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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The Second Reading/Public Hearing of the following Ordinances were held on February 27, 2023

23-02 AUTHORIZING THE CITY TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, CAPITAL CITY LODGE NO. 9; AND APPROPRIATING FUNDS.

WHEREAS, the collective bargaining agreement between the City and the Fraternal Order of Police, Capital City Lodge No. 9 expired on December 31, 2022; and

WHEREAS, through of the course of negotiations, the parties were able to arrive at a tentative agreement for the three-year period, commencing January 1, 2023, and continuing to December 31, 2025 (the "Agreement"); and

WHEREAS, on February 3, 2023, City Staff was notified that the union membership had voted to accept the proposed agreement; and

WHEREAS, the Administration is recommending that the proposed agreement, attached hereto as Exhibit "A" and incorporated herein, be approved and appropriating additional funds as needed are in the best interest of the City; and

WHEREAS, Ohio Revised Code Section 4117.10(B) requires City Council to approve or reject the submission as a whole within 30 days after the Administration submits it for City Council's consideration.

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

SECTION 1. The City Manager, the Director of Human Resources, the Finance Director, the Law Director, and such other officials deem necessary, are hereby authorized and directed to execute an agreement on behalf of the City of Hilliard with the Fraternal Order of Police, Capital City Lodge No. 9, pursuant to the tentative agreement reached in accordance with the terms and conditions **attached** hereto as Exhibit "A" and incorporated herein, excepting any typographical and/or grammatical edits that may needed for the Agreement to be in final form for execution.

SECTION 2. An appropriation in the amount of \$285,511.98 is authorized from Fund 101, Object 107 to fund personnel costs in 2023.

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

23-03 AMENDING SECTION 339.02 AND EXHIBIT A TO CHAPTER 190 OF THE CITY'S CODIFIED ORDINANCES REGARDING OVERWEIGHT/OVERSIZE VEHICLES.

WHEREAS, Section 339.02 of the City's Codified Ordinances addresses the regulation of oversize/overweight vehicles that travel through the City; and

WHEREAS, staff has seen an increase of inquiries and applications for these types of vehicles; and

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23-03 continued:

WHEREAS, upon review of the current Section, staff determined that amendments were needed to update language and address the increase of time it takes to process these types of applications; and

WHEREAS, due to the amendments shown in Exhibit "A", it is necessary to amend Exhibit A of Chapter 190 of the City's Codified Ordinances to account for the permit fees for these types of vehicles; and

WHEREAS, the amendments, as shown in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein, 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 finds that amending Section 339.02 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 339.02, as shown and identified in track changes on the attached Exhibit "A", are approved.

SECTION 2. Exhibit A of Chapter 190 is hereby amended as shown on Exhibit "B", **attached** hereto and incorporated herein.

SECTION 3. All other provisions of Chapters 339 and Chapter 190, not modified herein, remain unchanged and are in full force and effect.

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

The following Resolutions were passed on February 27, 2023

23-R-08 APPROVING RE-APPOINTMENTS TO THE RECREATION AND PARKS ADVISORY COMMITTEE.

WHEREAS, on January 25, 2021, City Council adopted Resolution No. 21-R-06, which enacted Section 149.07 of the City's Codified Ordinances establishing the Recreation and Parks Advisory Committee (the "RPAC"); and

WHEREAS, by the passage of Resolution No. 21-R-16 on February 22, 2021, City Council approved the initial appointments of Michael Lentz and Brian Gara to the RPAC with terms expiring February 21, 2023; and

WHEREAS, Mike McDonough's, the Hilliard City School District's representative, current term also expires February 21, 2023; and

WHEREAS, Mr. Lentz, Mr. Gara, and Mr. McDonough desire to be re-appointed to the RPAC.

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

SECTION 1. City Council appoints the individuals to the Recreation and Parks Advisory Committee:

Name	Term
Michael Lentz	February 22, 2023 – February 21, 2025
Brian Gara	February 22, 2023 – February 21, 2025
Mike McDonough (Hilliard City School District Representative)	February 22, 2023 – February 21, 2024

SECTION 2. This Resolution is effective upon its adoption.

