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Legislative Bulletin

An Official Publication of the Hilliard City Council

Meeting Date: July 10, 2023, Special Meeting

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****The next Regular Meeting of Hilliard City Council will be August 28, 2023.**

ORDINANCES

The following ordinance did not pass.

23-10 PROVIDING FOR AN AMENDMENT TO SECTIONS 5.01 AND 5.04 OF THE CITY'S CHARTER, AUTHORIZING THE LAW DIRECTOR TO MAKE OF BOARD COUNTY FRANKLIN THE WITH ARRANGEMENTS ELECTIONS, AND DIRECTING THE CLERK OF COUNCIL TO DELIVER A CERTIFIED COPY OF THIS ORDINANCE TO THE FRANKLIN COUNTY BOARD OF ELECTIONS FOR PLACEMENT OF THE QUESTION OF THE CHARTER AMENDMENTS UPON THE BALLOT AT THE NOVEMBER 7, 2023, MUNICIPAL ELECTION FOR APPROVAL BY THE CITY'S ELECTORATE.

The following ordinance were approved.

23-11 APPROVING AN AMENDMENT TO SECTION 161.31 OF THE CITY'S CODIFIED ORDINANCES REGARDING LIFE INSURANCE.

WHEREAS, currently, Chapter 161 of the Codified Ordinances of the City provides for the conditions of employment, compensation, classification and benefits afforded to non-unionized City employees; and

WHEREAS, the City finds it necessary to amend certain language in Code Section 161.31 to increase the life insurance benefit to \$100,00; and

WHEREAS, the amended language will benefit the City and its employees.

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

SECTION 1. City Council finds that amending the language in Section 161.31, as identified in Exhibit "A", attached hereto and incorporated herein, is in the City's best interest, The changed to Section 161.31, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in to the City's Codified Ordinances.

SECTION 2. All other provisions of Chapter 161, not modified herein, remain unchanged and are in full force and effect.

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

23-12 DECLARING THE IMPROVEMENTS TO THE TRUEPOINT DEVELOPMENT SITE TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; AUTHORIZING URBAN PAY TO PAYMENTS OF USE THE SERVICE REDEVELOPMENT COSTS; ESTABLISHING A TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND AUTHORIZING REVENUE SHARING AGREEMENTS WITH THE HILLIARD CITY SCHOOL DISTRICT AND NORWICH TOWNSHIP.

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WHEREAS, the City and Equity LLC, an Ohio limited liability company (the “Developer”) expect to enter into a Development Agreement (the “Development Agreement”) to facilitate the development of a highly dense, mixed-use development on approximately 30 acres located to the west of Trueman Boulevard in the City of Hilliard (the “Project Site”), including approximately 360 for-rent residential units, 115,000 square feet of class A office space, 135,000 square feet of medical office space, 40,000 square feet of retail space, a 100 key hotel, 1,350 parking spaces in structured parking facilities and related site improvements (collectively, the “Project”); and

WHEREAS, Ohio Revised Code (“R.C.”) Sections 5709.41, 5709.42 and 5709.43 (collectively, the “TIF Act”) and to facilitate redevelopment of the Project Site and the Project, this Council has determined to (i) create an “incentive district” inclusive of all Parcels pursuant to Article 12.10 of the City’s Charter and establish a tax increment financing program with respect to the real property within the Project Site; (ii) declare 100% of the increase in assessed value of each Parcel subsequent to the acquisition of that property by the City (which increase in assessed value is also hereinafter referred to as the “Improvement” as defined in the TIF Act) to be a public purpose and exempt from real property taxation for a period of 30 years, with the tax exemption commencing for each Parcel in the year an Improvement due to a new building appears on the tax list and duplicate for that Parcel (e.g. separate 30 year exemptions for each Parcel); (iii) require the

owner of each such parcel to make service payments in lieu of taxes; (iv) establish an urban redevelopment tax increment equivalent fund for the deposit of those service payments and specify the purposes for which money in that fund will be expended, and (v) provide for the distribution of an applicable portion of such service payments of certain costs of the Project and revenue sharing payments to the Hilliard City School District (the “School District”) and the Tolles Career & Technical Center (the “Career Center”); and

WHEREAS, as required by the TIF Act, the City acquired fee title to the Parcels (as defined in Section 1) prior to enacting this ordinance and has or will transfer title to the Parcels to Trueman Boulevard LLC, a Delaware limited liability company, and RRIHQ LLC, an Ohio limited liability company (together with their designees, collectively, the “Companies”), or its designee, for redevelopment; and

