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City Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: November 20, 2015

Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. The City of Hilliard Legislative Bulletin contains ordinances and resolutions acted upon by Council. If noted within ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614.876.7361, Ext. 789. Past issues are available by logging onto hilliardohio.gov

ORDINANCES

The following Ordinances were passed by Hilliard City Council on November 16, 2015.

15-45 AUTHORIZING THE CITY'S DIRECTOR OF ECONOMIC DEVELOPMENT TO ENTER INTO AN AMENDED ECONOMIC DEVELOPMENT AGREEMENT WITH TALX CORPORATION FOR THE PURPOSE OF RENEWING ITS LEASE AT 3455 MILL RUN DRIVE AND GROWING ITS BUSINESS IN THE CITY OF HILLIARD, OHIO.

WHEREAS, consistent with the Hilliard Comprehensive Plan approved by the Hilliard City Council in Ordinance No. 11-36 and adopted October 24, 2011, the City desires to encourage commercial office development and provide for the creation and retention of employment opportunities within the City; and

WHEREAS, in its efforts to attract quality development, the City has agreed to offer certain financial incentives to companies qualified by financial responsibility in consideration for such enterprises committing to create and/or retain jobs in the City; and

WHEREAS, in December of 2004, the City entered into an Economic Development Agreement with TALX, a leading business process outsourcer of payroll data-centric services, to renew its lease and grow its employment base at 3455 Mill Run Drive (the "Facility"); and

WHEREAS, in May of 2010, the City extended the Economic Development Agreement with TALX consistent with its lease renewal term for the Facility, and

WHEREAS, as the Company's current office lease is set to expire October 31, 2015, the City desires to induce TALX to remain at the Facility by amending its current Economic Development Agreement with the City and extending the term five additional years (the "Project"); and

WHEREAS, the Project and the offering of this incentive will improve the economic welfare of Hilliard citizens, 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 City hereby finds and determines that the Project and the related economic development incentives described in the Amended Economic Development Agreement, in a form substantially similar to the one **attached** hereto as **Exhibit "A"** (the "Amended Agreement") and incorporated herein, are in furtherance of the City's Strategic Plan. The City further finds and determines that it is appropriate and in the best interests of the City to provide certain incentives to TALX for the purpose of creating jobs and employment opportunities and to improve the economic welfare of the people of the State of Ohio and the City as authorized in Article VIII, Section 13 of the Ohio Constitution.

SECTION 2. The Director of Economic Development is authorized to approve and enter into an Amended Agreement for the granting of an annual incentive in an amount equal to twenty-eight percent (28%) of the actual local payroll withholding taxes paid to the City, for five (5) years, based upon a minimum five (5) year lease renewal and contingent upon the Company paying minimum annual payroll taxes of \$149,259 to the City.

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ORDINANCES

15-45 (continued)

SECTION 3. The City's Director of Economic Development, for and in the name of the City, is authorized to execute an Amended Agreement substantially similar to the one **attached** hereto as Exhibit "A", and in a form not inconsistent with the terms of this Ordinance and not substantially adverse to the City, which shall be evidenced conclusively with his execution thereof that such changes are approved by City Council.

SECTION 4. The Director of Finance and the Director of Law, and any other City officials, as appropriate, are each authorized and directed to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate, monitor and regulate the transactions described in or contemplated by this Ordinance in executing the Amended Agreement.

SECTION 5. This Council finds and determines that all formal actions of this Council 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 that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

15-46 **AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AGREEMENT WITH WOLPERT ENTERPRISES DAVIDSON, LLC, FOR THE PURCHASE OF 0.641 ±ACRES OF LAND FOR RIGHT-OF-WAY PURPOSES; AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF FUNDS.**

WHEREAS, Wolpert Enterprises Davidson, LLC ("Wolpert Enterprises") owns certain real property located west of Britton Parkway, east of Leap Road, south of Davidson Road and within the municipal corporate boundaries of the City, currently identified by the Franklin County Auditor's Office as parcel number 050-008254-00, containing approximately 22.569 ±acres ("Wolpert Property"); and

WHEREAS, the Wolpert Property is located in the Ansmil PUD which was the site of the formerly planned Hickory Chase Continuing Care Retirement Community, which development is no longer being pursued and which has been rezoned for various other uses; and

WHEREAS, in Ordinance 15-22(Amended), adopted September 28, 2015, this Council approved a Purchase Agreement for approximately 6.8 acres of land and improvements (the "Community Parcel") between Greenwich Investors Hickory Chase, LLC, and the City ("GIHC Purchase Agreement"); and

