



Real People. Real Possibilities.

City  
Council

## Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: December 2, 2016**

---

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 November 28, 2016.*

**16-37 AUTHORIZING THE CITY'S MAYOR, AS ACTING DIRECTOR OF ECONOMIC DEVELOPMENT, TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH RDP FOODSERVICE, LTD. TO RELOCATE ITS OPERATIONS TO 4200 PARKWAY LANE IN HILLIARD.**

**WHEREAS**, RDP Foodservice, Ltd. (the "Enterprise") is a food service distribution and restaurant supply company that started as a small Italian grocery that has grown into one of the region's largest food distributors. RDP Foodservice, Ltd. has twice earned the award as one of Columbus' top 50 fastest growing companies by [Business First Magazine](#); and

**WHEREAS**, the Enterprise's sales have increased fifty percent (50%) since 2010 and as such, its current facility in Columbus cannot accommodate additional inventory; and

**WHEREAS**, the Enterprise desires to relocate its entire business operations to 4200 Parkway Lane in Hilliard (the "Facility") and lease approximately 100,000 square feet of warehouse space, bringing an initial seventy-five (75) jobs to Hilliard, which will increase to eighty-six (86) new jobs (collectively, the "New Jobs") to the Facility by December 31, 2020 (the "Project"); and

**WHEREAS**, in order to incentivize its relocation to Hilliard, the City desires to provide the Enterprise with a tax incentive credit equal to twenty-three percent (23%) of the yearly payroll taxes paid to the City resulting from the Project, for a term of ten (10) years, which incentive may increase to twenty-six (26%) if one-half of the payroll taxes paid to the City by the Enterprise originate from jobs employed by residents of the City of Hilliard; and

**WHEREAS**, the Project's increase to Hilliard's tax base, and the offering of incentives, 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 finds and determines that the Project and the related economic development incentives described in the Economic Development Agreement, in a form substantially similar to the one **attached** hereto as Exhibit "A" (the "Agreement") and incorporated herein, are in furtherance of the City's Comprehensive Plan. The City further finds and determines that it is appropriate and in the best interests of the City to provide certain incentives to RDP Foodservice, Ltd., 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 City's Mayor, as Acting Director of Economic Development, is authorized to enter into the Agreement for the granting of an annual tax incentive credit to the Enterprise in an amount equal to twenty-three percent (23%) of the municipal income taxes paid on New Jobs (as that term is defined in the Agreement) at the Facility for a term of ten (10) years beginning January 1, 2017 and ending December 31, 2026 per the terms and conditions outlined in the Agreement. The incentive may increase to twenty-six percent (26%) if one-half of the payroll taxes paid to the City by the Enterprise originate from jobs employed residents of the City of Hilliard. The City's Mayor, for and in the name of the City, is authorized to execute an 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, with any changes or modifications being evidenced conclusively with his execution thereof that such changes are approved by City Council.

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

---

**ORDINANCES**

**16-37 (continued)**

**SECTION 3.** 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 and implement the transactions described in or contemplated by this Ordinance in executing the Agreement.

**SECTION 4.** 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 5.** The Agreement must be executed by the parties no later than forty-five (45) days after the effective date of this Ordinance.

**SECTION 6.** 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 November 28, 2016.*

**16-R-84 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR CIP S-33, THE 2016 SANITARY SEWER CLEANING AND CLOSED-CIRCUIT TELEVISIONING (CCTV) PROGRAM; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS,** the City of Hilliard owns and maintains the sanitary sewer collection system in Hilliard; and

**WHEREAS,** the City of Hilliard is defined as a satellite community of the City of Columbus sanitary sewerage system, as defined in the Ohio Environmental Protection Agency's (OEPA) Findings and Orders, authorized in Ordinance 08-68; and

**WHEREAS,** the City is required, per the OEPA Findings and Orders, to conduct and submit to OEPA a Sewer System Evaluation Study (SSES); and

**WHEREAS,** the SSES must include a physical survey of the sewer system and location identification of the following; hydraulic deficiencies within the sewer system; material sources of infiltration and inflow (I&I) entry into the sewer system; and structural deficiencies within the sewer system that cause or contribute to sanitary sewer overflows (SSO) or water in basements (WIB); and

**WHEREAS,** as a means of meeting the above SSES requirements, the City has established an Annual Sanitary Sewer Cleaning and CCTV Program (CIP S-33) ("Project") which is included in the City's Five-Year Capital Improvements Plan; and

**WHEREAS,** the City has implemented a seven-year rotation cycle to undertake CIP S-33 as part of its annual sewer maintenance program, as well as to meet the OEPA's SSES requirements, with 2016 being the fifth year of the program's implementation in the City; and

**WHEREAS,** the City Engineer's estimated cost for the Project is One Hundred and Forty Nine Thousand Eight Hundred Dollars (\$149,800); and

**WHEREAS,** after having duly advertised for bids for two consecutive weeks on October 20, 2016 and October 27, 2016, the City publicly opened and read aloud bids at 2:00 p.m. on Tuesday, November 8, 2016, and Insight Pipe Contracting, LLC ("Contractor") who submitted a bid in the amount of \$152,480, was determined to be the lowest and best bidder; and

**WHEREAS,** funds for the Project in the amount of \$175,500 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 City's Charter, authorization to fund the Project may be established by resolution of Council.