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23-R-09

RE-APPOINTING MEMBERS TO THE BOARD OF TRUSTEES OF THE ALTON PLACE COMMUNITY AUTHORITY.

WHEREAS, on February 22, 2021, City Council adopted Resolution No. 21-R-15 appointing Letty Schamp as a citizen member and Kelly Clodfelder as local government representative to the Board of Trustees of the Alton Place Community Authority ("Board"), for a term a term that expired February 22, 2023; and

WHEREAS, Letty Schamp and Kelly Clodfelder have expressed a desire and willingness to continue to serve as Trustee and to accept a re-appointment to the Board.

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

SECTION 1. Hilliard City Council re-appoints the following members to the Board of Trustees of the Alton Place Community Authority, each in the position and for the term indicated beside such member's name:

Letty Schamp	Citizen Member	Term: February 23, 2023 – February 22, 2025
Kelly Clodfelder	Local Government Representative	Term: February 23, 2023 – February 22, 2025

SECTION 2. This Resolution is effective upon its adoption.

23-R-10

ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE TARLTON MEADOWS WEST SUBDIVISION, SECTION 4, PHASE 1.

WHEREAS, Central Ohio Risk Management Association ("CORMA") is a risk sharing pool comprised of the following jurisdictions: Dublin, Pickerington, Upper Arlington, Westerville, Grove City, Powell, Groveport, Canal Winchester, Grandview Heights; and

WHEREAS, CORMA was created to take advantage of the economies to be realized from an insurance pool, to provide more control over claims than would normally be available with traditional insurance coverage, to provide methods for paying claims, and to provide for a formalized, jointly administered self-insurance fund, in partnership with other jurisdictions; and

WHEREAS, on a yearly basis, the City of Hilliard reviews its coverage for property and casualty insurance and excess loss coverage; and

WHEREAS, upon review and consideration of the City of Hilliard's insurance needs, the City has determined that it is in the best interests of the City to change property and casualty carriers and to join, become a member of, and subscribe to CORMA and execute CORMA's agreements for the provision of property and casualty insurance coverage and excess loss coverage; and

WHEREAS, in order to secure these insurances in a timely manner, it is in the interest and benefit to the City of Hilliard and the public at-large that the City join CORMA.

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

SECTION 1. The City is hereby authorized to join the Central Ohio Risk Management Association (CORMA).

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22-R-10 continued:

SECTION 2. The City Manager, Finance Director, Law Director, and other necessary persons authorized, are hereby authorized to execute any and all agreements and documents necessary to join, become a member of, and subscribe to CORMA and to execute any and all documents needed to rescind coverage under the City's current plan.

SECTION 3. This Resolution is effective upon its adoption.

23-R-11 ACCEPTING SANITARY SEWER PUBLIC IMPROVEMENTS FOR THE COURTYARDS AT CARR FARMS, SECTIONS 2 AND 5 SUBDIVISION.

WHEREAS, Courtyards at Carr Farms, Section 2 is the development of 50 empty nester-style homes on 12.156 acres along Leppert Road; and

WHEREAS, Courtyards at Carr Farms, Section 5 is the development of 19 empty nester-style homes and 16 townhomes on 13.297 acres along Leppert Road; and

WHEREAS, City Council accepted the dedication of easements for public and private utilities, cable television, service connections and storm water drainage for Courtyards at Carr Farms, Section 5 by the passage of Resolution No. 22-R-13 on February 28, 2022; and

WHEREAS, City Council accepted the dedication of easements for public and private utilities, cable television, service connections and storm water drainage for Courtyards at Carr Farms, Section 2 by the passage of Resolution No. 22-R-22 on March 28, 2022; and

WHEREAS, the public improvements, namely sanitary sewers, for Courtyards at Carr Farms, Section 2 and Section 5, as identified on the above Plats, have been found to be constructed per the plans submitted to and approved by the City Engineer for each section; and

WHEREAS, the City conducted a final inspection of the public improvements associated with the development on the date shown below; and

