

Real People. Real Possibilities.™

AGENDA

Regular Council Meeting

7:00 PM January 24, 2022

Council Members:

Andy Teater

Omar Tarazi

Les Carrier

Tina Cottone

Peggy Hale

Pete Marsh

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



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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.



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I. Invocation and Pledge of Allegiance

Invocation – Pastor David White, Upper Arlington Lutheran Church

The Pledge of Allegiance to the Flag of the United States of America – Mr. Carrier

II. Roll Call

III. Approval of Minutes

A. January 10, 2022, Regular Meeting

B. January 10, 2022, Organizational Meeting

IV. 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

V. Recognition and Special Guests

A. HPD Recognition of Ron Smith

VI. Changes to the Agenda

VII. Consent Agenda - None

VIII. 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.

IX. 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.

22-01 AMENDING CHAPTERS 1107 AND 1123 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE APPROVAL PROCESS FOR CONDITIONAL USES.

22-02 ACCEPTING THE APPLICATION FOR ANNEXATION OF 6.0 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL DISTRICT.



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- 22-03 APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND AUTHORIZING AN EXPENDITURE.

First Readings

- 22-04 AMENDING SECTION 149.07 OF THE HILLIARD CODIFIED ORDINANCES REGARDING MEMBERSHIP OF THE RECREATION AND PARKS ADVISORY COMMITTEE.
- 22-05 REPEALING CHAPTER 750 AND REPEALING AND REPLACING CHAPTER 753 REGULATING THE USE OF FOOD TRUCKS IN THE CITY.

B. Resolutions

- 22-R-02 AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE; AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT VEHICLE REGISTRATION PERMISSIVE TAX FUNDS FROM THE BOARD OF COUNTY COMMISSIONS OF FRANKLIN COUNTY, OHIO; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE RESURFACING OF SCIOTO DARBY ROAD.

X. President's Communication

XI. Staff Reports

- A. 2022 Police Capital Equipment Purchases
B. School Resource Officer Statistics

XII. City Manager Updates

XIII. Items for Council Discussion

Adjournment



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CITY COUNCIL

JANUARY 10, 2022 **REGULAR MEETING MINUTES**

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Mark Altrip, Movement Church, gave the invocation

Boy Scout Troop 148 led The Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Finance Director Dave Delande, Community Relations Director David Ball, Recreation and Parks Director Ed Merritt, Police Chief Eric Grile, Deputy Police Chief Mike Wood, Transportation and Mobility Director Letty Schamp and Clerk of Council Diane Werbrich

APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the December 13, 2021, Special/Executive Session or Regular meeting minutes. Hearing none, the minutes were approved as submitted.

STATUS:	Accepted
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

COMMISSION AND BOARD REPORTS

President Teater announced he will be meeting with Mr. Marsh to discuss future board appointments and positions.

Board of Zoning Appeals - No report.

Destination Hilliard - Mr. Marsh stated Destination Hilliard (DH) approved the contract with the City on Tuesday, December 14, 2021.

Environmental Sustainability Commission - Mr. Marsh reported the Styrofoam collection held on December 30, 2021, was a tremendous success with 250 cars coming through and approximately 1,500 pounds of Styrofoam collected. Mr. Marsh announced the next collection will be on Earth Day in April.

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

Planning and Zoning - No report.

Public Arts - Vice President Tarazi reported there is an effort to join with the schools for a public arts project and he will provide updates soon.

Minutes Acceptance: Minutes of Jan 10, 2022 7:00 PM (Approval of Minutes)

Recreation and Parks Advisory Commission - Mr. Carrier stated that Council needs to have a discussion on what they would like to see from Recreation and Parks. He requested data on what the expectations are in terms of design and input into the new community center and soccer facilities or athletic fields. Mr. Carrier mentioned that he asked the Recreation and Parks Advisory Committee (RPAC) in January if they wanted to visit some pools or pool designs in the area and did not receive a response and heard staff said they were going to do all of that. Mr. Carrier feels that Council needs to determine what the RPAC needs to do regarding gathering information for Council to consider. He stated a soccer organization is in attendance to address Council on their needs for field space. He would like to have the RPAC bring forward information to address the needs of the community since the passage of Issue 22. Mr. Carrier commented that his biggest fear is that the City does not build things big enough to meet the needs of the community and that it is critically important to have a discussion. He suggested scheduling an early work session to discuss what Council's and the community's expectations are because a work session in the fall would not be effective. Vice President Tarazi asked where on the agenda would this discussion take place since there were several issues Mr. Carrier brought up. President Teater suggested Council have a discussion during the public comments portion since there are several individuals in the audience who may wish to speak.

Shade Tree Commission - Mr. Marsh reported the annual tree planting is ahead of schedule.

Other Boards/Commissions - No report

RECOGNITION AND SPECIAL GUESTS - NONE
CHANGES TO THE AGENDA - NONE

CONSENT AGENDA

A. NEW LIQUOR LICENSE - BOB EVANS 3910 LYMAN ROAD

Council approved the Consent Agenda by Voice Vote.

STATUS:	Approved
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

Amy Gonzales, 3657 Wenwood Drive, regarding Olimpia USA Soccer using City soccer fields.

Mr. Carrier asked what the pre-COVID and current rental costs for the use of Franks Park in Columbus are. Ms. Gozales replied since they started in 2017, the cost for the use of Franks Park has increased 85% and in January 2022 the cost per hour went up \$9.00.

Mr. Carrier reported when he was on vacation in March 2020 at the start of the pandemic, Council made a policy on athletic field space, and this is a good example of why Council needs to examine what they are doing. He asked Ms. Gonzales to attend the meeting to share their challenges and believes Hilliard kids should play in Hilliard. Mr. Carrier explained that under the Sports Commission, the City took over the baseball field management and at that time the Sport Commission came to Council because there was a greater need for baseball/softball fields than the City could accommodate. Mr. Merritt reworked the policy to allow all Hilliard softball/baseball players to play in Hilliard and host their tournaments, which allowed them to be effective as a club. In March 2020, Council decided to allow one club to manage the soccer space and, as everyone is aware, they cannot manage the tournament traffic. Mr. Carrier noted that with Issue 22 passing, it is the opportune time to utilize some resources to solve these issues so that the fields are utilized equally for all Hilliard kids and not just the kids in one club. He asked staff for a solution to solve this issue with the current fields along with a plan with what will be done between now and the construction of the road since it is scheduled to go directly through the Hilliard Ohio Soccer Association (HOSA) fields.

Mr. Carrier stated in 2020 Council reviewed gender, diversity, inclusion and equity and a policy of a singular club managing the majority of the City's soccer space has created, in his opinion, a glaring inequity. He asked for a policy that allows all Hilliard kids to be able to play and be treated equally and is what he will drive for with the new fields. He asked with the passage of Issue 22 if the RPAC could review if a 20% increase in field space is the right amount of space and he would also like to know how that percentage was determined since HOSA services less than half of the City's kids in that space. Mr. Carrier added this is not about sports tourism or tournaments. It is his understanding that the HOSA contract was adjusted to not allow tournaments because of the traffic issue but is about basic services for Hilliard kids to play here versus elsewhere. Mr. Carrier reported Olimpia USA has 40% Hilliard kids and 60% from other places, which is likely consistent and prevalent across all clubs because of how the club systems are designed. He feels that this issue should be expedited at the next meeting so there is a plan from Mr. Merritt and Ms. Crandall on how to solve this in a way that is equitable for all of Hilliard kids and suggested reviewing how the City handled this with baseball.

Mr. Carrier commented that the City is looking to build a community center and expand the Recreation and Parks programming but he does not understand why the City would not look into managing the current field spaces and yet expect to manage a new facility and new space.

Vice President Tarazi stated he heard several different valid issues to be discussed like what is the RPAC role moving forward, the policies relating to our current fields, and the road. He noted that when an item has lots of issues to be discussed, typically Council schedules a Committee of the Whole meeting so that there is time for everyone's input and discussion and to give administration the opportunity to prepare. Vice President Tarazi suggested proceeding in an organized fashion so the topic can get the time it deserves. Mr. Carrier replied that the most immediate issue is the one presented by Ms. Gonzales and the second one is when the City is going to grab the land from HOSA because it will be needed for construction, which means addressing the current policy with one club managing all the field space. The third is Ms. Crandall stated she would review all policies in the first quarter of last year and this is a policy that he believes can be pulled out since it is clearly not equitable and needs to be fixed. He added Council also needs to discuss capacity regarding pool size, use of fields, access, and traffic but the administration may need more time for those. There is a policy in place for baseball that was utilized and worked fine. Vice President Tarazi stated he is not sure the policy can be changed while in a contract with HOSA. Mr. Carrier replied he asked for the current contract today but believes there are provisions in the contract where the City can take over the fields. Vice President Tarazi stated the Law Department needs to review the contract and asked Ms. Crandall if staff would be ready to address some of these issues at the next Committee of the Whole meeting.

Vice President Tarazi, seconded by Mr. Carrier, moved to schedule a COW meeting on January 24, 2022, to discuss Recreation and Parks Issues by Voice Vote.

MOVER:	Omar Tarazi
SECONDER:	Les Carrier
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

Ms. Hale (in Spanish) thanked Ms. Gonzales for serving our kids, for representing a lot of teams and kids that may not get to play and for coming tonight.

President Teater thanked everyone for attending.

Vice President Tarazi asked Ms. Gonzales if they target a specific region, income level or bilingual skills for the diversity in their group relative to other groups. Ms. Gonzales replied they do not and have been formed this way through word of mouth because their ability to communicate in Spanish. Vice President Tarazi asked if other groups do not do this. Ms. Gonzales replied that others do not but that is not who they are and feels they fill a specific niche in the growing Spanish speaking community in the City. She

feels all kids should have a competitive place to play in Hilliard and noted the competitive high school teams come from support of sports clubs. She asked why people have to look outside the City for competitive soccer and most do just that but her group would like to change that.

Vice President Tarazi asked what the price increase equates to per year. Ms. Gonzales replied for Spring alone the price increase is approximately \$15,000.00. She added this is their passion and feels they give these kids a purpose and it would be amazing to have the support of Hilliard. They are proud of who they are and say they are a Hilliard based club.

Ms. Vermillion asked what reasoning the City of Columbus gave for the increase. Ms. Gonzales replied that the City of Columbus says they are short-staffed and COVID has affected everything because they cannot find workers and must pay their current workers more money. She added they do not fertilize or maintain the fields, in fact, her group lines their own fields. Ms. Gonzales reported that the goals at Frank's Parks belong to their club, which frequently get destroyed because it is a public park.

Ms. Vermillion asked how other clubs are dealing with this. Mr. Carrier replied that most of the City of Columbus's lease time is to one organization at Spindler Park and then that organization sub-leases various space and time to other clubs in Columbus and Hilliard. He added that lease with the City of Columbus is a couple years away from being renewed or not renewed. Mr. Carrier reported there is a significant number of Hilliard City School District kids who are playing full-time at Spindler Field because, in his opinion, the City has not allowed space to be utilized effectively by funneling it to one club. He stated it can be solved by having the will, the policy and discussion to do it.

Ms. Vermillion commented that most are not aware of all of this going on because she does not have small kids who play soccer. Mr. Carrier reported that the club's business model is nonprofit, and many have problems finding gear, space and coaches and one of the ways to offset these costs is by hosting tournaments. HOSA sub-leases the fields for tournaments, which is how they make money to pay staff and maintenance costs.

Ms. Hale asked that when Council receives the soccer information could it also include the percentage of kids who are bilingual or Spanish speaking in the Hilliard public schools. This team is not 100% from Hilliard but seems to represent more of the population that the City has as bilingual.

Mr. Jared Ysseldyhe, 3092 Landen Farm Road, West, spoke regarding mask mandates.

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

No one spoke for or against ORD 21-43, 21-44 or 21-45 at the Public Hearings.

21-43 APPROPRIATING FUNDS FOR THE PURPOSE OF PAYING OFF A SHORT-TERM NOTE; AND AUTHORIZING THE EXPENDITURE OF FUNDS

STATUS: Adopted

AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

President Teater announced 21-43 passed and would take effect at the earliest time allowable by law.

21-44 CHANGES IN THE B-4 ZONING DISTRICT (AMENDED)

Ms. Clodfelder stated that there were two changes made to Exhibit D since the December 13, 2021, meeting. One change was updating language to ensure that if something did not get approved versus the conditional use that it was approved as part of the conditional use, and nothing was considered permitted. The second change was the 15 feet utility substation from property lines that Ms. Vermillion asked about.

After reviewing other jurisdictions codes, there were a wide range of distances so instead of arbitrarily assigning a distance, it was determined that the distance would be removed, and conditions would be added for development to include screening and that it could not be located on a public street.

Mr. Marsh, seconded by Ms. Vermillion, moved to approve the amendments to 21-44.

STATUS: Approved (7-0)
MOVER: Pete Marsh
SECONDER: Cynthia Vermillion
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

STATUS: Adopted (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
 President Teater announced 21-44 passed and would take effect at the earliest time allowable by law.

21-45 AUTHORIZING THE CITY TO ACCEPT ARTICLE 29 INTO THE COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC.

STATUS: Adopted
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
 President Teater announced 21-45 passed and would take effect at the earliest time allowable by law.

FIRST READINGS

22-01 AMENDING CHAPTERS 1107 AND 1123 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE APPROVAL PROCESS FOR CONDITIONAL USES.

Ms. Clodfelder reported that at the last Council meeting there was a motion to have the Law Department draft Code amendments that would make all conditional uses be heard, recommended by Planning and Zoning Commission (P&Z) and then presented to Council for final approval. To reflect this, there are changes to Chapter 1107 regarding the duties of the P&Z Commission to ensure they are making recommendations on conditional uses versus final approval. There are changes throughout Chapter 1123 to account for Council's final approval. She noted there was also a slight language change in Exhibit B, which has been corrected.

She explained that the exhibits as part of the legislation are changing all conditional uses, recommendations by P&Z and forwarded to Council for final approval. After further review, staff recommends that only conditional uses listed in the B-4 District be part of this process and conditional uses in other districts remain with final approval from P&Z. She noted this was determined because the City is undergoing the Comprehensive Plan and that review specifically addresses the B-4 District. Ms. Clodfelder added the P&Z have considered 16 conditional use applications with one pending.

