



Real People. Real Possibilities.

Legislative Bulletin

An Official Publication of the Hilliard City Council

Meeting Date: May 8, 2023

Publication Date: May 9, 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

ORDINANCES

**There were no second readings/public hearings at this meeting.
The second reading/public hearing on the ordinance below will be May 22, 20234**

23-07 AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ADVANCED DRAINAGE SYSTEMS, INC; AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER FUNDS; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.

WHEREAS, the Developer owns a 17.5932 acres of Parcel Number 050-011833-00, as identified by the Franklin County Auditor's Office (the "Property"); and

WHEREAS, the Developer intends to construct an Engineering and Technology Center on the Property; and **WHEREAS**, the Ansmil Development text contemplates an east to west connection between Britton Parkway and Lyman Drive; and

WHEREAS, by Resolution No. 22-R-73, adopted on September 12, 2022, the City Manager was authorized to apply for and subsequently was awarded \$400,000 in grant assistance from the Ohio Department of Development and \$200,000 from the Ohio Department of Transportation; and

WHEREAS, as part of the development of the Property, the Developer is responsible for making certain Public Infrastructure Improvements as described in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the Developer and the City agree that certain Public Infrastructure Improvements are eligible for reimbursement.

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

SECTION 1. City Council approves the transfer of funds in the following amounts: From To Amount Fund 101 Fund 304, Object 53, Contractual Services \$2,236,623.29

SECTION 2. The Finance Director is hereby authorized and directed to transfer the following amounts: From To Amount Fund 101 Fund 304, Object 53, Contractual Services \$2,236,623.29

SECTION 3. Upon the transfer of the funds, an appropriation in an amount not to exceed \$2,236,623.29 is authorized from Fund 304, Object 53, Contractual Services.

SECTION 4. An expenditure in an amount not to exceed \$2,236,623.29 is authorized from Fund 304, Object 53 for Contractual Services, pursuant to the agreement **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 5. The City Manager is authorized to enter into a Development Agreement with Advanced Drainage Systems, Inc. for the construction and installation of public infrastructure improvements, in a form substantially and similar to the one attached hereto as Exhibit "A" and incorporated herein, with such non- First Reading material and non-adverse changes to the City as may be deemed appropriate by the City Manager and Director of Law, with her execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

SECTION 6. Upon reimbursement in the amount up to \$400,000 from the Ohio Department of Development and \$200,000 from the Ohio Department of Transportation ("grant award"), the Finance Director is hereby authorized and directed to deposit the grant award into Fund 304.

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

23-07 Continued

SECTION 7. This Ordinance shall be in effect from and after the earliest time provided for by law.

RESOLUTIONS

The following Resolutions were passed on May 8, 2023

23-R-30 APPROVING APPOINTMENTS TO THE RECREATION AND PARKS ADVISORY COMMITTEE (RPAC).

WHEREAS, on January 25, 2021, City Council adopted Resolution No. 22-R-06, which enacted Section 149.07 of the City's Codified Ordinances establishing the Recreation and Parks Advisory Committee (RPAC); and

WHEREAS, by the passage of Ordinance No. 22-15 on April 11, 2022, City Council amended the membership of the RPAC to include additional high school students; and

WHEREAS, City Council desires to appoint the following high school students to a term on the RPAC; and

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

SECTION 1. City Council appoints the following individuals to the RPAC:

Name	Term
Aayush Kumar (Bradley)	May 8, 2023 - May 8, 2024
Maggie West (Darby)	May 8, 2023 - May 8, 2024
Luke Banyots (Davidson)	May 8, 2023 - May 8, 2024

SECTION 2. This Resolution is effective upon its adoption.

23-R-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH THE EDGE GROUP, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE ATHLETIC FIELDS AT THE RECREATION AND WELLNESS CAMPUS.

WHEREAS, on February 14, 2022, City Council adopted Resolution No. 22-R-06 authorizing a professional services agreement (PSA) with The EDGE Group, Inc. (EDGE) for the design purposes of the new athletic complex on the southern portion of the Recreation and Wellness Campus (the "Project"); and

WHEREAS, now that design is complete and construction is beginning, it is necessary to have oversight and construction administration services for the Project; and

WHEREAS, the City, through its Owner's Representative for the Project, received a proposal from EDGE for additional construction administration services; and

WHEREAS, EDGE is able to provide experienced, technical personnel to ensure that the athletic complex is completed in a timely manner throughout the construction of the Project; and

WHEREAS, it is in the City's best interest to amend EDGE's PSA to include the additional construction administration services for the Project.

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 \$105,000 from Fund 710, Object 55 in order to amend EDGE's Professional Services Agreement.

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

23-R-31 Continued

SECTION 2. The City Manager is authorized to execute an amendment to EDGE's Professional Services Agreement, in an amount not to exceed \$105,00. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

SECTION 3. The 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.

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-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PROFESSIONAL PAVEMENT SERVICES FOR THE 2023 SIDEWALK MAINTENANCE PROGRAM (CIP T-160); AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City conducted its annual evaluation of sidewalks and have identified and prioritized those needing repair and maintenance; and

WHEREAS, those sidewalks and incidental items prioritized for repair are located in the Avery subdivision, hereinafter "the Project"; and

WHEREAS, the estimated cost for the Project was \$475,450; and

WHEREAS, after having been duly advertised for two consecutive weeks, bids for the Project were opened electronically on Bid Express at 3:00 p.m., April 13, 2023, and Professional Pavement Services, which submitted a bid in the amount of \$457,185, was determined to be the lowest and best bidder ("Contractor"); and

WHEREAS, an approximate ten percent (10%) contingency in the amount of \$44,815 is available to cover approved change orders; and

WHEREAS, on April 11, 2022, by passage of Resolution 22-R-27, Hilliard City Council authorized an annual professional services agreement with Prime AE Group for construction services; and

WHEREAS, the estimated cost to provide contract administration, inspection, and testing services for the Project by Prime AE Group is \$60,000, which includes an approximate ten percent (10%) contingency; and

WHEREAS, funds for the Project, totaling \$562,000, 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 \$562,000 from Fund 304 Object 55.

