



Real People. Real Possibilities.

City Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinances were passed by Hilliard City Council on November 2, 2015.

15-39(Amended) ESTABLISHING COMPENSATION FOR MEMBERS OF CITY COUNCIL AND FOR THE MEMBERS OF THE CITY'S BOARDS AND COMMISSIONS.

WHEREAS, City Council, from time to time, reviews the compensation paid to its members and to the members of the City's various boards and commissions; and

WHEREAS, in accordance with Charter Section 2.06, the compensation to be paid to City Council shall be set by ordinance, which has not been increased since 2005, and City Council last set the salaries of the various board and commission members in 2005, both by the passage of Ordinance 05-65; and

WHEREAS, members believe that compensating City Council members measured as a percentage of the median household income in Hilliard as reported by the Regional Income Tax Authority (RITA) for the prior calendar year is fair and reasonable; and

WHEREAS, in reviewing matters affecting compensation, City Council also considered the amount of time, energy and expertise that members must devote in confronting a variety of complex issues involved in governing a growing, diverse community, including finance, economic development, land use, strategic planning and a myriad of public policy issues; and

WHEREAS, as a result of a review by City Council of the compensation paid to City Council and to the various City board and commission members, and taking into account the aforesaid issues, changes in the compensation amounts are recommended as identified hereafter.

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

SECTION 1. Commencing on January 1, 2016 for those members of City Council whose term begins as of such date, the yearly compensation shall be equal to fifteen percent (15%) of the median household income in the City of Hilliard as reported by RITA for the prior calendar year. The member selected to serve as Vice-President of City Council shall be paid an additional \$1,000 annually, and the member selected to serve as President of City Council shall be paid an additional \$1,500 per year (over the non-leadership council members).

SECTION 2. Beginning January 1, 2018, yearly compensation paid to each non-leadership Council member shall be equal to fifteen percent (15%) of the median household income in the City of Hilliard as reported by RITA for the prior calendar year. The member selected to serve as Vice-President of City Council shall be paid an additional \$1,000 annually, and the member selected to serve as President of City Council shall be paid an additional \$1,500 per year (over the non-leadership council members).

SECTION 3. The annual compensation for those members of City Council whose terms expire on December 31, 2017 shall remain at the levels established by Ordinance No. 05-65 throughout the remainder of their terms.

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15-39(Amended) (continued)

SECTION 4. The provision and payment of health insurance benefits to City Council members electing to receive such benefit remains as provided in Ordinance No. 05-65.

SECTION 5. Unless a City Council member elects to receive health insurance as provided in Ordinance No. 05-65, the compensation amounts established in Sections 1 through 4 above will never fall below the minimum amounts established by the Ohio Public Employees Retirement System (OPERS) for the granting of service credits under OPERS in the applicable year.

SECTION 6. Effective January 1, 2016, the compensation paid to the following boards and commissions shall be:

Board/Commission Position	Annual Compensation
Chairman, Planning and Zoning Commission	35% of City Council President's pre-health insurance election compensation
Member, Planning and Zoning Commission	35% of City Council's pre-health insurance election compensation
Board of Zoning Appeals members and Shade Tree Commission members	20% of City Council's pre-health insurance election compensation

No person shall be entitled to compensation as a member of two boards or commissions if his or her membership on one board or commission is a result of being appointed to a board or commission (primary position) and they are serving as that board or commission representative on another board or commission (secondary position). In such case, the person shall be compensated based on the primary position.

The Secretary of the Civil Service Commission shall be compensated as an independent contractor pursuant to an agreement administered by the Finance Department, subject to appropriation of funds by City Council.

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

15-41 DECLARING THE IMPROVEMENT TO CERTAIN PARCELS WITHIN THE CITY TO BE A PUBLIC PURPOSE; EXEMPTING ONE HUNDRED PERCENT OF THE VALUE OF SUCH IMPROVEMENTS FROM REAL PROPERTY TAXATION FOR A PERIOD OF THIRTY YEARS; REQUIRING THE OWNERS OF PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE TO MAKE ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES DURING THE PERIOD OF EXEMPTION; AUTHORIZING THE CITY TO ENTER INTO COMPENSATION AGREEMENTS WITH THE HILLIARD CITY SCHOOL DISTRICT AND THE TOLLES CAREER AND TECHNICAL CENTER; DESCRIBING THE PUBLIC IMPROVEMENTS MADE OR TO BE MADE TO DIRECTLY BENEFIT THE PARCELS FOR WHICH IMPROVEMENTS ARE DECLARED TO BE A PUBLIC PURPOSE; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND APPROVING RELATED MATTERS.

