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AGENDA - REVISED

Regular Council Meeting

7:00 PM April 10, 2023

Council Members:

Omar Tarazi

Cynthia Vermillion

Les Carrier

Tina Cottone

Peggy Hale

Pete Marsh

Andy Teater

President

Vice President

Michelle Crandall, City Manager

Diane (Dee) Werbrich, Clerk of Council

City Hall, Council Chambers • 3800 Municipal Way, Hilliard, OH 43026



Hilliard City Council established the following five broad Strategic Focus Areas to guide the vision of the City. Under each of these Focus Areas is one significant goal to be prioritized during 2021-2022.

Strategic Focus Area #1 – Excellent, Innovative City Services

- Goal Statement – The City will ensure continued delivery of excellent and innovative services in the years ahead by developing a long-term financial plan focusing on fiscal resilience and sustainability.

Strategic Focus Area #2 – Family-friendly, Engaged Community

- Goal Statement – The City will focus on transparency, public trust and resident involvement by developing and implementing a community engagement and communications plan.

Strategic Focus Area #3 – Distinct, Well-Planned Community

- Goal Statement – The City is committed to implementing a strategy that includes public infrastructure maintenance and delivery of City services that support residents as they maintain properties in our older neighborhoods.

Strategic Focus Area #4 – Quality Commercial Development

- Goal Statement – The City will create and implement an economic development plan focused on the attraction, retention, growth and creation of businesses and jobs that provide a strong tax base and quality development.

Strategic Focus Area #5 – Valued Cultural and Recreational Amenities & Programs

- Goal Statement – The City will meet the community's needs for indoor recreational, health and wellness amenities and programming by engaging strategic partners to plan and build a new community center.



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City Council

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I. Call to Order

II. Invocation and Pledge of Allegiance

Invocation – Mr. Marsh

The Pledge of Allegiance to the Flag of the United States of America – Ms. Hale

III. Roll Call

IV. Approval of Minutes

- A. March 27, 2023, Special Executive Session
- B. March 27, 2023, Regular Meeting

V. Commission and Board Reports

Board of Zoning Appeals	Peggy Hale
Destination Hilliard	Cynthia Vermillion
Environmental Sustainability Commission	Pete Marsh
MORPC	City Manager Crandall
Planning & Zoning Commission	Peggy Hale
Public Arts Commission	Omar Tarazi
Recreation and Parks Advisory Commission	Les Carrier/Andy Teater
Shade Tree Commission	Andy Teater
Aging in Place Committee	Tina Cottone
Other Boards/Commissions	President and Vice President

VI. Recognition and Special Guests

- A. Proclamation – Arab American Heritage Month

VII. Changes to the Agenda

VIII. Consent Agenda

- A. New C1 & C2 Liquor Permit Request - 4142 Main Street (DiCarlos Pizza)

IX. Public Comments (Items not on the Agenda)

Public Notice: Any member of the public addressing Council on items not on this agenda are asked to sign in so the minutes can reflect the correct information. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.

X. Business of the Council

A. Ordinances

Second Readings/Public Hearings

Public Notice: Any member of the public addressing Council on the Public Hearing below are asked to sign the speaker's sign-in form so the Clerk will have accurate information about your name and address. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.

23-05

APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX
REFUND AND AUTHORIZING AN EXPENDITURE.



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First Readings

- 23-06 REPEALING SECTION 6 OF ORDINANCE NO. 15-39 AND RESOLUTION NO. 17-R-07 REGARDING ANNUAL COMPENSATION TO MEMBERS OF CERTAIN CITY BOARDS AND COMMISSIONS.

B. Resolutions

- 23-R-21 APPOINTING _____ TO THE BIG DARBY ACCORD ADVISORY PANEL.
23-R-22 ADOPTING THE CITY'S PLAN OF OPERATION AND GOVERNANCE FOR THE ELECTRIC AGGREGATION PROGRAM
23-R-23 AUTHORIZING THE REALLOCATION OF FUNDS AND THE PURCHASE OF MICROSOFT 365 E3 SOFTWARE.

XI. President's Communication

XII. Staff Reports

- A. 2023 Operating Budget Expenditures - Flock Safety Group

XIII. City Manager Updates

XIV. Items for Council Discussion

- XV. Executive Session** – For matters pertaining to the employment of a public employee. (Charter Section 2.10(1)(a))

Adjournment



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CITY COUNCIL

March 27, 2023 Special Executive Session Minutes

CALL TO ORDER

The meeting was called to order by President Omar Tarazi at 4:47 PM.

ROLL CALL

Attendee Name:	Title:	Status:
Omar Tarazi	President	Present
Cynthia Vermillion	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Andy Teater	Councilman	Present

Staff Members Present: City Manager Michelle Crandall, Acting Law Direct Jessy Shamp, Assistant City Manager Dan Ralley, Police Chief Mike Woods, Economic Development Director David Meadows and Clerk of Council Diane Werbrich

Ms. Cottone, seconded by Vice President Vermillion, moved to recess to Executive Session for matters pertaining to the appointment of public personnel and economic development strategies (Charter Section 2.10(1)(a)&(g))

MOVER:	Tina Cottone
SECONDER:	Cynthia Vermillion
AYES:	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

EXECUTIVE SESSION

Council recess to Executive Session at 4:48 PM

Ms. Hale, seconded by Vice President Vermillion, moved to end the Executive Session.

MOVER:	Peggy Hale
SECONDER:	Cynthia Vermillion
AYES:	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

President reconvened the Special/Executive Session at 5:28 PM.

ITEMS FOR COUNCIL DISCUSSION - None

Mr. Marsh, seconded by Ms. Hale, moved to adjourn the Special/Executive Session meeting by Voice Vote.

MOVER:	Pete Marsh
SECONDER:	Peggy Hale
AYES:	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

Minutes Acceptance: Minutes of Mar 27, 2023 4:45 PM (Approval of Minutes)



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City Council

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4.A

ADJOURNMENT – 5:29 PM

Omar Tarazi, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Mar 27, 2023 4:45 PM (Approval of Minutes)



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CITY COUNCIL

March 27, 2023 **Regular Meeting Minutes**

CALL TO ORDER

The meeting was called to order by President Omar Tarazi at 7:03 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Pastor Kyle Young, Rock City Church

The Pledge of Allegiance to the Flag of the United States of America - Mr. Carrier

ROLL CALL

Attendee Name:	Title:	Status:
Omar Tarazi	President	Present
Cynthia Vermillion	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Andy Teater	Councilman	Present

Staff Members Present: City Manager Michelle Crandall, Acting Law Director Jessy Shamp, Assistant City Manager Dan Ralley, Deputy Finance Director Greg Tantari, Police Chief Mike Woods, Community Relations Director David Ball, IT Director Duane Powell, Recreation and Parks Director Ed Merritt, City Forester Andy Beare and Clerk of Council Diane Werbrich

Others Present: Don McCarthy, McCarthy Consulting, LLC

APPROVAL OF MINUTES

President Tarazi asked if there were any changes or corrections to the March 13, 2023, Regular meeting minutes. Hearing none, the minutes were approved as submitted.

STATUS:	Accepted
AYES:	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - No report.

Destination Hilliard - Vice President Vermillion reported the Bunny Hop was a successful event and well attended.

Environmental Sustainability Commission - Mr. Marsh announced the annual Earth Day collection will be April 15, 2023, from 10:00 a.m. to 1:00 p.m. and the drop off is changed to the Fairgrounds this year.

MORPC- Ms. Crandall reported the State of the Region is Friday, March 31, 2023, and Ms. Werbrich sent an email about carpooling to the event. She noted the City has two tables and there are two or three spots open if anyone is interested in attending.

Planning & Zoning Commission - No report.

Public Arts Commission - No report.



