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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

- 22-42 ACCEPTING THE APPLICATION FOR ANNEXATION OF 20.8± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL. DID NOT PASS.**

The following Ordinances were passed on December 12, 2022

- 22-43 AMENDING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.**

WHEREAS, Part Five of the City's Codified Ordinances – the "General Offenses Code" has been reviewed by the City's Codifier, Municode and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

WHEREAS, it is necessary to update the "General Offense Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, it is necessary to update certain sections of the "General Offenses Code" in order to align with the City's change in form of government as well as outdate code sections; and

WHEREAS, the Administration desires to amend the "General Offenses Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City believes that amending the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes 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 Part Five of the City's Codified Ordinances - the "General Offenses Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "General Offenses Code", 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 "General Offenses Code", not modified herein, remain unchanged and are in full force and effect.

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

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22-44 AMENDING CERTAIN SECTIONS OF PART THREE - THE "TRAFFIC CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Three of the City's Codified Ordinances – the "Traffic Code" has been reviewed by the City's Codifier, Muncide in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the "Traffic Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, the Administration desires to amend the "Traffic Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

22-44 continued:

WHEREAS, the City believes that amending the "Traffic Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes 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 Part Three of the City's Codified Ordinances - the "Traffic Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Traffic Code", 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 "Traffic Code", not modified herein, remain unchanged and are in full force and effect.

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

22-45 REPEALING AND REPLACING CHAPTERS 909 AND 913 AND ADOPTING CHAPTER 911 OF THE CITY'S CODIFIED ORDINANCES REGARDING MAINTENANCE AND CONSTRUCTION REQUIREMENTS RELATED TO SIDEWALKS, CURB RAMPS, SHARED-USE PATHS, DRIVEWAY APPROACHES, CURBS AND GUTTERS.

WHEREAS, the City of Hilliard in in the process of developing a Sidewalk Maintenance Program; and

WHEREAS, in order to move forward with the Program, a review of the City's Codified Ordinances was necessary in order to address and clarify property owner and City responsibilities as it relates to the construction and maintenance of various types of infrastructure; and

WHEREAS, upon review, City staff determined that it was necessary to repeal and replace Chapters 909 and 913, as well as adopt a new Chapter 911; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibits "A", "B", and "C", attached hereto and incorporated herein, promotes 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. City Council finds that repealing and replacing Chapter 909 of the City's Codified Ordinances, as shown in Exhibit "A" is in the City's best interest. Chapter 909, as shown in Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances.

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22-45 continued:

SECTION 2. City Council finds that adopted Chapter 911, as shown on Exhibit “B”, is in the City’s best interest. Chapter 911, as shown in Exhibit “B” is approved and shall be incorporated into the City’s Codified Ordinances.

SECTION 3. City Council finds that repealing and replacing Chapter 913 of the City’s Codified Ordinances, as shown in Exhibit “C” is in the City’s best interest. Chapter 913, as shown in Exhibit “C” is approved and shall be incorporated into the City’s Codified Ordinances.

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

22-46 **AMENDING EXHIBIT A OF CHAPTER 190 OF THE CITY’S CODIFIED ORDINANCES TO UPDATE THE COMPREHENSIVE FEE SCHEDULE.**

WHEREAS, Chapter 190 of City’s Codified Ordinances contains various fees, including fees for the various permits, inspections, zoning applications, code enforcement and municipal services offered by the City (collectively, “municipal services”); and

WHEREAS, for the convenience of the public and the City, the comprehensive fee schedule for municipal services in Chapter 190 is subject to annual review by City Council; and

WHEREAS, it is a goal of City Council to sustain City finances thru the collection and updating of certain fees and other revenues in order to maintain a high level of municipal services; and

WHEREAS, as shown on “Exhibit One”, attached hereto and incorporated herein, the amendments are in the best interest of the City and its residents.

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

SECTION 1. City Council authorizes the acceptance of applications and issuance of permits for the items listed in Exhibit A of Chapter 190, as identified in “Exhibit One”, attached hereto and incorporated herein, and finds that amending the fees listed in Exhibit A of Chapter 190 is in the City’s best interests. The changes and additions to Exhibit A of Chapter 190, as shown and identified in track changes on the attached Exhibit One, are approved.

SECTION 2. All other provisions of Chapter 190, 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 period provided by law.

