



Legislative Bulletin

An Official Publication of the Hilliard City Council

Meeting Date: November 13, 2023

Publication Date: November 14, 2023

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ORDINANCES

The following Ordinances were passed on November 13, 2023.

23-19 APPROVING THE 2024 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2024.

WHEREAS, Section 6.09 of the Hilliard City Charter allows for the process of approval of the capital improvement budget to be developed and passes as City Council may establish by ordinance; and

WHEREAS, the City Manager has submitted the 2024 Capital Improvements Budget to City Council; and

WHEREAS, having reviewed the 2024 Capital Improvements Budget, City Council is prepared to proceed with authorizing the 2024 Capital Improvement Expenses as identified in Exhibit "A" attached hereto and incorporated herein.

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

SECTION 1. To provide for the current capital improvement expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2024, the sums indicated in the attached Exhibit "A" are hereby set aside and appropriated as set forth therein.

SECTION 2. This Ordinance shall be in full force and effect at the earliest time provided by law.

23-20 APPROPRIATING FUNDS FOR THE OPERATING EXPENSES OF THE CITY OF HILLIARD, OHIO, FOR THE PERIOD ENDING DECEMBER 31, 2024.

WHEREAS, Sections 6.05 and 6.06 of the Hilliard City Charter require the submission of a budget and the adoption of an Appropriation Ordinance for Operating Expenses following a duly advertised budget hearing; and

WHEREAS, such budget hearing was duly advertised and held on November 14, 2023.

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2024, the sums indicated in the attached Exhibit "A" are hereby set aside and appropriated as hereinafter set forth.

SECTION 2. To deem appropriated, those monies received and deposited throughout the fiscal year for Fund 207 Grants, Fund 208 Park Maintenance Fund, Fund 209 Law Enforcement Education, Fund 210 Law Enforcement Trust, Fund 211 Law Enforcement Mandatory Drug Fine, Fund 212 Law Enforcement Seizure, Fund 213 Mayor's Court Computer, Fund 214 Seizure Account-Justice, Fund 215 Hilliard Recovery Court, Fund 230 Franklin County Justice Program, Fund 250 General Government Grant, Fund 283 Construction Inspection Services, Funds 285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303 TIF,

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Fund 782 Police Benevolent Fund, Fund 881 Income Tax Deposit, Fund 890 Public Art, Fund 891/892 Fundraising Agency, Fund 893 Public Service Dept. Agency, Fund 894 Refund Trust, Fund 895 Escrow, Fund 896 Insurance Trust, Fund 897 CARES Act Funds, Fund 898 Local Fiscal Recovery Fund are appropriated upon deposit.

SECTION 3. Authority is hereby given to the Director of Finance, without further approval of Council, to transfer funds during fiscal year 2024 from the debt reduction accounts to the Bond Retirement Fund.

SECTION 4. Adoption of this Ordinance shall grant the authority and approval as set forth in the Hilliard City Charter Sections 6.07, 6.08, and 6.10.

SECTION 5. Pursuant to Section 6.07 of the Charter, this Ordinance shall be effective on January 1, 2024.

23-21 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND ADJUST SALARY BANDS.

WHEREAS, by passage of Ordinance No. 21-40 on November 22, 2021, City Council approved a new classification plan for the City, codified in Section 127.04 of the City's Codified Ordinances; and

WHEREAS, the City Manager desires to amend Section 127.04 to change the pay grades of two non-union positions, adjust the pay grades of part-time positions, and adjust the pay bands of all full-time pay grades by five percent.

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

SECTION 1. City Council find that amending Section 127.04 of the City's Codified Ordinances, as identified in Exhibit "A" attached hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 127.04 as shown and identified in track changes on the attached Exhibit "A" are approved.

SECTION 2. All other provisions of Section 127.04, 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.

23-22 AMENDING THE APPROPRIATION OF FUNDS FOR THE EXPENSES OF THE CITY AND AUTHORIZING AN EXPENDITURE.

WHEREAS, pursuant to Section 6.10 of the Charter of the City of Hilliard, Council may amend the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated; and

WHEREAS, by the passage of Ordinance No. 22-37 on November 14, 2022, Council adopted the City's 2023 Operating Budget; and

WHEREAS, the City desires to add an additional \$350,000 to its Recreation and Parks Department budget to fund it through the end of 2023.