Rec & Parks Advisory Commission - Mr. Carrier reported several applications were received for the high school vacancy on the Commission: three from Davidson, two from Darby and one from Bradley. He asked if Council could discuss a possible subcommittee to allow more kids to be involved.

Shade Tree Commission - No report.

Aging in Place Committee - Ms. Cottone reported the Committee met last week for a presentation on the senior community survey results and are starting to plan some focus groups.

Other Boards/Commissions - No report.

RECOGNITION AND SPECIAL GUESTS - NONE

CHANGES TO THE AGENDA - NONE

CONSENT AGENDA - NONE

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

Charlie Toland, 4298 Shire Landing Road, spoke against the City of Columbus annexation and the Dublin Road Development.

Holly Hollingsworth, 4835 Dublin Road, spoke against the City of Columbus Dublin Road Annexation and asked the City for help.

President Tarazi asked Mr. Shamp what could Council do in this situation. Mr. Shamp replied he would be happy to provide a comprehensive memo on what is possible. He noted that he does know that with the expedited type two, the City's hands are somewhat tied if the territory is going into another municipality. Mr. Shamp added that there are some procedural items that could be sent to the County Commissioner, but there is very little the City can actually do.

Mr. Carrier stated that one of the concerns he and his neighbors have is the water management situation east towards the river and would like to understand whose responsibility it is for the management of those waterways. He reported a discussion was held at last week's Township meeting that the management is a County Engineer issue but when he went to address the two creeks behind his house, it was the City's Public Service Department who took care of it and stopped the erosion on one of the creeks that was getting bad. Mr. Carrier stated he and others would like to understand that interplay because there are three creeks that originate and go in different directions through the Shires. He added this is not just a one-off if you look at what is going on in the eastern side along Dublin Road because there are unincorporated areas, City of Columbus areas and contiguous areas to unincorporated areas that jut in and out in that area. It would be helpful to the entire Hilliard community and the community on this side of I-270 to have a clear picture and understanding of what the City of Columbus development policy could really mean to the City. Mr. Carrier continued that the City of Columbus is basically shifting kids out along with the cost of EMS and fire services to Norwich Township. Mr. Carrier commented that it is easy to call something affordable when they create that type of development policy and push it to the suburbs. He believes this is a very big issue and as Ms. Hollingsworth said, it is only going to get larger very quickly so where the City stands is going to be very important.

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

No one in attendance spoke for or against Ordinance 23-04 during the Public Hearing.

23-04 AMENDING SECTION 1121.05 OF THE CITY'S CODIFIED ORDINANCES REGULATING THE PARKING OF VEHICLES.



STATUS: Adopted (7-0)
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater
 President Tarazi announced 23-04 passed and will take effect at the earliest time allowable by law.

FIRST READINGS

23-05 APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND AUTHORIZING AN EXPENDITURE.

Mr. Tantari stated this legislation appropriates funds in order to issue two business tax refunds in the amount of \$585,000.00. He explained business income makes up approximately ten percent of the total City income tax revenue. He added like withholding tax, which is 2.5 percent of people's wages, business are required to pay in 100 percent of either the prior year's tax liability or 90 percent of the current year's tax liability but are not required to file until the fourth month following their year-end. Mr. Tantari continued that 99 percent of the time there is an automatic extension that can be filed to get a six month extension, which could be ten months after the year end and 20 months since the business starts making estimated payments. Mr. Tantari said it is very hard to estimate and in the past the City has always been very conservative on business income. In 2022, the City budgeted \$4.1 million and actually brought in \$7.7 million. Mr. Tantari reported that they plan for situations like these and in the 20 years he has been with the City, they have probably come to Council less than a handful of times when there was a big refund like this. He noted a lot of times businesses carry over their refund for the next year or request a refund but the City does not know this information out until after the budget has been approve. The City budgeted \$744,000.00 and have been upping that amount, but in most years that would cover most of the City's total refunds.

Mr. Carrier asked how did staff get to the \$744,000.00 in the refund account. Mr. Tantari replied that they look at a five-year average of what the refunds have been and what they need to budget and what they think is reasonable because they do not want to over budget. Mr. Carrier said so they are looking at historical data within the City. Mr. Tantari agreed. Mr. Carrier asked if they are using any RITA data or getting any data from RITA. Mr. Tantari replied they just look at historical data. They are going to meet quarterly to discuss the potential liability that the City could have at the end of the year. He explained that there are two ways of doing this, they could budget more or keep a surplus in the City's General Fund in case something happens. Mr. Carrier said that he spoke to the auditor about this issue because he was concerned that the City was not matching our liabilities with our revenue. He stated the City has a \$5.5 million refund that was somewhat of a surprise because Council did not know about it and now we have an almost \$600,000.00 refund that needs to go out for this. One of the things that caught their attention was the fact that short-term rates are higher now so they can park money in these funds and carry them over and not cost the corporation much money. He continued that whereas now someone can get three percent on a two-year note or four percent in some places and the capital management systems of these companies are changing in that direction. Mr. Carrier asked if there was anything in place that the City can consider if someone has a double or triple carryover year to put more in reserve or adjust the City's books so the City does not get the hits and surprises that have happened. Ms. Crandall replied that the City essentially does that via the unbudgeted, unappropriated General Fund surplus, which is monitored and is why the City budgets very conservatively. She added out of net profits, the City holds back a significant portion for instances like this or if there is that one instance which was an anomaly, she did inform Council what the City's risk was. The City will hold back funds that are unappropriated in the General Fund. Ms. Crandall remarked that the City budgets conservatively and holds money back knowing that if it is not actually realized and is still just an estimate that has been paid in or the business has not realized what their total amount is that they would receive back, then we have that funded. So those protections are in place. Mr. Carrier said his argument against that is basically she is saying two different things because there is a budget refund account that has \$744,000.00 set aside for it but then there is this nebulous unencumbered amount that does not match what we think our estimate is going to be. He added so they are doing two different things to address the same issue and it does not give Council any clarity on what is the true liability or what we think the liability is. Ms. Crandall replied that the City budgets from historical data for the general ones that we know come in and cannot know what the



entire liability is until businesses file their returns and their net profits are known. She reiterated that they estimate what that could be and hold back funds in the unappropriated General Fund for that purpose. Mr. Carrier asked where that is in the budget. Ms. Crandall replied that is part of the balance and not actually budgeted. It is held as a balance so that it is not appropriated. Mr. Carrier suggested that it be put in the refund account so that it is budgeted versus unbudgeted. He added that what has happened now is the City has a liability and have to pay a \$5.5 million refund over time. Ms. Crandall asked if Mr. Carrier is saying to put the total estimates that have not been realized in the budget. Mr. Carrier explained that he is saying to consider when there are multiple carryovers and there are large businesses that have these funds out there, that we take whatever the policy or whatever the City Manager or Finance Director tells Council that can be agreed upon, but that more money is designated for that and not leave it in the unencumbered funds. He stated that he gets nervous when that is done because the unencumbered money could be used for another project and then we are short. Mr. Carrier added the City is now going to pay a business out over four or five years. Ms. Crandall agreed and said the City could choose to pay that as one lump sum but are working on a payment plan that does not start until 2024 probably interest free. She noted the City has done the right things to make sure that the money is set aside for any potential risk the City would have out of this and budgeting is not the approach they would take. Mr. Carrier then asked why the City is not just paying them back. Ms. Crandall replied the City could but they have offered a payment plan over several years, which would start next year probably interest free so why would the City pay them in one lump sum.

