



Real People. Real Possibilities.

# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Meeting Date: April 24, 2023**

**Publication Date: April 25, 2023**

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

Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains legislation considered by Council. If noted, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614-334-2365. Past issues are available at [hilliardohio.gov](http://hilliardohio.gov)

## ORDINANCES

**The following Ordinance was passed on April 24, 2023**

### **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.**

**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the members of the City's Planning and Zoning Commission, Board of Zoning Appeals, and Shade Tree Commission, is hereby repealed.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.

## RESOLUTIONS

**The following Resolutions were passed on April 24, 2023**

### **23-R-24 APPROVING COUNCIL APPOINTMENTS TO THE PUBLIC ARTS COMMISSION AND SETTING NEW TERMS TO ENSURE OVERLAPPING AS REQUIRED BY SECTION 149.05 OF THE CITY'S CODIFIED ORDINANCES.**

**WHEREAS**, the Council of the City of Hilliard created the Public Arts Commission ("PAC") by Resolution No. 16-R-76 on October 24, 2016; and

**City of Hilliard Legislative Bulletin**  
an Official Publication of the Hilliard City Council

---

**23-R-24 Continued**

**WHEREAS**, there is vacant seat on the PAC and following advertisement for resumes, Ms. Heidi Denick applied and has been recommended by the PAC to fill the vacancy; and

**WHEREAS**, there are three members whose terms on the PAC will be expiring shortly and they have all expressed a desire to be re-appointed; and

**WHEREAS**, Section 149.05 of the City's Codified Ordinances requires that PAC member terms are overlapping so it is necessary to align the new terms; and

**WHEREAS**, appointing and reappointing members to the PAC is in the best interest of the City.

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

**SECTION 1.** City Council hereby appoints the following individuals to terms on the Public Arts Commission for the terms provided:

<b>Member</b>	<b>Term</b>
Heidi Denick	April 24, 2023 – June 30, 2025
Rebecca Rehbeck	June 1, 2023 – June 30, 2025
Michael Kent	June 1, 2023 – June 30, 2025
Jon Parker-Jones	June 1, 2023 – June 30, 2025

**SECTION 2.** This Resolution shall be effective upon its adoption.

---

**23-R-25 AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH PROFESSIONAL SERVICE INDUSTRIES, INC. FOR SPECIAL INSPECTIONS RELATED TO THE RECREATION AND WELLNESS CAMPUS.**

**WHEREAS**, during the construction of the City's Recreation and Wellness Campus, it is necessary for a third-party to perform certain construction materials testing and special inspections on the site; and

**WHEREAS**, the City, through its Owner's Representative for the project, sought proposals from multiple firms and received only one response from Professional Service Industries, Inc. ("PSI"); and

**WHEREAS**, PSI is able to provide experienced, technical personnel to ensure that the testing and inspections are completed in a timely manner throughout the construction of the Project; and

**WHEREAS**, it is in the City's best interest to ensure that the construction at the Recreation and Wellness Campus is inspected thoroughly.

**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 \$195,833 from Fund 101, Object 55.

**SECTION 2.** Hilliard City Council authorizes the City Manager to enter into a Professional Services Agreement with Professional Service Industries, Inc., in substantially the same form as the one attached hereto as Exhibit "A" and incorporated herein, in an amount not to exceed \$195,833. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**City of Hilliard Legislative Bulletin**  
an Official Publication of the Hilliard City Council

---

**23-R-25 Continued**

**SECTION 3.** The Finance Director is authorized to make any accounting changes to revise the funding source for an contract or contract modification associated with the expenditure of funds.