Ms. Vermillion asked what would be included in conditional uses outside the B-4 District. Ms. Crandall replied that in the meeting packet (page 42) there is a list of conditional uses that have come through the P&Z in 2019-2021 from any district. Ms. Clodfelder gave some examples that were in the packet and stated that they can be broad ranging in each district. Ms. Vermillion asked since there are not that many conditional uses since 2019, why was it decided that Council would only approve the ones in the B-4 District. Ms. Clodfelder replied that the Comprehensive Plan is focused in this area and Council was looking into reviewing the B-4 District more closely because they were more important. She noted that bringing all conditional uses to Council adds two to four weeks for approval and in some cases the

conditional uses are welcome in these areas. Ms. Clodfelder stated the current exhibits cover all conditional uses and if Council wanted just the B-4 District, that is ready as well but wanted to make the recommendation first.

President Teater clarified that currently in front of Council is that Council will approve all conditional uses, but it is administration's recommendation that Council only approve the conditional uses in the B-4 District. Ms. Clodfelder agreed and said that it would slightly change the language to the amendments in Chapter 1107 and 1123 because some of the conditional uses that were changed in the current Exhibit B are not conditional uses in the B-4 District.

Mr. Hartmann stated that there was some confusion after the last meeting, and he interpreted that Council wanted all conditional uses to come to them. After some discussion with staff, some interpreted as just for B-4 and that is why they brought back all conditional uses today. He noted that their recommendation is to just include the B-4 District temporarily until the Community Plan and studies are completed and figure out what will be done in that area and did not want to do a total revamp of all conditional uses to slow the process down. Mr. Hartmann noted that Council has two options, but it is recommended just for the B-4 District and this is just the first reading. President Teater reported if Council decides to go with staff's recommendation, this ordinance will have to be amended. Mr. Hartmann agreed that it would have to be amended at the second reading.

Mr. Carrier asked if Council not reviewing all conditional uses adds a layer of complexity and if the marijuana dispensary conditional use that was denied recently was in a B-4 District. Ms. Clodfelder replied that the marijuana dispensary is in the Mill Run PUD. She reported there would only be one district that would have to go through an extra step and would not add complexity except for adding some time to the process and an additional box that would need to be checked.

Mr. Marsh stated he is open to Council not approving every conditional use but, in his opinion, there are some other areas. He noted that until the plan is completed, for example, Cemetery Road seems to be an area that the City should be cautious about. Mr. Marsh felt that some of the examples given by Ms. Clodfelder do not necessarily need to be approved but there should be some extra reviews in other areas.

Ms. Hale explained that in reviewing the provision the clubs and lodges for fraternal organizations is a condition throughout all four of the B Districts and feels this would add some complexity if something was brought before P&Z for a conditional use in B-2 and it was approved. She added if a different organization brought the same conditional use forward in a B-4 and Council does not approve it, but P&Z just approved the other in the B-2.

Ms. Vermillion felt that it is more complex if one section needs approval and others do not. She added it would be easier for businesses in the City to know that if it is a conditional use, it would have to be approved by Council.

Vice President Tarazi mentioned that as a developer or business this would add more time and randomness to what happens. He would like to see the City get to where we know what we want and do not want and where we want it and do not want it. For example, the marijuana dispensary where do we want these types of business, if at all.

President Teater clarified that the marijuana dispensary was not a conditional use but a modification to a PUD and is why it had to come to Council for approval. If it was a conditional use, it would not have had to come before Council and would have been decided upon by the P&Z. Ms. Crandall and Ms. Clodfelder agreed.

Mr. Carrier stated that in the interim and until the new Comprehensive Plan is in place and staff has had time to present it to both P&Z and Council, those conditional use changes should come through Council.

Mr. Hartmann stated that it appears that Council would prefer to have all conditional uses approved by Council. Ms. Crandall remarked that the staff recommendation is not a strong one and was presented for the ease of getting things through the process of things that the City wants to see versus carving out one district. The I-270 B-4 in the previous legislation was another attempt to make sure what the City wants in that district before the City determines what they want as far as a Community Plan update and this would go hand and hand with that if it was just limited to B-4. She noted staff is completely fine if Council's preference is to approve all conditional uses.

Vice President Tarazi believed that this is temporary and asked what the time frame for completion is. Ms. Crandall replied there is a consultant coming in to look at just this district. Mr. Talentino stated there is a consultant that will start sooner to review some of the code changes, and it is possible to have that go before P&Z and Council before the Comprehensive Plan is completed. Generally, after a Comprehensive Plan is completed and there are recommendations in it regarding code changes, that typically happens after the fact but because this discussion happened sooner, they can get started on it sooner. Vice President Tarazi asked again what the time frame would be. Mr. Talentino replied that it would depend on the scale and scope of what is done in terms of uses in certain districts. Ms. Crandall added there would be a complete overhaul of the code in this district, which would be her preference and recommendation then it would be towards the end of 2022. She added the Comprehensive Plan will come back around that time as well, but this allows the City to get ahead of the desired code sections changes. Other districts or focus areas that will come forward from the Comprehensive Plan will lay out the big picture but then the City will hire someone to do the code that will draw the complete picture of the Comprehensive Plan and for other districts it will be the following year before the code changes come before Council. President Teater noted that this saved some discussion since Council agrees to have all conditional uses come before Council.

STATUS:	First Reading
MOVER:	Pete Marsh
SECONDER:	Cynthia Vermillion
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced the second reading/public hearing on 22-01 will be January 24, 2022.	

22-02 ACCEPTING THE APPLICATION FOR ANNEXATION OF 6.0 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL DISTRICT.

Ms. Crandall explained this ordinance would approve the annexation of 4702 Cosgray Road, which is located immediately north of Bo Jackson. This has come through the process of filing a petition with Franklin County and came back before Council where a resolution was passed that indicated that the City would be able to provide the services if annexed. She noted this is the actual request to annex and staff is recommending that Council not approve this legislation due to the lack of fiscal benefit to the City.

Aaron Epling, 3544 Main Street, attorney for the applicant, stated the most important reason to approve this annexation is for the environmental aspect and allows them to use City water and sewer rather than well and septic. He disseminated the plans for the property, which consists of three \$500,000.00 homes on 3/4 of the property and then preserving 1/4 to the back of the property as a wooded area. Mr. Epling reported the staff recommendation to not approve this annexation based on fiscal reasons and half of the individuals who will be living on this property work from home so there will be income tax realized, which may not be the highest fiscal benefit but the City will make money. He noted these individuals own the property and have the right to develop it and the burden on the City is minimal. Mr. Epling reported that Phase 2 of the sewer project that is scheduled at the beginning of this year will go right by that property so there will be no burden to the City and is already located in the Hilliard City School District and receives the same fire services and reiterated they have a right to develop the property, which he feels is a compelling reason. He added four of the six individuals are life-long Hilliard residents. Mr. Epling asked that they address Council's concerns and stated the biggest disservice Council could do to an applicant is to vote against an application, and not state why.

Mr. Carrier stated this will go to a broader discussion around our policy and Comprehensive Plan with staff. He noted the sewer line is coming across those fields and down from the north and connect in front of the Bo Jackson facility because of the Amazon development. Mr. Carrier added this may be the first of many in the City's contract area who may want to annex and apply for services. He asked how Council can deny these Hilliard residents from wanting to stay in the City, yet recently approved 239 units and had a positive recommendation for MI Homes so he does not understand the reason for denial. Mr. Carrier added the homes are built of a size that if children come into the home, that tax revenue from the property side covers the cost of education currently based on the evaluation of the homes presented. He asked if seven or eight of these lots to the north that are in the City's contract area come together and combine with a development plan for housing or condos, would the City still be averse to that. Ms. Crandall replied that Administration's recommendation for housing remains the same around the edges of the City. She added there are some pockets within the City that make more sense, and this is a policy conversation for Council around annexation and housing. Housing is a drain on City resources and only brings in a very small amount of property tax and is the cost of services. Ms. Crandall noted this is only three homes and the question is how much the City wants to grow beyond its boundaries with housing that cost the City more money over time to maintain that infrastructure and begs the bigger question of the policy that Council needs to discuss. The Big Darby area is going to be a point of discussion for Council and is part of the Community Plan focus area. She thought that Council needs to think through if there is an interim policy they would like to see put in place or an annexation policy that serves as guidance for what the City would want to come in and not come in.

Mr. Carrier stated the lines are going to be put in because of the Amazon development and asked what the real cost is to the City if they are being put in for commercial development to the south. Ms. Crandall replied that it would be the cost of City services the Operations team would provide, and this is the larger question of a policy accepting housing as annexations. Mr. Carrier then asked if the City does not accept the annexation, do they have the alternative to go to the City of Columbus for annexation to the north. Ms. Crandall replied that they could and that there is another property to the north of them and then it is in the City of Columbus with Franklin County Metro Parks next to them. Mr. Epling added this property is land locked by the City. Mr. Carrier commented that it is his understanding that the City's contact area goes to Hayden Run and the services agreement with the City of Columbus. Mr. Hartmann replied he is unsure if this is the City's exclusive or joint area. Mr. Carrier stated it is the City's exclusive areas all the way to Hayden Run. Ms. Crandall agreed. Mr. Hartmann then reported they could not go to the City of Columbus without a change in the sewer contract. Mr. Carrier then asked if the annexation is denied, do they have the legal ability to negotiate services from somewhere else is his question to staff. Mr. Hartmann said the only logical choice would be the City of Columbus and if it is prohibited in their agreement, the agreement with the City is to provide sewer and water. Mr. Carrier replied that he would caution that if it is the City's contracted area and the City is not going to provide services based on staff recommendation because it is residential, he agrees with the environmental piece and the much bigger issue is the City will have those homes going possibly to the north and you may see apartments stacked on top of each other. There is a huge policy issue. Mr. Hartmann stated to the north is the City's service area so they would have to come through and they would not be able to build apartments if it stays in the township because there would not be the water and sewer capacity. The only service that could be provided here is the City or the City of Columbus and the City of Columbus will not change it without changing their sewer contract, which is difficult to change. He noted this property would most likely have to stay in the Township, which means it will not develop in a multi-family way.

Mr. Marsh remarked that he is sympathetic to the idea that there needs to be a policy so it is not the next one and the next one and thought it could be something as simple as if a property is not adjacent to the City's existing sewer line. He recalled that when the resolution was before Council, the homeowners knew they were responsible for installing that sewer connection. Mr. Marsh added there are small tax benefits and small costs and if there was a policy regarding adjacency then the hard line has been created to say that the City is not going on and on to the north and is something to think about as an option. Mr. Carrier stated they may want a buffer just like has been discussed with the Darby Accord.

Ms. Vermillion reported Mr. Carrier compared this to the MI Homes situation, which was annexed in 2016 and was not part of Council's decision making. She added that is a completely different situation and Council has discussed not wanting to piecemeal the planning in the City and feels this is exactly what this is doing, which is a no go for her. She would like to know through the Comprehensive Plan what the future looks like north of Bo Jackson and to the west and going decision by decision is that piecemealing that Council has said in the past that they do not like doing it that way. Ms. Vermillion stated that although she is sympathetic and believes they have the right to develop the property, it is not located in the City and they were aware of that when they purchased the property, which the possibility of it not being annexed into the City had to be part of the equation.

President Teater asked if the access that services this property going to be a private drive. Mr. Epling agreed that it will be a private drive.

Vice President Tarazi asked if this property should be on pause until the overall policy is created or is this such a low cost for only three houses on one piece of land. Is there value in holding up this property and pausing until the policy is figured out or can this one go through in order to work on the bigger policy. He added Council agrees work must be done on a bigger policy but is the trade off on this piece of land worth putting aside until the bigger policy is developed. Mr. Hartmann explained that the City does not have the ability to put this on pause and Council has to either approve or deny it within a certain period of time based on the annexation timeline. Vice President Tarazi clarified that Council could deny it to figure out the broader policy and then they can come back, or Council could approve it since it seems to be a very small piece of the puzzle. He added he is trying to quantify the tradeoff. Ms. Crandall replied that Ms. Vermillion said it well as to whether Council wants to piece meal or bring back the Comprehensive Plan and then Council can have a discussion around annexation and uses.

Mr. Carrier reported that he believes there is a new dynamic post COVID with more people working from home and taxpayers are living and working in the same place. The City is actually designing and supporting that through new development with fiber and wiring. In terms of decision and policy making it is not safe to assume that housing does not add income tax as traditional residential used to do. He added that residential is what the City does or does not want where it was a couple of years ago in a general sense. Mr. Carrier stated that he is certain there are a lot of individuals working from home that are going to pay taxes that did not pay taxes when they worked in the City of Columbus.

STATUS:	First Reading
MOVER:	Les Carrier
SECONDER:	Omar Tarazi
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced the second reading/public hearing on 22-02 will be January 24, 2022.	

22-03 APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND AUTHORIZING AN EXPENDITURE.

Mr. Delande reported the City had significant net profit this past year for taxes due and they need to appropriate those refunds back to the taxpayers. He added these will be monitored this year because there are additional, sizeable declaration of estimated payments that were applied this past year.

Mr. Carrier asked how long it takes to know if the money will be drawn back for overpayment or if it is the City's. Mr. Delande replied there was one that filed for extension in 2020 that is due in November of this year, which is a year in arrears, and they applied a considerable amount for an estimated payment. Mr. Carrier then asked if the money is apportioned based on the fact the business tax may change or is it kept in a fund. Mr. Delande replied when they apply it is kept in a Business Return Fund. Ms. Crandall added the City has a conservative baseline of what the City could bring in. As Council has done in the past, if the City does realize that some of the funding was captured it could be put towards a one-time Capital Project and some significant projects have been done in the past based on that.

STATUS: First Reading
MOVER: Les Carrier
SECONDER: Cynthia Vermillion
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
 President Teater announced the second reading/public hearing on 22-03 will be January 24, 2022.

B. Resolutions - None

PRESIDENT'S COMMUNICATION - None

STAFF REPORTS

Ms. Schamp reviewed the Cosgray/Scioto Darby Road Evaluation. (See attached)

Ms. Schamp recommends using raised sidewalks if a round-a-bout is chosen. A round-a-bout performs better from a service standpoint. If the signal alternative is selected adding capacity for future growth would require additional through lanes on Cosgray and Scioto Darby Roads.

The difference in cost with keeping the bypass lanes is approximately \$500,000.00 - \$750,000.00 for construction costs upfront.

Council agreed with the round-a-bout with the bypass lanes.