WHEREAS, as a condition of the GIHC Purchase Agreement, the City is responsible for acquiring the necessary right-of-way and ancillary easement rights to construct a public north-south connector road between Davidson Road and the Community Parcel (the "Public Improvement"); and

WHEREAS, the GIHC Purchase Agreement requires the City to enter into a Developer's Agreement with the Hickory Chase Community Authority which entity will construct the Public Improvement, and dedicate it for public use thereafter; and

WHEREAS, in order to fulfill the conditions of the GIHC Purchase Agreement, the City desires to purchase approximately 0.641 acres of land located on the Wolpert Property (the "Right-of-Way") for an agreed upon purchase price of \$160,000 (the "Purchase Price"); and

WHEREAS, the City and Wolpert Enterprises have agreed upon the terms and conditions of a Real Estate Purchase Contract ("Purchase Contract") for the City's purchase of the Right-of-Way to be used for the Public Improvement; and

WHEREAS, construction of the Public Improvement also is vital for the further development of properties in the Ansmil PUD and of the Community Parcel.

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

SECTION 1. The City's Director of Public Service, by and on behalf of the City, is authorized to sign and enter into a Real Estate Purchase Contract with Wolpert Enterprises Davidson, LLC, 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 or detrimental to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.

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ORDINANCES

15-46 (continued)

SECTION 2. An appropriation in the amount of \$160,000 is made from the unencumbered balance from Fund 292 Object 55 to fund and implement the Real Estate Purchase Contract.

SECTION 3. An expenditure is authorized in an amount not to exceed \$160,000 from Fund 292 Object 55 for the Real Estate Purchase Contract.

SECTION 4. The City's Directors of Service, Law and Finance are authorized to sign and execute any and all documents, instruments and agreements that are necessary to effectuate the purchase of the Right-of-Way pursuant to the terms of the Purchase Contract.

SECTION 5. This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

15-47 **AUTHORIZING THE MAYOR TO ENTER INTO A 2016 AGREEMENT WITH THE FRANKLIN COUNTY BOARD OF HEALTH FOR HEALTH SERVICES, PLUMBING INSPECTION SERVICES AND PROPERTY MAINTENANCE CODE INSPECTIONS.**

WHEREAS, the District Advisory Council of the Franklin County General Health District (the "Board of Health") has sent the City of Hilliard a proposed contract for public health services with the City of Hilliard for 2016, a copy of which is attached as Exhibit "A"; and

WHEREAS, Ohio Revised Code Section 3709.08 authorizes the chief executive of a city, with the approval of a majority of the members of the legislative authority of a city, to enter into an agreement with the chairman of the district advisory council for the provision of public health services to the city; and

WHEREAS, the City of Hilliard entered into a contract for health services with the Board of Health which will expire on December 31, 2015; and

WHEREAS, the cost of the services provided by the Board of Health is based upon a per capita rate of \$7.51, an increase of 5% over the cost for 2015, which is multiplied by the MORPC 2015 population estimates for the City of Hilliard of 28,952; and

WHEREAS, the City's Department of Public Service, in accordance with the International Property Maintenance Code, requires property maintenance inspections and the City desires to enter into the agreement with the Board of Health to provide those inspection services; and

WHEREAS, building department staff are not certified to inspect plumbing, and the City desires to enter into an agreement with the Board of Health to provide plumbing inspection services, which services it is certified to provide; and

WHEREAS, the attached agreement includes all of these services; and

WHEREAS, sufficient funds for these services will be requested to be appropriated as part of the 2016 General Operating Budget for the City.

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

SECTION 1. Subject to the appropriation of funds in the City's 2016 operating budget, the Mayor is hereby authorized and directed to execute and deliver the 2016 Health Services Contract with the District Advisory Council of the Franklin County General Health District, a copy of which is **attached** hereto as **Exhibit "A,"** and incorporated herein by reference.

SECTION 2. All costs associated with the services provided in the Health Services Contract shall be paid in accordance with the authorization granted in the City's 2016 operating budget. The Health Services portion of the attached contract shall not exceed \$217,559.80, which consists of a per capita cost of \$7.51 based upon a population of 28,952.

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

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15-50 ESTABLISHING COMPENSATION FOR THE MAYOR OF HILLIARD, OHIO.

WHEREAS, City Council, from time to time, reviews the compensation paid to the Mayor; and

WHEREAS, in accordance with Charter Section 4.03, the salary to be paid to the Mayor shall be set by ordinance, which salary has not been increased since 2005 by the passage of Ordinance 05-65, and which salary was not effective until January 1, 2008; and

WHEREAS, members believe that compensating the Mayor in an amount comparable to those of surrounding communities of similar size and characteristics is reasonable; and

WHEREAS, in reviewing matters affecting compensation, Council also considered the amount of time, energy and expertise that the Mayor 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 the Mayor, and taking into account the aforesaid issues, changes in the Mayor's compensation are recommended as identified hereafter.