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

---

**23-R-26 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP ST-38, CLOVER GROFF RUN STREAM RESTORATION PROJECT, PHASE 2 AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, Clover Groff Run is located in the Big Darby Creek watershed on the west side of the City of Hilliard; and

**WHEREAS**, natural stream restoration of the Clover Groff Run is consistent with the Big Darby Accord Plan, and will improve water quality, aquatic and terrestrial habitat of the ditch; and

**WHEREAS**, the City completed construction of Phase 1 of the Clover Groff Run Stream Restoration Project immediately south of Scioto Darby Creek Road in 2016; and

**WHEREAS**, construction of Clover Groff Run Stream Restoration, Phase 2 will restore the entire section of Clover Groff Run on the City's property south of Scioto Darby Road; and

**WHEREAS**, in Resolution No. 22-R-16, adopted February 28, 2022, this Council authorized the City Manager to submit an application to the Ohio Public Works Commission for Clean Ohio Green Space Conservation Program funds ("the Program"), for financial assistance for the Clover Groff Run Stream Restoration Project, Phase 2 (the "Project"); and

**WHEREAS**, the City's application was successful and the City was awarded a Grant from the Program in 2023 in the amount of \$594,747.00; and

**WHEREAS**, the City has included the Project as CIP ST-38 in its 2023 Capital Improvement Plan; and

**WHEREAS**, the engineer's estimated cost for the Project is \$1,610,249.00; and

**WHEREAS**, after having duly advertised for bids for two consecutive weeks, bids for the Project were opened electronically on Bid Express at 2:00 PM on March 31, 2023, and Ironsite, Inc. ("Contractor") who submitted a bid of \$1,212,011.52 was deemed to be the lowest and best bidder; and

**WHEREAS**, funds for the Project were included in the 2022 Capital Improvement Budget by Ordinance No. 22-38, approved by Hilliard City Council on November 14, 2022, and pursuant to Section 3.10 of the City's Charter, authorization to enter into this contract may be made 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 from Fund 304, Object 55 in an amount not to exceed \$1,454,500.00 to fund the Project.

**SECTION 2.** The City Manager is authorized to enter into a construction contract for the Clover Groff Run Stream Restoration Project, Phase 2 (CIP ST-38) with Ironsite, Inc. in an amount not to exceed \$1,333,300.00, which includes a contingency of ten percent (10%) of the bid amount to pay for any cost overruns associated with the Project.

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 23-R-26 Continued

**SECTION 3.** The City Manager is authorized to enter into a professional services contract with EMH&T in an amount not to exceed \$60,600.00 to provide the City with construction administration, inspection, and testing services required for the Project.

**SECTION 4.** The City Manager is authorized to pay the cost of City staff services to provide construction administration required for the Project in an amount not to exceed \$60,600.00.

**SECTION 5.** This Resolution is effective upon its adoption.

---

## 23-R-27 AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS FOR THE 2023 STREET MAINTENANCE AND REHABILITATION PROGRAM (SMRP); AUTHORIZING PARTICIPATION IN ODOT COOPERATIVE PURCHASING PROGRAM; AND AUTHORIZING THE EXPENDITURE OF FUNDS.

**WHEREAS**, the City conducted its annual evaluation of streets, traffic signals, pavement markings, sidewalks, and curb ramps and have identified and prioritized those needing repair and maintenance; and

**WHEREAS**, those streets and incidental items prioritized for repair are identified in the 2023 Street Maintenance & Rehabilitation Program (CIP T-121) and in the Traffic Signal Asset Management Program (CIP T-154) hereinafter collectively referred to as the "Project"; and

**WHEREAS**, the estimated cost for the Project was \$2,278,000; and

**WHEREAS**, after having been duly advertised for three consecutive weeks, bids for the Project were opened electronically on Bid Express at 3:00 p.m., April 6, 2023, and Strawser Paving Company, which submitted a bid in the amount of \$2,364,149, was determined to be the lowest and best bidder ("Contractor"); and

**WHEREAS**, an approximate ten percent (10%) contingency in the amount of \$235,851 is available to cover approved change orders; and

**WHEREAS**, Section 5513.01(B) of Ohio Revised Code provides the opportunity for Municipal Corporations to participate in contracts of the Ohio Department of Transportation (ODOT) for the purchase of machinery, material, supplies, or other articles; and