WHEREAS, per Section 1191-01 of the City's Planning and Zoning Code, the public improvements will be maintained by the Developer until the date listed below for final acceptance and full maintenance by the City of Hilliard; and

<u>Public Improvements</u>	<u>Final Inspection Date</u>	<u>Final Acceptance Date</u>
Courtyards at Carr Farms, Section 2 Public Sanitary Sewer (#P-971)	2/3/2023	2/3/2024
Courtyards at Carr Farms, Section 5 Public Sanitary Sewer (#P-978)	2/3/2023	2/3/2024

WHEREAS, it is in the best interest of the City of Hilliard and the public at large that the City accepts the public improvements as noted above.

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

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22-R-11 continued:

SECTION 1. The City of Hilliard accepts the public improvements for the Courtyards at Carr Farms, Section 2 as set forth in the following plans titled “Public Sanitary Sewer Improvements, Courtyards at Carr Farms, Sections 2 & 3 – 2022, P-971” approved by the City Engineer on March 28, 2022, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 2. The City of Hilliard accepts the public improvements for the Courtyards at Carr Farms, Section 5 as set forth in the following plans titled “Public Sanitary Sewer Improvements, Courtyards at Carr Farms, Sections 5 & 6 – 2022, P-978” approved by the City Engineer on April 4, 2022, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 3. The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of accepting the public improvements as provided herein.

SECTION 4. This Resolution is effective upon its adoption.

**23-R-12 APPROVING GMP #2 FOR THE RECREATION AND WELLNESS CAMPUS AND
AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO APPROVE GMP #2.**

WHEREAS, on November 2, 2021, City electors approved increasing the City’s municipal income tax by 0.5% and dedicating the resulting funds for recreation and parks, including (but not limited to) the construction of a community center and new athletic complex (the “Project”); and

WHEREAS, in 2022 City Council awarded multiple contracts for the design, architecture, engineering of the Project; and

WHEREAS, in late 2022, the City, through its Construction Manager at Risk, was able to issue an invitation for bid (“GMP #2”) for certain work and products related to the construction of the Project; and

WHEREAS, following review of responses received, it is necessary to amend Ruscilli’s contract to buy the work and products related to GMP #2 along with various general construction requirements; and

WHEREAS, funding for GMP #2 was appropriated by Ordinance No. 22-38, and pursuant to Section 3.10 of the Charter, authorization for funding this Project may be established by Resolution of Council.

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

SECTION 1. An expenditure is authorizing from Fund 101, Object 55 in an amount not to exceed \$3,056,950 in order to fund GMP #2 for the Recreation and Wellness Campus.

SECTION 2. The City Manager is hereby authorized to enter into GMP #2, as shown on Exhibit A, attached hereto and incorporated herein, in an amount not to exceed \$3,056,950.

SECTION 3. This City Manager is hereby authorized to enter into any agreement or to execute and deliver any documents, certificates or approvals that are necessary or appropriate in furtherance of GMP #2 that are not inconsistent with this Resolution and not adverse to the City.

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 the expenditure of funds provided herein.

SECTION 5. This Resolution is effective upon its adoption.

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23-R-13

APPROVING CHANGES TO THE ANSMIL PLANNED UNIT DEVELOPMENT ("PUD") PLAN AND TEXT TO AMEND THE NUMBER AND TYPE OF RESIDENTIAL UNITS AND TO MODIFY EXTERIOR BUILDING MATERIAL STANDARDS FOR SUBAREA E1.

WHEREAS, City Council approved a Planned Unit Development District ("PUD") consisting of 320± acres of land for the Ansmil PUD by passage of Ordinance No. 99-57, effective January 12, 2000 (the "Ansmil PUD"); and

WHEREAS, City Council approved a first modification to the Ansmil PUD to modify the provisions of the General Development Standards, creating Subareas A1, A5, and A6, and modifying the boundaries and standards for Subareas A2, A3, A4, B1 and B3 by approving Resolution No. 06-R-07 on February 13, 2006; and

