the City Manager and Director of Law, with her execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

**SECTION 2.** The reference to "Owner" and "Developer" as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop the Carr Farms PUD and is issued a building permit.

**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 August 22, 2022.**

**The Second Reading/Public Hearing is scheduled for September 12, 2022**

### **22-26 AMENDING SECTION 351.22 OF THE HILLIARD CODIFIED ORDINANCES REGARDING THE ON STREET PARKING OF COMMERCIAL VEHICLES, RECREATIONAL VEHICLES AND TRAILERS.**

**WHEREAS**, Section 351.22 of the City's Codified Ordinances prohibits the on street parking of commercial vehicles for more than one hour and recreational vehicles for more than two hours, unless the specific exemption of loading and unloading tools and materials is necessary; and

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**22-26 continued:**

**WHEREAS**, following review, it was determined to provide clarity regarding whether trailers, as defined in Section 301.48, are included in this prohibition, an amendment to Section 351.22 was needed; and

**WHEREAS**, changes to Section 351.22, as shown in Exhibit "A", attached hereto and incorporated herein, will ensure that on street parking of trailers is prohibited for more than two hours, unless the loading and unloading exception applies; and

**WHEREAS**, amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, is in the best of 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 351.22, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 351.22, 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 Section 351.22, 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.

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**22-27 AMENDING CHAPTERS 505 AND 1121 OF THE CITY'S CODIFIED ORDINANCES TO REGULATE BACKYARD CHICKENS AND REAR YARD BEEKEEPING WITHIN THE R-R, RURAL RESIDENTIAL DISTRICT, R-1, LOW DENSITY RESIDENTIAL DISTRICT, R-2, LOW/MEDIUM RESIDENTIAL DISTRICT AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT (EXHIBIT AMENDED ON 8/2/2022).**

**WHEREAS**, City Council adopted Ordinance No. 14-29 on October 27, 2014, establishing a new Planning and Zoning Code and adopted a new Zoning Map; and

**WHEREAS**, chicken rearing and back yard beekeeping are currently prohibited citywide except for those properties located within the R-R, Rural Residential District that are three acres or more; and

**WHEREAS**, urban chicken husbandry has recently become popular nationwide and chickens have become more widely accepted as family pets and as a household source of food; and

**WHEREAS**, hobby beekeeping has become popular with the advent of colony collapse disease, and the significant decrease in nationwide bee population has raised awareness of the importance of honeybees; and

**WHEREAS**, recent economic changes have significantly increased the cost of basic food items and supply chain issues have impacted the availability of such products and increased interest in homesteading activities; and

**WHEREAS**, the adoption of the Zoning Code did not foresee changing trends with regard to backyard chickens and apiculture at the time of adoption; and

**WHEREAS**, the Environmental Sustainability Commission reviewed the topic of urban chicken rearing and beekeeping on May 11, 2022, and forwarded proposed Code language to the Planning and Zoning Commission for consideration, and

**WHEREAS**, on June 9, 2022, the Planning and Zoning Commission considered the proposed Code and approved Case #PZ-22-27 at its regularly scheduled and advertised meeting on July 14, 2022, to amend the Codified Ordinances making a positive recommendation to City Council that the proposed amendments be adopted; and

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**22-27 continued:**

**WHEREAS**, this Ordinance shall be reviewed in one year by City Staff, by members of the Planning and Zoning Commission, City Council and representatives for the Central Ohio Beekeeping Association (COBA); and

**WHEREAS**, amending Chapters 505 and 1121, as identified in Exhibit "A", attached hereto and incorporated herein, provides for small-scale chicken rearing and beekeeping while promoting 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 505 and 1121 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 Chapters 505 and 1121, 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 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.