President Tarazi asked if there is a Committee of the Whole meeting scheduled regarding some of these financial related matters. Ms. Crandall replied an upcoming Committee of the Whole meeting is on fund balances. President Tarazi then asked if this conversation could be addressed in greater detail then. Mr. Carrier stated that he does not mind that, he just wants to understand what we are doing. Ms. Crandall reported that she did send Council an email recently which had the end-of-year attached from 2021 that clearly showed that these net profits fluctuate and what the policy is on being conservative on budgeting it and holding back balances. It also showed the historical information on what the City has typically budgeted versus what was received in net profits. Mr. Tantari added in 2021 the City budgeted \$3.1 million and brought in \$12.6 million. In 2019 this corporation had a net profit of \$2.1 million so they are going two years thinking they are going to get \$2.1 million to cover so they do not have to pay penalty and interest and then their income dropped in 2020 to \$1.1 million and in 2021 they had zero income. He added the City did not know until the end of the year that it was out there. Mr. Carrier stated they could not grab a trend. Mr. Tantari agreed and said why would it be put in the refund account if it is not known that the City will ever have to pay it out. Ms. Crandall added they knew it was a potential liability so it was held back but did not know we were going to pay it out, if they were going to ask for it or what the total amount would be to take the unappropriated amount and come back to Council to appropriate it. Mr. Tantari stated that if that kind of money is appropriated, you have to have a balanced budget. Mr. Carrier asked if Council can legislatively limit the amount a business can carryover. Mr. Tantari shook his head no and said that when these corporations are making estimated payments, they do not think about how that affects cities that have to pay that type of refund.

STATUS: First Reading
SPONSOR: Pete Marsh
SECONDER: Peggy Hale
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater
 President Tarazi announced the second reading/public hearing will be held on April 10, 2023.

B. Resolutions

23-R-18 APPROVING GMP AMENDMENT #3 FOR THE RECREATION AND WELLNESS CAMPUS AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS TO APPROVE GMP AMENDMENT #3.

Ms. Crandall stated this legislation is to approve the Guaranteed Maximum Price (GMP) #3 of 5 GMPs total. She noted this package includes everything for the athletic complex project and the recreation and

wellness center: the building, concrete, structural steel and roofing. Ms. Crandall reported we are still holding very close to the November estimates and these two projects come in a little over \$84,000.00 under the established budget within the scope.

President Tarazi asked when will people start seeing stuff as they drive by. Ms. Crandall replied there is some clearing going on right now, the groundbreaking will be in April and then they will start moving some dirt and starting on that project right away.

Ms. Hale asked if the exclusions listed on page 12 are budgeted somewhere and was the City planning on those exclusions - general conditions 1 through 9. Mr. McCarthy replied that those are general exclusions related to the GMP amendments' specific documents and ultimately as they get further into the design, many of those items will get picked up with future design documents. Ms. Hale stated on page 13 it says the water meters, security systems and access control systems are not included at this point but they will be included in the future. Mr. McCarthy agreed.

STATUS:	Adopted (7-0)
MOVER:	Andy Teater
SECONDER:	Cynthia Vermillion
AYES:	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater
President Tarazi announced 23-R-18 passed and will take effect at the earliest time allowable by law.	

23-R-19 AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT WITH THAYER POWER AND COMMUNICATION LINE CONSTRUCTION CO., LLC AND TO PURCHASE RELATED HARDWARE RELATED TO THE CONSTRUCTION OF THE HILLIARD MUNICIPAL FIBER NETWORK AND AUTHORIZING THE EXPENDITURE OF FUNDS AND ENTER INTO A MOU WITH HILLIARD CITY SCHOOL DISTRICT.

Mr. Powell explained that this legislation would authorize the expenditure of not to exceed \$1.5 million to build to the remaining 14 Hilliard school buildings in the District. He added this would also authorize the City Manager to enter into a Memorandum of Understanding (MOU) that if built and authorized that the school district would use our partner ISPs for a minimum of ten years. Mr. Powell stated that if Council recalls, the City connected 12 school buildings in 2020 that allowed the City to provide connectivity and wireless connectivity during COVID. The City still offers that program for free to those students today. He added the City has been working with the school district for the last year and a half toward this partnership of the benefits. Mr. Powell noted one of those is by providing all the connectivity and partnering with our ISPs, we can significantly reduce their internet service provider costs and allow the City to expand more of the opportunities the City has been doing with Hilliard City Labs, workforce development and other types of programs.

President Tarazi asked how much are the schools saving. Mr. Powell replied that it would be an estimate because they are not privy to the contract with the ISPs. He noted that he could give numbers on what the City saved, over the last two years, with very similar partners. Connecting all of the City buildings (6 buildings) and providing the ISP has averaged \$100,000.00/year over the history of those connections, which were at 100 megabyte connections. By moving to our own fiber network, partnering with the ISPs and using them as service providers, the City has dropped that bill down to approximately \$30,000.00/year and the ISP service to the Internet is at 10 gigabyte per building and 1 gigabyte to the Internet. President Tarazi asked for an estimate on the estimated savings for the schools. Mr. Powell replied that he would not want to speak on numbers because he is not in negotiation with a private company.



STATUS: Adopted (7-0)
MOVER: Andy Teater
SECONDER: Peggy Hale
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater
 President Tarazi announced 23-R-19 passed and will take effect at the earliest time allowable by law.

23-R-20 AUTHORIZING THE CITY MANAGER TO ENTER INTO ONE OR MORE SERVICE CONTRACTS FOR THE 2023 MOWING, LANDSCAPING, AND MAINTENANCE PROGRAM.

Mr. Beare stated this is the City's mowing contract, which will be three consecutive one-year contracts starting in 2023 to 2025 for the landscape maintenance of City-owned parcels both in rights-of-way, parks, etc. He reported \$1.2 million is budgeted for this project and the bids came in under that budgeted amount. Mr. Beare added this was the first year using the online Bid Express software, which allowed them to bring more bids in rather than the traditional bid software. This year there were more companies interested and who submitted bids, which helped drive the price down. They are also anticipating higher bids due to increased labor costs as well as increased fuel costs and have also upgraded many of the City parcels like the small park parcels which were upgraded to landscape quality so they will be mulched, have bed maintenance, herbicided, fertilized where those were being maintained by Parks staff prior to this and will now be contracted. Mr. Beare reported a parcel was added, bid package 19, as an alternate this year and is located at I-270 outside of the Cloverleaf interchange (corporation to corporation limit). Normally, the City gets three mows a year by ODOT so this will allow the City to keep this under control and will include trash pickup on a more regular schedule for that area as well. He noted that the only thing not included in this is the hanging baskets and pots downtown which are done by Bildsten Landscaping Services and last year's entire contract for that was approximately \$25,000.00.

Vice President Vermillion asked if the one bid that was not responded to means the City continues to do that. Mr. Beare replied that was a bid on existing packages and just means that bidder did not win any of the packages that were presented. All of the packages that they bid on were then taken by other contractors. He noted everything is filled through the contractors.

Mr. Teater remarked that the quality of this work and how good these areas look has drastically improved and assumes it is because City staff is doing a better job of managing contracts. He said to keep up the good work because it is so much better than it was five, six or seven years ago and is much appreciated.

STATUS: Adopted (7-0)
MOVER: Cynthia Vermillion
SECONDER: Pete Marsh
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater
 President Tarazi announced 23-R-20 passed and will take effect at the earliest time allowable by law.

PRESIDENT'S COMMUNICATION - NONE

STAFF REPORTS

A. SELECTION OF ELECTRIC AGGREGATION BROKER

See Mr. Ralley's presentation (Attached)

Mr. Ralley stated staff is recommending Energy Alliances whose representative was not able to attend this evening but will be at the April 10, 2023, meeting. He announced on April 3, 2023 there will be two public meetings that are required under state law for the filing of a plan, which that plan will be before Council on April 10, 2023.



Mr. Ralley continued with his presentation.

President Tarazi asked if any Council member had any input into putting this presentation together. Mr. Ralley replied not the presentation but there were questions that were asked in advance about what the process was going to be.

