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City
Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: December 11, 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 December 7, 2015.

15-55 APPROVING THE 2016 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2016.

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

WHEREAS, per Section 129.05(c) of the City's Codified Ordinances, prior to November 15th of each year, the Mayor is to submit the Capital Improvement Program and Capital Improvement Budget to City Council for their consideration; and

WHEREAS, on November 2, 2015, the Mayor submitted the 2016-2020 CIP Program and the 2016 Capital Improvement Budget to City Council's City Planning, Projects and Services Committee; and

WHEREAS, having reviewed the 2016 Capital Improvement Budget, City Council is prepared to proceed with authorizing the 2016 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, that:

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, 2016, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as hereinafter set forth.

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

15-56 APPROPRIATING FUNDS FOR THE EXPENSES OF THE CITY OF HILLIARD, OHIO, FOR THE PERIOD ENDING DECEMBER 31, 2016.

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 following a duly advertised budget hearing; and

WHEREAS, such budget hearing was duly advertised and held on November 23, 2015.

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

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ORDINANCES

15-56 (continued)

SECTION 1. To provide for the current expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2016, 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 230 Franklin County Justice Program Grant, Fund 250 General Government Grant, Fund 283 Construction Inspection Services, Funds 290/291/292/293/294/295/296/297/298 TIF, Fund 782 Police Benevolent Fund, Fund 891 Income Tax Deposit, Fund 892 Fundraising Agency, Fund 893 Public Service Dept. Agency, and Fund 895 Escrow.

SECTION 3. Authority is hereby given to the Director of Finance, without further approval of Council, to transfer funds during fiscal year 2016 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. This Ordinance shall be in full force and effect at the earliest time provided by law.

RESOLUTIONS

The following Resolutions were adopted by Hilliard City Council on December 7, 2015.

15-R-77 **ADOPTING THE 2016-2020 CAPITAL IMPROVEMENT PROGRAM.**

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

WHEREAS, City Council desires to hear and determine matters of the City's capital program in conjunction with the approval of the City's annual operating budget; and

WHEREAS, in 2015, the 2015-2019 Capital Improvement Program was adopted by Resolution 14-R-81 on January 12, 2015; and

WHEREAS, the 2016-2020 Capital Improvement Program was presented to the City Planning, Projects and Services Committee on November 2, 2015; and

WHEREAS, having reviewed the 2016-2020 Capital Improvement Program, City Council hereby approves and adopts the 2016-2020 Capital Improvement Program.

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

SECTION 1. The Capital Improvement Program for fiscal years 2016 through 2020, **attached** hereto as **Exhibit A** and incorporated herein, is approved and adopted by this Council.

SECTION 2. This Resolution is effective upon its adoption.

15-R-82 **APPROVING THE MAYOR'S REAPPOINTMENT OF DAVE AHLUM AND TIM BOWERS TO THE CITY'S SHADE TREE COMMISSION.**

WHEREAS, Section 921.02(a) of the Codified Ordinances of the City of Hilliard authorizes the Mayor to appoint members to the Shade Tree Commission, subject to approval by Council; and

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RESOLUTIONS

15-R-82 (continued)

WHEREAS, the term of two Shade Tree Commission members, Dave Ahlum and Tim Bowers, expire on December 31, 2015; and

WHEREAS, the Mayor desires to reappoint Dave Ahlum and Tim Bowers to the Shade Tree Commission, each for a four-year term ending December 31, 2019; and

WHEREAS, Mr. Ahlum and Mr. Bowers have each expressed their desire to accept such reappointment to the Shade Tree Commission.

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

SECTION 1. City Council approves the Mayor's reappointment of Dave Ahlum and Tim Bowers to the Shade Tree Commission, each to a four-year term ending December 31, 2019.

SECTION 2. This Resolution is effective upon its adoption.

15-R-83 ESTABLISHING THE ALLOCATION OF MUNICIPAL INCOME TAX RECEIPTS FOR FISCAL YEAR 2016.

