



Real People. Real Possibilities.

City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: September 30, 2016**

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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)

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### ORDINANCES

*The following Ordinances were passed by Hilliard City Council on September 26, 2016.*

**16-30      REVISING THE CODIFIED ORDINANCES OF THE CITY OF HILLIARD BY ADOPTING CURRENT REPLACEMENT PAGES.**

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances, dating from August 1, 2015 through July 31, 2016; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before the Hilliard City Council.

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

**SECTION 1.** The ordinances of the City of Hilliard, Ohio, of a general and permanent nature, as revised, re-codified, rearranged and consolidated into component codes, titles, chapters and sections within the 2015-16 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

**SECTION 2.** The complete text of the sections revised, re-codified, rearranged, and consolidated, from August 1, 2015 through July 31, 2016, are set forth in full in the current replacement pages to the Codified Ordinances **attached** hereto as Exhibit "A" and incorporated herein.

**SECTION 3.** Copies of the replacement pages to the Codified Ordinances shall be made available to the public in libraries, in courts, and in the Clerk's Office, as supplemental materials to the official City Bulletin, which shall constitute sufficient notice of new material contained therein. The City's contract with the Walter H. Drane Company requires that it update the on-line version of the City's Codified Ordinances per Exhibit "A".

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

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**16-31      ACCEPTING THE APPLICATION FOR ANNEXATION OF 387 ±ACRES TO THE CITY OF HILLIARD, OHIO, LOCATED IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF RURAL RESIDENTIAL.**

**WHEREAS**, on May 5, 2016, pursuant to Ohio Revised Code Section 709.023, the property owners seeking the annexation of 387 ±acres of real property in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

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**ORDINANCES**

**16-31 (continued)**

**WHEREAS**, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 16-R-45 on May 9, 2016, which Resolution indicates the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

**WHEREAS**, on May 17, 2016 a certified copy of Resolution No. 16-R-45 was delivered to the office of the Clerk of the Franklin County Commissioners; and

**WHEREAS**, the Petition came on for public hearing before the Franklin County Board of County Commissioners on June 7, 2016; and

**WHEREAS**, pursuant to an action of the Franklin County Commissioners after that hearing the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on June 23, 2016; and

**WHEREAS**, pursuant to Ohio Revised Code §709.04, the Clerk of Council is required to place before Council the annexation documents at the next regular meeting of Council following the expiration of 60 days from the receipt by her; and

**WHEREAS**, City Council is required to accept or reject the Petition for Annexation within 120 days thereafter; and

**WHEREAS**, Section 1104.04 of the City's Codified Ordinances requires that the City assign the newly annexed property a zoning classification that most resembles the property's zoning classification immediately prior to annexation.

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

**SECTION 1.** The proposed annexation of 387 ± acres from Brown Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on May 5, 2016, and approved by the Board of County Commissioners on June 7, 2016, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A"** and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

**SECTION 2.** The 387 ± acres shall be assigned the zoning classification of "RR" Rural Residential for low-density residential development with lot acres and lot widths characteristic of rural residential development.

**SECTION 3.** The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

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

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**16-32(Amended) ENACTING CHAPTER 342 OF THE CITY'S CODIFIED ORDINANCES TO REGULATE COMMERCIAL TRUCK IDLING WITHIN CITY LIMITS; AND DECLARING AN EMERGENCY.**

**WHEREAS**, City Council has received an increase in reports from residents regarding overnight commercial truck idling near their homes; and

**WHEREAS**, while recognizing the importance of sending and receiving products and materials by truck to Hilliard businesses, the unnecessary idling of commercial trucks overnight that are parked near recreational or residential uses, or parked near daycares and schools, is not compatible nor acceptable and, when present at these places during certain hours, creates a public nuisance and negatively affects the health, safety, welfare and quality of life of the City's residents; and

**WHEREAS**, overnight commercial truck idling causes not only noise disturbances but also other unforeseen and unsanitary consequences; and

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## ORDINANCES

### **16-32(Amended) (continued)**

**WHEREAS**, it is the intent of Council to enact the least restrictive means of abating this nuisance as identified in Exhibit "A" attached hereto and incorporated herein; and

**WHEREAS**, City Council believes that the Code, as amended in Exhibit "A", abates this nuisance and promotes the general health, safety, and welfare of the City and its residents and that it ought to be adopted and passed by emergency.

