



Real People. Real Possibilities.

City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: May 27, 2016**

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### ORDINANCES

*The following Ordinances were passed by Hilliard City Council on May 23, 2016.*

**16-16 (Amended) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR CIP S-31 & S-33, THE HERITAGE LAKES LIFT STATION NO. 2 REHABILITATION AND REPLACEMENT AND SANITARY SEWER CLEANING PROJECT; APPROPRIATING ADDITIONAL FUNDS; AUTHORIZING THE EXPENDITURE OF FUNDS; AND AUTHORIZING AN EMERGENCY.**

**WHEREAS**, the City has 15 lift/pump stations which allow for the passage of both storm and sanitary sewer water where a gravity fall sewer is not possible or practical; and

**WHEREAS**, periodic maintenance, including rehabilitation and/or replacement, of these lift/pump stations is required; and

**WHEREAS**, the Department of Public Service has identified a need to rehabilitate and replace the Heritage Lakes Lift Station No. 2 (the "Lift Station"); and

**WHEREAS**, along with rehabilitating and replacing the Lift Station, the City also requires that the connecting lines to the Lift Station be lined and cleaned (the "Project"); and

**WHEREAS**, the City initially bid this Project in November 2015 with an Engineer's Estimate of Four Hundred and Forty Eight Thousand Nine Hundred Dollars (\$448,900), but all bids exceeded the Engineer's estimate by more than ten percent; and

**WHEREAS**, the City reevaluated its estimate for the Project and has determined that an additional amount of money needs to be appropriated in order to complete the Project; and

**WHEREAS**, the City Engineer's estimated cost for the Project is now Seven Hundred and Thirty Four Thousand Dollars (\$734,000); and

**WHEREAS**, the bid documents contain an alternate, with an estimated cost of \$10,000 for landscaping restoration, which may be authorized if the lowest and best bid on the base bid comes in under the City Engineer's estimate, with sufficient funds remaining to award the alternate; and

**WHEREAS**, after having duly advertised for bids for two consecutive weeks on April 14, 2016, and April 21, 2016, the City publicly opened and read aloud bids at 2:00 p.m. on Tuesday, May 3, 2016, and John Eramo & Sons, ("Contractor") who submitted a bid in the amount of \$807,121 (being within the 10% allowable amount over the engineer's estimate) and \$10,000 for Alternate 1 was determined to be the lowest and best bidder; and

**WHEREAS**, funds for the Project were appropriated in the 2016 Capital Improvement Budget by Ordinance No. 15-55 passed by Hilliard City Council on December 7, 2015 from Fund 304, Object 55 in the amount of \$446,000 and Fund 267, Object 55 in the amount of \$85,000; and

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**ORDINANCES**

**16-16 (Amended) (continued)**

**WHEREAS**, the City requests that additional funds be appropriated from Fund 304, Object 55 in an amount not to exceed \$407,189 in order to fund the Project; and

**WHEREAS**, the total amount of funds to be expended on this Project is an amount not to exceed \$938,189, which includes a 10% contingency for change orders, 5% for Third Party Construction Administration, and 5% for City Construction Inspection services; and

**WHEREAS**, the City requests this Ordinance be passed by emergency because the life-cycle of the Heritage Lakes Lift Station has expired, and work must begin at once on the lift-station for the preservation of the health, safety and general welfare of the City and its residents.

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

**SECTION 1.** An appropriation in an amount not to exceed \$407,189 is made from the Capital Improvement Fund 304, Object 55 to pay for cost of the Project.

**SECTION 2.** An expenditure is authorized from Fund 304, Object 55 to pay the cost of the Project in an amount not to exceed \$853,189.

**SECTION 3.** An expenditure is authorized from Fund 267, Object 55 to pay the cost of the Project in an amount not to exceed \$85,000.

**SECTION 4.** The Director of Public Service is authorized to enter into an agreement with John Eramo and Sons, ("Contractor") for rehabilitation of the Heritage Lakes Lift Station No. 2 and the lining and cleaning of the connecting lines, in an amount not to exceed \$887,833, which includes Alternate No. 1 and a 10% contingency for construction related change orders, and award of the Alternate in the amount of \$10,000.

**SECTION 5.** The Director of Public Service is authorized to enter into an agreement with AECOM, the design engineer for the Project, for Construction Administration services in an amount not to exceed \$40,356.

**SECTION 6.** The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

**SECTION 7.** This Ordinance is declared to be an emergency measure necessary for the preservation of the general health, safety, and welfare of the City of Hilliard and its citizens. Emergency passage is necessary to ensure that the Project begins immediately due to the life-cycle of the lift station having expired. This Ordinance shall be in full force and effect immediately upon passage.

