

Real People. Real Possibilities.™

## **AGENDA**

---

# **Regular Council Meeting**

**7:00 PM December 13, 2021**

**Council Members:**

**Pete Marsh**

**Les Carrier**

**Tom Baker**

**Kelly McGivern**

**Omar Tarazi**

**Andy Teater**

**Cynthia Vermillion**

**President**

**Vice President**

**Michelle Crandall, City Manager**

**Diane (Dee) Werbrich, Clerk of Council**

**City Hall, Council Chambers • 3800 Municipal Way, Hilliard, OH 43026**

---



Hilliard City Council established the following five broad Strategic Focus Areas to guide the vision of the City. Under each of these Focus Areas is one significant goal to be prioritized during 2021-2022.

### Strategic Focus Area #1 – Excellent, Innovative City Services

- Goal Statement – The City will ensure continued delivery of excellent and innovative services in the years ahead by developing a long-term financial plan focusing on fiscal resilience and sustainability.

### Strategic Focus Area #2 – Family-friendly, Engaged Community

- Goal Statement – The City will focus on transparency, public trust and resident involvement by developing and implementing a community engagement and communications plan.

### Strategic Focus Area #3 – Distinct, Well-Planned Community

- Goal Statement – The City is committed to implementing a strategy that includes public infrastructure maintenance and delivery of City services that support residents as they maintain properties in our older neighborhoods.

### Strategic Focus Area #4 – Quality Commercial Development

- Goal Statement – The City will create and implement an economic development plan focused on the attraction, retention, growth and creation of businesses and jobs that provide a strong tax base and quality development.

### Strategic Focus Area #5 – Valued Cultural and Recreational Amenities & Programs

- Goal Statement – The City will meet the community's needs for indoor recreational, health and wellness amenities and programming by engaging strategic partners to plan and build a new community center.



**I. Invocation and Pledge of Allegiance**

Invocation – President Marsh

The Pledge of Allegiance to the Flag of the United States of America – Mr. Baker/Ms. McGivern

**II. Roll Call**

**III. Approval of Minutes**

- A. November 22, 2021, Special Executive Session
- B. November 22, 2021, Regular Meeting

**IV. Recognition of Outgoing Council Members Baker and McGivern**

**V. Commission and Board Reports**

Board of Zoning Appeals	Andy Teater
Destination Hilliard	Pete Marsh
Environmental Sustainability Commission	Pete Marsh
MORPC	City Manager Crandall
Planning & Zoning Commission	Cynthia Vermillion
Public Arts Commission	Omar Tarazi
Recreation and Parks Advisory Commission	Les Carrier/Andy Teater
Shade Tree Commission	Peter Marsh
Other Boards/Commissions	President and Vice President

**VI. Recognition and Special Guests**

- A. YMCA – Tony Collins and Patrick Russell

**VII. Changes to the Agenda**

**VIII. Consent Agenda**

- A. Liquor Permits - Speedway
- B. 21-R-77 APPOINTING JAMES MARTIN TO THE CITY'S BOARD OF ZONING APPEALS.
- C. 21-R-78 APPROVING THE RE-APPOINTMENT OF MATTHEW FORCHIONE TO THE CITY'S SHADE TREE COMMISSION.
- D. 21-R-79 APPROVING THE CHANGE IN DESIGNATION OF CURRENT MEMBERS AND RE-APPOINTING JAY MUETHER TO THE CITY'S PLANNING AND ZONING COMMISSION.
- E. 21-R-80 APPROVING COUNCIL'S APPOINTMENT TO THE PUBLIC ARTS COMMISSION.

**IX. Public Comments (Items not on the Agenda)**

**Public Notice:** Any member of the public addressing Council on items not on this agenda are asked to sign the speaker's sign-in form so the Clerk will have accurate information about your name and address. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.



Real People. Real Possibilities.

**X. Business of the Council**

**A. Ordinances**

**SECOND READINGS/PUBLIC HEARINGS**

**Public Notice:** Any member of the public addressing Council on the Public Hearing below are asked to sign the speaker's sign-in form so the Clerk will have accurate information about your name and address. Each speaker will contain their comments to **3 minutes** and shall conduct themselves in a professional manner.

- 21-41 APPROVING THE 2022 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2022.
- 21-42 AMENDING SECTION 185.02 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE DISBURSEMENT OF THE HOTEL/MOTEL TAX AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DESTINATION HILLIARD.

**FIRST READINGS**

- 21-43 APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT-TERM NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS.
- 21-44 AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES REGARDING DEVELOPMENT IN THE B-4, I-270 CORRIDOR ZONING DISTRICT.

**B. Resolutions**

- 21-R-81 AMENDING ORDINANCE NO. 12-46 (AMENDED) TO EXPAND THE ELIGIBLE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THE PROPERTIES WITHIN THE CONTINENTAL PLANNED UNIT DEVELOPMENT DISTRICT.
- 21-R-82 AUTHORIZING THE TRANSFER OF FUNDS TO THE CAPITAL IMPROVEMENT FUND.
- 21-R-83 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS & NIPLE, INC., TO CONDUCT A FEASIBILITY STUDY AND TO PREPARE GRANT APPLICATIONS FOR THE CEMETERY ROAD/I-270 TRAIL OVERPASS & SAFETY IMPROVEMENTS AND AUTHORIZING AN EXPENDITURE.
- 21-R-84 AUTHORIZING THE CITY MANAGER ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS AND NIPLE, INC. FOR THE OLD HILLIARD UTILITY STUDY.
- 21-R-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MCCARTHY CONSULTING, LLC, TO BE THE OWNER'S REPRESENTATIVE FOR THE COMMUNITY CENTER CONSTRUCTION PROJECT.





Real People. Real Possibilities.

## City Council

December 13, 2021  
Regular Meeting Agenda  
Page 5

21-R-86      WAIVING THE UNDERGROUND RELOCATION OF AMERICAN ELECTRIC POWER (AEP) AND JOINT USER FACILITIES ASSOCIATED WITH THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) S-28 UPPER SCIOTO WEST SUB-TRUNK SEWER PROJECT AND THE CONSTRUCTION OF THE CARR FARMS SUBDIVISION.

21-R-87      RE-APPOINTING ONE CITIZEN MEMBER TO THE BOARD OF TRUSTEES OF THE HERITAGE PRESERVE NEW COMMUNITY AUTHORITY.

**XI.      President's Communication**

**XII.      Staff Reports**

A. Financial Overview - October

**XIII.      City Manager Updates**

**XIV.      Items for Council Discussion**

**Adjournment**



Real People. Real Possibilities.™

## CITY COUNCIL

### NOVEMBER 22, 2021 SPECIAL EXECUTIVE SESSION MINUTES

#### CALL TO ORDER

The meeting was called to order by President Pete Marsh at 5:00 PM.

#### ROLL CALL OF MEMBERS

Attendee Name:	Title:	Status:
Pete Marsh	President	Present
Les Carrier	Vice President	Present
Tom Baker	Councilman	Present
Kelly McGivern	Councilwoman	Present
Omar Tarazi	Councilman	Present
Andy Teater	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

**Staff Members Present:** City Manager Michelle Crandall, Law Director Phil Hartmann and Clerk of Council Diane Werbrich

Ms. Vermillion, seconded by Mr. Baker, moved to recess to Executive Session for matters pertaining to the appointment of a public official and compensation of a public employee and economic development strategies (Charter Section 2.10 (1)(a)&(g)).

**MOVER:** Cynthia Vermillion  
**SECONDER:** Tom Baker  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

#### EXECUTIVE SESSION

Council recessed to Executive Session at 5:01 PM

Vice President Carrier, seconded by Ms. McGivern, moved to end the Executive Session at 6:24 PM.

**MOVER:** Les Carrier  
**SECONDER:** Kelly McGivern  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

President Marsh reconvened the Special/Executive Session at 6:24 PM.

#### ITEMS FOR COUNCIL DISCUSSION

Mr. Teater, seconded by Mr. Baker, moved to have legislation prepared to re-appoint Mr. Jay Mueller to the Planning and Zoning (P&Z) Commission and to appoint Mr. James Martin to the Board of Zoning Appeals (BZA).

**MOVER:** Andy Teater  
**SECONDER:** Tom Baker  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

Vice President Carrier, seconded by Ms. Vermillion, moved to adjourn the Special/Executive Session by Voice Vote.

Minutes Acceptance: Minutes of Nov 22, 2021 5:00 PM (Approval of Minutes)

<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Cynthia Vermillion
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

#### ADJOURNMENT – 6:24 PM

\_\_\_\_\_  
Pete Marsh, President  
City Council

\_\_\_\_\_  
Diane Werbrich, MMC  
Clerk of Council

Approved: \_\_\_\_\_

This online version of City Council minutes is not the official record. The official record, adopted by City Council, along with any attachments, are contained in the Minute Book at City Hall. Please contact the Clerk of Council if you would like a copy of the official record at [dwerbrich@hilliardohio.gov](mailto:dwerbrich@hilliardohio.gov).



Real People. Real Possibilities.™

## CITY COUNCIL

### NOVEMBER 22, 2021 REGULAR MEETING MINUTES

#### INVOCATION AND PLEDGE OF ALLEGIANCE

President Marsh gave the invocation

Vice President Carrier led The Pledge of Allegiance to the Flag of the United States of America.

#### ROLL CALL

Attendee Name:	Title:	Status:
Pete Marsh	President	Present
Les Carrier	Vice President	Present
Tom Baker	Councilman	Present
Kelly McGivern	Councilwoman	Present
Omar Tarazi	Councilman	Present
Andy Teater	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

**Staff Members Present:** City Manager Michelle Crandall, Law Director Phil Hartmann, Assistant City Manager Dan Ralley, Finance Director Dave Delande, Deputy Finance Director Greg Tantari, City Engineer Clark Rausch, Human Resources Director Julia Baxter, Transportation and Mobility Director Letty Schamp, Police Chief Eric Grile, Information Technology Director Duane Powell

#### APPROVAL OF MINUTES

President Marsh asked if there were any changes or corrections to the November 8, 2021, Special/Executive Session and the Regular Meetings. Hearing none, the minutes were approved as submitted.

<b>STATUS:</b>	Accepted
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

#### COMMISSION AND BOARD REPORTS

**Board of Zoning Appeals** - Mr. Teater reported the Board met on Thursday, November 18, 2021, and at this meeting four variances were heard and approved.

**Destination Hilliard** - President Marsh stated Council is voting on legislation this evening and if that passes, Destination Hilliard will meet December 15, 2021, to possibly ratify the contract with the City.

**Environmental Sustainability Commission** - President Marsh reminded residents to save their Styrofoam for collection on the Friday after Christmas.

**Mid-Ohio Regional Planning Commission (MORPC)** - No report.

**Planning and Zoning** - No report.

**Public Arts** - No report.

**Recreation and Parks Advisory Commission** - Vice President Carrier stated there will be a meeting in December.

**Shade Tree Commission** - No report.

**Other Boards/Commissions** - No report

### **RECOGNITION AND SPECIAL GUESTS**

President Marsh read and presented the Hilliard Chamber of Commerce with the Small Business Season proclamation.

#### **A. MURAL 3988 MAIN STREET**

Vice President Carrier, seconded by Ms. Vermillion, moved to approve the mural located at 3988 Main Street by Voice Vote.

<b>STATUS:</b>	Approved (7-0)
<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Cynthia Vermillion
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

### **CHANGES TO THE AGENDA - NONE**

### **CONSENT AGENDA**

#### **A. C1 & C2 NEW LIQUOR LICENSE - KL PETROLEUM, INC.**

Vice President Carrier, seconded by Mr. Teater, moved to not request a hearing on the C1 and C2 Liquor License request of KL Petroleum, Inc. by Voice Vote.

<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Andy Teater
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater
<b>NAYS:</b>	Cynthia Vermillion

### **PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) - None**

### **BUSINESS OF THE COUNCIL**

#### **A. Ordinances**

### **SECOND READINGS/PUBLIC HEARINGS**

No one spoke for or against Ordinances 21-35, 21-36, 21-37, 21-38, 21-39 and 21-40.

#### **21-35 APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT-TERM NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS AND DECLARING AN EMERGENCY.**

Vice President Carrier, seconded by Mr. Baker, moved to separate the declaration of emergency language from Ordinance 21-35.

Mr. Delande explained the emergency language is because the principal and interest on the note is due December 21, 2021, and if this ordinance passed without the emergency language the effective day would be past this date.

**STATUS:** Defeated (4-3)  
**MOVER:** Les Carrier  
**SECONDER:** Tom Baker  
**AYES:** Les Carrier, Tom Baker, Omar Tarazi  
**NAYS:** Pete Marsh, Kelly McGivern, Andy Teater, Cynthia Vermillion

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-35 passed and would take effect immediately upon passage.

**21-36 APPROPRIATING FUNDS FOR THE EXPENSES OF THE CITY OF HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2022.**

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-36 passed and would take effect at the earliest time allowable by law.

**21-37 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.**

Ms. Vermillion asked if the premium increased and did the City use the policy in 2021. Mr. Delande replied the premium increased approximately 18% but the net effect in the City's self-insurance was stable. He noted there were three of four individual members who exceeded this.

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-37 passed and would take effect at the earliest time allowable by law.

**21-38 ADOPTING THE ORDINANCE APPROVED BY THE PEOPLE OF THE CITY OF HILLIARD, OHIO AMENDING SECTIONS 183.01 AND 183.04 OF THE CODIFIED ORDINANCES TO INCREASE THE INCOME TAX RATE FROM TWO PERCENT (2%) TO TWO AND ONE-HALF PERCENT (2.5%) AND TO DEDICATE THE REVENUE RESULTING FROM THE ONE-HALF PERCENT (0.5%) INCREASE TO RECREATION AND PARKS CAPITAL AND OPERATIONAL EXPENSES.**

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-38 passed and would take effect at the earliest time allowable by law.

**21-39 AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2022 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.**

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-39 passed and would take effect at the earliest time allowable by law.

**21-40 REPEALING AND REPLACING CODE §127.04 OF THE CODIFIED ORDINANCES OF THE CITY AND TO APPROVE CERTAIN AMENDMENTS TO CHAPTER 161 OF THE CODIFIED ORDINANCES IN ORDER TO ESTABLISH THE CITY'S NON-UNION COMPENSATION PLAN.**

Vice President Carrier asked if the City is not using Authorized Strength, would there be transparency to the public regarding staffing. Ms. Crandall replied that the Authorized Strength would be accepted as part of the Operating Budget, which is accurate. She noted the Authorized Strength document contained more positions than were approved by City Council.

**STATUS:** Adopted (7-0)  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-40 passed and would take effect at the earliest time allowable by law.

**FIRST READINGS**

**21-41 APPROVING THE 2022 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2022.**

Mr. Tarazi expressed concern over the \$11 million in the design budget for the community center, when \$3 million is expected for the architect. He asked that the community center and other projects be separated out. Ms. Crandall replied that it is not incorporated in the 2022 Capital Budget yet and staff will bring back to Council a revised 2022 Capital Budget with more details on what funding will be needed from the additional .5% this year from the design and consultant needs for the Jerman Property including the community center, athletic fields, etc. She explained the numbers would be included after the first of the year and a revised Capital Budget with a better understanding of the numbers would be presented to Council. Mr. Tarazi asked why Council would approve \$11 million now. President Marsh replied that RP-7 has a 2022 budget of \$7.1 million in design. Mr. Delande stated that was earmarked if Issue 22 passed. The first exhibit does not include the Issue 22 items for this budget and will be discussed in the first quarter and added at that time. He reported the 2022 budget for tonight's reading is \$14,177,956.00 and does not include items earmarked for Issue 22. Ms. Crandall added this does not include additional funding needed for the Jerman site, which would come from the additional .5% income tax. She stated the numbers will be revised and redistributed once everything is finalized. President Marsh added everything in RP-2 through RP-5 is what Council is voting on, but RP-7 is not. Mr. Delande agreed.

Vice President Carrier stated that it may help Council if a separate line item could be created for Issue 22 dollars so it can be looked at separately from the budget cycle so that it is not intertwined, which causes confusion. He also suggested the ordinances associated with the spending be separated. Ms. Crandall replied it is separated because anything related to Recreation and Parks would go into a special fund, which is fully funded by the extra .5%. She noted that is how the ordinance and Issue 22 ballot reads. Vice President Carrier then asked why it is confusing tonight. Ms. Crandall replied that all of the funding for all of the design and consultants that are needed for the Jerman property are not included yet because the City does not have accurate numbers at this time. Ms. Crandall explained the \$7 million dollars was originally a hold and staff would like to bring back accurate numbers, which Council can approve in an amended CIP for 2022. Anything Recreation and Parks, Council can assume will be funded from the additional .5%.

President Marsh asked if the supplemental information would include some of the items discussed in T-133 regarding possible trail connections. Vice President Carrier commented that some of that is General Fund, and some is funding from Issue 22 and is why he thinks it should be separated so Council knows exactly where the money is coming and going from. He noted it is important to get the timeline out in the first quarter for feedback because it will have impact on the spend.

Mr. Tarazi asked if the current Recreation and Parks budget would be put onto the Issue 22 funding. Ms. Crandall agreed. Mr. Tarazi then asked where the money was being allocated that would have been

budgeted if Issue 22 did not pass. Ms. Crandall replied that it is not being reallocated but some is absorbed in some of the increases in the General Fund Operating Budget, and there might be an opportunity later in 2022 to look at another CIP project or something that needs to be addressed. Mr. Delande noted those funds can be transferred within the Capital Budget.

**STATUS:** First Reading  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Andy Teater  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced the second reading/public hearing will be December 13, 2021.

**21-42 AMENDING SECTION 185.02 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE DISBURSEMENT OF THE HOTEL/MOTEL TAX AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DESTINATION HILLIARD.**

President Marsh explained this is related to the change in structure with Destination Hilliard (DH) and will reallocate the taxes to: 25% of the overall bed tax fund will go to DH, 25% to the General Revenue Fund and 50% will continue to go to the Hilliard Development Corporation (HDC). He noted this also allows Community Relations to enter into an agreement with DH, which they will have to approve at their next meeting, for a number of different services. Ms. Crandall added this continues to fully fund the HDC and the 25% in the General Revenue Fund would go to the Downtown Development Manager position for the City's continued focus on Old Hilliard.

Ms. Vermillion asked if DH has a full board or are they seeking members. President Marsh replied that DH is not at a full authorized strength of the board and are not currently seeking members. Ms. Crandall mentioned that when DH met with Mr. Ball, they decided to not go with some traditional print pages used in the past and decided to shift money (\$50,000.00) towards a Visitor Attraction Grant Program. The focus will be to attract new events where people would be staying overnight.

**STATUS:** First Reading  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Omar Tarazi  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced the second reading/public hearing will be December 13, 2021.

**B. Resolutions**

**21-R-73 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH I-DIG CONSTRUCTION GROUP FOR THE HAYDEN RUN GREENWAY TRAIL EXTENSION (CIP T-133) AND AUTHORIZING AN EXPENDITURE.**

Ms. Schamp explained that this is a contract resolution for the Hayden Run Greenway Trail, which is the section of trail that is on the southern end of the Amazon property from Leppert Road to Heritage Trail. She stated the Engineer's estimate was \$225,000.00, three bids were received with the lowest and best bid being I-Dig Construction Group with a bid amount of \$211,795.69. There is 10% available for contingency to cover approved change orders and are asking for a not to exceed amount of \$232,975.00. Ms. Schamp reported this also includes a transfer of funds from Fund 202 into Fund 283 Construction Inspection Fund to cover staff related expenses during construction of the project.

President Marsh asked what the timeline for this project is. Ms. Schamp replied the project needs to be completed by June 30, 2022. She stated this project received a \$300,000.00 Capital Budget appropriation, which staff believes will fund 95% of the project.



**STATUS:** Adopted (7-0)  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Andy Teater  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-R-73 passed and would take effect at the earliest time allowable by law.

**21-R-74 ACCEPTING A DRAINAGE AND UTILITY EASEMENT FROM ALTON PLACE, LLC AND VACATING DRAINAGE AND UTILITY EASEMENTS GRANTED TO THE CITY OF HILLIARD BY H&G, LLC AND HOMEWOOD CORPORATION.**

Mr. Rausch reported this is a drainage and utility easement for the new Alton Place project. He explained that ten years ago when Hamilton Ditch was restored in that area, there were two property owners at the time and a conservation easement was granted across Hamilton Ditch and they were permitted a single crossing across the ditch for future roadway. The easement at that time split the property lines, one property had an easement on their southern boundary and the other property on their northern boundary. Mr. Rausch stated the Alton Place project is relocating that crossing due to the layout of the development. In exchange for vacating the two existing easements, they want the City to dedicate and accept a new easement, which is further south than the previous easements and would not only house their east/west road crossing into Alton Place from Alton Darby Road but would house utilities as well.

Ms. Vermillion asked if the change in the roadway was one that Council approved. Mr. Rausch agreed and stated it is in the Development Plan. Vice President Carrier asked if this would help ease the flooding in that area on the south side of Roberts Road. Mr. Rausch replied this will not affect that. Vice President Carrier asked if that is Alton Place's or the City's responsibility. Mr. Rausch replied that he believed that south of Roberts Road is township. Vice President Carrier stated some residents have reached out and indicated the flooding has increased with the Alton Commons construction. Mr. Rausch replied that the new road for Alton Place will be a couple arch-type culverts and a bridge. The developer must demonstrate that they are not causing water levels to rise upstream.

**STATUS:** Adopted (7-0)  
**MOVER:** Tom Baker  
**SECONDER:** Kelly McGivern  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-R-74 passed and would take effect at the earliest time allowable by law.

**21-R-75 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR CIP S-37, SANITARY SEWER CIPP LINING PROJECT; AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

Mr. Rausch stated this is a sanitary sewer capital project, which are funded almost every year. These are 2020 carry over funds, which is money left over from projects and available for use. The Engineer's estimate was \$96,300.00 and the lowest and best bid received from the four bids received was \$62,403.00 and the City has worked with the contractor in the past. The request is for a 10% contingency and a price not to exceed \$68,650.00 and some dollars for construction administration help from the design engineer (\$6,250.00). He noted there were also funds set aside to help reimburse Fund 283 to pay construction inspectors on staff (\$6,250.00).

Vice President Carrier asked if this is lining the old sewer lines. Mr. Rausch agreed and is in the area where Norwich Street dead ends into Wayne Street on the north end. These are the ones that have the worst structural defects.

**STATUS:** Adopted (7-0)  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Andy Teater  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-R-75 passed and would take effect at the earliest time allowable by law.

**21-R-76 AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT TO HICKORY CHASE TITLEHOLDER, LLC FOR ACCESS ACROSS CITY PARKLAND IN THE HICKORY CHASE DEVELOPMENT.**

Mr. Rausch said this is for the new community building at the Hickory Chase development. He explained a number of years ago, Council accepted approximately 4.75 acres of parkland behind the library, which has a lot of trees. Mr. Rausch reported there is a secondary access road to the back of the new community center, a portion is paved and some of it is not paved, and they have been using that during construction for access. They expressed concern to the City to have a secondary access to get to the rear of the community center for maintenance purposes. He explained a piece of the road goes across the corner of the tree park and if the access road is moved to their property, they would have to remove several mature trees. A small easement is required for the corner of the City's park property and the road would be gated at two different locations and accessible to only those who have a key to the lock.

**STATUS:** Adopted (7-0)  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Omar Tarazi  
**AYES:** Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion  
 President Marsh announced 21-R-76 passed and would take effect at the earliest time allowable by law.

**PRESIDENT'S COMMUNICATION**

President Marsh wished everyone a Happy Thanksgiving and reminded residents that the City Building will be closed November 25 and 26, 2021.

He reminded residents that the Tree Lighting will be Sunday, December 5, 2021, from 4:00 to 6:30 PM at Hilliard Station Park. The tree lighting will be at 6:15 PM.

**STAFF REPORTS**

**(ID # DEBT POLICY  
2142)**

Ms. Crandall reported staff forwarded the Debt Management Policy to Council for review in late summer and is asking for Council's acceptance of this new policy. She stated that this captures many of the current practices, but staff did review best practice policies through GFOA and gathered policies from other communities in Central Ohio and beyond. This has been reviewed by the City's bond underwriter, Municipal Advisor and Bond Council. Ms. Crandall noted this policy is important because it sets guidelines to provide for sound financial management, gives guidance in decision making to choose the best funding tool in each circumstance and most importantly signals to rating agencies and capital markets that a government is well managed and likely to meet debt obligations in a timely manner.

Vice President Carrier asked what is the City's debt limit. Mr. Delande replied that it is based on millage and two years ago the City had approximately \$32 million left. Vice President Carrier commented that is the difference between what the City could borrow and what has been borrowed. Mr. Delande agreed. Vice President Carrier added that amount is stretched even further due to growth and the fact that the City has not borrowed any money in two years. He asked if the Debt Policy creates a limit that the City should keep in mind as new debt is issued. Mr. Delande said with the new debt with the underwriters and Municipal Advisors to help with the scenario of all the projects coming up. Vice President Carrier stated

there will not be a certain percentage but run through a formula that will be brought back to Council. Mr. Delande agreed and said they will be meeting with the underwriters, Bond Council and Municipal Advisors to start the game plan with the community center because of the volume the City will be undertaking and then follow-up and update Council.

Vice President Carrier asked what is the longest term the City can borrow for a Capital Improvement Project like the community center. Mr. Delande replied that it will probably be between 20 and 30 years and bond council ensures that it qualify for 30 years based on the life of the asset.

Vice President Carrier, seconded by Mr. Baker, moved to approve the Debt Policy as presented by Voice Vote.

<b>STATUS:</b>	Approved
<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Tom Baker
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

#### **CITY MANAGER UPDATES - NONE**

#### **ITEMS FOR COUNCIL DISCUSSION**

##### **A. COUNCIL RULE UPDATE - SECTION 13**

Mr. Tarazi, seconded by Ms. Vermillion, moved to accept the changes to Rule 13 regarding board/commission appointment or reappointments by Voice Vote.

<b>STATUS:</b>	Approved
<b>MOVER:</b>	Omar Tarazi
<b>SECONDER:</b>	Cynthia Vermillion
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

##### **B. 2022 COUNCIL MEETING DATES**

President Marsh stated in the past Council has approved Council meeting dates by Voice Vote. Ms. Werbrich reviewed the rules and there is nothing that states this process must be approved by Council. Ms. Werbrich added she will continue to present Council with the meeting dates, so they are aware. President Marsh mentioned the first meeting in 2022 is January 10, 2022, which is the reorganizational meeting. Prior to that meeting the newly elected Council members will take the Oath of Office.

Mr. Tarazi asked if a vote is required to invite the two new Council members to the Executive Session on December 13, 2021, so they are more aware prior to being sworn in. Ms. McGivern stated in the past, newly elected Council members have been invited to Executive Session, but typically not for a personnel review.

Mr. Tarazi, seconded by Mr. Teater, moved to invite newly elected Ms. Cottone and Ms. Hale to the December 13, 2021, Executive Session by Voice Vote.

<b>STATUS:</b>	Adopted
<b>AYES:</b>	Marsh, Carrier, Baker, Tarazi, Teater
<b>NAYS:</b>	Cynthia Vermillion
<b>ABSTAIN:</b>	Kelly McGivern

Ms. Crandall announced a dessert reception for outgoing Council members Baker and McGivern on December 13, 2021, at 6:30 P.M.

Vice President Carrier, seconded by Mr. Teater, moved to adjourn the meeting by Voice Vote.

<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Andy Teater
<b>AYES:</b>	Marsh, Carrier, Baker, McGivern, Tarazi, Teater, Vermillion

#### ADJOURNMENT – 8:12 PM

---

Pete Marsh, President  
City Council

---

Diane Werbrich, MMC  
Clerk of Council

Approved: \_\_\_\_\_

This online version of City Council minutes is not the official record. The official record, adopted by City Council, along with any attachments, are contained in the Minute Book at City Hall. Please contact the Clerk of Council if you would like a copy of the official record at [dwerbrich@hilliardohio.gov](mailto:dwerbrich@hilliardohio.gov).

## Liquor Permits - Speedway

## CONSENT AGENDA ITEMS

There is **TWO** STCK liquor permits before Council to consider.

1. **Speedway – 3760 Main Street.**
2. **Speedway – 4232 Cemetery Road**

Permit Class	Description
<b>C1</b>	<a href="#"><u>ORC 4303.11</u></a> Beer only in original sealed container for carry out only.
<b>C2</b>	<a href="#"><u>ORC 4303.12</u></a> Wine and mixed beverages in sealed containers for carry out.
<b>D6</b>	<a href="#"><u>ORC 4303.182</u></a> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

**STCK = Stock Transfer**

No objections were received.

This consent authorizes **NOT** requesting a hearing on this liquor permit request.

## Council Memo: Legislation (21-R-77)

**Subject:** Appointment to Board of Zoning Appeals  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Diane Werbrich, Clerk of Council  
**Date:** December 13, 2021

### Executive Summary

This legislation would approve an appointment to the City's Board of Zoning Appeals ("BZA").

### Staff Recommendation

Staff recommends that City Council adopt this resolution.

### Background

Pursuant to Section 1106 of the City's Codified Ordinances, the BZA was established with the authority to hear appeals from an administrative decision of the Code Enforcement Officer, to review variances, to consider temporary land uses, and to examine applications for an extension or change to a nonconforming use. The BZA is comprised of 7 members, each member being appointed to a 5-year term.

Kelly Mulrane's term expires on December 31, 2021 and, after conducting interviews, Council desires to appoint James Martin to a five-year term beginning January 1, 2022.

### Financial Impacts

By the passage of Ordinance No. 15-39, City Council approved an annual compensation for a member of the BZA equaling 20% of the City Council's pre-health insurance election compensation.

### Expected Benefits

This appointment will ensure that the BZA has a full membership.

### Attachments

N/A



**Resolution: 21-R-77**

**Adopted:**

**Page 2 of**

**Effective:**

**APPOINTING JAMES MARTIN TO THE CITY'S BOARD OF ZONING APPEALS.**

**WHEREAS**, Section 1106.01(a) of the Codified Ordinances of the City of Hilliard authorizes City Council to appoint seven members to the Board of Zoning Appeals ("BZA"); and

**WHEREAS**, BZA members are appointed on rotating five-year terms; and

**WHEREAS**, by the passage of Resolution No. 17-R-35, Kelly E. Mulrane was appointed to the BZA with term ending December 31, 2021; and

**WHEREAS**, City Council called for resumes/letters of interests from qualified candidates for new 5-year terms beginning January 1, 2022; and

**WHEREAS**, James Martin has expressed an interest in serving on the BZA; and

**WHEREAS**, City Council desires to appoint James Martin to the BZA for a term beginning January 1, 2022 and ending on December 31, 2026; and

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

**SECTION 1.** James Martin is hereby appointed to the Board of Zoning Appeals for a term beginning January 1, 2022 and ending December 31, 2026.

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law



✓ Vote Record - Resolution 21-R-77						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

### CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-77** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-R-78)

**Subject:** Appointment to Shade Tree Commission Michelle  
**From:** Crandall, City Manager  
**Initiated by:** Diane Werbrich, Clerk of Council  
**Date:** December 13, 2021

### Executive Summary

This piece of legislation would re-appoint one member to the City's Shade Tree Commission (the "Commission").

### Staff Recommendation

Staff recommends that City Council adopt this resolution.

### Background

Section 921.02 of the City's Codified Ordinances established a Shade Tree Commission tasked with making recommendations to the City in connection with its tree planting program, including the care, selection, preservation, removal or disposition of trees and shrubs in the City's right-of-way and other public places.

Section 921.02(a) sets the members terms to 4 years. Matthew Forchione was originally appointed in 2017 for a term ending December 31, 2021, and desires to be reappointed to the Commission for an additional 4-year term.

### Financial Impacts

By the passage of Ordinance No. 15-39, City Council approved an annual compensation for a member of the Commission equaling 20% of the City Council's pre-health insurance election compensation.

### Attachments

N/A



**Resolution: 21-R-78**

**Adopted:**

**Page 2 of**

**Effective:**

**APPROVING THE RE-APPOINTMENT OF MATTHEW FORCHIONE TO THE CITY'S SHADE TREE COMMISSION.**

**WHEREAS**, Section 921.02(a) of the Codified Ordinances of the City of Hilliard authorizes the appointment of members to the Shade Tree Commission; and

**WHEREAS**, on November 27, 2017, City Council adopted Resolution No. 17-R-10, appointing Matthew Forchione to the Shade Tree Commission, for a term ending December 31, 2021; and

**WHEREAS**, Mr. Forchione has expressed a desire be reappointed; and

**WHEREAS**, Mr. Forchione is qualified by profession and experience to accept such re-appointment.

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

**SECTION 1.** Matthew Forchione is hereby re-appointed to the Shade Tree Commission for a term beginning January 1, 2022 and ending December 31, 2025.

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Resolution 21-R-78						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

### CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-78** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-R-79)

**Subject:** Re-appointment and Changing Designations to Planning and Zoning Commission  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Diane Werbrich, Clerk of Council  
**Date:** December 13, 2021

### Executive Summary

This resolution would re-appoint Jay Muether to the Planning & Zoning Commission (“P&Z”) and approve new designations for current members due to the adoption of a new ward map.

### Staff Recommendation

Staff recommends that Council approve the Resolution.

### Background

Section 9.01 of the Charter for the City establishes P&Z with seven members. As a requirement, one member shall be appointed from each ward and the remaining members shall be selected at-large. Additionally, each member’s terms are four 4 years.

On November 8, 2021, City Council approved Ordinance No. 21-34 which adopted a new ward map for the City consisting of 5 wards, rather than the current 4 wards.

On December 31, 2021, Jay Muether’s term as a representative of Ward 4 expires, therefore Council advertised and accepted cover letters and resumes from residents interested in the new term beginning January 1, 2022. The City interviewed candidates on November 22, 2021 and determined to re-appoint Jay Muether, however, as a representative of new Ward 5, rather than Ward 4.

In order to ensure that each ward is represented on P&Z, it is necessary to change the designation of a couple of current members. Below is the table summarizing the representation of each ward with the current members:

Member	Current Designation	New Designation
Chris Lewie	1	4
Bill Uttley	2	2
Tracey Nixon	3	3
Jay Muether	4	5
Tom Pannett	At-large	At-large
Bevan Schneck	At-large	At-large
Eric Gutknecht	At large	1

### Financial Impacts

By the passage of Ordinance No. 15-39, City Council approved an annual compensation for a member of the BZA equaling 35% of the City Council’s pre-health insurance election compensation.

### Expected Benefits

The re-appointment and change in designations ensures that Council is complying with the Charter.

### Attachments

N/A.



**Resolution: 21-R-79**

**Adopted:**

**Page 2 of**

**Effective:**

**APPROVING THE CHANGE IN DESIGNATION OF CURRENT MEMBERS AND RE-APPOINTING JAY MUETHER TO THE CITY'S PLANNING AND ZONING COMMISSION.**

**WHEREAS**, Article IX, Section 9.01 of the Charter of the City of Hilliard authorizes City Council to appoint seven members to the Planning and Zoning Commission (the "Commission"); and

**WHEREAS**, the City's Charter requires that one member of the Commission shall be selected from each ward of the City and the remaining members be selected "at-large"; and

**WHEREAS**, by the passage of Ordinance No. 21-34 on November 8, 2021, City Council approved a new ward map ("Ward Map"), which created a fifth ward; and

**WHEREAS**, in order to comply with the Charter, it is necessary to change the designations of current members of the Commission; and

**WHEREAS**, Chris Lewie currently serves on the Commission as a Ward 1 representative, which City Council desires to change that of being a representative from Ward 4 due to the change in the boundaries of the Ward Map; and

**WHEREAS**, Eric Gutknecht currently serves on the Commission as an "at-large" representative, which City Council desires to change that of being a representative from 1 due to the change in the boundaries of the Ward Map; and

**WHEREAS**, Jay Muether was appointed to the Commission by the adoption of Resolution No. for a term expiring on December 31, 2021; and

**WHEREAS**, City Council desires to re-appoint Mr. Muether and designate him as a Ward 5 representative.

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

**SECTION 1.** City Council hereby approves the change in designation of Chris Lewie's appointment to the Planning and Zoning Commission from Ward 1 representative to a Ward 4 representative for a term expiring December 31, 2023.

**SECTION 2.** City Council hereby approves the change in designation of Eric Gutknecht's appointment to the Planning and Zoning Commission from an "at-large" representative to a Ward 1 representative for a term expiring December 31, 2023.

**SECTION 3.** Jay Muether is hereby re-appointed to the City's Planning and Zoning Commission as a Ward 5 representative for a term beginning January 1, 2022 and ending December 31, 2025.

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

APPROVED AS TO FORM:

\_\_\_\_\_  
**Philip K. Hartmann**  
**Director of Law**

✓ Vote Record - Resolution 21-R-79						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-79** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-R-80)

**Subject:** Appointment to Public Arts Commission  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Diane Werbrich, Clerk of Council  
**Date:** December 13, 2021

### Executive Summary

This resolution would appoint one (1) to the Public Arts Commission ("PAC").

### Staff Recommendation

Staff recommends that Council adopt this Resolution.

### Background

The PAC was established by City Council by Resolution No. 16-R-76 on October 24, 2016. On April 26, 2021, Council approved Resolution No. 21-R-28 reappointed Ms. Geneia Bellner to a two year term expiring on May 13, 2023. On November 1, 2021, Ms. Bellner submitted a resignation letter due to her moving out of the City.

Upon receipt of the resignation letter, the PAC sought to add a new member and recommends Mr. Jon Parker-Jones to fill Ms. Bellner's unexpired term.

### Financial Impacts

There are no anticipated financial impacts, members of the PAC service on a volunteer basis.