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**22-28 AUTHORIZING THE CREATION OF FUND 216, THE ONEOHIO OPIOID SETTLEMENT FUND.**

**WHEREAS**, by the passage of Resolution No. 21-R-52, City Council authorized acceptance of the material terms of the settlement between the State of Ohio and Local governments in its case against Opioid Pharmaceutical Supply Chain Participants; and

**WHEREAS**, in accordance with the settlement, the City has received its first distribution; and

**WHEREAS**, in order to track that the funds are being used for permissible reasons, it is necessary to create a separate fund; and

**WHEREAS**, the City of Hilliard will create Fund 216 which will be titled the "OneOhio Opioid Settlement Fund"; and

**WHEREAS**, creating this Fund is in the best interest and promotes the City's general health, welfare and safety of its residents.

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

**SECTION 1.** City Council finds and determines that the creation of the OneOhio Opioid Settlement Fund, Fund 216, for the collection and disbursement of funds consistent with the settlement, is in the City's best interest and promotes the City's general health, welfare and safety of its residents.

**SECTION 2.** Those monies received and deposited in Fund 216, the OneOhio Opioid Settlement Fund, are appropriated upon deposit.

**SECTION 3.** This Ordinance shall take effect at the earliest time provided for by law.

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## RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on August 22, 2022.

**22-R-58 APPROVING A MODIFICATION TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR 27.73 ACRES KNOWN AS TRUEPOINTE (SUBAREAS 5 AND 6) OF THE SOMA COMPANY PUD LOCATED ON THE WEST SIDE OF TRUEMAN BOULEVARD APPROXIMATELY 1,500 FEET SOUTH OF DAVIDSON ROAD TO CREATE A NEW SUBAREA 5 WITH SPECIFIED USES AND DEVELOPMENT STANDARDS.**

**WHEREAS**, City Council approved a Planned Unit Development (PUD) consisting of 146.421± acres of land for the SOMA Company PUD by the passage of Ordinance No. 98-36, effective November 25, 1998; and

**WHEREAS**, City Council approved the following modifications to the SOMA Company PUD Development Plan and Text:

- Resolution No. 00-C-61, effective January 23, 2001;
- Resolution No. 01-C30 (Amended), effective July 23, 2001;
- Resolution 02-C-03, effective January 28, 2022;
- Resolution No. 03-C-18, effective July 14, 2003;
- Resolution No 05-R-04, effective January 24, 2005;
- Resolution No. 5-R-17, effective May 9, 2005;
- Resolution No. 07-R-24, effective August, 2007;
- Resolution No. 7-R-32, effective October 9, 2007;
- Resolution No. 08-R-02, effective January 28, 2008;
- Resolution No. 08-R-22, effective July 14, 2008;
- Resolution 13-R-37, effective April 22, 2013;
- Resolution 13-R-77, effective Nov 4, 2013;
- Resolution 14-R-45, effective April 28, 2014;
- Resolution 21-R-33, effective July 10, 2021; and

**WHEREAS**, Trueman Boulevard LLC; RRIHQ, LLC; and Equity Construction Solutions (the "Applicant") submitted application number PZ-22-32 to the City's Planning and Zoning Commission to modify the SOMA Company PUD Development Text concerning uses, parking and building setbacks, building height, architectural quality and other related development standards for Subareas 5; and

**WHEREAS**, staff determined that the proposed text amendments are generally consistent with development expectations and standards established at the time of zoning and are consistent with the intent of the City's Comprehensive Plan while not impacting the larger approved development plan; and

**WHEREAS**, at its regularly scheduled and advertised meeting on July 14, 2022, the City's Planning and Zoning Commission voted to forward a positive recommendation to City Council that the SOMA Company PUD Development Text be revised as proposed; and

**WHEREAS**, a copy of the amended development text for SOMA Company PUD Development Plan and Development Text is attached hereto as Exhibit "A" and incorporated herein by reference ("SOMA Company PUD Development Text – Subarea 5").