WHEREAS, Section 5709.40(B), Ohio Revised Code ("R.C."), authorizes the legislative authority of a municipal corporation, by ordinance, to declare the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under R.C. Section 5709.40 were it not for the exemption granted by that ordinance (referred to in this Ordinance, as in R.C. Section 5709.40(A)(4), as the "Improvements") to certain parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation; and

WHEREAS, the City intends to exempt 100% of the Improvements to certain parcels of real property within the City as described more particularly on Exhibit "A" attached to and incorporated into this Ordinance (the "Parcels" and each a "Parcel"), for a period of 30 years for each Parcel; and

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WHEREAS, pursuant to R.C. Section 5709.42, the City intends to require the owner or owners of each Parcel to make annual service payments in lieu of taxes to the Treasurer of Franklin County, Ohio ("County Treasurer") on or before the final dates for payment of real property taxes, and the annual service payments in lieu of taxes are to be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements with respect to each Parcel if it were not exempt from taxation; and

WHEREAS, pursuant to R.C. Section 5709.43(A), this Council intends to establish a municipal public improvement tax increment equivalent fund into which service payments in lieu of taxes distributed to the City shall be deposited, and which, from the date of this Ordinance, shall be used as provided in this Ordinance; and

WHEREAS, the City intends to enter into a compensation agreement under R.C. Sections 5709.40 and 5709.82 with the Hilliard City School District (the "Hilliard Schools") and the Tolles Career and Technical Center joint vocational school district ("Tolles"), which compensation agreements shall provide, among other things, that the City (i) shall pay to the Hilliard Schools a portion of the annual service payments in lieu of taxes actually received by the City in the amounts described in such compensation agreement, and (ii) shall pay to Tolles a portion of the annual service payments in lieu of taxes actually received by the City in the amounts described in such compensation agreement; and

WHEREAS, notice of the proposed adoption of this Ordinance has been delivered to the board of education of the Hilliard Schools in accordance with R.C. Section 5709.40(D)(2) and 5709.83, and the Hilliard Schools, by the passage of Resolution No. G-1 on September 14, 2015: (i) approved the exemption for the period and the exemption percentage provided in this Ordinance on the condition that the Hilliard Schools and this Council execute a compensation agreement pursuant to R.C. Sections 5709.40(D)(2), 5709.82, and 5709.83; (ii) authorized the Hilliard Schools to enter into such a compensation agreement; and (iii) waived any and all notices the City or this Council may be required to give the Hilliard Schools with regard to this Ordinance, including, without limitation, any and all notices under R.C. Sections 5709.40 and 5709.83; and

WHEREAS, notice of the proposed adoption of this Ordinance has been delivered to the board of education of Tolles in accordance with R.C. Section 5709.83, and Tolles, by the passage of Resolution No. G-9 on October 15, 2015: (i) waived any and all notices the City or this Council may be required to give Tolles with regard to this Ordinance, including, without limitation, any and all notices under R.C. Section 5709.83; and (ii) authorized Tolles to enter into a compensation agreement with the City; and

WHEREAS, to the extent that annual service payments in lieu of taxes remain after payment in full of all compensation due to the Hilliard Schools and to Tolles pursuant to the terms and conditions of their respective compensation agreements, and after payment of all costs of the Public Infrastructure Improvements, as that term is defined in Section 7 of this Ordinance, the City intends, in a manner permitted by law, to distribute such remaining amounts to the taxing units which would have received such remaining amounts had this Ordinance not been enacted, all pursuant to R.C. Section 5709.82 and this Ordinance.

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

SECTION 1. Public Purpose. In accordance with R.C. Section 5709.40(B), the City hereby declares that the Improvements to the Parcels, as such Parcels are identified on **Exhibit "A"**, **attached** hereto and incorporated herein, subsequent to the effective date of this Ordinance are a public purpose.

SECTION 2. TIF Exemption. Pursuant to R.C. Section 5709.40(B), the City hereby exempts 100% of the Improvements with respect to each Parcel from taxation for a period of thirty (30) years, commencing on the first day of the first tax year in which an Improvement that is attributable to one or more new buildings or structures on such Parcel would have first appeared on the tax list and duplicate of real and public utility property for such Parcel were it not for the exemption granted by this Ordinance (each, a "Commencement Date"). In accordance with R.C. Section 5709.40(G), the exemption granted by this Ordinance shall apply to the Improvements to each Parcel on a parcel-by-parcel basis. The Commencement Date with respect to the Improvements attributable to new buildings or structures on any Parcel may occur within a different tax year than the Commencement Date with respect to the Improvements attributable to new buildings or structures on any other Parcel, and the Improvements attributable to new buildings or structures on each Parcel shall have a separate exemption term of 30 years, commencing on its respective Commencement Date and ending on the date which is 30 years after such date. In no case shall any Improvements on any Parcel be exempted from taxation for longer than 30 years.

The exemption percentage and term described in this Section 2 has been agreed upon by the Hilliard Schools in its Resolution No. G-1 adopted September 14, 2015 and in the compensation agreement between the Hilliard Schools and this Council, all pursuant to R.C. Sections 5709.40(G) and 5709.82.

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SECTION 3. Service Payments. Pursuant to R.C. Section 5709.42, during the period when the exemption granted by this Ordinance is in effect for each Parcel, the owner or owners of each Parcel (the "Owner" or "Owners," as appropriate) are hereby required to make, and shall make, service payments in lieu of taxes with respect to the Improvements on each such Parcel to the County Treasurer on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvements on each Parcel as if it were not exempt from taxation pursuant to Section 2 of this Ordinance. Any late payments of service payments in lieu of taxes or minimum payments shall be subject to penalty and bear interest at the then current rate established under R.C. Sections 323.121(B)(1) and 5703.47, 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 ("Penalties and Interest"). The Owners shall make any other payments in respect of each Parcel which are received by the County Treasurer in connection with the reduction required by R.C. Section 319.302, 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," which together with the service payments in lieu of taxes, the minimum service payments, and the Penalties and Interest are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 4 of this Ordinance.