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**16-19 (Amended) AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DEVELOPER'S AGREEMENT WITH HILLIARD REAL ESTATE HOLDINGS, LLC (FOR THE BO JACKSON PROJECT) AND DECLARING AN EMERGENCY.**

**WHEREAS**, Hilliard Real Estate Holdings, LLC (the "Developer") is in the process of acquiring approximately 6.5 ± acres of real property located in the City (the "Property"), that the City owns for recreational purposes along Cosgray Road (formerly known as the Grener property), upon which the Developer plans to construct a 114,000 square foot Bo Jackson Elite Sports Facility, with plans to include a Natatorium, basketball and volleyball courts and outdoor fields for soccer, lacrosse and football in the domed facility (collectively, the "Project"); and

**WHEREAS**, a general depiction of the Property is attached hereto as Exhibit "A"; and

**WHEREAS**, in connection with the Project, the Developer must make certain public infrastructure improvements, including construction of a public access road, public parking lot, temporary on-site sanitary treatment area, offsite water main improvements and construction of a detention basin; and

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**ORDINANCES**

**16-19 (Amended) (continued)**

**WHEREAS**, upon construction of the access road and parking lot, the Developer will enter into a long-term lease with the City for continuous and unobstructed use of the access road and parking lot for the benefit of the public that also will access the adjacent property owned by the City and for contiguous property for which the City has an option to purchase (the remaining approximately 47 acres of the Grener property); and

**WHEREAS**, as identified in the Purchase Agreement between the City and the Developer, the City intends to reimburse the Developer for construction of certain public infrastructure improvements; and

**WHEREAS**, the City, the Owner and the Developer have agreed to the terms of a Developer's Agreement, attached hereto and incorporated herein as Exhibit "B" (the "Developer's Agreement"); and

**WHEREAS**, the City requests that this Ordinance be passed by emergency because the Developer must begin construction of its Project on and after June 1, 2016 in order for its facility to be ready and open for fall membership, which is its busiest time of year.

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

**SECTION 1.** The City's Director of Public Service is authorized to enter into a Developer's Agreement, in a form substantially similar to the one **attached** hereto as Exhibit "B" and incorporated herein, with such non-material and non-adverse changes as may be deemed necessary and appropriate by the City's Director of Public Service, with his execution thereof on behalf of the City constituting conclusive evidence of Council's approval of such changes.

**SECTION 2.** The reference to "Owner" and "Developer", as used in this Ordinance, shall refer to any entity in control of the Property which entity submits development plans to the City and applies for issuance of a building permit.

**SECTION 3.** The City's Director of Public Service is authorized to sign any and all documents required to implement the terms and conditions of the Developer's Agreement that may be required, as approved as to form by the City's Law Director.

**SECTION 4.** This Ordinance is declared to be an emergency measure for the general health, safety and welfare of the City and its residents because the Developer must begin construction of its Project on and after June 1, 2016 in order for its facility to be ready and open for fall membership, which is its busiest time of year. Therefore, this Ordinance shall be effective immediately upon passage.

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**16-23 (Amended) APPROPRIATING FUNDS FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS TO CITY-OWNED PROPERTY OFF OF COSGRAY ROAD; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City owns approximately 57 acres of land along Cosgray Road, with an option to purchase approximately 47 additional acres, which acreage the City plans to use for recreational and athletic purposes (the "Soccer Park", also formerly known as the Grener property); and

**WHEREAS**, development of the Soccer Park requires certain public infrastructure improvements to be made, including the extension of a waterline along Cosgray Road, the construction of a public access drive and public parking lot and provision for on-site stormwater detention (the "Park Improvements"); and

**WHEREAS**, the City desires to appropriate funds from the City's rainy day fund in order to encumber funds for these Park Improvements.

**WHEREAS**, the City requests that this Ordinance be passed by emergency because the Park Improvements need to be made at the same time as the Bo Jackson Elite Sports Facility is being constructed adjacent to the City's Soccer Park, which project must begin in June of this year in order to be open for fall membership.

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**ORDINANCES**

**16-23 (Amended) (continued)**

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

**SECTION 1.** An appropriation is authorized from Fund 102, Objects 53 & 55 in the amount of \$1,605,600 for the expenditure to fund the Park Improvements as follows: \$1,216,500 for the public access drive and public parking lot; \$90,000 for the stormwater detention basin; and \$300,000 to extend the public waterline.

**SECTION 2.** 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. The appropriated funds herein shall be encumbered and held in the name of Hilliard Real Estate Holdings, LLC.