Ms. Hale asked Mr. Ralley to repeat what he said about the first year. Mr. Ralley replied that it is very likely the price the City gets when we go out to bid for energy aggregation will be lower than what the market rate is that an AEP customer is paying if they do not go through either our community aggregation program or one of the other Apples to Apples programs. He added that there are complex reasons for that but right now the market appears to be building in some additional pricing to avert risk that went on with aggregation programs in northwest Ohio last year. Ms. Hale asked if someone who agrees to stay with the energy aggregation for green energy will have to sign a contract or if they can opt out anytime. Mr. Ralley replied they can opt out any time and can do that on day one or on day 365. The flexibility will be there for individuals that is not there through many of the providers on the Apples to Apples website.

Vice President Vermillion asked what time the public meeting is on April 3, 2023. Mr. Ralley replied he will look at the advertisement and provide that information.

Mr. Carrier asked if Mr. Ralley is saying that the green energy program is going to save residents money or cost more. Mr. Ralley replied that the program in its first year will likely be less money than what AEP is selling electricity to individual households in Hilliard. Mr. Carrier then asked when will that be known for sure. Mr. Ralley replied they will know in that June time frame. Mr. Carrier asked if the City will be telling residents when the market changes or when AEP might be lower or higher than our aggregate costs. Mr. Ralley replied yes and that is part of what Energy Alliance does as our broker. They provide a price to market comparison so that residents know very clearly if this is saving money or if it is not. He continued that obviously the City's program is green in its orientation and it will not always necessarily mean that we are saving money and is why he said year one but there are other benefits to moving forward with this program. Mr. Carrier asked if the City is locked in for one year when we aggregate. Mr. Ralley responded that it may be one or two years depending on the bids received. Mr. Teater added we are locked in but not individuals because they can opt out.

CITY MANAGER UPDATES

Ms. Crandall thanked the Community Relations team for all their efforts that they put into the State of the City event.

Ms. Crandall stated Mr. Marsh asked about a plan set for the community center to date, which is several hundred pages. She did print off some of the renderings and layouts and reported they did a second design workshop with the architects where they received feedback on the color scheme that was chosen. She stated she will leave a set in the Council planning room or if someone wants their own set, they can be emailed or printed off.

Ms. Crandall explained the City is in the final stages of recruitment and selection of police officers to fill existing vacancies. There is a great slate of candidates and they are anticipating some turnover maybe later in the year or early next year based on retirement. She stated that currently in the Operating budget it slates 50 officers and they would like to be able to hire up to 51 officers. She asked for a motion to authorize the City Manager to hire one additional officer than is currently shown in the 2023 Operating budget.

Mr. Teater, seconded by Mr. Carrier, moved to approve Ms. Crandall request to allow one additional police officer.



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4.B

STATUS: Approved (7-0)
MOVER: Andy Teater
SECONDER: Pete Marsh
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

ITEMS FOR COUNCIL DISCUSSION - None

Mr. Carrier, seconded by Vice President Vermillion, moved to adjourn the meeting by Voice Vote.

MOVER: Les Carrier
SECONDER: Cynthia Vermillion
AYES: Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

ADJOURNMENT – 7:50 PM

Omar Tarazi, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Mar 27, 2023 7:00 PM (Approval of Minutes)

Council Memo: Information Only

Subject: New C1 & C2 Liquor Permit Request - 4142 Main Street (DiCarlos Pizza)
From: Michelle Crandall, City Manager
Initiated by: Diane Werbrich, Clerk of Council
Date: April 10, 2023

Summary

Received a new C1 & C2 Liquor Permit request for 4142 Main Street (DiCarlos Pizza on 3/23/2023.

Permit Class	Description
C1	ORC 4303.11 Beer only in original sealed container for carry out only.
C2	ORC 4303.12 Wine and mixed beverages in sealed containers for carry out.

No objections were received from PD, FD or Planning.

Financial Impacts

None.

Expected Benefits

None.

Attachments

Ohio Division of Liquor Control Request.

Rec'd 3/23

8.1.a

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

89209200010		NEW		THREE ANCHORS LLC DBA DICARLOS PIZZA OF HILLIARD 4142 MAIN ST HILLIARD OH 43026	
PERMIT NUMBER		TYPE			
ISSUE DATE					
03 15 2023					
FILING DATE					
C1 C2		PERMIT CLASSES			
25	132	B	D73082		
TAX DISTRICT		RECEIPT NO.			

FROM 03/20/2023

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 03/20/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/20/2023

IMPORTANT NOTICEPLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 8920920-0010**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal OfficerCLERK OF HILLIARD CITY COUNCIL
3800 MUNICIPAL WAY
HILLIARD OHIO 43026-1695

Attachment: 4142 Main Street (DiCarlos Pizza) (2456 : New C1 & C2 Liquor Permit Request - 4142 Main Street (DiCarlos Pizza))

Council Memo: Legislation (23-05)

Subject: Appropriation for Net Profit Tax Refund
From: Michelle Crandall, City Manager
Initiated by: Greg Tantari, Deputy Finance Director
Date: April 10, 2023

Executive Summary

This piece of legislation would appropriate funds in the amount of \$585,000 in order to issue two net profit tax refunds.

Staff Recommendation

Staff recommends Council approval of this legislation.

Staff conservatively budget (appropriate) net profits each year, knowing a percentage of net profits could be refunded.

Background

In 2023, the City budgeted \$744,000 in the Refund Accounts for refunds to corporations that had overpaid estimated net profit taxes and were requesting a refund. Most companies pay estimated taxes several months before filing a tax return. If a company overpays, the taxes may be carried over to the next taxable year or the company may request a refund in the overpaid amount.

Staff conservatively budgets (appropriates) net profits each year, knowing a percentage of net profits could be refunded. Staff always maintains enough funding in the general fund account balance to further protect the City from instances in which companies pay estimated taxes that could be overestimated and thus require refunds once a return is filed, and a refund requested.

This legislation does not relate to an additional refund request that City Staff had previously informed Council was pending. During Council's operating budget process for 2024, Staff will include funding to cover the refund for that company, which paid and carried over estimated payments for several years, resulting in a larger balance than typically experienced. Working through R.I.T.A with this company, Staff is working on an agreed upon payment plan that will span over several years and that would not begin until 2024. While the City has the funding available to cover the full refund in one payment, this would allow us to pay it over time with no interest charged.

Financial Impacts

An additional appropriation in the amount of \$585,000 is needed to issue these recently requested net profit tax refunds that have been filed with the State of Ohio and the Regional Income Tax Agency. Staff anticipates additional refunds during 2023 that would be funded with the \$744,000 previously budgeted.

Expected Benefits

N/A

Attachments

N/A



Ordinance: 23-05

Passed:

Page 1 of

Effective:

**APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND
AUTHORIZING AN EXPENDITURE.**

WHEREAS, companies that conduct business within the City are required to file annual tax returns on net profits; and

WHEREAS, in order to avoid penalties and interest, most companies pay estimated taxes on net profits before finalizing its annual tax return; and

WHEREAS, any estimated taxes paid which are above the actual taxes owed, may be carried over to the next taxable year or the company may request a refund of the amount; and

WHEREAS, generally in issuing tax refunds, the City accounts for the amount refunded in the following percentages: fifty-two percent (52%) from the General Fund, twenty percent (20%) from the Capital Improvement Fund, twenty percent (20%) from the Recreation & Parks Fund, and eight percent (8%) from the Street Improvement Fund (the "Refund Accounts"); and

WHEREAS, in 2023, the City budgeted \$744,000 in the Refund Accounts; and

WHEREAS, due to the request for a refund from companies in Hilliard for overpaying their estimated taxes, the City is required to appropriate an additional \$585,000, which will be allocated in accordance with the percentages in the Refund Account (the "Refund").