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

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

---

**RESOLUTIONS**

**16-R-84 (continued)**

**SECTION 1.** An expenditure is authorized from Fund 268, Object 55 to pay the cost of the Project in an amount not to exceed \$175,000.

**SECTION 2.** The Director of Public Service is authorized to enter into a contract with Insight Pipe Contracting, LLC, for the 2016 Sanitary Sewer Cleaning and CCTV Program (CIP S-33), in an amount not to exceed \$167,700, which includes a 10% contingency to pay for any cost overruns associated with the Project.

**SECTION 3.** The Finance Director is authorized to pay AECOM, Inc. an amount not to exceed \$7,300 to provide required public inspection services.

**SECTION 4.** 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 5.** This Resolution is effective upon its passage.

---

**16-R-89 AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER FOR CIP T-135 & W-50, THE RIGGINS ROAD AND WILCOX ROAD IMPROVEMENT PROJECT; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS,** the City and the Office of the Franklin County Engineer (“Franklin County Engineer”) have been working cooperatively to extend Riggins Road and a waterline from their current terminus at Wilcox and Riggins roads westerly to Avery Road (the “Project”); and

**WHEREAS,** this is a multi-jurisdictional project involving the City of Hilliard, Franklin County and the City of Columbus, utilizing a variety of sources to fund the estimated total Project cost of \$11,546,000; and

**WHEREAS,** the City’s share of the Project is estimated to be \$3,660,000; and

**WHEREAS,** the City has already paid to relocate the Marathon Oil pipeline at a cost of \$1,270,000, reducing the City’s estimated portion of the Project cost to \$2,389,500; and

**WHEREAS,** the Franklin County Engineer, after having duly advertised, received bids for the Project and determined that Igel Construction Company (“Igel”) was the lowest and best bidder, and awarded a contract to Igel in the amount of \$7,657,104.31; and

**WHEREAS,** Hilliard City Council appropriated \$2,505,000 in 2016 to fund the City’s portion of the Project, (the “City’s Portion of the Project”); and

**WHEREAS,** Franklin County has committed to allocating \$5 Funds to the City to offset the City’s Portion of the Project, which \$5 funds will be paid directly from the Franklin County to the City (for the Project); and

**WHEREAS,** after the City receives the \$5 Funds, and upon conclusion of the Project, the Franklin County Engineer will invoice the City for the actual costs of City’s Portion of the Project; and

**WHEREAS,** funds in the amount of \$2,505,000 to pay for the City’s Portion of the Project 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 City’s Charter, authorization to fund the City’s Portion of Project may be 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 \$2,505,000 is authorized from Capital Improvement Fund 304, Object 55 to pay the City’s Portion of the Project, which amount includes a 5% contingency to pay for approved change orders incurred on the City’s Portion of the Project (the “City’s Expenditure”).

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

---

**RESOLUTIONS**

**16-R-89 (continued)**

**SECTION 2.** The Director of Public Service is authorized to enter into an agreement with the Office of the Franklin County Engineer for construction of the Project in an amount not to exceed the City's Expenditure identified in Section 1 above, and in a form substantially similar to the one **attached hereto as Exhibit "A"**.

**SECTION 3.** Upon receipt of the \$5 Funds from the Franklin County Engineer for deposit into Fund 203, the City's Finance Director is authorized to transfer those funds from Fund 203 to Fund 304.

**SECTION 4.** 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 5.** This Resolution is effective immediately upon its passage.

---

**16-R-91    **APPROVING CHANGES TO THE STURBRIDGE COURT PLANNED UNIT DEVELOPMENT ("PUD") PLAN AND TEXT TO PERMIT ASSISTED LIVING FACILITY USES, CREATE SUBAREAS, AND MODIFY DEVELOPMENT STANDARDS.****

**WHEREAS,** City Council approved a Planned Neighborhood Development District ("PND") consisting of 9.0± acres of land for the Sturbridge Court PND by passage of Ordinance No. 80-44, effective October 23, 1980 (the "Sturbridge Court PND"); and

**WHEREAS,** City Council adopted Ordinance No. 14-29, effective November 24, 2014, changing all PND zoning classifications to PUD; and

**WHEREAS,** Sturbridge Green Apartment LLC (the "Applicant") submitted application number 16-0269LC to the City's Planning and Zoning Commission to seek approval of a modification to the Sturbridge Court PUD to permit assisted living facility uses, create subareas, and modify development standards; and

**WHEREAS,** staff finds that the proposal represents a reasonable effort toward the accomplishment of the original PUD Zoning Development Plans as approved by Council and such requested modifications are not in conflict with the general health, safety, and welfare of the public or the development standards of the Planned Unit Development District; and

**WHEREAS,** at its regularly scheduled and advertised meeting on September 8, 2016, the City's Planning and Zoning Commission voted to forward a positive recommendation to City Council to modify the Sturbridge Court PUD to permit assisted living facility uses, create subareas, and modify development standards as requested by the Applicant; and

**WHEREAS,** a copy of the plan showing the boundaries of the proposed subareas, and the amended Development Plan, and the proposed Text for the Sturbridge Court PUD are attached hereto as Exhibits "A", "B", and "C", and incorporated herein by reference (the "Sturbridge Court PUD dated October 31, 2016").

