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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinance was defeated on September 26, 2022

22-29 AUTHORIZING THE CANCELLATION OF THE COMMUNITY REINVESTMENT AREA AGREEMENT ASHFORD AT STURBRIDGE, LLC AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO CANCEL THE AGREEMENT.

WHEREAS, Hilliard City Council passed Ordinance No. 17-09 (Amended) on May 22, 2017, authorizing the City's Director of Economic Development to enter into a CRA Agreement with Sturbridge Green Apartments, LLC. The Agreement was subsequently assigned to Ashford at Sturbridge, LLC ("Ashford"). Ashford received a 50%, 15-year property tax abatement to support the construction of a 124-unit senior assisted living community; and

WHEREAS, Ashford committed to investing \$10.58 for the construction of the facility and hiring 55 new jobs with \$1 million in new annual payroll by December 31, 2020; and

WHEREAS, on an annual basis, Ashford is required to provide the Tax Incentive Review Council any and all information reasonably required to evaluate compliance with the Agreement; and

WHEREAS, Ashford failed to comply with its reporting requirements and job commitment; and

WHEREAS, on June 23, 2022, the Tax Incentive Review Council reviewed the compliance of Hilliard's CRA and Tax Increment Financing agreements and voted 5-0 with two abstentions to accept the report and recommendation to cancel the CRA Agreement for failing to submit reports in a timely manner and failure to meet the job commitment by the required date.

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

SECTION 1. City Council authorizes the cancellation of the Ashford at Sturbridge, LLC Community Reinvestment Area Agreement and directs the City Manager to sign all documents necessary in order to cancel the Agreement.

SECTION 2. The Clerk of Council shall forward a certified copy of this Ordinance to the Franklin County Auditor.

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

The following Ordinances were passed on September 26, 2022

22-30 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

WHEREAS, this Council in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2023; and

WHEREAS, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is

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without, and what part within, the ten-mill tax limitation; and

WHEREAS, the certified rates were received from the Budget Commission on September 1, 2022, and the City is required to accept the amounts and rates and certify them to the County Auditor no later than October 1, 2022; and

WHEREAS, ordinances authorizing annual tax levies shall take effect immediately upon passage and shall not be subject to referendum pursuant to Section 3.07 of the Charter of the City.

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

SECTION 1. The amounts and rates, as determined by the Budget Commission in its certification, are hereby accepted.

SECTION 2. There shall be, and hereby is, levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation for tax year 2022 (collection year 2023) as follows:

	Amount to be derived from Levied Outside 10 Mill Limitation	Amount to be derived from Levied Outside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to be Levied
Fund			Inside 10 Mill Limit Outside 10 Mill Limit
General Fund General		\$2,179,872.31	1.60
Fund Charter Bond			
Retirement Bond			
Retirement Charter			
Police Pension Fire			
Pension Fire Operating			
Police/Fire Pension			
Capital Operating Road & Sidewalk Fund			
Total		\$2,179,872.31	1.60

SECTION 3. The Clerk of Hilliard City Council is hereby directed to certify a copy of this Ordinance to the County Auditor of Franklin County.

SECTION 4. This Ordinance shall take effect immediately upon passage and shall not be subject to referendum pursuant to Section 3.07 of the Charter of the City of Hilliard.

22-31 REZONING ±0.195-ACRE OF LAND LOCATED AT THE SOUTHWEST CORNER OF CEMETERY ROAD AND LACON ROAD FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD) AS PART OF THE "CEMETERY ROAD PROPERTIES LOCATED BETWEEN LEAP AND LACON ROADS" PUD CONCEPT PLAN AND TEXT.