- \$250,000 would go to Fund 103, Object 51 to cover part time staff budget, and
- \$100,000 would go to Fund 103, Object 57 to cover Water, Sewer and Electric Utilities.

WHEREAS, amending the Operating Budget is in the best interest of the City and its residents.

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

- SECTION 1.** An appropriation is made in the amount of \$350,000 from the Recreation and Parks Fund 103: \$250,000 to Object 51 to provide funds for part time staff and \$100,000 to Object 57 to provide funds for utilities through the end of 2023.
- SECTION 2.** An expenditure in an amount not to exceed \$350,000 is authorized from Fund 103, to include \$250,000 to Object 51 to provide funds to cover the part time staff budget, and \$100,000 to Object 57 to provide funds for utilities through the end of 2023.
- SECTION 3.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds.
- SECTION 4.** This Ordinance shall be in effect from and after the earliest time provided for by law.

ORDINANCES

The Second Reading/Public Hearing will be held on November 27, 2023.

23-23 AMENDING CHAPTER 183 OF THE CODIFIED ORDINANCES OF THE CITY OF HILLIARD REGARDING MUNICIPAL INCOME TAX.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government, and municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XVIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes"; and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 33 in 2023, and mandated that municipal income tax codes be amended by January 1, 2024 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in Chapter 718"; and

WHEREAS, upon a detailed review of H.B. 33 and the Codified Ordinances of the City of Hilliard, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2024 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code.

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

- SECTION 1.** To be compliant with state law, City Council hereby amends Chapter 183 of the Codified Ordinances of the City of Hilliard, Ohio, as identified in Exhibit "A", attached hereto and incorporated herein. The amendments to Chapter 183 as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated into the City's Codified Ordinances.
- SECTION 2.** All of the provisions of Chapter 183, not modified herein, remain unchanged and are in full force and effect.
- SECTION 3.** This Ordinance shall be in effect and be in force on and after January 1, 2024.

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23-24 AMENDING CERTAIN SECTIONS OF PART THREE - THE "TRAFFIC CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Three of the City's Codified Ordinances - the "Traffic Code" has been reviewed by the City's Codified, Municode, as well as staff in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the "Traffic Code" to ensure that it corresponds with and does not conflict with the Ohio Revised Code regarding the same or similar topics; and

WHEREAS, staff desires to amend the "Traffic Code, as shown in Exhibit "A", attached hereto and incorporated herein.

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

SECTION 1. City Council finds that amending Part Three of the City's Codified Ordinances - the Traffic Code", as identified in Exhibit "A", attached hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Traffic Code", as shown in track changed in the attached Exhibit "A" are approved as shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the "Traffic Code", 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.

23-25 AMENDING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Five of the City's Codified Ordinances - the "General Offenses Code" has been reviewed by the City's Codified, Municode, as well as staff in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the "General Offenses Code" to ensure that it corresponds with and does not conflict with the Ohio Revised Code regarding the same or similar topics; and

WHEREAS, staff desires to amend the "General Offenses Code, as shown in Exhibit "A", attached hereto and incorporated herein.

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

SECTION 1. City Council finds that amending Part Five of the City's Codified Ordinances - the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, is in the City's best interest. The changes and additions to the "General Offenses Code", as shown in track changed in the attached Exhibit "A" are approved as shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the "General Offenses Code", 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.

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23-26 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,000,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF FUNDING THE COST OF ACQUIRING REAL PROPERTY AND INTERESTS IN REAL PROPERTY FOR MUNICIPAL PURPOSES, AND APPROVING WITH CONNECTION THE MATTERS RELATED IN ISSUANCE OF THE NOTES.