SECTION 4. Distribution of Service Payments. At the same times and in the same manner as real property tax distributions, the County Treasurer shall distribute the Service Payments with respect to Improvements on each Parcel to the City for deposit in the Ansmil Area Hickory Chase TIF Fund defined and established in Section 6 of this Ordinance. The City shall distribute the Service Payments in the Ansmil Area Hickory Chase TIF Fund after each semiannual settlement of real property taxes and in the following order of priority:

- (a) (i) if and only if all or any portion of a Parcel is rezoned for a new residential use, which is defined as any multi-family, condominium or single-family use in excess of 500 units permitted under the zoning currently in place for a portion of the Parcels but excluding any nursing home, continuing care retirement home, senior living or age-restricted residential use, then (A) to the Hilliard Schools, pursuant to the compensation agreement with the Hilliard Schools, an amount equal to the amount of real property taxes the Hilliard Schools would have received with respect to such portion of such Parcel had this Ordinance not been adopted for the term of that exemption, and (B) to Tolles, pursuant to the compensation agreement with Tolles, an amount equal to the amount of real property taxes Tolles would have received with respect to such portion of such Parcel had this Ordinance not been adopted for the term of that exemption, and (ii) except to the extent that clause (i) of this paragraph applies to all or any portion of a Parcel exempted by this Ordinance, (A) to the Hilliard Schools, pursuant to the compensation agreement with the Hilliard Schools, an amount equal to the amount of real property taxes the Hilliard Schools would have received had this Ordinance not been adopted, less the portion of the real property taxes the Hilliard Schools would have received had this Ordinance not been adopted which is attributable to 23 mills of real property tax levies levied by the Hilliard Schools, and (B) to Tolles, pursuant to the compensation agreement with Tolles, an amount equal to the amount of real property taxes Tolles would have received had this Ordinance not been adopted, less the portion of the real property taxes Tolles would have received had this Ordinance not been adopted which is attributable to 0.55826 mills of real property tax levies levied by Tolles;
- (b) after the distributions specified in paragraph (a) of this Section are complete, then to pay the costs of the Public Infrastructure Improvements, identified in Section 7 of this Ordinance, which payment shall be accomplished by paying Service Payments to the Hickory Chase Community Authority, a new community authority and political subdivision of the State of Ohio, for application by the Hickory Chase Community Authority to pay the costs of Public Infrastructure Improvements identified in Section 7 of this Ordinance, including, but not limited to, (i) the payment of debt service charges on, fees and expenses of, and reserve fund deposits necessary in connection with (collectively, the "Debt Service") the \$25,760,000 Hickory Chase Community Authority Infrastructure Improvement Revenue Bonds, Series 2008 (Hickory Chase Project), as the same may be refunded or reissued from time to time in accordance with their terms or otherwise (the "Original Bonds") and any additional revenue bonds, notes or other obligations of the Hickory Chase Community Authority issued in the original principal amount of not to exceed \$5,000,000 to pay the costs of Public Infrastructure Improvements identified in Section 7 of this Ordinance, as the same may be refunded or reissued from time to time in accordance with their terms or otherwise (the "Additional Bonds," and together with the Original Bonds, are hereafter referred to as the "Bonds"), and (ii) to pay the Debt Service on the Bonds due in the following calendar year, all as provided in this Ordinance, the compensation agreement with the Hilliard Schools, the compensation agreement with Tolles, and the Intergovernmental Cooperation Agreement, dated as of March 1, 2008, by and among the Hickory Chase Community Authority, the City and The Huntington National Bank, as successor to Wells Fargo Bank, National Association as trustee for the Bonds, as the same may be amended or supplemented from time to time;

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- (c) if and only if the requirements of clause (ii) of paragraph (a) apply, after the distributions specified in paragraphs (a) and (b) of this Section are complete, then to the Hilliard Schools, pursuant to the Hilliard Schools Compensation Agreement (as defined herein), to pay the Supplemental School Payments (as defined in the Hilliard Schools Compensation Agreement), and to Tolles, pursuant to Tolles Compensation Agreement (as defined herein), to pay the Supplemental School Payments (as defined in the Tolles Compensation Agreement); provided, if amounts are not sufficient to pay both the Hilliard Schools and Tolles pursuant to this paragraph (c), to each of Hilliard Schools and Tolles on a pro rata basis in accordance with amounts then due to each of Hilliard Schools and Tolles under their respective compensation agreements with the City; and