22-47 **AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2023 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.**

WHEREAS, Ohio Revised Code Section 3709.08 authorizes the chief executive of a city, with the approval of a majority of the members of the legislative authority of a city, to enter into a contract with the chairman of the district advisory council for the provision of public health services to the city; and

WHEREAS, the District Advisory Council of the Franklin County General Health District (the “Board of Health”) has sent the City of Hilliard a proposed contract for public health services with the City of Hilliard for 2023, a copy of which is attached

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22-47 continued:

as Exhibit "A" (the "Contract"); and

WHEREAS, the City's Department of Community Development, Building Standards Division staff is not certified to inspect plumbing, and the Contract terms include the Board of Health providing plumbing inspection services, which services it is certified to provide; and

WHEREAS, the cost of the public services provided by the Board of Health is based upon a per capita rate of \$9.5996 which is multiplied by a population estimate for the City of Hilliard of approximately 37,094; and

WHEREAS, for providing plumbing inspection services, the Contract provides that the City will remit 60% of all plumbing inspection fees collected by the City to the Board of Health; and

WHEREAS, sufficient funds were appropriated in the 2023 Operating Budget for the Contract; and

WHEREAS, in order to ensure the Contract no interruption of services and that the Contract is entered into on January 1, 2023, the City is requesting emergency passage of this Ordinance.

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

SECTION 1. The City Manager is hereby authorized and directed to execute the 2023 Health Services Agreement with the District Advisory Council of the Franklin County General Health District, a copy of which is **attached** hereto as **Exhibit "A,"** and incorporated herein by reference.

SECTION 2. All costs associated with the services provided in the Health Services Contract shall be paid in accordance with the authorization granted in the City's 2023 operating budget, which shall not exceed \$356,087.56.

SECTION 3. In order to ensure that services provided by the Board of Health are not interrupted and that the Contract can be entered into on January 1, 2023, this Ordinance is declared to be emergency measure and it shall be effective upon its adoption.

22-48 **AUTHORIZING THE RE-APPOINTMENT OF MICHELLE L. CRANDALL AS HILLIARD CITY MANAGER**

WHEREAS, Article IV of the City's Charter provides for the appointment of a City Manager; and

WHEREAS, by the passage of Ordinance No. 19-23, City Council appointed Michelle L. Crandall as the City's first City Manager; and

WHEREAS, Ordinance No. 19-23 also authorized an employment agreement between the City and Ms. Crandall, which expires on December 31, 2022; and

WHEREAS, emergency passage of this Ordinance is requested at second reading to ensure that Ms. Crandall's re-appointment begins upon the expiration of her current appointment.

NOW, THEREFORE, BE IT ORDAINED, by at least two-thirds of the Council of the City of Hilliard, Ohio that:

SECTION 1. Hilliard City Council hereby re-appoints Michelle L. Crandall as City Manager and authorizes an employment agreement, in substantially the same form as the one attached hereto as Exhibit "A", with changes not inconsistent with this Ordinance and not substantially adverse to the City.

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22-48 continued:

SECTION 2. This Ordinance is passed as an emergency measure pursuant to Section 3.05 of the Charter because it is necessary for the immediate preservation of the public peace, health, safety, or general welfare of the City as determined by City Council. Specially, the emergency is necessary to ensure that Ms. Crandall's re-appointment begins upon the expiration of her current appointment that expires on December 31, 2022. This Ordinance is effective immediately upon passage.

There were no First Readings of Ordinances on December 12, 2022.

RESOLUTIONS

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

22-R-99 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH ADVANCED DRAINAGE SYSTEMS, INC.

WHEREAS, the Council of the City of Hilliard, Ohio, in order to encourage the development of real property and the acquisition of personal property, adopted Resolution No. 04-C-54 on November 22, 2004, designating certain property as the I-270 West Community Reinvestment Area pursuant to Ohio Revised Code ("R.C.") Chapter 3735 (the "CRA"); and

WHEREAS, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 04-C-54, contained the characteristics set forth in R.C. Chapter 3735 and confirmed the I-270 West CRA by certification number 049-35476-04 on November 14, 2005; and

WHEREAS, the Owner seeks to develop approximately 17 acres on parcel number 050-008256 by the Franklin County Auditor's Office, to construct approximately 107,500 square feet of office and engineering space (the "Property"); and

WHEREAS, on the Property, the Owner desires to invest approximately \$32 million for the construction of the 107,500 square foot engineering building (the "Facility").