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

SECTION 1. An appropriation in the amount of \$585,000 is authorized and shall be allocated from the following Funds for the Refund due to the overpayment of net profit taxes:

- (1) \$304,200 from Fund 101, Object 58; and
- (2) \$117,000 from Fund 304, Object 58; and
- (3) \$117,000 from Fund 103, Object 58; and
- (4) \$46,800 from Fund 206, Object 58.

SECTION 2. City Council authorizes the expenditure of funds in the amount of \$585,000 upon appropriation in order pay the Refund due to the overpayment of net profit taxes.

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 23-05						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Passed	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

Council Memo: Legislation (23-06)

Subject: Repealing Ordinance No. 15-39 and Resolution No. 17-R-07
From: Michelle Crandall, City Manager
Initiated by: Kelly Clodfelder, Staff Attorney
Date: April 10, 2023

Executive Summary

This Ordinance repeals previous legislation authorizing compensation to certain boards and commission members.

Staff Recommendation

Staff recommends that Council approve this legislation.

Background

In 2015, City Council approved Ordinance No. 15-39 which, in part, stated the parameters that certain board and commission members would be compensated. The Ordinance provided that members of the City's Planning and Zoning Commission, Board of Zoning Appeals, and Shade Tree Commission would be compensated at a specific percentage of City Council's pre-health insurance election compensation. In 2017, City Council adopted Resolution No. 17-R-07, which added the Environmental Sustainability Commission as a body that received the same compensation provided in Ordinance No. 15-39.

In 2022, upon recommendation from staff, City Council was asked to consider removing compensation for boards and commission members. City Council engaged in discussion of this topic and at the Committee of the Whole meeting on October 24, 2022, voted to end compensation following a six-month notice. The six-month notice was to be provided on January 1, 2023. As a result, the City's 2023 Operating Budget only included funds to provide compensation to board and commission members through June 31, 2023.

Financial Impacts

Funds for the boards and commissions will no longer be appropriated in the City's Operating Budget.

Expected Benefits

N/A

Attachments

N/A



Ordinance: 23-06

Passed:

Page 1 of

Effective:

**REPEALING SECTION 6 OF ORDINANCE NO. 15-39 AND RESOLUTION NO. 17-R-07
REGARDING ANNUAL COMPENSATION TO MEMBERS OF CERTAIN CITY
BOARDS AND COMMISSIONS.**

WHEREAS, on November 2, 2015, City Council passed Ordinance No. 15-39, which in part outlined compensation that was to be paid to the members of the City's Planning and Zoning Commission, Board of Zoning Appeals, and Shade Tree Commission; and

WHEREAS, on February 13, 2017, City Council adopted Resolution No. 17-R-07, which added members of the City's Environmental Sustainability Commission to those commission members that are compensated at the rates set forth in Ordinance No. 15-39; and

WHEREAS, on October 24, 2022, during the 2023 Operating Budget process, City Council, upon review and recommendation from staff, voted to end compensation for board and commission members following a six-month notice; and

WHEREAS, as a result of this determination, those certain board/commission members will only be compensated through June 30, 2023.

WHEREAS, it is necessary to repeal Section 6 of Ordinance No. 15-39 and Resolution No. 17-R-07 in order to formally remove City Council's compensation approval of these specific boards and commissions.

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

SECTION 1. Effective July 1, 2023, Section 6 of Ordinance No. 15-39, authorizing compensation to the members of the City's Planning and Zoning Commission, Board of Zoning Appeals, and Shade Tree Commission, is hereby repealed.

SECTION 2. Effective July 1, 2023, Resolution No. 17-R-07, authorizing compensation to the members of the City's Environmental Sustainability Commission, is hereby repealed.

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

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 23-06						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

Council Memo: Legislation (23-R-21)

Subject: Big Darby Accord Panel Council Appointee
From: Michelle Crandall, City Manager
Initiated by: Diane Werbrich, Clerk of Council
Date: April 10, 2023

Executive Summary

This piece of legislation would appoint one member to the Big Darby Accord Panel.

Staff Recommendation

Staff recommends that City Council adopt this resolution.

Background

The City is a participating jurisdiction in the Big Darby Accord Advisory Panel (the "Panel"), which aims to develop a multi-jurisdictional plan to preserve and protect the Big Darby Creek and its tributaries. Mr. Paul Lambert was appointed to a term which ended on December 31, 2022, resulting in a vacancy on the Accord Panel. This is a Council appointed position with a term ending December 31, 2026.

Financial Impacts

N/A

Expected Benefits

This appointment ensures the City's representation on the Accord Panel.

Attachments

N/A



Resolution: 23-R-21

Adopted:

Page 1 of

Effective:

APPOINTING _____ TO THE BIG DARBY ACCORD ADVISORY PANEL.

WHEREAS, the Big Darby Accord is a multi-jurisdictional plan covering the Franklin County portion of the nationally recognized Big Darby Watershed; and

WHEREAS, the City is a participating jurisdiction in the Big Darby Accord Advisory Panel (the "Panel"), which aims to develop a multi-jurisdictional plan to preserve and protect the Big Darby Creek and its tributaries; and

WHEREAS, as a participating jurisdiction, the City appoints one member to the Panel for a 3-year term; and

WHEREAS, City Council believes Mr. _____ is qualified by education and experience to serve as Hilliard's representative on this Panel and desires to appoint him for a term ending December 31, 2026.

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

SECTION 1. Mr. _____ is hereby appointed to the Big Darby Accord Panel as Hilliard's representative for a term ending December 31, 2026.

SECTION 2. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 23-R-21

		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation					
<input type="checkbox"/> Referred Back To Committee					

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **23-R-21** passed by the Hilliard City Council on the 10th day of April 2023.

IN TESTIMONY WHEREOF, witness my hand and official seal this 10th day of April 2023.

Diane C. Werbrich, MMC

Council Memo: Legislation (23-R-22)

Subject: Electric Aggregation Plan of Operations
From: Michelle Crandall, City Manager
Initiated by: Dan Ralley, Assistant City Manager
Date: April 10, 2023

Executive Summary

As City Council is aware, on November 8, 2022, the City of Hilliard voters passed Electric Aggregation which authorizes the City to form a governmental electric aggregation program for the purchase of electricity on behalf of the city residents.

Earlier this week, two public meetings were held at City Hall to review the Plan of Operations and Governance and answer questions from the public. The Plan of Operation and Governance is prescribed by Section 4928.20 (C) of the Ohio Revised Code and is a necessary step in the process for the City to become certified as a Governmental Aggregator (see Exhibit A attached to the Resolution). This plan outlines the aggregation program for Hilliard and provides the general guidance for the program.

Background

Outlined below are the completed steps in the process along with the additional steps to come:

First Public Notice for Plan of Operations & Governance	3/20/23	Complete
Second Public Notice for Plan of Operations & Governance	3/27/23	Complete
Two Public Meetings for Plan of Operations	4/3/23	Complete
Council Approves Resolution to Adopt Plan of Operation	4/10/23	Pending
Application filed with PUCO	4/11/23	Pending
Community Approved as Aggregator	5/11/23	Pending
Request List from AEP Ohio	5/11/23	Pending
Request for Pricing (RFP)	5/18/23	Pending
Bids Received	6/1/23	Pending
Present Bid Results to Council	6/5/23	Pending
Docket Opt Out Notice with PUCO	6/6/23	Pending
PUCO approval of Opt out notice	6/16/23	Pending
Opt out notice mailed	6/19/23	Pending
21 day Opt Out Period Ends	7/10/23	Pending
Program Starts	9/1/23	Pending
First utility bill with aggregation rate	10/1/23	Pending

Attachments

N/A

ENERGY ALLIANCES

OHIO'S MOST TRUSTED
ENERGY ADVISER.