- (d) after the distributions specified in paragraphs (a), (b), and, if applicable, (c) of this Section are complete, if and to the extent Service Payments remain in the Ansmil Area Hickory Chase TIF Fund following the distribution of Service Payments pursuant to paragraphs (a), (b), and (c) of this Section, the City shall use its best efforts to enter into compensation agreements under R.C. Section 5709.82, 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, with each "taxing unit," as that term is defined in R.C. Section 5705.01, with respect to the Parcels, and such compensation agreements shall provide that the remaining Service Payments shall be (i) transferred to the General Fund of the City in accordance with R.C. Section 5709.43(D), and held in the General Fund of the City until payments can be distributed to the taxing units in an amount equal to the same percentage of tax revenue foregone by each taxing unit unless any taxing unit expressly consents to a different amount in its respective compensation agreement, (ii) if authorized under then-current law, distributed from the Ansmil Area Hickory Chase TIF Fund to the taxing units in an amount equal to the same percentage of tax revenue foregone by each taxing unit unless any taxing unit expressly consents to a different amount in its respective compensation agreement, or (iii) distributed under any other arrangement as may be expressly consented to by each taxing unit and the City and authorized under then-current law. Notwithstanding subsections (i), (ii) and (iii) hereinabove, the City's obligation to compensate the taxing units, and in what amounts, is limited solely to the amount of Service Payments remaining in the Ansmil Area Hickory Chase TIF Fund after distribution pursuant to paragraphs (a), (b), and, if applicable, (c) of this Section, and regardless of whether the remaining Service Payments are transferred to the City's General Fund under subsection (ii) above.

SECTION 5. Hilliard Schools and Tolles Compensation Agreements. The City's Economic Development Director is hereby authorized to execute a Compensation Agreement on behalf of the City with the Hilliard Schools, which compensation agreement shall be in substantially the form **attached** to this Ordinance as **Exhibit "C"** and incorporated into this Ordinance by this reference (the "Hilliard Schools Compensation Agreement"), with such changes as are not inconsistent with this Ordinance and not materially adverse to the City, which shall be established conclusively by the signature of the City Economic Development Director and the City's Law Director on such Hilliard Schools Compensation Agreement, that such changes are approved by Council. The Hilliard Schools Compensation Agreement shall provide that the City shall pay the Hilliard Schools, from a portion of the Service Payments, compensation in the amounts set forth in such Hilliard Schools Compensation Agreement, which compensation shall be consistent with the distribution of Service Payments established in Section 4 of this Ordinance.

The City's Economic Development Director is hereby authorized to execute a compensation agreement with Tolles on behalf of the City, which compensation agreement shall be in substantially the form **attached** to this Ordinance as **Exhibit "D"** and incorporated into this Ordinance by this reference (the "Tolles Compensation Agreement"), with such changes as are not inconsistent with this Ordinance and not materially adverse to the City, which shall be established conclusively by the signature of the City Economic Development Director and of the City's Law Director on such Tolles Compensation Agreement that such changes are approved by Council. The Tolles Compensation Agreement shall provide that the City shall pay Tolles, from a portion of the Service Payments, compensation in the amounts set forth in such Tolles Compensation Agreement, which compensation shall be consistent with the distribution of Service Payments established in Section 4 of this Ordinance.

SECTION 6. Ansmil Area Hickory Chase TIF Fund. This Council, pursuant to and in accordance with the provisions of R.C. Section 5709.43, determines to and hereby does establish the Ansmil Area Hickory Chase TIF Fund (the "Fund") in the custody of the City and shall receive all distributions of Service Payments required to be made to the City pursuant to this Ordinance. The Service Payments received by the City shall be deposited into the Fund pursuant to R.C. Section 5709.43 and distributed pursuant to R.C. Section 5709.42 and this Ordinance. The Service Payments received by the City shall be used solely for the purposes authorized in R.C. Sections 5709.40, 5709.42, 5709.43, and 5709.82, including, but not limited to, paying the costs of the Public Infrastructure Improvements (as defined in Section 7 of this Ordinance) and paying Debt Service on the Bonds or on any other securities issued to acquire or finance the Public Infrastructure Improvements, in a manner which is consistent with this Ordinance. The City shall use all Service Payments received and deposited into the Fund as provided in this Ordinance. For all purposes of this Ordinance, "costs" of the Public Infrastructure

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Improvements payable from the Fund also shall include the items of "costs of permanent improvements" set forth in R.C. Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements. The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any surplus funds remaining therein distributed as set forth in Section 4(d) of this Ordinance.

SECTION 7. Public Infrastructure Improvements. The City hereby designates the Public Infrastructure Improvements set forth in **Exhibit "B" attached** to this Ordinance and incorporated into this Ordinance by this reference, as the "public infrastructure improvements," as that term is defined in R.C. Section 5709.40(A)(7), which are made, are to be made, or are in the process of being made, by or on behalf of the City, that directly benefit or once made will directly benefit the Parcels.

SECTION 8. Service Payment Agreements and Minimum Value Guarantees. The Owners of all or any portion of one or more Parcels shall be subject to one or more service payment agreements as provided in R.C. Section 5709.42 or one or more minimum service payment obligations as provided in R.C. Section 5709.91 to the extent required by this Council in separate legislation of this Council authorizing service payment agreements or minimum service payment obligations for projects, including Improvements, of those Owners on those Parcels.

SECTION 9. Application for Real Property Tax Exemption and Remission. This Council further authorizes and directs the City Finance Director, the City Law Director, City Economic Development Director, or other appropriate officers of the City: (i) to make such arrangements as are necessary and proper for collection of Service Payments from Owners; (ii) to make payment of the Service Payments to the City to be deposited into the Fund; (iii) to prepare and sign all agreements and instruments as may be necessary to implement this Ordinance, including any applications for real property tax exemption and remission; and (iv) to take all other actions as may be appropriate to implement this Ordinance. R.C. Section 5709.911 shall govern the priority status of the exemptions provided hereunder.