WHEREAS, the Project Site is located within the boundaries of the School District and the Career Center, and the City has delivered notice of this ordinance to the board of education of each such district in accordance with R.C. Sections 5709.41 and 5709.83, or the board of education has waived such notice; and

WHEREAS, Article 12.10 of the City Charter provides that the School District and Norwich Township must approve of any “incentive district” created by the City pursuant to Revised Code Section 5709.41 including the construction of one or more “Dwelling Units” (as defined in the City’s Charter); and

WHEREAS, on_, 2023, the Board of Trustees of Norwich Township has adopted a resolution granting its approval of the “incentive district” containing the Project Site for purposes of Article 12.10 of the City’s Charter and authorized the Township to enter into a Revenue Sharing Agreement with the City (the “Township Revenue Sharing Agreement”); and

WHEREAS, on June 12, 2023, the Board of Education of the School District has adopted a resolution granting its approval of the “incentive district” containing the Project Site for purposes of Article 12.10 of the City’s Charter, approved the exemptions from taxation granted by this ordinance and authorized the School District entered into a Revenue Sharing Agreement with the City (the “School Revenue Sharing Agreement”);

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

SECTION 1. Parcels. The parcels of real property subject to the exemption granted by this ordinance are identified and depicted in Exhibit A attached hereto (each, as currently or subsequently configured, individually, a “Parcel” and collectively, the “Parcels”). This Council finds that the City acquired the Parcels while engaged in urban redevelopment within the meaning of the TIF Act.

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SECTION 2. Urban Redevelopment Costs. Money deposited into the TIF Fund (as defined in Section 5) may be used to pay for or finance the costs of improvements to or on, or servicing, the Parcels or the Project, including but not limited to the acquisition of the Parcels, site preparation and construction of the Project, together with all necessary appurtenances and related costs, including but not limited to all costs enumerated in the Development Agreement or in R.C. Section 133.15(B), together with any other costs hereafter designated by ordinance (collectively, the “Urban Redevelopment Costs”).

SECTION 3. Authorization of Tax Exemption. This Council hereby creates an “incentive district” inclusive of all Parcels for purposes of Article 12.10 of the City’s Charter. This Council finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the acquisition of that Parcel by the City (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in R.C. Section 5709.41) is hereby declared to be a public purpose and will be exempt from taxation for a period commencing for each separate Parcel on the date an Improvement due to the construction of a new building on that Parcel first appears on the tax list and duplicate were it not for the exemption granted by this ordinance and ending on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act. It is the express intention of Council that each separate tax Parcel will have a separate 30-year exemption period. The exemption granted by this Section 3 is subordinate to any exemptions granted pursuant to ORC 3735.65 et. seq. (CRA abatements) or ORC 5709.61 et. seq. (Enterprise Zone abatements).

SECTION 4. Service Payments and Property Tax Rollback Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Parcel to the Franklin County Treasurer on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the “Service Payments”). The Service Payments, and any other payments with respect to the Improvement to each Parcel that are received in connection with the reduction required by ORC 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), will be deposited and distributed in accordance with Section 6.

SECTION 5. TIF Fund. This Council hereby establishes, pursuant to and in accordance with the provisions of R.C. Section 5709.43, the TruePointe Urban Redevelopment Tax Increment Equivalent Fund (the “TIF Fund”). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to R.C. Section 5709.42 shall be used solely for the purposes authorized in the TIF Act or this ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City’s General Fund, all in accordance with R.C. Section 5709.43.

SECTION 6. Distributions. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the City for further deposit into the TIF Fund and shall be used to pay or reimburse the Urban Redevelopment Costs, including, without limitation, payment of reimbursements to the City’s General Fund or other City funds, or payment of debt charges on any notes or bonds of the Finance Authority, the City or its designee and issued to pay or reimburse the Urban Redevelopment Costs, to make revenue sharing payments to the School District and the Career Center authorized pursuant to Section 7, and any other lawful purpose. All distributions required under this Section are requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 7. School Revenue Sharing Agreement and Payments. The form of School Revenue Sharing Agreement between the City and the School District attached as Exhibit "B", and incorporated herein, is hereby approved, together with any completions and changes thereto that are not substantially adverse to the City and are approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver the Revenue

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Sharing Agreement in substantially that form, together with any such completions or changes. The approval of such completions and changes, and that such completions and changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of the Revenue Sharing Agreement by the City Manager. This Council hereby further authorizes the making of Base Revenue Sharing Payments and Additional Revenue Sharing Payments to the School District pursuant to the terms of the School Revenue Sharing Agreement. This Council hereby further authorizes any compensation payments required to be made to the Career Center as required by law.