City of Hilliard
Electric Aggregation
April 10, 2023

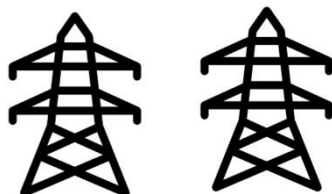


Retail Electricity



Generators / Suppliers

Generate / Supply Electricity



Local Electric Utility

Delivers Electricity



End Use Customer

Use Electricity



Who is Energy Alliances?

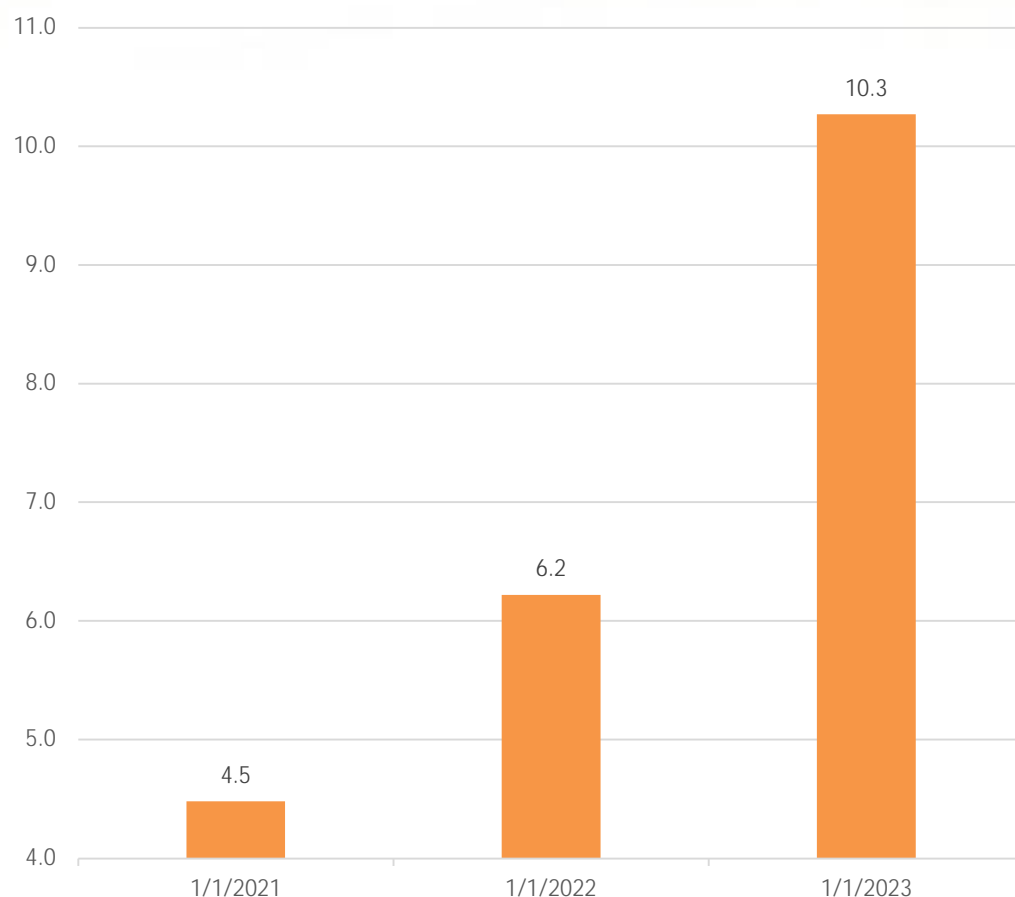
Full-service Consultant

- Manage Programs for 40 Communities
- Support Team, not just a single person
- Customer Service via Phone, Email and Chat!
- Manage Regulatory Requirements
- Administer RFP Process
- Work with suppliers on:
 - Opt-Out materials
 - Reporting (i.e. enrollments / drops, customer inquiries)
 - Customer service related issues
- Quarterly Performance Reports



AEP Ohio Default Rate

AEP Ohio Auction Results - ¢ per kWh



- AEP Ohio runs an auction to set their default rates.
- Auctions Run Twice a Year (Nov & Mar)
- Term: June '23 - May '24
- Est. AEP Residential Rate:
 - > 11.5¢ per kWh



Aggregation Timeline

ACTIVITY	DATE
Two Public Meetings for Plan of Operations - Completed	4/3/2023
Council Approves Ordinance to Adopt Plan of Operation	4/10/2023
Application filed with Public Utilities Commission of Ohio (PUCO)	4/11/2023
Community Approved as Aggregator	5/11/2023
Request for Pricing (RFP)	5/18/2023
Present Bid Results to Council	6/12/2023
Docket Opt Out Notice with PUCO	6/13/2023
Opt out notice mailed	6/26/2023
21-day Opt Out Period Ends	7/17/2023
Aggregation Participants see Aggregation Rate on Bill No Later Than	October

Energy Alliances will be very aggressive with timeline

We will move faster where we can and strive for an August (September bill) start





Resolution: 23-R-22

Adopted:

Page 1 of

Effective:

**ADOPTING THE CITY'S PLAN OF OPERATION AND GOVERNANCE FOR THE
ELECTRIC AGGREGATION PROGRAM**

WHEREAS, Hilliard, Ohio voters passed electric aggregation November 8, 2022, which authorized this Council to form a governmental aggregation program for the purchase of electricity on behalf of Hilliard City residents pursuant to Ohio Revised Code Section 4928.20; and

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation which authorized the legislative authorities of municipalities to aggregate the retail electric loads located in their respective jurisdictions and to enter into services agreements to facilitate those loads the purchase and sale of electric; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of electric deregulation through lower electric rates which that would not otherwise be able to have individually; and

WHEREAS, the Council has determined this resolution is in the best interest of Hilliard's residents and eligible businesses.

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

SECTION 1. A Plan of Operations and Governance for Electric Governmental Aggregation attached hereto as Exhibit A and incorporated herein is hereby adopted and approved.

SECTION 2. 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 Resolution 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 Ohio Revised Code.

SECTION 3. This Resolution shall be effective upon its passage.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 23-R-22

		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation					
<input type="checkbox"/> Referred Back To Committee					

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **23-R-22** passed by the Hilliard City Council on the 10th day of April 2023.

IN TESTIMONY WHEREOF, witness my hand and official seal this 10th day of April 2023.

Diane C. Werbrich, MMC

CITY OF HILLIARD, FRANKLIN COUNTY, OHIO

PLAN OF OPERATION AND GOVERNANCE

ELECTRIC GOVERNMENTAL AGGREGATION

For More Information Contact:

**City of Hilliard
3800 Municipal Way
Hilliard, OH 43026
614-876-7361**

CITY OF HILLIARD, FRANKLIN COUNTY, OHIO

PLAN OF OPERATION AND GOVERNANCE

Electric Governmental Aggregation

Introduction. On November 8, 2022 a majority of the voters in the City of Hilliard, Franklin County, OH approved a referendum that authorized the City of Hilliard (“the Community”) to pursue Automatic Governmental Aggregation. After the Community held two public hearings on the matter, the Community approved this Plan of Operation and Governance as prescribed by Section 4928.20(C) of the Ohio Revised Code. The Community has developed this Plan of Operation and Governance (“Plan of Operation”) in accordance with the governmental aggregation provisions in Sections 4901:1-21-16 Ohio Administrative Code. Once certified as a Governmental Aggregator, the Community will be authorized to combine multiple retail electric customer loads within its geographic boundaries (the “Aggregation”) for the purpose of facilitating the purchase of electric supply in Ohio’s competitive retail electric market.

Governmental Aggregation Services. The Community, as a Governmental Aggregator, will serve as purchasing agent for the Aggregation. As purchasing agent, the Governmental Aggregator shall (i) select a Competitive Retail Electric Service Provider (“Provider”) to supply the Aggregation, (ii) negotiate the terms of supply between the Provider and each Aggregation participant, and (iii) oversee the enrollment procedures administered by the Provider.