SECTION 10. ODSA. Pursuant to R.C. Section 5709.40(I), the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency ("ODSA") within 15 days after its adoption. On or before March 31 of each year that an exemption set forth in Section 2 of this Ordinance remains in effect, the officer or officers authorized by Section 8 of this Ordinance to take actions necessary to implement this Ordinance shall prepare and submit to the Director of ODSA the status report required under R.C. Section 5709.40(I).

SECTION 11. Tax Incentive Review Council. The City hereby maintains the Hilliard Tax Incentive Review Council, the membership of which is and shall remain constituted in accordance with R.C. Section 5709.85. In accordance with R.C. Section 5709.85, the Hilliard Tax Incentive Review Council reviews and shall continue to review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before it, all in accordance with R.C. Section 5709.85.

SECTION 12. 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 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 R.C. Section 121.22.

SECTION 13. This Ordinance shall be effective from and after the earliest time provided by law.

15-42 DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPTING FROM REAL PROPERTY TAXATION; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS MADE OR TO BE MADE TO BENEFIT THOSE PARCELS; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; PROVIDING FOR THE FRANKLIN COUNTY TREASURER TO DISTRIBUTE SERVICE PAYMENTS TO THE HILLIARD CITY SCHOOL DISTRICT AND THE TOLLES CAREER CENTER IN THE AMOUNT OF REAL PROPERTY TAXES THE DISTRICTS WOULD HAVE RECEIVED IF NOT FOR THE EXEMPTION; AND ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS.

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WHEREAS, the development of commercial properties in the City of Hilliard will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, enhancing income tax revenues, and stimulating collateral development in the City; and

WHEREAS, by providing Public Infrastructure Improvements (as that term is defined in Section 5709.40(A)(7) of the Ohio Revised Code), including road construction and related improvements, the City may facilitate the development of commercial and industrial properties; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42, and 5709.43 provide for the use of municipal tax increment financing ("TIF") to finance the completion of Public Infrastructure Improvements which will benefit new commercial development in the City; and

WHEREAS, the real property shown in **Exhibit "A" attached** hereto and incorporated herein by reference (the "Property") is located in the State of Ohio (the "State"), County of Franklin (the "County"), and the City, with each parcel of the Property referred to herein as a "Parcel" (whether as presently appearing on County tax duplicates or as subdivided or combined and appearing on future tax duplicates);

WHEREAS, the City anticipates that the current and future owners of the Property (each an "Owner;" and collectively, the "Owners") will develop the Property by constructing various improvements thereon and otherwise improving the Property, provided that the appropriate economic development incentives are available to support this development;

WHEREAS, to benefit the Parcels, this Council has made, or expects to make or cause to be made the public infrastructure improvements described on **Exhibit "B" attached** hereto and incorporated herein, that once made will directly benefit the Parcels as identified therein; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 provide that this Council may declare Improvements (defined below) to one or more Parcels of real property located in the City to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, specify Public Infrastructure Improvements made or to be made to benefit one or more of those Parcels, provide for the making of service payments in lieu of taxes by the Owners thereof, provide for the distribution of the applicable portion of those service payments to the Hilliard City School District (the "School District") and the Tolles Career Center (the "Career Center"), and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited that are derived from a Parcel or Parcels; and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Parcels pursuant to Section 5709.42 of the Ohio Revised Code; and

WHEREAS, the City has determined that a portion of the service payments shall be paid to the School District and the Career Center in an amount equal to the real property taxes that the School District and the Career Center would have received if Improvements to the Parcels located in the School District and the Career Center had not been exempted from taxation pursuant to this Ordinance; and

WHEREAS, this Council finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts in accordance with Sections 5709.40 and 5709.83 of the Ohio Revised Code and hereby ratifies the giving of that notice.

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

SECTION 1. Tax Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), 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 an "Improvement", as defined in Ohio Revised Code Section 5709.40(A)(4)), is hereby declared to be a public purpose, and shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Ordinance and in which an Improvement first appears on the tax list and duplicate of real and public utility property and ending on the earlier of (a) thirty (30) years after such exemption commenced 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 Sections 5709.40 and 5709.42 of the Ohio Revised Code. The exemption provided by this Ordinance shall be subordinate to the exemption provided by Ordinance No. 14-51.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.42, the Owner of each Parcel is hereby required to, and shall make, service payments in lieu of taxes with respect to the Improvement(s) allocable thereto to the Treasurer of Franklin County, Ohio (the "County Treasurer") on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against that Parcel if it were not exempt from taxation pursuant to Section 1 above. Any late payments shall be subject

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to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, 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 payment of penalties and interest are collectively referred to herein with the service payments in lieu of taxes as the "Service Payments"). The Service Payments, and any other payments in respect of each Parcel which are received by the County Treasurer in connection with the reduction required by Ohio Revised Section 319.302, 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"), shall be allocated and distributed in accordance with Section 3 of this Ordinance. No Owner shall, under any circumstances, be required for any tax year to both pay Service Payments with respect to an Improvement and reimburse local taxing authorities for the amount of real property taxes that would have been payable to local taxing authorities had the Improvement not been exempted from taxation pursuant to this Ordinance.