CITY MANAGER UPDATES

Ms. Crandall referenced her note on the vaping legislation and diversion program. She reported she spoke with School Superintendent David Stewart and their administration and staff are eager to move forward on this. There were no objections from Council. President Teater reported this was put together and ready to go when COVID hit and grounded it to a stop. He noted there are no reservations from Council to move ahead with this.

Mr. Carrier asked if this program would be eligible for State funding for some of this program. Ms. Crandall replied staff will look into funding options for this.

President Teater thanked the boy scouts and their leaders who attended this meeting.

ITEMS FOR COUNCIL DISCUSSION

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

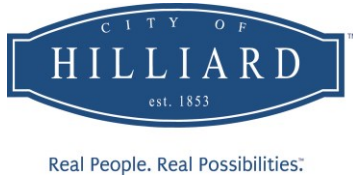
MOVER: Les Carrier
SECONDER: Omar Tarazi
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

ADJOURNMENT – 9:06 PM

 Andy Teater, President
 City Council

 Diane Werbrich, MMC
 Clerk of Council

Approved: _____



CITY COUNCIL

JANUARY 10, 2022 **ORGANIZATIONAL MEETING MINUTES**

CALL TO ORDER

The meeting was called to order by President Pete Marsh at 6:49 PM.

OATH OF OFFICE

The following Council Members took their Oath of Office:

Peggy Hale (Council Member Les Carrier administered)
 Andy Teater (State Senator Stephanie Kunzie administered)
 Les Carrier (Council Member Peggy Hale administered)
 Tina Cottone (State House Representative Allison Russo administered)

ROLL CALL

Attendee Name:	Title:	Status:
Pete Marsh	President	Present
Les Carrier	Vice President	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Omar Tarazi	Councilman	Present
Andy Teater	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

NOMINATIONS AND ELECTION OF PRESIDENT OF CITY COUNCIL

Ms. Vermillion, seconded by Ms. Cottone, nominated Mr. Teater for President of Council.

STATUS:	Approved
MOVER:	Cynthia Vermillion
SECONDER:	Tina Cottone
AYES:	Marsh, Carrier, Cottone, Hale, Tarazi, Teater, Vermillion

Mr. Marsh turned the meeting over to newly appointed President Teater.

NOMINATIONS AND ELECTION OF VICE PRESIDENT OF CITY COUNCIL

Vice President Carrier, seconded by Mr. Marsh, nominated Mr. Tarazi as Vice President.

STATUS:	Approved
MOVER:	Les Carrier
SECONDER:	Pete Marsh
AYES:	Marsh, Carrier, Cottone, Hale, Tarazi, Teater, Vermillion

APPOINTMENT OF THE CLERK OF COUNCIL

22-R-01 COUNCIL APPOINTMENT OF DIANE C. WERBRICH AS CLERK OF COUNCIL.

Minutes Acceptance: Minutes of Jan 10, 2022 6:45 PM (Approval of Minutes)

STATUS:	Adopted (7-0)
MOVER:	Les Carrier
SECONDER:	Omar Tarazi
AYES:	Marsh, Carrier, Cottone, Hale, Tarazi, Teater, Vermillion

CLERK OF COUNCIL OATH OF OFFICE BY COUNCIL PRESIDENT

President Teater administered the Oath of Office to Ms. Werbrich.

PRESIDENT COMMUNICATION

President Teater welcomed Ms. Cottone and Ms. Hale to City Council. He recognized and thanked Mr. Marsh for his service as President of Council in 2021.

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

STATUS:	Adopted
MOVER:	Les Carrier
SECONDER:	Omar Tarazi
AYES:	Marsh, Carrier, Cottone, Hale, Tarazi, Teater, Vermillion

ADJOURNMENT – 7:02 PM

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Council Memo: Legislation (22-01)

Subject: Amending the Zoning Code regarding Conditional Uses
From: Michelle Crandall, City Manager
Initiated by: Philip Hartmann, Law Director
Date: January 24, 2022

Executive Summary

This Ordinance would approve changes Chapters 1107 and 1123 of the City's Codified Ordinances regarding changes to the approval process for conditional use applications.

Staff Recommendation

Staff recommends that changes to the Chapter 1107 and 1123 regarding conditional uses be limited to the B-4, I-270 Corridor District.

Background

On December 13, 2021, City Council voted to direct the Law Department to draft amendments to the City's Zoning Code regarding the process for conditional use applications and asking that all conditional use applications be reviewed by City Council for final approval.

Upon review, Staff finds that limiting this process is beneficial for the B-4, I-270 Corridor District. The City is currently undergoing a comprehensive review, which review will specifically address this area and the City would then take steps to align the code with the revised comprehensive plan recommendations. Over the past 2 years, the Planning & Zoning Commission has considered 16 conditional use applications and there is currently one pending application.

Staff has researched the issue regarding different approval processes for different zoning districts and determined that the City has legitimate governmental objectives to enact differing processes, such as to ensure fiscal integrity and/or to achieve the plan intent for a specific focus area of the comprehensive plan update. These objectives are relatable to ensuring the B-4, I-270 Zoning District is developed consistent with the Zoning Code.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

N/A

Attachments

- Table of Code Amendments
- List of Conditional Use Applications for 2019 to 2021
- Exhibit A
- Exhibit B

Code Section	Change	Reason for Change
1107.02 Planning and Zoning Commission Powers and Duties	Specifying that P&Z would review conditional use applications and forward its recommendation to Council for final approval	Ensuring City Council has final approval for each conditional use application
1107.03 Powers and Duties of the City Council	Specifying that Council will decide upon conditional use applications	Ensuring City Council has final approval for each conditional use application
1123.01 Purpose	Specifying that conditional uses only permissible when approved by City Council	Ensuring City Council has final approval for each conditional use application
1123.02(a) Application	Deleting language regarding a written application	All applications accepted electronically
1123.02(a) Notice of Hearing	Changing distance of written notice from 200 feet to 400 feet	Staying consistent with notifications for a rezoning and PUD modification
1123.02(e) Required Vote	Changing language providing for P&Z recommendation to Council and submitting it in the form of a resolution	Ensuring City Council has final approval for each conditional use application
1123.02(f) Hearing by City Council	Specifying public notice requirements for conditional use application	Ensuring City Council has final approval for each conditional use application
1123.02(e) Action of City Council	Specifying the process of Council consideration of conditional use application and required vote	Ensuring City Council has final approval for each conditional use application
1123.02(h) Review Criteria	Clarifying that P&Z and City Council reviews all conditional use application against the general standards and any specific standards	Ensuring City Council has final approval for each conditional use application
1123.03 General Standards	Outlining the general standards City Council must consider during review of conditional use application	Ensuring City Council has final approval for each conditional use application
1123.05 Expiration	Providing that City Council may extend a conditional use application for an additional 12-month period if construction is not complete and significant progress has not been made	Ensuring City Council has final approval for each conditional use application
1123.07 Performance Guarantees	Specifying that City Council may require performance guarantees	Ensuring City Council has final approval for each conditional use application
1123.10(c) Use Requirement – Restaurants, Bars and Taverns	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.12(d) Use Requirement – Medical Marijuana Cultivator, Processor, Retail Dispensary, and Testing Laboratory	Clarifying P&Z roles and City Council roles in approval	Ensuring City Council has final approval for each conditional use application

1123.14(a) Use Requirement – <i>Heliports and Helipads</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.14(b) Use Requirement – <i>Cartage, Express, Parcel Delivery Services, Warehouses, Distribution Centers and Truck Terminals</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.15(b) Use Requirement – <i>Wireless Communication Facilities</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.16(a) Use Requirement – <i>Drive-in or Drive-Thru Facilities for Pharmacies, Dry Cleaners or Others Not Specified (Not including Drive-Thru Restaurants)</i>	Clarifying P&Z role of recommendation rather than approval	Ensuring City Council has final approval for each conditional use application
1123.16(c) Use Requirement – <i>Vehicle Repair, Major</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.16(f) Use Requirement – <i>Vehicle Repair, Major</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.17(a) Use Requirement – <i>Chemical Manufacturing and Storage</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.17(b) Use Requirement – <i>Mineral Extraction</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.17(c) Use Requirement – <i>Outdoor Storage Accessory to an Allowed Principal Use</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application
1123.17(d) Use Requirement – <i>Hookah Lounge/Vapor Lounge</i>	Specifying City Council to consider specific standards	Ensuring City Council has final approval for each conditional use application

CONDITIONAL USE APPLICATIONS
2019-2021

<u>Case #</u>	<u>Business Name</u>	<u>Address</u>	<u>Request</u>	<u>Approval Date</u>
19-0434LC	Sunrise Academy	5677 Scioto Darby	Private school	5/9/19
19-0440LC	Self storage	Brown Park Drive	Self storage	6/13/19
19-0448LC	Liberty Baptist Church	3700 Lacon	Place of worship	7/11/19
19-0451LC	Norwich Township Storage building	Northwest Pkwy	Government facilities	8/8/19
190455LC	Sunrise Academy High School	5677 Scioto Darby	Private School	11/14/19
19-0461LC	Buckeye Body Shop	3949 Parkway	Auto repair	10/10/19
19-0466LC	Hilliard Pediatric Dentistry	5138 Norwich	Residence above office	11/14/19
20-0485LC	S&K Tire & Auto	4896 Scioto Darby	Auto repair	3/12/20
20-0489LC	Citadel Café	4734 Cemetery	Car rental	3/12/20
20-0491LC	Gas Station	6506 Scioto Darby	Drive thru	3/12/20
20-0502LC	Sunrise Academy	5657 Scioto Darby	Private school	4/9/20
20-0512LC	Sheetz	4279 Cemetery	Vehicle service station	7/9/20
20-0518LC	Westwood Fieldhouse	4400 Cemetery	Indoor recreation	9/10/20
20-0528LC	Grandview Christian	3700 Lacon	Place of worship	11/12/20
PZ-21-43	Buckeye Collision	3949 Parkway	Auto repair	10/14/21
PZ-21-45	Waters Edge Event Center	4635 Trueman	Assembly hall	10/14/21
PZ-21-54	PetSuites	SE corner All Seasons & Britton Pkwy	Kennel	Pending



Ordinance: 22-01

Passed:

Page 1 of

Effective:

**AMENDING CHAPTERS 1107 AND 1123 OF THE CITY'S CODIFIED ORDINANCES
REGARDING THE APPROVAL PROCESS FOR CONDITIONAL USES.**

WHEREAS, Chapter 1107 of the City's Codified Ordinances provides that the Planning and Zoning Commission (the "Commission") renders decision on conditional use applications; and

WHEREAS, Chapter 1123 of the City's Codified Ordinances provides for the standards and processes regarding the approval of conditional uses; and

WHEREAS, City Council desires to amend these Chapters to state that the Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

WHEREAS, amending Chapters 1107 and 1123, as identified in Exhibits "A" and "B", 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 Chapters 1107 and 1123 of the City's Codified Ordinances, as identified in Exhibits "A" and "B", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions Chapters 1107 and 1123, as shown in track changes in the attached Exhibits "A" and "B" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the City's Codified Ordinances, 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

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-01						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh		<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 1107 PLANNING AND ZONING COMMISSION AND CITY COUNCIL

1107.02 PLANNING AND ZONING COMMISSION POWERS AND DUTIES.

In addition to the powers and duties granted in Chapter 713 of the Ohio Revised Code and by the Zoning Code, the Planning and Zoning Commission shall have the following powers and duties:

- (a) Shall carry on a continuous review of the effectiveness and appropriateness of this code and recommend to City Council any appropriate changes or amendments.
- (b) Hear and make recommendations to the City Council regarding specific amendments to this code, including rezoning requests, following the procedure outlined in Chapter 1139.
- (c) Hear and make recommendations to the City Council regarding conditional use applications, following the procedures outlined in Chapter 1123.
- (ed) Render decisions on ~~conditional use applications and~~ site plans, sign modifications, lot splits and preliminary and final plats, unless otherwise specifically provided. A positive or negative decision shall be based on specific provisions of controlling sections of the code and a determination as to whether standards are or are not met.
- (de) Keep minutes of its proceedings showing the action of the Commission and the vote of each member upon each question or, if absent or failing to vote, indicating the same. The Commission shall act by motion. Minutes and the records of all official actions shall be filed with the City and kept as a public record.
- (ef) If there is a quorum, the concurring vote of the majority of Planning and Zoning Commission members present shall be necessary to take any action authorized by the code.
- (fg) Adopt rules and procedures governing its activities, which shall be filed with the Clerk of Council.

1107.03 POWER AND DUTIES OF THE CITY COUNCIL.

With regard to this zoning code, the City Council shall have the following powers and duties:

- (a) Upon receipt of a recommendation by the Planning and Zoning Commission, the City Council shall decide upon amendments to this code, according to the procedure in Chapter 1139.
- (b) Upon receipt of a recommendation by the Planning and Zoning Commission, the City Council shall decide upon amendments to the zoning map (rezoning), according to the procedure in Chapter 1139.
- (c) Upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon a request to rezone land to a Planned Unit Development (PUD) according to the procedure in Chapter 1117.
- (d) Upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon a conditional use application according to the procedure in Chapter 1123.

CHAPTER 1123 CONDITIONAL USES

1123.01 PURPOSE.

Conditional uses are uses of land specifically permitted within a zoning district only with the approval of City Council ~~the Planning and Zoning Commission~~, following a review of the use and its potential impact on its surroundings. These uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the conditional use be evaluated relative to its appropriateness on a case-by-case basis. This chapter establishes the review procedure and the general standards that must be met for all conditional uses. In addition, more specific requirements are established for certain individual uses, as necessary, to mitigate their potential negative impacts.