WHEREAS, Cemetery Road Holdings, LLC. (the "Owner") owns approximately 0.195-acre at the southwest corner of Cemetery Road and Lacon Road, identified as Lot 231 of the Easthill Acres Subdivision Plat and now part of a larger 0.437-acre property identified by the Franklin County Auditor's Office as Parcel #050-002824; and

WHEREAS, the Owner desires to rezone approximately 0.195-acre of the larger 0.437-acre parcel to an existing planned development, as depicted and described on Exhibits "A" and "B", attached hereto and incorporated herein (the "Property"); and

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WHEREAS, the Property was rezoned from R-2, Low Density Residential District to B-1, Neighborhood Business District by City Council on August 18, 1980 (Ordinance 80-38) to permit the construction of a retail sports clothing store and office; and

WHEREAS, City Council adopted Ordinance No. 91-03, effective March 13, 1991, to rezone adjacent properties located at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from R-2, Low Density Residential District to B-5, Commercial Planned Development District; and

WHEREAS, the B-5, Commercial Planned Development District adjacent to the Property included the development plan text known as "*Cemetery Road Properties Located Between Leap and Lacon Roads*" prepared by the Mid-Ohio Regional Planning Commission (MORPC); and

WHEREAS, City Council adopted Ordinance No. 14-29 on October 27, 2014, enacting a new Zoning Code that reclassified the adjacent properties at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from B-5, Commercial Planned Development District to PUD, Planned Unit Development District; and

WHEREAS, the Owner at 4445 Cemetery Road (Lot #231) submitted application number PZ-22-43 to the City's Planning and Zoning Commission to rezone the Property from B-1, Neighborhood Business District to PUD, Planned Unit Development District; and

WHEREAS, on August 11, 2022, following its duly advertised public hearing, the Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council to rezone the Property to "PUD" Planned Unit Development District as part of the existing "*Cemetery Road Properties Located Between Leap and Lacon Roads*" PUD Concept Plan and Text, as depicted and described on Exhibit "C", attached hereto and incorporated herein (the "PUD Development Text").

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

SECTION 1. The ±0.195-acre Property owned by Cemetery Road Holdings, LLC., located at the southwest corner of Cemetery Road and Lacon Road, the graphical depiction and legal description of which are **attached** hereto as Exhibits "A" and Exhibit "B" respectively, and incorporated by reference herein, is rezoned from B-1, Neighborhood Business District to PUD Planned Unit Development District pursuant to Chapter 1117 of the City's Codified Ordinances.

SECTION 2. The existing "*Cemetery Road Properties Located Between Leap and Lacon Roads*" PUD Development Text dated August 11, 2022, attached hereto as Exhibit "C", and incorporated by reference herein, is approved.

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

22-32

ENACTING CHAPTER 757 OF THE CITY'S CODIFIED ORDINANCES REGARDING TOBACCO RETAIL LICENSES AND AMENDING EXHIBIT A TO CHAPTER 190 FOR A TOBACCO RETAIL LICENSE FEE (POSTPONED)

WHEREAS, the City of Hilliard is dedicated to promoting and supporting the health and wellbeing of its residents; and

WHEREAS, there has been a dramatic increase in the use of electronic smoking devices and vaping products, and by the passage of Ordinance No. 22-21, City Council adopted legislation prohibiting that these products cannot be sold to person under twenty-one (21) years of age; and

WHEREAS, in addition to lowering the purchasing age, City staff has worked with Franklin County Public Health to adopt a Tobacco Retail License Program (the "Program"); and

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WHEREAS, the desires to appoint Franklin County Public Health as its licensing agent for the Program; and

WHEREAS, the City of Hilliard is a home-rule charter municipality pursuant to Article XVIII, Section 7 of the Ohio Constitution, which enables the City to have and exercise all powers of local self-government under the Constitution and laws of the State of Ohio.

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

SECTION 1. Council finds that enacting Chapter 757 of the City's Codified Ordinances, as identified in Exhibit A, **attached** hereto and incorporated herein, promotes the general health, safety, and welfare of the City of Hilliard and its residents.

SECTION 2. Exhibit A to Chapter 190 is amended to adopt an application fee for a Tobacco Retail License, as identified in Exhibit B, attached hereto and incorporated herein.

SECTION 3. City Council here authorizes the City Manager to enter in to a contract with Franklin County Public Health to be its licensing agent for the Tobacco Retail License Program.

SECTION 4. The Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 5. To the extent that grant funds, publications and/or proceeds from fines is available, the City of Hilliard may engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to persons affected by it, and to guide proprietors in their compliance with it.

SECTION 6. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

The First Reading of the following Ordinances was held on September 26, 2022.