SECTION 3. Distribution of Payments to School District, Career Center and City. The County Treasurer shall distribute the Service Payments and the Property Tax Rollback Payments as follows:

- (a) to the School District and the Career Center, an amount equal to the amount the School District and the Career Center would have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement on a Parcel or Parcels located within the School District and the Career Center in the City of Hilliard, if not for the exemption(s) provided herein; and
- (b) to the City, all remaining amounts for further deposit into the appropriate Municipal Improvement Property Tax Increment Equivalent Fund (as defined below).

All distributions required under this Section 3 shall be made at the same time and in the same manner as real property tax distributions.

SECTION 4. Creation of TIF Funds. This Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the Landmark Municipal Public Improvement Tax Increment Equivalent Fund II (the "Fund") for the Parcels. The Fund shall be maintained in the custody of the City and shall receive all distributions required to be made to the City, after providing for certain payments to the School District and the Career Center pursuant to Section 3 above. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement(s) to a Parcel(s), so deposited and distributed pursuant to law as provided in Ohio Revised Code Section 5709.42, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43, including, but not limited to, any costs associated with the Public Infrastructure Improvements (as defined in Section 5 herein) and paying any Reimbursement, as defined and in accordance with the Tax Increment Financing Agreement, dated February 13, 2015, between the City and Landmark Lofts, LLC, lawfully payable from the Service Payments.

SECTION 5. Public Infrastructure Improvements. The public infrastructure improvements, set forth in **Exhibit "B" attached** hereto, made or to be made by or on behalf of the City, are hereby designated as those public infrastructure improvements that directly benefit, or will benefit, a Parcel or Parcels (the "Public Infrastructure Improvements") identified in this Ordinance.

SECTION 6. Application for Real Property Tax Exemption and Remission and Use of Service Payments. This Council further authorizes and directs the City Finance Director, the City Law Director or City Economic Development Director, or other appropriate officers of the City, to make such arrangements as are necessary and proper for collection of said Service Payments from the Owner or Owners of a Parcel or Parcels; to make payment of the payments in lieu of taxes to the City of Hilliard to be deposited into a Fund and used for the construction of the Public Infrastructure Improvements pursuant to this Ordinance and Ordinance No. 14-51; and to prepare and sign all agreements, forms and instruments as may be necessary and to take other actions as may be appropriate to implement this Ordinance, to secure payment of those funds to the City, and to provide for use of the Service Payments for the tax-exempt purposes of constructing the Public Infrastructure Improvements; provided, however, that the City shall not file a form DTE 24 for the exemption provided hereunder, any earlier than January 1, 2026.

SECTION 7. Notification of Passage. Pursuant to Ohio Revised Code Section 5709.40, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its adoption. On or before March 31 of each year that an exemption set forth in Section 1 hereof remains in effect, the Finance Director or other authorized officer of this City shall prepare and submit to the State Director the status report required under Section 5709.40(I) of the Ohio Revised Code.

SECTION 8. Tax Incentive Review Council. The City hereby creates the Hilliard Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code. That Council shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

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ORDINANCES

15-42 (continued)

SECTION 9. 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 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 10. This Ordinance shall be effective from and after the earliest time provided by law.

15-43 ENACTING 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 the 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 XIII, 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. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 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. 5 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, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in Chapter 718" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

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

SECTION 1. To be compliant with state law, City Council enacts Chapter 183 of the Codified Ordinances of the City of Hilliard, Ohio, which shall read as set forth in the document entitled "Chapter 183, Municipal Income Tax" **attached** hereto as **Exhibit "A"** and incorporated herein by reference.

SECTION 2. This Ordinance shall take effect and be in force on and after January 1, 2016.

15-44 AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO A GRANT AGREEMENT WITH THE HILLIARD DEVELOPMENT CORPORATION; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.

WHEREAS, the Hilliard Development Corporation ("HDC") was formed to advance, encourage, and promote the industrial, economic, commercial, and civic development of the City of Hilliard ("City"); and

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ORDINANCES

15-44 (continued)

WHEREAS, in order to fulfill that purpose, HDC may purchase and acquire real property in the City; and

WHEREAS, in order to acquire real property, HDC has requested a grant from the City to further its economic development goal of repurposing lands and buildings in the City; and

WHEREAS, upon considering HDC's grant request, and finding that repurposing lands and buildings is in the best interests of Hilliard and its residents, the City desires to enter into a grant agreement with HDC, substantially similar to the agreement attached hereto as Exhibit "A" and incorporated herein, to provide HDC with a grant in the amount of \$300,000; and

WHEREAS, pursuant to the grant agreement, HDC will provide the City with a right of first refusal to purchase property it has acquired with the grant funds, in the amount of One Dollar; and

WHEREAS, the City desires to enter into this agreement to advance the industrial, economic, commercial, and civic development of the City, all as authorized in Article VIII, Section 13 of the Ohio Constitution.