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

**SECTION 1.** The SOMA Company PUD Development Text for Subareas 5 and 6 is amended to modify uses, building and pavement setbacks, architecture and other development standards 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 "SOMA Company PUD Development Text – Subarea 5"

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22-R-58 continued:

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

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**22-R-59 APPROVING COUNCIL RE-APPOINTMENTS TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.**

**WHEREAS**, the Council of the City of Hilliard created the Environmental Sustainability Commission ("ESC") by Ordinance No. 11-01 on February 28, 2011; and

**WHEREAS**, ESC members are appointed to rotating terms of two years; and

**WHEREAS**, by the passage of Resolution No. 20-R-60, City Council approved the appointment of Kristen Hosni and Melissa Muth to 2-year terms expiring on August 24, 2022; and

**WHEREAS**, Ms. Hosni and Ms. Muth have both expressed a desire to be re-appointed to a new two-year term.

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

**SECTION 1.** City Council hereby appoints the following individuals to the Environmental Sustainability Commission for the term provided:

Name	Term
Kristen Hosni	August 25, 2022 – August 25, 2024
Melissa Muth	August 25, 2022 – August 25, 2024

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

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**22-R-60 RE-APPOINTING A MEMBER TO THE CITY'S PERSONNEL REVIEW BOARD.**

**WHEREAS**, Section 8.01 of the City of Hilliard Charter ("Charter") provides that a Personnel Review Board ("Board") consisting of three qualified electors be appointed by a majority vote of Council; and

**WHEREAS**, Ms. Shernette Henry has expressed interest in reappointment to the Board after her initial one-year appointment; and

**WHEREAS**, City Council is prepared to reappoint her to the Board to serve a two year term.

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

**SECTION 1.** City Council hereby reappoints the following individual to the Board:

Name	Term
Shernette Henry	May 24, 2022 - May 24, 2024

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

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**22-R-61 AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN APPLICATION TO SEEK FINANCIAL ASSISTANCE FROM PROGRAMS ADMINISTERED BY THE OHIO PUBLIC WORKS COMMISSION TO ASSIST IN FUNDING THE COSGRAY ROAD EXTENSION (CIP T-86/RP-7) AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.**

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## 22-R-61 continued:

**WHEREAS**, pursuant to Article VIII, Section 2(k) of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure improvements of political subdivisions as designated by law; and

**WHEREAS**, pursuant to Section 164.06 of the Ohio Revised Code, the District Three Public Works Integrating Committee has been created to accept and evaluate applications from political subdivisions in Franklin County seeking state funding of local public infrastructure improvement projects, and to recommend selected applications to the state agency vested with the authority to fund such projects, the Ohio Public Works Commission (“OPWC”); and

**WHEREAS**, the State Capital Improvement Program (SCIP) and the Local Transportation Improvement Program (LTIP) both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

**WHEREAS**, by way of conducting a capital inventory and needs assessment, an engineering study, and public involvement, the City has determined that it is necessary and in the City’s best interest to submit financial assistance applications for the Cosgray Road Extension Project (CIP T-8/RP-7) (the “Project”); and

**WHEREAS**, the Project consists of approximately 0.8 miles of new roadway; a hybrid multi-lane roundabout at Scioto Darby Road with raised crosswalks; a single lane roundabout for a new park entrance and access to the new Community Center; a single lane roundabout at the Alton & Darby Creek Road connection; landscaped medians; open ditch drainage or other green infrastructure to manage stormwater in accordance with the OEPA Big Darby permit requirements; waterline, street lighting; shared-use paths; sidewalk or trail connections to adjacent neighborhoods; enhanced crosswalks; and fiber conduit; and

**WHEREAS**, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs.

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

**SECTION 1.** The City Manager is hereby authorized to submit an application to the District Three Public Works Integrating Committee seeking funding from the Ohio Public Works Commission for the Project.

**SECTION 2.** The City Manager is further authorized to enter into agreements as may be necessary and appropriate to apply for and receive financial assistance from OPWC for the above-named project. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

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

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## 22-R-62     **AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GUIDE STUDIO, INC. REGARDING A BRANDING/REBRANDING PROCESS.**

**WHEREAS**, in 2021, the Department of Community Relations (the “Department”) presented a plan to City Council for the City to undergo a branding refresh for the City (the “Project”);

**WHEREAS**, by the passage of Ordinance No. 21-36, City Council approved \$120,000 for the Department to move forward with the Project; and

**WHEREAS**, in May 2022, the Department issued a Request for Proposal (“RFP”) asking firms to present proposals to partner the City for the Project; and