The Contract. The supply contract negotiated by the Governmental Aggregator for the Aggregation (the “Contract”) shall be for firm, full-requirements supply. Each Aggregation participant will be individually bound to the Provider by the terms of the Contract and will be solely responsible for payment and performance. The electric supply charges for the Aggregation will be included in the Contract that will be negotiated by the Governmental Aggregator. All electric supply charges will be fully and prominently disclosed in consumer enrollment materials (such as the Opt-out Notice), available on the Provider’s website, and available by calling the Provider’s toll-free customer service telephone number. The surcharge authorized under Section 4928.20 of the Revised Code will not be charged.

Eligibility, Opt-out Disclosures, and Pooling Accounts. The Community will work with the Provider to adhere to the requirements of Section 4901:1-21-17 of the Ohio Administrative Code in creation of the opt-out disclosure. The Community, or a party authorized by the Community, will request from the local electric distribution utility (the “Utility”) a list of all customers residing within the Community’s boundaries, including those who have opted off the pre-enrollment list. Per Section 4901:1-21-17(D)(1)(a), the list will include an updated list of names, addresses, account numbers, rate codes, percentage of income plan (PIPP) codes, load data and other related customer information, consistent with information that is available to Providers. The following customers are not eligible: customers already under contract with a certified electric services company; customers that have a special contract with the Utility; customers that are not located within the Governmental Aggregator’s boundaries; customers on PIPP, customers that have opted out of the aggregation, and mercantile customers that have not provided affirmative consent. It is the intention of the Community to offer its Aggregation Program to all eligible residential and non-mercantile customers in all customer classifications and in all

rate categories. The Community realizes that factors such as consumption patterns and peak demand impact rate classes differently. Consequently, some customers may not benefit by a particular rate offer. Therefore, all customers will be afforded the opportunity to opt-out of the Program at least every three (3) years without paying a switching fee. Using this list of eligible accounts, the Provider, with the assistance of the Governmental Aggregator, will review the list to verify that the eligible accounts are located within the geographic boundaries of the Community and that an area within the Community boundaries has not been inadvertently filtered from the list. The Provider will also remove from the eligible list those customers who appear on the “do not aggregate” list as stated under division (c) of Section 4928.21 of the Revised Code. Within thirty (30) days of receipt of the list from the utility, the Provider, with assistance from the Governmental Aggregator, will prepare and mail an “Opt-out Notice” to each account that remains on the eligible list after it has been reduced as noted above. The Opt-out Notice will inform the eligible account holder that the Governmental Aggregator has formed an automatic (or “Opt-out”) aggregation, provide the price for the electric supply to the Aggregation and other terms and conditions of service, and explain how the account holder can decline participation in the Aggregation.

As required by 4901:1-21-17 of the Ohio Administrative Code, the Opt-out Notice will indicate that the account holder has twenty-one (21) days to affirmatively respond by telephoning a toll-free number or returning a postcard to the Provider that is included in the Opt-out Notice.

The Provider will receive all Opt-out requests and any Opt-out Notices that were undeliverable by mail and will remove those accounts from the eligible account list. Upon completion of the twenty-one (21) day Opt-out period, the Provider will notify the Utility of the remaining accounts that will form the Aggregation, and through an electronic data interchange transaction, enroll the Aggregation. Upon enrollment, each participant will receive an enrollment notice from the Utility that will indicate that the enrollee may rescind its participation in the Aggregation by contacting the Utility within seven (7) calendar days.

In addition to the initial twenty-one (21) day Opt-out period, each participant will be provided an opportunity to opt-out at least every three years without paying an early termination fee.

Billing. Aggregation participants will receive a single, monthly bill from the Utility, which will include charges from the Provider for its electric supply, as well as the Utility distribution charges. Aggregation participants will be billed according to their Utility billing cycle.

Credit, Collections and Deposits. The Utility’s credit and collection policy and policies regarding deposits will apply to the Aggregation participants and shall be administered by the Utility. Neither the Governmental Aggregator, nor the Provider will implement additional policies with respect to credit, deposits, and collections.

Concerns and Complaints. Aggregation participants will have multiple means of communicating concerns and reporting complaints. As a general rule, concerns regarding service reliability and billing should be directed to the Utility. The Utility will continue to read meters, handle billing, and generally have the most information about the physical service to a location or account. Questions regarding the administration of the Aggregation should be directed to the Provider. The Provider’s customer service

center will, at a minimum, be available by telephone Monday through Friday between the hours of 8:00 am to 7:00 pm ET. Any unresolved disputes should be directed to the Public Utilities Commission of Ohio and/or the Ohio Consumers Council. As a convenience, below is a list of helpful toll-free telephone numbers.

<u>Nature of Complaint</u>	<u>Contact/Phone Number(s)</u>
Outages/Emergencies	AEP 1-800-672-2231
Service turn on/off	AEP 1-800-672-2231
Billing Disputes	AEP 1-800-672-2231
Price/Joining/Leaving Program	Provider Customer Service
Program Regulatory Questions	Provider Customer Service
Unresolved Disputes	Public Utilities Commission
Unresolved Disputes	Ohio Consumers Council

The Provider will attempt to resolve all customer complaints in a timely and good faith manner. The Provider shall investigate and provide a status report to the customer when the complaint is made directly to them and/or the Community within three (3) business days following the Provider's receipt of the complaint. Or in the case of a Public Utilities Commission of Ohio ("PUCO") complaint the Provider will investigate and provide a status report to the customer and PUCO staff within three (3) business days following Provider's receipt of the complaint. If an investigation into a complaint received from the customer or a complaint referred by the PUCO is not completed within ten (10) business days, then a status report will be given to the customer, and, if applicable, the PUCO. These status reports will be given every three (3) business days until the investigation is complete, unless the action that must be taken takes longer than three (3) business days and the customer has been notified. Final results of a PUCO-referred complaint will be provided to the PUCO either orally (phone) or in writing (e-mail, written correspondence), no later than three (3) business days after the investigation is completed. The final results will be provided in writing to the customer no later than three (3) business days after the investigation is completed. Customers retain the right to contact the PUCO regarding complaints and disputes. All customers have the right to contact the PUCO by writing to Public Utilities Commission of Ohio, ATTN: IAD, 180 E. Broad St., Columbus, OH 43215-3793; by fax to (614) 752-8351; through their website at www.puc.state.oh.us or by calling toll free (800) 686-7826 (VOICE) or 7-1-1 (TTY-TDD). Records of customer complaints will be retained for two (2) years after the occurrence of the complaint. A copy of the complaint record will be provided to the PUCO within three (3) business days, if requested.

Moving Within the Community. Aggregation participants who move from one location to another within the Community boundaries and retains the same account number, will remain an Aggregation participant and will receive the same price they would have received if their location had not moved.

An Aggregation participant who moves from one location to another within the Community boundaries and is assigned a new account number may enroll their new account in the Aggregation and receive the same price as they would have received if their location had not moved, provided the new account is eligible for Aggregation. An Aggregation participant who moves within the Community and receives a new account number may be dropped from the Aggregation by the Utility, but they will not be

charged an early termination fee from the Provider. If a participant is dropped from the Aggregation due to a move within the Community, the participant must contact the Provider to be re-enrolled within 60 days of being dropped.

Moving Outside of the Community. An Aggregation participant who moves out of the Community boundaries will no longer be eligible to participate in the Aggregation, but they will not be charged an early termination fee from the Provider.

Enrolling After the Opt-out Period. Residential and small business accounts located within the Community's boundaries that were initially eligible to join the Aggregation but chose to opt-out of the Aggregation, or otherwise weren't included in the Aggregation, may join the Aggregation after the expiration of the initial Opt-Out Period by contacting the Provider. The rate for those joining the Aggregation after the expiration of the Opt-out Period may be different from the rate negotiated for the Aggregation by the Government Aggregator.