**WHEREAS**, the City desires to participate in ODOT's Cooperative Purchasing Program to enter into a contract with Strawser Construction Inc. for crack sealing and crack filling as part of its 101-G contract for work estimated to be \$151,000, which includes an approximate ten percent (10%) contingency; and

**WHEREAS**, on April 11, 2022, by passage of Resolution No. 22-R-29, Hilliard City Council authorized a n annual professional services agreement with DLZ Ohio, Inc. for construction services; and

**WHEREAS**, the estimated cost to provide contract administration, inspection, and testing services for the Project by DLZ, Ohio, Inc is \$217,000, which includes an approximate ten percent (10%) contingency; and

**WHEREAS**, funds for the Project, totaling \$2,968,000, were appropriated in the 2023 Capital Improvement Budget by Ordinance No. 22-38, passed by City Council on November 14, 2022, and pursuant to Section 3.10 of the Charter of the City, authorization for this contract 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 for the Project is authorized in an amount not to exceed \$2,968,000 as follows:

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 23-R-27 Continued

- CIP T-121 (Fund 202/206, Object 55): \$2,733,000
- CIP T-154 (Fund 202, Object 55): \$235,000

**SECTION 2.** The City Manager is authorized to enter into a contract with Strawser Paving Company for the 2023 Street Maintenance and Rehabilitation Program (SMRP) in a contract amount of \$2,364,149, with authorization to approve change orders in an amount not to exceed \$235,851 for a total not to exceed amount of \$2,600,000.

**SECTION 3.** The City Manager hereby requests authority in the name of the City of Hilliard to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies, or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B). The City Manager is hereby authorized to agree in the name of the City of Hilliard to be bound by all terms and conditions as the Director of Transportation prescribes. The City Manager is hereby authorized to agree in the name of the City of Hilliard to directly pay Strawser Construction Inc., under ODOT's 101-G contract in an amount not to exceed \$151,000. The City of Hilliard agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of Hilliard agrees to waive any claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the City of Hilliard may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.

**SECTION 4.** The City Manager is authorized to modify the existing professional services agreement with DLZ Ohio, Inc in an amount not to exceed \$217,000 to provide contract administration, inspection, and testing services for the Project.

**SECTION 5.** The Finance Director is authorized to transfer a maximum of ten thousand dollars (\$10,000) from Fund 202/206, Object 55 to Fund 283, Object 51 to cover Hilliard staff time during construction.

**SECTION 6.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

**SECTION 7.** This Resolution is effective upon its adoption.

---

## 23-R-28 ACCEPTING THE "2023 HILLIARD COMMUNITY PLAN" FOR THE CITY OF HILLIARD, OHIO. (AMENDED)

**WHEREAS**, by passage of Resolution No. 21-R-47 on June 28, 2021, City Council authorized the City Manager to enter into a multi-year contract with planning NEXT to prepare an updated comprehensive plan (the "Plan") to address the changing needs and priorities of the City and to focus on making decisions that promote an economically, physically, environmentally and socially healthy community; and

**WHEREAS**, the planning process undertaken by planning NEXT sought to fully integrate land use, transportation, parks and public spaces, economic development, utilities and other public services to more effectively account for the needs of, and inter-relationships between each component in devising a long-range strategic plan for the City that is fiscally sound; and

**WHEREAS**, planning NEXT initiated a multi-year planning process which included three distinct rounds of public participation with online resources and the use of a Steering Committee to develop the Plan; and

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 23-R-28 Continued

**WHEREAS**, at its final scheduled public meeting on January 25, 2023, the Steering Committee reviewed final components of the Plan and forwarded the Plan to the Planning and Zoning Commission for consideration; and

**WHEREAS**, at its regularly scheduled public meeting on March 9, 2023, the Planning and Zoning Commission reviewed the Plan and unanimously voted to forward a positive recommendation to City Council for its acceptance; and

**WHEREAS**, the Council of the City of Hilliard, Ohio, has reviewed the Plan and desires to accept said Plan to guide the City's future development.