1123.02 PROCEDURES.

Applications for conditional uses shall be considered in accordance with the following procedures:

- (a) *Application.* An application for conditional use approval shall be made to the Planning Director ~~in writing, on a form for that purpose,~~ and shall be filed prior to the deadline established by the Planning Director in order to be on the agenda of the next regularly scheduled Planning and Zoning Commission meeting at which it is to be heard. The application must be accompanied by a fee, as established by the City Council, a site plan in accordance with the requirements of Chapter 1131 and such other material as deemed necessary.
- (b) *Notice of Hearing.* The following notices shall be provided:
 - (1) Written notice of the hearing shall be mailed by first class mail from the office of the Planning Director to all property owners within ~~400~~ 200 feet of the subject property. The notice shall be sent at least ten (10) days before the day of the hearing and shall contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any proceedings or actions taken by the Planning and Zoning Commission or City Council.
 - (2) Notice to the general public of the Commission's agenda shall be published on the City's website at least fourteen (14) days prior to the date of the hearing, containing information as to the time and place(s) at which the application and all related plans and information may be:
 - A. The specific request being made,
 - B. Date of the public hearing,
 - C. Location of the public hearing, and
 - D. Location where additional information may be obtained regarding the request.
- (c) *Representation.* The applicant shall appear at the public hearing in person or by agent.
- (d) *Record of Proceedings.* The Planning and Zoning Commission shall keep minutes of its proceedings showing the action of the commission and the vote of each member or, if absent or failing to vote, indicating such fact. The commission shall act by motion.
- (e) *Required Vote.* The concurring vote of a majority of Planning and Zoning Commission members present and constituting a quorum shall be necessary to ~~recommend the conditional use application be granted, as requested, or recommend that the application be approved based on certain conditions~~

being met or recommend that the conditional use application not be granted. The clerk of the Commission shall then forward the recommendation to City Council in the form of a Resolution. ~~approve a conditional use application.~~

- (f) *Hearing by City Council.* City Council shall provide public notice and notice to property owners on the conditional use application consistent with subsection (b) above. Mailed notices to surrounding property owners are not required for subsequent hearings before City Council on the same application.
- (g) *Action of City Council.* After being forwarded the recommendation of the Commission on a conditional use application, City Council shall vote on the request to either approve, approve with conditions, or not approve the application. Any Council action to approve the recommendation with new or different supplementary conditions from what the Commission recommended shall only take effect if passed or approved by not less than a majority of the membership of City Council.
- (h) *Review Criteria.* The Planning and Zoning Commission and City Council shall review the application in relation to the general standards of this chapter for conditional uses, as provided in Section 1123.03, and any specific standards required for the use proposed, as identified in this chapter.

1123.03 GENERAL STANDARDS.

Any request for a conditional use shall only be recommended by the Planning and Zoning Commission and approved upon a finding, by ~~the Planning and Zoning Commission~~ City Council, that each of the following general standards is satisfied, in addition to any applicable requirements pertaining to the specific use:

- (a) The proposed use will be consistent with the intent and purposes of this zoning code and the City of Hilliard Comprehensive Plan.
- (b) The proposed use will comply with all applicable requirements of this code, except as specifically altered in the approved conditional use.
- (c) The proposed use will be compatible with the character of the general vicinity.
- (d) The proposed use and site layout will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Due consideration will be given to the location and height of proposed buildings and structures, location and type of proposed fences or walls, location and screening of parking areas, and the location and type of proposed landscaping.
- (e) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the city, state or other agencies to applicable specifications that are necessitated by the conditional use development. Dedication of said public infrastructure may be required.
- (f) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
- (g) The location and scale of the use, the nature and intensity of the proposed operations, the site layout and the relation of the proposed use to surrounding streets will not cause undue traffic congestion or hazards adjacent to the site or in the immediate vicinity beyond that which would be normally expected based on the existing pattern of uses and the planned character reflected in the city's Comprehensive Plan. Peak hour volumes, turning movements, existing street capacity, driveway spacing, sight distances and pedestrian traffic shall all be considered.

1123.05 EXPIRATION.

Approval of a conditional use shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation. ~~The Planning and Zoning Commission~~ **City Council** may, upon written request by the applicant, extend the term of the conditional use approval by one additional period of up to 12 months upon a finding that there have been no changed conditions in the area which would require reconsideration of the conditional use application or site plan. A request for an extension of the initial permit period shall be submitted in writing to the Planning Director prior to the expiration of the initial approval. **Upon a receipt for an extension of the initial permit, the Planning Director shall forward the request to City Council at its next regularly scheduled Council meeting.**

1123.07 PERFORMANCE GUARANTEES.

To assure compliance with this code and any conditions of approval, performance guarantees may be required by the Planning and Zoning Commission **and City Council**, as authorized by Section 1141.05.

1123.10 USE REQUIREMENTS—FOOD, DRINK, ENTERTAINMENT AND HOSPITALITY.

(c) *Restaurants, Bars and Taverns.*

- (1) Amplified sound shall not be audible beyond the business premises.
- (2) Lighting for parking areas, outdoor eating areas (if any), entryways, and loading/unloading areas shall be shielded to prevent light from spilling onto any residential use.
- (3) The size, location, and intensity of the restaurant, bar or tavern use may be considered by the Commission **and City Council** to ensure the use is harmonious with the surrounding property uses and not unduly disruptive to adjacent and/or neighboring property uses.
- (4) As a condition of approval, the Planning and Zoning Commission **and City Council** may impose restrictions on the following:
 - A. The hours of operation to ensure that the business use is not in conflict with adjacent and/or neighboring property uses that could cause excessive noise, traffic, and/or smell to those neighboring uses.
 - B. Parking requirements to ensure that sufficient parking exists on-site and/or within close proximity to the business for its customers and employees.

1123.12 USE REQUIREMENTS—PERSONAL SERVICES.

(d) *Medical Marijuana Cultivator, Processor, Retail Dispensary, and Testing Laboratory.*

- (1) *Medical Marijuana Cultivator.*
 - A. *Medical Marijuana Level I Cultivator.*
 1. *License Required.* It shall be unlawful for any person to operate as a medical marijuana level I cultivator without a valid license issued by the Ohio Department of Commerce.
 2. *Locations.* Medical Marijuana Level I Cultivators are conditionally permitted in the following Zoning District: R-R, Rural Residential. Medical Marijuana Level I Cultivators located in the R-R Zoning District must be located at least 500 feet from an existing residential use.

3. *Application.* An applicant for a Medical Marijuana Level I Cultivator shall file in person with the Planning Director or designee, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the level I cultivation facility;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - c. The physical address of the proposed level I cultivation facility, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - d. The mailing address and telephone number of the applicant; and
 - e. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
 4. *Requirements.* A proposed Medical Marijuana Level I Cultivator facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 of this Code.
 5. *Lighting.* All lighting required by ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
 6. *Provisional Approval.* The Planning and Zoning Commission may only **recommend approval of approve** an application for a Medical Marijuana Level I Cultivator conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. **If City Council votes to approve the application,** ~~€~~ copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's ~~provisional~~ approval by **City Council** ~~the Commission~~ shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of **City Council's** ~~the Commission's provisional~~ approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, **City Council's** ~~the Commission's provisional~~ approval for this conditional use expires immediately. Continued use as a Medical Marijuana Level I Cultivator that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.
- B. *Medical Marijuana Level II Cultivator.*
1. *License Required.* It shall be unlawful for any person to operate as a medical marijuana level II cultivator without a valid license issued by the Ohio Department of Commerce.
 2. *Locations.* Medical Marijuana Level II Cultivators are conditionally permitted in the following Zoning Districts: R-R, Rural Residential, M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the R-R Zoning District must be located at least 500 feet from an existing residential use. Medical Marijuana Level II Cultivators located in the M-1 and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.

3. *Application.* An applicant for a Medical Marijuana Level II Cultivators shall file in person with the Planning Director or designee, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the proposed level II cultivation facility;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - c. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - d. i. If proposed location of facility is located in the R-R Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of an existing residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
 - ii. If proposed location of facility is located in the M-1 or M-2 Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
 4. *Requirements.* A proposed Medical Marijuana Level II Cultivator facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 or Chapter 1113 of this Code.
 5. *Lighting.* All lighting required by ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
 6. *Provisional Approval.* The Planning and Zoning Commission may only **recommend approval of approve** an application for a Medical Marijuana Level II Cultivator conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. **If City Council votes to approve the application, €** copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's **provisional** approval by **City Council the Commission** shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of **City Council's the Commission's provisional** approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, the **City Council's the Commission's provisional** approval for this conditional use expires immediately. Continued use as a Medical Marijuana Level II Cultivator that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.
- C. *Medical Marijuana Plant-only Processor.*

1. *License Required.* It shall be unlawful for any person to operate as a medical marijuana plant-only processor without a valid license issued by the Ohio Department of Commerce.
2. *Locations.* Medical Marijuana Plant-only Processors are conditionally permitted in the following Zoning Districts: R-R, Rural Residential, M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the R-R Zoning District must be located at least 500 feet from an existing residential use. Medical Marijuana Plant-only Processors located in the M-1 and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
3. *Application.* An applicant for a Medical Marijuana Plant-only Processor shall file in person with the Planning Director or designee, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - a. The name of the proposed Plant-only processor;
 - b. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - c. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - d. i. If proposed location of facility is located in the R-R Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of an existing residential use and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
 - ii. If proposed location of facility is located in the M-1 or M-2 Zoning District, a location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
4. *Requirements.* A proposed Medical Marijuana Plant-only Processor facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1109 or Chapter 1113 of this Code.
5. *Lighting.* All lighting required by ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
6. *Provisional Approval.* The Planning and Zoning Commission may only **recommend approval of approve** an application for a Medical Marijuana Plant-only Processor conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. **If City Council votes to approve the application,** **€** copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's **provisional** approval by **City Council the Commission** shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of

City Council's ~~the Commission's provisional~~ approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, City Council's ~~the Commission's provisional~~ approval for this conditional use expires immediately. Continued use as a Medical Marijuana Plant-only Processor that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.

(2) *Medical Marijuana Processor.*

- A. *License Required.* It shall be unlawful for any person to operate a medical marijuana retail dispensary without a valid license issued by the Ohio Department of Commerce.
- B. *Locations.* Medical Marijuana Processors are conditionally permitted in the following Zoning Districts: M-1, Restricted Industrial District and M-2 General Industrial District. Medical Marijuana Processors located in the M-1, and M-2 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
- C. *Application.* An applicant for a Medical Marijuana Processor shall file in person with the Planning Director or designee, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - 1. The name of the proposed dispensary;
 - 2. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - 3. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - 4. The mailing address and telephone number of the applicant; and
 - 5. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
- D. *Requirements.* A proposed Medical Marijuana Processor facility must meet all requirements, including, but not limited to minimum lot area, maximum building height, minimum yard setback, etc., as outlined in Chapter 1113 of this Code.
- E. *Lighting.* All lighting required by ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
- F. *Provisional Approval.* The Planning and Zoning Commission may only ~~approve~~ recommend approval of an application for a Medical Marijuana Processor conditioned upon the applicant receiving a provisional license from the Ohio Department of Commerce followed by securing a certificate of operation from the Ohio Department of Commerce. ~~If City Council votes to approve the application,~~ ~~€~~ copies of the provisional license and the certificate of operation shall be provided to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's ~~provisional~~ approval by City Council ~~the Commission~~ shall expire immediately if the Applicant does not secure a provisional license from the Ohio Department of Commerce within twelve (12) months of City Council's ~~the Commission's provisional~~ approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, City Council's ~~the Commission's provisional~~ approval for this conditional use expires immediately. Continued use as a Medical

Marijuana Processor that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.

(3) *Medical Marijuana Retail Dispensary.*

- A. *License Required.* It shall be unlawful for any person to operate a medical marijuana retail dispensary without a valid license issued by the Ohio State Board of Pharmacy.
- B. *Locations.* Medical Marijuana Retail Dispensaries are conditionally permitted in the following Zoning Districts: B-2, Community Business District and B-4, I-270 Corridor. Medical Marijuana Retail Dispensaries located in the B-2 and B-4 Zoning Districts must be located at least 500 feet from the boundaries of a residential use or residential district.
- C. *Application.* An applicant for a Medical Marijuana Retail Dispensary shall file in person with the Planning Director or designee, a completed application prescribed and provided by the City. The application shall be signed under oath by the applicant and notarized. If the applicant is other than an individual, the application shall be signed under oath by a duly authorized agent of the applicant and notarized. The application shall include the following:
 - 1. The name of the proposed dispensary;
 - 2. The type of business organization, such as individual, corporation, partnership, limited liability company, etc.;
 - 3. The physical address of the proposed retail dispensary, along with evidence showing the applicant owns or controls through a leasehold interest the real property;
 - 4. The mailing address and telephone number of the applicant;
 - 5. The proposed hours of operation of the retail dispensary; and
 - 6. A location area map of the surrounding area that establishes the retail dispensary is located at least five hundred feet from the boundaries of a residential use or residential district and of a parcel of real estate having situated on it a school, church, public library, public playground, public park, or community addiction services providers as defined under ORC 5119.01.
- D. *Hours of Operation.* A Medical Marijuana Retail Dispensary shall only operate between the hours of 7:00 a.m. and 9:00 p.m. Hours of operation to be identified in the Planning and Zoning Commission's **recommendation and City Council's provisional** approval of the conditional use application, taking into consideration the health, safety and general welfare of the public and surrounding neighborhoods.
- E. *Retail Limitation.* A Medical Marijuana Retail Dispensary is prohibited from engaging in any other retail use, excluding the sale or delivery of products intended for the administration of medical marijuana, as identified in ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq.
- F. *Drive-thru or drive-in facility.* A Medical Marijuana Retail Dispensary incorporating drive-in or drive-thru facilities must meet the requirements of Section 1123.16(a) of this Code.
- G. *Lighting.* All lighting required by ORC Chapter 3796, et seq. and Ohio Administrative Code Chapter 3796, et seq. must conform to the provisions of the Code and the Hilliard Engineering Design Manual.
- H. *Provisional Approval.* The Planning and Zoning Commission may only **recommend approval of approve** an application for a Medical Marijuana Retail Dispensary conditioned upon the applicant receiving a provisional license from the State Board of Pharmacy followed by securing a certificate of operation from the State Board of Pharmacy. **If City Council votes to approve the application, €** copies of the provisional license and the certificate of operation shall be provided

to the City prior to the issuance of a zoning certificate or occupancy permit from the City. The Applicant's ~~provisional~~ approval by ~~City Council~~ ~~the Commission~~ shall expire immediately if the Applicant does not secure a provisional license from the State Board of Pharmacy within twelve (12) months of ~~City Council's~~ ~~the Commission's provisional~~ approval. If the Applicant secures a provisional license, but does not secure a certificate of operation within the timeframe established by Ohio Administrative Code, ~~City Council's~~ ~~the Commission's provisional~~ approval for this conditional use expires immediately. Continued use of a Medical Marijuana Retail Dispensary that does not have the required certificate of operation shall be deemed a violation of the City's Zoning Code.