SECTION 2. The City Manager is authorized to enter into a contract with Professional Pavement Services for the 2023 Sidewalk Program (CIP T-160) in a contract amount of \$457,185, with authorization to approve change orders in an amount not to exceed \$42,815 for a total not to exceed amount of \$502,000.

SECTION 3. The City Manager is authorized to modify the existing professional services agreement with Prime AE Group in an amount not to exceed \$60,000 to provide contract administration, inspection, and testing services for the Project.

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

23-R-32 Continued

SECTION 4. The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

23-R-33 AUTHORIZING THE CONDITIONAL USE FOR INDOOR COMMERCIAL RECREATION AT 5303 NORWICH STREET, SUITE 400 WITHIN THE OH-MD, OLD HILLIARD MIXED USE ZONING DISTRICT.

WHEREAS, on January 24, 2022, City Council approved amendments to Chapters 1107 and 1123 of the City's Codified Ordinances to state that the Planning and Zoning Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

WHEREAS, on March 13, 2023, a completed application for the review of a conditional use request for "Indoor Commercial Recreation" for the property at 5303 Norwich Street, Suite 400 (Parcel Nos. #050-000188 and 050-000084) was submitted to the Planning Director in accordance with Hilliard Code Section 1123.02; and

WHEREAS, the Planning and Zoning Commission on April 13, 2023, reviewed the request for a conditional use to permit "Indoor Commercial Recreation" within the OH-MD, Old Hilliard Mixed Use District for the property located at 5303 Norwich Street, Suite 400 under the provisions of Hilliard Code Section 1123.03 and 1123.04; and

WHEREAS, the Planning and Zoning Commission in accordance with the Code made a positive recommendation to City Council with three conditions of approval; and

WHEREAS, as prescribed by Section 1107.03(d) upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon the conditional use application according to the procedures set forth in Chapter 1123.

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

SECTION 1. Old Hilliard Mercantile located at 5303 Norwich Street, Suite 400 (Parcel Nos. #050-000188 and 050-000084) is granted a conditional use for "Indoor Commercial Recreation" and will comply with the provisions of Hilliard Code Section 1123.03 and conditions of approval as set forth by the Planning and Zoning Commission.

SECTION 2. Failure to obtain any necessary Zoning Certificate or Certificate of Occupancy shall invalidate the Conditional Use approval granted by City Council.

SECTION 3. This Conditional Use approval in accordance with Section 1123.05 of the Hilliard City Code shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation.

SECTION 4. Any expansion of the approved Conditional Use requires a final determination by City Council in accordance with Hilliard Code Chapter 1123.

SECTION 5. The Planning Director, City Engineer and Director of Building Standards are authorized to approve any necessary administrative changes to the approved site plan necessary to carry out the terms of this conditional use.

SECTION 6. This resolution is effective upon its adoption.

City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

23-R-34 AUTHORIZING THE CONDITIONAL USE FOR BREW PUBS AND SIMILAR ESTABLISHMENTS AT 4071 GRANT STREET WITHIN THE OH-MD, OLD HILLIARD MIXED USE ZONING DISTRICT.

WHEREAS, on January 24, 2022, City Council approved amendments to Chapters 1107 and 1123 of the City's Codified Ordinances to state that the Planning and Zoning Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

WHEREAS, on March 8, 2023, a completed application for the review of a conditional use request for "Brew Pubs and Similar Establishments" for the property at 4071 Grant Street (Parcels #050-000170, 050-000171, 050-000343) were submitted to the Planning Director in accordance with Hilliard Code Section 1123.02; and

WHEREAS, the Planning and Zoning Commission on April 13, 2023, reviewed the request for a conditional use to permit "Brew Pubs and Similar Establishments" within the OH-MD, Old Hilliard Mixed Use District for the property located at 4701 Grant Street under the provisions of Hilliard Code Section 1123.03, 1123.04 and 1123.10(a); and

WHEREAS, the Planning and Zoning Commission in accordance with the Code made a positive recommendation to City Council; and

WHEREAS, as prescribed by Section 1107.03(d) upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon the conditional use application according to the procedures set forth in Chapter 1123.

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

SECTION 1. Hilliard Winery & Outdoor Events Center located at 4701 Grant Street (Parcels #050-000170, 050-000171, 050-000343) is granted a conditional use for "Brew Pubs and Similar Establishments" and will comply with the provisions of Hilliard Code Section 1123.10(a) and conditions of approval as set forth by the Planning and Zoning Commission.

SECTION 2. Failure to obtain any necessary Zoning Certificate or Certificate of Occupancy shall invalidate the Conditional Use approval granted by City Council.

SECTION 3. This Conditional Use approval in accordance with Section 1123.05 of the Hilliard City Code shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation.

SECTION 4. Any expansion of the approved Conditional Use requires a final determination by City Council in accordance with Hilliard Code Chapter 1123.

SECTION 5. The Planning Director, City Engineer and Director of Building Standards are authorized to approve any necessary administrative changes to the approved site plan necessary to carry out the terms of this conditional use.

SECTION 6. This resolution is effective upon its adoption.

www.hilliardohio.gov