The Second Reading/Public Hearing is scheduled for October 10, 2022

22-33 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND APPROPRIATING FUNDS FOR THE VICTIM ADVOCATE 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, change a job title and remove a job title that is no longer in use; 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 find 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.

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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 \$25,000 is authorized from Fund 101, Object 51 to fund the Victim Advocate position for the remainder of 2022.

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

22-34 **REZONING 6± ACRES OF LAND LOCATED ON THE EAST SIDE OF COSGRAY ROAD APPROXIMATELY 2,300 FEET SOUTH OF HAYDEN RUN ROAD FROM R-R, RURAL RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT (“PUD”), TO BE KNOWN AS THE PARKVIEW PRESERVE DEVELOPMENT.**

WHEREAS, Kristin and Timothy Donnell, Keith and Jenna Caldwell, and Bailey and Sarah Alexander (collectively known as the “Owner”) own approximately 5.987 acres on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road identified by the Franklin County Auditor’s Office as Parcel #050-011790 (the “Property”), depicted in Exhibit “A”, attached hereto; and

WHEREAS, the Owner desires to rezone approximately 5.987 acres to PUD, Planned Unit Development District, as depicted and described on Exhibit “A”, attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Property was zoned to R-R, Rural Residential District upon annexation by City Council on January 24, 2022 (Ordinance No. 22-02); and

WHEREAS, the Owner submitted application number PZ-22-48 on August 2, 2022, to the City’s Planning and Zoning Commission to rezone the Property from R-R, Rural Residential District to PUD, Planned Unit Development District; and

WHEREAS, on September 8, 2022, following its duly advertised public hearing, the Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council to rezone the Property to “PUD” Planned Unit Development District to be known as the “Parkview Preserve PUD Concept Plan and Text”, as depicted and described on Exhibits “B” and “C”, attached hereto and incorporated herein (the “PUD Development Text”).

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

SECTION 1. The 6± acre Property owned by Kristin and Timothy Donnell; Keith and Jenna Caldwell and Bailey and Sarah Alexander, located on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road, the graphical depiction and legal description of which are **attached** hereto as Exhibit “A”, and incorporated by reference herein, is rezoned from R-R, Rural Residential District to PUD Planned Unit Development District pursuant to Chapter 1117 of the City’s Codified Ordinances.

SECTION 2. The proposed Parkview Preserve PUD Concept Plan and PUD Development Text, **attached** hereto as Exhibits “B” and “C” respectively, and incorporated by reference herein, are approved.

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

22-35 **AMENDING CHAPTER 1121 OF THE CITY’S CODIFIED ORDINANCES TO UPDATE DEFINITIONS AND STANDARDS FOR PRIVATE SWIMMING POOLS AND TO AMEND REQUIREMENTS FOR PRIVATE SWIMMING POOL BARRIERS.**

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

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WHEREAS, the quality and safety capabilities of swimming pool covers has increased significantly since the adoption of the Zoning Code; and

WHEREAS, the adoption of the Zoning Code did not foresee changing technology and industry standards with regard to swimming pool, hot tub and spa covers at the time of adoption; and

WHEREAS, the Board of Zoning Appeals has heard an increasing number of requests for variances to allow retractable and locking covers for pools, hot tubs and spas in lieu of fences as currently required by Code; and

WHEREAS, the proposed code modifications will permit additional pool barrier options that will address the needs of residents while providing basic health and safety to the general public; and

WHEREAS, on September 8, 2022, the Planning and Zoning Commission considered the proposed Code and approved Case #PZ-22-55 at its regularly scheduled and advertised meeting on September 8, 2022, to amend the Codified Ordinances making a positive recommendation to City Council that the proposed amendments be adopted; and

WHEREAS, amending Chapter 1121, as identified in Exhibit "A", attached hereto and incorporated herein, provides for updated pool requirements 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 Chapter 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 Chapter 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.

22-36 AMENDING THE CITY'S OPERATING BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR FUEL PURCHASES FOR THE PERIOD ENDING DECEMBER 31, 2022.