If the Provider is able to offer to newly eligible customers the same price that is provided to the current Aggregation participants, the Provider may refresh the Aggregation by providing those who move into the Community the opportunity to be included automatically, rather than waiting until the next pricing term of the Contract. The process for refreshing the Aggregation with new enrollments would follow the process noted above for determining eligibility, providing Opt-out Notices, and pooling the accounts. (Current Aggregation participants and those who previously declined participation would not receive the Opt-out Notice intended only for newly eligible customers.)

Version as of 12/20/2018

Council Memo: Legislation (23-R-23)

Subject: Authorizing Purchase of Microsoft 365 E3 Software
From: Michelle Crandall, City Manager
Initiated by: Duane Powell, Director of IT
Date: April 10, 2023

Executive Summary

This resolution authorizes the City Manager to enter into an agreement with Xtek Partners, Inc. for the purchase of 400 Microsoft 365 E3 licenses. The total amount for this purchase is \$155,700 and these funds are appropriated within the Capital budget to utilize for a mobile 311 replacement. This resolution authorizes a reallocation for the use of these capital funds to allow the City to expand its security capabilities within the Microsoft 365 Office Suite.

Staff Recommendation

The City has seen a steady growth in phishing attempts and malicious email attachments to its systems. As a result, Staff recommends that Council approve this legislation in order to upgrade the capability of the City's Microsoft 365 suite and add additional security features to protect its users. These licenses will enable additional protections of a users email, applications from malware, protected data loss and enable email encryption to protect personal identifiable information, HIPPA information and satisfy Criminal Justice Information Services (CJIS) policy requirements.

Background

The City currently utilizes Microsoft 365 Standard for all full-time employees and Microsoft 365 Basic for part time employees plus boards and commissions, at a cost of \$35,000 annually. The Standard license is limited to 300 users and does not allow for many of the security features needed. Basic service only permits web access to email and office applications. Utilizing this split licensing has enabled the City to control costs but advanced features are needed in order to combat growing security issues.

Financial Impacts

City Council approved appropriations in the 2023 Operating and Capital Budgets for the purchase of software for the replacement of the mobile 311 application. Following discussion with the Operations Division and Director Lester, staff has determined that the Operations Division process documentation and needs assessment will not be complete in order to purchase the replacement software in 2023. Therefore, the legislation will permit the funds to be reallocated to cover the expanded Microsoft licensing costs. The IT Department reviewed bids available through the Ohio State Term Contract and determined that purchasing the equipment from a private vendor, Xtek Partners, Inc. was more cost effective as demonstrated in the summary below.

	Xtek Partners, Inc.	Microsoft Corp.	State Term Contract
Office 365 E3 plus Security E3 and Enterprise E3	\$155,700.00	\$172,800.00	\$157,644.00

Expected Benefits

- All users will have a Microsoft E3 license.
- Email encryption to protect personal identifiable information, HIPAA and satisfy Criminal Justice Information Services (CJIS) policy requirements.
- End user protection of users when accessing accessing cloud based services, outside of the City's network.
- Enables multifactor authentication regardless of device used to access
- Bring Your Own Device (BYOD) protections for cloud based access.

Attachments

N/A



Resolution: 23-R-23

Adopted:

Page 1 of

Effective:

**AUTHORIZING THE REALLOCATION OF FUNDS AND THE PURCHASE OF
MICROSOFT 365 E3 SOFTWARE.**

WHEREAS, the City Manager has determined that an upgrade is needed in order to further ensure the security of the City's network and email (the "Software"); and

WHEREAS, the Software will provide needed upgrade email security protection; and

WHEREAS, Staff has determined to reallocate these funds from the mobile 311 replacement (the "Replacement") to the Software purchase due to the Replacement not moving forward until 2024; and

WHEREAS, Staff, pursuant to R.C. 9.48(B)(2), planned on using the Ohio State Term Schedule to purchase the Software, however, determined that it could purchase the Software from Xtek Partners, Inc. on the same terms, conditions, and specifications but at a lower price than the Ohio State Term schedule, as permitted by R.C. 9.48(D); and

WHEREAS, by the passage of Ordinance No. .22-38 by City Council, funding was appropriated by Council, and pursuant to Section 3.10 of the City's Charter, authorization to purchase the Software may be established by Resolution of Council.

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

SECTION 1. City Council hereby authorizes the reallocation of appropriated funds within Fund 304 in order to purchase of the Software.

SECTION 2. An expenditure is authorized in an amount not to exceed \$155,700.00 from Fund 304, Object 53 in order to purchase the Software.

SECTION 3. The City Manager is authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of the software as authorized hereunder.

SECTION 4. The Director of Finance 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 5. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 23-R-23						
			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **23-R-23** passed by the Hilliard City Council on the 10th day of April 2023.

IN TESTIMONY WHEREOF, witness my hand and official seal this 10th day of April 2023.

Diane C. Werbrich, MMC

Council Memo: Information Only

Subject: 2023 Operating Budget Expenditures - Flock Safety Group
From: Michelle Crandall, City Manager
Initiated by: Mike Woods, Chief of Police
Date: April 10, 2023

Summary

The purpose of this memorandum is to update City Council on the status of a subscription agreement with Flock Safety Group. Flock Safety will provide 11 fixed location license plate reader cameras, at locations identified by HPD, and the accompanying viewing and analytical software. The Flock Safety cameras will be used in conjunction with existing city cameras and improve the capabilities for investigators to locate vehicles used in crimes and provide notification of wanted vehicles entering Hilliard. Funds for this project have been included in the 2023 Operating Budget.

Flock Safety cameras will serve as a force multiplier for HPD in two specific methods. First, the software interfaces with the National Crime Information Center to alert officers that a stolen vehicle or a vehicle associated with a wanted or missing person has driven past a camera in the city. Second, the software is searchable by make, model, color, and license plate number to locate vehicles used in crimes. The software is only searchable by vehicle identifiers with no capabilities for facial recognition and it does not allow for traffic enforcement.

The subscription agreement is based on an annual flat rate lease per camera and includes a one-time installation charge in year one.

Financial Impacts

Funds for this project were included in the 2023 Operating Budget and will not exceed \$40,000 for installation and the one-year subscription.

Expected Benefits

Crime in Hilliard remains relatively low. Unfortunately, we did see an increase in 2022 in the overall number of reported crimes. Often the suspects involved in these crimes traveled into Hilliard, committed the crime, and then left the City in a vehicle. HPD believes the Flock Safety cameras will have three distinct benefits. First, the system will notify officers when a stolen vehicle or a vehicle associated with a wanted person enters our City, allowing officers to take actions to prevent crimes from occurring. Second, when investigating crimes, officers and detectives have a tool that can assist in locating suspect vehicles by make, color or registration. Lastly, it can serve as a deterrent to criminals looking for a location to engage in criminal activity.

Attachments






- Flock Safety Camera Facts
- Camera Locations

FLOCK SAFETY CAMERAS

OBJECTIVE, REAL-TIME, INVESTIGATIVE

- Vehicle Identification
- No Facial Recognition
- No Search Capabilities for People
- No Traffic Enforcement

VEHICLE FINGERPRINT

	Plate TX LGS2639		Last Visit 3:15 PM EDT
	Make Toyota		Seen 3 OF 30 DAYS
	Color Gray		

FLOCK SAFETY CAMERAS

- Video owned by HPD and Flock will not share or sell
- 30-day retention and then deleted
- Short retention period ensures all data not associated with a crime is automatically deleted and not recoverable
- Investigative search reason is required
- Audit trail of searches is created
- No personal information is identifiable
- Not connected to registration data or 3rd-Party databases