### Expected Benefits

The appointment will ensure that the PAC has its full membership.

### Attachments

N/A





**Resolution: 21-R-80**

**Adopted:**

**Page 2 of**

**Effective:**

**APPROVING COUNCIL'S APPOINTMENT TO THE PUBLIC ARTS COMMISSION.**

**WHEREAS**, the Council of the City of Hilliard created the Public Arts Commission ("PAC") by Resolution No. 16-R-76 on October 24, 2016; and

**WHEREAS**, on April 26, 2021, Geneia Bellner was appointed to a new two-year term expiring on May 13, 2023; and

**WHEREAS**, Ms. Bellner submitted a letter of resignation, effective December 1, 2021, and Jon Parker-Jones has been recommended to fill the vacancy; and

**WHEREAS**, Mr. Parker-Jones has expressed his desire to accept an appointment to the PAC.

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

**SECTION 1.** Jon Parker-Jones is hereby appointed to the Public Arts Commission for a term ending May 13, 2023.

**SECTION 2.** This Resolution shall be effective upon its adoption.

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
**Diane C. Werbrich, MMC**  
 Clerk of Council

\_\_\_\_\_  
**Pete Marsh, President**  
 City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Philip K. Hartmann**  
 Director of Law

✓ Vote Record - Resolution 21-R-80						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

### CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-80** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-41)

**Subject:** 2022 Capital Improvement Budget  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Delande, Director of Finance  
**Date:** December 13, 2021

### Executive Summary

This Ordinance approves the City's 2022 Capital Improvement Budget.

### Staff Recommendation

Following two Council of the Whole sessions to review the 2022 Capital Improvements Budget in detail, Staff recommends approve of this Ordinance.

### Background

The City's Capital Budget includes projects primarily related to improvements in transportation, utilities, technology, parks, facilities, and fleet that will be completed in 2022. These are projects that have been prioritized by staff and Council as part of the 5-year Capital Improvement Program development process. Section 6.09 of the City's Charter provides that the process of approval of a Capital Budget may be established by ordinance, provided that it shall adopted no later than December 31st.

A revised 2022 Capital Improvement Budget will be presented to Council in the first quarter of 2022 that will take into consideration the passage of Issue 22 and proposed capital expenditures related to Recreation and Parks, including the design and construction of the community center and site/park development within the recently purchased Jerman property.

### Financial Impacts

This legislation will result in the expenditure of approximately \$14.1 million for 2022 capital projects.

### Attachments

Exhibit A



Ordinance: 21-41

Passed:

Page 1 of

Effective:

**APPROVING THE 2022 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2022.**

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

**WHEREAS**, the City Manager has submitted the 2022 Capital Improvement Budget to City Council; and

**WHEREAS**, having reviewed the 2022 Capital Improvement Budget, City Council is prepared to proceed with authorizing the 2022 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, 2022, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as set forth therein.

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

ATTEST:

SIGNED:

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh  
President of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Ordinance 21-41						
<input type="checkbox"/> Adopted		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted as Amended	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Passed	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

**Ordinance 21-XX**  
**Exhibit A**

**City of Hilliard**  
**2022 Capital Appropriations**

<b>Fund</b>	<b>Object</b>	<b>Appropriation</b>
304	53/55 Administration and Planning	150,000
304	53/55 Equipment	929,000
202/304	53/55 IT	2,840,000
304	53/55 Lands and Buildings	435,000
103/208/304	53/55 Recreation and Parks	630,746
304	53/55 Safety	59,910
304	53/55 Sanitary	1,827,000
267/268	53/55 Sanitary	98,000
269/304	53/55 Storm Water Projects	1,558,300
304	53/55 Transportation	2,800,000
206	53/55 Transportation	2,210,000
202/203	53/55 Transportation	640,000
		<hr/>
		14,177,956
	<b>Summary</b>	
	Administration and Planning	\$ 150,000
	Transportation	5,650,000
	Recreation and Parks	630,746
	Lands and Buildings	435,000
	Storm Water / Sanitary / Water	3,483,300
	IT / Equipment / Safety	3,828,910
		<hr/>
		\$ 14,177,956

## Council Memo: Legislation (21-42)

**Subject:** Amending Section 185.02 & Authorizing Contract with Destination Hilliard  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Ball, Communications Director  
**Date:** December 13, 2021

### Executive Summary

This Ordinance will approve changes to Section 185.02 of the Codified Ordinances regarding the disbursement of the Hotel/Motel Tax and approve a Professional Services Agreement with Destination Hilliard.

### Staff Recommendation

Staff recommends that Council approve this Ordinance.

### Background

In October, staff presented City Council with information about an agreement being discussed between the Destination Hilliard Board of Directors and the Community Relations Department for the City to oversee the marketing activities for the convention and visitors' bureau (CVB) beginning in 2022. Since that time, staff and the board have agreed upon specifics of that agreement, that would be effective Jan. 1, 2022.

A copy of the agreement and proposed budget for Destination Hilliard are attached for your information. In addition to entering into this agreement, the City proposes to amend the percentage allocations of the hotel/motel tax found in Section 185.02 of the City's Codified Ordinances. ORC 5739.08 permits the City to impose a total 6% excise tax on hotels/motels. Three percent (3%) of the total tax is permitted to be disbursed for any lawful purpose. The other 3% can only be imposed if one-half of the funds collected are disbursed to the City's CVB, i.e. Destination Hilliard.

Highlights of the agreement and Section 185.02 include:

- Destination Hilliard will receive 50% of the hotel/motel tax collected pursuant to ORC 5739.08(B) (25% of the total hotel/motel tax) in 2022.
- The Destination Hilliard Board will continue to exist as a separate destination marketing agency that works in partnership with the City to achieve business and economic development priorities associated with tourism.
- A significant role of the Destination Hilliard Board will be to administer a Visitor Attraction Grant Program. \$50,000 will be allocated to that program in 2022. The City will work with the board to create that program, which will be designed to provide seed money to local businesses and other agencies to attract visitors to the community through the development of new events and other initiatives.
- Destination Hilliard will contract with the City of Hilliard (for the consideration of \$1 per year) to coordinate the marketing activities previously managed by the Destination Hilliard Executive Director. (The City's Community Relations Director will, in effect, serve as the Destination Hilliard Executive Director, working in partnership with the Destination Hilliard Board to set priorities, define an annual budget, and manage implementation of the agreed-upon priorities. The Board will entrust the City of Hilliard with a degree of latitude to make day-to-day decisions in implementing those priorities.)
- The existing Destination Hilliard offices will be vacated. Plans will be made to transfer existing assets (email accounts, phone numbers, social media accounts, etc.) to the control of the City of Hilliard in early 2022.

- The City of Hilliard will identify a freelance marketing agent to implement some of the tasks outlined in the budget. The individual will be paid by Destination Hilliard on a contract basis and will be managed by the City's Director of Community Relations.
- The biannual magazine and visitors guide previously produced by Destination Hilliard will be discontinued.

### **Financial Impacts**

The City will disburse fifty percent (50%) of the excise tax collected pursuant to 5739.08(B) (25% of the total hotel/motel tax collected) to Destination Hilliard because of the changes to Section 185.02.

The second 50% of the taxes collected pursuant to 5739.08(B) (25% of the total hotel/motel tax collected) will be redirected by the City to place a more significant emphasis on Old Hilliard through the creation of a Downtown Manager position.

The Hilliard Development Corporation (HDC) will continue to receive the same funding as it previously has, which is 50% of the total tax collected.

### **Expected Benefits**

The primary expected new benefits of this approach are that funds will be allocated directly for the creation of new initiatives through the grant program and through marketing initiatives. Programs that Destination Hilliard was considering to be less effective (such as print pieces and print advertising) are being eliminated in consideration for efforts to build a foundation of new programs that could help Hilliard become a more regional and statewide draw for visitors.

### **Attachments**

Proposed Budget

Exhibits to Legislation

- Exhibit A – Amendments to Section 185.02
- Exhibit B – Agreement with Destination Hilliard



Ordinance: 21-42

Passed:

Page 1 of

Effective:

**AMENDING SECTION 185.02 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE DISBURSEMENT OF THE HOTEL/MOTEL TAX AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH DESTINATION HILLIARD.**

**WHEREAS**, Chapter 185 of the City's Codified Ordinances imposes a hotel/motel excise tax; and

**WHEREAS**, Section 185.02 provides for the disbursement of funds received due to the excise tax; and

**WHEREAS**, Destination Hilliard, as required by Ohio Revised Code, is a recipient of a portion of the funds received from the excise tax; and

**WHEREAS**, the City and Destination Hilliard desire to enter into an agreement whereby the City provides marketing activities for Destination Hilliard; and

**WHEREAS**, amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, and authorizing an agreement between Destination Hilliard and the City is in the best interest of the City and its residents.

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

**SECTION 1.** Council finds that amending Section 185.02, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 185.02, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of Section 185.02, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** The City Manager is authorized to enter into a professional services agreement with Destination Hilliard, similar to the agreement **attached** hereto as Exhibit "B". The City Manager is authorized to make such changes to the attached Agreement that are not inconsistent with this Resolution and that are not averse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by City Council.

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

ATTEST:

SIGNED:

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh  
President of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law



✓ Vote Record - Ordinance 21-42						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

## **CHAPTER 185 HOTEL/MOTEL EXCISE TAX**

### **185.02 IMPOSITION OF TAX.**

- (a) For the purpose of providing revenue with which to meet the needs of the City for use of the General Fund of the City, and for the further purpose of providing revenues to promote and publicize the City, an excise tax of three percent (3%) is levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests, pursuant to ORC 5739.08(A); and furthermore, an additional excise tax of three percent (3%) is levied on transactions by which lodging by a hotel or transient accommodations is or is to be furnished to transient guests pursuant to ORC 5739.08(B) and 5739.09(B).
- (b) Although the above levies are separate and distinct for purposes of determining distribution, the combined amount of six percent (6%) is hereby referred to as the "Hotel/Motel Excise Taxes."
- (c) The tax applies and is collectible at the time the lodging is furnished regardless of the time when the price is paid. The tax does not apply to lodging furnished to the State, or any of its political subdivisions, or any charitable organization for the lodging of transient indigent individuals.
- (d) For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it is presumed that all lodging furnished by hotels or transient accommodations in this City to transient guests is subject to tax until the contrary is established.
- (e) All revenues levied and collected pursuant to the provisions of this chapter shall, upon deposit, be re-appropriated and distributed as follows:
  - (1) The entire excise tax collected pursuant to 5739.08(A) shall be provided to the Hilliard Development Corporation;
  - (2) Fifty percent (50%) of the excise tax collected pursuant to 5739.08(B) shall be provided Destination Hilliard; and
  - (3) The remaining fifty percent (50%) of the excise tax collected pursuant to 5739.08(B) shall be deposited in the City's general revenue fund to be used for any lawful purpose.
- (f) All disbursements shall be provided within thirty days of deposit with the City.
- ~~(e) All revenues generated by the provisions of this chapter shall be disbursed as follows:~~
  - ~~(1) One hundred percent of the revenues levied and collected pursuant to ORC 5739.08(A), 5739.08(B) and 5739.09(B) shall, upon deposit, be re-appropriated and distributed as follows: Twenty-five percent (50%) of such deposit shall be provided to Destination Hilliard and Twenty-five percent (50%) of such deposit shall be provided to the Hilliard Development Corporation. These distributions shall be provided to each organization within thirty days of deposit with the City.~~
  - ~~(2) Notwithstanding subsection (1) above, Destination Hilliard and the Hilliard Development Corporation shall not receive a distribution in excess of the amount it received from revenues collected in year 2019.~~
  - ~~(3) Funds remaining in the holding account after distribution as provided for in subsections (1) and (2) above, if any, shall be deposited into the City's general revenue fund to be reappropriated by Council for any lawful purpose.~~

## PROFESSIONAL SERVICES AGREEMENT

---

This Professional Services Agreement ("Agreement") is by and between **Destination Hilliard**, \_\_\_\_\_, and the **City of Hilliard**, Ohio, 3800 Municipal Way, Hilliard, Ohio 43026, (hereinafter referred to as "**City**").

Witnesseth, that for the mutual considerations herein specified, **Destination Hilliard** and the **City** have agreed and do hereby agree as follows:

### **SECTION I – OBLIGATIONS OF HILLIARD**

- A. Perform the Services as set forth in Exhibit A.
- B. Give prompt notice to **Destination Hilliard** should the **City** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.
- D. Remit to **Destination Hilliard** after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials. The **City** shall be entitled to retain copies for the **City's** files.

### **SECTION II – OBLIGATIONS OF DESTINATION HILLIARD**

- A. Assist the **City** by placing at its disposal all available information pertinent to the Services for the project.
- B. Use its best efforts to secure release of other data applicable to the project held by others.
- C. Give prompt notice to the **City** should **Destination Hilliard** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.

### **SECTION III – TERM AND TERMINATION**

- A. The Parties agree at the **City** will offer the Services outlined in Exhibit A from January 1, 2022, through December 31, 2022. This Agreement may be extended for an additional year(s) if agreed to in writing, executed by **Destination Hilliard** and the **City**, subject to Hilliard City Council approval, if required.
- B. Either party may terminate this Agreement at any time by giving thirty (30) days advance written notice.

### **SECTION IV – PAYMENT**

The **City** shall be compensated for the Services outlined in Exhibit A for a total not to exceed \$1.00.

## **SECTION V – INDEMNIFICATION**

- A. Professional Liability. Relative to any and all claims, losses, damages, liability and cost, **Destination Hilliard** agrees to indemnify and save the **City**, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury arising from the negligent acts, errors or omissions by **Destination Hilliard**.
- B. Non-Professional Liability (General Liability). To the fullest extent permitted by law, **Destination Hilliard** shall indemnify, defend and hold harmless the **City**, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of **Destination Hilliard**, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the negligent acts or omissions of the **Destination Hilliard**, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

## **SECTION VI – CONFIDENTIALITY & PUBLIC RECORDS**

Each Party agrees that it will not disclose to any third party any information learned by it which has been clearly marked "Confidential" by the other party. Notwithstanding any statement(s) herein to the contrary, public records laws of the State of Ohio will be followed as applicable.

## **SECTION VII – ASSIGNMENT**

Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.

## **SECTION VIII – ENTIRE AGREEMENT/AMENDMENT**

This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Ohio.

## **SECTION IX - DISCRIMINATION**

- A. No discrimination for reason of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, marital status, veteran's status, or disability shall be permitted or authorized by **City** and/or **Destination Hilliard** in connection with the Services.

- B. Nothing in this Agreement shall require the commission of any act contrary to any law or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of the **City**.

#### **SECTION X. GOVERNING LAW/VENUE.**

Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement, whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Ohio, in any court of competent jurisdiction in Franklin County, Ohio.

#### **SECTION XV. SEVERABILITY.**

If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.

#### **SECTION XV. PARAGRAPH HEADINGS.**

Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement.

(signature page follows)

**IN WITNESS WHEREOF**, the parties, each by a duly authorized representative, have entered into this Agreement on the dates below. This Agreement is effective on the date signed by the City Manager as identified below.

**Destination Hilliard**

**City of Hilliard, Ohio**

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 Michelle L. Crandall  
 City Manager  
 Date: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
 Philip K. Hartmann, Law Director

## Exhibit A

The City's Community Relations Department to manage marketing activities on behalf of the Destination Hilliard. These activities include, but are not limited to:

- Maintaining and updating Destination Hilliard website content
- Maintaining an active social media presence
- Hiring and managing the activities of a freelance marketer
- Managing outside vendors
- Working with the Destination Hilliard Board to develop, promote and assist with administration of a Visitor Attraction Grant program
- Performing a digital marketing campaign
- Other destination marketing activities that serve the interests of Hilliard tourism-related businesses

# Destination Hilliard

## 2022 Proposed Priorities and Budget

<b>Advertising and Promotion</b>	
Quest Digital <i>(Integrated Digital Campaign)</i>	\$12,000
Influencers / Bloggers <i>(Online influencer campaign)</i>	\$4,000
<b>Subtotal</b>	<b>\$16,000</b>
<b>Memberships</b>	
Experience Columbus	\$530
Ohio Travel Association	\$400
Chamber of Commerce	\$160
OACVB	\$0
Hilliard Historical Society	\$50
<b>Subtotal</b>	<b>\$1,140</b>
<b>Printing</b>	
M.A.N. Mapping Inc (Map)	\$1,000
Business Cards	\$50
Misc.	\$1,950
<b>Subtotal</b>	<b>\$3,000</b>
<b>Videos</b>	
Provided by City of Hilliard	\$0
<b>Subtotal</b>	<b>\$0</b>
<b>Website and Mobile App</b>	
Updates	\$6,000
<b>Subtotal</b>	<b>\$6,000</b>
<b>DH Grant Program</b>	
Visitor Attraction Grant Program (New events, Attractions, History, Art designed to put "heads in beds" and bring positive recognition to Hilliard)	\$50,000.00
<b>Subtotal</b>	<b>\$50,000.00</b>



<b>Contract Services</b>	
Financial Services	\$4,080
Website hosting	\$3,200
Photography	\$1,720
Freelance Marketer	\$30,000
<b>Subtotal</b>	<b>\$39,000</b>
<b>Operations</b>	
Supplies	\$500
Insurance, Liability, E&O	\$1,500
<b>Subtotal</b>	<b>\$2,000.00</b>
<b>Travel / Mileage</b>	
Travel / Mileage	\$250
<b>Subtotal</b>	<b>\$250</b>
<b>TOTAL</b>	<b>\$117,390</b>

## Council Memo: Legislation (21-43)

**Subject:** Pay off Short Term Note  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Greg Tantari, Deputy Finance Director  
**Date:** December 13, 2021

### Executive Summary

Appropriating and authorizing the expenditure of funds for the purpose of paying off the 1.5M short term note due February 17, 2022.

### Staff Recommendation

Staff recommends that Council approve this legislation.

### Background

On December 14, 2020, Council passed Ordinance No. 20-32 authorizing the issuance of a 1.5M Short Term Note (the "Note") for the purpose of construction of various public infrastructure improvements. On the same date, Council passed Ordinance No. 20-33 authorizing the appropriation and expenditure of the Note for the purpose of the City's satisfying its requirement related to the Hickory Chase Development.

On February 17, 2022, the Short Term Note is due, and in order to reduce the City's debt, it desires to pay off the note rather than renew. On the payment date, the total amount due will be \$1,516,828.13, which equals the amount of the note plus interest.

### Financial Impacts

In order to pay off the 1.5M Short Term Note due February 17, 2022, the City plans to use the following funds:

- \$982,652.14 from the balance of the Wilcox TIF
- \$534,175.99 from the balance of Fund 304, Object 56.

The funds in the Wilcox TIF are appropriated and only need authorization to expend. The remaining funds require authorization to appropriate and expend.

### Expected Benefits

Paying off this Note will reduce the City's debt.

### Attachments

N/A



Ordinance: 21-43

Passed:

Page 1 of

Effective:

**APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT TERM  
NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS**

**WHEREAS**, on December 14, 2020, City Council passed Ordinance No. 20-32 authorizing the issuance of a 1.5M short term note for the construction of various public infrastructure improvement projects (the "Note"); and

**WHEREAS**, the funds from the Note were provided to satisfy its requirements related to the Hickory Chase Development, and

**WHEREAS**, rather than renewing, the City desires to pay off the Note prior to February 17, 2022, and

**WHEREAS**, the City desires to utilize funds received from the Wilcox TIF, as well as unappropriated funds in the Capital Fund; and

**WHEREAS**, by paying off the Note, the City will reduce its debt amount.

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

**SECTION 1.** An appropriation in the amount of \$534,175.99 is authorized from Fund 304, Object 56 in order to pay off a Short Term Note authorized for construction of various public infrastructure improvement projects.

**SECTION 2.** City Council authorized the expenditure of funds in the amount of \$534,175.99 from Fund 304, Object 56 to pay off the Note.

**SECTION 3.** City Council authorizes the expenditure of funds in the amount of \$982,652.14 from Fund 296, Object 59 (the Wilcox TIF) to pay off the Note.

**SECTION 4.** The City Manager is authorized to sign any document necessary to satisfy the payment of the Note.

**SECTION 5.** This Ordinance shall be in full force and effect at the earliest time provided for by law.

**ATTEST:****SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh  
President of Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Ordinance 21-43						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

## Council Memo: Legislation (21-44)

**Subject:** Changes in the B-4 Zoning District  
**From:** Michelle Crandall, City Manager  
**Initiated by:**  
**Date:** December 13, 2021

### Executive Summary

This ordinance would approve changes to uses and specific conditions in the B-4, I-270 Zoning District.

### Staff Recommendation

Staff recommends that Council approve the Ordinance.

### Background

The B-4, I-270 Corridor Zoning District was established to provide for an “intense, mixed-use, high-quality development that combines office-related employment with residential, neighborhood retail and personal service opportunities.”

In order to accomplish this purpose, it is necessary to amend certain section of the Zoning Code. The changes will ensure that the B-4 District is “walkable, livable, vibrant, and transit friendly” along with establishing parameters for a more integrated mixed-use environment.

### Financial Impacts

N/A

### Expected Benefits

If approved, the changes to the Zoning Code will further enhance the purposes of the B-4 Zoning District.

### Attachments

Table of Proposed Changes

Exhibits to Legislation:

- A. Amended 1105.04
- B. Amended 1105.10
- C. Amended 1111
- D. New Section 1123.18

Code Section	Change	Reason for Change
1105.04 Definitions: E-F-G	Adding specific definition for Grocery Store	Specifies a type of use so that the City can better classify uses within the B-4 District
1105.10 Definitions: V-W	Adding specific definition for Winery	Specifies a type of use so that the City can better classify uses within the B-4 District
1111.02 Schedule of Uses	<p>Removing mail order business and fulfillment centers as a conditional use</p> <p>Adding reference to specific conditions listed in 1123.18 for Restaurants, including drive-thru and drive-in restaurants</p> <p>Adding Winery as a permitted use</p> <p>Changing Medical and dental offices/clinics from conditional to permitted uses</p> <p>Adding reference to specific conditions listed in 1123.18 for dry cleaners and laundromats</p> <p>Changing health and fitness facilities from a permitted to conditional use and adding reference to specific conditions listed in 1123.18</p> <p>Adding reference to specific conditions listed in 1123.18 for kennels</p> <p>Adding reference to specific conditions listed in 1123.18 for places of public worship</p> <p>Adding reference to specific conditions listed in 1123.18 for assembly and performance halls</p> <p>Adding reference to specific conditions listed in 1123.18 for clubs and lodges for fraternal organizations</p>	Changes to the schedule of uses ensures that the purposes of the B-4 District are fulfilled

	<p>Adding reference to specific conditions listed in 1123.18 for community centers and senior centers</p> <p>Adding reference to specific conditions listed in 1123.18 for indoor commercial recreation</p> <p>Removing continuing care retirement community as a conditional use</p> <p>Adding reference to specific conditions listed in 1123.18 for dwellings, attached single family</p> <p>Removing general retail businesses, 15,000 square feet UFA or more as a conditional use</p> <p>Adding Grocery Stores as a conditional use and referencing specific conditions listed in 1123.18</p> <p>Adding reference to specific conditions listed in 1123.18 for utility substations</p> <p>Adding reference to specific conditions listed in 1123.18 for vehicle service stations</p> <p>Adding mail order business and fulfillment center as an accessory use</p> <p>Removing hookah lounge/vapor lounge as a conditional use</p>	
1123.18 Use Requirements- B-4, I-270 Corridor District	New section listing specific conditions for certain uses listed in the B-4 District	The new section ensures that additional conditions that fulfill the purposes of the District



Ordinance: 21-44

Passed:

Page 1 of

Effective:

**AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES REGARDING DEVELOPMENT IN THE B-4, I-270 CORRIDOR ZONING DISTRICT.**

**WHEREAS**, Section 1111.01(d) of the City's Codified Ordinances establishes the B-4, I-270 Corridor Zoning District ("B-4 District"); and

**WHEREAS**, the B-4 District's purpose is to provide for an intense, mixed-use, high quality development which includes office, residential, retail and personal service opportunities; and

**WHEREAS**, in order to satisfy these purposes, the Administration is recommending changes to the City's Codified Ordinances; and

**WHEREAS**, the Administration believes that amending the Code, as identified in Exhibits "A", "B", "C", and "D", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

**SECTION 1.** Council finds that amending Part Eleven of the City's Codified Ordinances - the "Planning and Zoning Code", as identified in Exhibits "A", "B", "C", and "D", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Planning and Zoning Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Planning and Zoning Code", not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh  
President of Council

APPROVED AS TO FORM:

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law



✓ Vote Record - Ordinance 21-44						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Held Over						
<input type="checkbox"/> Referred						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						
	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**1105.04 DEFINITIONS: E-F-G.**

*Grade, average.* The mean or midway point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall or other area being measured. The measurement of average grade may include the following:

- (a) *Grade, finished.* The final grade of a site after grading, filling or excavating.
- (b) *Grade, natural.* The grade of a site that exists or existed prior to manmade alterations, such as grading, filling or excavating.

*Grocery Store.* Retail store primarily engaged in selling food and daily needed items.

(Ord. 14-29. Passed 10-27-14; Ord. 15-26. Passed 7-13-15; Res. 19-R-04. Passed 2-25-19; Ord. No. 21-09 , § 1(Exh. A), 3-22-21.)

## 1105.10 DEFINITIONS: V-W.

*Vapor Lounge.* Any facility or location whose business operation includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor or vapor or fumes from any other organic or synthetic material, including but not limited to plants, herbs, or tobacco, through one or more electronic or battery operated delivery device (commonly referred to as electronic cigarette, e-cig, e-cigarette, e-pipe, hookah pen, vape pen, vape pipe). Also referred to as Vapor/Vape bar, Vapor/Vape café, Vapor/Vape Lounge.

*Variance.* A relaxation or modification of the requirements of this code permitted as a method of alleviating practical difficulty in meeting the minimum requirements of the code as authorized by the governing board or commission of the City.

*Vehicle.* Except as provided herein, every device, including trailers, in, upon or by which any person or property may be transported or drawn upon a street, highway, waterway, watercourse, roadway or path (whether paved or unpaved), except that "vehicle" does not include any motorized wheelchair, electric assistive mobility device, or any device that is moved by human power.

*Vehicle sales.* The sale or rental of new or used motor vehicles or trailers.

*Vehicle repair, major.* The repair, rebuilding or reconditioning of motor vehicles, trailers or parts thereof, including general repair, collision service, bodywork, welding, painting, steam cleaning, rebuilding, or reconditioning.

*Vehicle repair, minor.* General maintenance on vehicles such as oil changes and lubrication; servicing an repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of accessories such as tires, radios and air conditioners; wheel alignment and balancing; but excluding tire recapping or grooving or any major mechanical repairs, collision work, painting, or replacement or repair of any vehicle part that requires removal of the engine head or pan, and engine transmission.

*Vehicle service station.* Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and may also include minor vehicle repair; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

*Vehicle wash.* A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

*Vehicular use area.* Any area of a lot not located within an enclosed or partially enclosed building and that is devoted to a use by or for motor vehicles, including parking; storage of automobiles, trucks or other vehicles; gasoline stations; car washes; vehicle repair establishments; loading areas; and access drives and driveways.

*Veterinary hospital or clinic.* A building where care and treatment of animals, including household pets, is provided.

*Winery.* A structure with an emphasis on pedestrian-ordered retail sales and services and on-site tasting, which may include primary fruit processing or bulk fermentation.

*Wireless communication facility.* The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

*Wireless communication tower.* Any structure, such as a mast, pole, monopole, guyed tower or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas.

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16.)

## CHAPTER 1111 BUSINESS DISTRICTS<sup>1</sup>

### 1111.01 PURPOSE.

- (a) *"B-1," Neighborhood Business District.* The purpose of the B-1 District is to permit those uses necessary to satisfy the basic day-to-day convenience shopping and/or service needs of persons residing in nearby residential areas. Allowed uses should be of a low intensity nature, appropriate in scale and appearance and compatible with the surrounding residential character. Businesses will ideally be served by common/shared parking, as well as integrated pedestrian access, and be located within an area of five acres or less. It is further the intent of this District to encourage the concentration of businesses in nodes and avoid strip development along major roads.
- (b) *"B-2," Community Business District.* The B-2, Community Business District, is characterized by more diversified and larger scale businesses than found in the B-1 District and serves a broader community-wide base. This District is intended to create attractive, cohesive commercial areas that take advantage of visibility and accessibility along major thoroughfares, while avoiding linear development patterns through creative site planning, shared access and cooperation between neighboring owners.
- (c) *"B-3," Office/Institutional District.* This District is intended primarily to accommodate corporate and professional offices, research facilities, philanthropic institutions and related uses. This is an employment district, not intended for most retail uses or other high traffic-generating activities. The B-3 District can serve as a buffer or transitional use between residential development and more intense commercial or industrial activities.
- (d) *"B-4," I-270 Corridor District.* Providing for intense, mixed-use, high quality development that combines office-related employment with residential, neighborhood retail and personal service opportunities is the purpose of the B-4 District. This District is located along the I-270 corridor and affords high visibility with excellent access. The scale of development is intended to be very urban, allowing taller buildings, greater residential density, parking structures and public spaces to be combined in ways that will make the District walkable, livable, vibrant and transit-friendly. Quality design and construction are to be emphasized.

(Ord. 14-29. Passed 10-27-14.)

### 1111.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1111-2 may be used for the purposes denoted by the following abbreviations:

- (a) *Permitted Use (P).* Land and/or buildings in this district may be used by right.
- (b) *Conditional Use (C).* Land and/or buildings in this district may be used if approval is granted, based on compliance with applicable review standards and specific conditions that may additionally apply, as found in Chapter 1123.
- (c) *Specific Conditions.* Indicates requirements or conditions applicable to conditional uses, as listed in Chapter 1123, Conditional Uses.

Table 1111-2 Schedule of Uses: Business Districts					
Use	B-1	B-2	B-3	B-4	Specific Conditions
<b>Commercial Services</b>					
Bicycle Fitting Studio		P	P		
Business machine sales/service		P	P		
Cleaning services		P			
Electric & plumbing supply sales/services		P			
Glass sales/service		P			
HVAC sales/service		P			
Locksmith shops		P			
Machinery & equipment sales/service		P			
Mail order business & fulfillment centers			€	€	Section 1123.14(b)
Pest control services		P			
Petroleum product sales		C			
Printing, photocopy & publishing services		P	P		
Repair shops (not including vehicles)		P			
Tool & equipment rental (not including vehicles)		P			
<b>Construction</b>					
Building material and lumber supply (including lumber yards)		C			
Building material and lumber supply (not including lumber yards)		P			
Contractor's offices & shops		C			
Landscaping services		C			
<b>Education</b>					
Colleges		C	C	C	
Commercial schools & studios (including art, dance, martial arts and music)	P	P	P	P	
Elementary School	C	C	C	C	
Training centers (including corporate, engineering & sales)			P	P	
<b>Food, Drink, Entertainment &amp; Hospitality</b>					
Bars, taverns and restaurants serving alcoholic beverages	C	P	P	P	Section 1123.10(c)
Hotels & motels		P		P	
Microbrewery	C	C	P	P	Section 1123.10(a)
Restaurants less than 2,000 square feet of gross floor area, not including drive-in or drive-thru restaurants	P	P	P	P	
Restaurants equal to or greater than 2,000 square feet of gross floor area, not including drive-thru or drive-in restaurants	P	P	P	P	
Restaurants, including drive-thru and drive-in restaurants		C		C	Section 1123.10(b) and (c); Section 1123.18(a)
Winery				P	
<b>Health Care</b>					
Hospitals			C	C	

Medical & dental laboratories			P	P	
Medical & dental offices/clinics	P	P	€ P	€ P	
<b>Offices and Financial Services</b>					
Banks, credit unions and similar financial institutions, including drive-thru facilities	P	P	P	P	
Corporate offices			P	P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	P	P	
Short-term lending establishments	C	C			
Data Centers			P	P	
<b>Personal Services</b>					
Day care, nursery schools & child care establishments	P	P	P	P	
Dry cleaners and laundromats	P	P		C	Section 1123.18(b)
Health and fitness facilities		P	P	P C	Section 1123.18(c)
Kennels		C		C	Section 1123.09(a) & Section 1123.18 (d)
Mortuaries and funeral homes		C	C		Section 1123.12(a)
Personal services establishments such as but not limited to pet grooming and training, barber and beauty shops, tailors, photo studios, body art, nail salons and spas	P	P		P	
Pet day care and accessory services, not including overnight boarding	C	P		C	Section 1123.09(a)
Veterinary clinics	P	P	P	P	Section 1123.12(c)
<b>Public/Quasi-Public</b>					
Cemeteries	C	C	C	C	
Government offices, buildings & facilities	C	P	P	P	
Libraries	C	P	P	P	
Places of Public Worship	C	C	C	C	Section 1123.18(e)
<b>Recreation and Leisure</b>					
Art galleries, museums and similar cultural facilities	P	P	P	P	
Assembly and performance halls		C	C	C	Section 1123.18(f)
Clubs and lodges for fraternal organizations	C	C	C	C	Section 1123.18(f)
Community centers and senior centers	C	C	C	C	Section 1123.18(f)
Indoor commercial recreation such as movie theaters, bowling lanes and skating rinks		C		C	Section 1123.18(f)
Outdoor commercial recreation such as mini-golf and batting cages		C			
<b>Research and Technical Facilities</b>					
Development and testing laboratories & facilities			P	P	
Scientific research facilities			P	P	
<b>Residential</b>					
<del>Continuing care retirement community</del>				€	
Dwellings, attached single family				C	Section 1123.18(g)
Dwellings, multiple family		C		C	

Dwelling units on the upper floors of buildings with non-residential uses at street level	C	C		C	Section 1123.13(b)
<b>Retail</b>					
General retail businesses, less than 15,000 square feet usable floor area (UFA)	C	P		P	
General retail businesses, 15,000 square feet UFA or more	C	P		€	
Grocery Stores				C	Section 1123.18(h)
Medical Marijuana Retail Dispensary		C		C	Section 1123.12(d)
<b>Transportation and Warehousing</b>					
Heliports and helipads		C	C	C	Section 1123.14(a)
Mini-warehouse/self-storage facilities					
Transit stations	C	C	C	C	
Wholesale businesses		C			
<b>Utilities</b>					
Essential services	P	P	P	P	
Radio, television and recording studios		P	P	P	
Solar panels	P	P	P	P	
Telephone exchange buildings/substation		C			
Utility and public service facilities not including outdoor storage		P	P		
Utility substations	C	C	C	C	Section 1123.18(i)
Wireless communication facilities	C	C	C	C	Section 1123.15(b)
<b>Vehicle Sales, Service and Related Uses</b>					
Sales of new and used automobiles, trucks, recreational vehicles, construction equipment, farm implements and similar vehicles and equipment		C			Section 1123.16(b)
Sale of vehicle parts, not including installation and repair		P			
Truck, trailer and equipment rental		C			
Vehicle rental		C			
Vehicle repair, major		C			Section 1123.16(c)
Vehicle repair, minor		C			Section 1123.16(d)
Vehicle service stations		C		C	Section 1123.16(e) & Section 1123.18(j)
Vehicle wash facilities		C			Section 1123.16(f)
<b>Accessory Uses</b>					
Accessory buildings, structures and uses	P	P	P	P	
Cafeteria facilities located within a principal use	P	P	P	P	
Child care facilities located within a principal use		P	P	P	
Corporate offices incidental to a principal use		P	P	P	
Drive-in or drive-thru facilities for pharmacies, dry cleaners or other businesses not specifically noted elsewhere	C	C			Section 1123.16(a)
Outdoor seating area accessory to a permitted restaurant, bar, tavern or club	P	P	P	P	
Outdoor storage accessory to a permitted principal use		C			Section 1123.17(c)

Mail order business & fulfillment centers			C	C	Section 1123.14(b)(5) & Section 1123.18(k)
<b>Other</b>					
Similar uses	P/C	P/C	P/C	P/C	Section 1121.06(h)
Hookah Lounge/Vapor Lounge	C	C	C	C	Section 1123.17(d)

(Ord. 14-29. Passed 10-27-14; Ord. 16-17. Passed 5-9-16; Res. 17-R-101. Passed 11-20-17; Res. 19-R-03. Passed 2-25-19; Ord. No. 20-12 , § 2(Exh. A), 4-27-20.)



## CHAPTER 1123 CONDITIONAL USES

### 1123.18 USE REQUIREMENTS—B-4, I-270 Corridor District.

The intent of Section 1123.18 is to establish specific standards and conditions for certain uses listed in Section 1111.02 for the B-4, I-270 Corridor District. Except as modified in this Section, all conditions and standards listed elsewhere in this Chapter shall be enforced, provided that, the standards and conditions listed in this Section govern and control in the event of any conflict or inconsistency with any standards or conditions listed elsewhere in this Chapter.