WHEREAS, Sections 6.05 and 6.06 of the Hilliard City Charter require the submission of a budget and the adoption of an Appropriation Ordinance following a duly advertised budget hearing; and

WHEREAS, such budget hearing was duly advertised and held on November 22, 2021.

WHEREAS, by the passage of Ordinance No. 21-36 on November 22, 2021, Council adopted the City's 2022 Operating Budget; and

WHEREAS, the Administration desires to amend the 2022 Operating Budget to appropriate additional funds to pay increased expenses for gasoline and diesel fuels for the remainder of 2022; and

WHEREAS, the cost of gasoline and diesel fuel has increased since the passage of Ordinance No. 21-36 and adoption of the City's 2022 Operating Budget; and

WHEREAS, gasoline and diesel fuel is needed to continue citywide programs and services; and

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WHEREAS, fuel usage will increase for the remainder of 2022 due to seasonal leaf collection and snow and ice control programs.

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

SECTION 1. Ordinance No. 21-36 is amended to increase Fund 202 Object 52 by \$150,000 to provide funds for gasoline and diesel fuel purchases for the remainder of 2022.

SECTION 2. Authority is hereby given to the Director of Finance, without further approval of Council, to appropriate funds during fiscal year 2022 under Fund 202, Object 52.

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

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on September 26, 2022.

22-R-72 A RESOLUTION APPROVING THE 2022 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL ("TIRC") FOR THE REVIEW OF COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING PROJECTS (AMENDED)

WHEREAS, the City has Community Reinvestment Area ("CRA") Agreements and Tax Increment Financing ("TIF") projects in the City for purposes of economic development; and

WHEREAS, pursuant to R.C. 5709.85(A)(2) the City created a Tax Incentive Review Council (TIRC) to annually review all agreements granting exemptions from property taxation in CRAs and exemptions from property taxation resulting from the declaration of public purpose improvements pursuant to TIF exemptions (the CRA and TIFs collectively hereafter referred to as the "exemption projects"); and

WHEREAS, pursuant to Section 5709.85 of the Ohio Revised Code, the City's TIRC must meet annually to review all exemption projects as to compliance with applicable statutes and agreements; and

WHEREAS, the City's TIRC held its annual public meeting on June 23, 2022, to review the exemption projects in the City, and after full discussion, voted to recommend the continuation of each exemption project; and

WHEREAS, by law, City Council must vote to accept, reject, or modify all or any portion of the TIRC recommendations.

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

SECTION 1. City Council accepts the recommendations of the Hilliard Tax Incentive Review Council to maintain the approved exemption projects identified in Exhibit "A" attached hereto and incorporated herein except for the recommendation to cancel the Ashford at Sturbridge agreement.

SECTION 2. The Clerk of Council shall forthwith send a certified copy of this Resolution to the Franklin County Auditor.

SECTION 3. This Resolution is effective upon adoption.

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22-R-75 APPROVING COUNCIL 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, due to expiring terms and a resignation, it is for Council necessary to make appointments to the ESC; and

WHEREAS, Mr. Bergefurd, whose term expires October 26, 2022, has expressed a desire to be re-appointed to a new two-year term; and

WHEREAS, City Council desires to appoint John McNamara to a two-year term; and

WHEREAS, City Council desires to appoint Meredith Bembenic to fill an unexpired term due to a resignation.

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
John McNamara	September 26, 2022 – September 26, 2024
Meredith Bembenic	September 26, 2022 – May 13, 2024
Brett Bergefurd	October 26, 2022 – October 26, 2024

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

22-R-76 AMENDING THE 2022 STREET MAINTENANCE AND REHABILITATION PROGRAM (SMRP) CONTRACT TO AUTHORIZE ADDITIONAL WORK.