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

SECTION 1. Effective January 1, 2016, the salary for the Mayor of the City shall be \$152,200 per year.

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

RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on November 16, 2015.

15-R-80 AUTHORIZING THE CITY'S CHIEF OF POLICE TO ENTER INTO AN AMENDED AGREEMENT WITH NORWICH TOWNSHIP BOARD OF TRUSTEES FOR RENOVATIONS AND IMPROVEMENTS TO THE JOINT SAFETY SERVICES BUILDING; AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, City Council authorized the City's Chief of Police to enter into an Agreement with the Board of Trustees of Norwich Township (the "Township") for renovations and improvements to the Joint Safety Services Building (the "Project"), by the passage of Resolution No. 15-R-12 on February 23, 2015 (the "Agreement"); and

WHEREAS, the Township retained the services of a licensed architect with the firm of Meacham & Apel (the "Project Architect") to draft plans and specifications for the Project and to estimate each parties' representative cost thereof; and

WHEREAS, the Project Architect estimated the total project cost to be \$350,000, with the City's portion to be \$250,000 and the Township's portion \$100,000; and

WHEREAS, the Township bid out the Project and all bids submitted far exceeded the Project Architect's estimate, resulting in the rejection of all bids; and

WHEREAS, the Project Architect has revised the estimated cost of the Project, which is now \$526,142, with the City's portion estimated to be \$366,395 and the Township's portion estimated to be \$159,747 ("Amended Project Cost"); and

WHEREAS, the Amended Project Cost includes making the same improvements to the Joint Safety Services Building with the addition of providing for the purchase and installation of surveillance cameras in certain locations of the building for the safety of employees and the general public; and

WHEREAS, the City desires to amend the prior Agreement entered into by the parties to reflect the new Project Cost and to include amended timelines, in a form substantially similar to the one attached hereto as Exhibit "A" and incorporated by reference herein (the "Amended Agreement"); and

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RESOLUTIONS

15-R-80 (continued)

WHEREAS, pursuant to Section 3.10 of the City's Charter, authorization to enter into the Amended Agreement by Resolution of Council is contingent upon Hilliard City Council appropriating funds for the Project in the City's 2016 Capital Improvement Budget; and

WHEREAS, Ohio Revised Code Section 715.02 provides that political subdivisions such as municipal corporations and townships may enter into agreements for the construction and/or management of any public work or improvement which benefits the political subdivision and for the joint exercise of any power conferred upon the political subdivision by applicable law.

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

SECTION 1. Contingent upon the appropriation of sufficient funds in the 2016 City's Capital Improvement Budget for the Project, an expenditure in an amount not to exceed \$459,674 is authorized from Capital Improvement Fund 304, Object 55 to fund the City's portion of the Project estimated at \$366,395, which authorized expenditure provides that a contract can be awarded that exceeds the City's estimate by up to 10%, plus a 10% contingency for unforeseen cost overruns, and \$20,000 to pay for architectural fees.

SECTION 2. The City's Chief of Police is authorized to enter into an Amended Agreement for Renovations and Improvements to the Joint Safety Services Building, as permitted by Section 709.192 of the Ohio Revised Code, in the form of the Amended Agreement **attached** hereto as **Exhibit "A"** and incorporated herein, with such minor edits in the Agreement that are not substantial or adverse to the City as deemed necessary by the City's Director of Law.

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 expenditure of the funds provided herein.

SECTION 4. This Resolution is effective upon its adoption.

15-R-81 RESOLUTION SETTING A HEARING ON THE 2016 MUNICIPAL OPERATING BUDGET.

WHEREAS, Section 6.06 of the Hilliard City Charter requires that City Council, shall, by resolution, fix the date and place for a public hearing on the City's operating budget.

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

SECTION 1. The public hearing on the 2016 Municipal Operating Budget shall be held on **November 23, 2015 at 7:00 p.m.** in the Chambers of the Council of the City of Hilliard, 3800 Municipal Way, Hilliard, Ohio.

SECTION 2. The Clerk of Council is hereby directed to insure that notice regarding said hearing is given in accordance with the Hilliard City Charter.

SECTION 3. The budget shall be on file for public inspection in the office of the Clerk of Council during usual office hours, which shall be stated in the notice.

SECTION 4. This Resolution shall become effective upon its adoption.

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Remaining 2015 Meeting Dates of Hilliard City Council

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

November 23

December 14

December 7 *Special Meeting*

(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.

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