- (a) *Restaurants, including drive-thru and drive-in restaurants.*
  - (1) Drive-thru and drive-in restaurants shall be attached as part of a larger principal use and not exceed 50% of the gross floor area of the building.
  - (2) Lanes required for vehicle access to and waiting for use of drive-thru or drive-in are not permitted between the principal structure and an adjacent principal frontage street.
- (b) *Dry cleaners and laundromats.*
  - (1) Dry cleaners and laundromats shall be attached to a building or conditionally permitted as an accessory use.
  - (2) Dry cleaners or laundromats should be limited to no more than 50% of gross floor area of the principal use, unless otherwise permitted as a conditional use.
- (c) *Health and fitness facilities*
  - (1) To avoid large, single tenant uses that detract from the intent of the B-4, I-270 Corridor District, health and fitness facilities shall be limited to no more than 10,000 square feet of gross floor area for a single tenant building in the B-4, I-270 Corridor District.
  - (2) If part of a larger principal use, health and fitness facilities are limited to no more than 25% of gross floor area of the principal use, unless otherwise permitted as a conditional use.
- (d) *Kennels.*
  - (1) All activities shall be conducted indoors. No outdoor animal exercise or activity areas shall be permitted.
  - (2) Kennels shall be limited to no more than 5,000 square feet of gross floor area in the B-4, I-270 Corridor District, unless otherwise permitted as a conditional use.
- (e) *Places of Public Worship.* Places of public worship structures shall be limited to no more than 20,000 square feet of gross floor area, not including associated parking structures.
- (f) *Recreation and Leisure.*
  - (1) To avoid large, single tenant uses that detract from the intent of the B-4, I-270 Corridor District, assembly and performance halls, clubs and lodges, community and senior centers, and indoor commercial recreation uses shall be limited to no more than 10,000 square feet of gross floor area for a single tenant building, unless otherwise permitted as a conditional use.
  - (2) If part of a larger principal use, health and fitness facilities are limited to no more than 25% of gross floor area of the principal use, unless otherwise permitted as a conditional use.
- (g) *Dwellings, attached single family.*
  - (1) Ground floor residential uses are not permitted along an adjacent principal frontage street.

- (2) Residential buildings along an adjacent principal frontage street shall utilize a combination of facade modulation, differentiation of the base zone, and provision of such elements as display windows, balconies, arcades, and awnings at the base of the building.
- (3) Parking for the residential use shall not be permitted between the principal structure and an adjacent principal frontage street.
- (4) Parking lots for the residential use shall be buffered from all public street frontages with building, wall, fence, landscaping or mounding.
- (h) *Grocery Stores.*
  - (1) Grocery stores shall be limited to no more than 15,000 square feet of gross floor area for a single tenant building.
  - (2) If part of a larger principal use, grocery stores are limited to no more than 25% of gross floor area of the principal use, unless other permitted as a conditional use.
- (i) *Utility substations.*
  - (1) No storage yard shall be permitted in connection therewith.
  - (2) No building or structure shall be permitted within 15 feet of any residential or commercial use.
  - (3) All buildings and structures shall be completely surrounded by an opaque wall or fence no less than ten feet in height. All parts of such wall or fence shall be suitable landscaped and properly maintained.
- (j) *Vehicle Service Stations.*
  - 1. The main building of the vehicle service station shall front the principal frontage street and there shall be no pavement between any portion of any building and the principal frontage street.
  - 2. All pumps shall be located behind the main building and cannot be positioned outside of the width of the main building. The gas pump canopy may exceed the width of the main building by not more than 20% and not more than 10% on either side of the main building.
  - 3. Where pumps are facing any street type, except for an alley or service street, any portion of the facility visible from the street shall be screened by landscaping.
- (k) *Mail order business & fulfillment centers.*
  - (1) Mail order business & fulfillment centers shall be attached as part of a larger principal use..
  - (2) The use shall not exceed 25% of gross floor area of the principal use, unless otherwise permitted as a conditional use

## Council Memo: Legislation (21-R-81)

**Subject:** Continental TIF Amendment  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Meadows, Director of Economic Development  
**Date:** December 13, 2021

### Executive Summary

Approval of this legislation will expand the list of eligible public improvements that can be funded from service payments generated by the Continental Tax Increment Financing (TIF) district.

### Staff Recommendation

Staff recommends that City Council approve this Resolution that will provide funding to complete additional projects in the I-270 and Cemetery Road corridors.

### Background

On July 9, 2012, City Council passed Ordinance No. 12-46 (Amended) declaring the Improvement of 26.518± acres, generally located along the west side of Britton Parkway, south of Reynolds Drive, east of the CSX railroad tracks, and north of Cemetery Road, with an address of 4300 Cemetery Road to be a public purpose under Ohio Revised Code Section 5709.40(B) and exempting from real property taxation seventy-five percent (75%) of the Improvements for a period not to exceed ten (10) years. On September 24, 2012, City Council passed Ordinance No. 12-53 (Amended) which amended the Tax Increment Financing Program with respect to certain property located at 4300 Cemetery Road and approved a revised Tax Increment Financing Agreement with Britton Parkway GE, LLC.

The Ordinances authorized reimbursement to Britton Parkway GE LLC in the amount not to exceed \$4.95 million for public infrastructure improvements. The Ordinances did not include a definition for public infrastructure improvements beyond the improvements completed by the developer. This Resolution designates capacity, safety, or accessibility improvements for vehicular traffic and/or pedestrian/bicycle traffic, beautification, landscape and/or streetscape improvements and related utilities along the I-270 and Cemetery Road corridors and the development of a public transit center as public improvements that can be funded from the TIF service payments.

### Financial Impacts

This legislation will provide the City of Hilliard with approximately \$2.2 million to complete capital improvement projects near the gateway of the community.

### Expected Benefits

This funding will help improve the street beautification of the entryway to the City, improve vehicular safety and traffic capacity improvements and provide opportunities for enhanced pedestrian connectivity.

### Attachments

N/A



Resolution: 21-R-81

Adopted:

Page 2 of

Effective:

**AMENDING ORDINANCE NO. 12-46 (AMENDED) TO EXPAND THE ELIGIBLE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THE PROPERTIES WITHIN THE CONTINENTAL PLANNED UNIT DEVELOPMENT DISTRICT.**

**WHEREAS**, on July 9, 2012, City Council passed Ordinance No. 12-46 (Amended) (the "Original TIF Ordinance") declaring the Improvement (as defined in the Original TIF Ordinance) of 26.518± acres, generally located along the west side of Britton Parkway, south of Reynolds Drive, east of the CSX railroad tracks, and north of Cemetery Road, with an address of 4300 Cemetery Road (the "Exempted Areas") to be a public purpose under Ohio Revised Code Section 5709.40(B) and exempting from real property taxation seventy-five percent (75%) of the Improvements as each Improvement is constructed and located in certain subareas within the Exempted Areas, for a period not to exceed ten (10) years, as permitted and provided in Ohio Revised Code Section 5709.40(B); and

**WHEREAS**, on September 24, 2012, City Council passed Ordinance No. 12-53 (Amended) (the "Amended TIF Ordinance") which amended the Tax Increment Financing Program with respect to certain property located at 4300 Cemetery Road and approved a revised Tax Increment Financing Agreement with Britton Parkway GE, LLC; and

**WHEREAS**, the Original TIF Ordinance required the current and future owner(s) of parcels within the Exempted Subareas (each individually an "Owner" and collectively the "Owners") to make annual service payments in lieu of real property taxes with respect to the Exempted Portion of the Improvements (as defined in the Original TIF Ordinance) in the same amount as the real property tax payments they would have made but for the exemption provided by the Original TIF Ordinance (the "Service Payments"); and

**WHEREAS**, the Original TIF Ordinance identified and defined certain Public Infrastructure Improvements that shall be constructed for the direct benefit of the Exempted Subareas; and

**WHEREAS**, additional public improvements have been identified that will directly benefit the Continental PUD.

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

**SECTION 1.** Section 5 of the Original TIF Ordinance shall be amended to read as follows:

**Section 5.** The City hereby designates [capacity, safety, or accessibility improvements for vehicular traffic and/or pedestrian/bicycle traffic, beautification, landscape and/or streetscape improvements and related utilities along the I-270 and Cemetery Road corridors, development of a public transit center](#) and the Public Infrastructure Improvements described in Exhibit "B", attached hereto and incorporated herein, as Public Infrastructure Improvements that, once made, will directly benefit the Exempted Subareas.

**SECTION 2.** The provisions of the Original TIF Ordinance and Amended TIF Ordinance, except to the extent that they are modified and amended by this Resolution, are hereby ratified and remain in full force and effect.

**SECTION 3.** The City Manager is authorized and directed to take such actions as are necessary to appropriate to implement the actions described herein, or that are contemplated by this Resolution.

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
**Diane C. Werbrich, MMC**  
**Clerk of Council**

\_\_\_\_\_  
**Pete Marsh, President**  
**City Council**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Philip K. Hartmann**  
**Director of Law**

✓ Vote Record - Resolution 21-R-81					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation					
<input type="checkbox"/> Referred Back To Committee					

#### **CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-81** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-R-82)

**Subject:** Transfer of TIF Funds  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Greg Tantari, Deputy Finance Director  
**Date:** December 13, 2021

### Executive Summary

This regulation would transfer TIF funds to the Capital Improvement Fund, Fund 304, in order to reimburse the City for costs already expended for capital improvements made in the City, consistent with the various TIF Agreements.

### Staff Recommendation

Staff recommends that Council adopt this resolution.

### Background

The City made various road improvements through the Capital Improvement Fund 304 before TIF revenue was available to fund projects that qualified under the approved TIF legislation.

By the passage of Ordinance No. 05-63, City Council authorized the "Baumeister TIF". The funds for the Baumeister TIF are to be used for connector Roads from Leap Road to Britton Road; Cosgray Road/Alton Darby), widening of Scioto Darby between Elliot and Norwich, water lines, sewer lines, and related improvements. As a result, by transfer of these funds, the City is able to partially reimburse itself for work on T-84: Riggins Road Improvements, T-21: Scioto Darby Improvements, and T-129: Leppert Road Improvements.

By the passage of Ordinance No. 13-45, City Council authorized the "Pingree TIF". The funds for the Pingree TIF are to be used for improvements to Heritage Club Drive and Main St (Jimmy Johns) and improvements to Main St. & Scioto Darby (Enterprise Cars). As a result, by transfer of these funds, the City is able to partially reimburse itself for its work on T-147: Main St./Hilliard Rome Corridor.

By the passage of Ordinance No. 14-19, City Council authorized the "One Mill Run TIF". The funds for the One Mill Run TIF are to be used for improvements to Park Mill Run Drive and intersection of Park Mill and Fishinger and improvements to Fishinger. As a result, by transfer of these funds, the City is able to partially reimburse itself for work done with IT-11: Fiber.

By the passage of Ordinance No. 16-20, City Council authorized the "Bo Jackson TIF". The funds for the Bo Jackson TIF are to be used for construction of public access into parcel, construction of public parking lot and related facilities and related improvements. As result, by transfer of these funds, the City is able to partially reimburse itself for work on the Bo Jackson Parking Lot.

### Financial Impacts

The following amounts from TIF funds will be transferred to the Capital Improvement Fund:

- \$447,084.58 from the Baumeister TIF Fund 286
- \$2,539.91 from the Pingree TIF Fund 287
- \$28,749.22 from the One Mill Run TIF Fund 289
- \$44,042.38 from the Bo Jackson TIF Fund 301

### Expected Benefits

The transfer of TIF Revenue to the Capital Projects Fund will reimburse the City and assist in financing several projects.

### Attachments

N/A



**Resolution: 21-R-82**

**Adopted:**

**Page 2 of**

**Effective:**

**AUTHORIZING THE TRANSFER OF FUNDS TO THE CAPITAL IMPROVEMENT FUND.**

**WHEREAS**, Section 6.10 of the City's Charter permits City Council to authorize, by resolution, the transfer of funds during the fourth quarter of the fiscal year; and

**WHEREAS**, as required by their respective ordinances, the City's Finance Department has been collecting and maintaining Tax Increment Financing ("TIF") service payments in the following funds:

- Fund 286 - Baumeister TIF (Ordinance No. 05-63)
- Fund 287 – Pingree TIF (Ordinance No. 13-45)
- Fund 289 – One Mill Run TIF (Ordinance No. 14-19)
- Fund 301 – Bo Jackson TIF (Ordinance No. 16-20)

**WHEREAS**, in each of the funds listed above, money is available to transfer to the City's Capital Improvement Fund, Fund 304, in order to reimburse the City for costs already expended; and

**WHEREAS**, specifically, the transferred money will reimburse costs expended for:

- The Bo Jackson Parking Lot
- IT-11 Fiber
- T-147 Main St./Hilliard Rome Corridor
- T- 84 Riggins Rd Improvements
- T-21 Scioto Darby Improvements
- T-129 Leppert Road Improvements

**WHEREAS**, it is in the City's and its residents' best interest to approve of the transfer of funds.

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

**SECTION 1.** City Council approves transferring of funds to the Capital Improvement Fund 304 in the following amounts:

- \$447,084.58 from the Baumeister TIF Fund 286
- \$2,539.91 from the Pingree TIF Fund 287
- \$28,749.22 from the One Mill Run TIF Fund 289
- \$44,042.38 from the Bo Jackson TIF Fund 301

**SECTION 2.** The Finance Director is authorized and directed to transfer the following amounts to the Capital Improvement Fund 304:

- \$447,084.58 from the Baumeister TIF Fund 286
- \$2,539.91 from the Pingree TIF Fund 287
- \$28,749.22 from the One Mill Run TIF Fund 289
- \$44,042.38 from the Bo Jackson TIF Fund 301

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

ATTEST:

SIGNED:

\_\_\_\_\_  
**Diane C. Werbrich, MMC**  
**Clerk of Council**

\_\_\_\_\_  
**Pete Marsh, President**  
**City Council**

APPROVED AS TO FORM:

\_\_\_\_\_  
**Philip K. Hartmann**  
**Director of Law**

✓ Vote Record - Resolution 21-R-82						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-82** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC



## Council Memo: Legislation (21-R-83)

**Subject:** Burgess & Niple PSA  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Letty Schamp, Transportation & Mobility Director  
**Date:** December 13, 2021

### Executive Summary

This resolution authorizes a professional service agreement (PSA) with Burgess & Niple, Inc. to conduct a feasibility study and to prepare grant submittals for the Cemetery Road/I-270 Trail Overpass & Safety Improvements and authorizes an expenditure of funds.

### Staff Recommendation

Staff recommends approval of this resolution so that the feasibility study can begin, and grant applications can be submitted in 2022.

### Background

In September 2019, Hilliard City Council passed Resolution No. 19-R-76, which authorized the City to apply to the Mid-Ohio Regional Planning Commission for technical assistance to conduct a study of the Cemetery Road corridor to identify opportunities for redevelopment to meet the future needs of the community. This study included public engagement, evaluation of land use patterns, evaluation of crash patterns, and development of a Best Practices Report and recommendations to improve the vitality, safety, and comfort of the Cemetery Road corridor.

Hilliard residents strongly support improvements to improve the safety and walkability of the community. Over the past twenty-five years, the City has been building out its trail and sidewalk network as part of capital improvement projects and through development. Presently, there are over 35 miles of trails and over 230 miles of sidewalk citywide.

I-270 is a barrier to connectivity of the City's trail and sidewalk network. The section of Cemetery Road over I-270 between Britton Parkway and Trueman Boulevard, which carries between 35,000 – 48,000 vehicles per day, provides no accommodations for non-motorized users and presents a high stress environment for people walking and bicycling. It is important that the City explore opportunities to provide more equitable transportation system for vulnerable road users along this corridor. A feasibility study is the tool to evaluate alternatives, engage the public, estimate costs, and recommend an alternative that would meet the needs of the community.

A project to cross I-270 will be a significant cost, something that the City could not fund without outside resources. Therefore, in addition to conducting a feasibility study, the scope of the proposed consultant contract also includes preparation and submittal of grant applications for two federally funded programs, MORPC Attributable Funds (AF) and the Highway Safety Improvement Program (HSIP).

The City issued a Request for Proposal to three firms on October 6, 2021. Proposals were received on November 3, 2021. The proposals were evaluated by the City's review team based on technical approach, experience and training of the project team, and past performance. Burgess & Niple, Inc. (B&N) was selected as the most qualified team to perform the work. City staff has met with B&N and with representatives of ODOT District 6 to discuss the project scope, schedule, and fee, which is provided as Exhibit A of the PSA. Certain tasks within the scope of services are identified as "if authorized" and would be authorized by staff, if determined necessary as the project develops.

ODOT staff have not had the opportunity to review the final scope; therefore, a ten percent contingency is provided in the authorization to cover approved modifications to the scope, if required.

This legislation authorizes the City Manager to enter into a PSA with B&N and authorizes an expenditure of funds previously appropriated by City Council.

## Financial Impacts

The cost to perform the feasibility study is summarized below.

Base scope of services:	\$ 87,976
"If Authorized" items:	\$ 17,251
Subtotal:	\$105,227
<u>Contingency (10%)</u>	<u>\$ 10,523</u>
Total	\$115,750

Hilliard City Council previously appropriated funds in the Capital Budget for the City's CIP T-124 Citywide Safety & Capacity Improvements, which will be used to fund the base scope of services in 2021. Twenty-five thousand (\$25,000) is included in the 2022 Capital Improvement Budget for the project to cover "if authorized" items or contingencies, if needed.

## Expected Benefits

The benefits of the project include:

- improvement to safety, mobility, and accessibility for people who walk and bicycle
- identification of a means to connect the City's existing trail infrastructure on the east and west sides of I-270
- opportunities to redevelop areas along Cemetery Road or enhance existing neighborhoods and commercial areas to create a more walkable environment
- opportunities to enhance or beautify the City's gateway over I-270 to showcase the Hilliard community throughout the region

## Attachments

Professional Services Agreement



**Resolution: 21-R-83**

**Adopted:**

**Page 3 of**

**Effective:**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS & NIPLE, INC., TO CONDUCT A FEASIBILITY STUDY AND TO PREPARE GRANT APPLICATIONS FOR THE CEMETERY ROAD/I-270 TRAIL OVERPASS & SAFETY IMPROVEMENTS AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, on September 9, 2019, Hilliard City Council passed Resolution 19-R-76, which authorized the City to apply to the Mid-Ohio Regional Planning Commission for technical assistance to conduct a study of the Cemetery Road corridor to identify opportunities for redevelopment to meet the future needs of the community; and

**WHEREAS**, as part of the Cemetery Road corridor study, barriers to safety for non-motorized users on Cemetery Road were identified and recommendations were presented to improve the environment along the corridor in the future; and

**WHEREAS**, I-270 is a barrier to connectivity of the City's trail and sidewalk network, and Cemetery Road, with its high volume of vehicular traffic, presents a high stress environment for non-motorized users; and

**WHEREAS**, a feasibility study is required to evaluate alternatives and estimate costs to improve safety and accessibility for vulnerable road users; and

**WHEREAS**, in order to advance a project of this nature, the City would need to apply for grants through federal funding programs; and

**WHEREAS**, the City has determined that Burgess & Niple, Inc. (the "Firm") is the most qualified firm to conduct the feasibility study based on technical expertise, related experience and training of the Project Team, and past performance; and

**WHEREAS**, the estimated cost to provide professional services by the Firm for the feasibility study and submission of grant applications, including "if authorized" tasks and a ten percent contingency, is \$115,750; and

**WHEREAS**, funds for citywide Safety & Capacity Improvements are appropriated annually as part of the Capital Improvement Budget to cover the cost of the feasibility study.

**WHEREAS**, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

**WHEREAS**, pursuant to Section 3.10 of the Charter, authorization for fund this Project may be established by resolution of Council; and

**WHEREAS**, "if authorized" tasks are approved, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2022 Capital Improvement Budget.

**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 \$115,750 is authorized from Fund 202/206 Object 55.

**SECTION 2.** Following the appropriation of the balance of funds for “if authorized” tasks and contingencies in the City’s 2022 Capital Improvement Budget, an expenditure is authorized in 2022 from the unencumbered balance of 202/206 Object 55 in an amount not to exceed \$25,000 to complete the Project.

**SECTION 3.** The City Manager is hereby authorized to enter into a professional services agreement (“Agreement”) with Burgess & Niple, Inc. in substantially the same form as the one **attached** hereto as Exhibit “A” and incorporated herein, for a feasibility study and preparation of grant applications for the Cemetery Road/I-270 Trail Overpass & Safety Improvements. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 4.** 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.

**SECTION 5.** This Resolution is effective upon its adoption.

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Resolution 21-R-83						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

#### **CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-83** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

**CITY OF HILLIARD, OHIO  
PROFESSIONAL SERVICES AGREEMENT**

---

This Professional Services Agreement ("Agreement") is by and between the City of Hilliard, Ohio, 3800 Municipal Way, Hilliard, Ohio 43026, (hereinafter referred to as "**City**"), and Burgess & Niple, Inc., 5085 Reed Road, Columbus, Ohio 43220 (hereinafter referred to as "**Service Provider**").

Witnesseth, that for the mutual considerations herein specified, **City** and **Service Provider** have agreed and do hereby agree as follows:

**SECTION I – PERFORMANCE OF SERVICES**

- A. Perform the Services as set forth in Exhibit A.
- B. If the **Service Provider** is an individual, complete, sign and return the Ohio Public Employees Retirement System ("OPERS") Independent Contractor Acknowledgement form.
- C. Give prompt notice to **City** should the **Service Provider** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.
- D. Remit to **City** after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials. **Service Provider** shall be entitled to retain copies for the **Service Provider's** files.
- E. The standard of care for all professional services performed or furnished by Service Provider under this Agreement will be the skill and care used by members of Service Provider's profession practicing under similar circumstances at the same time and in the same locality. Service Provider makes no warranties, express or implied, under this Agreement or otherwise, in connection with Service Provider's services.

## **SECTION II – OBLIGATIONS OF HILLIARD**

- A. Assist the **Service Provider** by placing at its disposal all available information pertinent to the Services for the project.
- B. Use its best efforts to secure release of other data applicable to the project held by others.
- C. Make all necessary provisions to enter upon public and private property as required to perform the Services.
- D. Give prompt notice to the **Service Provider** should **City** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.

## **SECTION III – TERM AND TERMINATION**

- A. This Agreement is effective on the date signed by the City Manager and the **Service Provider** shall promptly provide the **City** with the Services as set forth in Exhibit A.
- B. The **City** may terminate this Agreement at any time by giving **Service Provider** thirty (30) days advance written notice. In the event this Agreement is terminated by **City** prior to its natural expiration, **Service Provider** shall be paid the amounts for work actually performed in accordance with this Agreement to the date of this early termination.
- C. This Agreement will terminate upon completion of the Services outlined in Exhibit A. This Agreement may be extended if agreed to in writing, executed by the **City** and the **Service Provider**, subject to the appropriation of sufficient funds.

## **SECTION IV – PAYMENT**

- A. **Service Provider** shall be compensated for the Services outlined in Exhibit A for a total not to exceed \$105,227, including “If Authorized” tasks. For any assigned additional tasks, **Service Provider** shall be compensated as agreed upon by the **Service Provider** and **City**, contingent upon the appropriation of sufficient funds and the approval of Hilliard City Council, if required.

- B. The **Service Provider** shall submit invoices to the attention of the **City's** Director of Transportation & Mobility, or designee, properly identified with the appropriate **City** purchase order number. Payment to **Service Provider** shall be made within thirty (30) days of receiving an invoice, if additional information is not required by the **City** in order to pay the invoice.

## **SECTION V – RELATIONSHIP OF PARTIES**

The parties acknowledge and agree that **Service Provider** is an independent contractor and is not an agent or employee of **City**. Nothing in this Agreement shall be construed to create a relationship between **Service Provider** and the **City** of a partnership, association, or joint venture. Further, the parties acknowledge that **Service Provider** is paid a fee, retainer or other payment as per Section IV of this Agreement; is not eligible for workers' compensation or unemployment compensation; is not eligible for employee fringe benefits such as vacation or sick leave; does not appear on **City's** payroll; is required to provide his or her own supplies and equipment; and is not controlled or supervised by **City** personnel as to the manner of work.

## **SECTION VI – INDEMNIFICATION**

- A. Professional Liability. Relative to any and all claims, losses, damages, liability and cost, the **Service Provider** agrees to indemnify and save **City**, its officers, officials, and employees harmless from and against suits, actions or claims for property losses, damages or personal injury relating to the Project arising from the negligent acts, errors or omissions by the **Service Provider** or its employees.
- B. Non-Professional Liability (General Liability). To the fullest extent permitted by law, the **Service Provider** shall indemnify and hold harmless **City**, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the negligent acts or omissions of the **Service Provider**, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the negligent acts or omissions of the

**Service Provider**, any subconsultant(s) of the **Service Provider**, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

## **SECTION VII – INSURANCE**

- A. The **Service Provider** shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect himself from any claim arising out of the performance of professional services and caused by negligent acts, omissions or negligent acts for which the **Service Provider** may be legally negligent. The **Service Provider** shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.
- B. In addition to errors and omissions insurance, the **Service Provider** shall also secure and maintain, at his/her own expense, insurance for protection from claims under Worker's Compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders.
- C. The **Service Provider** shall secure and maintain, at his/her own expense, General Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- D. The **Service Provider** shall secure and maintain, at his/her/its own expense, Property insurance for protection from claims or damages because of damage to or destruction of property including loss of use resulting therefrom in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).
- E. The **City** shall be held harmless for any damage to the **Service Provider's** property and/or equipment during the course of performance under the Contract.



- F. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified. Certificates showing that the **Service Provider** is carrying the above referenced insurance in at least the above specified minimum amounts shall be furnished to, and approved by, the **City** prior to the start of work on the project and before the **City** is obligated to make any payments to the **Service Provider** for the work performed under the provision of this contract. All such Certificates, with the exception of those for Worker's Compensation and Errors & Omissions coverage, shall clearly reflect that the City of Hilliard is an "Additional Insured".

### **SECTION VIII – EMPLOYEE DOCUMENTATION**

- A. **Service Provider** guarantees that the individuals employed by the Service working on this project are authorized to work in the United States. The **Service Provider** will upon demand provide **City** with appropriate documentation (Form I-9) for any **Service Provider** employee performing services for **City**.
- B. The **Service Provider** agrees to indemnify **City** in accordance with Section VI of the Agreement for any issue arising out of the **Service Provider's** hiring or retention of any individual who is not authorized to work in the United States.

### **SECTION IX – TAXES**

- A. **Service Provider** has the following identification number for income tax purposes:  
XX-XXXXXXX.
- B. **Service Provider** is subject to and responsible for all applicable federal, state, and local taxes.
- C. The **City** represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to **Service Provider** upon written request. **Service Provider** hereby further agrees to withhold all municipal income taxes due or payable under the provisions of Chapter 183 of the Codified Ordinances of City, Ohio, for wages, salaries and commissions paid to its employees and further agrees that any of its

subcontractors shall be required to agree to withhold any such municipal income taxes due under such chapter for Services performed under this Agreement.

- D. The **Service Provider** shall receive Internal Revenue Service form 1099 from the City for income tax reporting purposes.

#### **SECTION X – ASSIGNMENT**

Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.

#### **SECTION XI – ENTIRE AGREEMENT/AMENDMENT**

This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Ohio.

#### **SECTION XII - DISCRIMINATION**

- A. No discrimination for reason of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, marital status, veteran's status, or disability shall be permitted or authorized by **City** and/or **Service Provider** in connection with the Services.
- B. Nothing in this Agreement shall require the commission of any act contrary to any law or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of **Service Provider**.

#### **SECTION XIII. GOVERNING LAW/VENUE.**

Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement,

whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Ohio, in any court of competent jurisdiction in Franklin County, Ohio.

#### **SECTION XIV. SEVERABILITY.**

If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.

#### **SECTION XV. PARAGRAPH HEADINGS.**

Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement.

**IN WITNESS WHEREOF**, the parties, each by a duly authorized representative, have entered into this Agreement on the dates below. This Agreement is effective on the date signed by the City Manager as identified below.

**Burgess & Niple, Inc.**

**City of Hilliard, Ohio**

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
Michelle L. Crandall  
City Manager

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Philip K. Hartmann, Law Director

### **CERTIFICATE OF FUNDS**

I, David D. Delande, Director of Finance of the City of Hilliard, Ohio, do hereby certify that the funds for this Agreement with Burgess & Niple, Inc., in the amount of \$105,227, have been appropriated and are in the City Treasury or are in the process of collection, and that said funds are not and cannot be appropriated for any other purpose.

\_\_\_\_\_  
Date

\_\_\_\_\_  
David D. Delande  
Director of Finance

Authorizing Appropriation Legislation: Ordinance No. 20-27

Passed: November 23, 2020

Effective: January 1, 2021

Purchase Order No.: CT21XXXXX

Authorizing Contract Legislation: Resolution No. 21-R-XXX

Adopted: December 13, 2021

Ms. Letty Schamp  
Director of Transportation & Mobility  
Division  
City of Hilliard  
3800 Municipal Way  
Hilliard, OH 43026

-Re- Proposal for Consulting Services  
Cemetery Road at I-270 Trail Study

December 2, 2021

Dear Ms. Schamp:

Please find attached Burgess & Niple's cost proposal for the Cemetery Road at I-270 Trail Study. This cost proposal is intended to cover the effort necessary to complete the Feasibility Study and traffic analysis for the project. The goal of this effort is to identify a viable solution that can be estimated and funding sought to cover the project's construction and design costs through the MORPC Attributable Funding program and other potential sources.

Thank you for the opportunity to submit on this project for you, and we look forward to collaborating with your staff and the City of Hilliard on this project.

Sincerely,



---

Amy L. Rosepiller, PE  
Project Manager

Enclosure

ALR/ds

## Table of Contents

<b><u>Section</u></b>	<b><u>Page</u></b>
Proposal Summary	2-3
Proposal Cost Summary	4-5
Proposed Labor Rates	6-7
Proposed Overhead and Cost of Money Rates	8
Detailed Breakdown of Direct Costs	9

Appendix A – Scope of Services Assumptions and Narrative

Appendix B – Proposed Project Schedule

DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,  
PERSONNEL CATEGORIES, AND LABOR RATES

County Route and Section: **City of Hilliard – Cemetery Road at I-270 Trail Study**  
 Agreement No.:  
 PID:  
 PDP Path Used:  
 CONSULTANT: **Burgess & Niple**

Proposal Date: **12/2/2021**  
 Revised Date:

PROJECT DESCRIPTION: **Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.**

HOURLY RATES

Project Manager/ **\$75.00**  
 Sr Traffic Engineer/ **\$60.00**  
 Sr Roadway Engineer/ **\$50.00**  
 Traffic/Roadway Technician **\$38.00**  
 Administrative **\$32.00**  
 - **\$0.00**  
 - **\$0.00**

Average Overhead Rate = **157.26%** (Net Fee Calc.)  
 Overhead Percentage = **188.00%**  
 Net Fee Percentage = **11.00%**  
 Cost of Money = **0.81%**

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
<b>1</b>	<b>Planning Phase</b>										
1.2	Project Initiation Package										
1.2	Subtotal		\$42.73	11	\$470.00	\$883.60	\$3.81	\$10.35	\$0.00	\$133.00	\$1,500.76
1.3	Existing Data, Research and Analysis										
1.3	Subtotal		\$46.83	82	\$3,840.00	\$7,219.20	\$31.10	\$0.00	\$0.00	\$1,086.67	\$12,176.97
1.4	Stakeholder Involvement and PIP										
1.4	Subtotal			0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	<b>SUBTOTAL PLANNING PHASE</b>		\$89.56	93	\$4,310.00	\$8,102.80	\$34.91	\$10.35	\$0.00	\$1,219.67	\$13,677.73
<b>2</b>	<b>Preliminary Engineering Phase</b>										
2.1	Develop Preliminary Alternatives										
2.1	Subtotal		\$47.74	188	\$8,976.00	\$16,874.88	\$72.71	\$0.00	\$0.00	\$2,540.08	\$28,463.67
2.2	Perform Environmental Field Studies										
2.2	Subtotal		\$51.75	8	\$414.00	\$778.32	\$3.35	\$0.00	\$0.00	\$117.16	\$1,312.83
2.3	AER Design										
2.3	Subtotal		\$52.36	53	\$2,775.00	\$5,217.00	\$22.48	\$0.00	\$0.00	\$785.29	\$8,799.76
2.4	Prepare Cost Estimates										
2.4	Subtotal		\$48.23	40	\$1,929.00	\$3,626.52	\$15.62	\$0.00	\$0.00	\$545.88	\$6,117.02
2.5	AER Submittal and Other Studies										
2.5	Subtotal		\$53.61	96	\$5,147.00	\$9,676.36	\$41.69	\$0.00	\$0.00	\$1,456.53	\$16,321.58
2.8	Project Management for Preliminary Engineering Phase										
2.8	Subtotal		\$57.38	73	\$4,189.00	\$7,875.32	\$33.93	\$0.00	\$0.00	\$1,185.43	\$13,283.68
	<b>SUBTOTAL PRELIMINARY ENGINEERING PHASE</b>		\$311.08	458	\$23,430.00	\$44,048.40	\$189.78	\$0.00	\$0.00	\$6,630.36	\$74,298.54
	<b>TOTAL AUTHORIZED TASKS</b>		\$50.34	551	\$27,740.00	\$52,151.20	\$224.69	\$10.35	\$0.00	\$7,850.03	\$87,976.28

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,  
PERSONNEL CATEGORIES, AND LABOR RATES**

County Route and Section: **City of Hilliard – Cemetery Road at I-270 Trail Study**  
 Agreement No.:  
 PID:  
 PDP Path Used:  
 CONSULTANT: **Burgess & Niple**

Proposal Date: **12/2/2021**  
 Revised Date:

PROJECT DESCRIPTION: **Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.**

**HOURLY RATES**

Project Manager/	<b>\$75.00</b>
Sr Traffic Engineer/	<b>\$60.00</b>
Sr Roadway Engineer/	<b>\$50.00</b>
Traffic/Roadway	<b>\$42.00</b>
Technician	<b>\$38.00</b>
Administrative	<b>\$32.00</b>
-	<b>\$0.00</b>
-	<b>\$0.00</b>

Average Overhead Rate =	<b>157.26%</b>	(Net Fee Calc.)
Overhead Percentage =	<b>188.00%</b>	
Net Fee Percentage =	<b>11.00%</b>	
Cost of Money =	<b>0.81%</b>	

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
	<b>IF AUTHORIZED TASKS</b>										
	<b>SUBTOTAL IF-AUTHORIZED TASKS</b>		<b>\$51.32</b>	<b>106</b>	<b>\$5,440.00</b>	<b>\$10,227.20</b>	<b>\$44.06</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,539.44</b>	<b>\$17,250.71</b>
	<b>GRAND TOTAL</b>		<b>\$50.50</b>	<b>657</b>	<b>\$33,180.00</b>	<b>\$62,378.40</b>	<b>\$268.76</b>	<b>\$10.35</b>	<b>\$0.00</b>	<b>\$9,389.48</b>	<b>\$105,226.98</b>

Check: 50.5022831 657 \$33,180.00 \$62,378.40 \$268.76 \$10.35 \$0.00 \$9,389.48 \$105,226.98



## DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES, AND LABOR RATES

County Route and Section: **City of Hilliard – Cemetery Road at I-270 Trail Study**  
 Agreement No.:  
 PID:  
 PDP Path Used:  
 CONSULTANT: **Burgess & Niple**

Proposal Date: **12/2/2021**  
 Revised Date:

PROJECT DESCRIPTION: **Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.**

## HOURLY RATES

Project Manager/	\$75.00
Sr Traffic Engineer/	\$60.00
Sr Roadway Engineer/	\$50.00
Traffic/Roadway Engineer	\$42.00
Technician	\$38.00
Administrative	\$32.00
-	\$0.00
-	\$0.00
-	\$0.00

Average Overhead Rate =	157.26%	(Net Fee Calc.)
Overhead Percentage =	188.00%	
Net Fee Percentage =	11.00%	
Cost of Money =	0.81%	