WHEREAS, the Enterprise is desirous of relocating to the Facility (the "Project") provided that appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, the City, having the appropriate authority for the stated type of project desires to provide the Company with incentives available for the development of the Project in the CRA; and

WHEREAS, the Company has submitted a proposed agreement application (**attached** hereto as Exhibit "A" and incorporated herein by this reference) to the City (the "Application"); and

WHEREAS, the Company has submitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the City has investigated the application of the Company and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and improve the economic climate of the City; and

WHEREAS, the Project Site is located within the boundaries of the Hilliard City School District (the "School District") and the Tolles Career Center, and the board of education of each such district has been notified of the proposed approval of

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22-R-99 continued:

this Agreement in accordance with R.C. Sections 3735.671 and 5709.83, or has waived such notice, and has been given a copy of the Application; and

WHEREAS, pursuant to R.C. Section 3735.671(A)(2), the Board of Education of the School District has received the required estimates which show that the payments to be made pursuant to that Section equal or exceed 50% of the real property taxes charged and payable with respect to the Project, had the Project not been exempted from taxation, and therefore, approval of the exemption by the School District is not required; and

WHEREAS, pursuant to R.C. Section 3735.67(A) and in conformance with the format required under R.C. Section 3735.671, the parties hereto desire to set forth their agreement in writing with respect to matters hereinafter contained.

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

SECTION 1. The Council for the City of Hilliard finds that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the I-270 West CRA and to improve the economic climate of the City. The Owner shall invest approximately thirty-two million dollars (\$32,000,000) into the Project, no later than December 31, 2024. The Project will result in the relocation and/or creation of one hundred twenty (120) full-time employees with \$12 million in annual payroll within five years of the construction completion, for which the Enterprise will pay withholding taxes to the City of approximately \$300,000 per year throughout the term of this Agreement.

SECTION 2. The City has notified the School District and the Career Center pursuant to R.C. Section 5709.83 of its intention to take formal action to adopt or enter into the CRA Agreement with the Owner. In addition, the City has provided the Board of Education of the School District with timely notice of this Agreement and the estimates required by R.C. Section 3735.671(A)(2), which estimates show that the payments to be made pursuant to that Section equal or exceed 50% of the real property taxes that would have been charged and payable with respect to the Property had the Project not been exempted from taxation.

SECTION 3. The City Manager is authorized to enter into a CRA Agreement, substantially similar to the one **attached** hereto as Exhibit "B", with the Owner and the Enterprise providing a 50% real property tax exemption for fifteen (15) years (collectively, the "Exemption") on the increase in assessed value of the Property resulting from 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, which shall be evidenced conclusively by her signature thereof that such changes are approved by Council. The City Manager is authorized to enter into any other agreements or sign any documents necessary to effectuate the Agreement and the Exemption provided herein.

SECTION 4. The Clerk of Council shall forward a certified copy of this Resolution, along with all exhibits and attachments, to the Ohio Development Services Agency within fifteen days after the Agreement is entered into pursuant to R.C. Section 3735.671(D).

SECTION 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 6. This Resolution is effective upon its adoption.

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22-R-100 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH ADVANCED DRAINAGE SYSTEMS, INC., TO EXPAND ITS OPERATIONS IN HILLIARD.

WHEREAS, Advanced Drainage Systems, Inc. (the “Enterprise”) is a manufacturer of innovative stormwater solutions and the largest plastic recycler in North America and has been located in the City since 2002; and

WHEREAS, the Enterprise has seen an increase of new business, and is planning on expanding its current workforce; and

WHEREAS, the Enterprise desires to retain three hundred twenty-two (322) employees and create one hundred seventy (170) jobs in the City of Hilliard by December 31, 2027 (the “Project”); and

WHEREAS, in order to incentivize its expansion in Hilliard, the City desires to provide the Enterprise with a tax incentive credit equal to thirty-five percent (35%) of the new yearly payroll taxes paid to the City resulting from the project for a term of ten (10) years:

WHEREAS, the Project’s increase to Hilliard’s tax base, and the offering of incentives, will improve the economic welfare of Hilliard citizens, as authorized in Article VIII, Section 13 of the Ohio Constitution.