SECTION 8. Township Revenue Sharing Agreement and Payments. The form of Township Revenue Sharing Agreement between the City and Norwich Township attached as Exhibit "C", and incorporated herein, is hereby approved, together with any completions and changes thereto that are not substantially adverse to the City and are approved by the City Manager. The City Manager, for and in the name of the City, is hereby authorized to execute and deliver the Revenue Sharing Agreement in substantially that form, together with any such completions or changes. The approval of such completions and changes, and that such completions and changes are not substantially adverse to the City, shall be conclusively evidenced by the execution of the Revenue Sharing Agreement by the City Manager.

SECTION 9. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Finance Director, or other appropriate officers of the City, or other appropriate officers of the City to deliver a copy of this ordinance to the Director of Development of the State of Ohio and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the City Manager, the City Finance Director, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

SECTION 10. Open Meetings. 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 City Council or any of its committees, 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 R.C. Section 121.22.

SECTION 11. This Ordinance shall be in effect from and after the earliest time provided for by law.

23-13 DECLARING THE IMPROVEMENTS TO THE EDWARDS FARM SITE TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF LIEU IN MAKE SERVICE TO PAYMENTS TAXES; OF DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING INCREMENT A PUBLIC IMPROVEMENT TAX EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS.

WHEREAS, Ohio Revised Code ("ORC") 5709.40, 5709.42, and 5709.43 (collectively, the "TIF Act") authorize this Council, by ordinance, to declare the improvement to parcels of real property located within the City to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, and specify the purposes for which money in that fund will be expended; and

WHEREAS, the City desires to implement a tax increment financing program on the Parcels (as defined in Section 1) comprising a portion of the Edwards Farm Site area pursuant to the TIF Act to enable the City to make public infrastructure improvements that will directly benefit the Parcels; and

WHEREAS, the Hilliard City School District and the Tolles Career & Technical Center have each received notice of this ordinance for purposes of Ohio Revised Code Sections 5709.40 and 5709.83.

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

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SECTION 1. Parcels. The real property subject to this ordinance is identified and depicted on Exhibit A (as each currently or subsequently configured tax parcel, the “Parcels”, with each individual tax parcel a “Parcel”).

SECTION 2. Public Infrastructure Improvements. This City Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as “public infrastructure improvements” (as such term is defined in Ohio Revised Code Sections 5709.40(A)(8) made, to be made, or in the process of being made, and that, once made, will directly benefit the Parcels.

SECTION 3. Authorization of TIF Exemption. This Council hereby finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the effective date of this ordinance (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in ORC 5709.40(A)) is declared to be a public purpose and will be exempt from taxation for a period commencing for each separate Parcel on the date an Improvement due to the construction of a new building on that Parcel first appears on the tax list and duplicate were it not for the exemption granted by this ordinance and ending on the earlier of (a) 30 years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Act. It is the express intention of Council that each separate tax Parcel will have a separate 30-year exemption period. The exemption granted by this Section 3 is subordinate to any exemptions granted pursuant to ORC 3735.65 et. seq. (CRA abatements) or ORC 5709.61 et. seq. (Enterprise Zone abatements).

SECTION 4. Service Payments. As provided in ORC 5709.42, the owner of each Parcel is hereby required to make service payments in lieu of taxes with respect to the Improvement allocable to each Page 1 of 5 Parcel to the Franklin County Treasurer on or before the final dates for payment of real property taxes. The service payments in lieu of taxes will be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3, including any penalties and interest (collectively, the “Service Payments”). The Service Payments, and any other payments with respect to the Improvement to each Parcel that are received in connection with the reduction required by ORC 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “Property Tax Rollback Payments”), will be deposited and distributed in accordance with Section 6.

SECTION 5. Creation of TIF Fund. This Council establishes, pursuant to and in accordance with the provisions of ORC 5709.43, the Edwards Farm Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”), into which the Service Payments and Property Tax Rollback Payments collected with respect to the Parcels will be deposited. The TIF Fund will be maintained in the custody of the City. The City may use amounts deposited into the TIF Fund only for the purposes authorized in the TIF Act and this ordinance (as it may be amended). The TIF Fund will remain in existence so long as the Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund will be dissolved and any surplus funds remaining therein transferred to the City’s General Fund, all in accordance with ORC 5709.43.