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
<b>1 Planning Phase</b>											
<b>1.2 Project Initiation Package</b>											
1.2.B	Conduct Field Review (walk through)		\$46.00	6	\$276.00	\$518.88	\$2.24	\$10.35	\$0.00	\$78.10	\$885.57
1.2.E	Aerial/Base Mapping Setup		\$38.80	5	\$194.00	\$364.72	\$1.57	\$0.00	\$0.00	\$54.90	\$615.19
1.2	<b>Subtotal</b>		\$42.73	11	\$470.00	\$883.60	\$3.81	\$10.35	\$0.00	\$133.00	\$1,500.76
<b>1.3 Existing Data, Research and Analysis</b>											
1.3.A	Existing Crash Analysis		\$45.79	38	\$1,740.00	\$3,271.20	\$14.09	\$0.00	\$0.00	\$492.40	\$5,517.69
1.3.B	Existing ECAT Analysis		\$47.40	20	\$948.00	\$1,782.24	\$7.68	\$0.00	\$0.00	\$268.27	\$3,006.19
1.3.D	Planning Level Traffic - No Build Condition		\$48.00	24	\$1,152.00	\$2,165.76	\$9.33	\$0.00	\$0.00	\$326.00	\$3,653.09
1.3	<b>Subtotal</b>		\$46.83	82	\$3,840.00	\$7,219.20	\$31.10	\$0.00	\$0.00	\$1,086.67	\$12,176.97
	<b>SUBTOTAL PLANNING PHASE</b>		\$46.34	93	\$4,310.00	\$8,102.80	\$34.91	\$10.35	\$0.00	\$1,219.67	\$13,677.73
<b>2 Preliminary Engineering Phase</b>											
<b>2.1 Develop Preliminary Alternatives</b>											
<b>2.1.A Feasibility Study Development</b>											
2.1.A.C	Capacity Analysis for Build Alternatives		\$47.49	59	\$2,802.00	\$5,267.76	\$22.70	\$0.00	\$0.00	\$792.93	\$8,885.38
2.1.A.D	Safety Evaluation of Build Alternatives		\$49.20	10	\$492.00	\$924.96	\$3.99	\$0.00	\$0.00	\$139.23	\$1,560.17
2.1.A.F	Typical Section		\$50.22	9	\$452.00	\$849.76	\$3.66	\$0.00	\$0.00	\$127.91	\$1,433.33
2.1.A.G	Preliminary Alignment and Profile		\$48.79	48	\$2,342.00	\$4,402.96	\$18.97	\$0.00	\$0.00	\$662.75	\$7,426.68
2.1.A.H	Cross-Sections		\$44.67	24	\$1,072.00	\$2,015.36	\$8.68	\$0.00	\$0.00	\$303.36	\$3,399.40
2.1.A.I	Create Exhibits		\$44.67	18	\$804.00	\$1,511.52	\$6.51	\$0.00	\$0.00	\$227.52	\$2,549.55
2.1.A.J	Stakeholder Public Involvement		\$48.43	14	\$678.00	\$1,274.64	\$5.49	\$0.00	\$0.00	\$191.86	\$2,150.00
2.1	<b>Subtotal</b>		\$47.74	188	\$8,976.00	\$16,874.88	\$72.71	\$0.00	\$0.00	\$2,540.08	\$28,463.67
<b>2.2 Perform Environmental Field Studies</b>											
2.2.B	Environmental Screening		\$51.75	8	\$414.00	\$778.32	\$3.35	\$0.00	\$0.00	\$117.16	\$1,312.83
2.2	<b>Subtotal</b>		\$51.75	8	\$414.00	\$778.32	\$3.35	\$0.00	\$0.00	\$117.16	\$1,312.83
<b>2.3 AER Design</b>											
<b>2.3.G Utilities</b>											
2.3.G.A	Utility Coordination and Documentation		\$44.42	12	\$533.00	\$1,002.04	\$4.32	\$0.00	\$0.00	\$150.83	\$1,690.19
<b>2.3.H Miscellaneous</b>											
2.3.H.A	Bridge Investigation and Cost Estimates		\$54.68	41	\$2,242.00	\$4,214.96	\$18.16	\$0.00	\$0.00	\$634.45	\$7,109.57
2.3	<b>Subtotal</b>		\$52.36	53	\$2,775.00	\$5,217.00	\$22.48	\$0.00	\$0.00	\$785.29	\$8,799.76
<b>2.4 Prepare Cost Estimates</b>											
2.4.A	Roadway/Interchange Costs		\$48.38	32	\$1,548.00	\$2,910.24	\$12.54	\$0.00	\$0.00	\$438.06	\$4,908.84
2.4.B	Right of Way Costs		\$47.63	8	\$381.00	\$716.28	\$3.09	\$0.00	\$0.00	\$107.82	\$1,208.18
2.4	<b>Subtotal</b>		\$48.23	40	\$1,929.00	\$3,626.52	\$15.62	\$0.00	\$0.00	\$545.88	\$6,117.02
<b>2.5 AER Submittal and Other Studies</b>											
2.5.A	Evaluation Matrix		\$50.20	5	\$251.00	\$471.88	\$2.03	\$0.00	\$0.00	\$71.03	\$795.94
2.5.B	Prepare Feasibility Study Report		\$56.25	40	\$2,250.00	\$4,230.00	\$18.23	\$0.00	\$0.00	\$636.72	\$7,134.94
2.5.C	Prepare MORPC Attributable Funding Application		\$53.06	34	\$1,804.00	\$3,391.52	\$14.61	\$0.00	\$0.00	\$510.51	\$5,720.64

## DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES, AND LABOR RATES

County Route and Section: **City of Hilliard – Cemetery Road at I-270 Trail Study**  
 Agreement No.:  
 PID:  
 PDP Path Used:  
 CONSULTANT: **Burgess & Niple**

Proposal Date: **12/2/2021**  
 Revised Date:

PROJECT DESCRIPTION: **Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.**

## HOURLY RATES

Project Manager/	\$75.00
Sr Traffic Engineer/	\$60.00
Sr Roadway Engineer/	\$50.00
Traffic/Roadway Engineer	\$42.00
Technician	\$38.00
Administrative	\$32.00
-	\$0.00
-	\$0.00
-	\$0.00

Average Overhead Rate =	157.26%	(Net Fee Calc.)
Overhead Percentage =	188.00%	
Net Fee Percentage =	11.00%	
Cost of Money =	0.81%	

Task #	Task Description	No.	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon Costs	Net Fee	Total Cost
2.5.D	Safety Application Development and Presentation		\$49.53	17	\$842.00	\$1,582.96	\$6.82	\$0.00	\$0.00	\$238.27	\$2,670.05
2.5	Subtotal		\$53.61	96	\$5,147.00	\$9,676.36	\$41.69	\$0.00	\$0.00	\$1,456.53	\$16,321.58
2.8	Project Management for Preliminary Engineering Phase										
2.8.A	Meetings		\$56.26	35	\$1,969.00	\$3,701.72	\$15.95	\$0.00	\$0.00	\$557.20	\$6,243.87
2.8.B	General Oversight		\$59.56	32	\$1,906.00	\$3,583.28	\$15.44	\$0.00	\$0.00	\$539.37	\$6,044.09
2.8.C	Project Set Up		\$52.33	6	\$314.00	\$590.32	\$2.54	\$0.00	\$0.00	\$88.86	\$995.72
2.8	Subtotal		\$57.38	73	\$4,189.00	\$7,875.32	\$33.93	\$0.00	\$0.00	\$1,185.43	\$13,283.68
	SUBTOTAL PRELIMINARY ENGINEERING PHASE		\$51.16	458	\$23,430.00	\$44,048.40	\$189.78	\$0.00	\$0.00	\$6,630.36	\$74,298.54
	TOTAL AUTHORIZED TASKS		\$50.34	551	\$27,740.00	\$52,151.20	\$224.69	\$10.35	\$0.00	\$7,850.03	\$87,976.28
	IF AUTHORIZED TASKS										
	Safety Application Development and Presentation										
IA.1	Prepare Interchange Operations Study (IOS)		\$49.88	64	\$3,192.00	\$6,000.96	\$25.86	\$0.00	\$0.00	\$903.29	\$10,122.11
IA.2	Develop Purpose and Need		\$59.09	22	\$1,300.00	\$2,444.00	\$10.53	\$0.00	\$0.00	\$367.88	\$4,122.41
IA.3	ECAT Analysis of Preferred Alternative		\$47.40	20	\$948.00	\$1,782.24	\$7.68	\$0.00	\$0.00	\$268.27	\$3,006.19
	Subtotal		\$51.32	106	\$5,440.00	\$10,227.20	\$44.06	\$0.00	\$0.00	\$1,539.44	\$17,250.71
	SUBTOTAL IF-AUTHORIZED TASKS		\$51.32	106	\$5,440.00	\$10,227.20	\$44.06	\$0.00	\$0.00	\$1,539.44	\$17,250.71
	GRAND TOTAL		\$50.50	657	\$33,180.00	\$62,378.40	\$268.76	\$10.35	\$0.00	\$9,389.48	\$105,226.98

DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES,  
AND LABOR RATES

County Route and Section: City of Hilliard – Cemetery Road at I-270 Trail Study  
Agreement No.:  
PID:  
PDP Path Used:  
CONSULTANT: Burgess & Niple

Proposal Date: 12/2/2021

Revised Date:

PROJECT DESCRIPTION: Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.

HOURLY RATES

Project Manager/	
Sr Structure Engineer	\$75.00
Sr Traffic Engineer/	
Env Scientist	\$60.00
Sr Roadway Engineer/	
Structure Engineer	\$50.00
Traffic/Roadway Engineer	\$42.00
Technician	\$38.00
Administrative	\$32.00
	-
	-
	-

Task #	Task Description	Project Manager/ Sr Structure Engineer	Sr Traffic Engineer/ Env Scientist	Sr Roadway Engineer/ Structure Engineer	Traffic/Roadway Engineer	Technician	Administrative	-	-	-	Overall Total Hours	Labor Costs
		75	60	50	42	38	32	0	0	0		
1	Planning Phase											
1.2	Project Initiation Package											
1.2.B	Conduct Field Review (walk through)			3	3						6	\$276.00
1.2.E	Aerial/Base Mapping Setup				1	4					5	\$194.00
1.2	Subtotal	0	0	3	4	4	0	0	0	0	11	\$470.00
1.3	Existing Data, Research and Analysis											
1.3.A	Existing Crash Analysis		8		30						38	\$1,740.00
1.3.B	Existing ECAT Analysis		6		14						20	\$948.00
1.3.D	Planning Level Traffic - No Build Condition		8		16						24	\$1,152.00
1.3	Subtotal	0	22	0	60	0	0	0	0	0	82	\$3,840.00
	SUBTOTAL PLANNING PHASE	0	22	3	64	4	0	0	0	0	93	\$4,310.00
2	Preliminary Engineering Phase											
2.1	Develop Preliminary Alternatives											
2.1.A	Feasibility Study Development											
2.1.A.C	Capacity Analysis for Build Alternatives		18		41						59	\$2,802.00
2.1.A.D	Safety Evaluation of Build Alternatives		4		6						10	\$492.00
2.1.A.F	Typical Section	2		2	3	2					9	\$452.00
2.1.A.G	Preliminary Alignment and Profile	6		16	26						48	\$2,342.00
2.1.A.H	Cross-Sections			8	16						24	\$1,072.00
2.1.A.I	Create Exhibits			8	6	4					18	\$804.00
2.1.A.J	Stakeholder Public Involvement	2		6		6					14	\$678.00
2.1	Subtotal	12	22	42	100	12	0	0	0	0	188	\$8,976.00
2.2	Perform Environmental Field Studies											
2.2.B	Environmental Screening		5			3					8	\$414.00
2.2	Subtotal	0	5	0	0	3	0	0	0	0	8	\$414.00

DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES,  
AND LABOR RATES

County Route and Section: City of Hilliard – Cemetery Road at I-270 Trail Study  
Agreement No.:  
PID:  
PDP Path Used:  
CONSULTANT: Burgess & Niple

Proposal Date: 12/2/2021

Revised Date:

PROJECT DESCRIPTION: Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.

HOURLY RATES

Project Manager/	
Sr Structure Engineer/	\$75.00
Sr Traffic Engineer/	
Env Scientist	\$60.00
Sr Roadway Engineer/	
Structure Engineer	\$50.00
Traffic/Roadway Engineer	\$42.00
Technician	\$38.00
Administrative	\$32.00

Task #	Task Description	Project Manager/ Sr Structure Engineer	Sr Traffic Engineer/ Env Scientist	Sr Roadway Engineer/ Structure Engineer	Traffic/Roadway Engineer	Technician	Administrative	-	-	-	Overall Total Hours	Labor Costs
2.3	AER Design											
2.3.G	Utilities											
2.3.G.A	Utility Coordination and Documentation	1		2	4	5					12	\$533.00
2.3.H	Miscellaneous											
2.3.H.A	Bridge Investigation and Cost Estimates	12		20		9					41	\$2,242.00
2.3	Subtotal	13	0	22	4	14	0	0	0	0	53	\$2,775.00
2.4	Prepare Cost Estimates											
2.4.A	Roadway/Interchange Costs	4		12	10	6					32	\$1,548.00
2.4.B	Right of Way Costs	1		2	4	1					8	\$381.00
2.4	Subtotal	5	0	14	14	7	0	0	0	0	40	\$1,929.00
2.5	AER Submittal and Other Studies											
2.5.A	Evaluation Matrix	1		2		2					5	\$251.00
2.5.B	Prepare Feasibility Study Report	10		30							40	\$2,250.00
2.5.C	Prepare MORPC Attributable Funding Application	8		18		8					34	\$1,804.00
2.5.D	Safety Application Development and Presentation		8		5	4					17	\$842.00
2.5	Subtotal	19	8	50	5	14	0	0	0	0	96	\$5,147.00
2.8	Project Management for Preliminary Engineering Phase											
2.8.A	Meetings	9	5	14	7						35	\$1,969.00
2.8.B	General Oversight	18		6			8				32	\$1,906.00
2.8.C	Project Set Up	2		2			2				6	\$314.00
2.8	Subtotal	29	5	22	7	0	10	0	0	0	73	\$4,189.00
	SUBTOTAL PRELIMINARY ENGINEERING PHASE	78	40	150	130	50	10	0	0	0	458	\$23,430.00
	TOTAL AUTHORIZED TASKS	78	62	153	194	54	10	0	0	0	551	\$27,740.00
	IF AUTHORIZED TASKS											
	Safety Application Development and Presentation											
IA.1	Prepare Interchange Operations Study (IOS)		28		36						64	\$3,192.00
IA.2	Develop Purpose and Need	4	10	8							22	\$1,300.00
IA.3	ECAT Analysis of Preferred Alternative		6		14						20	\$948.00
	Subtotal	4	44	8	50	0	0	0	0	0	106	\$5,440.00
	SUBTOTAL IF-AUTHORIZED TASKS	4	44	8	50	0	0	0	0	0	106	\$5,440.00
	GRAND TOTAL	82	106	161	244	54	10	0	0	0	657	\$33,180.00

### **Proposed Overhead and Cost of Money Rates**

The following rates are based on a 2020 audit (on file with ODOT).

Overhead Rate = 188.0%

Cost of Money = 0.81%

## DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS, PERSONNEL CATEGORIES, AND LABOR RATES

County Route and Section: **City of Hilliard – Cemetery Road at I-270 Trail Study**  
 Agreement No.:  
 PID:  
 PDP Path Used:  
 CONSULTANT: **Burgess & Niple**

Proposal Date: **12/2/2021**

Revised Date:

PROJECT DESCRIPTION: **Feasibility Study to evaluate alternatives to add pedestrian facilities along Cemetery Road through the I-270 interchange.**

Direct Costs  
 Technology Charge \$ -  
 mileage reimbursement rate \$ 0.575

Task #	Task Description	Total Hours	Tech Charge	Mileage	Mileage \$0.575/mi	Miscellaneous	Total Cost	Subconsultants
								Lawhon
<b>1</b>	<b>Planning Phase</b>							
<b>1.2</b>	<b>Project Initiation Package</b>							
1.2.B	Conduct Field Review (walk through)	6	\$0.00	18	\$10.35		\$10.35	
<b>1.2</b>	<b>Subtotal</b>	<b>11</b>	<b>\$0.00</b>	<b>18</b>	<b>\$10.35</b>	<b>\$0.00</b>	<b>\$10.35</b>	<b>\$0.00</b>
	<b>SUBTOTAL PLANNING PHASE</b>	<b>93</b>	<b>\$0.00</b>	<b>18</b>	<b>\$10.35</b>	<b>\$0.00</b>	<b>\$10.35</b>	<b>\$0.00</b>
	<b>TOTAL AUTHORIZED TASKS</b>	<b>551</b>	<b>\$0.00</b>	<b>18</b>	<b>\$10.35</b>	<b>\$0.00</b>	<b>\$10.35</b>	<b>\$0.00</b>
	<b>GRAND TOTAL</b>	<b>551</b>	<b>\$0.00</b>	<b>18</b>	<b>\$10.35</b>	<b>\$0.00</b>	<b>\$10.35</b>	<b>\$0.00</b>

# **Appendix A – Scope of Services Assumptions and Narrative**

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

\* \* \* \* \*

### Assumptions made while developing this scope of services

- **Design Traffic Volumes and Analysis**

- No traffic counts needed; traffic volumes to be provided by Hilliard and ODOT from previous/current projects
- Volumes provided will be used to develop planning level traffic data and summarized in the report for the following intersections
  - Cemetery Road & Britton Parkway
  - Cemetery Road & Lyman Drive
  - Cemetery Road & SB I-270
  - Cemetery Road & NB I-270
  - Cemetery Road & Trueman Boulevard
- Certified Traffic will not be obtained until after Feasibility Study is approved once we know the final alternative and the analysis limits required
- An Interchange Operations Study (IOS) is included as an if-authorized task because it is not needed to get to a recommended alternative through this study. It will be needed as a next step. This is so that we do not spend the effort at this phase and we only have to prepare an IOS for the recommended alternative.

- **Safety Analysis**

- An ECAT analysis will only be performed for the recommended alternative. Alternatives will be evaluated qualitatively from a safety performance perspective, however quantitative safety analysis (ECAT) will only be performed for one alternative as needed for funding applications. This is included as an if-authorized task.

- **Design Criteria**

- It is assumed that the design criteria for I-270 and Cemetery Road from the current ODOT project FRA-270-12.50 (PID 113655) below can be used for the purposes of this study. This design criteria is intended to be used for geometric guidance per the ODOT Location and Design Manual Volume 1. The traffic volumes from that project will not be used as the criteria for this study. Instead the volumes developed from Task 1.3.D will be used for turning movements at intersections and the links in between, including interchange ramps. No hours are included in this proposal for the development of design criteria in addition to what has been developed for other projects and the traffic volumes that will be developed under task 1.3.D for the purpose of this study.

<b>DESIGN DESIGNATION</b>	<b>I-270 NB RAMP</b>	<b>CEMETERY RD</b>
CURRENT ADT (2022)	13,400	27,200
DESIGN YEAR ADT (2042)	14,900	30,800
DESIGN HOURLY VOLUME (2042)	1,490	3,080
DIRECTIONAL DISTRIBUTION	N/A	60%
TRUCKS (24 HOUR B&C)	3%	2%
DESIGN SPEED	40 MPH	40 MPH
LEGAL SPEED	35 MPH	35 MPH
DESIGN FUNCTIONAL CLASSIFICATION:	01 INTERSTATE (URBAN)	03 PRINCIPAL ARTERIAL (URBAN)
NHS PROJECT	YES	NO



# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

- **Mapping**
  - No detailed survey will be collected at this time; B&N will coordinate with ODOT and Hilliard to obtain any detailed survey within the study area to supplement the GIS information
  - County Auditor's Mapping and OGRIP existing lidar and aerial imagery will be used to develop alternatives
- **Environmental**
  - Perform a desktop literature review/screening of the project site
  - No environmental field work for this phase of the project; to be included as next steps once recommended alternative is determined
- **Purpose & Need**
  - Goals of project and key elements will still be included in the report that can be rolled into the Purpose and Need development as needed.
  - An official Purpose and Need (P&N) will not be developed as the initial part of the contract. An if-authorized task which includes formalizing the P&N and coordinating with ODOT Office of Environmental Services (OES) for approval is included to develop the P&N as a next step as needed.
- **Stakeholder & Public Outreach**
  - It is assumed the City of Hilliard will lead any public engagement efforts using a virtual platform. B&N will provide exhibits and short text narratives to support the exhibits. No other efforts for public involvement are assumed for B&N.
- **Drainage and BMP Analysis**
  - This effort does not include time to do a drainage analysis to confirm spread on and off the structure, potential upsizing of sewers, or design of any new systems to accommodate the path. The cost estimate will include a drainage cost based on observable information and similar type projects. A conceptual BMP design or calculations will also not be completed as a part of this scope. A high-level cost will be included based on similar projects assuming permanent BMP's will be required.
- **Structures Assumptions**
  - A high-level overview of existing bridge plans will be performed to determine the feasibility of widening the bridge and potential impacts on vertical clearance. The exact widening method will not be determined, and a load rating will not be performed as a part of this study. Similar type bridges that have been constructed will be used to determine a preliminary cost of any proposed bridge work for the alternatives in this study.

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

### Scope of Services – Individual Tasks

#### Task 1.2.B – Conduct Field Review (walk through)

This task assumes 2 B&N design staff will perform a site visit to investigate the existing topographic features such as culverts, streams, R/W features, and utilities that may not be evident in the available mapping and will be used to differentiate between the Build alternatives. Photos and a drive through video will be captured for reference during the study and in the report as needed. Assume 2-hours for two B&N staff to perform the site visit and process information plus 1-hour total drive time/person.

#### Task 1.2.E – Aerial/Base Mapping Setup

This task is to obtain any existing mapping available from ODOT or City of Hilliard and download aerial images and lidar available online. This information will be combined into a single basemap to be used as the existing condition to develop the proposed alternatives on. This task also includes obtaining GIS right of way and parcel information from the County Auditor's information to show on the plans and estimate right of way impacts.

#### 1.3.A – Existing Crash Analysis

B&N will perform a crash analysis for 2015 through 2019 for Cemetery Road between Britton Parkway and Trueman Boulevard including at the intersections of Britton Parkway, Lyman Drive, I-270 SB ramps, I-270 NB ramps, and Trueman Boulevard. David Meeks Way from Britton Parkway to Lyman Drive will also be included in this analysis. The collision diagram completed as part of the study completed by Carpenter Marty on July 24, 2020 will be incorporated into the crash diagram. The CAM Tool for that analysis will be provided by the City of Hilliard and will be incorporated into the analysis for the larger study area.

#### 1.3.B – Existing ECAT Analysis

B&N will perform analysis using the Economic Crash Analysis Tool (ECAT) for the following locations under existing conditions:

- Cemetery Road and Britton Parkway
- Cemetery Road between Britton Parkway and Lyman Drive
- Cemetery Road and Lyman Drive
- Cemetery Road between Lyman Drive and I-270 SB Ramps
- Cemetery Road and I-270 SB Ramps
- Cemetery Road between I-270 Ramps
- Cemetery Road and I-270 NB Ramps
- Cemetery Road between I-270 NB Ramps and Trueman Boulevard
- Cemetery Road and Trueman Boulevard
- Britton Parkway and David Meeks Way
- Lyman Drive and David Meeks Way

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

### **1.3.D – Planning Level Traffic – No Build Condition**

Planning level design volumes will be developed for the Cemetery Road corridor. The following intersections will be included:

- Cemetery Road & Britton Parkway
- Cemetery Road & Lyman Drive
- Cemetery Road & SB I-270
- Cemetery Road & NB I-270
- Cemetery Road & Trueman Boulevard

Existing intersection turning movement counts are available and it is assumed that no additional counts will be required. Base year and future year MORPC travel demand assignments provided for the ongoing Thoroughfare Plan update will be used. Future year forecasts will follow the ODOT Traffic Forecasting Manual procedures so the volumes could be submitted as certified traffic as a next step if needed.

### **2.1.A.C – Capacity Analysis for Build Alternatives**

Design year AM and PM peak hour capacity analysis will be conducted following the ODOT OATS Manual at the 5 study intersections along Cemetery Road. It is anticipated that the analysis will be conducted using TransModeler. A No-Build and up to 4 Build alternatives will be evaluated. Results will be tabulated, and narrative written for inclusion in the Feasibility Study.

### **2.1.A.D – Safety Evaluation of Build Alternatives**

B&N will qualitatively evaluate the safety performance of the Build alternatives to be included in the evaluation matrix and in the process to select a preferred alternative. ECAT analysis will not be performed as part of this task. Rather, should safety funding be sought and ECAT required for the application, the ECAT analysis can be performed as an If Authorized task. This task also includes preparation of the narrative to be included in the final feasibility study document. As part of this task, B&N will also identify and prioritize next steps for identifying the potential for safety funding for the identified improvements.

### **2.1.A.F – Typical Sections**

This task is to develop up to 3 total conceptual proposed shared use path typical sections that can be applied to the pertinent Build alternatives. These typical sections will show path widths, cross slopes, generic grading assumptions, and any potential retaining walls or bike railing. No typical sections will be developed for the interchange ramps or Cemetery Road, except for showing a portion of the existing typical sections to show proposed grading between the roadway and proposed path. Assume 3 hours/typical section for the 4 proposed typical sections for a total of 9 hours.

### **2.1.A.G – Preliminary Alignment and Profile**

This task assumes up to four Build alternatives will be developed on top of an aerial image from the OGRIP Site. It is assumed that there will be one alternative that modifies the existing interchange ramps, two alternatives that do not modify the interchange ramps, and a fourth that will be determined as the study develops. This task anticipates that horizontal geometry will be developed using OpenRoads. No detailed geometry (including baselines and curve

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

data) will be provided as a deliverable for this study, however curve radii can be labeled to confirm assumed design speed of the path. Preliminary vertical profiles will be developed to best estimate anticipated work limits and R/W impacts. Assume 12 hours/alternative for the four Build alternatives to develop the horizontal and vertical preliminary geometry for a total of 48 hours.

### **2.1.A.H – Cross Sections**

A conceptual, "rough", proposed surface will be developed using the preliminary profiles from *Task 2.1.A.G* and then pushing a template through using OpenRoads. The surface will use a 3:1 maximum fill slope and a generic ditch section using 1.5-foot ditch depth and a 4-foot flat-bottom ditch width to estimate the anticipated toe of slope. Cross sections will not be developed as part of this task but can be viewed dynamically from the 3D model to verify the "rough" proposed surface. No cross-section sheets will be developed for this submittal, however critical elements from the cross sections such as grading limits can be shown in plan view for reference. No utilities will be modeled or shown in cross sections. Assume 6 hours/alternative to develop and review the 3D surface and show grading/construction limits in the plan view. Total of 24 hours for this task.

### **2.1.A.I – Create Exhibits**

This task assumes plan view exhibits will be developed for up to four Build alternatives and one no-build alternative. These exhibits are anticipated to be large-scaled roll plots (100-scale) showing the proposed alternative plan view, preliminary pavement markings, anticipated construction limits, and anticipated R/W impacts. These exhibits will be developed using the existing aerial image as the background. No vertical profile sheets will be developed nor cross section sheets for any of the build alternatives. Assume 4 hours/Build alternative and 2 hours for the No-Build alternative exhibit for a total of 18 hours.

### **2.1.A.J – Stakeholder Public Involvement**

This task assumes coordination with the City of Hilliard to provide modified exhibits from *Task 2.1.A.I* for the purposes of public involvement. This task also includes assisting the City of Hilliard in preparing short narratives for each alternative to be included with the exhibits for the public. It is assumed the City of Hilliard will post or distribute this information to the public and gather and summarize responses in a separate document and provide the information to the project team. It is assumed that no presentation will be created for public involvement and most of the materials developed for the alternatives can be used and modified as needed for public involvement and stakeholder coordination. This task does not include effort to attend meeting for stakeholder involvement, see Task 2.8.A for the meeting effort. Assume a total of 14 hours for this task.

### **2.2.B – Environmental Screening**

This task includes a review of secondary search/literature environmental sources will be reviewed to determine if any known site is located within the proposed footprint of the study area. This will include reviewing the ODOT-Ohio Regulated Properties Search (ORPS) tool to identify know state and federal regulated materials/waste sites within the project area and adjacent properties. The U.S. Fish and Wildlife (USFWS) Franklin county list and Ohio Department of Natural Resources (ODNR) Natural Heritage Database (NHD) will be requested to identify any threatened and endangered plant and animal species located within the study area. There are three streams that

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

cross the study area flowing west to east. The Federal Insurance Rate Maps (FIRM) panels will be reviewed to determine if the streams have regulated floodplains. The State Historic Preservation Office Online database will be reviewed to determine if any historic structures or archaeological resources are within the study area. The report will include mapping of the information collected from the agencies listed above. A narrative will be prepared for the environmental section of the report.

### **2.3.G.A – Utility Coordination and Documentation**

This task assumes coordination with the anticipated utility companies in the area. Time will include submitting an OUPS ticket to request for record plans and review of the existing infrastructure within the project corridor to identify major utilities and locations to avoid conflicts. This task will require coordination with the utility companies to obtain all record plan information, then get an estimated location of each utility line plotted in CADD to use as a background basemap when developing the interchange improvement alternatives. This task also includes time to start a utility log file that will be a living document summarizing the utility contacts, concerns, proposed solutions, and conversations with each utility company. Assume 1 hour to obtain an OUPS ticket, 3 hours of coordination time to follow-up and obtain/summarize all record plans and confirm utilities in the corridor and resolve any discrepancies in the information received, 4 hours to map the approximate locations of each utility into CADD based on the record plans, and 4 hours to develop and maintain the utility log file for the duration of the study. Assume a total of 12 hours.

### **2.3.H.A – Bridge Investigation and Cost Estimates**

Span arrangements and typical sections will be developed in Microstation for up to four pedestrian bridge alternatives, including potential widening of the vehicular bridge. Preliminary member sizes will be determined using data from similar structures and engineering judgement. Detailed structural analysis will not be performed. Preliminary quantities and cost estimates will be developed for each bridge alternatives. A narrative summarizing the alternatives investigated and the associated advantages and disadvantages will be prepared.

### **2.4.A – Roadway/Interchange Costs**

Conceptual cost estimates will be developed for up to four Build alternatives. These cost estimates will be an "order of magnitude" planning level estimate only based on the "big ticket" cost contributors, such as pavement, structures, and earthwork, that can be easily measured using Microstation elements. Other items, such as MOT, drainage, signing/stripping, etc. will be developed as a percentage of the total construction cost or based on other similar projects. R/W and utility relocation costs will not be estimated as a part of this task. Assume 8 hours/estimate for a total of 32 hours.

### **2.4.B – Right of Way Costs**

Preliminary right of way cost estimates will be developed using cadd areas obtained between the existing right of way developed in *Task 1.2.E* and construction limits in *Task 2.1.A.H*. No proposed right of way linework will be provided. These estimates will use County Auditors property value and calculated impacted areas as the basis for the estimate. Additional acquisition costs such as consultation, appropriation, and temporary right of way will be added as raw percentages of the basis, and contingency will be included for additional impacts and unknowns based

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

on the level of information at this phase. If major private facilities are identified as being impacted, they will be noted in the report and estimated in the next phases of the project as work limits are more accurately defined. This does not include right of way acquisition that might be needed for the purpose of utility relocations. Assume 2 hours per alternative for a total of 8 hours to obtain property data and develop preliminary right of way acquisition estimates.

### **2.5.A – Evaluation Matrix**

An evaluation matrix comparing up to four Build alternatives and the No-Build alternative will be developed that will include the following as possible differentiators: estimated construction cost, traffic operation impacts, pedestrian and vehicular safety, potential R/W and utility impacts, and other items as determined during the project development process. A "consumer reports"-style format will be used for ease of readability, and a second version using text to explain/justify the individual ratings in detail will be developed and provided for the City of Hilliard and ODOT's review. Assume 5 hours for this task to complete both versions of the Evaluation Matrix.

### **2.5.B – Prepare Feasibility Study Report**

A Feasibility Study report will be developed summarizing the work that was done during this study. This will include a narrative explaining the process that was completed, the results of the analysis, and a description of each of the Build and the No Build alternatives. The final section of the Feasibility Study report will be a recommendation, determined in collaboration with the City of Hilliard and ODOT. Assume 32 hours to complete the draft report and 8 hours for any revisions based on the draft comments. Total of 40 hours for this task.

### **2.5.C – Prepare MORPC Attributable Funding Application**

This task includes the effort to prepare the draft and final applications for MORPC Attributable funding. It is anticipated that the City of Hilliard will provide additional documentation related to economic development, job creation / retention, other economic considerations. This task includes preparing the draft application for the July screening deadline and preparing the final application based on MORPC comments for the 9/23/2022 application deadline. The effort will utilize MORPC's online application software. This task does not include any presentation development or participation efforts, attendance to any meetings, or any other documentation preparation outside of the application.

### **2.5.D – Safety Application Development and Presentation**

B&N will prepare a safety application, a one-page summary, and a PowerPoint presentation that summarizes the safety application for the recommended alternative. A presentation to ODOT Central Office is also included in this task.



# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

### 2.8.A – Meetings

Assume monthly virtual one-hour maximum Project Team Coordination Meetings, with the City of Hilliard and ODOT in attendance if desired, to provide updates and coordinate tasks necessary to meet the scope and schedule for the project. See table below specific meetings anticipated with this scope of services.

Task	Assumption	Hours			
		PM	SR Traffic Eng	SR Roadway Eng	Roadway Eng
Team Coordination Meetings with Hilliard; (5 meetings)	1-hour meeting (assume virtual meeting format), 4 people attending	5	5	5	5
1 Stakeholder Meeting	2-hour meeting (assume virtual meeting format), 3 people attending	2		2	2
Agenda and Minutes for Meeting	Agenda: 0.5 hour/meeting; Minutes: 1 hours/meeting	2		7	
<b>Totals</b>		<b>9</b>	<b>5</b>	<b>14</b>	<b>7</b>

### 2.8.B – General Oversight

This task includes effort related to Project Management including invoice review, personnel assignment, progress reporting, daily assessment of required action items to stay within the scope of services and meet the established schedule. Assume an 8-month schedule duration. Assume an average of 4 hours/month for a total of 32 hours.

### 2.8.C – Project Set Up

This task is to develop the Project Management Plan for the project, set up the internal accounting system for the project, and allocate the resources for the project. Assume 6 hours for this task.

# City of Hilliard – Cemetery Road at I-270 Trail Study

## DRAFT Feasibility Study Scope

### If Authorized Tasks

#### IA.1 – Prepare Interchange Operation Study (IOS)

B&N will prepare an Interchange Operations Study (IOS) for the Cemetery Road & I-270 interchange. The IOS will follow ODOT interchange study guidelines and be submitted to ODOT Office of Roadway Engineering for review and approval. Certified Traffic will also be submitted to ODOT Modeling and Forecasting for approval.

#### IA.2 – Develop Purpose and Need

B&N will draft a Purpose and Need (P&N) statement for the project. The P&N statement will identify what the guiding purpose of the project is to address. The purpose will be supported by the data that enforces the need for the project. Information to be collected and included in the needs section include bicycle and pedestrian accidents within the study area, existing transportation plans, existing and proposed shared use path locations, and connectivity issues. The P&N statement will be the guide to evaluate alternatives. The draft P&N statement will be reviewed by the City and ODOT, and a final version will be submitted for approval to the ODOT Office of Environmental Services (OES).

#### IA.3 – ECAT Analysis for Preferred Alternative



















B&N will perform analysis using the Economic Crash Analysis Tool (ECAT) for the locations identified in **Task 1.3.B** for the No Build condition and the preferred alternative.



# Appendix B – Proposed Project Schedule

ID		Task Mode	Task Name	Duration	Start	Finish	Predecessors	/ 21, '21 M T W T F S	Nov 28, '21 S M T W T F S	Dec 5, '21 S M T W T F S	Dec 12, '21 S M T W T F S	Dec 19, '21 S M T W T F S	Dec 26, '21 S M T W T F S	Jan 2, '22 S M T W T F S	Jan 9, '22 S M T W T F S
1			Hilliard / ODOT Scoping Kick Off Meeting	1 day	Mon 11/29/21	Mon 11/29/21									
2			Scope and Fee Development	3 days	Mon 11/29/21	Wed 12/1/21	1SS								
3			Hilliard / ODOT Review	1 day	Thu 12/2/21	Thu 12/2/21	2								
4			Presentation to Council	1 day	Mon 12/13/21	Mon 12/13/21									
5			NTP	1 day	Tue 12/14/21	Tue 12/14/21	4								
6			Field Review, Basemap development, preparation for Stakeholder meeting	20 days	Wed 12/15/21	Tue 1/11/22	5								
7			Purpose and Need Development	15 days	Wed 1/12/22	Tue 2/1/22	6								
8			Alternative layout	45 days	Wed 1/12/22	Tue 3/15/22	6								
9			Stakeholder Meeting 2	1 day	Wed 3/16/22	Wed 3/16/22	8								
10			Alternative Refinement	20 days	Thu 3/17/22	Wed 4/13/22	9								
11			Draft Feasibility Study Development	20 days	Thu 4/14/22	Wed 5/11/22	10								
12			Public Engagement	10 days	Thu 3/24/22	Wed 4/6/22	10SS+5 days								
13			Feasibility Study Review	30 days	Thu 5/12/22	Wed 6/22/22	11								
14			Final Feasibility Study Development	15 days	Thu 6/23/22	Wed 7/13/22	13								
15			MORPC Draft Application	45 days	Thu 5/12/22	Wed 7/13/22	11								
16			MORPC Review Period	30 days	Thu 7/14/22	Wed 8/24/22	15								
17			Safety Funding Application Development	48 days	Thu 6/23/22	Mon 8/29/22	13								
18			ODOT Safety Funding Application	1 day	Tue 8/30/22	Tue 8/30/22	17								
19			MORPC Final Application	22 days	Thu 8/25/22	Fri 9/23/22	16								
20			ODOT Safety Funding Presentations (sometime within October)	20 days	Mon 10/3/22	Fri 10/28/22									
21			MORPC Review Period	7 days	Mon 9/26/22	Tue 10/4/22	19								
22			MORPC Funding Application Presentations	1 day	Wed 10/5/22	Wed 10/5/22	21								
23			ODOT Safety Funding Notification of Award	1 day	Thu 12/1/22	Thu 12/1/22									
24			MORPC Award	1 day	Thu 12/8/22	Thu 12/8/22	22FS+45 days								

Attachment: Attachment\_2021.12.02\_PSA.Burgess & Niple Cemetery I-270 (21-R-83 : Burgess & Niple PSA)

Project: Cemetery Road Schedule Date: Thu 12/2/21	Task		Summary		External Milestone		Inactive Summary		Manual Summary Rollup		Finish-only	
	Split		Project Summary		Inactive Task		Manual Task		Manual Summary		Deadline	
	Milestone		External Tasks		Inactive Milestone		Duration-only		Start-only		Progress	
Page 1												

## Council Memo: Legislation (21-R-84)

**Subject:** Old Hilliard Utility Study  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Clark Rausch, City Engineer  
**Date:** December 13, 2021

### Executive Summary

Due to recent interest in developing and redeveloping properties in Old Hilliard, the City of Hilliard needs to assess its existing public utilities in Old Hilliard to determine if they are adequately sized and located to serve future redevelopment projects. The City requested and received a quote from Burgess and Niple, Inc. to complete a utility study in Old Hilliard, as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference. This study will assess existing sanitary sewer, storm sewer, and water lines in Old Hilliard, with the result of the study being recommendations for necessary upgrades to any or all three public utilities.

### Staff Recommendation

City Council is being asked to approve a contract with Burgess and Niple, Inc. to complete a public utility study in the Old Hilliard area. City staff recommends approval of this contract to assess existing public utilities in Old Hilliard and to determine future utility needs in the area.