WHEREAS, City Council approved a second modification to the Ansmil PUD to modify the provisions and requirements of the General Development Standards, create Subarea E1, eliminate Subareas B3 and B4, and modify the boundaries and development standards and requirements for Subareas B1, B2, C1, C2, C3, C4, C5, C6, C7, C8 and D1 by approving Resolution No. 07-R-08 on March 26, 2007; and

WHEREAS, City Council approved a third modification to the Ansmil PUD to modify subareas, permitted uses and development standards for a portion of Subarea E1; and, among other changes, to eliminate Continuing Care Retirement Community as the primary use within Subarea E1 and permit the following uses: senior residential, non-age restricted residential dwellings (not to exceed 500 dwelling units), public library, public or private parks, recreational activities or uses, office and ancillary services, bank and financial institutions, eating and drinking places, neighborhood business, personal services and home occupations by approving Resolution No. 14-R-86 on February 9, 2015; and

WHEREAS, City Council approved a fourth modification to the Ansmil PUD in Subarea E1 to specify minimum building and pavement setbacks and to modify exterior building materials and lighting standards by approving Resolution 22-R-36 on April 25, 2022, for the Verena at Hickory Chase; and

WHEREAS, staff finds that the proposal represents a reasonable effort toward the accomplishment of the original PUD Zoning Development Plans as approved by Council and such requested modifications are not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Unit Development District; and

WHEREAS, at its regularly scheduled and advertised meeting on February 9, 2023, the City's Planning and Zoning Commission voted to forward a positive recommendation to City Council to modify the Ansmil PUD to amend the number of continuum of care and non-market restricted units and to modify exterior building materials standards for a portion of Subarea E1 as requested by the Applicant; and

WHEREAS, a copy of the plan showing the amended portions of the Development Plan and Text for the Ansmil PUD Subarea E1 are attached hereto as Exhibit "A" and incorporated herein by reference (the "Revised Plan and the Ansmil Development Text PUD dated February 27, 2023").

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

SECTION 1. Council finds that amending the Ansmil PUD as requested by the Applicant is in the best interest of the City and its residents. The Ansmil PUD Concept Plan and Text is amended to specify the number of continuum-of-care residential units and non-age restricted units and to modify exterior building material standards by including architectural concepts that demonstrate expected quality levels for a portion of Subarea E1.

SECTION 2. The plan showing the amended Concept Plan and Text, **attached** hereto as **Exhibit "A"** and incorporated herein by reference, is approved and shall hereafter be included in the Ansmil PUD Concept Plan and Text.

SECTION 3. This Resolution is effective at the earliest time provided for by law.

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23-R-14

ACCEPTING A CONSERVATION EASEMENT FROM CLOP HILLIARD OH LLC.

WHEREAS, CLOP Hilliard OH LLC, (the “Developer”), owns 26.86± acres (the “Property”) located on the west side of Edwards Farms Road, identified as tax parcel identification number 050-006545, by the Franklin County Auditor’s Office, in the City of Hilliard; and

WHEREAS, the City of Hilliard (“City”) is currently reviewing plans for construction of a data center on the CLOP Hilliard OH LLC property; and

WHEREAS, the CLOP Hilliard OH LLC property is traversed by Smith Ditch in the City, and Section 7.1.3 of the City’s Engineering Design Manual requires a Stream Corridor Protection Zone (SCPZ) be designated along stream channels in the City as a means of establishing a riparian corridor along the water course to perform its inherent function of erosion protection, flood storage, and water quality protection; and

WHEREAS, as a condition of their construction plan approval, CLOP Hilliard OH LLC has agreed to establish a SCPZ on their property by dedicating a permanent conservation easement, being 2.467± acres, to the City, described in Exhibit “A” and illustrated in Exhibit “A-1”, attached hereto and incorporated herein; and

WHEREAS, this conservation easement restricts the use and activities allowed in the easement area in an effort to maintain the area in as natural a state as possible so it can perform its inherent function of erosion protection, flood storage, and water quality protection, consistent with the restrictions and conditions of the Deed of Easement from CLOP Hilliard OH LLC to the City, attached hereto as Exhibit “B” and incorporated herein; and

WHEREAS, it is to the interest and benefit of the City and the public at large that the easement from CLOP Hilliard OH LLC be accepted by the City of Hilliard for the aforementioned purpose.