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

**SECTION 1.** Council finds that the unregulated idling of certain commercial vehicles, as more particularly defined hereafter, within 1,000 feet of a residential use, daycare, school or public park, between the hours of 10 p.m. through 7 a.m. is a nuisance to the public and must be abated. Therefore, Council enacts Chapter 342 of the City's Codified Ordinances as identified in Exhibit "A", **attached** hereto and incorporated herein. Chapter 342 as shown in Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances.

**SECTION 2.** This Ordinance is declared to be an emergency measure necessary to abate a public nuisance and for the preservation of the general health, safety, and welfare of the City of Hilliard and its citizens. This Ordinance shall be in full force and effect immediately upon passage.

### **16-34(Amended) ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

**WHEREAS**, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2017; and

**WHEREAS**, the Budget Commission of Franklin County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; and

**WHEREAS**, the certified rates were received from the Budget Commission on August 31, 2016 and the City is required to accept the amounts and rates and certify them to the County Auditor no later than October 1, 2016; and

**WHEREAS**, ordinances authorizing annual tax levies shall take effect upon passage and shall not be subject to referendum pursuant to Section 3.07 of the Charter of the City.

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

**SECTION 1.** The amounts and rates, as determined by the Budget Commission in its certification are hereby accepted.

**SECTION 2.** There shall be, and hereby is, levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2016 (collection year 2017) as follows:

FUND	Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to be Levied	
			Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund		<b>\$1,463,382.18</b>	<b>1.60</b>	
General Fund Charter				
Bond Retirement				
Bond Retirement Charter				
Police Pension				

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## ORDINANCES

### 16-34(Amended) (continued)

Police Operating  
Fire Pension  
Fire Operating  
Police/Fire Pension  
Capital Improvement Charter  
Road & Sidewalk Fund

<b>TOTAL</b>	<b>\$1,463,382.18</b>	<b>1.60</b>
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**SECTION 3.** The Clerk of this City Council is hereby directed to certify a copy of this Ordinance to the County Auditor of said County.

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

## RESOLUTIONS

*The following Resolutions were adopted by Hilliard City Council on September 26, 2016.*

### 16-R-73 **AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A COMPACT UTILITY VAN THROUGH THE CITY OF COLUMBUS JOINT PURCHASING PROGRAM; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, it is necessary for the health, safety, and welfare of the citizens of Hilliard, Ohio that the City appropriately maintains its traffic signals and other electrical systems; and

**WHEREAS**, the Director of Public Service has determined that a compact utility van is needed in order for City staff to efficiently and effectively perform these services; and

**WHEREAS**, it is proposed that the purchase be made through the City of Columbus joint purchasing program, as permitted by Section 125.04(C) of the Ohio Revised Code, which eliminates the time and expense of competitive bidding as the same has been conducted by the City of Columbus; and

**WHEREAS**, the need for a compact utility van was identified in CIP F-5 for vehicles, which is a 2016 Level One Capital Improvements Project; and

**WHEREAS**, existing vehicles deemed as surplus will be traded in at the time of receiving the new compact utility van, which trade-in amounts will be credited against the total purchase price of the new vehicle; and

**WHEREAS**, funds were appropriated in the 2016 Capital Improvement Budget by Ordinance No. 15-55, passed by City Council on December 7, 2015, and pursuant to Section 3.10 of the Charter of the City, authorization for 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 is authorized in an amount not to exceed \$40,000 from Fund 304, Object 55 to provide funds for the purchase of a compact utility van.

**SECTION 2.** The Director of Public Service is hereby authorized to enter into an agreement to purchase a compact utility van from Byers Ford, as an additional purchaser through the City of Columbus joint purchasing program authorized by Ohio Revised Code Section 125.04(C).

**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.

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

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**RESOLUTIONS**

**16-R-75(Amended) A RESOLUTION SUPPORTING A 24-HOUR NOTICE TO RESIDENTS PRIOR TO ABATEMENT/SPRAYING FOR MOSQUITOS.**

**WHEREAS**, the City of Hilliard has home rule powers and as such the Mayor and City Council may do all things necessary for the health, safety and general welfare of its residents; and

**WHEREAS**, the City of Hilliard contracts with Franklin County Public Health for integrated mosquito management services; and

**WHEREAS**, Franklin County Public Health provides notice to the City's Director of Public Service upon determining that abatement/spraying of mosquitos is necessary; and

**WHEREAS**, after notice is received from Franklin County Public Health that abatement/spraying of mosquitos is necessary, City Council deems it in the best interest of its residents to provide residents with a 24-hour notice before the abatement/spraying for mosquitos occurs.