### Background

The completion of many City projects in the past ten years (the Main Street streetscape project, First Responders Park, and Hilliard Station Park), as well as the opening of many new businesses in Old Hilliard (Center Street Market, Starliner Diner, Legacy Smokehouse, Hilliard Station Baking Company) has spurred a tremendous amount of interest in locating businesses and residential facilities in Old Hilliard. The City is aware of potential redevelopment projects in Old Hilliard as well. As a result of the redevelopment that has occurred thus far, the City has become aware of some areas of Old Hilliard that lack proper public utilities. With future redevelopment opportunities on the horizon, the City will need properly sized and located public utilities to support future business and residential growth in Old Hilliard. This utility study will first analyze the capacity of the existing water and sewer lines in Old Hilliard. This existing utility analysis will identify public utilities that need upgrades, as well as new public utility needs in Old Hilliard. Finally, based upon potential redevelopment opportunities that the City is currently aware of, the study will generate a list of proposed upgrades to existing utilities or additional utility lines necessary to support these potential redevelopments in Old Hilliard.

### Financial Impacts

The fee for the Burgess and Niple, Inc. utility study is \$79,000, as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference. This includes a 10% contingency over and above Burgess and Niple's proposed fee. City Council has agreed to fund this study with a portion of the American Rescue Plan Act (ARPA) funds. At their October 25, 2021 meeting, City Council approved a distribution of the ARPA funds that included \$82,500 for the Old Hilliard Utility Study.

### Expected Benefits

This study will identify public utility needs and upgrades in the Old Hilliard area. The proposed upgrades and new projects that will be identified in this study will allow the City to program those projects into future City Capital Improvement Budgets. Completion of these identified projects will, in turn, provide adequate City utilities for future redevelopment opportunities in Old Hilliard.

### Attachments

Exhibit "A", Burgess and Niple's project scope of services and proposed fee.



**Resolution: 21-R-84**

**Adopted:**

**Page 2 of**

**Effective:**

**AUTHORIZING THE CITY MANAGER ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS AND NIPLE, INC. FOR THE OLD HILLIARD UTILITY STUDY**

**WHEREAS**, the completion of many City projects in the past ten years (the Main Street streetscape project, First Responders Park, and Hilliard Station Park), as well as the opening of many new businesses in Old Hilliard (Center Street Market, Starliner Diner, Legacy Smokehouse, Hilliard Station Baking Company) has spurred a tremendous amount of interest in locating businesses and residential facilities in Old Hilliard; and

**WHEREAS**, as a result of the redevelopment that has occurred thus far, the City has become aware of some areas of Old Hilliard that lack proper public utilities; and

**WHEREAS**, with future redevelopment opportunities on the horizon, the City will need properly sized and located public utilities to support future business and residential growth in Old Hilliard; and

**WHEREAS**, in order to understand the inadequacies of the existing public utilities in Old Hilliard, as well as the need for future utility upgrades and construction, the City identified the need for a utility study in Old Hilliard; and

**WHEREAS**, the City requested and received a scope of services and a quote from Burgess and Niple, Inc. to complete a utility study specifically in the Old Hilliard area, as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference; and

**WHEREAS**, completion of this study will not only identify existing public utilities that need upgraded, but also propose any new public utility needs to serve future growth in Old Hilliard; and

**WHEREAS**, at the regular meeting on October 25, 2021, City Council approved a distribution of the ARPA funds that included \$82,500 for the Old Hilliard Utility Study; and

**WHEREAS**, it is in the best interest of the City of Hilliard and the public at large that the City complete the Old Hilliard Utility Study as noted above.

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

**SECTION 1.** An expenditure is authorized in the amount of Eighty-Two Thousand, Five Hundred Dollars (\$82,500) from Fund 898, Object 53 to fund the Old Hilliard Utility Study with Burgess and Niple, Inc.

**SECTION 2.** The City Manager is authorized to enter into a professional services agreement (PSA) with Burgess and Niple, Inc. for the services attached hereto as Exhibit "A", in the amount of Seventy-Nine Thousand Dollars (\$79,000) to complete the Old Hilliard Study for the City (the "Agreement"). This includes a 10-percent contingency amount above Burgess and Niple, Inc.'s proposed fee.

**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 provided herein.

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
**Diane C. Werbrich, MMC**  
**Clerk of Council**

\_\_\_\_\_  
**Pete Marsh, President**  
**City Council**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Philip K. Hartmann**  
**Director of Law**

✓ Vote Record - Resolution 21-R-84						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred Back To Committee						

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-84** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

Mr. Clark Rausch  
City Engineer  
City of Hilliard  
3800 Municipal Way  
Hilliard, OH 43026

Re: Old Hilliard Redevelopment Areas and  
Water/Sewer Planning Project

June 28, 2021

Dear Mr. Rausch:

Per our discussions, you indicated that the City of Hilliard (City) has experienced parcel redevelopment in the Old Hilliard Area. There is a concern that the existing water and sanitary infrastructure is insufficient for the redeveloped parcels and parcels that may be redeveloped. The City of Hilliard (Client) is interested in entering into an agreement with Burgess & Niple, Inc. (B&N) to outline and determine future growth in the Old Hilliard area and associated improvements to the water and sanitary systems. These growth locations will be coordinated with the City of Hilliard and current developers to determine what current and future redevelopment will be. The City of Columbus operates a model of the water distribution system, and as such, B&N will coordinate with the City to help establish appropriate sizing on the water mains. Prime AE Group has recently performed a sewer study for the City and B&N will coordinate to determine existing and future capacity in the sanitary collection system. B&N is part of the Comprehensive Planning team and findings of this project will be incorporated into the Comprehensive Planning Project.

B&N understands that there are a few parcels currently being redeveloped and the City has a few potential sites that may be redeveloped at some time in the future. Outcome of this project will be to identify current and potential re-developable parcels in the Old Hilliard area and determine needed upgrades to the water and sanitary infrastructure. Since the total number of re-developable parcels is not currently known, work that exceeds the contract value of this agreement shall be agreed upon and authorized via an amended agreement.

Additional responsibilities are outlined below in the Scope of Services.

Client's Project, of which B&N's services under this Agreement are a part, is generally identified as follows:

- City of Hilliard – Old Hilliard Redevelopment Areas and Water/Sewer Planning (Project).

B&N's Services under this Agreement are generally identified as follows:

- **Scope of Services**

- A. Attend a Project Kickoff meeting with the City to confirm goals, objectives, and desired outcomes for the project. Identify parcels being redeveloped and parcels that may be redeveloped in the future to establish densities, development types, associated water demands, and sanitary sewer discharge flows. City to provide utility Geographic Information System (GIS) information prior to meeting. Will incorporate member form comprehensive planning project team.
- B. Pre-Planning meeting with the City and developer currently redeveloping parcels in Old Hilliard to determine what the current redevelopment may be to establish densities, development types, associated

water demands, and sanitary sewer flows. Will incorporate member form comprehensive planning project team.

- C. Planning meeting to finalize current and future parcel redevelopment in Old Hilliard and establish densities, development types, associated water demands, and sanitary sewer flows. Will incorporate member form comprehensive planning project team.
- D. Evaluate remaining excess capacity for water system and future connections in conjunction with fire flow analysis. B&N will model improvements in WaterGEMS to ensure available flow rates, fire flows and pressures at the proposed redevelopment sites are appropriate. B&N will coordinate with the City of Columbus to determine suitable connection points. Columbus will also provide B&N with either recent hydrant flow test data or will perform hydrant testing (\$220 per test) if recent data is not available. Potential options to be evaluated are upsizing existing lines, water extensions, or a new water line to connect into an existing water main with enough capacity and pressure.
  - For Hydrant test data B&N will need Static and Residual pressures obtained during a two-hydrant flow test near the connection point along with tank level and pump status at the time of the test. B&N will provide recommendations on hydrant flow test location and coordinate work with Columbus. Project assumes 6 hydrant tests
  - Existing LiDAR data will be used where needed for ground elevation data.
  - Project assumes 6 hydrant tests
  - We are including an additional cost of \$5,000 on an as-authorized basis for additional or more detailed water modeling needed based on information provided by and/or available from Columbus.
- E. Evaluate remaining excess capacity for sewer extensions and future connections. B&N will coordinate with Prime AE Group to provide capacity information of the sanitary sewer during periods of dry-weather and wet-weather. Potential options to be evaluated are upsizing existing lines, sewer extensions, or a trunk sewer to convey flows to a sewer with available capacity.
  - Existing LiDAR data will be used where needed for ground elevation data
- F. Determine alternatives and associated costs for providing water and sanitary sewer service to existing and future redeveloped parcels in Old Hilliard. Develop GIS exhibits showing the sanitary sewer and water improvements. Develop preliminary plan and profile for 2,000 feet of sanitary sewer improvements to identify vertical conflicts.
- G. Prepare Draft Technical Memorandum summarizing the growth areas, assumptions, development flow projections, and alternative pipeline routes for future service.
  - Meet to discuss Draft Technical Memorandum
- H. Prepare Final Technical Memorandum incorporating Client comments.
- The estimated reimbursable expenses to be billed to the City of Hilliard include:
 

• Mileage	Federal Rate
• Technology Charges	\$4.75 per man-hour
• Copying and Printing	At cost
• Subconsultants	At cost
- The billing factor to be applied to payroll cost to determine hourly billing rates to the City of Hilliard is 2.1.

- Estimated average hourly billing rates (including salary, overhead, and profit) by employee classification are:
  - Principal \$250
  - Associate \$225
  - Senior/Project Engineer \$180
  - Staff Engineer \$140
  - AutoCAD Operator \$115
  - Clerical \$85
- The total not-to-exceed fees of accomplishing all work outlined in the base Scope of Services are listed in the attached spreadsheet and are as follows:

Task	Task Description	Hours	Cost
A	Kickoff Meeting with City	20	\$4,300
B	Meet with City and Developer	24	\$5,000
C	Final Planning Meeting	28	\$5,800
D	Evaluate requirements for water improvements	64	\$12,400
E	Evaluate requirements for sanitary sewer improvements	88	\$14,200
F	Alternatives Evaluation	68	\$13,000
G	Draft Technical Memorandum	44	\$8,200
H	Final Technical Memorandum	20	\$3,900
*	As-authorized water modeling	27	\$5,000
Total		383	\$71,800

All of the above services are based on this project taking place in 2021 and 2022.

B&N appreciates the opportunity to submit this Proposal to provide professional engineering services for your Old Hilliard Redevelopment Areas and Water/Sewer Planning Project, and we look forward to continuing our working partnership with the City of Hilliard on this project.

If you have any questions regarding this Proposal, please do not hesitate to contact me at (614) 459-7272, extension 1242.



Sincerely,

**BURGESS & NIPLE, INC.**

---

Joshua D. Ford, PE  
Project Manager

---

Vice President

JDF:cmc

copy: Mr. Jim Dippel, Client Representative

## Council Memo: Legislation (21-R-85)

**Subject:** Authorizing PSA with McCarthy Consulting, LLC  
**From:** Michelle Crandall, City Manager  
**Initiated by:**  
**Date:** December 13, 2021

### Executive Summary

This resolution would authorize the City Manager to enter into a professional services agreement with McCarthy Consulting, LLC to serve as the City's Owners Representative for the design and construction of the recreation and wellness campus including the community center.

### Staff Recommendation

Staff recommends that Council adopt this Resolution

### Background

On July 12, 2021, City Council passed Ordinance No. 21-22, directing the Franklin County Board of Elections to place a ballot question before Hilliard residents for the Nov. 2, 2021, general election that would increase Hilliard's municipal income tax by 0.5% and dedicate the resulting funds for recreation and parks, including (but not limited to) construction of a community center.

On November 2, 2021, City electors approved the ballot question. In order to move forward with the process of the construction as quickly as possible (the "Project"), the City desires to hire an "Owner's Representative" which will be responsible for overseeing and assisting on all phases of the Project.

### Financial Impacts

The total amount of the Agreement is for \$262,085. To initiate the project, \$12,925 is being authorized and the remaining \$249,160 will be appropriated in the 2022 Capital Budget once revised.

### Expected Benefits

Executing this Agreement is the first step of many to ensure the construction of a new community center for the City as well as development of other portions of the recreation and wellness campus site.

### Attachments

Exhibits to the Legislation:

- A. Scope of Services and Fees
- B. Professional Services Agreement



Resolution: 21-R-85

Adopted:

Page 2 of

Effective:

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MCCARTHY CONSULTING, LLC, TO BE THE OWNER'S REPRESENTATIVE FOR THE COMMUNITY CENTER CONSTRUCTION PROJECT.**

**WHEREAS**, on November 2, 2021, City electors approved increasing the City's municipal income tax by 0.5% of dedicating the resulting funds for recreation and parks, including (but not limited to) construction of a community center; and

**WHEREAS**, in order to move forward with the construction of the community center and recreation and wellness campus site (the "Project"), it is necessary to engage an "Owner's Representative", which will oversee and assist the City with all phases of the Project; and

**WHEREAS**, the City desires to engage McCarthy Consulting, LLC, which has offered a proposal, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

**WHEREAS**, funds were appropriated in the 2021 Operating Budget, and pursuant to Section 3.10 of the Charter, authorization for funding this Project may be established by resolution of Council; and

**WHEREAS**, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2022 Capital Improvement Budgets.

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

**SECTION 1.** An expenditure is authorized from Fund 101 Object 53 in an amount not to exceed \$12,925 in order to initiate the Professional Services Agreement with McCarthy Consulting, LLC.

**SECTION 2.** Following the appropriation of the balance of funds for the Project, an expenditure is authorized in 2022 from the unencumbered balance of Fund 103 Object 53 in the amount of \$249,160.

**SECTION 3.** The City Manager is hereby authorized to enter into a professional services agreement ("Agreement") with McCarthy Consulting, LLC in substantially the same form as the one **attached** hereto as Exhibit "B" and incorporated herein, in an amount not to exceed \$262,085. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 4.** 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.

**SECTION 5.** This Resolution is effective upon its adoption.

ATTEST

SIGNED:

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

## APPROVED AS TO FORM:

\_\_\_\_\_  
**Philip K. Hartmann**  
**Director of Law**

✓ Vote Record - Resolution 21-R-85						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

**CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-85** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

# McCarthy Consulting, LLC

December 2, 2021

Ms. Michelle Crandall  
City Manager  
City of Hilliard  
3800 Municipal Way  
Hilliard, Ohio 43026

Subject: Owner's Representative Services Proposal  
Revised Proposal

Project: Hilliard Recreation & Wellness Campus Project  
Hilliard, Ohio

Dear Michelle,

We are honored to submit this proposal to act as your Owner's Representative for this important Project for the City of Hilliard. We have developed this Proposal based on our recent conversations and information provided during our most recent meeting.

Our Proposal is broken down by following Phases:

- Pre-Design Phase
- Design/Bidding/GMP Amendment Phase
- Construction Phase
- Owner Occupancy/Move In Phase
- Close Out Phase

We used the draft Master Project Schedule you provided to help guide the start and stopping point of the Phases included in our Proposal. It is our understanding that the City of Hilliard will oversee and manage certain street and infrastructure elements directly. We have included coordination and assistance services in our Proposal, but the actual management of these elements and related contracts will be handled by the City of Hilliard.

The adage that "time is money" is especially true today given the supply chain pressures, escalation and inflation impacts on raw material costs, and the challenge of fighting for a workforce and subcontractor base to work on your Project. The sooner we can get this assignment moving forward into the design process, the better for the City of Hilliard. We need to provide the leadership for the design team to understand the urgency with getting the design completed and evaluate the options to mitigate exposure to rising costs and material delays. As your Owner's Representative we have the knowledge necessary to work with your procurement policies and ensure the most cost effective and timely solutions are utilized. Together our goal is to lead that process and ensure we keep the design team focused.

**84 West Riverglen Drive, Worthington, Ohio 43085**  
**614-846-7111 614-846-7131 fax**

Ms. Michelle Crandall  
Hilliard Recreation & Wellness Campus Project  
McCarthy Consulting, LLC Proposal Letter - Draft  
December 2, 2021

Working with you on past assignments, you know that it is imperative that a Project such as this start correctly in order to have a chance at finishing successfully. My experience has shown that if we can provide a solid plan, make timely decisions, push the design and permitting/plan review process, provide the correct level of oversight, and clearly define the requirements and expectations for our "Team", then each component of the overall program should flow smoothly from phase to phase.

The financial details of my proposal are as follows:

- ✓ McCarthy Consulting, LLC will bill the City of Hilliard on an hourly basis for any work performed under this agreement. The hourly rate charged will be \$150.00 per hour for my time and \$125.00 per hour for my Project Manager. These rates include all related taxes, insurances, fringes, overhead, profit and minor reimbursable expenses such as local travel, parking, fuel, etc.
- ✓ McCarthy Consulting, LLC will bill for services provided on a monthly basis. Included with any invoice sent to the City of Hilliard will be time sheets and other related back-up to support any costs noted as part of an invoice.
- ✓ Any significant reimbursable expenses that are outside of those expenses noted above will be billed at actual cost with no mark-up. McCarthy Consulting, LLC will seek your written approval prior to incurring such additional expenses.
- ✓ The total Not-To-Exceed estimated cost of services envisioned for this Project is \$265,688.00. These services are broken down on the attached Exhibit by phase/service for your reference.

At your earliest convenience I would like to discuss my proposal so that I can gain your approval to officially engage and begin the process of getting our design team members hired.

I again want to thank you for your consideration of my firm. This is an exciting Project, and we would be honored to assist the City of Hilliard with its implementation. If you have any questions regarding the attached information, please give me a call.

Sincerely,



Donald P. McCarthy

Cc: File

Attachment: Exhibit A. Authorizing PSA with McCarthy (21-R-85 : Authorizing PSA with McCarthy Consulting, LLC)

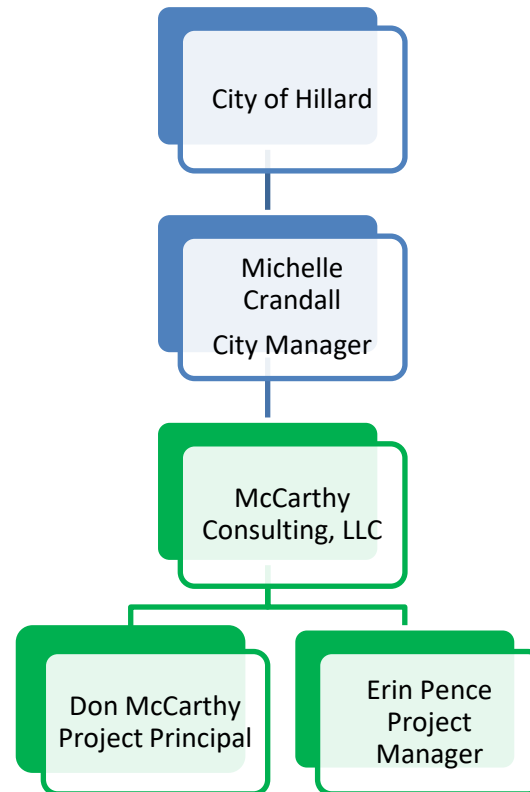


# City of Hilliard

## Hilliard Recreation & Wellness Campus Project

### McCarthy Consulting, LLC

### *Project Organization Chart*



**McCarthy Consulting, LLC**  
**Owners Representative Fee Proposal Back-up**  
**City of Hilliard**  
**Recreational Wellness Campus Project**

	Office Hours	Field Hours	Design Team Meetings	Construction Team Meetings	Owner Meetings	Misc.	Total Phase
Pre-Design Phase (12/1/21 to 2/25/22 - 12 Weeks)							
Develop General Scope Allocation Concept - Bldg, Streets, Parking	4				3		7
Develop Architect RFP Process, Documents	4				2		6
Develop Construction Manager RFP Process, Documents	4				2		6
Oversee/Manage Architect Selection Process	6				2		8
Oversee/Manage Construction Manager Selection Process	6				2		8
Negotiate Architect Agreement	4				2		6
Negotiate Construction Manager Agreement	4				2		6
Develop Special Insp/Soils Testing RFP & Selection Process	4				3		7
Document Review/Information Analysis	6				4		10
Special Meetings/Conference Calls	6				2		8
Develop/Update Overall Master Project Schedule	4				2		6
Develop Master Project Budget	3				2		5
Establish Reporting/Monitoring Criteria & Implementation	2				1		3
General Coordination, Miscellaneous Items, Etc.	4				4		8
Phase Totals	61	0	0	0	33	0	94
Cost of Phase	\$						12,925.00
Design/Bidding/GMP Amendment Phase (2/28/22 to 7/28/23 - 73 Weeks)							
Attend Weekly Design Review Meetings		91					91
Plans Examination/Permitting Oversight	4	4			3		11
Develop Site Phasing/Access/Egress Plans	4	4			4		12
Oversee Soils Investigation Process	2	2	1	1	1		7
Assist & Oversee Value Engineering Process	6		8		4		18
Drawing/Design Document Review & Analysis	20	4	10	4	6		44
Preconstruction Estimate Review & Approval	16		6	4	4		30
Master Project Schedule Updating & Monitoring	8		2	2	2		14
Open Items Tracking List Updates	20		3	2	2		27
Develop/Implement Consultant/Tenant Coordination & On-Boarding	4		2	2	2		10
Develop Bidder/Supplier Interest	6			2			8
Attend & Document Pre-Bid Meetings/Conference	2			8	2		12
Review, Process and Recommend GMP Amendment(s)	16		4	6	4		30
Inform Owner of Project Issues	6				4		10
Phase Totals	114	105	36	31	38	0	324
Cost of Phase	\$						44,550.00
Construction Phase (7/31/23 to 12/31/24 - 72 Weeks)							
Attend Weekly Project Meetings - Including Hilliard Fields/Streets				90	4		94
Site Visits/Inspections - Including Hilliard Fields/Streets		360					360
Inform Owner of Project Issues - Including Hilliard Fields/Streets	30	20			20		70
Evaluate Long Lead Material Items/Procurement Strategies	24		6	12	6		48
Review Project Documentation (RFI's, ASI's, etc.)	18	10		6			34
Contractor, Owner, Owner Representative, etc. Coordination	12		12	12	8		44
Review Pay Applications/Lien Waivers	32	10			8		50
Review & Resolve Change Orders/PCO Log	48	24	12	16	8		108
Owners Rep Project Documentation/Photos/Etc.	40	10		8			58
Shop Drawing Review/Processing	40	10			12		62
Project Schedule & Budget Review/Oversight	32	10	4	12	8		66
Coordinate & Oversight of Special Inspections	8	16		8	2		34
Resolve Open Items - Including Hilliard Fields/Streets	32	24	4	6	8		74
In Progress/Rolling Punchlist Process	60	24	8	20	8		120
Identify & Implement Fixturing Program	12		6	2	12		32
FFE Proposal Development & Bidding	16		8	6	8		38
Negotiate & Issue FFE Contracts	8				4		12
Oversee Final Punchlist & Close Out Process	36	16	4	12	8		76
Resolve Open/Pending Disputes	12	10		8	4		34
Phase Totals	460	544	64	218	128	0	1414
Cost of Phase	\$						189,122.50
Owner Occupancy/Move In Phase (11/4/24 to 1/31/25 - 12 Weeks)							
Coordinate Owner Vendors/Tenants Move In	12	6	3	3	6		30
Coordinate Owner Training	4	2	2	2	4		14
Phase Totals	16	8	5	5	10	0	44
Cost of Phase	\$						5,775.00
Close-out Phase (1/2/25 to 2/28/25 - 8 Weeks)							
Inform Owner of Project Issues	6	4	1	1	4		16
Resolve Open Items	16	8			4		28
Final Invoicing/Waivers/Change Order Resolution	6		1	2	3		12
Attend Special Meetings		4		4	4		12
11 Month Walkthrough Coordination	1	2	1	1	1		6
Phase Totals	29	18	3	8	16	0	74
Cost of Phase	\$						9,712.50

<b>Total Hours</b>	<b>1,950</b>	<b>Hours</b>				
<b>McCarthy Project Principal</b>	<b>733.4</b>	<b>Hours</b>	<b>X</b>	<b>\$150/Hour</b>	<b>=</b>	<b>\$110,010</b>
<b>McCarthy Project Manager</b>	<b>1216.6</b>	<b>Hours</b>	<b>X</b>	<b>\$125/Hour</b>	<b>=</b>	<b>\$152,075</b>
<b>Total Proposed Fee</b>						<b>\$262,085</b>



# McCarthy Consulting, LLC

## Donald P. McCarthy, SP, PSP

### Summary of Experience, Firms and Positions

Over thirty-eight years of experience overseeing and managing educational, commercial, industrial, process and heavy civil construction projects throughout the United States as well as providing construction consulting/dispute resolution services on numerous projects as noted below. In addition to providing in depth Owner Representative services for the past nineteen years from the start of programming/design through construction phase and commissioning, he has also directly overseen and managed all types of construction projects. During his career Mr. McCarthy has provided comprehensive Owner's Representative services, CPM schedule analysis, project management analysis, construction contract auditing, cost estimating, constructability reviews, contract dispute resolution services, assistance in negotiating settlements regarding construction disputes, expert witness services and providing critical cost/schedule assistance to Owners, Contractors and Design team members to resolve issues with problem projects.

#### **McCarthy Consulting, LLC – February 2002 to Present**

President

#### **ESCO Electrical Contractors, Inc. – November 2000 to April 2002**

Chief Operating Officer/Manager of Field Operations

#### **Columbus Blue Jackets – February 2000 to November 2000**

Owner's Representative/Project Manager – Nationwide Arena & Practice Facility

#### **Gilbane Building Company – September 1985 to February 2000**

Project Executive  
Sr. Project Manager  
Project Manager  
Sr. Project Engineer  
Project Engineer  
Project Superintendent  
Manager of Business Development  
Scheduling Engineer

#### **Stone & Webster Engineering Co. – May 1983 to September 1985**

Scheduling Engineer

### Education & Professional Memberships

#### **Bachelor of Science in Construction Management, 1983**

Utica College of Syracuse University, Syracuse, New York, 13501

Associate of Science in Building Construction, 1981

Dean College, Franklin, Massachusetts, 02038

Project Management Institute – Scheduling Professional Certification  
(#1747007)

## AAECI – Planning &amp; Scheduling Professional Certification (#1495)

**Highlights of****Professional Experience****Current representative projects & assignments include:**

Canine Companions for Independence

New Albany Training Campus Project

New Albany, Ohio

Owner's Representative – Acting as the Owner's Representative for the new 53,000 sf, \$20.0 million campus style training facility that includes state of the art kennel building, corporate offices, training rooms, and guest quarters for the instruction and teaching of highly trained dogs for various people throughout the Midwest with serious handicaps. The facility is designed to provide maximum handicap accessibility for CCI's customers who have a wide range of handicaps. Grand opening scheduled for October 2020.

KIPP Columbus

Phase III Expansion Project

Columbus, Ohio

Owner's Representative – Acting as the owner's Representative for the Phase III expansion to an existing K-12 School campus in northwest Columbus. The \$75 million project includes the construction of a new 85,000 sf K-1 Building and a 149,000 sf 2-5 Building along with extensive site development. The new facilities are scheduled to open in the fall of 2023.

The Wendy's Company

Miscellaneous Headquarter Renovations

Dublin, Ohio

Owner's Representative – Acting as the Owner's Representative for the nearly \$3.6 million renovations to a series of office spaces for the headquarters building for Wendy's. Renovations include the coordination of relocated off site personnel back to the main headquarters facility.

Friendship Village of Dublin

Retirement Community Complex

Columbus, Ohio

Owner's Representative – Replaced the initial Owner's Representative for a multi-phase, expansion program at the current campus. The Project includes closing out several previous phases, overseeing approximately \$10.0 million in renovations and upgrades to two existing buildings. Phase 2.2 slated to complete in spring 2021 and Phase 2.3 scheduled to complete in November 2022.

PINS Mechanical/Rise Brands

New Bar/Gaming Facility

Bottleworks Development

Indianapolis, Indiana

Owner's Representative – Overseeing and managing the construction of a new 29,179 sf multi-story bar and gaming facility at the historic Bottleworks Development site in Indianapolis, Indiana. The Project is scheduled to open

in the spring of 2021.

PINS Mechanical/Rise Brands

New Bar/Gaming Facility

Ohio City

Cleveland, Ohio

Owner's Representative – Overseeing and managing the construction of a new 23,573 sf multi-story bar and gaming facility in the Ohio City area of Cleveland, Ohio. The Project is scheduled to open in the late winter of 2021.

City of Dublin

Riverside Crossing Park East

Parks & Recreation Department

Dublin, Ohio

Owner's Representative – Working with the City of Dublin overseeing and managing the design and construction of a nearly \$20.0 million park on the east side of the Scioto River next to the Bridge Park Development. The park will include a public toilet complex, maintenance facilities, water fountains, specialty lighting, granite features, and large, public lawn areas. Phase I is slated to open in the summer of 2021 and Phase II is scheduled to open in the winter of 2021.

City of Dublin

Community Pool North

Parks & Recreation Department

Dublin, Ohio

Owner's Representative – The design and construction of a new \$8.5 million pool complex. The pool is scheduled to open to the public in late May 2021.

#### **Completed projects include:**

PINS Mechanical/Rise Brands

New Bar/Gaming Facility

Easton Development

Columbus, Ohio

Owner's Representative – Overseeing and managing the construction of a new 25,573 sf multi-story bar and gaming facility at the Easton Shopping Center in Columbus, Ohio.

Great Lakes Brewing Co.

Darice Canning Facility

Strongsville, Ohio

Owner's Representative – Acted in partnership with Great Lakes Brewing to complete the design, construction and equipment installation and start-up of a new, high speed aluminum canning line. The \$5.5 million Project was completed in November 2021.

Hawken Lower School

Phase B – Early Childhood Learning Center Project (in close out phase)  
Lyndhurst, Ohio

Owner's Representative – Acting as the Owner's Representative for a 12,000 sf addition and renovation to an existing private lower school facility to incorporate additional classrooms, upgrade mechanical/electrical/data systems, and overall upgrade to all finishes.

Hawken Upper School

Upper School Academic Expansion Project (in construction phase)  
Gates Mills, Ohio

Owner's Representative – Acting as the Owner's Representative for an 85,000 sf, \$22 million addition and renovation to an existing private school facility to incorporate additional classrooms, upgrade mechanical/electrical/data systems, and overall upgrade to all finishes. The Project was completed in the fall of 2016.

Hawken Lower School

Phase A – Early Childhood Learning Center Project  
Lyndhurst, Ohio

Owner's Representative – Acting as the Owner's Representative for a 15,000 sf addition and renovation to an existing private lower school facility to incorporate an early childhood learning center, motor skills teaching area, creation of additional classrooms, upgrade of mechanical/electrical/data systems, and overall upgrade to all finishes.

The Wellington School

Phase III – New Academic Building  
Columbus, Ohio

Owner's Representative – Acted as the Owner's Representative for a 74,000 sf addition and renovations to an existing K-12 school. Negotiated a GMP contract with the construction manager, oversaw all work during the construction phase, and coordinated all Owner moves and relocations. The project included the creation of new classroom and public spaces as well as significant site work. The existing school operations and safety of students, staff, and visitors had to be maintained at all times during construction.

Hawken Upper School

Pool Building Reconstruction  
Gates Mills, Ohio

Owner's Representative – Overseeing the reconstruction of a pool facility that was constructed in 2003 but develop serious mechanical and roofing related problems. McCarthy Consulting, LLC assisted with the legal case against the parties and then was hired to oversee the reconstruction process.

Hawken Lower School

New Middle School Addition/Renovation Project  
Lyndhurst, Ohio

Owner's Representative – Oversight, coordination, monitoring and management of \$12.0 million expansion, addition and renovation to the historic middle school campus of Hawken School. The Project involved the

construction of a new classroom wing, relocation of a bus maintenance facility, construction of new ball fields and renovation to the existing facility.

#### BrewDog Columbus USA

##### New Hotel/Sour Beer Production Facility

Canal Winchester, Ohio

Owner's Representative – Acting as the Owner's Representative for the design and construction of a 32 room, beer focused hotel and sour beer production facility. The new \$10.0 million facility will be constructed on the campus of the BrewDog Brewery complex in Canal Winchester.

#### Crawford Hoying Development Partners, LLC

##### 800 North High/Moxy Hotel

Columbus, Ohio

Owner's Representative – Acting as Owner's Representative for the \$35 million mixed use development and boutique hotel located in the heart of the Italian Village area of Columbus, Ohio. The mixed-use development will include a Moxy Hotel, office space, parking, retail and entertainment elements.

#### Lake View Cemetery

##### Phase II Restoration – James A. Garfield Memorial

Cleveland, Ohio

Owner's Representative – Phase II historic restoration to the 127-year old memorial to the 20th President of the United States. Phase II was the exterior restoration of the ornate façade and detailed elements of the memorial. The \$2.5 million restoration is scheduled to complete in the fall of 2021. All work was done with strict adherence to the requirements of the Cleveland Restoration Society.

#### Safelite Group

##### 5<sup>th</sup> Floor Office Renovation Project

Columbus, Ohio

Owner's Representative – Serving as the Owner's Representative for the \$5.3 million renovation to an existing floor of the Safelite Group campus on the north end of Columbus, Ohio. Renovation of the 32,000 sf floor includes a complete gutting of the existing floor and related mechanical, electrical and plumbing system. Installation of new finishes, as well as new mechanical, electrical, plumbing, fire alarm, security, and technology systems.

#### City of Dublin

##### Justice Center Expansion/Renovation Project (in construction phase)

Dublin, Ohio

Owner's Representative – Acting as the Owner's Representative for the \$9.0 million addition and renovation to the existing Justice Center complex. Work includes a new emergency call/responder center, offices, meeting spaces, officer training areas and renovations to the existing jail/detention areas. Work was completed in the spring 2017.

#### American Municipal Power (AMP)

Ohio River Hydro-Electric Power Plants (in turnover/commissioning phase)

Ohio/Kentucky/West Virginia Border

Scheduling/Project Management Consultant – Working with AMP to oversee the construction of \$2.5 billion in new hydro-electric power plants along the Ohio River. Responsibilities include development of “program-wide” policies and procedures for schedule management and development by the Powerhouse & Owner Furnished Equipment Contractors at each construction site. Ensure consistency and accuracy of the reporting and updating process for large, manpower/resource loaded CPM schedule networks. Mitigate all potential claim exposure for the Owner during the construction and start-up phases.

BrewDog Columbus USA

New Brewery/Brew Pub

Canal Winchester, Ohio

Owner's Representative – Acting as the Owner's Representative for the design and construction of a 114,000 sf, \$30.0 million new brewery and brewpub for the Scotland based BrewDog. The facility is built on 40 acres of land so expansion in the future is easily accomplished.

SciTech

CEMAS Renovation/Office Build Out Phase II

Columbus, Ohio

Owner's Representative – Serving as the Owner's Representative for the nearly \$600,000 office build in vacant space at the SciTech Campus area located at 1305 Kinnear Road, Columbus, Ohio. The office build out includes over 70 new workstations, new finishes, new mechanical and electrical systems, new toilet rooms, and new conference spaces.

Otterbein University

New STEAM Center Facility

Westerville, Ohio

Owner's Representative – Design and renovation of a 70,000 sf old warehouse on the western edge of the Otterbein University campus to create a specialized education facility to house the science, technology, engineering, art and math (STEAM) programs and increased enrollment for these programs. The design and program calls for an “open” and energetic design that promotes collaboration between students, faculty and private firms that occupy and use the facility.

Science & Technology Campus Corporation (SciTech)

Various Projects (on-going)

Columbus, Ohio

Tenant Coordinator/Owner's Representative – Overall responsibility for program hiring consultants, architects, engineers, and contractors for a variety of renovation and build-out projects at the SciTech Campus. Responsible to manage the program development, design phases, procurement, construction, close-out and commissioning of all projects with a heavy focus on science and research facilities affiliated with The Ohio State University.

#### Ohio University

Various Projects (GMP negotiations only)

Athens, Ohio

Owner's Representative – Acting as the Owner's Representative during the selection process to guide them through the new State of Ohio Construction Reform process and assist with contract negotiations as well as finalization of Guaranteed Maximum Price (GMP) Amendments for the Indoor Multi-Purpose Practice Facility (\$11.5mm), the Housing Development Plan Project \$92 mm) and a new Cogeneration Power Plant (\$70 mm).

#### Lake View Cemetery

Phase I Restoration – James A. Garfield Memorial

Cleveland, Ohio

Owner's Representative – Phase I historic restoration to the 127-year old memorial to the 20th President of the United States. The initial Phase I work including structural restoration to the crypt level and basement areas along with masonry restoration and certain electrical/mechanical/plumbing upgrades. All work was done with strict adherence to the requirements of the Cleveland Restoration Society.

#### Campus Partners

South Campus Gateway Project

Various Projects

Columbus, Ohio

Tenant Coordinator/Owner's Representative – Since 2007 has provided overall program, design, construction and close out coordination for the completion of a major mixed use retail development project near The Ohio State University. This public/private partnership project houses many large and small mixed use businesses. These include many restaurants and diverse retail shops to service the campus community. Recent build outs include spaces for Wendy's Tech Center, World of Beers, Yoga6 and CampusParc.

#### Tansky Sawmill Toyota

New Car Dealership & Renovation of Used Car Dealership

Columbus, Ohio

Owner's Representative – Overseeing all contract negotiations, hiring of the construction manager, scheduling, owner equipment coordination, interfacing with Toyota Corporate and Regional Offices, and other duties as required for this \$9.0 mm New Car Dealership addition/renovation while keeping the existing dealership operational at all times. The User Car Dealership was purchased and renovated for under \$1.0 mm.

#### Community Housing Network

Various Sites/Buildings (on-going)

Central, Ohio

Owner's Representative – Acting as the Owner's Representative for a 1,000+ apartment unit renovation program to upgrade various single and multi-family dwellings for low income, disabled and special needs tenants. This program is a multi-phase program with three (3) phases being completed and two (2) phases remaining.