WHEREAS, the Director of Finance (the "Director of Finance") of the City of Hilliard (the "City") has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be acquired from the proceeds of the bonds and notes herein described exceeds five years, the maximum maturity of said bonds is 30 years and notes being 20 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$13,000,000 of notes under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, and the Charter of the City, for the purpose stated in the title of this ordinance;

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

- SECTION 1.** Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$13,000,000, for the purpose of paying the cost of the Project.
- SECTION 2.** Terms of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 6.00% per annum, payable semiannually until the principal sum is paid, and shall mature in 30 annual installments.
- SECTION 3.** Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.
- SECTION 4.** Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$13,000,000, which sum does not exceed the amount of the Bonds. The Notes shall be designated "City of Hilliard, Ohio Land Acquisition Notes, Series 2024 (Federally Taxable)," or as otherwise determined by the Director of Finance. The Notes shall be dated the date established by the Director of Finance and certified to this Council and shall mature on such date as shall be determined by the Director of Finance and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in book entry form only, in such denominations as shall be determined by the Director of Finance, but not exceeding the principal amount of Notes maturing on any one date and shall be numbered as determined by the Director of Finance. The Notes may be issued in one or more series. The Director of Finance is authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth the final terms of the Notes, consistent with the requirements of this Ordinance, and to present the same to this Council after closing.
- SECTION 5.** General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.
- SECTION 6.** Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution. The Debt Service Levy shall be and is hereby

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ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

SECTION 7. Sale of the Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Director of Finance and certified to this Council, provided that such rate shall not exceed 7.25% per annum. The Notes shall be, and hereby are, awarded and sold to KeyBanc Capital Markets Inc. (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer. The Director of Finance is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest received from the sale of the Notes shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund in the manner provided by law.

SECTION 8. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Director of Finance and the City Manager, provided that any and all of such signatures may be a facsimile and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

SECTION 9. Appointment of Note Registrar. The Director of Finance is authorized and directed to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as authenticating agent, note registrar, transfer agent, and paying agent (the "Note Registrar") for the Notes. Interest shall be payable at maturity by check or draft mailed to the Registered Owner hereof, as shown on the registration books of the City maintained by the Note Registrar. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause

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Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this Ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid. Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date. A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date. The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing. In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Notes surrendered upon that transfer or exchange.

SECTION 10. Book-Entry System. For purposes of this Ordinance, the following terms shall have the following meanings: "Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes. "Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of notes and to effect transfers of notes, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York. The Notes may initially be issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered

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to the Depository or its authorized representative upon presentation and surrender of Notes as provided in this Ordinance. The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance. If requested, the City Manager, Director of Finance, Clerk of Council, or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the paying agent for the Notes and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Notes to the Depository for use in a book-entry system in substantially the form submitted to this Council. The City may decide to discontinue use of the book-entry system through the Depository. In that event, Note certificates will be printed and delivered to the Depository. If any Depository determines not to continue to act as a depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

SECTION 11. Ratings. The obtaining or updating of a rating or ratings on the Notes and the City is hereby authorized if the Director of Finance determines that it is necessary or advisable in connection with the original issuance of the Notes. If the Director of Finance so determines, then the Director of Finance and City Manager are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

SECTION 12. Appointment of Bond Counsel. The Council hereby approves the appointments of the law firm of Bricker Graydon LLP to serve as bond counsel to the City with respect to the issuance of the Notes. The fee to be paid to such firm shall be subject to review and approval by the Director of Finance and shall not exceed the fees customarily charged for such services.

SECTION 13. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein. Except for the procedure for authenticating the Notes set forth herein, documents (including this Ordinance) executed, scanned and transmitted electronically and electronic and digital signatures shall be deemed original signatures for said transcript of the Notes, for the purposes of this Ordinance, and for all matters related thereto, with any such scanned, electronic, and digital signatures having the same legal effect as original signatures. The Director of Finance is hereby authorized and directed to take such action and to execute

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and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

SECTION 14. Satisfaction of Conditions for Note Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

SECTION 15. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 16. Filing of Bond Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Auditor of Franklin County, Ohio.

SECTION 17. Effective Date. This Ordinance shall take effect and be in force from the earliest date permitted by law.

23-27 APPROPRIATING FUNDS FOR THE PURPOSE OF THE HILLIARD DEVELOPMENT CORPORATION'S PURCHASE OF REAL PROPERTY

WHEREAS, on July 13, 2020, City Council passed Ordinance No. 23-19, designating the Hilliard Development Corporation (HDC) as the agency for the City of Hilliard, for industrial, commercial, distribution, and research and development; and

WHEREAS, HDC entered into a Purchase Agreement to acquire approximately 120 acres of land identified as Franklin County Parcel Nos. 050-003030-00 and 050-003031-00 (the "Wolpert Property"); and

WHEREAS, HDC entered into a Purchase Agreement to acquire approximately 1.81 acres of land identified as Franklin County Parcel No. 050-003211-00 (the "COTA Property"); and

WHEREAS, on November 27, 2023, City Council passed Ordinance No. 23-26, which authorized the City to issue up to \$13 million of notes for the purpose of acquiring the Wolpert and COTA properties (the "Short Term Note"); and

WHEREAS, upon receipt of the money from the issuance of the Short-Term Note, it is necessary to appropriate the proceeds and authorize the expenditure of these funds to further HDC.