WHEREAS, after having been duly advertised for two consecutive weeks as required by law, bids for the City’s 2022 Street Maintenance and Rehabilitation Program contract were opened electronically on Bid Express at 2:00 p.m., June 16, 2022, and Strawser Paving Company was determined to be the lowest and best bidder on the base bid (“Contractor”); and

WHEREAS, the 2022 SMRP contract base bid and Alternates 5 and 6 were awarded to Strawser Paving Company following the passage of Resolution No. 22-R-52; and

WHEREAS, the base bid submitted by Strawser Paving Company through Bid Express was electronically tabulated at \$1,436,301.25, which includes the base bid and all alternates; and

WHEREAS, the Operations Director and Strawser Paving Company subsequently performed separate manual bid tabulations to calculate the base bid at \$991,589.73, and

WHEREAS, the City has elected to award the following additional alternates to Strawser Paving Company:

- Alternate One - \$80,244.46;
- Alternate Three - \$108,673.52;
- Alternate Four - \$85,627.61; and

WHEREAS, because the bids submitted for the Project came in lower than expected, the City also desires to enter into a contract with Strawser Construction Inc., for additional pavement surface treatments under State Contract 101G-23, in the

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amount of \$142,711.37, for which the City believes it could not obtain a lower cost by bidding this work out on its own, given the economies of scale provided through participation in a state bid contract.

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

SECTION 1. The City Manager is authorized to amend the contract(s) with Strawser Paving Company to include Alternates One, Three, and Four of the 2022 Street Maintenance and Rehabilitation Program (SMRP), in a contract amount not to exceed \$302,000.15, which includes a 10% contingency for approved changes orders for each Alternate.

SECTION 2. The City Manager is authorized to enter into a contract with Strawser Construction Inc., for additional pavement surface treatments under State Contract 101G-23, in a contract amount not to exceed \$142,711.37.

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.

SECTION 4. This Resolution is effective upon its adoption.

22-R-77 **AUTHORIZING THE CITY MANAGER TO EXTEND THE REAL ESTATE OPTION AGREEMENT WITH THE HILLIARD DEVELOPMENT CORPORATION FOR THE SALE OF 6248 ROBERTS ROAD.**

WHEREAS, this City owns property at 6248 Roberts Road, Hilliard, County of Franklin, State of Ohio with Franklin County parcel identification number 050-011019-00 and a portion of parcel number 050-011018-00 (the "Roberts Road House"); and

WHEREAS, on August 23, 2021, Hilliard City Council passed Ordinance No. 21-25, authorizing the City Manager to enter into a Real Estate Option to Purchase Agreement (the "Agreement") with the Hilliard Development Corporation ("HDC") for the sale of 6248 Roberts Road; and

WHEREAS, the Agreement provided the HDC with one year to exercise the real estate option; and

WHEREAS, HDC completed the appropriate due diligence items to position the Roberts Road House for sale; and

WHEREAS, the Hilliard Development Corporation is interested in extending the Agreement Period for one additional year; and

WHEREAS, it is in the best interest of the City to extend the Option to Purchase Agreement for the sale of the Roberts Road House to the Hilliard Development Corporation.

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

SECTION 1. The City Manager is authorized to extend the real estate Option to Purchase Agreement for the sale of 6428 Roberts Road with the Hilliard Development Corporation by one year.

SECTION 2. The City Manager is authorized to enter into any agreements or to execute and deliver any documents, certificates or approvals that are necessary or appropriate as provided for in the Option in furtherance of the sale of the Roberts Road House to the Hilliard Development Corporation.

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

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22-R-78 AUTHORIZING THE CONDITIONAL USE FOR INDOOR RECREATIONAL USES AT 5460 FRANKLIN STREET WITHIN THE OH-MD, OLD HILLIARD DOWNTOWN MIXED USE ZONING DISTRICT.

WHEREAS, on January 24, 2022, City Council approved amendments to Chapters 1107 and 1123 of the City's Codified Ordinances (Ordinance No. 22-01) to state that the Planning and Zoning Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

WHEREAS, on August 11, 2022, a completed application for the review of a conditional use request for "Indoor Recreational Uses" for the property at 5460 Franklin Street (Parcel #050-000170) was submitted to the Planning Director in accordance with Hilliard Code Section 1123.02; and

WHEREAS, the Planning and Zoning Commission on September 8, 2022, reviewed the request for a conditional use to permit "Indoor Recreational Uses" within the OH-MD, Old Hilliard Downtown Mixed Use District for the property located at 5460 Franklin Street under the provisions of Hilliard Code Section 1123.03; and

WHEREAS, the Planning and Zoning Commission in accordance with the Code made a positive recommendation to City Council; and

WHEREAS, as prescribed by Section 1107.03(d) upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon the conditional use application according to the procedures set forth in Chapter 1123.