#### Capital University

##### Various Campus Core Projects (2008 to 2012)

Columbus, Ohio

Owner's Representative – Working with the Capital University Facilities Department to implement multiple large and small scale projects throughout the main campus and at the Law School. Projects included ADA/toilet room renovations, HVAC upgrades, exterior building restorations, energy management modifications, dormitory renovations, elevator modernizations, fire alarm and security system renovations, and administrative/office renovations. Annual construction renovation/upgrade efforts were budgeted between \$3.0 and \$5.0 mm. Also assisted the Facilities Department in creating standardized contracting formats, procurement strategies, and project filing systems.

#### Franklin County

##### Job & Family Services Office Relocation Project

Northland Office Complex

Columbus, Ohio

Owner's Representative – Hired very late in the construction process to assist Franklin County with managing the completion and transition to a developer/turn-key project that was struggling to complete as planned. Interfaced daily with the Developer, coordinated communication between the parties, assisted in coordinating the relocation of staff and contents to the new facility, overall project oversight and quality management control, assisted with recommendations to the Developer to expedite certain elements of the project, and mitigated potential claims by both parties.

#### Interstate Gas Supply, Inc.

##### New Headquarters Project

Dublin, Ohio

Owner's Representative – Oversaw the planning, programming, design, construction, close-out and commissioning phases of a 134,000 sf corporate headquarters facility. This facility achieved LEED Platinum status. The initial phase of the planned campus is built on 16 acres. The Owners charged the Project Team with employing the latest state-of-the-art materials and engineering to achieve the most energy efficient facility in the Midwest.

#### Science & Technology Campus Corporation (SciTech)

##### New Wireless Communication/RF Research Building

Columbus, Ohio

Owner's Representative – for the design and construction of a 40,500 sf office and research facility on the SciTech Campus. The facility houses the offices and small lab areas for the OSU Electro-science Laboratory division.

#### Quadax, Inc.

##### New Corporate Headquarters Project

Cleveland, Ohio

Owner's Representative – Overseeing the programming, design and renovation to an existing 80,000 sf facility that will be turned into the corporate headquarters for a national firm specializing in accounting



assistance to the healthcare industry. The work envisioned during this \$9.0 million renovation includes demolition, hazardous material abatement, upgrading mechanical/electrical/plumbing/fire protection systems, inserting a partial second and third floor addition, various site improvements, and a complete upgrade of all interior elements to house over 550 employees.

#### Ohio Department of Job & Family Services

##### New Office/Headquarters Building

Columbus, Ohio

Project Manager/Owner's Representative – Overall design, procurement and construction oversight for the owner during an \$18.0 million, 202,384 sf renovation to an eight floor building constructed in 1962. The work includes demolition, hazardous material abatement, upgrading mechanical/electrical/plumbing/fire protection/data systems, exterior building envelope improvements, and a complete upgrade of all interior elements to house over 500 agency employees at their headquarters building.

#### Peer/Constructability Review Studies

##### Various Projects

Complete design document peer review and constructability reviews for various owners and clients to ensure their design documents are complete, clear, buildable, and biddable before issuing for bidding. Reports have been completed for the \$120.0 million Ohio State University Student Union Replacement Project, the Aviation Canopy Project for the Ohio Department of Transportation, the Licking County Rest Area Project for the Ohio Department of Transportation, and numerous other clients.

#### Ohio Public Employees Retirement System (OPERS)

##### Tower Expansion Project

Columbus, Ohio

Owner's Representative/Board Liaison - \$92.0 million office tower expansion and renovation to their existing facility in downtown Columbus, Ohio.

#### Columbus Blue Jackets

##### Various Projects (2002 to 2012)

Columbus, Ohio

Owner's Representative/Project Manager – Oversight and management of on-going expansions and renovation projects to Nationwide Arena. To date the value of the renovation and expansion projects exceeds \$3.0 million.

#### Nationwide Realty Investors (NRI)

##### Various Projects (2002 to 2005)

Columbus, Ohio

Owner's Representative/Project Manager – Oversight and day-to-day coordination of various tenant improvement projects varying in size and complexity. Tenant improvement projects completed totaled over \$3.5 million and nearly 100,000 sf of space during a 3 year period.

#### Chiller LLC

##### Chiller North Project

#### Lewis Center, Ohio

Owner's Representative – Oversight and coordination of the entire program to construct a new \$7.3 million ice rink facility with two sheets of ice, locker rooms, public spaces, concession areas, and retail spaces.

#### The Buggyworks Loft Development, LLC

##### Buggyworks Project – Phase I

#### Columbus, Ohio

Owner's Representative – Oversight and coordination for the construction of a \$21.0 million mixed use facility in a wood frame structure built in 1900. Converted the old buggy manufacturing facility into 68 unique condominium units of varying size along with other retail/office spaces. Also provided dispute resolution services during the close out process of the project.

#### Ozanne Hammond Gilbane Joint Venture

##### Cleveland Municipal School District Project

#### Cleveland, Ohio

Project Director – Overall management and responsibility of the Joint Venture partnership hired by the Ohio School Facilities Commission (OSFC) and Cleveland Municipal School District (CMSD) to stabilize, renovate, rebuild and construct new schools throughout the City of Cleveland. This 10 year, \$1.5 billion program started in 2002.

#### Ohio Department of Transportation (ODOT)

##### Various Training Programs

#### Columbus, Ohio

Owner's Representative/Staff Training Manager – Oversight and staff training for the ODOT Facilities Staff who are responsible for managing over \$25.0 million in new construction facility projects each year throughout the State of Ohio. This work involved establishing training modules and programs, conducting the training, following staff out to the field to assist in their development and assistance as required to solve project related problems.

#### 1800 Fifth Avenue Holdings, LLC

##### Design Market Place Project

#### Columbus, Ohio

Owner's Representative – Responsible to assemble the project team and implement the complex renovation and change of use for a 274,000 sf warehouse into a manufacturing/retail space which featured the new manufacturing and showroom for Columbus Wood Products.

#### National Church Residences

##### Canton Residence Construction Dispute

#### Canton, Michigan

Construction Claim/Dispute Coordinator – Assisted in the forensic analysis of a design/construction failure for a 6 story assisted living care facility in Michigan. The building was completed in 1998 and deemed uninhabitable by the City of Canton in 2001. The Owner hired a team of professionals to pursue the architect and contractor in recovery of damages.

State of Ohio, Attorney General's Office  
Ohio Police Officer Training Academy (OPOTA) Project  
London, Ohio

Expert Witness/Claim Consultant – Hired by the State of Ohio to provide expert witness analysis and contract analysis on a design/build guaranteed maximum price contract dispute between the State of Ohio and the Design/Build Contractor.

The Wellington School  
New Cafeteria Complex  
Upper Arlington, Ohio

Specialty Consultant/Project Auditor – The Wellington School, a private K-12 school in Upper Arlington, required someone to complete an operational and contractual audit of a project under construction. The audit was completed and a series of issues were raised. Recommendations were made and then implemented as a result of the audit to ensure all parties operated per the contractual agreements in place.

SWIMINC.

Worthington Hydro Dome Project  
Worthington, Ohio

Feasibility Study – The owners required an analysis and feasibility study for a dome concept to be proposed over an existing outdoor pool complex. The analysis required review of other such facilities throughout the Midwest, development of a projected budget and a series of recommendations regarding the implementation of the Project.

### **ESCO Electrical Contractors, Inc.**

Gahanna, Ohio  
November 2000 to April 2002

#### *Chief Operating Officer/Manager of Field Operations*

Completely managed all facets, P/L and operations for a small, commercial union electrical contractor based in Central Ohio. Refocused the firm from primarily a public sector, lump sum bid focus to a private sector, negotiated contract basis. The Company revenues grew from \$1.7 million in 2000 to \$3.6 million in 2001. The workforce went from 8 electricians in 2000 to a peak workforce of 36 electricians in September 2002.

### **Columbus Blue Jackets**

Columbus, Ohio  
February 2000 to November 2002

#### *Owner's Representative/Project Manager*

Represented the Columbus Blue Jackets of the National Hockey League in all matters associated with the construction of a new multi-purpose, state of the art arena called Nationwide Arena. This 18,000 seat, \$150 million arena required that the Blue Jackets be responsible for the design, bidding and construction of an additional \$24.0 million worth of concession areas, restaurants, practice facility, office and retail spaces throughout the arena. This work needed to be constructed in conjunction with the

construction of the main arena requiring very close coordination with all parties.

**Gilbane Building Company**

Providence, Rhode Island

September 1985 to February 2000

*Project Executive*

Columbus, Ohio

Had overall P/L responsibility for multiple projects totaling over \$500 million for a two-year period. Project responsibility began during the design phases of each project and included contract negotiations, design team & consultant coordination/management, estimating coordination, development of bidding strategies, procurement, manpower coordination, staff assignments, schedule development, construction oversight & management, and close out responsibilities. Major projects included the following:

Public Employees Retirement System of Ohio

Columbus, Ohio - \$92.0 million

State Teachers Retirement System of Ohio

Columbus, Ohio - \$70.0 million

Huntington National Bank Operations Center

Columbus, Ohio - \$72.0 million

Ohio School Facilities Commission (OSFC)

Southern Ohio Grouping - \$200.0 million

Ohio School Facilities Commission (OSFC)

Northern Ohio Grouping - \$85.0 million

Chemical Abstracts Service Data Center

Columbus, Ohio - \$16.0 million

*Sr. Project Manager/Project Manager*

Columbus, Ohio & Chicago, Illinois

Represented the Gilbane Building Company in all on site matters and obligations associated with the construction of various projects ranging from negotiated Guaranteed Maximum Price (GMP) work to Cost Plus and Agency Construction Management contracts. Major projects included:

Hilltop Development Project – State of Ohio

Ohio Department of Transportation & Ohio Department of Public Safety Headquarters

Columbus, Ohio - \$120.0 million

Elgin Community College Business Conference Center

Elgin, Illinois - \$7.0 million

Elgin Community College Visual Performing Arts Center

Elgin, Illinois - \$23.0 million

Glencoe Public Schools Renovation Program

Glencoe, Illinois - \$1.0 million

*Manager of Business Development*  
Chicago, Illinois

Responsible for developing business prospects, evaluating project requirements, analyzing sales strategies, submitting proposals, developing interview strategies, negotiating contracts, and maintaining client interface and relationships during and after projects were completed. In 1998 was responsible for selling over \$62.0 million worth of new construction projects for the Chicago Regional office of Gilbane.

*Scheduling Engineer*  
Detroit, Michigan

Responsible for all project scheduling, manpower tracking and analysis, project engineering and cash flow projections for a \$400.0 million retrofit program for the General Motors Truck Plant in Pontiac, Michigan.

**Stone & Webster Engineering Co.**

Waterford, Connecticut

May 1983 to September 1985

*Scheduling Engineer*

Responsible for all mechanical, electrical, controls and system turnover scheduling efforts during the construction of a \$5.0 billion nuclear power plant.

**CITY OF HILLIARD, OHIO**  
**PROFESSIONAL SERVICES AGREEMENT**

---

This Professional Services Agreement ("Agreement") is by and between the City of Hilliard, Ohio, 3800 Municipal Way, Hilliard, Ohio 43026, (hereinafter referred to as "**City**"), and McCarthy Consulting, LLC, 84 W. Riverglen Dr., Worthington, Ohio 43085 (hereinafter referred to as "**Service Provider**").

Witnesseth, that for the mutual considerations herein specified, **City** and **Service Provider** have agreed and do hereby agree as follows:

**SECTION I – PERFORMANCE OF SERVICES**

- A. Perform the Services as set forth in Exhibit A.
- B. If the **Service Provider** is an individual, complete, sign and return the Ohio Public Employees Retirement System ("OPERS") Independent Contractor Acknowledgement form.
- C. Give prompt notice to **City** should the **Service Provider** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.
- D. Remit to **City** after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials. **Service Provider** shall be entitled to retain copies for the **Service Provider's** files.

**SECTION II – OBLIGATIONS OF HILLIARD**

- A. Assist the **Service Provider** by placing at its disposal all available information pertinent to the Services for the project.
- B. Use its best efforts to secure release of other data applicable to the project held by others.
- C. Make all necessary provisions to enter upon public and private property as required to perform the Services.
- D. Give prompt notice to the **Service Provider** should **City** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.

**SECTION III – TERM AND TERMINATION**

- A. This Agreement begins on the date signed by the City Manager and the **Service Provider**

shall promptly provide the **City** with the Services as set forth in Exhibit A, provided that the City will issue a limited notice to proceed, which provides written direction that Service Provider shall not complete any work past the Pre-Design Phase. Following the appropriation of additional funds, the City will intend a full notice to proceed with the remaining services outlined on Exhibit A.

- B. The **City** may terminate this Agreement at any time by giving **Service Provider** thirty (30) days advance written notice. In the event this Agreement is terminated by **City** prior to its natural expiration, **Service Provider** shall be paid the amounts for work actually performed in accordance with this Agreement to the date of this early termination.
- C. This Agreement will terminate upon completion of the Services outlined in Exhibit A. This Agreement may be extended for an additional year(s) if agreed to in writing, executed by the **City** and the **Service Provider**, subject to the appropriation of sufficient funds.

#### **SECTION IV - PAYMENT**

- A. **Service Provider** shall be compensated for the Services outlined in Exhibit A for a total not to exceed \$262,085. For any assigned additional tasks/projects, **Service Provider** shall be compensated as agreed upon by the **Service Provider** and **City**, contingent upon the appropriation of sufficient funds and the approval of Hilliard City Council, if required.
- B. The **Service Provider** shall submit invoices to the attention of the **City's** City Manager, or designee, properly identified with the appropriate **City** purchase order number. Payment to **Service Provider** shall be made within thirty (30) days of receiving an invoice, if additional information is not required by the **City** in order to pay the invoice.

#### **SECTION V – RELATIONSHIP OF PARTIES**

The parties acknowledge and agree that **Service Provider** is an independent contractor and is not an agent or employee of **City**. Nothing in this Agreement shall be construed to create a relationship between **Service Provider** and the **City** of a partnership, association, or joint venture. Further, the parties acknowledge that **Service Provider** is paid a fee, retainer or other payment as per Section IV of this Agreement; is not eligible for workers' compensation or unemployment compensation; is not eligible for employee fringe benefits such as vacation or sick leave; does not appear on **City's** payroll; is required to provide his or her own supplies and equipment; and is not controlled or supervised by **City** personnel as to the manner of work.

#### **SECTION VI – INDEMNIFICATION**

- A. Professional Liability. Relative to any and all claims, losses, damages, liability and cost, the **Service Provider** agrees to indemnify and save **City**, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury arising from the negligent acts, errors or omissions by the **Service Provider** or its employees.
- B. Non-Professional Liability (General Liability). To the fullest extent permitted by law, the **Service Provider** shall indemnify, defend and hold harmless **City**, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and



expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of the **Service Provider**, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the negligent acts or omissions of the **Service Provider**, any subconsultant(s) of the **Service Provider**, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

## **SECTION VII - INSURANCE**

- A. The **Service Provider** shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect himself from any claim arising out of the performance of professional services and caused by negligent acts, omissions or negligent acts for which the **Service Provider** may be legally negligent. The **Service Provider** shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.
- B. In addition to errors and omissions insurance, the **Service Provider** shall also secure and maintain, at his/her own expense, insurance for protection from claims under Worker's Compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders.
- C. The **Service Provider** shall secure and maintain, at his/her own expense, General Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- D. The **Service Provider** shall secure and maintain, at his/her/its own expense, Property insurance for protection from claims or damages because of damage to or destruction of property including loss of use resulting therefrom in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).
- E. The **City** shall be held harmless for any damage to the **Service Provider's** property and/or equipment during the course of performance under the Contract.
- F. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified. Certificates showing that the **Service Provider** is carrying the above referenced insurance in at least the above specified minimum amounts shall be furnished to, and approved by, the **City** prior to the start of work on the project and before the **City** is obligated to make any payments to the **Service Provider** for the work performed under the provision of this contract. All such Certificates, with the exception of those for Worker's Compensation and Errors & Omissions coverage, shall clearly reflect that the City of Hilliard is an "Additional Insured".



**SECTION VIII – EMPLOYEE DOCUMENTATION**

- A. **Service Provider** guarantees that the individuals employed by the Service working on this project are authorized to work in the United States. The **Service Provider** will upon demand provide **City** with appropriate documentation (Form I-9) for any **Service Provider** employee performing services for **City**.
- B. The **Service Provider** agrees to indemnify **City** in accordance with Section VI of the Agreement for any issue arising out of the **Service Provider's** hiring or retention of any individual who is not authorized to work in the United States.

**SECTION IX – TAXES**

- A. **Service Provider** has the following identification number for income tax purposes:  
\_\_\_\_\_.
- B. **Service Provider** is subject to and responsible for all applicable federal, state, and local taxes.
- C. The **City** represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to **Service Provider** upon written request. **Service Provider** hereby further agrees to withhold all municipal income taxes due or payable under the provisions of Chapter 183 of the Codified Ordinances of City, Ohio, for wages, salaries and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such municipal income taxes due under such chapter for Services performed under this Agreement.
- D. The **Service Provider** shall receive Internal Revenue Service form 1099 from the **City** for income tax reporting purposes.

**SECTION X – ASSIGNMENT**

Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.

**SECTION XI – ENTIRE AGREEMENT/AMENDMENT**

This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Ohio.

**SECTION XII - DISCRIMINATION**

- A. No discrimination for reason of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, marital status, veteran's status, or disability shall be permitted or authorized by **City** and/or **Service Provider** in connection with the Services.
- B. Nothing in this Agreement shall require the commission of any act contrary to any law

or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of **Service Provider**.

#### **SECTION XIII. GOVERNING LAW/VENUE.**

Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement, whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Ohio, in any court of competent jurisdiction in Franklin County, Ohio.

#### **SECTION XIV. SEVERABILITY.**

If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.

#### **SECTION XV. PARAGRAPH HEADINGS.**

Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement.

**IN WITNESS WHEREOF**, the parties, each by a duly authorized representative, have entered into this Agreement on the dates below. This Agreement is effective on the date signed by the City Manager as identified below.

**McCarthy Consulting, LLC**

**City of Hilliard, Ohio**

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
Michelle L. Crandall  
City Manager

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Philip K. Hartmann, Law Director

**CERTIFICATE OF FUNDS**

I, David D. Delande, Director of Finance of the City of Hilliard, Ohio, do hereby certify that the funds for this Agreement with McCarthy Consulting, LLC in the amount of 262,085 have been appropriated and are in the City Treasury or are in the process of collection, and that said funds are not and cannot be appropriated for any other purpose.

\_\_\_\_\_  
Date

\_\_\_\_\_  
David D. Delande  
Director of Finance

Purchase Order No.:

Authorizing Contract Legislation:  
Adopted:

## Council Memo: Legislation (21-R-86)

**Subject:** Waiver of Chapter 941 Requirements for Underground Utilities  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Dan Ralley, Assistant City Manager  
Clark Rausch, City Engineer, Community Development  
**Date:** December 13, 2021

### Executive Summary

American Electric Power (AEP) is requesting a waiver from undergrounding requirements contained in Chapter 941 of the City's Code for poles along Leppert Rd. Work on these poles is necessary to service a new City sewer lift station on the Carr Farms property with three phase power. The City of Hilliard would be required to pay an estimated \$142,764 for the cost of this undergrounding work because it is necessary to service a City facility.

### Staff Recommendation

Staff recommends approval of this waiver in order to service a City infrastructure project with timely and cost effective three phase power.

### Background

The undergrounding requirements in Chapter 941 of the City's Codified Ordinances were adopted to require underground utilities with new subdivisions and commercial projects. The City has previously granted waivers of these requirements when the requirement is triggered by a City infrastructure project, such as a road widening, because the added expense and time necessary to underground utilities can disrupt the successful completion of a project.

### Financial Impacts

If a waiver is not granted thru an adoption of this legislation the City will incur an estimated \$142,764 and additional delay to provide three phase power to the Carr Farms sewer lift station.

### Attachments

Letter and supporting documentation from AEP.



An **AEP** Company

BOUNDLESS ENERGY™

**AEP Ohio**  
700 Morrison Rd  
Gahanna, OH 43230  
AEPOhio.com

11/30/2021

**Mr. Dan Ralley**  
**City of Hilliard**  
**3800 Municipal Way**  
**Hilliard, OH 43026**

RE: City of Hilliard Overhead Power Waiver

**Leppert Rd 3-Phase Extension Project**

To Whom It May Concern:

American Electric Power is requesting a waiver for the underground power and utility line City Code 941. The purpose of this waiver request is to upgrade the existing single phase primary pole line to a three phase primary pole line, along Leppert Rd between Davidson Rd and Hayden Run Rd.

For construction phase 1 of this project AEP Ohio will be extending the existing three phase primary from AEP Transmission pole 1811874-745963 to the future road Arcadian Ave, to service a future City of Hilliard lift station. For construction phase 2 of this project AEP would like to continue this three phase extension all the way to Hayden Run Rd, so that in the near future this circuit can be feed from the Hayden Substation (7220 Hayden Run Rd) instead of the Hilliard Substation (3625 Main St).

Attached to this request letter is the AEP construction drawings for three different design alternatives for this site. The first design alternative has AEP installing as much of the overhead line as possible on AEP easements. With this design the entire existing single phase line would be removed. The second design alternative has AEP keeping the pole line in the same location, but upgrading the conductor (overhead lines). With this design some poles will be reused, some poles will be removed, and some poles will be installed depending on structural analysis. The third design alternative has AEP installing underground three phase primary, with a directional boring machine.

Below is a table showing rough cost estimates for each of the design alternatives.



An **AEP** Company

BOUNDLESS ENERGY™

**AEP Ohio**

700 Morrison Rd  
Gahanna, OH 43230  
AEPOhio.com

11/30/2021

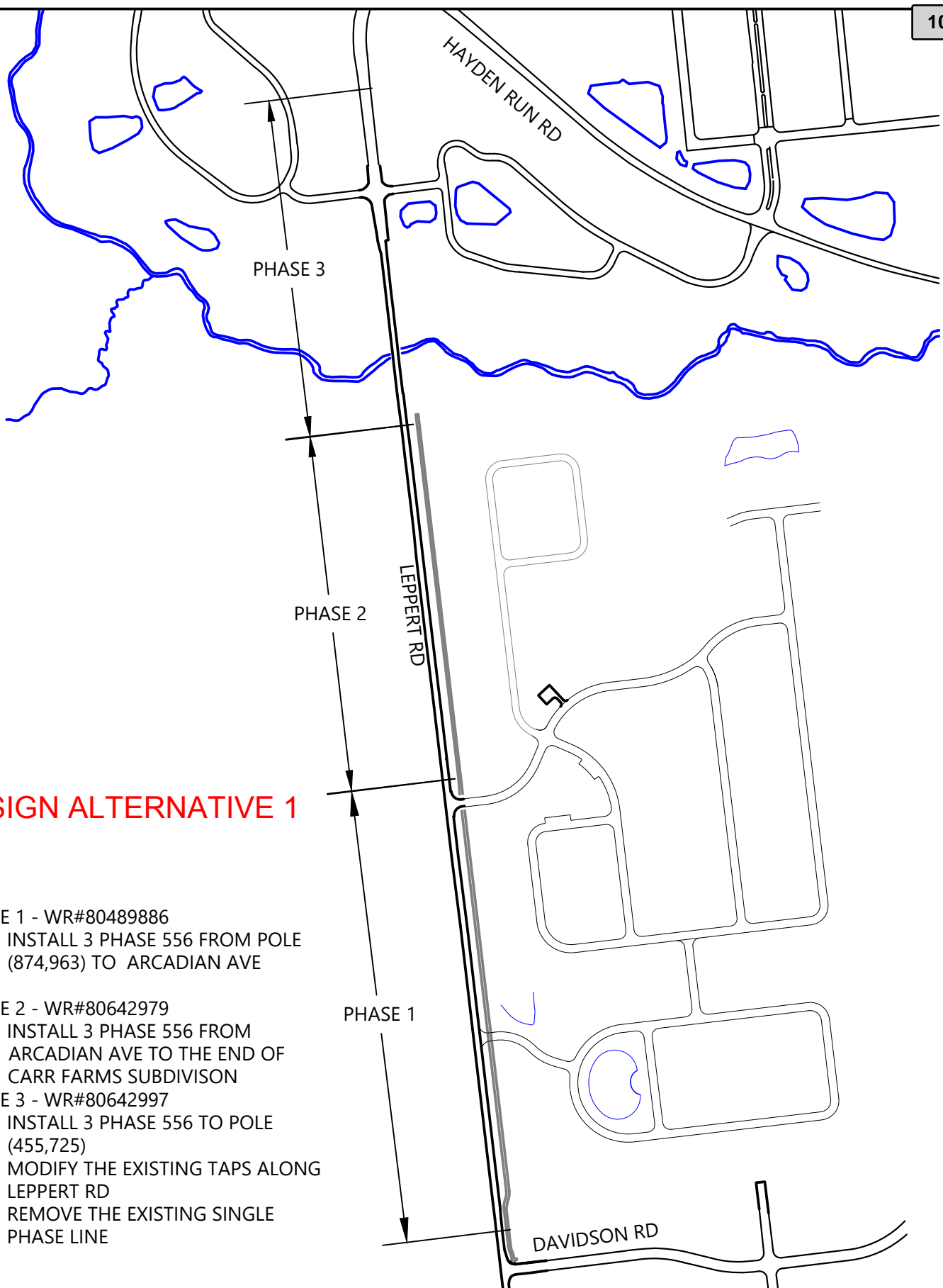
Cost Estimates

Design Alternative	Description	Cost of Phase 1	Cost of Phase 2	Total Cost
1	Overhead Design, relocate the overhead pole line to an AEP easement.	\$33,223.78	\$62,411.91	\$95,635.69
2	Overhead Design, rebuild the existing pole line in the same location.	\$24,815.74	\$49,165.92	\$73,981.66
3	Underground Design	\$167,580.51	\$257,776.17	\$425,356.68

If underground power lines are required the City of Hilliard would have an additional charge of approximately \$142,764.77 dollars added to your contribution in aid of construction payment for the new three phase service to the Carr Farms lift station. This amount is the difference between the cheapest overhead design (\$24,815.74) and the design that the customer is requesting (\$167,580.51).

**Andrew Kessler**

Technician – Major Projects



## DESIGN ALTERNATIVE 1

- PHASE 1 - WR#80489886  
INSTALL 3 PHASE 556 FROM POLE (874,963) TO ARCADIAN AVE
- PHASE 2 - WR#80642979  
INSTALL 3 PHASE 556 FROM ARCADIAN AVE TO THE END OF CARR FARMS SUBDIVISION
- PHASE 3 - WR#80642997  
INSTALL 3 PHASE 556 TO POLE (455,725)  
MODIFY THE EXISTING TAPS ALONG LEPPERT RD  
REMOVE THE EXISTING SINGLE PHASE LINE

Attachment: City of Hilliard Wavver\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD			RELATED DESIGN ORDERS	
CITY: HILLIARD / COLUMBUS	DESIGN ORDERS	JUP: 2021-107-5751	OH: 80642979	
TWP:	OH: 80489886 WO: DOP0349315	JUP:	OH: 80642997	
COUNTY: FRANKLIN	UG: WO:	JUP:	UG: 80325652	
AREA: 035			NON-DESIGN ORDERS	
STATION: HILLIARD			OWR/OPS:	
CIRCUIT: 0002104			SCALE: 1:450 Page 139	
VOLTAGE: 13KV			SHEET: 1 OF 10	
DATE:10/7/2021				





1811841-746239  
RM 40'-5  
DS117, DS1301

3-556 AL  
1/1/0 AA  
ABCN

1811891-746165  
IN 45'-3  
DS301

1811902-746066  
IN 45'-3  
DS340, DS361  
ATTACH:  
1/2" GUY @ 37'-5"  
3/8" (TOP) GUY @ 35'-5"  
3/8" (BOTTOM) GUY @ 27'-5"

1811866-746063  
IN 45'-3  
DS340, DS361  
ATTACH:  
1/2" GUY @ 37'-5"  
3/8" (TOP) GUY @ 35'-5"  
3/8" (BOTTOM) GUY @ 27'-5"

1811874-745963  
EX 70'-2 TRANSMISSION POLE  
RM DEAD END FRAMING  
& ASSOCIATED GUYS  
IN TANGENT FRAMING  
IN INSULATORS ON  
TRANSMISSION DOWN GUYS  
RM: DS316-D  
IN: DS301

LEPPERT RD

3-556 AL  
1/1/0 AA  
ABCN

3-556 AL  
1/1/0 AA  
ABCN

DAVIDSON RD

Attachment: City of Hilliard Wavier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886

UG:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

WO: DOP0349315

WO:

JUP: 2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE: 10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 2 OF 10







1811795-746632  
RM 40'-3  
DS101

LEPPERT RD

1811826-746711  
IN 45'-2  
DS301

1811850-746513  
IN 45'-2  
DS301

3-556 AL  
1/1/0 AA  
ABCN

1811873-746314  
IN 45'-2  
DS301

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886 WO: DOP0349315

UG:

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

UG: 80325652

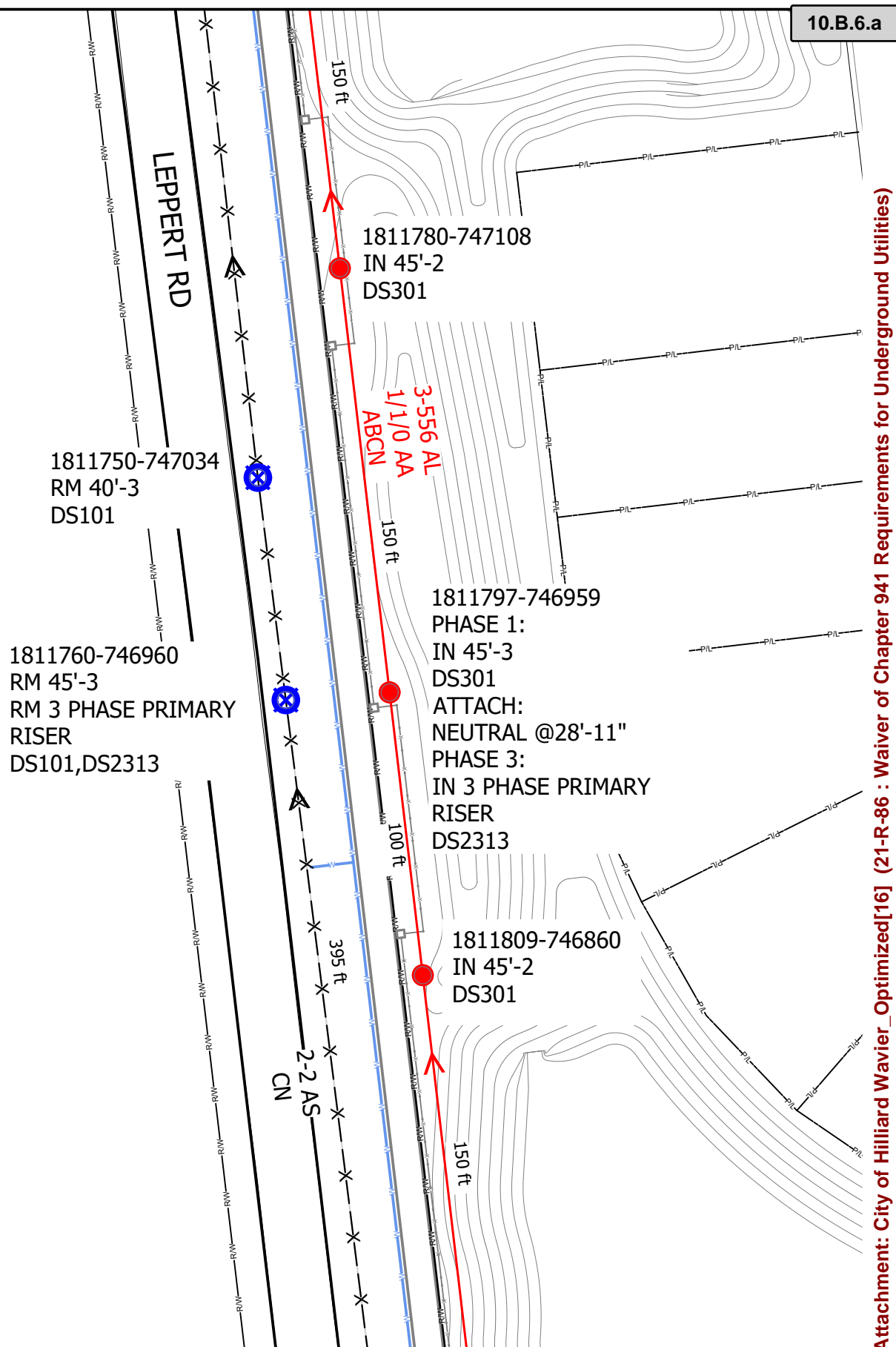
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 3 OF 10



Attachment: City of Hilliard Wavner\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL &amp; 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886

WO: DOP0349315

UG:

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP: 2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE: 10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

UG: 80325652

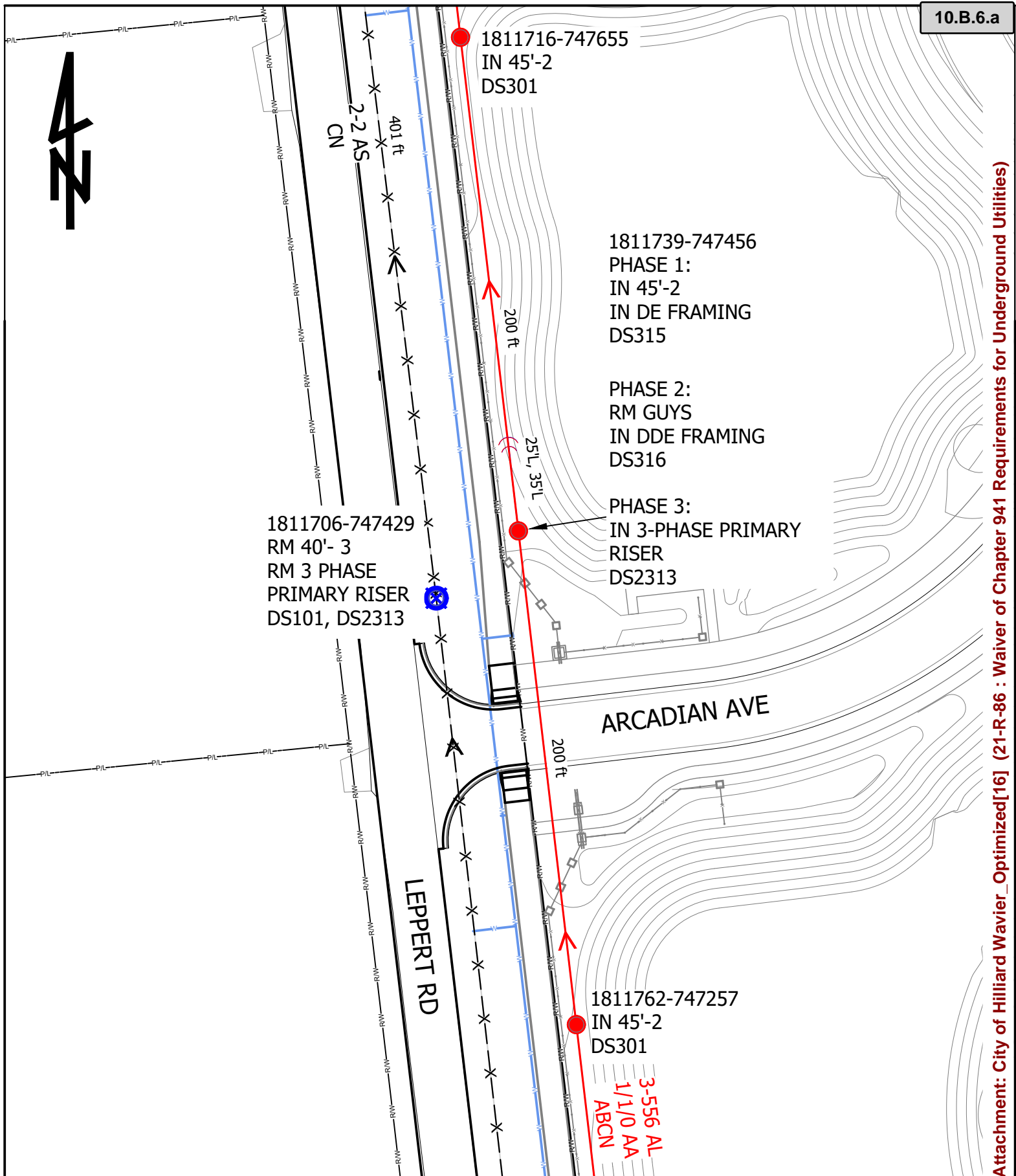
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 4 OF 10





Attachment: City of Hilliard Wavvier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL &amp; 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886

WO: DOP0349315

UG:

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

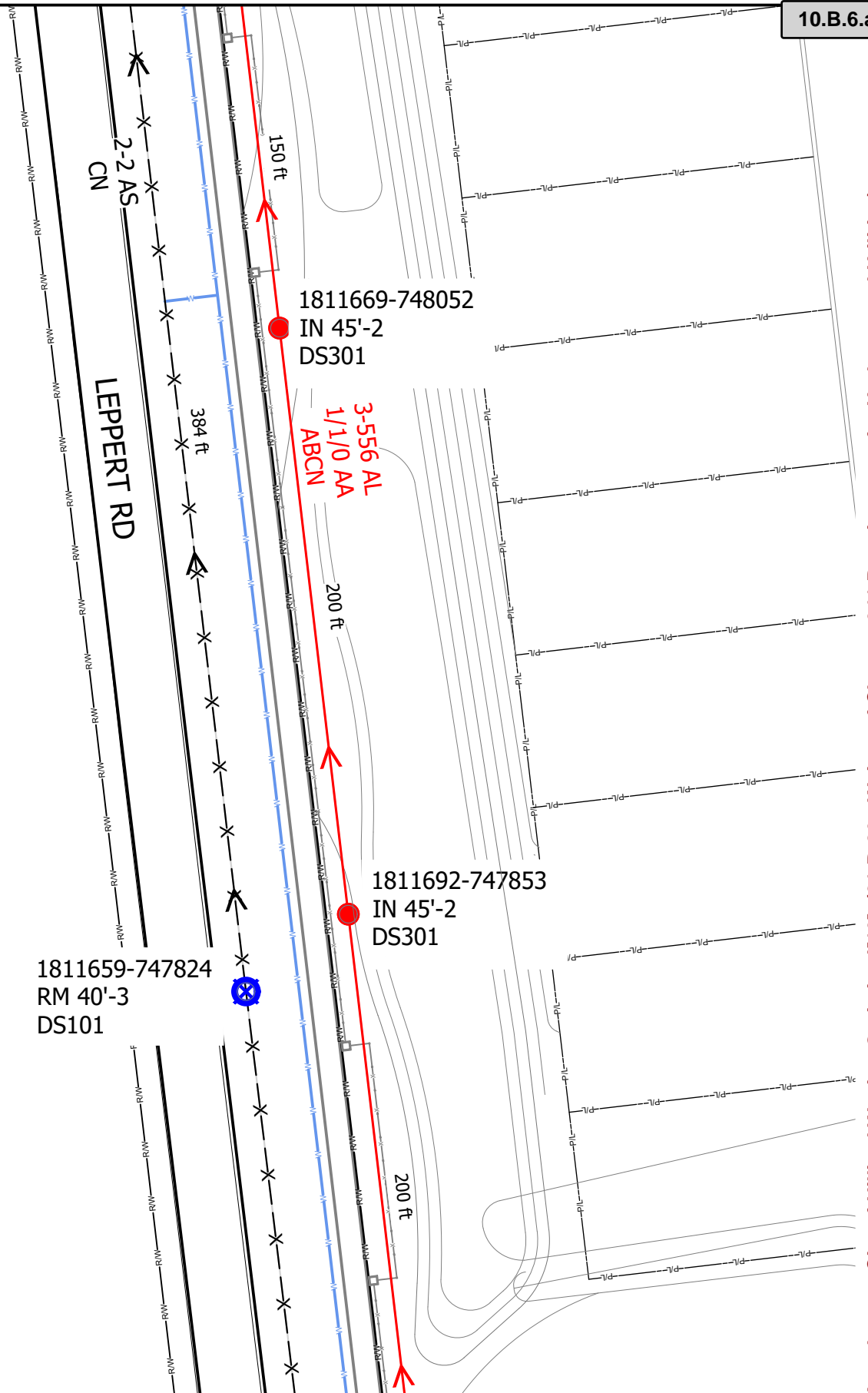
SCALE: 1:50

SHEET: 5 OF 10



24

10.B.6.a



Attachment: City of Hilliard Wavner\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS		DESIGN ORDERS		JUP:2021-107-5751		RELATED DESIGN ORDERS	
TWP:		OH: 80489866	WO:DOP0349315	JUP:		OH: 80642979	
COUNTY: FRANKLIN		UG:	WO:	JUP:		OH: 80642997	
		AREA: 035		JUP:		UG: 80325652	
		STATION: HILLIARD		TECH/ENG: ANDREW KESSLER		NON-DESIGN ORDERS	
		CIRCUIT: 0002104		CONTACT # 740-542-9495		OWR/OPS:	
		VOLTAGE: 13KV		DATE:10/7/2021		SCALE: 1:50	
						SHEET: 6 OF 10	





SHEET: 7 OF 10



1811559-748662  
IN PEDESTAL  
TRFR EX CUSTOMER SVCS  
DS2411

1811565-748625  
RM 45'-4  
RM SECONDARY RISER  
TRFR 25KVA  
120/240V XFMR  
(TO 568,663)  
DS101, DS1011

1811572-748626  
IN 45'-3  
DS340, DS361  
ATTACH:  
1/2" GUY @ 37'-5"  
3/8" (TOP) GUY @ 35'-5"  
3/8" (BOTTOM) GUY @ 27'-5"

1811550-748795  
RM 45'-5  
DS101

1811547-748834  
IN 55'-1  
IN GUY SUPPORTING  
AHEAD SPAN  
DS301

1811568-748663  
IN 45'-3  
IN SECONDARY RISER  
TRFR 25KVA - C  
120/240V XFMR  
DS301, DS1014, DS2007

1811602-748628  
IN 45'-3  
DS340, DS361  
ATTACH:  
1/2" GUY @ 37'-5"  
3/8" (TOP) GUY @ 35'-5"  
3/8" (BOTTOM) GUY @ 27'-5"

1811611-748549  
IN 45'-3  
DS301

LEPPERT RD

3-556 AL  
1/1/0 AA  
ABCN

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886

UG:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

WO: DOP0349315

WO:

JUP: 2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE: 10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40

SHEET: 8 OF 10



An AEP Company

1811394-749185  
EX 40'-5  
RM UNUSED GUY  
RM DOUBLE WOOD  
DS117

1811494-749167  
RM 45'-1  
DS160

1811518-749239  
IN 45'-2  
IN SINGLE PHASE  
PRIMARY TAP - C  
IN SINGLE PHASE  
PRIMARY RISER - C  
DS316, DS325, DS230C

(3' NORTH OF EXISTIN

1811530-749206  
EX PRIMARY ENCLOSURE

1811517-749201  
RM 45'-3  
RM SINGLE PHASE  
PRIMARY RISER  
DS117, DS130, DS2300

1811511-749153  
IN 55'-3  
IN ONE BISECTOR GUY  
IN ONE GUY  
SUPPORTING BACK  
SPAN -10 DEGREES  
DS316, DS400

LEPPERT RD

3-556 AL  
1/1/0 AA  
ABCN

2-2 AS  
CN



JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80489886

UG:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

WO: DOP0349315

WO:

JUP: 2021-107-5751

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE: 10/7/2021

RELATED DESIGN ORDERS

OH: 80642979

OH: 80642997

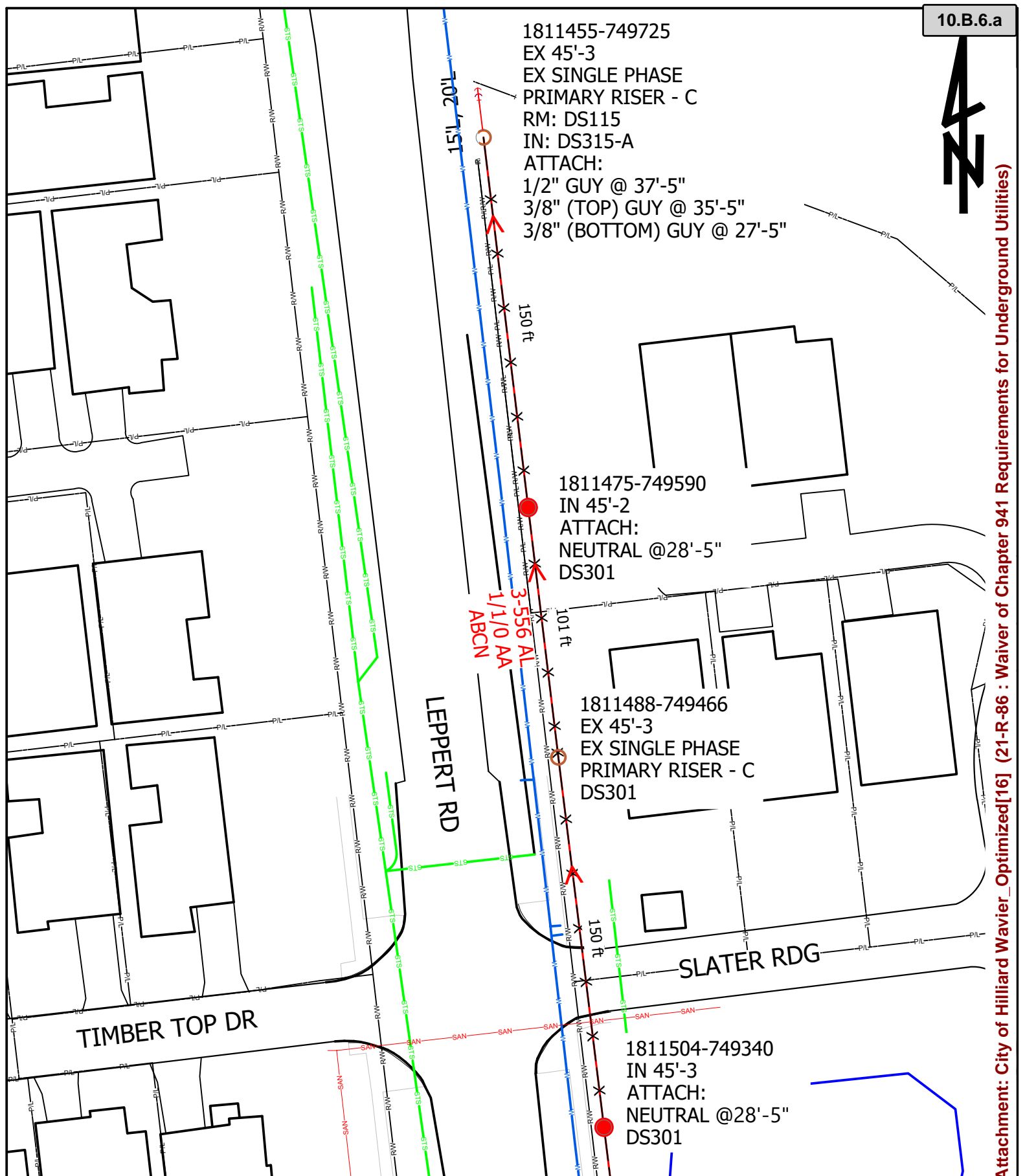
UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40

SHEET: 9 OF 10



Attachment: City of Hilliard Wavier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD		RELATED DESIGN ORDERS	
CITY: HILLIARD / COLUMBUS		OH: 80642979	
TWP:	OH: 80489886 WO: DOP0349315	JUP:	OH: 80642997
COUNTY: FRANKLIN	UG:	JUP:	UG: 80325652
AREA: 035		JUP:	NON-DESIGN ORDERS
STATION: HILLIARD		TECH/ENG: ANDREW KESSLER	
CIRCUIT: 0002104		CONTACT # 740-542-9495	
VOLTAGE: 13KV		DATE:10/7/2021	
		SCALE: 1:50	
		SHEET: 10 OF 10	







HAYDEN RUN RD

PHASE 2

LEPPERT RD

PHASE 1

DAVIDSON RD

## DESIGN ALTERNATIVE 2

PHASE 1 - WR# 81056969  
INSTALL 3 PHASE FROM POLE  
(874,963) TO ARCADIAN AVE.

PHASE 2 - WR# 81056996  
INSTALL 3 PHASE FROM  
ARCADIAN AVE TO POLE (455,725).  
MODIFY THE EXISTING TAPS ALONG  
LEPPERT RD.  
REMOVE THE EXISTING SINGLE  
PHASE LINE.

JOB SCOPE: EXTEND 3-PRIMARY FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969 WO:

OH: 81056996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:450 Page 149

SHEET: 1 OF 10





1811841-746239  
RM 40'-5  
DS117, DS1301

2-2 AS  
CN  
3-556 AL  
1/1/0 AA  
ABCN

1811855-746161  
IN 45'-3  
DS301

1811866-746063  
IN 45'-3  
DS301

1811874-745963  
EX 70'-2 TRANSMISSION POLE  
RM DEAD END FRAMING  
& ASSOCIATED GUYS  
IN TANGENT FRAMING  
IN INSULATORS ON  
TRANSMISSION DOWN GUYS  
RM: DS316-D  
IN: DS301

LEPPERT RD

3-556 AL  
1/1/0 AA  
ABCN

3-556 AL  
1/1/0 AA  
ABCN

169 ft

DAVIDSON RD

Attachment: City of Hilliard Wavvier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969 WO:

OH: 81056996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 2 OF 10





1811795-746632  
RM 40'-3  
DS101

1811791-746707  
IN 45'-2  
DS301

LEPPERT RD

1811814-746508  
IN 45'-2  
DS301

3-556 AL  
1/1/0 AA  
ABCN

1811837-746310  
IN 45'-2  
DS301

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969 WO:

OH: 81056996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

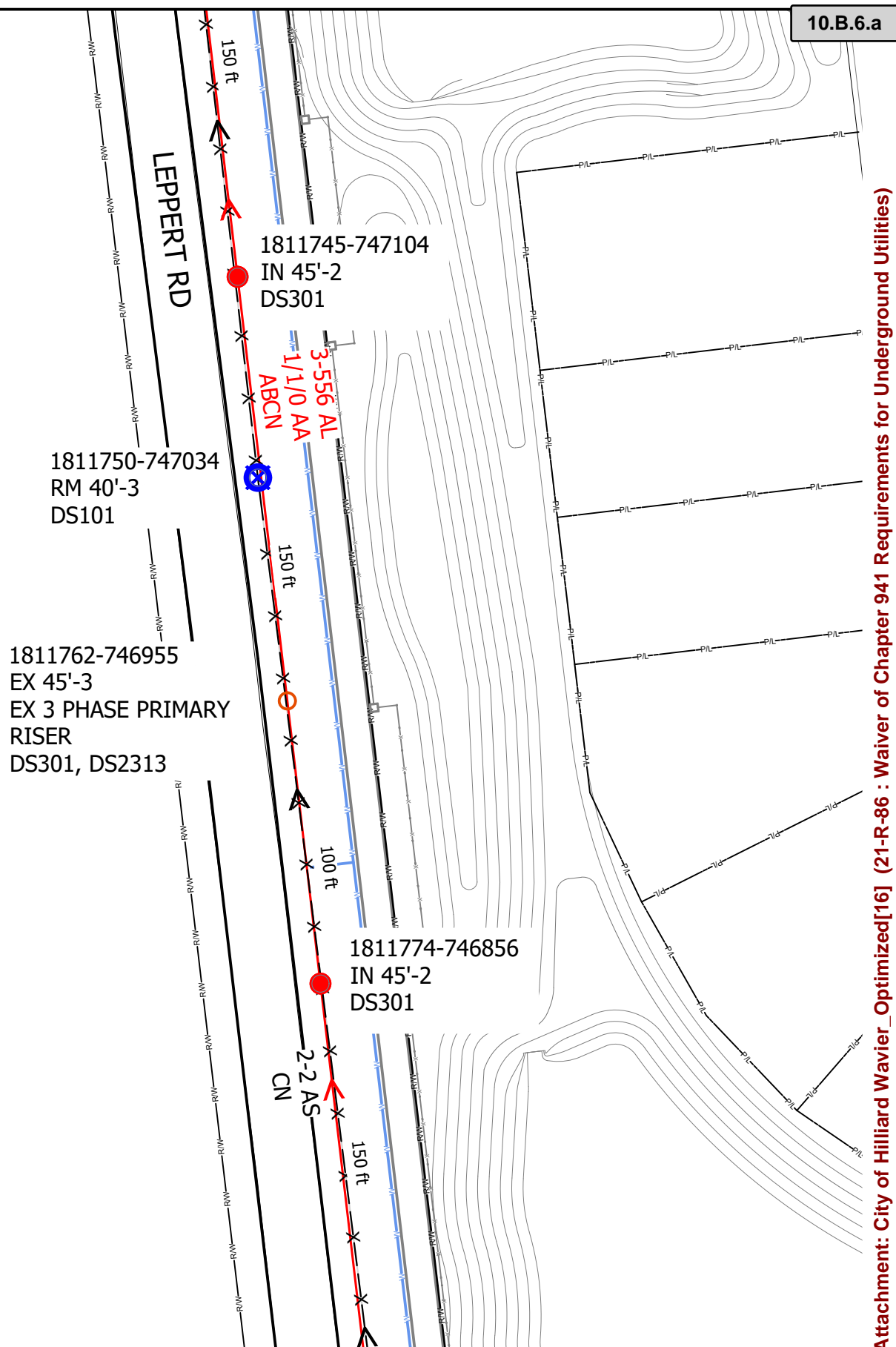
NON-DESIGN ORDERS

OWR/OPS:


SCALE: 1:50 Page 151

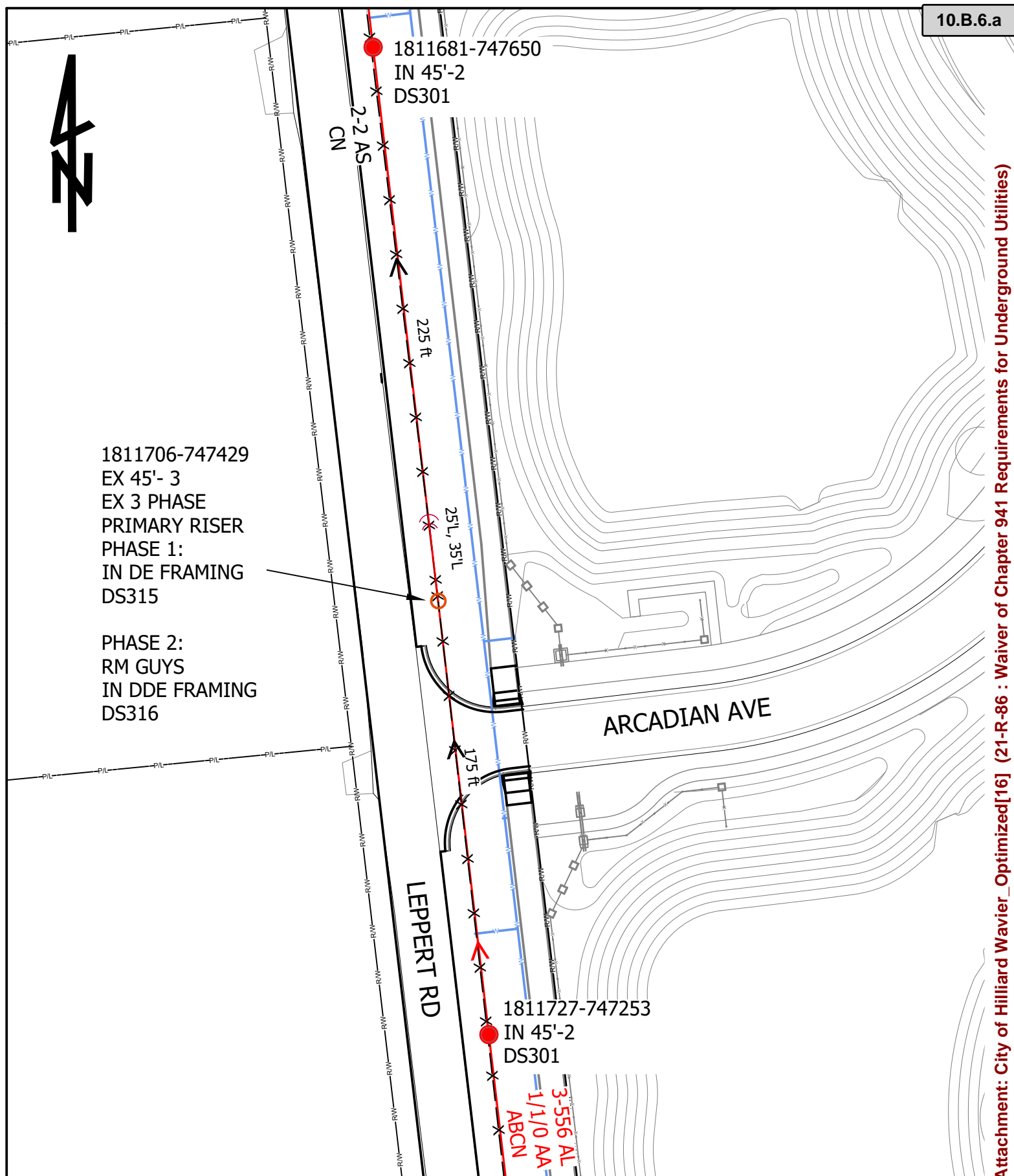
SHEET: 3 OF 10






Attachment: City of Hilliard Wavier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

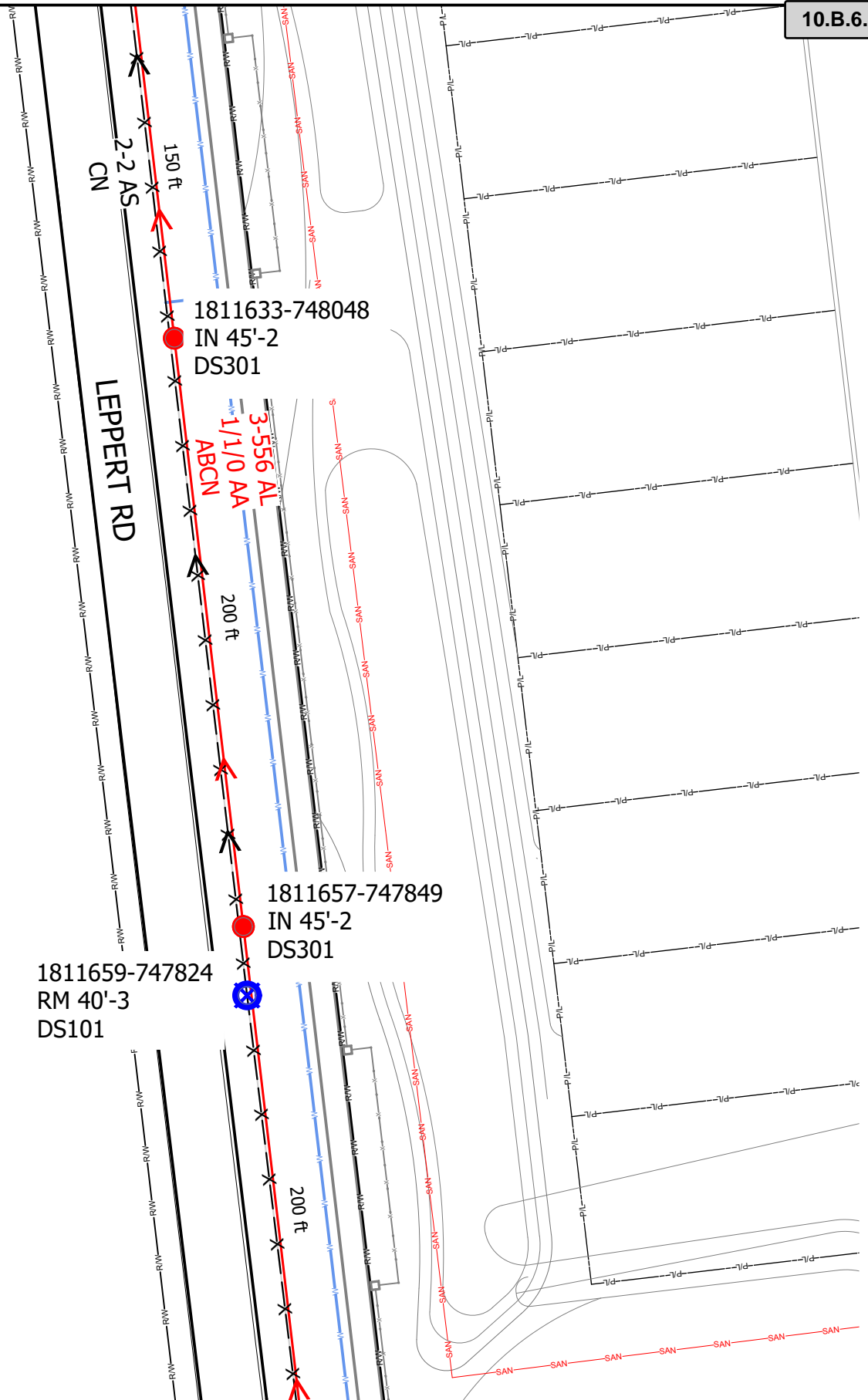
JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)			
LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD			
CITY: HILLIARD / COLUMBUS	DESIGN ORDERS	JUP:	RELATED DESIGN ORDERS
TWP:	OH: 81056969 WO:	JUP:	OH:
COUNTY: FRANKLIN	OH: 81056996 WO:	JUP:	UG: 80325652
	AREA: 035	JUP:	NON-DESIGN ORDERS
	STATION: HILLIARD	TECH/ENG: ANDREW KESSLER	OWR/OPS:
	CIRCUIT: 0002104	CONTACT # 740-542-9495	SCALE: 1:50
	VOLTAGE: 13KV	DATE:11/30/2021	SHEET: 4 OF 10



Attachment: City of Hilliard Wavvier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)			
LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD			RELATED DESIGN ORDERS
CITY: HILLIARD / COLUMBUS	DESIGN ORDERS	JUP:	OH:
TWP:	OH: 81056969 WO:	JUP:	OH:
COUNTY: FRANKLIN	OH: 81056996 WO:	JUP:	UG: 80325652
 An AEP Company	AREA: 035	JUP:	NON-DESIGN ORDERS
	STATION: HILLIARD	TECH/ENG: ANDREW KESSLER	OWR/OPS:
	CIRCUIT: 0002104	CONTACT # 740-542-9495	SCALE: 1:50
	VOLTAGE: 13KV	DATE:11/30/2021	SHEET: 5 OF 10

# 24



JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS	DESIGN ORDERS		RELATED DESIGN ORDERS	
TWP:	OH: 81056969	WO:	JUP:	OH:
COUNTY: FRANKLIN	OH: 81056996	WO:	JUP:	UG: 80325652
	AREA: 035		JUP:	NON-DESIGN ORDERS
	STATION: HILLIARD		TECH/ENG: ANDREW KESSLER	OWR/OPS:
	CIRCUIT: 0002104		CONTACT # 740-542-9495	SCALE: 1:50
	VOLTAGE: 13KV		DATE:11/30/2021	Page 154
				SHEET: 6 OF 10







1811537-748420  
RP 35'-6 W/ 40'-3  
RP GUY  
RM: DS101  
IN: DS117

1811595-748403  
EX 45'-3  
DS301, DS130

LEPPERT RD

1811610-748280  
RP 40'-5 W/ 45'-3  
RP PRIMARY RISER - C  
DS301, DS2300

1811621-748183  
RM 40'-5  
DS117

1811615-748197  
IN 45'-3  
DS301

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969 WO:

OH: 81056996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

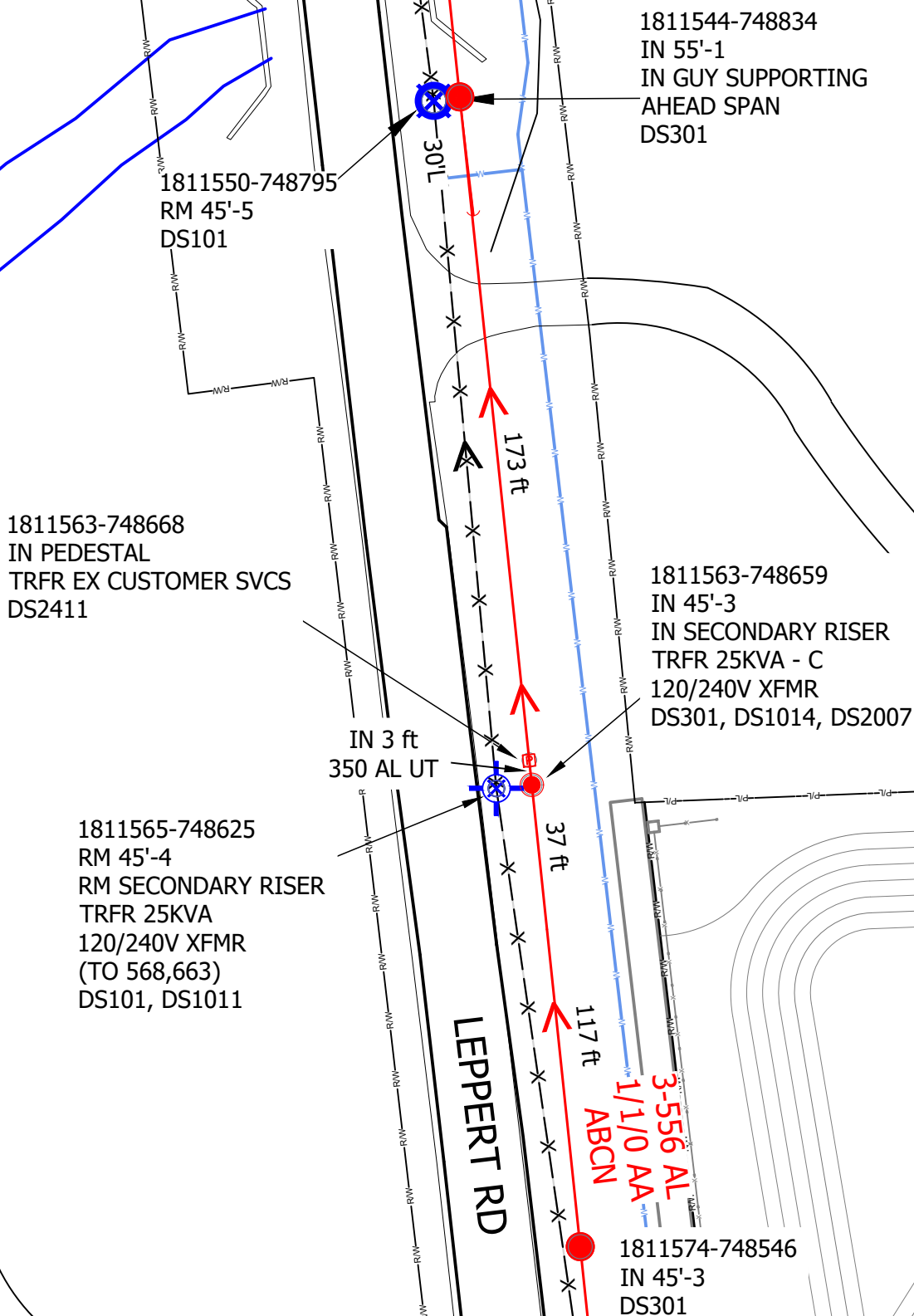
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40

SHEET: 7 OF 10





JOB SCOPE: EXTEND 3-556 AL &amp; 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969 WO:

OH: 81056996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE: 11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40 Page 156

SHEET: 8 OF 10





1811394-749185  
EX 40'-5  
RM UNUSED GUY  
RM DOUBLE WOOD  
DS117

1811494-749167  
RM 45'-1  
DS160

1811518-749239  
IN 45'-2  
IN SINGLE PHASE  
PRIMARY TAP - C  
IN SINGLE PHASE  
PRIMARY RISER - C  
DS316, DS325, DS230C

(3' NORTH OF EXISTIN

1811530-749206  
EX PRIMARY ENCLOSURE

1811517-749201  
RM 45'-3  
RM SINGLE PHASE  
PRIMARY RISER  
DS117, DS130, DS2300

1811511-749153  
IN 55'-3  
IN ONE BISECTOR GUY  
IN ONE GUY  
SUPPORTING BACK  
SPAN -10 DEGREES  
DS316, DS400

LEPPERT RD

3-556 AL  
1/1/0 AA  
ABCN

2-2 AS  
CN

JOB SCOPE: EXTEND 3-556 AL & 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 80156969 WO:

OH: 80156996 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40

SHEET: 9 OF 10





1811455-749725  
EX 45'-3  
EX SINGLE PHASE  
PRIMARY RISER - C  
RM: DS115  
IN: DS315-A  
ATTACH:  
1/2" GUY @ 37'-5"  
3/8" (TOP) GUY @ 35'-5"  
3/8" (BOTTOM) GUY @ 27'-5"

1811475-749590  
IN 45'-2  
ATTACH:  
NEUTRAL @28'-5"  
DS301

1811488-749466  
EX 45'-3  
EX SINGLE PHASE  
PRIMARY RISER - C  
DS301

1811504-749340  
IN 45'-3  
ATTACH:  
NEUTRAL @28'-5"  
DS301

LEPPERT RD

SLATER RDG

TIMBER TOP DR

JOB SCOPE: EXTEND 3-556 AL &amp; 1-4/0AA FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

OH: 81056969

WO:

OH: 81056996

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/30/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 10 OF 10





HAYDEN RUN RD

PHASE 2

LEPPERT RD

PHASE 1

DAVIDSON RD

## DESIGN ALTERNATIVE 3

PHASE 1 - WR# 80970495

INSTALL 3 PHASE FROM POLE  
(874,963) TO ARCADIAN AVE.

PHASE 2 - WR# 80970745

INSTALL 3 PHASE FROM  
ARCADIAN AVE TO POLE (455,725).  
MODIFY THE EXISTING TAPS ALONG  
LEPPERT RD.  
REMOVE THE EXISTING SINGLE  
PHASE LINE.