**SECTION 3.** This Ordinance is declared to be an emergency measure for the preservation of the health, safety and general welfare of the City because the Park Improvements need to be made at the same time as the Bo Jackson Elite Sports Facility is being constructed adjacent to the City's Soccer Park, which project must begin in June of this year in order to be open for fall membership. Therefore, this Ordinance shall be in effect immediately upon passage.

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**RESOLUTIONS**

*The following Resolutions were adopted by Hilliard City Council on May 23, 2016.*

**16-R-40 AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO PURCHASE AND INSTALL EMERGENCY VEHICLE EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY CRUISERS FROM AN APPROVED VENDOR THROUGH THE STATE JOINT PURCHASING PROGRAM; AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, the Department of Public Safety has been approved to replace four marked police cars in 2016 by Resolution No. 16-R-25 passed by Hilliard City Council on February 22, 2016; and

**WHEREAS**, each marked police car will require the installation of new emergency lighting and equipment prior to deployment into regular use; and

**WHEREAS**, the Division of Police requires a local vendor for installation and service of emergency equipment due to operational necessities; and

**WHEREAS**, it is proposed that the purchase of emergency vehicle equipment and installation of such equipment be made pursuant to the state joint purchasing program, which eliminates the time and expense of competitive bidding, as the same has been conducted by the State of Ohio; and

**WHEREAS**, funds for the purchase were appropriated in the 2016 Capital Improvement Budget by Ordinance No. 15-55 passed by Hilliard City Council on December 7, 2015, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this purchase is established by resolution of Council.

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

**SECTION 1.** An expenditure in an amount not to exceed \$65,000 is authorized from Fund 304 Object 55.

**SECTION 2.** The Director of Public Safety is hereby authorized to enter into an agreement with PARR Public Safety, Inc., a state approved vendor, to purchase and install emergency vehicle lighting and equipment at a total cost not to exceed \$65,000 as an additional purchaser through the State of Ohio, pursuant to the state joint purchasing program authorized by Ohio Revised Code §125.04.

**SECTION 3.** This Resolution is effective upon its adoption.

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**RESOLUTIONS**

**16-R-42 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS FOR THE 2016 STREET MAINTENANCE AND REHABILITATION PROGRAM; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the Department of Public Service has conducted its annual inspection of streets, alleys, parks, sidewalks, and curb ramps in the City of Hilliard and has identified those needing repair and maintenance; and

**WHEREAS**, those streets and ramps needing repair are identified as CIP T-121 "Citywide Street Rehabilitation and Right-of-Way Management Program" ("CIP T-121"), those alleys needing repair in CIP T-122, and those parks needing repair in CIP LB-12 (collectively, CIP T-121, T-122, and LB-12 hereinafter referred to as the "Project"); and

**WHEREAS**, the Project is identified as a Level One Capital Improvement Project for 2016, which must be implemented for the safety and well-being of the City and its residents; and

**WHEREAS**, the City Engineer's estimated cost for the base bid of the Project is \$1,260,468 and the estimated cost of alternates is \$605,019; and

**WHEREAS**, the City Engineer's estimated cost for additional pavement surface treatments under State Contract 101G-17 is \$164,742.03 for which the City believes it could not obtain a lower cost by bidding this work out on its own, given the economies of scale provided through a state bid contract; and

**WHEREAS**, after having been duly advertised for two consecutive weeks as required by law, bids for the contract were publicly opened and read aloud at 2:00 p.m., May 12, 2016, and Strawser Paving Co., Inc., which submitted a base bid in the amount of \$1,081,346.22, was determined to be the lowest and best bidder on the base bid ("Contractor"); and

**WHEREAS**, the City has elected to award alternate A-1 to Contractor in the amount of \$122,503.20; and

**WHEREAS**, the City has elected to award alternate A-3 to Contractor in the amount of \$33,441.93; and

**WHEREAS**, a contingency in the amount of \$123,729.14 is available to cover approved change orders; and

**WHEREAS**, funds in the amount of \$1,600,000 were appropriated for the Project in the 2016 Capital Improvement Budget by Ordinance No. 15-55, passed by Hilliard City Council on December 7, 2015, and pursuant to Section 3.10 of the Charter of the City, authorization to fund this Project is established by resolution of Council.

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

**SECTION 1.** An expenditure is authorized in an amount not to exceed \$1,600,000 from Fund 206, Object 55.

**SECTION 2.** The Director of Public Service is authorized to enter into a contract with Strawser Paving Co., Inc., for the 2016 Street Maintenance and Rehabilitation Program, which includes CIP T-121, T-122, and LB-12, in a contract amount not to exceed \$1,237,291.35, which includes the base bid plus alternates A-1 and A-3, with authorization to approve change orders (10% contingency) in an amount not to exceed \$123,729.14.