WHEREAS, City Council passed Ordinance No. 08-83 to address the allocation of the income tax revenue that is paid to the City by corporate and individual wage earners, which provides City Council with a temporary mechanism to reallocate those revenues to avoid major disruptions in the City's ability to provide quality services to its residents; and

WHEREAS, the administration has presented a continuation of services budget that will maintain current City services substantially at 2015 levels; and

WHEREAS, it is the City's intention to provide revenues sufficient to cover expenditures for budget year 2016; and

WHEREAS, because of decreases in the amount of revenue from county and state governments and a downturn in the economy, for the past several years the allocations established in Section 181.20 of the Codified Ordinances were adjusted upward to provide an increased percentage of income tax revenue deposited to the General Fund in order to enable the City to continue to provide its citizens with the high level of services that makes this community one of the premier communities in Central Ohio; and

WHEREAS, revenue projections for 2016 made by the Finance Director indicate that the percentage of income tax deposited to the General Fund can be reduced, and still provide the City with enough funding to continue to maintain those services and address improvements and maintenance to the City streets; and

WHEREAS, while a recommendation is made to reduce the percentage deposited to the General Fund in 2016 from the percentage established for 2015, in an effort to bring that amount closer to the allocated amounts set forth in Section 181.20, there is still a need to allocate at least sixty-six percent (66%) in 2016 to enable the City to maintain its current level of services, which results in an increase to the Street Improvement Tax Fund from eight percent (8%) to nine percent (9%).

NOW, THEREFORE, BE IT RESOLVED, by a two thirds majority of the Council of the City of Hilliard, Ohio, that:

SECTION 1. The funds collected by the City in fiscal year 2016 under the provisions of Chapter 181 of the Codified Ordinances shall be allocated as follows:

- (1) Sixty-six percent (66%) of the tax revenues shall be transferred to the General Fund.
- (2) Twenty-five percent (25%) of the tax revenues shall be transferred to the Capital Improvement Tax Fund.
- (3) Nine percent (9%) of the tax revenues shall be transferred to the Street Improvement Tax Fund.

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RESOLUTIONS

15-R-83 (continued)

SECTION 2. The allocations established above shall be effective only for those income tax revenues received through the end of fiscal year 2016, at which time the allocations set forth in Section 181.20 of the Codified Ordinances shall be reinstated, unless otherwise changed by City Council in the manner provided therein.

SECTION 3. This Resolution is effective upon its adoption.

15-R-84 **AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ACCEPT MOTOR VEHICLE PERMISSIVE TAX FUNDS FROM THE FRANKLIN COUNTY BOARD OF COMMISSIONERS FOR CIP T-135, THE WILCOX ROAD IMPROVEMENTS PROJECT INCLUDING A ROUNDABOUT AT RIGGINS ROAD, AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENTS AND SIGN DOCUMENTS AS NECESSARY FOR THE RECEIPT OF THOSE FUNDS.**

WHEREAS, the City of Hilliard is proposing improvements to Wilcox Road from Hayden Run Road to a point approximately 500 feet north of Riggins Road, to include a roundabout at Riggins and Wilcox roads, as part of the 2016 Capital Improvement Program ("CIP T-135" and the "Project"); and

WHEREAS, design work for the Project will be completed in early 2016 by the Office of the Franklin County Engineer ("FCEO"), which will manage the Project, with construction to begin in the spring of 2016; and

WHEREAS, the total Project cost is \$9.6 million dollars; and

WHEREAS, the FCEO, with the support of the City of Hilliard, obtained an Ohio Public Works Commission ("OPWC") Grant in the amount of \$4,362,000 for the Project; and

WHEREAS, the FCEO has obtained \$992,154 in contributions from developers, plus the donation of necessary rights-of-way for the Project, as part of the OPWC local matching funds requirement; and

WHEREAS, the City of Hilliard will provide \$300,000 from funds to be appropriated in the City's 2016 CIP Budget, and the City of Columbus has committed to providing \$624,000 from its 2016 CIP Budget, towards meeting OPWC's local matching contribution requirement for the Project, and

WHEREAS, to provide additional local matching dollars required for the Project, the City, in cooperation with the FCEO, desires to apply for \$2.1 million from the \$5 County Motor Vehicle Permissive Tax Fund (the Permissive \$5 Funds") from the Franklin County Board of Commissioners (the "Commissioners"); and

WHEREAS, because the City has the ability to apply for a certain amount of Permissive \$5 Funds on a yearly basis, and due to the need for additional matching funds for this Project, the City desires to forgo remaining 2015 Permissive \$5 Funds that the City could receive, as well as forgo the Permissive \$5 Funds it expects to receive in years 2016 through 2018, and commit those dollars to the Project, for a total additional commitment of \$500,000; and

WHEREAS, if the City's application for \$2.1 million is approved, the City will provide the Permissive \$5 Funds it receives from the Commissioners to the FCEO to fund the Project; and

WHEREAS, Council passed Ordinance No. 15-35, effective September 14, 2015, which authorized the City's Director of Public Service to enter into a Pipeline Relocation and Reimbursement Agreement, not to exceed \$1,408,386 (which includes a 10% contingency), with Ohio River Pipe Line, LLC, in order to extend a petroleum pipeline within the limits of the Project, which amount is included in the total Project cost.