JOB SCOPE: EXTEND 3-PRIMARY FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/16/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:450

SHEET: 1 OF 10





1811841-746239  
RM 40'-5  
DS117, DS1301

3-750 AL  
1-4/0 CU  
ABC N

286 ft  
2-2 AS  
CN  
LEPPERT RD

LOCATION 1  
IN ELBOW

1811874-745963  
EX 70'-2 TRANSMISSION POLE  
IN 3-PHASE PRIMARY RISER  
IN 900A GOAB SWITCH  
RM SINGLE PHASE PRIMARY TAP  
DS1324, DS2320

LOCATION 2  
IN ELBOW

3-556 AL  
1/1/0 AA  
ABCN

3-556 AL  
1/1/0 AA  
ABCN  
169 ft

DAVIDSON RD

Attachment: City of Hilliard Wavvier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495 WO:

UG: 80970745 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/16/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 2 OF 10



1811795-746632  
RM 40'-3  
DS101

LEPPERT RD

3-750 AL  
1-4/0 CU  
ABC N

397 ft

JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495 WO:

UG: 80970745 WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/16/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

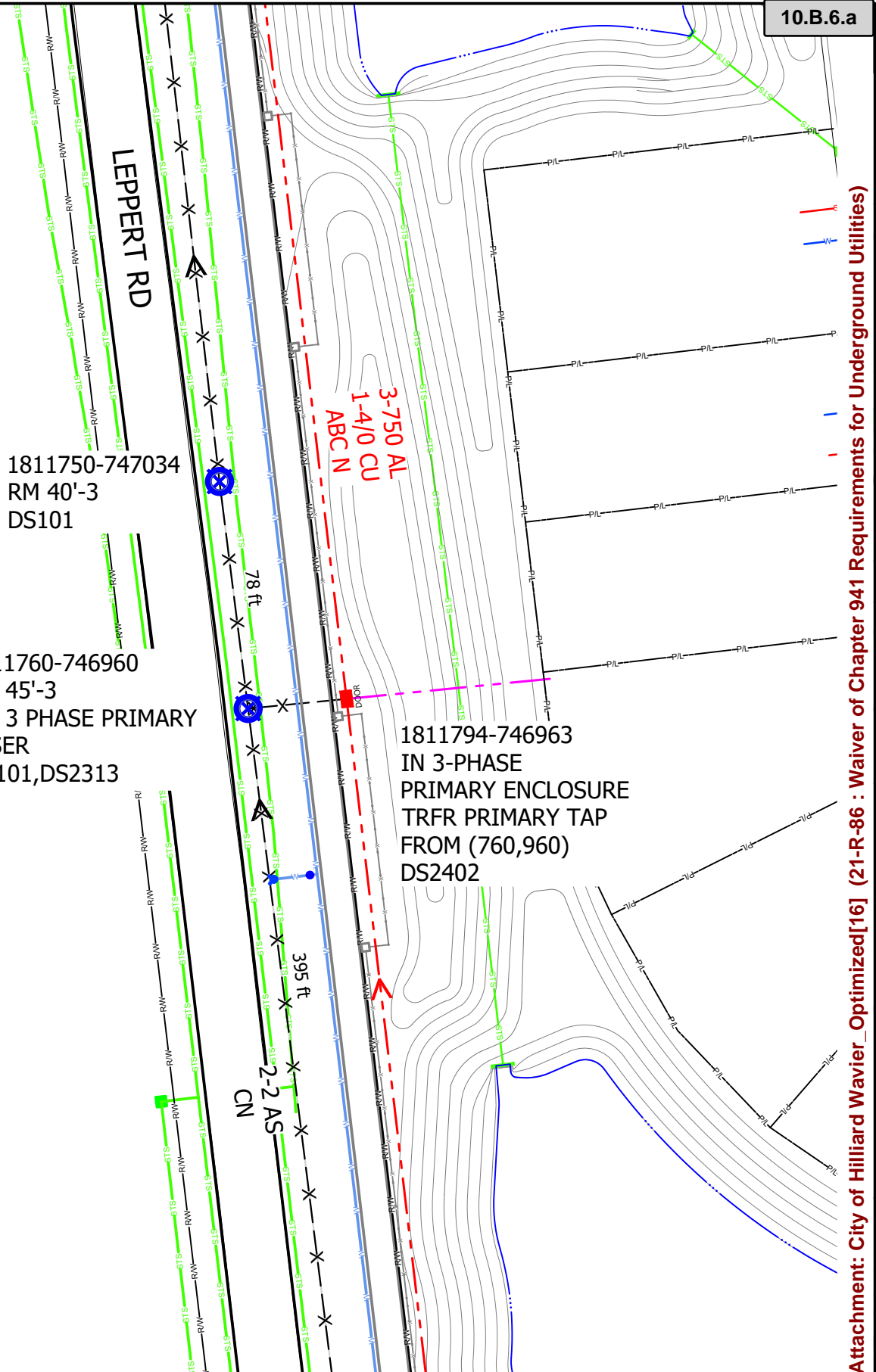
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 3 OF 10





Attachment: City of Hilliard Wavner\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/16/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

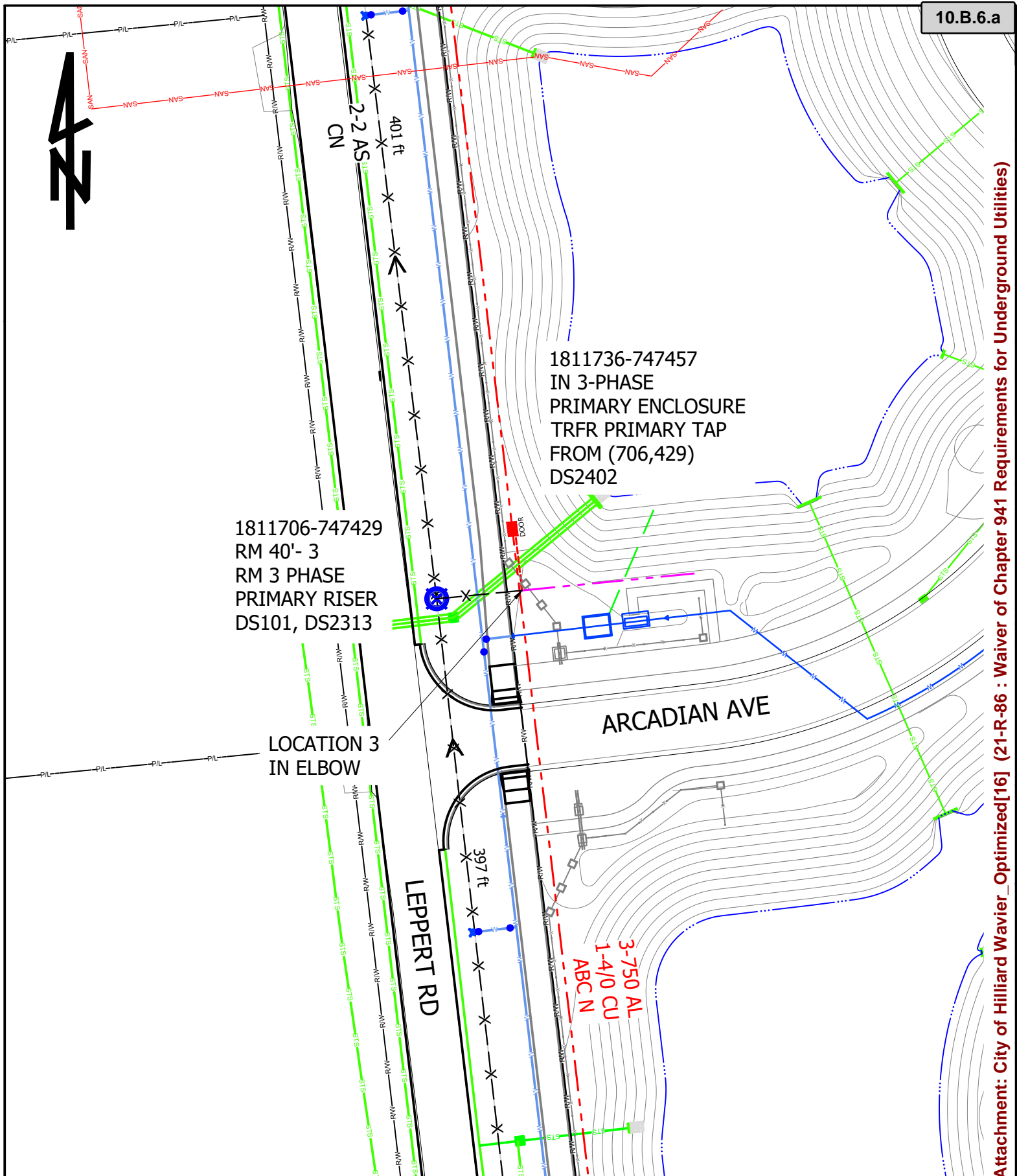
OWR/OPS:

SCALE: 1:50

SHEET: 4 OF 10







Attachment: City of Hilliard Wavvier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/6/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

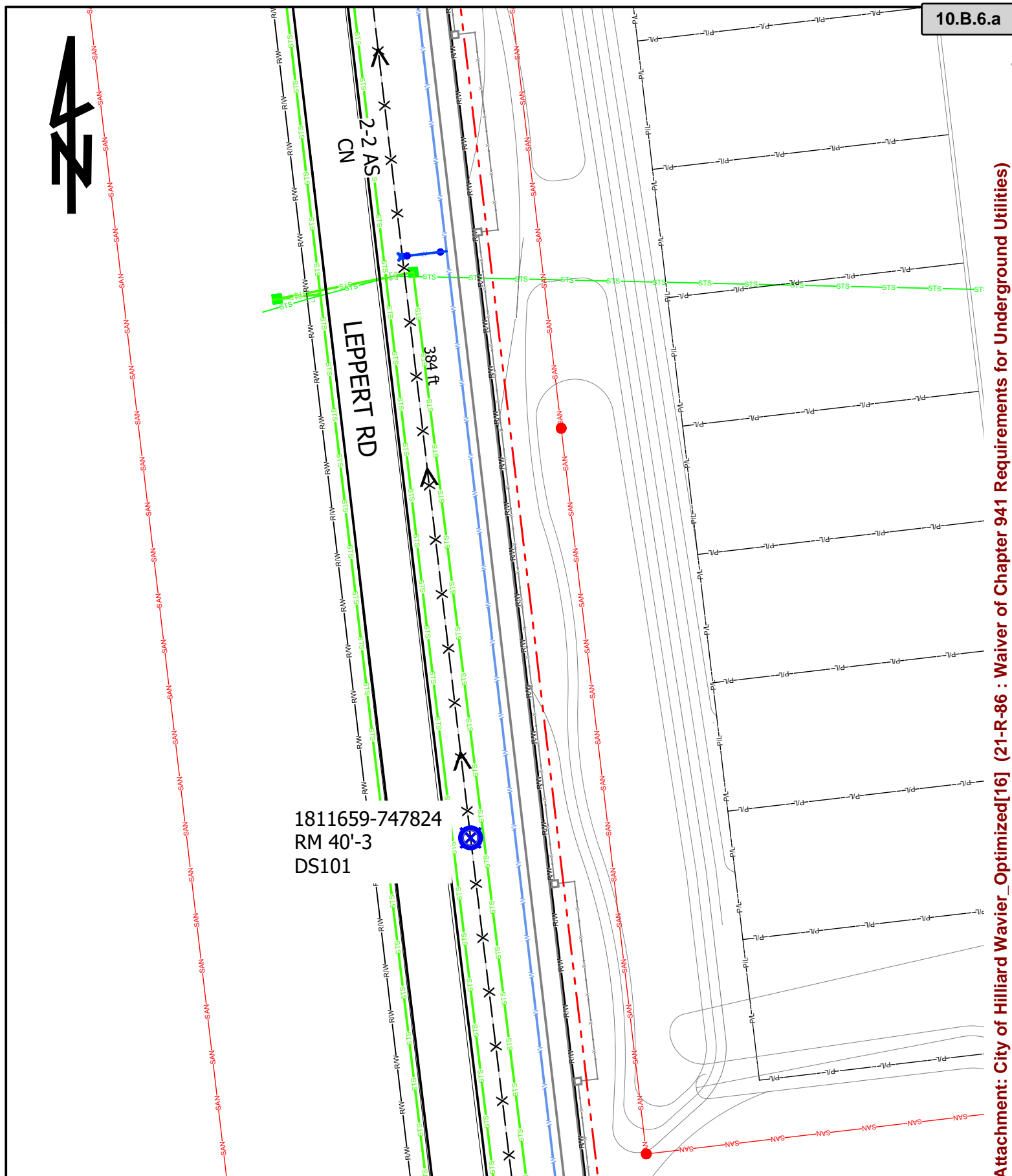
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

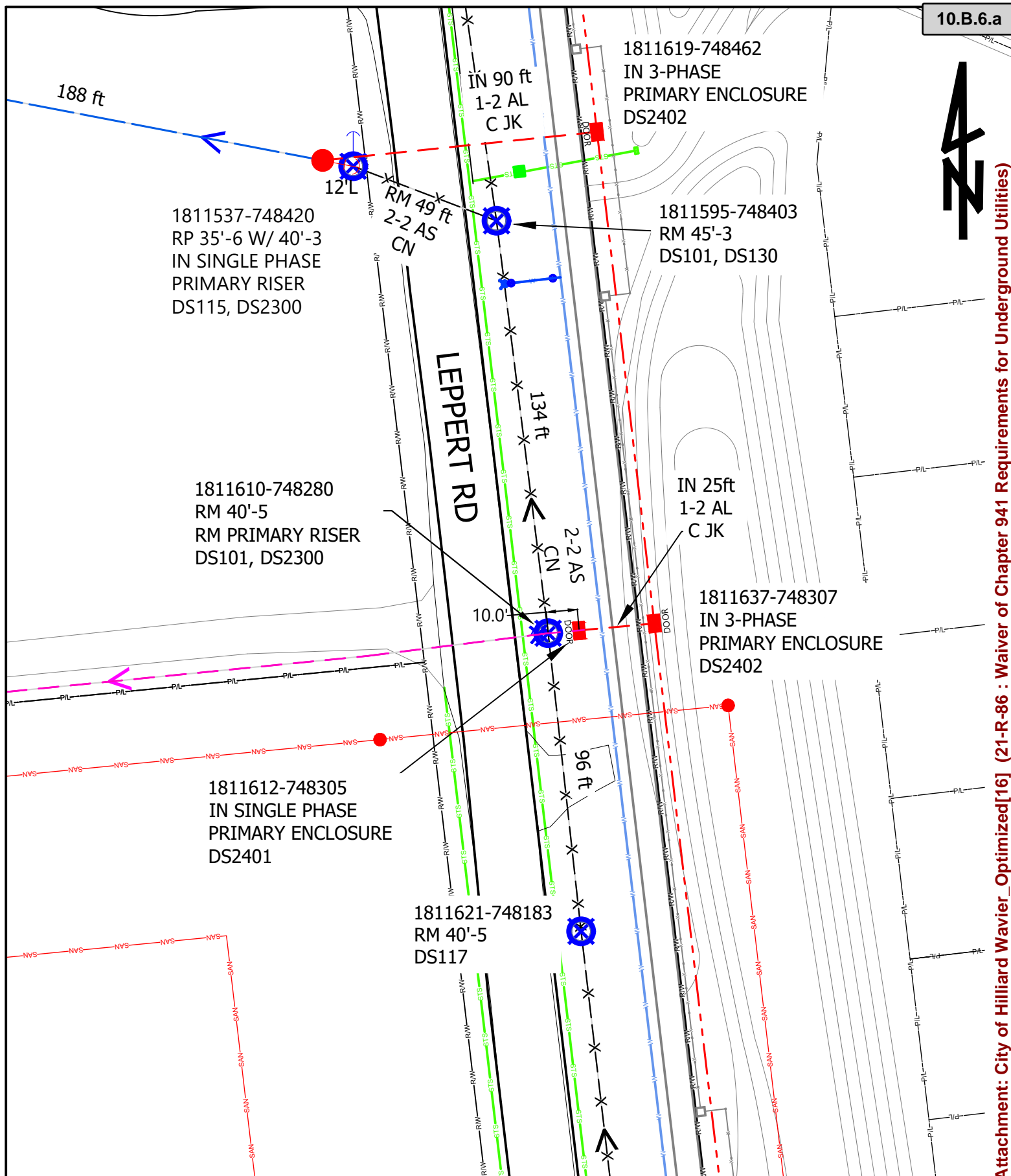
SHEET: 5 OF 10





SCALE: 1:50





JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:11/16/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

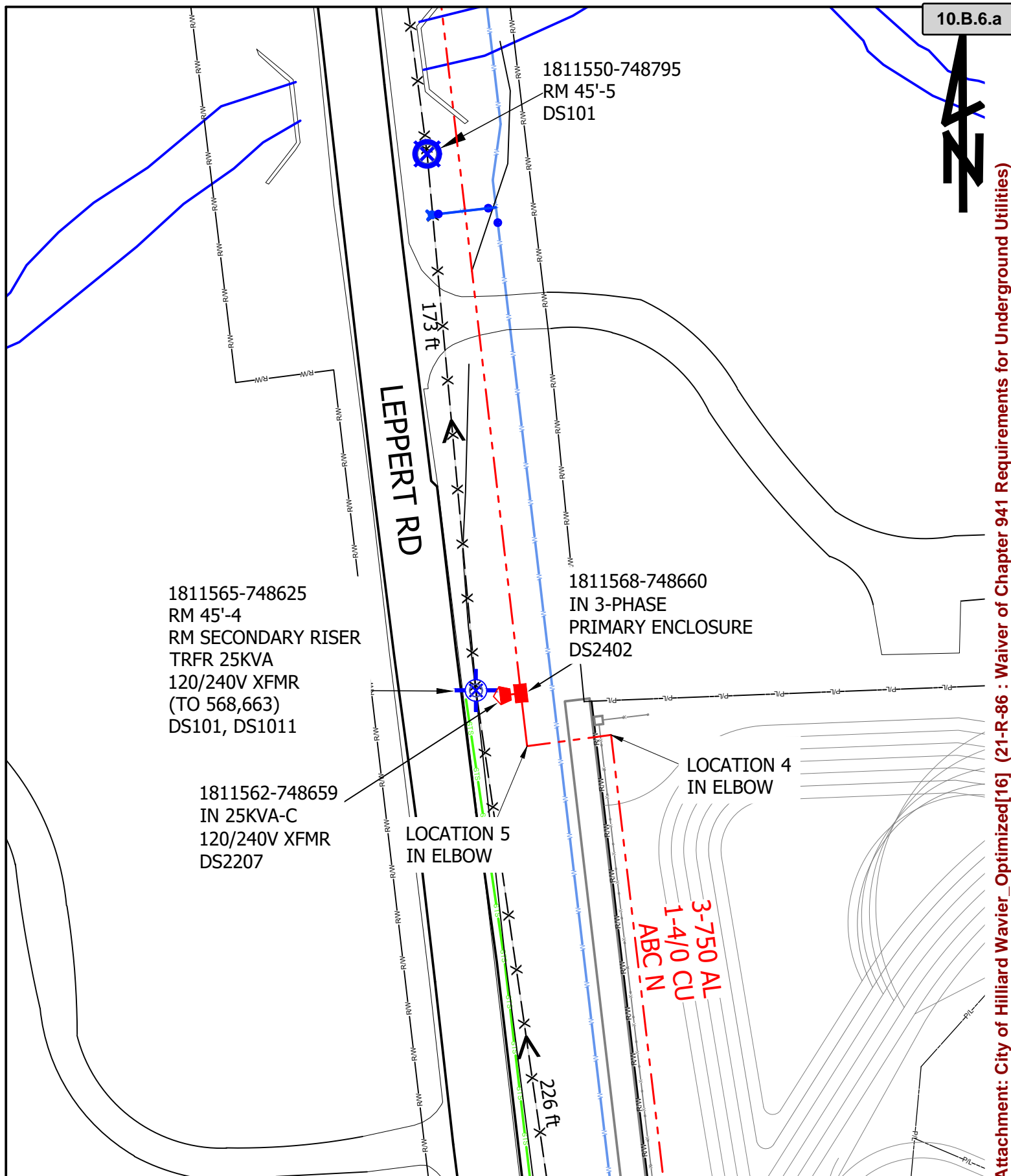
NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:40

SHEET: 7 OF 10





JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:10/7/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

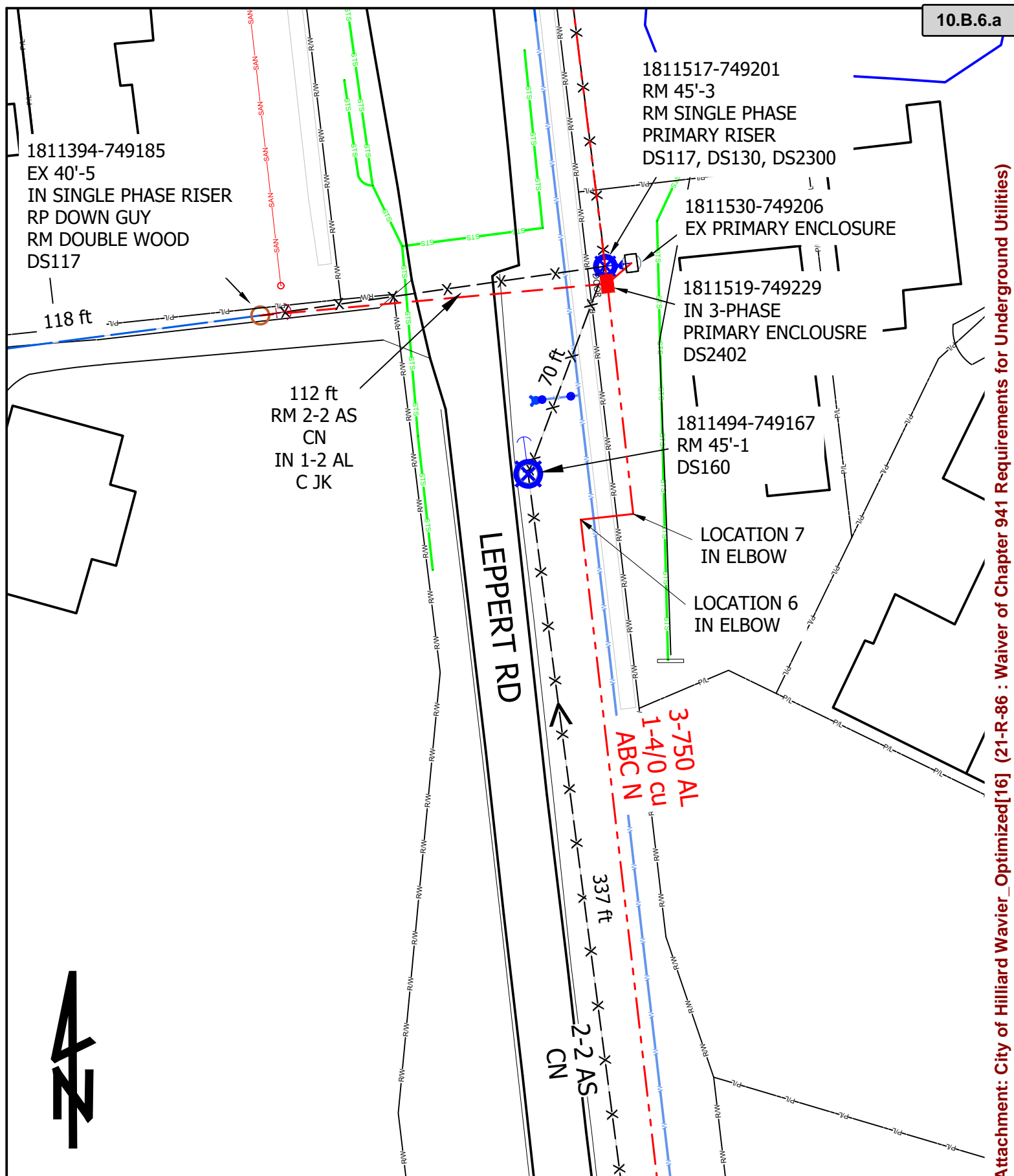
OWR/OPS:

SCALE: 1:40


SHEET: 8 OF 10



An AEP Company



Attachment: City of Hilliard Wavier\_Optimized[16] (21-R-86 : Waiver of Chapter 941 Requirements for Underground Utilities)

JOB SCOPE: EXTEND 3-PHASE FROM POLE (874,963) TO POLE (455,725)			
LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD			RELATED DESIGN ORDERS
CITY: HILLIARD / COLUMBUS	DESIGN ORDERS	JUP:	OH:
TWP:	UG: 80970495      WO:	JUP:	OH:
COUNTY: FRANKLIN	UG: 80970745      WO:	JUP:	UG: 80325652
 <small>an AEP Company</small>	AREA: 035	JUP:	NON-DESIGN ORDERS
	STATION: HILLIARD	TECH/ENG: ANDREW KESSLER	
	CIRCUIT: 0002104	CONTACT # 740-542-9495	
	VOLTAGE: 13KV	DATE:10/7/2021	
			OWR/OPS: <span style="float: right;">Page 167</span>
			SCALE: 1:40
			SHEET: 9 OF 10



1811455-749725  
RM 45'-3  
RM SINGLE PHASE RISER  
IN 3-PHASE PRIMARY  
ENCLOSURE  
TRFR EX PRIMARY TAPS  
DS2402

3-750 AL  
1-4/0 CU  
ABC N

1811488-749466  
RM 45'-  
RM SINGLE PHASE  
PRIMARY RISER  
IN 3-PHASE PRIMARY  
ENCLOSURE  
TRFR EX PRIMARY TAPS  
DS2402

LEPPERT RD

SLATER RDG

TIMBER TOP DR

JOB SCOPE: EXTEND 3-PRIMARY FROM POLE (874,963) TO POLE (455,725)

LOCATION: LEPPERT RD, BETWEEN DAVIDSON RD AND HAYDEN RUN RD

CITY: HILLIARD / COLUMBUS

TWP:

COUNTY: FRANKLIN

DESIGN ORDERS

UG: 80970495

WO:

UG: 80970745

WO:

AREA: 035

STATION: HILLIARD

CIRCUIT: 0002104

VOLTAGE: 13KV

JUP:

JUP:

JUP:

JUP:

TECH/ENG: ANDREW KESSLER

CONTACT # 740-542-9495

DATE:10/7/2021

RELATED DESIGN ORDERS

OH:

OH:

UG: 80325652

NON-DESIGN ORDERS

OWR/OPS:

SCALE: 1:50

SHEET: 10 OF 10





**Resolution: 21-R-86**

**Adopted:**

**Page 2 of**

**Effective:**

**WAIVING THE UNDERGROUND RELOCATION OF AMERICAN ELECTRIC POWER (AEP) AND JOINT USER FACILITIES ASSOCIATED WITH THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) S-28 UPPER SCIOTO WEST SUB-TRUNK SEWER PROJECT AND THE CONSTRUCTION OF THE CARR FARMS SUBDIVISION.**

**WHEREAS**, the Upper Scioto West Sanitary Sewer Sub Trunk (CIP S-28) consists of the construction of a new trunk sanitary sewer and sewer lift station that will service the Carr Farms subdivision, a new Amazon Data Service site on Cosgray Road, and in a second phase Homestead Metro Park and parts of the Tarlton Meadows subdivision; and

**WHEREAS**, the purpose of the Project is to provide sanitary sewer services to properties within the Hilliard Sewer Service Area along Cosgray and Leppert Roads; and

**WHEREAS**, plans for the Project are complete and a construction contract has been awarded to Savko Inc; and

**WHEREAS**, construction of a new sanitary sewer lift station requires three phase power that must be extended to the Carr Farms site; and

**WHEREAS**, American Electric Power desires to upgrade poles to facilitate the extension of three phase power and provide additional room along Leppert Road for the proposed development; and

**WHEREAS**, by the passage of Ordinance No. 06-41(Amended), the City's Code was amended to require that all utility facilities be placed underground within dedicated utility easements or streets, alleys, properties and rights-of-way, which requirement was codified in Chapter 941 of the City's Code; and

**WHEREAS**, American Electric Power (AEP) and joint users (cable and telecommunication) facilities are currently located above ground on poles in public right-of-way within the Project limits and must be upgraded to facilitate the construction of the Project; and

**WHEREAS**, if AEP facilities are required to relocate underground in accordance with Chapter 941 of the Codified Ordinances, the City will be responsible to pay for the differential cost between the underground and overhead relocation; and

**WHEREAS**, AEP has provided construction estimates totaling \$24,815.74 for the overhead relocation and \$167,580.51 for the underground relocation; and

**WHEREAS**, the differential cost between the overhead and underground utility relocation, which would be required to be paid by the City, is estimated at \$142,764.77; and

**WHEREAS**, the estimates do not include costs that may be incurred by the City to relocate joint users on the poles (cable and telecommunication facilities) underground; and

**WHEREAS**, AEP estimates that their overhead facilities can be upgraded overhead for the Project in accordance with the Project schedule; and

**WHEREAS**, based on the increased cost to the public and delay in the Project, the relocation of AEP facilities from overhead to underground is deemed impracticable.

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

**SECTION 1.** Pursuant to Section 941.03 of the City's Codified Ordinances, Hilliard City Council finds that it is in the City's best interest, and that of its residents, to grant a waiver to AEP and all joint users on AEP poles within the Project limits to remain overhead when relocated for the Upper Scioto West Sanitary Sewer Sub-Trunk Improvement Project (CIP S-28).

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

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law

✓ Vote Record - Resolution 21-R-86						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

#### **CERTIFICATE OF THE CLERK**

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-86** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Council Memo: Legislation (21-R-87)

**Subject:** Appointment to Heritage Preserve Community Authority  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Diane Werbrich, Clerk of Council  
**Date:** December 13, 2021

### Executive Summary

This Resolution reappoints members to the Board of Trustee of the Heritage Preserve Community Authority (the "Board").

### Staff Recommendation

Staff recommends that Council adopt this Resolution.

### Background

On February 25, 2013, City Council passed Ordinance No. 13-03 authorizing the City to enter into a Developer's Agreement regarding the Heritage Preserve Planned Unit Development. As a requirement of the Developer's Agreement, the Developer committed to creating a new community authority in order to collect a development charge and use the amounts collected to reimburse the Developer for costs related to public infrastructure improvements. By the passage of Resolution No. 14-R-37 on March 24, 2014, the Heritage Preserve New Community Authority was established.

The board members are comprised of 3 developer appointments, 3 City appointments, and the City's Finance Director or designee, who serves as a representative of the City. By the passage of Resolution No. 17-R-63(Amended), City Council set the terms of citizen members to 3 years. In 2018, by the passage of Resolution No. 18-R-19, the City appointed Charles R. Evans, whose terms end on the second Tuesday of January 2022, i.e. January 11, 2022. Mr. Evans has expressed a willingness to be reappointed

### Financial Impacts

There are no anticipated financial impacts.

### Attachments

N/A



Resolution: 21-R-87

Adopted:

Page 2 of

Effective:

**RE-APPOINTING ONE CITIZEN MEMBER TO THE BOARD OF TRUSTEES OF THE  
HERITAGE PRESERVE NEW COMMUNITY AUTHORITY.**

**WHEREAS**, on February 26, 2018, City Council adopted Resolution No. 18-R-19 appointing Charles R. Evans to the Board of Trustees of the Heritage Preserve New Community Authority ("Board"), for term ending on January 11, 2022 (the second Tuesday of January); and

**WHEREAS**, Mr. Evans has expressed a desire and willingness to continue to serve as a Trustee and to accept a reappointment to the Board.

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

**SECTION 1.** Hilliard City Council reappoints Mr. Charles Evans to the Heritage Preserve Board of Trustees as citizen member for a three-year term beginning January 12, 2021 and ending January 9, 2024.

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

**ATTEST:****SIGNED:**

\_\_\_\_\_  
Diane C. Werbrich, MMC  
Clerk of Council

\_\_\_\_\_  
Pete Marsh, President  
City Council

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Philip K. Hartmann  
Director of Law



✓ Vote Record - Resolution 21-R-87						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tom Baker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Kelly McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

#### CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **21-R-87** passed by the Hilliard City Council on the 13th day of December 2021.

IN TESTIMONY WHEREOF, witness my hand and official seal this 13th day of December 2021.

\_\_\_\_\_  
Diane C. Werbrich, MMC

## Financial Overview - October

# October - Financial Overview

December 8, 2021



**City of Hilliard**  
**Current Revenues, Expenditures and Ending Fund Balance for Operating Funds**  
**Budget Basis**  
**As of October 31, 2021**

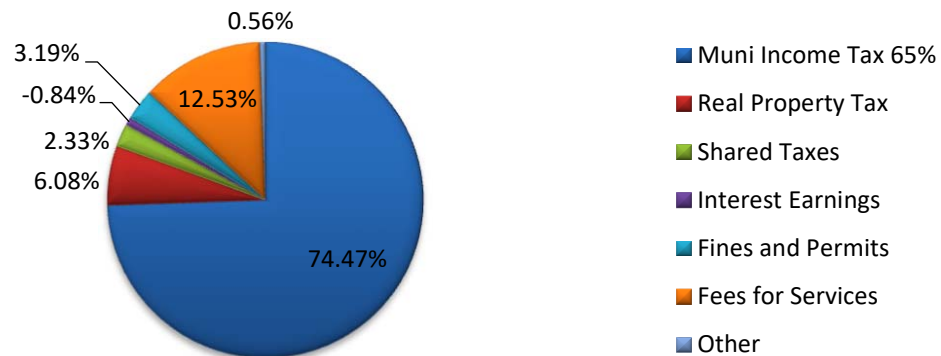
<b>Fund</b>	<b>Beginning Cash Balance 1/1/2021</b>	<b>Revenues</b>	<b>Combined Expenditures</b>	<b>Ending Fund Balance</b>	<b>Current Revenues over Expenditures</b>
General	\$ 9,557,288	\$ 29,917,929	\$ 22,632,890	\$ 16,842,327	\$ 7,285,039
Permanent Fund Transfer - Cap	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total General Fund</b>	<b>\$ 9,557,288</b>	<b>\$ 29,917,929</b>	<b>\$ 22,632,890</b>	<b>\$ 16,842,327</b>	<b>\$ 7,285,039</b>
Reserve Fund *	\$ 7,176,866	\$ 161,256	\$ -	\$ 7,338,122	\$ 161,256
Street Construction Maintenance and Repair and County Fund	\$ 3,028,008	\$ 2,534,064	\$ 1,934,961	\$ 3,627,111	\$ 599,104
Water Revenue	\$ 409,270	\$ 811,877	\$ 725,190	\$ 495,957	\$ 86,687
Sewer Revenue	\$ 198,842	\$ 668,220	\$ 748,686	\$ 118,376	\$ (80,466)
Storm Water	\$ 1,404,128	\$ 951,782	\$ 806,234	\$ 1,549,676	\$ 145,548
Construction Inspection	\$ 183,319	\$ 375,732	\$ 367,845	\$ 191,206	\$ 7,888
<b>Total Operations</b>	<b>\$ 21,957,720</b>	<b>\$ 35,420,860</b>	<b>\$ 27,215,805</b>	<b>\$ 30,162,775</b>	<b>\$ 8,205,055</b>

\* From General Fund to Reserve Fund - To bring balance to 25%

**City of Hilliard**  
**Revenue Collections as a Percent of Estimated Revenue**  
**As of October 31, 2021**

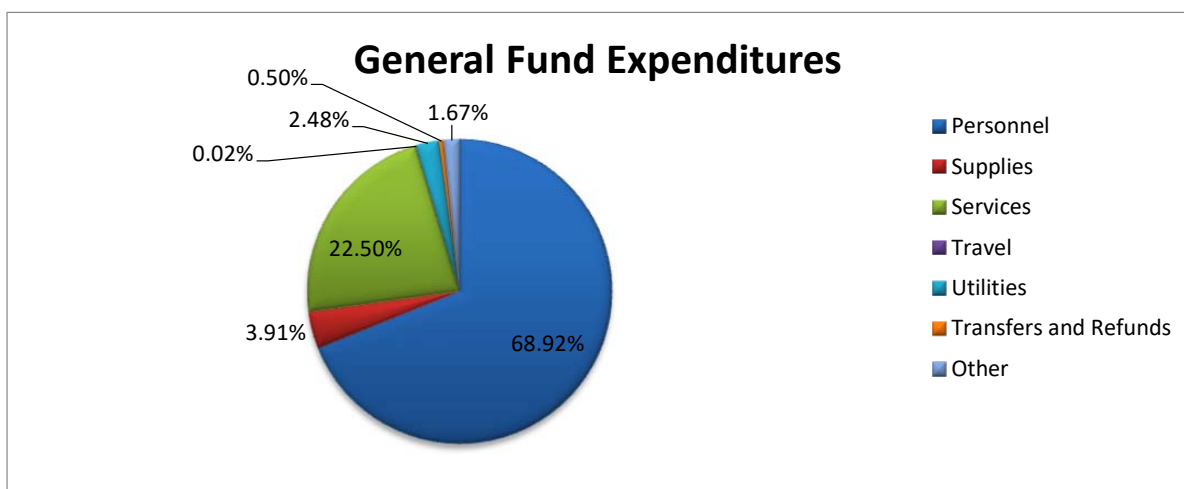
	2021		2020	2021 Revenue as a percent of Estimated
	Estimated	As of Oct. 31	As of Oct. 31	
<b>General Fund</b>				
Muni Income Tax 65%	\$ 18,882,873	\$ 22,660,379	\$ 15,670,436	120.0%
Real Property Tax	1,750,716	1,848,673	1,553,914	105.6%
Shared Taxes	645,571	710,388	592,679	110.0%
Interest Earnings	903,000	(254,906)	747,808	-28.2%
Fines and Permits	1,611,500	969,816	1,009,186	60.2%
Fees for Services	4,803,893	3,813,255	2,751,741	79.4%
Other	173,000	170,325	204,891	98.5%
Totals	\$ 28,770,553	\$ 29,917,929	\$ 22,530,655	104.0%
<b>Other Operating Funds</b>				
Street Construction Maintenance and Repair and County Fund	\$ 2,515,000	\$ 2,534,064	\$ 2,036,609	100.8%
Water Revenue	\$ 1,010,000	\$ 811,877	\$ 567,049	
Sewer Revenue	\$ 1,015,000	\$ 668,220	\$ 734,543	
Total Water and Sewer	\$ 2,025,000	\$ 1,480,097	\$ 1,301,592	73.1%
Storm Water	\$ 1,300,000	\$ 951,782	\$ 926,903	73.2%
Construction Inspection	\$ 805,000	\$ 375,732	\$ 232,482	46.7%
	35,415,553	35,259,605	27,028,241	99.6%

**General Fund Revenue**



**City of Hilliard**  
**Year-to-Date Expenditures as a Percent of Budget**  
**October 30, 2021**

	2021		2020	2021 Expenditures
	Budget	Current YTD Expenditures	YTD Expenditures	as a percent of budget
<b>General Fund</b>				
Personnel	\$ 19,467,868	\$ 14,679,313	\$ 12,955,025	75.40%
Supplies	1,277,830	832,620	487,344	65.16%
Services	6,559,340	4,792,608	4,208,310	73.07%
Travel	63,150	4,950	3,861	7.84%
Utilities	849,000	527,323	409,642	62.11%
Transfers and Refunds	925,000	107,247	188,549	11.59%
Other	371,556	354,822	434,451	95.50%
<b>Totals</b>	<b>\$ 29,513,744</b>	<b>\$ 21,298,882</b>	<b>\$ 18,687,182</b>	<b>72.17%</b>
	<i>Special Transfers</i>	<i>\$ 161,256</i>	<i>\$ 2,412,117</i>	
<b>Other Operating Funds</b>				
Street Construction Maintenance and Repair and County Fund	\$ 4,672,891	\$ 1,645,873	\$ 1,376,584	35.22%
Water Revenue	\$ 1,216,454	\$ 702,970	\$ 532,527	
Sewer Revenue	1,064,654	711,281	573,906	
Total Water and Sewer	\$ 2,281,108	\$ 1,414,251	\$ 1,106,433	62.00%
Storm Water	\$ 1,548,754	\$ 727,911	\$ 577,910	47.00%
Construction Inspection	\$ 721,433	\$ 228,920	\$ 248,792	31.73%
	<b>\$ 38,737,930</b>	<b>\$ 25,315,838</b>	<b>\$ 21,996,901</b>	<b>65.35%</b>



## Income Tax Collection

	Total Oct-21				2021/2020 % Change	Budget %
	Budget 2021	Actual 2021	Actual 2020	Diff		
<b>Withholding</b>	23,033,597.00	19,685,588.74	18,616,915.36	1,068,673.38	5.7%	85.5%
<b>Business</b>	3,128,452.00	11,798,789.46	3,061,034.23	8,737,755.23	285.5%	377.1%
<b>Individual</b>	2,888,525.00	3,292,048.81	2,439,048.07	853,000.74	35.0%	114.0%
<b>Total</b>	29,050,574.00	34,776,427.01	24,116,997.66	10,659,429.35	44.2%	119.7%

**Top Employers  
YTD October 2021**

	2021 Withholdings	2020 Withholdings	Difference	Up/(Down)
<b>Top 10 Employers</b>	<b>8,285,842</b>	<b>7,743,703</b>	<b>542,139</b>	<b>7.0%</b>
	Advanced Drainage Micro Center Inc.	Amazon Data Ohio Health Verizon	BMW Financial Rich Holding Inc. Verizon Corp.	Hilliard Schools Sedgwick
<b>Top 20 Employers</b>	<b>\$ 9,994,527</b>	<b>\$ 9,311,740</b>	<b>\$ 682,787</b>	<b>7.3%</b>
	Armstrong World Ind. Hilliard City	The Eco Plumbers Macintosh Mgmt Sutphen Towers	Equifax Inc. Minute Man Verizon Bus	First Source Norwich Twp
<b>Top 50 Employers</b>	<b>\$ 12,673,520</b>	<b>\$ 11,605,720</b>	<b>\$ 1,067,801</b>	<b>9.20%</b>
	Ability Matters, LLC Buckeye Nissan Ecycle Inc. Home Depot Joseph Ryerson ODOT Sheakley LLC	ADP Totalsource Columbus Kenworth Empower LLC Insperity People Kroger Ohio Health Corp Tamarkin Co. Vargo inc.	American Regent Cummins Inc. Equity LLC International Products Mount Carmel Rage Corp Target Verizon Data	Baesman Group LLC Defense Finance ESC Council John Eramo & Sons Nationwide Insurance RDP Food Service Unwin Co.