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

SECTION 1. The One9 located at 5460 Franklin Street (Parcel #050-000170) is granted a conditional use for "Indoor Recreation Uses" for the purposes of an indoor golf lounge.

SECTION 2. Failure to obtain any necessary Zoning Certificate and Certificate of Occupancy shall invalidate the Conditional Use granted by City Council.

SECTION 3. This Conditional Use approval in accordance with Section 1123.05 of the Hilliard City Code shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation.

SECTION 4. Any expansion of the approved Conditional Use requires a final determination by City Council in accordance with Hilliard Code Chapter 1123.

SECTION 5. The Planning Director, City Engineer and Director of Building Standards are authorized to approve any necessary administrative changes to the approved plans necessary to carry out the terms of this conditional use.

SECTION 6. This Resolution is effective upon its adoption.

22-R-79 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 1 OF THE HILL FARM DEVELOPMENT.

WHEREAS, on August 23, 2021, Council passed Ordinance No. 21-20 rezoning 160.2± acres of land (±204.6 gross acres) owned by Hill Distributing Company from R-R, Rural Residential District to HCD, Hilliard Conservation District consisting of 229 single-family units and 77.4 acres of open space which is identified as the Hill Farm HCD; and

WHEREAS, upon application by M/I Homes of Central Ohio, LLC. and EMH&T (collectively, the "Owner"), on September 8, 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 Hill Farm for the development of 31 lots and one reserve on 20.373 acres of land

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22-R-79 continued:

(the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard public right-of-way along Scioto Darby Creek Road, Elliott Road, Dartmoor Drive, Ardennes Loop South, Gelderland Drive 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 right-of-way along Scioto Darby Creek Road, Elliott Road, Dartmoor Drive, Ardennes Loop South, Gelderland Drive and easements for public and private utilities, cable television, service connections and storm water drainage, within Hill Farm 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 in 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.

22-R-80 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 2 OF THE HILL FARM DEVELOPMENT.

WHEREAS, on October 23, 2021, Council passed Ordinance No. 21-20 rezoning 160.2± acres of land (±204.6 gross acres) owned by Hill Distributing Company from R-R, Rural Residential District to HCD, Hilliard Conservation District consisting of 229 single-family units and 77.4 acres of open space which is identified as the Hill Farm HCD; and

WHEREAS, upon application by M/I Homes of Central Ohio, LLC. and EMH&T (collectively, the "Owner"), on September 8, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 1 Phase 2 of Hill Farm for the development of 32 lots and one reserve on 19.893 acres of land (the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard public right-of-way along Scioto Darby Creek Road, Audubon Avenue, Gelderland Drive 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

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22-R-80 continued:

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 Scioto Darby Creek Road, Audubon Avenue, Gelderland Drive and easements for public and private utilities, cable television, service connections and storm water drainage, within Hill Farm Section 1 Phase 2, 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 in 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.

22-R-81 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 3 OF THE HILL FARM DEVELOPMENT.

WHEREAS, on October 23, 2021, Council passed Ordinance No. 21-20 rezoning 160.2± acres of land (±204.6 gross acres) owned by Hill Distributing Company from R-R, Rural Residential District to HCD, Hilliard Conservation District consisting of 229 single-family units and 77.4 acres of open space which is identified as the Hill Farm HCD; and

WHEREAS, upon application by M/I Homes of Central Ohio, LLC. and EMH&T (collectively, the "Owner"), on September 8, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 1 Phase 3 of Hill Farm for the development of 35 lots and one reserve on 18.591 acres of land (the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard public right-of-way along Gelderland Drive, Percheron Drive 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:

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22-R-81 continued:

SECTION 1. The City of Hilliard accepts the dedication of the public right-of-way along Gelderland Drive, Percheron Drive and easements for public and private utilities, cable television, service connections and storm water drainage, within Hill Farm Section 1 Phase 3, 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 in 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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