SECTION 6. Distributions; Payment of Costs. Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows: (i) first to the Hilliard City School District and the Tolles Career & Technical Center, each an amount equal to the amount the respective school district would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the parcels located within the school districts if the Improvement had not been exempt from taxation pursuant to this ordinance, and (ii) second, to the City for deposit into the TIF Fund for payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any notes or bonds issued to pay or reimburse finance costs or costs of those Public Infrastructure Improvements. The distribution from the County Treasurer to the City required under this Section is requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 7. Further Authorizations. This Council hereby authorizes and directs the City Manager, the City Finance

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Director, or other appropriate officers of the City to deliver a copy of this ordinance to the Director of Development of the State of Ohio and to make such arrangements as are necessary and proper for collection of the Service Payments. This Council further authorizes the City Manager, the City Finance Director, or other appropriate officers of the City to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this ordinance.

SECTION 8. Open Meetings. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting of this City Council, and that all deliberations of this City 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 Ohio Revised Code Section 121.22.

SECTION 9. This Ordinance shall be in effect from and after the earliest time provided for by law

23-14 AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH TRUEMAN BOULEVARD, LLC.

WHEREAS, the Trueman Boulevard, LLC (the "Developer") owns or is in the process of acquiring approximately 27.73 ± acres located on the west side of Trueman Boulevard (the "Property"), as depicted in Exhibit "A"; and

WHEREAS, on the Property, the Developer intends to construct a mixed-use development consisting of 15 buildings lots, 359 multi-family dwelling units in 5 buildings, and two 6-story parking garages; and

WHEREAS, on August 22, 2022, City Council approved Resolution No. 22-R-58 amending the Planned Unit Development text for 27.73 acres on the Developer's Property ("TruePointe Development"); and

WHEREAS, the City and the Developer have agreed to the terms of a Development Agreement, attached hereto and incorporated herein as Exhibit "A", which requires the Developer to construct necessary public infrastructure improvements and to dedicate those public infrastructure improvements to the City for public use.

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

SECTION 1. The City Manager is authorized to enter into a Development Agreement with the Trueman Boulevard, LLC for the construction and installation of public infrastructure improvements, in a form substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such non-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 2. The reference to "Owner" and "Developer" as used in this Ordinance, shall refer to any entity in control of the Property that submits plans to the City to develop the TruePointe Development and is issued a building permit.

SECTION 3. The City Manager is authorized to enter into any agreements or to execute and deliver any documents, certificates, or approvals that are necessary or appropriate to implement the terms of the Development Agreement.

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

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RESOLUTIONS

The following Resolutions were passed on July 10, 2023.

23-R-49	AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS TO LEASE CAPITAL VEHICLES AND EQUIPMENT FROM ENTERPRISE FLEET MANAGEMENT THROUGH THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM. (POSTPONED from 6/26)
23-R-53	APPROVING AN APPOINTMENT TO THE CITY'S SHADE TREE COMMISSION.
23-R-54	AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH TRUEMAN BOULEVARD, LLC.
23-R-55	DETERMINING THAT THE CONSENT TO THE EXPANSION OF THE HILLIARD COMMUNITY AUTHORITY TO INCLUDE THE TRUEPOINTE DEVELOPMENT COMPLIES WITH THE REQUIREMENTS OF SECTION 349.03 OF THE OHIO REVISED CODE AND TO FIX A DATE AND PLACE FOR A PUBLIC HEARING ON SUCH EXPANSION.
23-R-56	AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH RDP FOODSERVICE LTD.
23-R-57	AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH MILLER BROS CONST, INC. FOR THE COSGRAY ROAD EXTENSION (CIP RP-7/T-86); AUTHORIZING THE TRANSFER OF FUNDS; AUTHORIZING AN EXPENDITURE; AND WAIVING THE UNDERGROUND RELOCATION OF AMERICAN ELECTRIC POWER (AEP) AND JOINT USER FACILITIES.
23-R-58	ADOPTING A TENTIVE TAX BUDGET FOR THE CITY OF HILLIARD FOR THE FISCAL YEAR 2024.
23-R-59	DESIGNATING SELECTED FINANCIAL INSTITUTIONS AS PUBLIC DEPOSITORIES.
23-R-60	APPOINTING MEMBERS TO THE CITY'S ENVIRONMENTAL SUSTAINABILITY COMMISSION.