



Real People. Real Possibilities.

Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: October 25, 2022

Please Note: This Bulletin is posted to the City of Hilliard website and at the Hilliard Branch of the Columbus Metropolitan Library.

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

ORDINANCES

There were no Ordinances passed on October 24, 2022.

The First Reading of the following Ordinances was held on October 24, 2022.

The Second Reading/Public Hearing is scheduled for November 14, 2022

22-37 APPROPRIATING FUNDS FOR THE OPERATING EXPENSES OF THE CITY OF HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2023.

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 for Operating Expenses following a duly advertised budget hearing; and

WHEREAS, such budget hearing was duly advertised and held on November 14, 2022.

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2023, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as hereinafter set forth.

SECTION 2. To deem appropriated, those monies received and deposited throughout the fiscal year for Fund 207 Grants, Fund 208 Park Maintenance Fund, Fund 209 Law Enforcement Education, Fund 210 Law Enforcement Trust, Fund 211 Law Enforcement Mandatory Drug Fine, Fund 212 Law Enforcement Seizure, Fund 213 Mayor's Court Computer, Fund 214 Seizure Account-Justice, Fund 215 Hilliard Recovery Court, Fund 230 Franklin County Justice Program Grant, Fund 250 General Government Grant, Fund 283 Construction Inspection Services, Funds 285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303 TIF, Fund 782 Police Benevolent Fund, Fund 881 Income Tax Deposit, Fund 890 Public Art, Fund 891/892 Fundraising Agency, Fund 893 Public Service Dept. Agency, Fund 894 Refund Trust, Fund 895 Escrow, Fund 896 Insurance Trust, Fund 897 CARES Act Funds, Fund 898 Local Fiscal Recovery Fund are appropriated upon deposit.

SECTION 3. Authority is hereby given to the Director of Finance, without further approval of Council, to transfer funds during fiscal year 2023 from the debt reduction accounts to the Bond Retirement Fund.

SECTION 4. Adoption of this Ordinance shall grant the authority and approval as set forth in the Hilliard City Charter Sections 6.07, 6.08 and 6.10.

SECTION 5. Pursuant to Section 6.07 of the Charter, this Ordinance shall be effective on January 1, 2022.

22-38 APPROVING THE 2023 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2023.

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

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

22-38 continued:

WHEREAS, the City Manager has submitted the 2023 Capital Improvements Budget to City Council; and

WHEREAS, having reviewed the 2023 Capital Improvements Budget, City Council is prepared to proceed with authorizing the 2023 Capital Improvement Expenses as identified in Exhibit "A" attached hereto and incorporated herein.

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

SECTION 1. To provide for the current capital improvement expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2023, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as set forth therein.

SECTION 2. This Ordinance shall be in full force and effect at the earliest time provided by law.

RESOLUTIONS

22-R-84 A RESOLUTION AUTHORIZING THE CONDITIONAL USE FOR RETAIL USES AT 3854 MAIN STREET WITHIN THE B-1, NEIGHBORHOOD BUSINESS ZONING DISTRICT. DID NOT PASS

The following Resolution was passed by Hilliard City Council on October 24, 2022.

22-R-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE COSGRAY ROAD & WOODSVIEW WAY IMPROVEMENTS (CIP T-84); AUTHORIZING THE TRANSFER OF FUNDS; AND AUTHORIZING AN EXPENDITURE.

WHEREAS, the Cosgray Road & Woodsview Way Improvement Project (CIP T-84) consists of the construction of a single lane roundabout at the intersection of Cosgray Road and Woodsview Way; completion of a shared-use path on the west side of Cosgray Road south to Scioto Darby Road; drainage; stormwater management; street lighting; fiber conduit; a pedestrian crossing north of Parkmeadow Drive; signing & pavement marking; curb ramps; street resurfacing; and landscaping (hereinafter the "Project"); and

WHEREAS, the purpose of the Project is to improve safety for all street users and to improve the condition of Cosgray Road;

WHEREAS, by Resolution No. 21-R-50, adopted July 12, 2021, Hilliard City Council authorized the City to submit an application to seek financial assistance from the Ohio Public Works Commission (OPWC) to assist in funding the Project; and

WHEREAS, on July 8, 2022, the City Manager entered into an OPWC Project Grant Agreement, identified as OPWC Project No. DCZ02, for financial assistance in the form of a grant, from the Local Transportation Improvement Fund (LTIP), for 22.7% of Project costs in an amount not to exceed Nine Hundred Ninety-Nine Thousand Nine Hundred Ninety Dollars (\$999,990); and

WHEREAS, the Engineer's Estimate for construction of the Project was \$4,441,000; and

