



Real People. Real Possibilities.

City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: December 18, 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](http://hilliardohio.gov)

---

### ORDINANCES

*The following Ordinance was **passed** by Hilliard City Council on December 14, 2015.*

**15-57 AMENDING SECTION 185.02 OF THE CITY'S CODIFIED ORDINANCES PERTAINING TO THE ALLOCATION OF THE HOTEL/MOTEL EXCISE TAX.**

**WHEREAS**, Chapter 185 of the Codified Ordinances of the City of Hilliard provides for the imposition of a hotel/motel excise tax; and

**WHEREAS**, a total excise tax of six percent (6%) is levied on transactions by which lodging by a hotel or transient accommodation is or is to be furnished to transient guests, pursuant to Sections 5739.08(A), 5739.08(B) and 5739.09(B) of the Ohio Revised Code (the "bed tax"); and

**WHEREAS**, in Ordinance 14-35, adopted December 8, 2014, this Council amended Section 185.02 of the City's Codified Ordinances to state that funding contributed to Destination Hilliard would be \$150,000 per year, derived from the three percent (3%) excise tax levied and collected pursuant to Sections 5739.08(B) and 5739.09(B) of the Ohio Revised Code; and

**WHEREAS**, Council desires to amend Section 185.02 of the City's Codified Ordinances to state that funding contributed to the Hilliard Development Corporation ("HDC") is established to be \$88,000 per year, which contribution shall be derived from the three percent (3%) excise tax levied and collected pursuant to Sections 5739.08(A); and

**WHEREAS**, in order to effectuate the above changes, City Council desires to amend Section 185.02 of the City's Codified Ordinances.

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

**SECTION 1.** Section 185.02(e) of Chapter 185 of the Codified Ordinances of Hilliard, Ohio is amended and shall hereafter read as stated in **Exhibit "A" attached** hereto and incorporated as if fully rewritten herein. City Council adopts Section 185.02(e) as amended in Exhibit "A", with deletions to the Section stricken and new language in nonblack typeface.

**SECTION 2.** The distributions identified in Exhibit "A" are effective January 1, 2016. Distributions to Destination Hilliard and to the Hilliard Development Corporation may be provided by the City to each organization on a monthly basis, with payment to each organization due within thirty days of such tax funds being deposited with the City.

**SECTION 3.** This Ordinance is effective from and after the earliest time provided for by law.

# City of Hilliard Legislative Bulletin

an Official Publication of the Hilliard City Council

## ORDINANCES

*The following Ordinance **failed** on December 14, 2015.*

**15-61 TO PROVIDE FOR THE SUBMISSION OF A PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF HILLIARD, OHIO PURSUANT TO SECTION 12.06 OF THE CITY'S CHARTER; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Section 12.06 of the City Charter states: "Any provision of this Charter may be amended, as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the City. Such amendment may be initiated either by a two-thirds (2/3) vote of the Council or by petition to the Council signed by ten percent (10%) of the electors"; and

**WHEREAS**, pursuant to Section 12.06 of the City Charter and Article XVIII, Section 9 of the Ohio Constitution, a proposed amendment to the Charter of the City of Hilliard, Ohio (the "Proposed Charter Amendment"), has been submitted by a petition of the electors (the "Petition") according to law; and

**WHEREAS**, Article XVIII, Section 9 of the Ohio Constitution provides that "[a]mendments to any charter framed and adopted herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and upon petitions signed by ten per centum (10%) of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority; and

**WHEREAS**, Article XVIII, Section 14 of the Ohio Constitution provides that the "percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election"; and

**WHEREAS**, Article XVIII, Section 8 of the Ohio Constitution provides that "the ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred and twenty (120) days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid"; and

**WHEREAS**, the Petition declares that it is governed by Ohio Revised Code Section 731.31; and

**WHEREAS**, the Petition contains an amendment to the Charter of the City of Hilliard, Ohio that includes two sections to Article XII of the Charter, which shall be one ballot issue before the voters; and

**WHEREAS**, the Franklin County Board of Elections has advised that the total number of electors who participated in the 2013 general municipal election in Hilliard, Ohio was 2,509; and

**WHEREAS**, according to the Franklin County Board of Elections, ten per centum (10%) of the electors of the vote cast at the 2013 general municipal election in Hilliard, Ohio was 251 electors; and

**WHEREAS**, the Franklin County Board of Elections has also advised on November 18, 2015, that it has examined the signatures on the Petition and determined that it contains nine hundred forty-six (946) valid signatures; and

**WHEREAS**, while the City is undertaking review of the petitions submitted for strict compliance with the law, at the appropriate time the City will request that this Ordinance be passed as an emergency because Council must vote on this piece of legislation "forthwith" as provided by Article XVIII, Section 8 of the Ohio Constitution.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL** of the City of Hilliard, Ohio that:

**SECTION 1.** That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, Council hereby determines to submit the Proposed Charter Amendment to the electors at a special election to be held on March 15, 2016.