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

SECTION 1. Upon receipt of the money from the issuance of the Short-Term Note, an appropriation in the amount up to \$13,000,000 from Fund 304, Object 55 is authorized in order to provide the Hilliard Development Corporation with funds for costs associated with the acquisition of the Wolpert and COTA properties.

SECTION 2. City Council authorizes the expenditure of funds from Fund 304, Object 55 to the Hilliard Development Corporation for its acquisition of the Wolpert and COTA properties.

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23-27 Continued:

SECTION 3. The City Manager is authorized to enter into any agreements or sign documents as may be necessary regarding the appropriation and expenditure of these Funds.

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

23-28 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE

WHEREAS, the City of Hilliard is self-funded for purposes of providing employee health insurance benefits; and

WHEREAS, the City annually purchases a stop-loss insurance policy which provides for payment of health insurance claims that are more than \$75,000 per person covered; and

WHEREAS, the City, through its consultant, received renewal quotes for a stop-loss insurance policy; and

WHEREAS, the stop-loss policy previously in effect expires at midnight on December 31, 2023 after which time the City must have a new contract in place; and

WHEREAS, it is in the interest and benefit to the City of Hilliard and the public at large that the stop-loss policy be approved.

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

SECTION 1. The City Manager is authorized and directed to enter into a contract with Anthem Blue Cross Blue Shield to provide insurance coverage described above at an annual premium not to exceed \$840,348 for the period from January 1, 2024 to December 31, 2024 on such terms and conditions consistent with the recommendations provided by the City's consultant and as approved by the City's Law Director.

SECTION 2. All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2024 Operating Budget as approved by City Council.

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 November 13, 2023.

23-R-88	WAIVING THE UNDERGROUND REQUIREMENTS OF AMERICAN ELECTRIC POWER (AEP) AND JOINT USER FACILITIES. (WITHDRAWN FROM AGENDA)
23-R-89	ACCEPTING THE OFFSITE WATER LINE PUBLIC IMPROVEMENTS FOR THE HILL FARM SUBDIVISION AND THE STREET, STORM SEWER, AND WATER LINE PUBLIC IMPROVEMENTS FOR SECTION 1, PHASES 1-3 OF THE HILL FARM SUBDIVISION.
23-R-90	REAPPOINTING TWO MEMBERS TO THE CITY'S BOARD OF TAX REVIEW.
23-R-91	AUTHORIZING THE TRANSFER OF FUNDS TO THE CAPITAL IMPROVEMENT FUND.
23-R-92	AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORWICH TOWNSHIP BOARD OF TRUSTEES REGARDING POLICE SERVICES.

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23-R-93	AUTHORIZING THE CONDITIONAL USE FOR OUTDOOR STORAGE ACCESSORY TO A PERMITTED PRINCIPAL USE, EXCEEDING 10 PERCENT OF THE TOTAL LOT AREA OR PARCEL AT 3700-3720 LACON ROAD WITHIN THE M-1, RESTRICTED INDUSTRIAL DISTRICT.
23-R-94	APPROVING A COOPERATIVE AND PAYMENT AGREEMENT WITH THE COLUMBUS-FRANKLIN COUNTY FINANCE AUTHORITY, TRUEMAN BOULEVARD, LLC AND THE HILLIARD COMMUNITY AUTHORITY.
23-R-95	AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA (CRA) TAX ABATEMENT AGREEMENT WITH WEAVER FLEX LLC.
23-R-96	AUTHORIZING THE CITY MANAGER TO MODIFY AN EXISTING PROFESSIONAL SERVICES AGREEMENT (PSA) WITH BURGESS AND NIPLÉ, INC. TO PROVIDE DESIGN SERVICES FOR THE OLD HILLIARD UTILITY IMPROVEMENTS (CIP S-46) AND AUTHORIZING AN EXPENDITURE.