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

**SECTION 1.** Council finds that amending the Sturbridge Court PUD as requested by the Applicant is in the best interest of the City and its residents. The Sturbridge Court PUD Development Plan and Text is amended to create subareas, modify development standards and permit assisted living facility uses.

**SECTION 2.** The plan showing the boundaries of the proposed subareas, the amended Development Plan, and the proposed Text, **attached hereto as Exhibits "A", "B" and "C"** and incorporated herein by reference, is approved and shall hereafter be included in the Sturbridge Court PUD Development Plan and Text.

**SECTION 3.** This Resolution is effective at the earliest time provided for by law.

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

---

**RESOLUTIONS**

**16-R-93 ESTABLISHING THE ALLOCATION OF MUNICIPAL INCOME TAX RECEIPTS FOR FISCAL YEAR 2017.**

**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**, it is the City's intention to provide revenues sufficient to cover expenditures for budget year 2017; 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 2017 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 2017 from the percentage established for 2016, 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-five percent (65%) in 2017 to enable the City to maintain its current level of services, which results in an increase to the Street Improvement Tax Fund from nine percent (9%) to ten percent (10%).

**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 2017 under the provisions of Chapter 181 of the Codified Ordinances shall be allocated as follows:

- (1) Sixty-five percent (65%) 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) Ten percent (10%) of the tax revenues shall be transferred to the Street Improvement Tax Fund.

**SECTION 2.** The allocations established above shall be effective only for those income tax revenues received through the end of fiscal year 2017, 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.

---

**16-R-94 AUTHORIZING THE CITY'S DIRECTOR OF LANDS AND BUILDINGS TO ENTER INTO AN AMENDED LEASE AGREEMENT WITH REPRESENTATIVE STEVE STIVERS, A MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES, FOR OFFICE SPACE LOCATED AT 3790 MUNICIPAL WAY.**

**WHEREAS**, the City owns the building that formerly housed the Division of Police, located at 3790 Municipal Way; and

**WHEREAS**, since 2011 the City has leased the premises at 3790 Municipal Way in Hilliard to Representative Steve Stivers for use by Representative Stivers and his staff for his district office; and

**WHEREAS**, Rep. Stivers was re-elected on November 8, 2016, to his seat in the U.S. House of Representatives, representing the 15<sup>th</sup> District of Ohio which includes the City of Hilliard, and he has requested a renewal of his lease in the City's buildings; and

**WHEREAS**, the Director of Lands and Buildings has declared that this property is not now needed for municipal purposes, and

**WHEREAS**, utilizing the Premises for Rep. Stivers district office promotes the general health, safety, and welfare of the City.

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

---

**RESOLUTIONS**

**16-R-94 (continued)**

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

**SECTION 1.** The Director of Lands and Buildings is hereby authorized to enter into an amended lease agreement with Representative Steve Stivers, a member of the U.S. House of Representatives, in substantially the form of the agreement **attached** hereto as Exhibit A, with such changes as may be agreed to by the Director of Law that are not adverse to the City, and with the approval by the Administrative Counsel for the U.S. House of Representatives, for the purpose of retaining his constituent district office in Hilliard.

**SECTION 2.** The City's Director of Lands and Buildings and the Director of Law are authorized to sign any and all documents as may be necessary to effectuate the Lease and its terms and conditions.

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

---

**16-R-95**            **RESOLUTION OPPOSING AM. SUB. SENATE BILL 235**

**WHEREAS,** the City of Hilliard shall have and may exercise all municipal powers, functions rights and privileges and immunities of every name and nature whatsoever under the Constitution of the United States and the Constitution of the State of Ohio, including home rule provisions; and

**WHEREAS,** the Council of the City of Hilliard hereby strongly opposes the passages of Am. Sub. Senate Bill 235, as written as of November 28, 2016, for the reasons stated in the Local Government Associations' memorandum dated October 19, 2016, attached hereto, notably right of a property owner to apply directly with the county auditor's office to freeze the value of an owner's property and the total lack of participation, review and ability to negotiate such real property exemptions by local governments.

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

**SECTION 1.** The City of Hilliard strongly opposes the passage of Am. Sub. Senate Bill 235, exempting from property taxes the increased value of property on which industrial or commercial development is planned until completion of the new or redeveloped facilities, and which legislation by-passes all local governments in negotiating and approving these exemptions.

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

---

**REMAINING 2016 REGULAR MEETING OF HILLIARD CITY COUNCIL**

December 12 at 6:00 p.m.

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