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## 22-R-62 continued:

**WHEREAS**, in June 2022, six proposals were received, and following review, three firms were interviewed and Guide Studio, Inc. was determined the best firm for the Project; and

**WHEREAS**, by the passage of Ordinance No. 21-36 on November 22, 2021, funds were appropriated in the 2022 Operating Budget, and pursuant to Section 3.10 of the Charter, authorization of funding for this Project may be established by resolution of Council; and

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

**SECTION 1.** An expenditure in an amount not to exceed \$70,000 is authorized from Fund 101 Object 53 for the Project.

**SECTION 2.** The City Manager is hereby authorized to enter into a professional services agreement (“Agreement”) with Guide Studio Inc. in substantially the same form as the one **attached** hereto as Exhibit “A” and incorporated herein, for the Project. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**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-63 **AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT AN ATTRIBUTABLE FUNDS APPLICATION TO THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) TO ASSIST IN FUNDING THE CEMETERY ROAD OVER I-270 TRAIL OVERPASS AND SAFETY IMPROVEMENTS (CIP T-162) AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.**

**WHEREAS**, MORPC oversees the disbursement of federal transportation funds authorized by Congress in the Surface Transportation Block Grant (STBG) Program, the Congestion Mitigation and Air Quality (CMAQ) Program, and the Transportation Alternatives (TAP) Program, collectively known as “MORPC-Attributable Funds”; and

**WHEREAS**, by passage of Resolution No. 21-R-83, Hilliard City Council authorized a professional services agreement and the expenditure of funds to prepare a feasibility study for a trail crossing of I-270 along Cemetery Road to connect the City’s existing trail network on Britton Parkway and Trueman Blvd, known as Cemetery Road over I-270 Trail Overpass and Safety Improvements (CIP T-162), hereinafter the “Project”; and

**WHEREAS**, four feasible alternatives were developed, and a public comment period occurred between July 5 – August 5, 2022; and

**WHEREAS**, Alternative 2, which consists of a shared-use path on the south side of Cemetery Road with a tunnel beneath the free-flow eastbound to southbound ramp to I-270 and a pedestrian bridge over I-270 and has an estimated construction cost of \$5.84M, has been selected as the Recommended Alternative; and

**WHEREAS**, due to the size and cost of the Project, the City cannot fund the Project through local sources of revenue alone; and

**WHEREAS**, the City has determined that it is necessary and in the City’s best interest to submit a grant application for MORPC-Attributable Funds to assist in funding the Project.

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

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**22-R-63 continued:**

**SECTION 1.** The City Manager is hereby authorized to submit an application for MORPC-Attributable Funds for the Project.

**SECTION 2.** The City Manager is further authorized to enter into agreements as may be necessary and appropriate to apply for and receive federal financial assistance administered through MORPC for the above-named project. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

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

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**22-R-64     AUTHORIZING THE CITY MANAGER TO PREPARE AND SUBMIT A SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT APPLICATION TO ASSIST IN FUNDING THE CEMETERY ROAD OVER I-270 TRAIL OVERPASS AND SAFETY IMPROVEMENTS (CIP T-162) AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.**

**WHEREAS**, the Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program in 2022 with \$5 billion in appropriated funds available over the next 5 years; and

**WHEREAS**, the SS4A program funds local initiatives through grants to prevent roadway deaths and serious injuries; and

**WHEREAS**, in 2019, the City of Hilliard worked cooperatively with the Mid-Ohio Regional Planning Commission (MORPC) to develop the Central Ohio Transportation Safety Plan, which identified strategies to reduce fatalities and serious injuries on the local street system; and

**WHEREAS**, Cemetery Road and the 5-lane section of Main Street/Hilliard Rome Road are listed on the region's High Injury Network (HIN); and

**WHEREAS**, in 2021, as part of the City's update to its Comprehensive Plan, and in 2022, as part of the development of a local street safety plan, further analysis of Hilliard safety data and public engagement efforts were conducted to develop specific action items to reduce fatal and serious injury crashes citywide with an emphasis on the Hilliard streets that are located on the HIN; and