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

SECTION 1. The Director of Finance, by and on behalf of the City, is authorized to enter into a grant agreement with the Hilliard Development Corporation, substantially similar to the one **attached** hereto as **Exhibit "A"** and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

SECTION 2. An appropriation in the amount of \$300,000 is hereby made from the unencumbered balance from Fund 304, Object 53/55 to fund the grant agreement.

SECTION 3. An expenditure is authorized in an amount not to exceed \$300,000 from Fund 304 Object 53/55 for the grant agreement.

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

RESOLUTIONS

The following Resolution was adopted by Hilliard City Council on November 2, 2015.

15-R-74 ADOPTING A COMPREHENSIVE PARKS AND PUBLIC SPACES MASTER PLAN FOR THE CITY OF HILLIARD.

WHEREAS, by passage of Resolution No. 14-R-61 on August 25, 2014, City Council authorized the Director of Recreation and Parks to enter into a contract with Edsall & Associates, LLC ("Edsall"), to provide services for the City's Parks and Public Spaces Master Plan (the "Plan") to guide the City during the next decade as it plans for future parks, public spaces and recreational opportunities for its citizens; and

WHEREAS, the planning process undertaken by Edsall sought to review all of the City's current parks and public spaces, interview and conduct focus groups to garner firsthand the desires of the City's citizens, and to develop a ten-year comprehensive strategic action plan for growth and expansion with recommended priorities; and

WHEREAS, Edsall completed a two-phase project, which included various forms of public participation and the use of an Advisory Committee, to devise the Plan; and

WHEREAS, at regularly scheduled meetings on September 10 and October 8, 2015, the City's Planning and Zoning Commission reviewed the Plan and voted unanimously to forward a positive recommendation to City Council for its adoption; and

WHEREAS, the Council of the City of Hilliard, Ohio, has reviewed the Plan and desires to approve and adopt said Plan to guide the City's future use of its parks and public spaces.

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RESOLUTIONS

15-R-74 (continued)

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

SECTION 1. The "Comprehensive Parks and Public Spaces Master Plan", **attached** hereto as **Exhibit "A"** and incorporated herein, is approved and adopted by the City, which shall serve as a guide for making policy and development decisions on behalf of the City's parks and public spaces.

SECTION 2. A full copy of the Plan shall be available to the public on the City's website.

SECTION 3. This Resolution is effective immediately upon its passage.

15-R-75 **ACCEPTING THE PUBLIC IMPROVEMENTS FOR SECTION 5 OF THE ESTATES AT HOFFMAN FARMS SUBDIVISION.**

WHEREAS, on February 12, 2001, Council passed Ordinance No. 00-96 rezoning ±82.357 acres of land owned by David W. Patch, from A-1 to Planned Unit Development consisting of 105 single-family lots, 56 condominium units, 9.6 acres for office/institutional uses, and 11.5 acres for commercial uses, which development is identified as the Patch Property PUD; and

WHEREAS, the approval of a PUD constitutes approval of a preliminary subdivision plan as required by the City's Subdivision Regulations; and

WHEREAS, upon application by Dominion Homes, Inc., on January 9, 2014, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Section 5 of the Estates at Hoffman Farms for the development of 19 single-family lots on 9.698± acres of land (the "Property"); and

WHEREAS, on February 10, 2014, at its regularly scheduled public meeting, by Resolution No. 14-R-11, this Council accepted by subdivision plat ("Plat") the dedication of roads and easements for the construction of public infrastructure associated with Section 5 of the Estates at Hoffman Farms subdivision; and

WHEREAS, the public improvements for the Estates at Hoffman Farms, Section 5, as identified on the above Plat, have been found to be constructed per the plans and specifications submitted to and approved by the City Engineer; and

WHEREAS, the City conducted a final inspection of the public improvements associated with the Estates at Hoffman Farms, Section 5 on the date shown below; and

WHEREAS, per Section 1191-01 of the City's Planning and Zoning Code, the Developer has posted maintenance surety for the public improvements, and the public improvements will be maintained by the Developer until the date listed below for final acceptance and full maintenance by the City of Hilliard for the Estates at Hoffman Farms, Section 5; and

<u>Final Public Improvements</u>	<u>Final Inspection Date</u>	<u>Acceptance Date</u>
Estates at Hoffman Farms, Section 5 Street, Storm Sewer, Sanitary Sewer, and Water Line Improvements (# P-749 & # P-751)	12/12/2014	12/14/2015

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public at large that the City accepts the public improvements as noted above.

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

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RESOLUTIONS

15-R-75 (continued)

SECTION 1. The City of Hilliard hereby accepts the public improvements for the Estates at Hoffman Farms, Section 5 as set forth in the following plans titled:

1. "Estates at Hoffman Farms, Sections 5 & 6 – Public Sanitary Sewer Improvements – 2013, P-749" approved by the City Engineer on August 9, 2013, which plans are on file in the office of the City Engineer and available for inspection.
2. "Estates at Hoffman Farms, Sections 5 & 6 – Public Street, Storm Sewer, & Water Line Improvements – 2013, P-751" approved by the City Engineer on September 27, 2013, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 2. The Mayor, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of accepting the public improvements herein.

SECTION 3. This Resolution is effective upon its adoption.