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

**SECTION 1.** Upon receiving notice from the Franklin County Public Health that abatement/spraying for mosquitoes is necessary, the Director of Public Service shall provide residents 24-hour notice that the abatement/spraying will occur, unless the Franklin County Public Health indicates that immediate spraying is needed to protect public health. Notice of the abatement/spraying shall be provided on the City's website, social media sites, e-mail and through the media.

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

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**16-R-77 A RESOLUTION APPROVING THE 2016 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL ("TIRC") FOR THE REVIEW OF COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING PROJECTS.**

**WHEREAS**, the City has Community Reinvestment Area ("CRA") Agreements and Tax Increment Financing ("TIF") projects in the City for purposes of economic development; and

**WHEREAS**, pursuant to R.C. 5709.85(A)(2) the City created a Tax Incentive Review Council (TIRC) to annually review all agreements granting exemptions from property taxation in CRAs and exemptions from property taxation resulting from the declaration of public purpose improvements pursuant to TIF exemptions (the CRA and TIFs collectively hereafter referred to as the "exemption projects"); and

**WHEREAS**, pursuant to Section 5709.85 of the Ohio Revised Code, the City's TIRC must meet annually to review all exemption projects as to compliance with applicable statutes and agreements; and

**WHEREAS**, the City's TIRC held its annual public meeting on August 10, 2016 to review the exemption projects in the City, and after full discussion, voted to recommend the continuation of each exemption project; and

**WHEREAS**, by law, City Council must vote to accept, reject, or modify all or any portion of the TIRC recommendations.

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

**SECTION 1.** City Council accepts the recommendations of the Hilliard Tax Incentive Review Council to maintain the approved exemption projects identified in Exhibit "A" **attached** hereto and incorporated herein.

**SECTION 2.** The Clerk of Council shall forthwith send a certified copy of this Resolution to the Franklin County Auditor.

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

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## RESOLUTIONS

**16-R-78 AUTHORIZING AND SUPPORTING THE ATTRIBUTABLE FUNDING APPLICATION TO THE MID-OHIO REGIONAL PLANNING COMMISSION (MORPC) FOR THE COSGRAY ROAD EXTENSION (CIP T-86/PID 90989) AND TO EXECUTE AGREEMENTS AS MAY BE REQUIRED.**

**WHEREAS**, the City has identified the need to make improvements to the Cosgray Road/Scioto Darby Road intersection and extend Cosgray Road south of Scioto Darby Road to Alton & Darby Creek Road (the "Project"); and

**WHEREAS**, in Ordinance No. 11-30, passed September 12, 2011, Hilliard City Council authorized the Director of Public Service to enter into an agreement with the Ohio Department of Transportation to fund the preliminary engineering work for the FRA-Cosgray Road Extension (CIP T-86/PID 90989); and

**WHEREAS**, in Resolution No. 12-R-54, passed October 22, 2012, Hilliard City Council authorized the Director of Public Service to enter into an agreement with MS Consultants, Inc. for the preliminary design of the Project; and

**WHEREAS**, a public information open house was held at the Hilliard Senior Center on August 12, 2014; and

**WHEREAS**, the Project consists of widening and signalization of the Cosgray Road/Scioto Darby Road intersection; extension of Cosgray Road south through the Jerman property with 2-lanes in each direction separated by a raised median; roundabouts at two intersections to serve a future mixed-use development and relocated athletic fields; on-street bike lanes; off-street shared-use paths; street lighting; and a combination of underground and overland drainage facilities for storm water management in the Big Darby watershed; and

**WHEREAS**, environmental documentation and conceptual design of Project is nearly complete; and

**WHEREAS**, the Ohio Department of Transportation sub-allocates federal transportation funding via the MPO and Large Cities Capital Program; and

**WHEREAS**, funds sub-allocated to MORPC include the Surface Transportation Program (STP), Congestion Mitigation & Air Quality Improvement Program (CMAQ), and the Transportation Alternatives Program (TAP), collectively known as MORPC-attributable funds; and

**WHEREAS**, relying on Ordinance No. 11-30, the City applied for MORPC-attributable funds for the Project on August 15, 2016; however, MORPC determined that the authorizing and supporting legislation was not current and Hilliard City Council is required to pass legislation.