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

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RESOLUTIONS

15-R-84 (continued)

SECTION 1. The City's Director of Public Service is authorized to submit an application, **attached** hereto as Exhibit "A" and incorporated herein, and if granted, to receive \$5 County Motor Vehicle Permissive Tax funds in the amount of \$2.1 million from the Franklin County Board of Commissioners for CIP T-135 and to deposit those funds into Capital Improvement Fund 304.

SECTION 2. The Director of Public Service is further authorized to enter into agreements and sign documents as may be necessary and appropriate to receive Permissive \$5 Funds from the Commissioners for CIP T-135.

SECTION 3. The City's contribution of \$300,000 in local matching funds for the OPWC grant is subject to the appropriation of funds by Hilliard City Council in the City's 2016 Capital Improvement Budget.

SECTION 4. This Resolution is effective upon its adoption.

15-R-88 **APPROVING 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 AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE HICKORY CHASE COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY.**

WHEREAS, pursuant to Ohio Revised Code ("R.C.") Chapter 349, Greenwich Investors Hickory Chase, LLC (the "Developer"), as developer of the Hickory Chase Community Authority (the "Authority"), filed an application (the "Application") on October 30, 2015 with the Council of the City of Hilliard, Ohio (the "Council") to add certain parcels of real property owned by the Developer to the territory comprising the Authority (the "District"), to delete certain parcels of real property to be sold to the City of Hilliard, Ohio (the "City") from the District, and to amend the petition (the "Petition") as originally filed with the Board of County Commissioners of Franklin County, Ohio for the establishment of the Authority; and

WHEREAS, this Council is the "organizational board of commissioners," as that term is defined in R.C. Section 349.01(F), for the Authority; and

WHEREAS, this Council determined that the Application complies with the requirements of R.C. Section 349.03 as to form and substance by passage of Resolution No. 15-R-76, on November 2, 2015; and

WHEREAS, on December 7, 2015, and pursuant to R.C. Section 349.03(A), this Council held a public hearing on the Application after public notice was duly published in accordance with R.C. Section 349.03.

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

SECTION 1. Council finds and determines that the addition of property to the District and the deletion of property from the District, all as described in the Application, will be conducive to the public health, safety, convenience and welfare of the District, City and its residents, and is intended to result in the continued development of a new community as defined in R.C. Section 349.01(A).

SECTION 2. This Council hereby accepts the Application and it shall be recorded, along with this Resolution, in the journal of Council, as the organizational board of commissioners.

SECTION 3. The boundary of the District shall be amended to include the territory set forth in **Exhibit "A" attached** to this Resolution and to exclude the territory set forth in **Exhibit "B", attached** to this Resolution.

SECTION 4. The Authority shall continue to be organized as a body corporate and politic acting as the new community authority for the District, as the District has been amended by this Resolution. The name of the Authority shall remain the 'Hickory Chase Community Authority.

SECTION 5. As described in the Petition, and in accordance with R.C. Section 349.04(C), the method of selecting the board of trustees of the Authority shall be as follows: the Developer shall appoint three members to serve on the board of trustees as Developer representatives; the City Council, as the organizational board of commissioners under Section under R.C. Section 349.01(F), shall appoint (a) three citizen members of the board of trustees to represent the interests of present and future residents within the District, and shall appoint (b) one member to serve as a representative of local government.

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RESOLUTIONS

15-R-88 (continued)

While any Bonds (as that term is defined in the Petition) are outstanding, the methodology for replacement of members of the board of trustees shall be as follows:

A. City Council, as the organizational board of commissioners under R.C. Section 349.01(F), shall continue to appoint replacement citizen members of the board of trustees and the representative of local government upon the expiration of that member's term or resignation by that member unless the City determines, by resolution of City Council, that such citizen members of the board of trustees and the representative of local government shall be elected in the manner prescribed by R.C. Sections 349.04(A) and (C); and

B. The Developer shall continue to appoint replacement representatives of the Developer to the board of trustees upon the expiration of that member's term or resignation by that member unless the Developer determines, by delivering notice to the City, that such members of the board of trustees shall be elected in the manner prescribed by R.C. Section 349.04(B).

After the Bonds are no longer outstanding, members of the board of trustees shall be elected in accordance with the provisions of R.C. Section 349.04.

SECTION 6. In accordance with R.C. Section 349.04, the surety for the bonds of the members of the board of trustees of the Authority shall be in the amount of \$10,000 for each of the members of the board of trustees except the Treasurer of the Authority, and shall be in the amount of \$30,000 for the Treasurer of the Authority.

SECTION 7. 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 8. 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.

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.

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