15-R-76 **DETERMINING THE SUFFICIENCY OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO, AND TO DELETE CERTAIN PARCELS OF REAL PROPERTY FROM, THE HICKORY CHASE COMMUNITY AUTHORITY DISTRICT; TO AMEND THE PETITION FOR ESTABLISHMENT OF THE HICKORY CHASE COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE; AND SETTING A DATE FOR A PUBLIC HEARING ON THE APPLICATION AS REQUIRED BY LAW.**

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Chapter 349, on June 21, 2007, a petition (the "Petition") for the establishment of the Hickory Community Authority (the "Authority") was filed with the Board of County Commissioners (the "Commissioners") of Franklin County, Ohio (the "County") by Columbus Campus LLC ("Columbus Campus"), as the initial developer of the Authority, which Petition the Commissioners approved on July 31, 2007, pursuant to Resolution Number 663-07; and

WHEREAS, the Petition generally described the boundaries of the related new community district (the "District"); and

WHEREAS, pursuant to Resolution No. 2014-04 and 2014-06, approved by the Board of Trustees of the Authority (the "Authority Board") on May 21, 2014, and pursuant to a Developer Services Agreement dated May 22, 2014, the Authority Board approved the assumption of Columbus Campus's rights, responsibilities, and duties as statutory "developer" of the Authority, by Greenwich Investors Hickory Chase, LLC (the "Developer"), following which the Developer has served as the statutory "developer" of the Authority in accordance with R.C. Chapter 349; and

WHEREAS, on and after September 29, 2015 (the effective date of House Bill 64 of the 131st General Assembly of the State of Ohio), the "organizational board of commissioners," as that term is defined in R.C. Section 349.01(F)(3), is comprised solely of the Council of the City of Hilliard, Ohio (this "Council") because the proposed New Community District is located entirely within the corporate boundaries of the City of Hilliard; and

WHEREAS, on October 30, 2015, the Developer filed an application (the "Application") with this Council requesting that certain parcels of real property owned by the Developer be added to the District and that certain parcels of real property currently located within the boundaries of the District be deleted from the District as this real property is being sold to the City of Hilliard, Ohio (the "City"); and

WHEREAS, with respect to the Application, the City is the only city that can be defined as a "proximate city," as that term is defined in R.C. Section 349.01(M) and this Council, as the organizational board of commissioners for the District, is therefore the legislative authority of the only "proximate city"; pursuant to R.C. Section 349.03, the City is therefore not required to approve or sign the Application as a "proximate city" prior to the approval of the Application by this Council; and

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RESOLUTIONS

15-R-76 (continued)

WHEREAS, the Application further provides that the addition and deletion of such land will be conducive to the public health, safety, convenience and welfare of the District, will be consistent with the development of the District, will not jeopardize the plan of development of the District and that such land to be added to the District is owned by, or under the control through leases of at least seventy-five years' duration, options or contracts to purchase, of the Developer; and

WHEREAS, pursuant to R.C. Section 349.03(A), this Council, as the organizational board of commissioners for the determination of the sufficiency of the Application, if after reviewing the Application, finds it sufficient as meeting the required statutory requirements, must fix a time and place for a hearing on the Application; and

WHEREAS, pursuant to R.C. Section 349.03(A), if determined to be sufficient, this Council shall hold the public hearing not less than thirty (30) days nor more than forty-five (45) days from the date the Application was filed by the Developer with this Council; and

WHEREAS, pursuant to Section 349.03(A) of the Ohio Revised Code, the Clerk of City Council shall give notice of the public hearing on the Application by publication once each week for three consecutive weeks in a newspaper of general circulation prior to the hearing date.

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

SECTION 1. Council finds and determines that the Application complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance.

SECTION 2. A public hearing on the Application shall be held on December 7, 2015, at 6:30 p.m. in Council Chambers, 3800 Municipal Way, Hilliard, Ohio. The Clerk of Council is directed to give notice of the time and place of the public hearing on the Application by publication once each week for three consecutive weeks in a newspaper of general circulation provided that each publication shall appear prior to the public hearing.

SECTION 3. Council finds and determines that all formal actions of City Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that result in those formal actions were in meetings open to the public in compliance with the law.

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

Remaining 2015 Meeting Dates of Hilliard City Council

All meetings begin at 7:00 p.m., unless otherwise noted.

November 9

November 16 *Special Meeting*

November 23

December 7 *Special Meeting*

December 14

(December 28 meeting moved to December 7)

Hilliard City Council Committees

Hilliard City Council Committees meet on an as needed basis, meeting times vary. Please refer to the Hilliard City Council homepage for more information at www.hilliardohio.gov

The **City Planning, Projects & Services Committee** and the **Public Safety & Legal Affairs Committee** meet on the *second Monday of each month, as needed, prior to the 7pm City Council meeting.*

The **Economic & Entrepreneurial Development Committee** and the **Finance & Administration Committee** meet on the *fourth Monday of each month, as needed, prior to the 7pm City Council meeting.*

All City Council meetings are held at the Municipal Building, 3800 Municipal Way, unless otherwise noted. To confirm meeting dates and times please check the calendar on the City's website or call the Clerk of Council at 614.876.7361, Ext. 789.

hilliardohio.gov