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

SECTION 1. The City of Hilliard accepts a permanent 2.467± acre conservation easement from CLOP Hilliard OH LLC Enterprises, LLC, as described in Exhibit “A” and illustrated in Exhibit “A-1” attached hereto and incorporated herein.

SECTION 2. The City Manager is authorized to execute and deliver a “Deed of Easement” document with the aforementioned property owner, in a form substantially similar to the one attached hereto as Exhibit “B”, for and in the name of the City, with such changes approved by the City Engineer that are not adverse to the City and that shall not be inconsistent with this Resolution, which approval shall be evidenced conclusively by her execution thereof, and the City Manager is authorized to execute and deliver all documents necessary and appropriate to consummate acceptance of the easements, and to require conveyance documents to be delivered and recorded evidencing the granting of such easement to the City.

SECTION 3. This Resolution shall become effective upon its adoption.

23-R-15

AUTHORIZING A LEASE-PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC AND AUTHORIZING AN EXPENDITURE.

WHEREAS, the Division of Police has determined a need to replace its portable radios (the “Equipment”) due to the fact that its current radios are no longer being supported; and

WHEREAS, the City desires to the purchase the Equipment pursuant to the Ohio Date Term Schedule, as permitted by R.C. 125.04, et. seq., which eliminates the time and expense of competitive bidding as the same has been conducted by the State of Ohio; and

WHEREAS, the City will purchase the Equipment from Motorola Solutions Inc., an authorized vendor of the Equipment; and

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22-R-15 continued:

WHEREAS, by the passage of Ordinance No. 22-38 on November 14, 2022, by City Council, funding for was appropriated by Council, and pursuant to Section 3.10 of the City's Charter, authorization to enter into this lease purchase agreement 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 an amount not to exceed \$85,000 from Fund 304, Object 55 to provide funds for the first year's payment for the purchase of the portable radios.

SECTION 2. The City Manager is authorized to enter into the Equipment Lease-Purchase Agreement, in substantially the same form as shown on Exhibit "A", **attached** hereto and incorporated herein, for the portable radios with Motorola Solutions, Inc. The City Manager is authorized to make sure changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

SECTION 3. The City Manager and Directors of Finance and Law are authorized to sign and execute any and all documents or agreements necessary to effectuate the lease as authorized hereunder.

SECTION 4. This Resolution is effective upon its adoption.

23-R-16 AUTHORIZING THE PURCHASE OF POLICE VEHICLES AND AUTHORIZING AN EXPENDITURE OF FUNDS.

WHEREAS, consistent with its replacement schedule, the Division of Police has determined a need to replace 4 marked cruisers with emergency equipment and 2 unmarked vehicles with safety equipment; and

WHEREAS, pursuant to Section 9.48 of the Ohio Revised Code, a political subdivision may permit another subdivision to participate in one of its contracts that has been competitively bid and the political subdivision that participates is exempt for its own competitive selection requirements; and

WHEREAS, the City of Columbus received competitive proposals for the purchase of police vehicles and is permitting the City of Hilliard to participate in its contract; and

WHEREAS, funding for the purchase of these vehicles was appropriated by Ordinance No. 22-38, and pursuant to Section 3.10 of the Charter, authorization for funding this purchase may be established by resolution of Council.

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

SECTION 1. An expenditure in an amount not to exceed \$186,696 is authorized from Fund 304, Object 55 for the purchase of 4 marked cruisers and 2 unmarked vehicles.

SECTION 2. The City Manager is authorized to enter into an agreement with George Byers Sons Inc., in an amount not to exceed \$186,696 for the purchase of the 4 marked cruisers and 2 unmarked vehicles.

SECTION 3. The City Manager and Directors of Law and Finance are authorized to sign and execute any agreements, certificates, or approvals that are necessary or appropriate in furtherance of this purchase that are not inconsistent with this Resolution and not adverse to the City.

SECTION 4. This Resolution is effective upon its adoption.