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

**SECTION 1.** Hilliard City Council authorizes and supports the application submitted by the Director of Public Service on August 15, 2016, for MORPC-attributable funds for the Cosgray Road Extension (CIP T-86/PID 90989).

**SECTION 2.** The Director of Public Service is further authorized to accept funds and to enter into agreements as may be necessary and appropriate to apply for and receive federal financial assistance from MORPC. Such agreements shall be approved as to form by the City Law Director and in accordance with all authority granted to the Director of Finance, as evidenced by his signature therein, and any limitations imposed thereby.

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

**16-R-79 AUTHORIZING THE CITY'S DIRECTOR OF PUBLIC SERVICE TO GRANT A NON-EXCLUSIVE EASEMENT TO OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER, FOR PLACEMENT OF UNDERGROUND UTILITY LINES AND APPURTENANCES IN CITY PROPERTY LOCATED OFF OF COSGRAY ROAD.**

**WHEREAS**, the City of Hilliard, Ohio has considered the necessity of granting a non-exclusive utility easement to the Ohio Power Company, a unit of American Electric Power (known hereafter as "AEP") to install electric underground utility lines in order to provide service to the Bo Jackson Elite Sports complex and other customers that may potentially be serviced by this line; and

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**RESOLUTIONS**

**16-R-79 (continued)**

**WHEREAS**, granting a ten-foot wide easement as depicted on Exhibit "A" attached hereto and incorporated herein, is in the best interest of the City and promotes the general health, safety and welfare of its residents; and

**WHEREAS**, the Director of Public Service requests that the City be authorized to grant the easement to AEP as depicted on Exhibit "A".

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

**SECTION 1.** The Director of Public Service is authorized to grant a non-exclusive easement to the Ohio Power Company, a unit of American Electric Power, as described and depicted in Exhibit "A", **attached** hereto and incorporated herein by reference.

**SECTION 2.** The Director of Public Service is authorized to approve any necessary administrative changes to effect the proper recording of the legal descriptions, documents, and instruments, and shall provide the Council Clerk with a final recorded copy of all such legal descriptions, documents and instruments for filing in the City records.

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

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**16-R-80 AUTHORIZING THE CITY'S DIRECTOR OF LANDS AND BUILDINGS TO ACCEPT A LIMITED WARRANTY DEED FROM THE HILLIARD DEVELOPMENT CORPORATION FOR 0.34 ±ACRES OF PROPERTY LOCATED ON CENTER STREET IN HILLIARD.**

**WHEREAS**, Hilliard Development Corporation, (the "HDC") owns approximately 0.34 ±acres of real property located in the City on Center Street, identified as parcel numbers 050-000185-00, 050-000233-00, and 050-000181-00 by the Franklin County Auditor's Office (collectively, the "Property"); and

**WHEREAS**, the Property once housed a NAPA Auto Parts store, which has relocated to a larger site on Main Street in Hilliard; and

**WHEREAS**, due to the redevelopment of Old Hilliard, and the influx of residents patronizing City parks, private restaurants and other public events, the City has identified a need for additional public parking; and

**WHEREAS**, ownership of the Property will provide the City with the opportunity to create additional public parking and to use some of the Property for future economic development related purposes; and

**WHEREAS**, on September 22, 2016, HDC's Board voted to donate the Property to the City upon finding that conveyance of the Property to the City supports HDC's mission of enhancing and promoting economic development in Hilliard; and

**WHEREAS**, it is in the interest and benefit of the City of Hilliard and the public-at-large that the City accept donation of the Property by limited warranty deed, as identified on Exhibit "A", attached hereto and incorporated herein.

**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 the Hilliard Development Corporation conveying 0.34 ±acres of land to the City, as shown on Exhibit "A", **attached** hereto and incorporated herein by reference. HDC shall pay, and be responsible for the payment of, any and all real property taxes and assessments that are due, or that may become due, on the Property being donated to the City herein, up to the date the deed is recorded with the Office of the Franklin County Recorder, and HDC 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 and acceptance of the Property on behalf of the City.

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

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## **REMAINING 2016 REGULAR MEETINGS OF HILLIARD CITY COUNCIL**

*(All meetings begin at 7:00 p.m. and are held at City Hall, 3800 Municipal Way, unless otherwise noted.)*

October 24  
November 14  
November 28  
December 12

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

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