1123.14 USE REQUIREMENTS—TRANSPORTATION AND WAREHOUSING.

(a) *Heliports and Helipads.*

- (5) As a condition of approval, the Planning and Zoning Commission ~~and City Council~~ may impose additional limits on:
 - A. The size and type of rotorcraft permitted to use the facility;
 - B. The allowable hours of use of the facility;
 - C. The frequency of helicopter operations permitted at the facility; and
 - D. The location, design, type, size, and use of any exterior lighting, buildings, fuel storage or other equipment or facilities associated with the heliport.

(b) *Cartage, Express, Parcel Delivery Services, Warehouses, Distribution Centers and Truck Terminals.*

- (1) The site shall have a minimum area of ten acres, provided the Planning and Zoning Commission ~~or City Council~~ may reduce the site area to no less than five acres where the operation will be compatible with other surrounding uses.
- (2) The site shall be designed so all vehicles are able to enter and leave the site without having to back-out onto the street. Driveways shall be curbed for their full length in the front yard.
- (3) The Planning and Zoning Commission ~~and City Council~~ shall determine that traffic will be no more hazardous, nor the volume of traffic any greater, than is normal for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, volume and size of trucks, and proximity and adequacy of interchanges.
- (4) All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks; provided, if the site is located within a planned industrial park, the site may be located on an interior street that intersects with an arterial street.

1123.15 USE REQUIREMENTS—UTILITIES.

(b) *Wireless Communication Facilities.*

- (8) *Landscape Screening.* Evergreen plantings shall be located and maintained around the outermost perimeter of the security fence to buffer wireless communications facilities from adjacent streets and residential or non-residential districts. The landscape plan for the site shall screen the fence, all equipment and the base of the tower, as determined by the Planning and Zoning Commission ~~and City Council~~. Plantings and other landscaping shall conform to the standards specified in the Hilliard Design Manual.

1123.16 USE REQUIREMENTS—VEHICLE SALES, SERVICE AND RELATED USES.

- (a) *Drive-in or Drive-Thru Facilities for Pharmacies, Dry Cleaners or Others Not Specified (Not including Drive-Thru Restaurants), See Section 1123.10(b).*

- (4) A drive-thru shall have an escape lane to allow a vehicle to pass those waiting to be served. The Planning and Zoning Commission may **recommend waiver of** ~~waive~~ this requirement if the applicant can demonstrate that such a waiver will not adversely impact public safety or inconvenience patrons.
- (c) *Vehicle Repair, Major.*
 - (5) Overhead doors shall not face a public street or Residential District or residential use. The Planning and Zoning Commission may **recommend modification of** ~~modify~~ this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features and landscaping.
- (f) *Vehicle Wash Facilities.*
 - (7) Overhead doors shall not face a street, except as approved by **City Council** ~~the Planning and Zoning Commission~~, in the following circumstances:
 - A. When the doors of a through-garage are located at the front and rear of a building; or
 - B. When a garage is located on a corner or through lot; or
 - C. When determined that a rear garage door would negatively affect an abutting residential use or district.

1123.17 USE REQUIREMENTS—OTHER.

- (a) *Chemical Manufacturing and Storage.*
 - (5) Truck routes to and from the facility shall be subject to approval by **City Council** ~~the Planning and Zoning Commission~~.
- (b) *Mineral Extraction.*
 - (1) *Requirements.* Conditional approval shall be required for mineral extraction operations, including removal of soil sand or gravel, where more than 600 cubic yards will be removed in a one year period. The approval may be reviewed annually by the Planning and Zoning Commission **and City Council** to ensure that the operation conforms to all plans, progress, conditions, and sureties. Removal operations shall not begin until the approval is granted and a zoning compliance permit is issued.
 - (3) *Conditions.* A conditional use approval shall not be granted unless activities comply with all the following conditions. Conditional use approval may be revoked if the use is found in violation of any part of this section:
 - B. Final grades shall not exceed five percent and shall meet existing elevations at all property lines. Grades in excess of five percent may be permitted by **City Council** ~~the Planning and Zoning Commission~~ if the applicant demonstrates that an increase is essential to implement a plan for future use.
- (c) *Outdoor Storage Accessory to an Allowed Principal Use.*
 - (7) The Planning and Zoning Commission **and City Council** may require a sight obscuring screen around any storage or display area, that meets maximum fence height requirements for the zoning district. Stored materials and stockpiles shall not be piled or stacked higher than the height of the obscuring screen.
 - (10) Lighting for security purposes may be required, as determined by the Planning and Zoning Commission **and City Council**. All lighting shall be shielded from adjacent residential areas and shall conform to the standards of the City of Hilliard Design Manual.
- (d) *Hookah Lounge/Vapor Lounge.*

- (2) *Hours of Operation.* Hours of operation to be identified in the Planning and Zoning Commission's [recommendation and City Council](#) approval of the conditional use application, taking into consideration the health, safety and general welfare of the public and surrounding neighborhood(s).

Council Memo: Legislation (22-02)

Subject: 4702 Cosgray Road Annexation Ordinance
From: Michelle Crandall, City Manager
Initiated by: Philip Hartmann, Law Director
Date: January 24, 2022

Executive Summary

This ordinance would approve the annexation of 4702 Cosgray Road into the City of Hilliard and designate it a zoning classification of "R-R", Rural Residential District.

Staff Recommendation

Staff recommends that Council not approve this legislation due to the fact that there is a lack of fiscal benefit to the City if the property were annexed. While the property owner(s) would be responsible for the full cost of utility extension, the City of Hilliard would be responsible for long-term maintenance of the main utility lines, along with any other costs related to current or future residential services, such as chipper service, leaf removal, fire hydrants, etc.

Background

On September 27, 2021, the property owners of 4702 Cosgray Road filed a petition with Franklin County Commissioner to annex to the City. The property borders the Bo Jackson Elite Sports property to the north. On October 11, 2021, Council adopted Resolution No. 21-R-59 which indicated the services that would be available to the Property, if it were to be annexed.

Following adoption of the resolution, it was filed with the County Commissioners. The Commissioners considered the annexation on November 2, 2021, and approved the petition. The Commissioner's resolution and transcript were received by the Clerk on November 8, 2021. Pursuant to R.C. 709.04, the annexation petition must be introduced to Council at its next regular meeting following the expiration of 60 days. City Council must accept or reject the petition within 120 days.

Financial Impacts

N/A

Expected Benefits

N/A

Attachments

- Auditor Map of Property and Surrounding Area
- Aerial View of Property
- Exhibit A – Annexation Petition

CONTACT MICHAEL



Attachment: Map 4702 Cosgray Road (22-02 : 4702 Cosgray Road Annexation Ordinance)



Attachment: Aerial View - 4702 Cosgray Road (22-02 : 4702 Cosgray Road Annexation

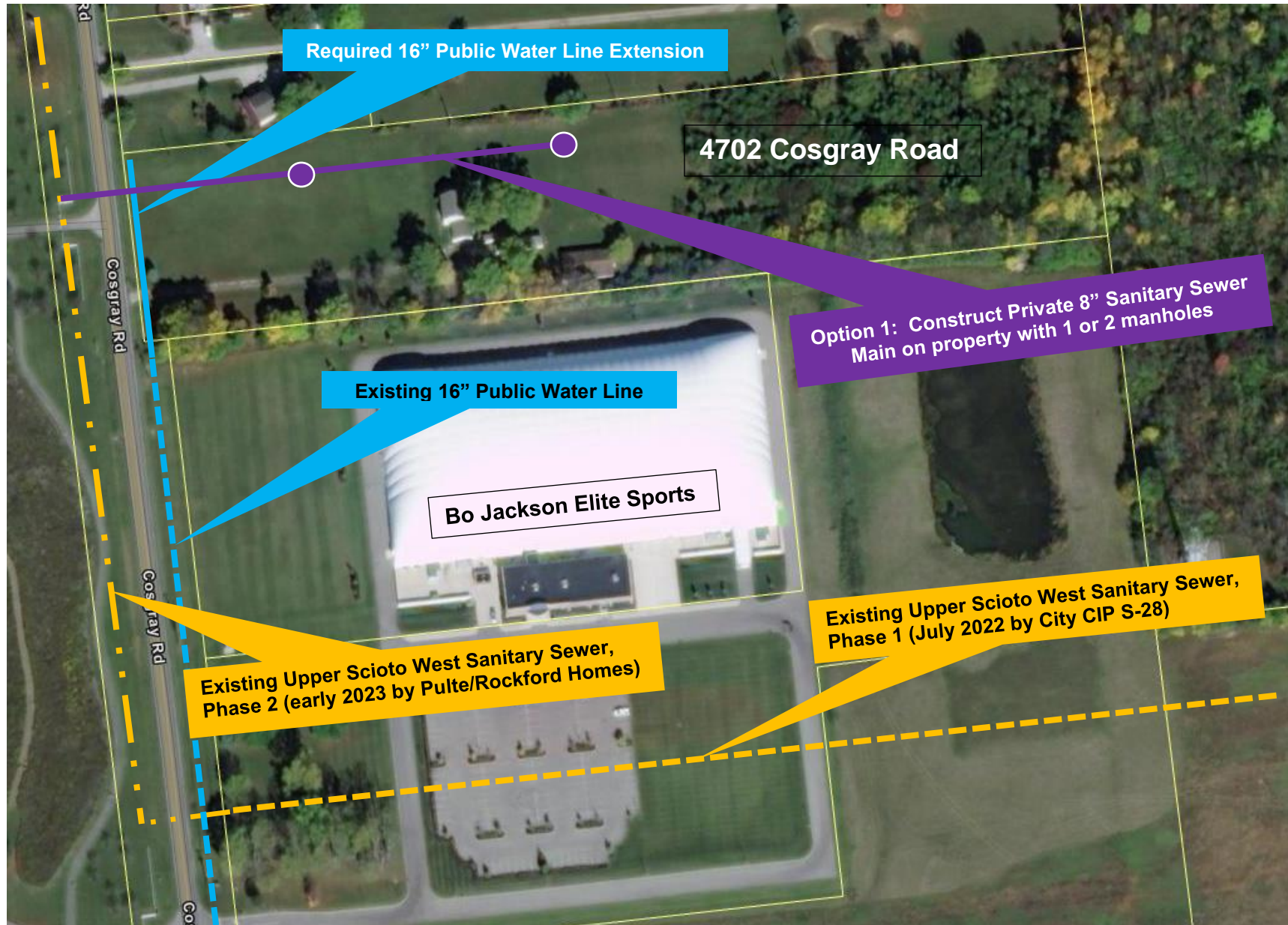


Real People. Real Possibilities.

4702 Cosgray Road Annexation
Parcel ID 200-001341

The following information provides the amount of fees/costs the Owner(s) of 4702 Cosgray Road will be required to expend after annexation in order to access City services and as a result of being developed as three residential units.

Shared Fees (items for the entire Property)	Fee/Costs Amount:		Hilliard Code Section (if applicable):
Extension of 16” Public Water Line to their northern Property Line	\$52,000 (Estimate for 260 feet of 16” public WL)	Property Owner Cost	
Option 1: Construction of an 8” Private Sanitary Sewer Main on the property for each residence to tap with a 6” Private Sanitary Sewer Service	\$40,000 (Estimate for 550 feet of 8” sewer and Cosgray Road pavement repair)	Property Owner Cost	
Fees for Each Homeowner:			
Construction of 3/4" Water Service Line (from water main to residential unit)	\$2,000 (Estimate for a 3/4” water service line to the house)	Property Owner Cost	
Water Capacity Fee	\$3,267	Fee Due to the City	945.15
Water Tap Fee	\$100	Fee Due to the City	945.15
Sanitary Sewer Capacity Fee	\$2,199	Fee Due to the City	949.20
Sanitary Sewer Tap Fee	\$250	Fee Due to the City	949.20
Surcharge (for tapping into Upper Scioto West Sanitary Trunk Sewer)	\$1,000	Fee Due to the City	Pursuant to Developer & Reimbursement Agreements entered into by the City (Tarlton Meadows); City is required to remit to the Hilliard NCA available capacity fees solely from sanitary sewer and water capacity fees for each unit that taps into the Upper Scioto West Sanitary Trunk Sewer (residential units in Buck Leesman PUD and Carr Farms PUD also pay surcharge)
Option 2: Construction of a 6” Private Sanitary Sewer Service from the Upper Scioto West Sewer Trunk to each individual house	\$55 per foot (Estimate for a 6” individual sanitary sewer service line and Cosgray Road pavement repair)	Property Owner Cost	
Impact Fee	\$2,000	Fee Due to the City	1187.02
Parkland Fee in Lieu	Calculation: (3 dwelling units)X(3.5 persons/dwelling unit) = 10.5 persons total expected population (10.5 persons total population)X(10 acres park land/1,000 population) = 0.105 acre of park land (0.105 acre)x(appraised per acre value of land) = Total fee	Fee Due to the City	1187.06(b)





Ordinance: 22-02

Passed:

Page 1 of

Effective:

**ACCEPTING THE APPLICATION FOR ANNEXATION OF 6.0 ±ACRES LOCATED IN
NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING
CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL DISTRICT.**

WHEREAS, on September 27, 2021, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 6.0 ±acres of real property in Norwich Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 21-R-59 on October 11, 2021, which Resolution indicated the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

WHEREAS, on October 12, 2021, a certified copy of Resolution No. 21-R-59 was sent to the Office of the Clerk of the Franklin County Commissioners; and

WHEREAS, the Petition came on for public hearing before the Franklin County Board of Commissioners on November 2, 2021; and

WHEREAS, pursuant to an action of the Franklin County Commissioners after that hearing, the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on November 8, 2021; and

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

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

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

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

SECTION 1. The proposed annexation of 6.0 ±acres from the unincorporated area of Norwich Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on September 27, 2021, and approved by the Board of County Commissioners on November 2, 2021, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A"** and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

SECTION 2. The 6.0 ±acres shall be assigned the zoning classification of “R-R” Rural Residential District, which classification most closely resembles the zoning classification prior to the annexation based on minimum lot sizes, minimum lot widths, acreage and dimensions of the 6.0 ±acres.