**WHEREAS**, by passage of Resolution No. 21-R-83, Hilliard City Council authorized a professional services agreement and the expenditure of funds to prepare a feasibility study for a trail crossing of I-270 along Cemetery Road to provide a safe crossing of I-270 along Cemetery Road between Britton Parkway and Trueman Boulevard for non-motorized users (hereinafter the "Project"); and

**WHEREAS**, four feasible alternatives were developed, and a public comment period occurred between July 5 – August 5, 2022; and

**WHEREAS**, Alternative 2, which consists of a shared-use path on the south side of Cemetery Road with a tunnel beneath the free-flow eastbound to southbound ramp to I-270 and a pedestrian bridge over I-270 and has an estimated construction cost of \$5.84M, has been selected as the Recommended Alternative; and

**WHEREAS**, due to the size, scope, and estimated cost of the Project, the City cannot fund the Project through local sources of revenue alone; and

**WHEREAS**, the City has determined that it is necessary and in the City's best interest to submit an SS4A grant application to assist in funding the Project.

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



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**22-R-64 continued:**

**SECTION 1.** The City Manager is hereby authorized to submit an SS4A grant application to assist in funding the Project.

**SECTION 2.** The City Manager is further authorized to enter into agreements as may be necessary and appropriate to apply for and receive federal financial assistance for the above-named project. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

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

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**22-R-65 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICE AGREEMENT (PSA) WITH CESO, INC. TO PROVIDE GENERAL ENGINEERING SERVICES FOR THE CITY'S PEDESTRIAN/BICYCLE MOBILITY AND SAFETY PROGRAM (CIP T-133) AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, the City of Hilliard Division of Transportation & Mobility utilizes the services of consultants to provide on-call services and technical expertise to support the needs of the Division; and

**WHEREAS**, CESO, Inc. was selected to provide professional services for the City's annual Pedestrian & Bicycle Mobility & Safety Program (hereinafter the "Program") based on their project understanding, technical experience, training, and past performance; and

**WHEREAS**, the City of Hilliard desires to enter into a professional services agreement (PSA) with CESO, Inc. for planning, engineering, and surveying services for the Program; and

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

**WHEREAS**, three tasks have been identified by staff for 2022 for an estimated cost of \$136,264; and

**WHEREAS**, by passage of Ordinance No. 21-41 on December 13, 2021, funds in the amount of \$150,000 were appropriated in the 2022 Capital Budget for CIP T-133 Pedestrian/Bicycle Mobility & Safety Improvements to cover the estimated cost for the three tasks plus ten percent contingency to cover minor scope changes; and

**WHEREAS**, pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council.

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

**SECTION 1.** An expenditure is authorized in 2022 in the amount of \$150,000 from Fund 202, Object 55.

**SECTION 2.** The City Manager is hereby authorized to enter into a professional service agreement ("Agreement") with CESO, Inc. in substantially the same form as the one **attached** hereto as Exhibit "A" and incorporated herein, for General Engineering Services for CIP T-133 Pedestrian/Bicycle Mobility & Safety Program. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 3.** The City Manager is authorized to extend this Agreement for up to four additional years, subject to satisfactory performance and the appropriation of sufficient funds by City Council.

**SECTION 4.** The Finance Director is authorized to make any accounting changes to revise the funding source for any 22-

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**22-R-65 continued:**

contract or contract modification associated with expenditure of the funds provided herein.

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

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**22-R-66 AUTHORIZING THE CITY MANAGER TO MODIFY AN EXISTING PROFESSIONAL SERVICES AGREEMENT (PSA) WITH KIMLEY HORN & ASSOCIATES, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, the City of Hilliard Division of Transportation & Mobility utilizes the services of consultants to provide on-call services and technical expertise to support the needs of the Division; and

**WHEREAS**, on October 19, 2021 the City of Hilliard entered into a General Engineering Services (GES) contract with Kimley-Horn & Associates Inc. to provide peer review and technical support for staff for roundabout projects in the City of Hilliard; and