**SECTION 2.** That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, Council hereby authorizes and directs the Franklin County Board of Elections to place the Proposed Charter Amendment on the special election ballot as follows:

PROPOSED CHARTER AMENDMENT  
CITY OF HILLIARD  
FRANKLIN COUNTY, OHIO

To add Sections 12.09 and 12.10 to the Charter of the City of Hilliard, Ohio:

A majority affirmative vote is necessary for passage

*City of Hilliard Legislative Bulletin*  
an Official Publication of the Hilliard City Council

---

**ORDINANCES**

**15-61 (continued)**

**ARTICLE XII, SECTION 12.09 – REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES.**

Notwithstanding any other provision of this Charter, a referendum petition on any Zoning Ordinance may be filed within sixty (60) days after passage by the Council of the Zoning Ordinance, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision in this Charter, a Zoning Ordinance shall not become effective prior to sixty (60) days following its passage by the Council, in order to afford an opportunity during that period for the filing of referendum petitions thereon. Notwithstanding any other provision of this Charter, no Zoning Ordinance shall be passed by Council on an emergency basis. "Zoning Ordinance" for purposes of this Section, means any ordinance or other measure passed by the Council that modifies the City's zoning code or modifies the application of the City's zoning code to any property in the City.

**ARTICLE XII, SECTION 12.10 – PROHIBITION OF CREATION OF TAX INCREMENT FINANCING INCENTIVE DISTRICTS FOR DWELLING UNIT IMPROVEMENTS AND PROHIBITION OF DWELLING UNIT IMPROVEMENTS TO BE A PUBLIC PURPOSE.**

Notwithstanding any other provision of this Charter or Ohio law, the Council shall not:

- (a) declare an improvement to any parcel in the City to be a "public purpose," pursuant to section 5709.40(B) of the Revised Code, or any other provision of the Revised Code Chapter 5709, as now exists or hereafter amended, if the improvement includes the construction or creation of one or more Dwelling Units; or
- (b) create an "incentive district," pursuant to section 5709.40(C) of the Revised Code, or any other provision of Revised Code Chapter 5709, as now exists or hereafter amended, unless the Council limits the improvements in the "incentive district" so as to exclude the construction or creation of one or more Dwelling Units in the "incentive district."

"Dwelling Unit" for purposes of Section 12.10, means any permanent building or portion thereof which is designated or used exclusively for residential occupancy containing sleeping, cooking and sanitary facilities, including but not limited to, apartments, houses, town houses, row houses, retirement communities or condominiums.

Shall the proposed amendment to the Charter for the City of Hilliard, Ohio be adopted?

YES  
NO

**SECTION 3.** That, mindful of its legal duties and obligations under Sections 8 and 9 of Article XVIII of the Ohio Constitution, Council hereby authorizes and directs the Clerk of Council to determine the potential cost and expense to the City to either: (a) mail a copy of the Proposed Charter Amendment, as set forth in Section 2 herein, to each City elector whose name appears upon the poll or registration books of the 2015 General Election; or (b) to give notice by appropriate newspaper advertising pursuant to state law and to utilize the most economic and efficient alternative to provide such notice not less than thirty (30) days prior to March 15, 2016.

**SECTION 4.** That, mindful of Section 3501.01(D) of the Ohio Revised Code stating that in any year in which a presidential primary election is held, no special election shall be held in May, but may be held on the second Tuesday after the first Monday in March, this Council determines that the proposed Charter Amendment be voted upon at the Primary Election to be held on March 15, 2016, at the regular places and times of voting in the City.

**SECTION 5.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Hilliard which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Hilliard, Franklin County, Ohio.

**SECTION 6.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City and for the further reason that Council must act "forthwith" under Article XVIII, Section 8 of the Ohio Constitution. This Ordinance shall take effect and be in full force and effect immediately upon its passage.

---

**RESOLUTIONS**

*None*

**[hilliardohio.gov](http://hilliardohio.gov)**