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

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-02						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh		<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						



Franklin County
Board of Commissioners

ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department
James Schimmer, Director

Application for **Annexation Petition** Expedited Type 2 Pursuant to ORC §709.023



Property Information

Site Address: **4702 Cosgray Rd., Hilliard, Ohio 43026**

Parcel ID(s): **200-001341-00** Total Acreage: **6 acres**

From Township: **Norwich** To Municipality: **City of Hilliard**

Property Owner Information *In the event of multiple owners, please attach separate sheet

Name: **See Attached**

Address:

Phone #

Fax #

Email: **kmdonnell@gmail.com**

Attorney/Authorized Agent Information

Name: **Aaron B. Epling and Jeffery M. Joos**

Address: **3544 Main St., Hilliard, OH 43026**

Phone # **614-876-7888**

Fax # **844-269-6995**

Email: **jeff@epling.law**

Staff Use Only

Case # **ANX- 37-21**

Hearing Date: **11/2/21**

Date Filed: **9/27/21**

Fee Paid: **\$250.00**

Receipt #: **21-03441**

Received By: **Matt Brown**

Notification Deadline (5 days):

10/4/21

Svc Statement Deadline (20 days):

10/18/21

Document Submission

The following documents must accompany this application on letter-sized 8 1/2" x 11" paper:

- ☒ Legal description of the property
- ☒ Fee Payment (checks only)
- ☒ Map/plot of property
- ☒ List of adjacent properties

Petitioners Signature

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

See Attached

Property Owner

Date

Property Owner

Date

Attorney or Authorized Agent

Date

Attorney or Authorized Agent

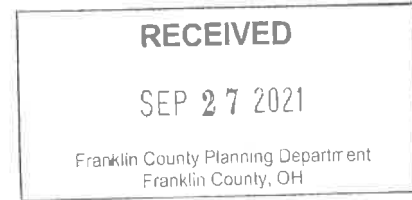
Date

150 South Front Street, FSL Suite 10, Columbus, Ohio, 43215-7104
Tel: 614-525-3094 Fax: 614-525-7155 Development.FranklinCountyOhio.gov

4702 Cosgray Rd. Annexation**Property Owners**

Kristin Donnell and Timothy Donnell
 3748 Stunsail Ln.
 Columbus, Ohio 43221
 Ph: 614-306-6601
 Email: kmdonnell@gmail.com

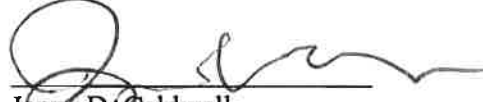

 Kristin Donnell


 Timothy Donnell


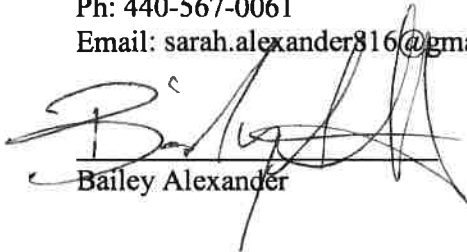
ANK-37-21

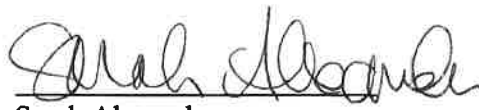
Keith A. Caldwell and Jenna D. Caldwell
 5349 Cee Ct.
 Hilliard, Ohio 43026
 Ph: 614-266-8985
 Email: jennacaldwell@gmail.com


 Keith A. Caldwell


 Jenna D. Caldwell

Bailey Alexander and Sarah Alexander
 4313 Knickel Dr.
 Hilliard, OH 43026
 Ph: 440-567-0061
 Email: sarah.alexander816@gmail.com


 Bailey Alexander

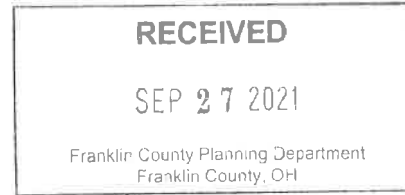

 Sarah Alexander

Adjacent Properties

050-011456-00

Address: 4696 Cosgray Rd., Hilliard, OH 43026

Owner: Hilliard Real Estate Holdings, LLC



050-011197-00

Address: 4678 Cosgray Rd., Hilliard, OH 43026

Owner: City of Hilliard Ohio

Owners Address: 3800 Municipal Way, Hilliard, OH 43026

200-000053-00

Address: 4760 Cosgray Rd. Hilliard, OH 43026

Owner: Bryan Allen & Catherine Allen

200-001352-00

Address: 4701 Leppert Rd., Hilliard, OH 43026

Owner: Tillison-Leppert, LLC

Owner Address: 2640 Crafton Park, Columbus, OH 43221

200-001368-00

Address: 4752 Cosgray Rd., Hilliard, OH

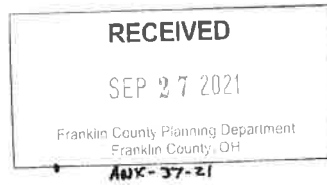
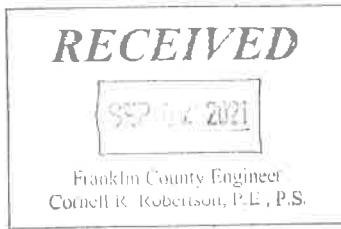
Owner: William E. Herron

050-011196-00

Address: 4675 Cosgray Rd., Hilliard, OH 43026

Owner: Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District

Owner Address: 1069 West Main Street, Westerville, OH 43081



ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER
By FAA/CH Date 9/2/2021

Douglas L. Moore
Professional Land Surveyor
Ohio Registration 7011
8311 Harrisburg & London Rd
Orient, Ohio 43146
740-868-7663

Proposed Annexation of 6.000 Acres
From: Norwich Township
To: City of Hilliard

Situate in the State of Ohio, Franklin County, Norwich Township and being a part of VMS # 6366 and being all of parcel # 200-001341-00 as described in the deed to Timothy Andrew and Kristin Donnell, Bailey S. and Sarah J. Alexander, and Keith and Jenna Caldwell recorded in Inst. # 202107160125058 (Site Address: 4702 Cosgray Rd. Hilliard, Oh. 43026)

Beginning in the east line of Cosgray Road at the southwest corner of a 0.68 acre tract as described in the deed to William E. Herron recorded in I# 200802270029224 and being the true point of beginning;

thence along the south line of said 0.68 acre tract and the south line of a 5.239 acre tract as described in the deed to Bryan & Catherine Allen recorded in I# 201809050120327 and along the proposed new Norwich Township Corporation line, easterly 1162 feet to a point in the easterly line of a 19.937 acre tract as described in the deed to Tillson-Leppert, LLC recorded in I# 200907060097939 in the current Norwich Township Corporation line;

thence along the easterly line of said 19.937 acre tract and along the proposed new Norwich Township Corporation line, southerly 225 feet to a point at the northwest corner of a 10.51 acre tract as described in the deed to City of Hilliard recorded in I# 202106100102125 and in the existing City of Hillard Corporation line (Ord.# 03-16 recorded in I# 200305300160722);

thence, along the north line of said 10.51 acre tract and the north line of a 6.316 acre tract as described in the deed to Hillard Real Estate Holdings, LLC recorded in I# 201611140156547, and the current City of Hillard Corporation Boundary westerly 1164 feet to a point in the existing right-of-way line of Cosgray Road,

thence, along said right-of-way line and along the existing City of Hillard Corporation Boundary (Ord.# 13-46 recorded in I# 201403030025697), northerly 225 feet to the point of beginning and containing 6.00 acres.

Total perimeter of annexation area is 2775 square feet, of which 1164 square feet is contiguous with the City of Hillard having 41.9% contiguity.

This description was prepared from record information from the Franklin County Engineer, Recorder and Auditors offices and is not intended for the transfer of real property.



Douglas L. Moore 9-30-21
Douglas L. Moore
Professional Surveyor 7011
8311 Harrisburg London Rd.
Orient, Ohio
746-868-7663

Proposed Annexation of 6.000 Acres
From: Norwich Township
To: City of Hillard

Total perimeter of annexation area
is 2775 feet of which 1164 feet is
contiguous with the City of Hillard
having 41.9% contiguity.

Situate in the State of Ohio,
Franklin County, Norwich Township
and being a part of VMS # 6366
Inst. # 200909170135128 P# 200-001341-00
Site Address: 4702 Cosgray Rd. Hilliard, Oh. 43026

RECEIVED

SEP 27 2021

Franklin County Planning Department
Franklin County, OH

AUX-37-21

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE

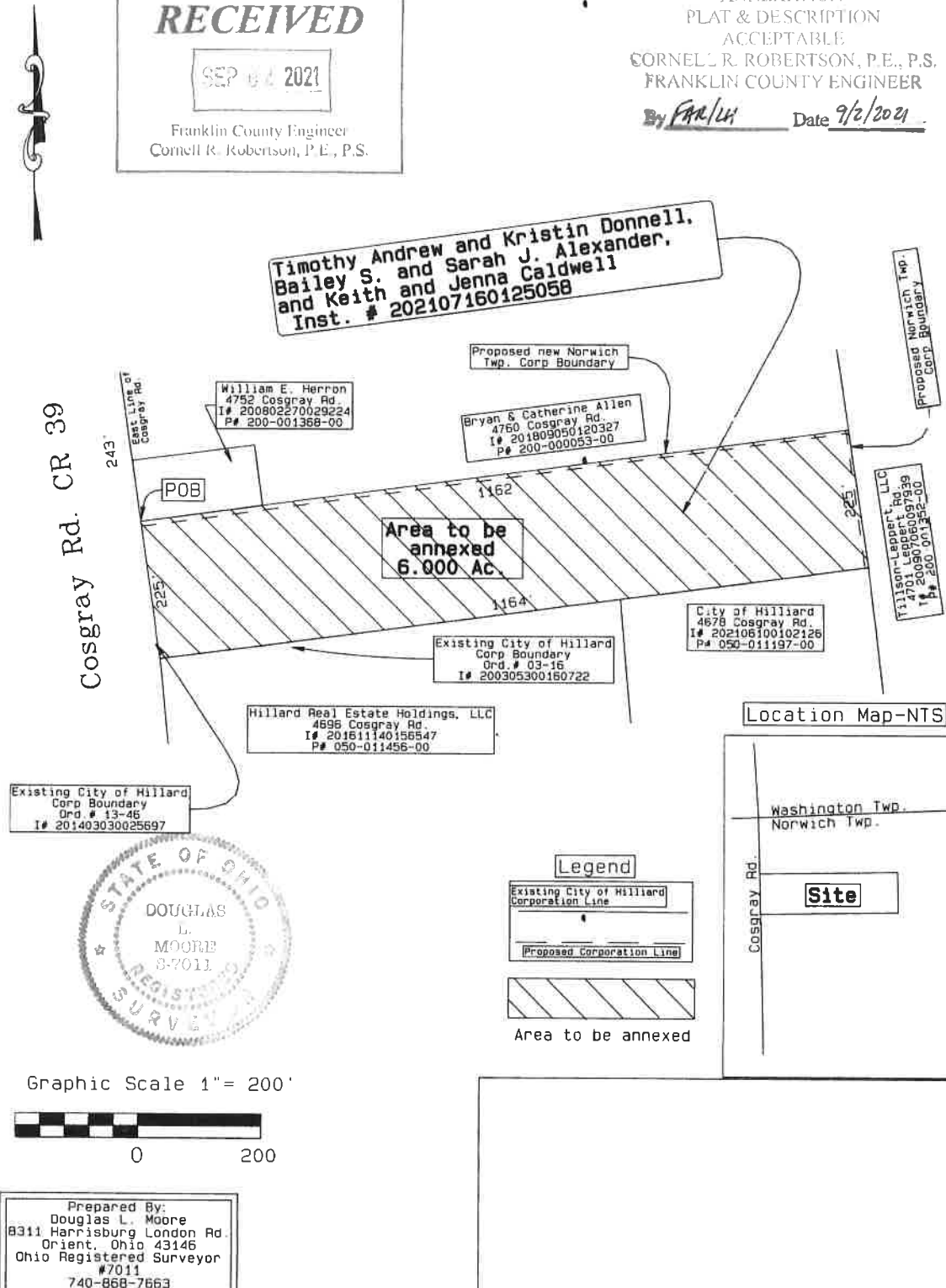
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By FAR/LL Date 9/2/2021

RECEIVED

SEP 24 2021

Franklin County Engineer
Cornell R. Robertson, P.E., P.S.



This exhibit was prepared from
record information from the Franklin
County Engineer, Recorder and Auditor

Council Memo: Legislation (22-03)

Subject: Appropriation for Net Profit Tax Refund
From: Michelle Crandall, City Manager
Initiated by: Greg Tantari, Deputy Finance Director
Date: January 24, 2022

Executive Summary

This piece of legislation would appropriate funds in the amount of \$840,000 in order to issue several net profit tax refunds that were paid by the State of Ohio.

Staff Recommendation

Staff recommends that Council approve this piece of legislation.

Background

In 2022, the City budgeted \$615,000 in the Refund Accounts for refunds to corporations that had overpaid estimated net profit taxes and were requesting a refund. Most companies pay estimated taxes several months before filing their tax return. If a company overpays, the taxes may be carried over to the next taxable year or the company may request a refund in the overpaid amount. In 2021, net profit income was up \$7.1 million or 130% from the prior year.

In 2021, there were a few larger Hilliard corporations that had substantially overestimated what was due when finalizing their annual tax return. This created an unusual large refund request of \$840,000.

In this case, the companies had used the Ohio Business Gateway in order to file the City's municipal income taxes. Upon request through the Ohio Business Gateway, the State of Ohio refunded the overpaid amount to the companies and now, the City is required to pay the State of Ohio the amount of \$840,000.

Financial Impacts

An additional appropriation in the amount of \$840,000 is needed to issue these recently requested net profit tax refunds that have been filed with the State of Ohio. Staff anticipates additional refunds during 2022 that would be funded with the \$615,000 previously budgeted.

Expected Benefits

N/A

Attachments

N/A



Ordinance: 22-03

Passed:

Page 1 of

Effective:

**APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND
AUTHORIZING AN EXPENDITURE.**

WHEREAS, companies that conduct business within the City are required to file annual tax returns on net profits; and

WHEREAS, in order to avoid penalties and interest, most companies pay estimated taxes on net profits before finalizing its annual tax return; and

WHEREAS, any estimated taxes paid which are above the actual taxes owed, may be carried over to the next taxable year or the company may request a refund of the amount; and

WHEREAS, generally in issuing tax refunds, the City accounts for the amount refunded in the following percentages: sixty-two and one-half percent (62.5%) from the General Fund, twenty-five percent (25%) from the Capital Improvement Fund, and twelve and one-half percent (12.5%) from the Street Improvement Fund (the "Refund Accounts"); and

WHEREAS, in 2022, the City budgeted \$615,000 in the Refund Accounts; and

WHEREAS, due to the request for a refund from companies in Hilliard for overpaying their estimated taxes, the City is required to appropriate an additional \$840,000, which will be allocated in accordance to the percentages in the Refund Account (the "Refund").