WHEREAS, after having been duly advertised electronically for three consecutive weeks, bids for the Project were opened electronically on Bid Express at 3:00 pm on October 6, 2022, and Miller Brothers Construction, Inc., which submitted a bid in the amount of \$3,590,712.79, was determined to be the lowest and best bidder ("Contractor"); and

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

WHEREAS, a ten percent (10%) contingency in the amount of \$359,072.21 is available to cover approved change orders on the construction contract; and

22-R-85 continued:

WHEREAS, by Resolution No. 22-R-27, adopted April 11, 2022, Hilliard City Council authorized a multi-year General Engineering Services Contract with Prime AE Group, Inc. for construction services, including contract administration, project management, inspection, and materials testing; and

WHEREAS, the estimated cost for contract administration, project management, inspection and materials testing services for the project is \$354,000, which includes a ten percent (10%) contingency; and

WHEREAS, the estimated cost to cover City staff time during the construction of the Project is \$20,000; and

WHEREAS, by passage of Ordinance 18-21 effective November 22, 2018, Hilliard City Council amended the Codified Ordinances of the City of Hilliard, Ohio to establish a Percent for Public Art Program Fund, which shall receive an amount not less than one percent (1%) of the construction cost of an Eligible Project; and

WHEREAS, the Project meets the criteria of an Eligible Project for inclusion in the Percent for Public Art Program Fund; and

WHEREAS, funds for the Project were appropriated in the 2022 Capital Improvement Budget by Ordinance No. 21-41, approved by Hilliard City Council on December 13, 2021, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council; and

WHEREAS, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

WHEREAS, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2023 Capital Improvement Budget.

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

SECTION 1. An expenditure in the amount of four million, three hundred three thousand, seven hundred eighty-five dollars (\$4,303,785) is authorized from the unencumbered balance of Fund 304, Object 55 for the construction of the Project, including related professional services for construction of the Project.

SECTION 2. The City Manager is authorized to enter into a contract with Miller Brothers Construction, Inc. for the Cosgray Road & Woodview Way Improvements Project (CIP T-84) in an amount not to exceed three million, nine hundred forty-nine thousand, seven hundred eighty-five dollars (\$3,949,785), which includes a ten percent contingency to pay for approved change orders associated with the Project.

SECTION 3. The Finance Director is authorized to transfer a maximum of twenty thousand dollars (\$20,000) from Fund 304, Object 55 to Fund 283, Object 51 to cover Hilliard staff time during construction.

SECTION 4. The Finance Director is authorized to transfer thirty-five thousand, nine hundred seven dollars (\$35,907) from Fund 304, Object 55 to the Fund 890, Public Art Fund.

SECTION 5. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

SECTION 6. This Resolution is effective upon its adoption.

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

22-R-86 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of Hilliard desires to enter into a General Engineering Service (“GES”) contract, also known as a Professional Services Agreement (“PSA”) with S&ME, Inc. (“S&ME”) to provide construction inspection and materials testing services to the City; and

WHEREAS, S&ME has provided construction inspection and materials testing services to the City in the past; and

WHEREAS, the City desires to continue utilizing S&ME for inspections on active construction sites for private developments, as well as to perform materials testing services for both private development and City Capital Improvement Projects; and

WHEREAS, the City desires to enter into a GES contract for construction inspection and materials testing services with S&ME, with three (3) one-year extensions subject to the appropriation of funds by City Council in subsequent years; and

WHEREAS, by the passage of Ordinance No. 21-36 on November 22, 2021, funds were appropriated in the City’s Operating Budget for General Engineering Services, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council; and

WHEREAS, Ohio Revised Code (“R.C.”) Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

WHEREAS, as required by R.C. Section 57005.44, the City will request that Council appropriate additional funds for the Agreement with S&ME in the City’s 2023 Operating Budget.

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

SECTION 1. An expenditure is authorized in the amounts of (\$40,000) from Fund 283, Object 53 to fund the Professional Services Agreement (PSA) with S&ME, Inc.

SECTION 2. The City Manager is authorized to enter into a PSA with S&ME, Inc., similar to the agreement attached hereto as Exhibit “A” and incorporated by reference herein, in the amount of One Hundred Thousand Dollars (\$100,000) to provide General Engineering Services (GES) to the City. The PSA may be extended beyond one year, subject to the appropriation of additional funds by City Council.

SECTION 3. Following the appropriation of the balance of funds for the PSA in the City’s 2023 Operating Budget, an expenditure is authorized in 2023 from the unencumbered balance of Fund 283, Object 53 in the amount of \$60,000.

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.

www.hilliardohio.gov