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

**SECTION 1.** The "2023 Hilliard Community Plan," linked hereto as Exhibit "A" and incorporated herein, is approved and accepted by the City, which shall serve as a guide for making policy and development decisions for the betterment of the City and its citizens.

**SECTION 2.** As staff presents land use and zoning changes, they present each target area separately and Council begin those conversations in a Committee of the Whole meeting prior to Planning and Zoning.

**SECTION 3.** This Resolution is effective upon its adoption.

---

## 23-R-29 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENT WITH WEAVER FLEX LLC.

**WHEREAS**, the Council of the City of Hilliard, Ohio by Resolution No. 04-C-54 adopted November 22, 2004, designated certain area in the City as the I-270 West CRA pursuant to Ohio Revised Code ("R.C.") Chapter 3735; and

**WHEREAS**, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 04-C-54, contained the characteristics set forth in R.C. Chapter 3735 and confirmed the I-270 West CRA by certification number 049354476-04 on November 14, 2005; and

**WHEREAS**, the Owner seeks to split and acquire a portion of parcel number 050-002994 as identified by the Franklin County Auditor's Office, to construct 72,000 square feet of flex industrial space (the "Property"); and

**WHEREAS**, on the Property, the Owner desires to invest approximately \$8.7 million, which includes approximately \$7,915,000 in new construction and \$785,000 in acquisition costs (the "Facility"). The Owner will identify tenants to locate and expand to the Facility (the "Project") provided that appropriate development incentives are available to support the economic viability of the Project; and

**WHEREAS**, the Owner has applied to the City requesting a 10-year, 50% Community Reinvestment Area abatement on the increase in appraised value of the Property resulting from the Project (the "Incentive"); and

**WHEREAS**, the City has investigated the Owner's application, **attached** hereto as Exhibit "One" and incorporated herein, and has recommended the same to this Council on the basis that the Owner is qualified by financial responsibility and business experience to create and preserve employment opportunities in the I-270 West CRA and improve the economic climate of the City; and

**WHEREAS**, the Owner has submitted the required state application fee of \$750 made payable to the Ohio Development of Development to be forwarded to said department with a copy of the final signed agreement; and

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## 23-R-29 Continued

**WHEREAS**, the Property is located in the Hilliard City School District (the "School District") and in the area served by the Tolles Career and Technical Center (the "Career Center") and the Boards of Education of the School District and the Career Center have been notified in accordance with R.C. Section 5709.83 and have been provided a copy of the Application; and

**WHEREAS**, pursuant to R.C. Section 3735.671(A)(2), the Board of Education of the School District has received the required estimates which show that the payments to be made pursuant to that Section equal or exceed 50% of the real

property taxes charged and payable with respect to the Project, had the Project not been exempted from taxation, and therefore, approval of the exemption by the School District is not required; and

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

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

**SECTION 1.** The Council for the City of Hilliard finds that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the I-270 West CRA and to improve the economic climate of the City. The Owner shall invest approximately eight million seven hundred thousand dollars (\$8,700,000) into the Project, no later than December 31, 2024. The Project will result in the creation of fifty-five (55) full-time employees with \$3 million in annual payroll within five years of the construction completion, for which the tenants will pay withholding taxes to the City of approximately \$75,000 per year throughout the term of this Agreement.

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

**SECTION 3.** The City Manager is authorized to enter into a CRA Agreement, substantially similar to the one **attached** hereto as Exhibit "B", with the Owner and the Enterprise providing a 50% real property tax exemption for ten (10) years (collectively, the "Exemption") on the increase in assessed value of the Property resulting from the Project. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by Council. The City Manager is authorized to enter into any other agreements or sign any documents necessary to effectuate the Agreement and the Exemption provided herein.

**SECTION 4.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

**SECTION 5.** This Resolution is effective upon its adoption.

**City of Hilliard Legislative Bulletin**  
an Official Publication of the Hilliard City Council

---

[www.hilliardohio.gov](http://www.hilliardohio.gov)