**WHEREAS**, the PSA for General Engineering Services (GES) is an annual contract and tasks are performed on an “as-directed” basis, whereby Kimley-Horn will provide services only as requested and directed by the City based on specific work to be performed; and

**WHEREAS**, the City of Hilliard desires to modify the PSA with Kimley-Horn to include a task that will increase the contract amount above \$50,000, which requires authorization by Hilliard City Council; and

**WHEREAS**, by passage of Ordinance No. 22-07 on February 28, 2022, funds in the amount of \$49,500 were appropriated in the Capital Budget for the Cosgray Road Extension, which includes three roundabouts; and

**WHEREAS**, pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council.

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

**SECTION 1.** An expenditure is authorized in the amount of \$49,500 from the unencumbered balance of Fund 103, Object 55 for professional services.

**SECTION 2.** The City Manager is hereby authorized to modify the existing professional services agreement (“Agreement”) with Kimley-Horn & Associates dated October 19, 2021, as shown in “Exhibit A”, for General Engineering Services. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 3.** The City Manager is authorized to extend this Agreement for up to four additional years, subject to satisfactory performance and the appropriation of sufficient funds by City Council.

**22-R-66 continued:**

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

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

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**22-R-67 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH DECKER CONSTRUCTION COMPANY FOR THE 2022 CURB RAMP REPLACEMENT PROJECT AS PART OF THE SIDEWALK MAINTENANCE PROGRAM (CIP T-160) AND AUTHORIZING AN EXPENDITURE.**

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## 22-R-67 continued:

**WHEREAS**, the City of Hilliard is committed to improving pedestrian safety and mobility to meet the requirements of the American with Disabilities Act (ADA) and allow for the entire community to benefit from improvements to the sidewalk, trail and curb ramp network, especially pedestrians with physical limitations and mobility challenges; and

**WHEREAS**, CIP T-160 was established in the 2022 Capital Improvements Budget to provide funding for the planning, design, and construction of improvements to the existing sidewalk and curb ramp network citywide; and

**WHEREAS**, the 2022 Curb Ramp Replacement Project consists of removing and replacing 85 curb ramps to bring them in compliance with ADA; and

**WHEREAS**, the Engineer's Estimate for construction of the Project was \$203,000; and

**WHEREAS**, after having been duly advertised for two consecutive weeks as required by law, bids for the contract were opened electronically on Bid Express at 3:00 pm on August 4, 2022, and Decker Construction Company, which submitted a bid in the amount of \$218,915.57 was determined to be the lowest and best bidder ("Contractor"); and

**WHEREAS**, a ten percent (10%) contingency in the amount of \$21,891.56 is available to cover approved change orders on the construction contract; and

**WHEREAS**, funds for the Project were appropriated in the 2022 Capital Improvement Budget by Ordinance No. 21-41, passed by City Council on December 13, 2021, and pursuant to Section 3.10 of the Charter of the City, authorization for this contract 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 for CIP T-160 is authorized in the amount not to exceed \$240,807.13 from Fund 206, Object 55 for the construction of the Project.

**SECTION 2.** The City Manager is authorized to enter into a contract with Decker Construction Company for the 2022 Curb Ramp Replacement Project (CIP T-160) in an amount not to exceed \$240,807.13, which includes a ten percent contingency to pay for approved change orders associated with the Project.

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

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## 22-R-68 A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 20.187± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.

**WHEREAS**, on August 12, 2022, pursuant to Ohio Revised Code Section 709.023, the property owners of 4701 Leppert Road, Parcel Nos. 200-001350-00 and 200-001352-00, seeking the annexation of 20.187± acres of real property in Norwich

Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of the 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**, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

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## 22-R-68 continued:

**WHEREAS**, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

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

**SECTION 1.** In the event that the proposed 20.187 ± acres (the "Property") is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor's court, public works and street maintenance, residential refuse collection, planning, building, zoning and engineering services, and recreation and parks, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem, the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

**SECTION 2.** The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts.

**SECTION 3.** If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Norwich Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Norwich Township.

**SECTION 4.** The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioner for annexation, within twenty days following the date that the petition was filed.

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

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