**SECTION 3.** The Director of Public Service is authorized to enter into a contract with Strawser Construction Inc., for additional pavement surface treatments under State Contract 101G-17, in a contract amount not to exceed \$164,742.03.

**SECTION 4.** The Finance Director is authorized to pay DLZ of Ohio to provide construction inspection and testing services required for the Project in an amount not to exceed \$49,491.65.

**SECTION 5.** The Finance Director is authorized to pay the cost of city staff services to provide construction inspection services required for the Project in an amount not to exceed \$24,745.83.

**SECTION 6.** 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.

**SECTION 7.** This Resolution is effective upon its adoption.

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## RESOLUTIONS

### **16-R-43 AUTHORIZING THE CITY'S DIRECTOR OF LANDS AND BUILDINGS TO ACCEPT A LIMITED WARRANTY DEED FROM PPOS 17, LLC, IN CONNECTION WITH THE AVERY POINTE DEVELOPMENT.**

**WHEREAS**, PPOS 17, LLC, (the "Owner") owns approximately 13.9 ±acres of real property located in the City, at the south and west corner of Avery Road and Davidson Road identified as parcel numbers 050-001921 (the "Landtrac Parcel"), 050-011360 (the "Brick House Parcel") and 050-003194 (the "Glenmont Parcel") by the Franklin County Auditor's Office (collectively, the "Property"); and

**WHEREAS**, the Brick House Parcel contains an historic red brick house; and

**WHEREAS**, the Owner and the City entered into a Developer's Agreement on October 15, 2014, which provided that the Owner shall convey the Brick House Parcel to the City in satisfaction of the Owner's parkland dedication requirement; due to their joint desire to preserve the historic structure and provide public ownership and use of the land building; and

**WHEREAS**, by agreement of the City, the Owner was permitted to use the Brick House Parcel as a construction office until construction of the Avery Pointe Development was completed and the plat was filed; and

**WHEREAS**, the Owner filed the plat on July 22, 2015, and has indicated that since construction is nearly complete, it is ready to convey the Brick House Parcel to the City; and

**WHEREAS**, it is in the interest and benefit of the City of Hilliard and the public-at-large that the acceptance of Brick House Parcel by limited warrant deed, as proposed on Exhibit "A", be accepted by the City of Hilliard.

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

**SECTION 1.** The City's Director of Lands and Buildings is authorized to accept a limited warranty deed from PPOS 17, LLC conveying 0.4798 ±acres of land in satisfaction of the City's parkland dedication requirement, as shown on Exhibit "A", **attached** hereto and incorporated herein by reference. PPOS 17, LLC shall pay, and be responsible for the payment of, any and all real property taxes that are due, or that may become due, on the parcel being deeded to the City herein, up to the time the deed is recorded with the Office of the Franklin County Recorder, and the Owner shall hold the City harmless thereon.

**SECTION 2.** The City's Director of Lands and Buildings is authorized to do all acts and to execute all instruments that are appropriate or necessary to carry out the acceptance and recording of the deed on behalf of the City and acceptance of the Brick House Parcel.

**SECTION 3.** This Resolution is effective upon its adoption.

### **16-R-46 APPROVING THE MAYOR'S APPOINTMENT OF JOHN BRYNER TO THE BIG DARBY ACCORD PANEL.**

**WHEREAS**, the City is a participating jurisdiction in the Big Darby Accord Panel (the "Accord Panel"), which aims to develop a multi-jurisdictional plan to preserve and protect the Big Darby Creek and its tributaries; and

**WHEREAS**, as a participating jurisdiction, the City appoints one member to the Accord Panel on a 3-year term; and

**WHEREAS**, Jay Muether, Hilliard's representative on the Accord Panel, resigned his position effective May 11, 2016; and

**WHEREAS**, the Mayor desires to appoint Hilliard resident John Bryner to fill the vacant position left by Mr. Muether's resignation; and

**WHEREAS**, the Mayor believes Mr. Bryner is qualified by education and experience to serve as Hilliard's representative on the Accord Panel.

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

**SECTION 1.** Mr. John Bryner is hereby appointed to the Big Darby Accord Panel as Hilliard's representative for a term ending June 30, 2018.

**SECTION 2.** This Resolution is effective upon its adoption.

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## **REMAINING 2016 MEETING DATES OF HILLIARD CITY COUNCIL**

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

June 13  
June 27  
July 11  
August 22  
September 12  
September 26  
October 24  
November 14  
November 28  
December 12

*To confirm meeting dates and times please check the calendar on the City's website.*

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