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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: October 11, 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 October 10, 2022**

**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**

**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

**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.

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**22-33 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND APPROPRIATING FUNDS FOR THE VICTIM ADVOCATE POSITION. (AMENDED)**

**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.

**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:

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## 22-34 continued:

**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

## 22-35 continued:

**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.

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## 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

**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 October 10, 2022.**

### 22-R-82 SETTING A HEARING ON THE 2023 MUNICIPAL OPERATING BUDGET.

**WHEREAS**, Section 6.06 of the Hilliard City Charter requires that City Council shall, by resolution, fix the date and place for a public hearing on the City's operating budget.

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

**SECTION 1.** The public hearing on the 2023 Municipal Operating Budget shall be held on **November 14, 2022, at 7:00 p.m.** in the Chambers of the Council of the City of Hilliard, 3800 Municipal Way, Hilliard, Ohio.

**SECTION 2.** The Clerk of Council is directed to ensure that notice regarding said hearing is given in accordance with one of the methods permitted by Section 3.03 of the Hilliard City Charter.

**SECTION 3.** The 2023 Municipal Operating Budget shall be on file for public inspection in the office of the Clerk of Council during normal business hours, which shall be stated in the notice.

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

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**22-R-83      APPROVING THE APPOINTMENT OF MOLLY WINTERS KRYSZAN TO THE CITY'S SHADE TREE COMMISSION.**

**WHEREAS**, Section 921.02(a) of the Codified Ordinances of the City of Hilliard authorizes the appointment of members to the Shade Tree Commission; and

**WHEREAS**, due to the resignation of David Hix, the City needs to appoint in order fill his unexpired term.

**WHEREAS**, Molly Winters Kryszan has expressed a desire to be appointed.

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

**SECTION 1.** Molly Winters Kryszan is hereby appointed to the Shade Tree Commission to fulfill an unexpired term through December 31, 2024.

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

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