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

SECTION 1. The City finds and determines that the Project and the related economic development incentives described in the Economic Development Agreement, in a form substantially similar to the one **attached** hereto as Exhibit “A” (the “Agreement”) and incorporated herein, are in furtherance of the City’s Comprehensive Plan. The City further finds and determines that it is appropriate and in the best interests of the City to provide certain incentives to Advanced Drainage Systems, Inc., for the purpose of creating jobs and employment opportunities in the City and to improve the economic welfare of the people of the State of Ohio and the City as authorized in Article VIII, Section 13 of the Ohio Constitution.

SECTION 2. The City Manager, for and in the name of the City, is authorized to execute an Agreement substantially similar to the one attached hereto as Exhibit “A”, and in a form not inconsistent with the terms of this Resolution and not

substantially adverse to the City, with any changes or modifications being evidenced conclusively with her execution thereof that such changes are approved by City Council.

SECTION 3. The Director of Finance and the Director of Law, and any other City officials, as appropriate, are each authorized and directed to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this Resolution in executing the Agreement.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. This Resolution is effective upon its adoption.

22-R-101 AUTHORIZING THE CITY MANAGER TO MODIFY AN EXISTING PROFESSIONAL SERVICES AGREEMENT (PSA) WITH WOOLPERT, INC. TO PROVIDE DESIGN SERVICES FOR THE CENTER STREET MODIFICATIONS (CIP T-157) AND AUTHORIZING AN EXPENDITURE.

WHEREAS, in the spring of 2020 in response to the COVID-19 pandemic, the City of Hilliard closed one block of Center Street between Main Street and Wayne Street to allow for expanded outdoor dining opportunities to support local businesses; and

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22-R-101 continued:

WHEREAS, the closure of Center Street has been a positive change in the Old Hilliard District, opening up the street for public gathering space and enhancing safety for pedestrians in and around Hilliard's Station Park; and

WHEREAS, the City desires to make the closure of Center Street permanent at Main Street; and

WHEREAS, on July 1, 2022, the City of Hilliard entered into a PSA with Woolpert, Inc. to provide an concept planning and preliminary design for CIP T-157 Center Street Modifications; and

WHEREAS, the City of Hilliard desires to modify the PSA with Woolpert, Inc. to include detailed design, preparation of construction documents, and services during bidding and construction for the Center Street Improvements, which includes installation of curbed islands, drainage improvements, curb ramp improvements, crosswalk enhancements, restriping of the existing on-street bike lane on Center Street, and resurfacing, pavement repairs, and curb repairs on Main Street (hereinafter the "Project"); and

WHEREAS, the additional services for the Project will increase the contract amount above \$50,000, which requires authorization by Hilliard City Council; and

WHEREAS, the estimated cost for the additional services for the Project is \$79,000, which includes approximately a ten percent contingency to cover minor changes in scope; 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 \$79,000 from the unencumbered balance of Fund 304, Object 55 and Fund 202, Object 55 for professional services.

SECTION 2. The City Manager is hereby authorized to modify the existing professional services agreement ("Agreement") with Woolpert, Inc. dated July 1, 2022, as shown in "Exhibit A", for design services for the Center Street Improvements, designated as Modification #1, as shown in "Exhibit B". 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 modify this Agreement further if required to complete the Project, 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 contract or contract modification associated with expenditure of the funds provided herein.

SECTION 5. This Resolution is effective upon its adoption.

22-R-102 APPROVING THE RE-APPOINTMENT OF DENNIS P. KAREM AND THE APPOINTMENT OF DEAN BARBO 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 Thomas M. Wood, the City needs to appoint in order fill his unexpired term; and

WHEREAS, by the passage of Resolution 19-R-28, Dennis P. Karem was appointed to a term expiring December 31, 2022; and

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22-R-102 continued:

WHEREAS, Mr. Karem has expressed a desire to be reappointed; and

WHEREAS, following a review of submitted resumes, City Council desires to appoint Dean Barbo to fill the unexpired term.

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

SECTION 1. Dennis P. Karem is hereby re-appointed to the Shade Tree Commission for a new term expiring December 31, 2026.

SECTION 2. Dean Barbo is hereby appointed to the Shade Tree Commission to fill a term expiring December 31, 2024.

SECTION 3. This Resolution is effective upon its adoption.

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