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

SECTION 1. An appropriation in the amount of \$840,000 is authorized and shall be allocated from the following Funds for the Refund due to the overpayment of net profit taxes:

- (1) \$525,000 from Fund 101, Object 58; and
- (2) \$210,000 from Fund 304, Object 58; and
- (3) \$105,000 from Fund 206, Object 58.

SECTION 2. City Council authorizes the expenditure of funds in the amount of \$840,000 upon appropriation in order pay the Refund due to the overpayment of net profit taxes.

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

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-03						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Passed	Omar Tarazi		<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"/>
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<input type="checkbox"/> Held Over	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Pete Marsh		<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						
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Council Memo: Legislation (22-04)

Subject: Amending Section 149.07, RPAC
From: Michelle Crandall, City Manager
Initiated by: Ed Merritt, Director of Recreation & Parks
Date: January 24, 2022

Executive Summary

This Ordinance approves amendments Section 149.07(b) of the City's Codified Ordinances updating the membership requirements for the Hilliard Recreation and Parks Advisory Committee (RPAC).

Staff Recommendation

Staff recommends amending the membership requirements of the RPAC in Section 149.07(b) of the City's Codified Ordinances.

Background

On January 25, 2021, Council passed Resolution No. 21-R-06, enacting section 149.07 of the City's Codified Ordinances and establishing a Recreation and Parks Advisory Committee. This committee has been integral in advising the City in the needs of the Recreation and Parks Department and helping to pass Issue 22.

Currently, the membership includes 5 residents appointed by City Council and 1 appointment made by Destination Hilliard. With the recent organizational changes to Destination Hilliard, and its Board's desire to no longer actively participate in the Hilliard RPAC, adjustments to the membership totals of RPAC are needed. This legislation removes the Destination Hilliard Representative and increases the number of residents from 5 to 6.

Financial Impacts

There are no anticipated financial impacts with this change.

Expected Benefits

The Hilliard Recreation and Parks Advisory Committee will help advise the City of Hilliard as it continues to develop and improve the amenities and opportunities in our community. They will serve as a sounding board for future projects and development, also helping with special events and park evaluations.

Attachments

Exhibit A – Amending Section 149.07(b)



Ordinance: 22-04

Passed:

Page 1 of

Effective:

AMENDING SECTION 149.07 OF THE HILLIARD CODIFIED ORDINANCES REGARDING MEMBERSHIP OF THE RECREATION AND PARKS ADVISORY COMMITTEE.

WHEREAS, the Council of the City of Hilliard established code Section 149.07 and the Recreation and Parks Advisory Committee (RPAC) by Resolution No. 21-R-06 on January 25, 2021; and

WHEREAS, City Council has appointed/reappointed members to the RPAC and desires to replace Destination Hilliard representative with an additional resident appointment; and

WHEREAS, changes to section 149.07, as shown in Exhibit "A", attached hereto and incorporated herein, will ensure that the RPAC continues to consist of ten (10) volunteer members; and

WHEREAS, amending the City's Codified Ordinances, as identified in Exhibit 'A', attached hereto and incorporated herein, 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 149.07, as identified in Exhibit 'A', attached hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 149.07, 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 149.07, not modified herein, remain unchanged and are in full force 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

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-04						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<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						

149.07 HILLIARD RECREATION AND PARKS ADVISORY COMMITTEE.*(b) Membership, Organization and Procedures.*

- (1) Appointments to the Committee shall be made by City Council. Members shall be residents of the City.
- (2) Membership will include:
 - a. ~~Five (5)~~ Six (6) residents, to be appointed by City Council.
 - b. One (1) high school student, to be appointed by City Council.
 - c. Two (2) City Council Members, to be appointed by the President of Council.
 - ~~d. One (1) representative of Destination Hilliard.~~
 - ~~ed.~~ One (1) representative of the Hilliard City School District.
- (3) All members shall be voting members.
- (4) The ~~five~~ six resident members will serve two-year terms and can be re-appointed for two additional terms, but shall not serve more than 6 consecutive years.
- (5) All other members will serve one-year terms and can be re-appointed for subsequent terms.
- (6) Initial terms for the five (5) resident members, however, are as follows:
 - a. Two (2) of the members each shall serve an initial term of three (3) years.
 - b. Two (2) of the members each shall serve an initial term of two (2) years.
 - c. One (1) member shall serve an initial term of one (1) year.
- (7) A majority of the voting members of the Committee shall constitute a quorum.

Council Memo: Legislation (22-05)

Subject: Food Truck Code Amendments
From: Michelle Crandall, City Manager
Initiated by: Philip Hartmann, Law Director
Date: January 24, 2022

Executive Summary

This Ordinance would repeal Chapter 750, as well as repeal and replace Chapter 753 of the City's Codified Ordinances and amend Exhibit A to Chapter 190 regarding fees.

Staff Recommendation

Staff recommends that Council adopt this Ordinance.

Background

Chapter 750 and 753 of the City's Codified Ordinances regulates pushcarts and food trucks in the City. Due to their popularity and the desire to ease the licensing process of all food trucks/carts, the Administration reviewed its current regulations regarding these uses. Following review, it determined that easing the process of licensing food trucks/carts would be beneficial to the City, vendors, and its residents. Therefore, staff found that having one code section regulating all types of mobile food vendors was key in order to simplify the application process.

Under the proposed ordinance, the application process is further simplified by the use of the Central Ohio Food Truck Association (COFTA) for the initial screening of food truck operators. Unless the food truck is from a business located in Hilliard, food trucks will be required to be members of COFTA, which does background screening of its members and helps coordinate the location of food trucks around Central Ohio. This process parallels the way that Recreation and Parks staff has coordinated food trucks for special events thru COFTA.

Changes to the City's fee schedule are also necessary to account for the new mobile food vehicle application Chapter and remove the transient vendor fee, which no longer exists in the City's Code.

Financial Impacts

The City will receive a fee for each food truck registration.

Expected Benefits

The new Chapter 753 will ease the process of licensing all mobile food vendors in the City.

Attachments

- Exhibit A – New Chapter 753
- Exhibit B – Exhibit A to Chapter 190



Ordinance: 22-05

Passed:

Page 1 of

Effective:

**REPEALING CHAPTER 750 AND REPEALING AND REPLACING CHAPTER 753
REGULATING THE USE OF FOOD TRUCKS IN THE CITY.**

WHEREAS, Chapter 750 of the Codified Ordinances regulates the licensure and permitting process for the use of vending carts, commonly referred to as pushcarts, in the City; and

WHEREAS, Chapter 753 of the Codified Ordinances regulates the licensure and permitting process for the use of food trucks in the City; and

WHEREAS, following a review by the Administration, the City finds that repealing Chapter 750 and replacing Chapter 753 with a streamlined process that covers the licensing of all mobile food vehicles will provide clarity to vendors; and

WHEREAS, repealing Chapter 750 and replacing Chapter 753, as shown on Exhibit "A" attached hereto and incorporated herein, is in the best of the City and its residents.

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

SECTION 1. Chapter 750 of the Codified Ordinances of the City is repealed.

SECTION 2. City Council finds that repealing and replacing Chapter 753 of the City's Codified Ordinances is in the City's best interest. Chapter 753 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

SECTION 3. Exhibit A of Chapter 190 is hereby revised to remove references to the Transient Vendors License and add a fee for a Mobile Food Vehicle, as shown on Exhibit "B", **attached** hereto and incorporated herein.

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

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-05						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<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 753 – Mobile Food Vending

- 753.01 Purpose.
- 753.02 Definitions.
- 753.03 Permit Required.
- 753.04 Permit Application.
- 753.05 Permit Issuance and Term.
- 753.06 Permit Refusal, Transfer, and Revocation.
- 753.07 Operating Restrictions & Requirements
- 753.99 Enforcement and penalty.

753.01 Purpose.

The purpose of this Chapter is to provide for the safe and sanitary operation of Mobile Food Vehicles in the City.

753.02 Definitions.

The following terms shall have the following meanings when used in this chapter:

- (a) “*City Manager*” means the fully appointed administrative head of the City of Hilliard, Ohio.
- (b) “*Food Establishment*” means a business operation or any part thereof that stores, prepares, packages, serves, vends or otherwise provides food and/or beverages for human consumption.
- (c) “*Mobile Food Vehicle*” means a Food Establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle. This definition includes mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks and coffee trucks.
- (d) “*Mobile Food Vehicle Operator*” means any and all persons associated with the operation of a Mobile Food Vehicle for which registration has been made to operate the Mobile Food Vehicle within the City.

753.03 Permit Required.

Except as provided in 753.04(d) or (e), no Mobile Food Vehicle shall be operated in the City without first obtaining a permit. A separate permit must be made for each and every Mobile Food Vehicle to be operated within the City.

753.04 Permit Application, Fee, and Exceptions.

- (a) Each Mobile Food Vehicle operator shall, prior to commencing operations within the City, furnish the City, on a form provided by the City, a fully executed permit application to operate a Mobile Food Vehicle within the City.
- (b) Applications shall contain the following information and material:
 - (1) A current registration certificate from the Central Ohio Food Truck Association (COFTA), unless the Mobile Food Vehicle is owned or compensated by a food establishment currently operating within the boundaries of the City, from a fixed location (i.e., from owned or leased real property).
 - (2) A current certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) and issued from an insurance company duly licensed to transact such business in the State of Ohio.
- (c) The amount of permit application fee is listed in Chapter 190.
- (d) Exceptions.
 - (1) Mobile Food Vehicles operating within the boundaries of the City, stopping, standing or otherwise parking in the public right of way for only 15 consecutive minutes or less, shall not be required to apply for a permit to operate a Mobile Food Vehicle within the boundaries of the City in the public right of way.

- (2) Mobile Food Vehicles operating within the Franklin County Fairgrounds shall not be required to apply for a permit to operate.

753.05 Permit Issuance and Term.

- (a) The City may issue the permit required by this chapter to applicants who:
 - (1) Have applied as provided in Section 753.04 of this chapter; and
 - (2) Are in compliance with all applicable requirements and have obtained any permits, licenses or prior approval required by any other governmental unit or agency
- (b) Each permit issued under Section 753.05(a) of this chapter shall be issued on a calendar year basis (January 1 to December 31) or any part thereof, and shall expire on December 31st following the date of issuance.

753.06 Permit Refusal, Transfer, and Suspension/Revocation.

- (a) The City may refuse to issue permits required by this chapter if any of the following is found to be true:
 - (1) The applicant has made a false statement as to any matter in the application;
 - (2) The applicant, in either his/her current name or a prior business name, has violated any provision of this chapter within the last three (3) years;
 - (3) The applicant is under 18 years of age;
 - (4) The applicant has not complied with all applicable regulations of the City or of any other political subdivision, governmental unit or agency regarding the issuance of a permit or license for mobile food vending;
 - (5) The Applicant has a history of complaints made against it in the City of Hilliard or elsewhere in locations where it has operated a mobile food vending truck.
- (b) No permit issued under this chapter shall be transferred or assigned by the named permittee or holder to any other individual or organization, nor shall any permit be displayed on any unpermitted food truck or food trailer. Violation of this section may result in immediate revocation of the permit.
- (c) Permits issued under this chapter may be suspended or revoked by the City, for one or more of the following reasons:
 - (1) Fraud, misrepresentation or bribery in securing a permit or during the course of business;
 - (2) Violation of any provision of this chapter;
 - (3) Failure to notify the City of a change of address, ownership or corporate identify within five (5) business days of such change;
 - (4) Failure to have valid permits or licenses required by the Franklin County Health Department or any other City, state or federal regulatory agency;
 - (5) Conviction of any criminal or traffic offense while using or vending from a pushcart or food truck, or conviction of any criminal offense involving theft or fraud;
 - (6) For any of the reasons which could have been grounds for refusing to issue the original permit, regardless of when such information is discovered or revealed;
 - (7) Knowingly allowing another person to use a pushcart or food truck in violation of any provision of this chapter; or
 - (8) Knowingly allowing an unlicensed peddler to sell, barter, offer or expose for sale any items or services from a permitted pushcart or food truck unless such individual is lawfully exempted from the peddler licensing provisions of Chapter 745 of the City's Codified Ordinances.
- (d) Any individual or organization who has been refused a permit or renewal of a permit under this chapter, or has had a permit issued under this chapter suspended or revoked, may appeal such decision to the City Manager in writing within seven calendar days. Within five calendar days of

receiving a written request to appeal, the City Manager shall hold a hearing whereby the applicant can contest the grounds for denial, suspension or revocation. A written decision by the City Manager shall be issued within forty-eight (48) hours and sent by regular mail to the applicant's address on file.

753.07 Operating Restrictions and Requirements.

- (a) Mobile Food Vehicles shall at all times be maintained in a clean, neat and sanitary condition, and shall have no features which would be a nuisance or hazardous to the public or to public safety.
- (b) Mobile Food Vehicles shall not be located at their permitted space except during times of operation as indicated on the permit.
- (c) Mobile Food Vehicles shall clean up all debris from their permitted space upon the end of each day's operation.
- (d) Mobile Food Vehicles shall not shout or call to potential customers, wave flags, signs or other objects; air music or other transmissions that can be heard from other than the immediate customers; or do any acts which may be a nuisance or safety distraction to the nearby or travelling public.
- (e) Mobile Food Vehicles shall not be located as follows:
 - (1) Within twenty (20) feet of an intersection with a street, road or alley;
 - (2) Within ten (10) feet of a pedestrian crosswalk or intersecting sidewalk;
 - (3) So as to obstruct any loading zone, fire hydrant, traffic control box, fire alarm box, parking meter, mail box, any other sidewalk fixture, a legally parked vehicle, or a bus stop;
 - (4) So as to obstruct the display windows or doorways of any merchant without such merchant's permission;
 - (5) Within 25 feet (as measured from the lot line) of another restaurant, food or beverage establishment located on the same side of the street on the same block face;
 - (6) Within 25 feet of another pushcart or food truck, unless designated otherwise in the approved permit; or
 - (7) On a sidewalk, unless specifically authorized in the permit.
- (f) Accessory equipment, such as coolers and storage crates, shall be kept in a neat and orderly fashion.
- (g) Mobile Food Vehicles shall be attended at all times.
- (i) Mobile Food Vehicles operators shall refrain from causing or allowing the illegal disposal or release of oils or greases on the ground.

753.08 Mobile Food Vehicles on City Property

- (a) Each year, the City may permit Mobile Food Vendors that have obtained a permit as provided for in this Chapter to operate in City's right-of-way and in public parks or public property.
- (b) All Mobile Food Vendors authorized to operate in City's right-of-way and in public parks or public property are not permitted to operate during public events, such as parades July 4th events, or any outdoor cosponsored event.
- (c) Notwithstanding Section (b) above, the City, on a case by case basis, may determine that Mobile Food Vehicles are appropriate at a public event and may allow Mobile Food Vehicles that have obtained a permit as provided for in this Chapter.
- (d) If in City's right-of-way and in public parks or public property, Mobile Food Vehicles Vendors shall not damage or commit waste on City property in the operation of their Mobile Food Vehicles.

753.99 Enforcement and Penalty.

In the case of a failure by any Mobile Food Vehicle Operator to comply with any of the provisions of this chapter, such Mobile Food Vehicle Operator shall be in violation and shall be subject to a penalty.

- (a) The provisions of this section shall be enforceable by the Hilliard Division of Police or Code Enforcement Officer.
- (b) A penalty in the amount of one hundred dollars (\$100.00) shall be assessed and immediately payable for failure to comply with any of the provisions of this chapter. A separate offense shall be deemed committed each day, or part thereof, for which a Mobile Food Vehicle Operator fails to comply with any of the provisions of this chapter.
- (c) No penalty shall be imposed under this chapter with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.
- (d) Upon discovery of the violation, the Mobile Food Vehicle operator shall be served with notice of violation and demand for penalty in the same manner as a fine. Upon service with the notice of violation, the Mobile Food Vehicle operator shall immediately cease operations within the City of Hilliard until such time as the Mobile Food Vehicle operator is issued a valid permit for operations.
- (e) No Mobile Food Vehicle Operator shall be permitted to operate a Mobile Food Vehicle within the City for any year in which it has been assessed penalties under this chapter on more than two occasions.

CHAPTER 190**EXHIBIT A FEES**

DIVISION	PERMIT TYPE	DESCRIPTION		FEE
PLANNING	MISC.	Mobile Food Vehicle	\$20.00/ yr.	\$20.00
HPD	HPD-MISC	Transient Vendors License (Section 745.05)	\$50.00 per year	\$50.00

Council Memo: Legislation (22-R-02)

Subject: Scioto Darby Rd Resurfacing
From: Michelle Crandall, City Manager
Initiated by: Letty Schamp, Transportation & Mobility Director
Date: January 24, 2022

Executive Summary

This legislation authorizes the following actions related to the resurfacing of Scioto Darby Road between Langton Road and Cosgray Road, hereinafter “the Project”:

1. Authorizes the City Manager to enter into a Cooperative Agreement with the Franklin County Engineer’s Office for the Project;
2. Authorizes the City Manager to apply for and accept Vehicle Registration Permissive Tax funds in the amount of \$332,577.63 to fund a portion of the Project; and
3. Authorizes an expenditure in the amount of \$89,467.39 to fund the balance of the Project.

Staff Recommendation

Staff recommends approval of this legislation to participate in this multi-jurisdictional project and to fully fund the City’s portion of the Project.

Background

The Franklin County Engineer’s Office (FCEO) planned for the resurfacing of Scioto & Darby Creek Road between the western County line at the Big Darby Creek and the Hilliard corporation limit near Langton Road in 2021 as part of its annual street maintenance program. In the summer of 2021, the County Engineer approached City staff to determine if there was interest in resurfacing the City’s portion of Scioto Darby Road with the County’s project to improve the pavement condition along the entire corridor and to allow for a wider shoulder to better accommodate on-street cyclists. Staff supported this approach because the City’s portion of Scioto Darby Road had a Pavement Condition Index (PCI) rating varying between 67 (Fair) to 19 (poor).

On August 9, 2021 in a Special Meeting of Hilliard City Council, Council expressed support of this partnership and directed staff to move forward to include the City’s section of Scioto Darby Road with the County’s project. Based on field conditions, a short portion of Cosgray Road, north of Scioto Darby Road, was included with the resurfacing project due to concerns about pavement condition and safety.

The City proposed to fund the Project through the combination of:

- Funds available from the 2021 Street Maintenance & Rehabilitation Program (CIP T-122) previously appropriated by City Council as part of the 2021 Capital Improvement Budget
- Funds available on the City’s balance of its Vehicle Registration Permissive Tax

Vehicle registration permissive tax is an optional tax that can be levied by counties, municipalities, and/or townships on vehicle registrations. It is defined in Ohio Revised Code (ORC) Chapter 4504: Local Motor Vehicle License Tax. Permissive tax revenue is to be used per ORC 4504, which includes planning, constructing, improving, maintaining, and repairing certain public streets and infrastructure. ORC 4504.02 allocates \$5 per motor vehicle registration to be distributed to the County Commissioners, known commonly as “\$5 Funds”.

The City of Hilliard earns approximately \$155,000 per year through this source; funds can be “banked” from year to year and requested from the County Commissioners to be used for eligible costs on eligible projects. A local agency may “borrow ahead” up to one year based on revenue estimates. On November 20, 2021, the City’s balance of \$5 Funds was \$146,661.57. The estimated balance of the City’s \$5 Funds at the end of 2022, which is the *maximum* amount that the City could request for the Project, is \$401,997.92.

Franklin County completed the resurfacing project in October 2021 and provided final costs to the City in January 2022.

Financial Impacts

The cost of the project attributable to the City's portion is **\$422,045.02**. Proposed funding of the Project is summarized below:

- \$89,467.39 – expenditure of funds encumbered in 2021 from Fund 206 (appropriated in the 2021 Capital Improvement Budget for CIP T-122 SMRP)
- \$332,577.63 – balance of project costs funded the City's available portion of its Vehicle Registration Permissive Vehicle Tax (\$5 Funds)

Following receipt of these funds, the City's balance of \$5 Funds at the end of 2022 is estimated to be approximately \$70,000, which can be used for future eligible projects.

Expected Benefits

Improved pavement condition on Scioto Darby Road.

Attachments

Exhibit A – Cooperative Agreement



Resolution: 22-R-02

Adopted:

Page 1 of

Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE; AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT VEHICLE REGISTRATION PERMISSIVE TAX FUNDS FROM THE BOARD OF COUNTY COMMISSIONS OF FRANKLIN COUNTY, OHIO; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE RESURFACING OF SCIOTO DARBY ROAD.

WHEREAS, the Franklin County Engineer's Office (FCEO) planned for the resurfacing of Scioto & Darby Creek Road between the western County line at the Big Darby Creek and the Hilliard corporation limit near Langton Road in 2021 as part of its annual street maintenance program; and

WHEREAS, the City of Hilliard desired to include the section of Scioto Darby Road between Langton Road and Cosgray Road to improve its pavement condition rating and to allow for continuity in lane widths along the multi-jurisdictional corridor (hereinafter, "the Project"); and

WHEREAS, on August 9, 2021 in a Special Meeting, Hilliard City Council directed staff to participate with the FCEO to resurface the Hilliard portion of Scioto Darby Road as part of the County's resurfacing project; and

WHEREAS, the FCEO and the City desire to share the combined total costs of the Project proportionately, as set forth in a Cooperative Agreement, attached hereto as Exhibit "A" and incorporated herein (the "Cooperative Agreement"); and

WHEREAS, the City proposed to fund a portion of the Project with funds appropriated in the 2021 Capital Improvement Budget for CIP T-122 Citywide Street Rehabilitation and Right-of-Way Management Program, which were unused as part of the City's bid for the 2021 Street Maintenance & Rehabilitation Program (SMRP); and

WHEREAS, unused funds of the 2021 SMRP in the amount of eighty-nine thousand four hundred sixty-seven dollars and thirty-nine cents (\$89,467.39) were encumbered to FCEO in 2021 for this purpose; and

WHEREAS, the City of Hilliard desires to apply for Vehicle Registration Permissive Tax Funds from the Board of County Commissioners of Franklin County, Ohio in the amount of three hundred thirty-two thousand five hundred seventy-seven dollars and sixty-three cents (\$332,577.63) to supplement local funds for the Project.

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

SECTION 1. The City Manager is authorized to enter into a Cooperative Agreement with the Franklin County Engineer's Office for the Project in a form substantially similar to the one **attached** hereto as Exhibit "A" and incorporated herein.

SECTION 2. An expenditure in the amount of \$89,467.39 is authorized from Fund 206, Object 55 to reimburse FCEO for part of the City's portion of the Project's cost.

SECTION 3. The City of Hilliard is authorized to apply for and receive Vehicle Registration Permissive Tax funds in the amount of \$332,577.63 from the Board of County Commissioners of Franklin County,

Ohio for the Project and to use those Funds to reimburse the FCEO for the balance of the City's portion of the Project.

SECTION 4. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any Agreement associated with the expenditure of funds authorized herein.

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

Andy Teater
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 22-R-02					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Omar Tarazi	<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	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Pete Marsh	<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. **22-R-02** passed by the Hilliard City Council on the 24th day of January 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 24th day of January 2022.

Diane C. Werbrich, MMC

**INTERGOVERNMENTAL AGREEMENT FOR STREET RESURFACING WORK
ON SCIOTO DARBY CREEK ROAD**

This Intergovernmental Agreement for Street Resurfacing Work ("Agreement") is entered into by and between the City of Hilliard and the Franklin County Board of Commissioners, on behalf of the Franklin County Engineer's Office ("Franklin County"), collectively the Parties, this _____ day of _____, 2022.

WHEREAS, Section 9.482 of the Ohio Revised Code permits a political subdivision to enter into agreements with other political subdivisions under which a contracting political subdivision agrees to exercise any power, perform any function or render any service for another contracting recipient subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform or render, subject to the approval of their respective legislative authorities; and

WHEREAS, the Parties acknowledge that in the spirit of intergovernmental cooperation, a regional approach to the provision of certain services will be considered when the means for such cooperative effort are available and result in a cost savings and/or enhanced delivery of public services; and

WHEREAS, the City of Hilliard and Franklin County have identified a need to resurface a portion of Scioto Darby Creek Road, between Langton Road and Cosgray Road and estimated in **Exhibit A**; and

WHEREAS, the City of Hilliard is ready, willing and able to contract with Franklin County on the terms and conditions hereinafter set forth, to provide payment for a portion of the resurfacing of Scioto Darby Creek Road between Langton Road and Cosgray Road; and

WHEREAS, the execution of this Intergovernmental Agreement was authorized by Resolution _____, adopted by the Franklin County Board of Commissioners on _____, 2022; and

NOW, THEREFORE, in consideration of the above, the Parties have agreed as follows:

1. The street resurfacing work will be done on Scioto Darby Creek Road, between Langton Road and Cosgray Road, by the Franklin County Engineer's Office with their annual street maintenance program as depicted and estimated in the attached Exhibit A.
2. The parties agree that the estimated cost for the work to be performed is \$422,045.02, as depicted in the attached Exhibit A. The City of Hilliard shall pay to Franklin County only for the actual cost of the work performed. In the event the actual costs exceed \$422,045.02, the parties agree to execute an appropriate modification of this agreement. Franklin County Engineer's Office will provide invoices to the City of Hilliard for the work performed.
3. All Work provided under this Agreement shall be completed on or before December 31, 2021.

4. The Parties are political subdivisions and are entitled to all the immunities and defenses provided by law. To the extent that Chapter 2744 of the Revised Code applies to the operation of a political subdivision, it applies to each Party that is subject to this Agreement and to its employees when they are rendering a service outside the boundaries of their respective Party under the Agreement.
5. This Agreement does not in any way limit any power or function of either Franklin County or the City of Hilliard with respect to any such functions being performed under this Agreement by the other political subdivision.
6. For employment relationship purposes, any provider of services shall be an employee of the political subdivision for which that employee is ordinarily employed and by whom such employee is paid. Such employee shall not be entitled to any additional compensation or employment benefits from the other political subdivision and no claim of joint employer status or liability shall be made on account of or arising from any incident in which a provider's employee may be involved.
7. The Parties agree that records pertaining to this Agreement are subject to Section 149.43 of the Ohio Revised Code (the "Public Records Law"), to the extent permitted or required by law. The Parties agree to cooperate with respect to any public record request and any request of an authorized representative of the Auditor of the State of Ohio in connection with audits and inspections of financial reports or conduct audits.
8. The effective date of this Agreement shall be the latest date signed below and terminate upon the City of Hilliard's final payment to Franklin County; provided, however, that either party may terminate this Agreement upon 30 days' advance written notice to the other party. Termination of this Agreement shall not relieve the non-providing party from paying for any and all services provided.
9. This Agreement may only be amended in writing signed by an authorized representative of each participating Party, and as authorized by their respective legislative authorities, if required.
10. The Party receiving services shall provide a Certificate of Funds or Purchase Order signed by that political subdivision's fiscal officer, evidencing the appropriation of funds sufficient to cover the costs of the services to be provided.
11. Whenever notice is required in this Agreement, such notice shall be in writing and shall be deemed served when either delivered in person to the following designated agents for that purpose, or deposited in the United States Mail, by certified or registered mail, postage prepaid, return receipt requested, addressed to the other Party as follows:

If to Franklin County Engineer's Office:

James Jewell
Franklin County Engineer's Office

970 Dublin Road
Columbus, Ohio 43215

If to the City of Hilliard:

Letty Schamp, P.E., Director of Transportation & Mobility
City of Hilliard
3800 Municipal Way
Hilliard, Ohio 43026

or such other address as may be designated in writing by the Parties.

This Agreement may be executed in multiple counterparts, including facsimiles or scanned copies, each of which shall be recognized as an original signature.

IN WITNESS WHEREOF, the Parties, each by an authorized agent, have entered into this Intergovernmental Agreement on the date indicated above.

FRANKLIN COUNTY

Witness: _____

Date: _____

By: _____
Cornell R. Robertson, P.E., P.S.
Franklin County Engineer

BOARD OF COUNTY COMMISSIONERS FRANKLIN COUNTY, OHIO

APPROVED AS TO FORM

G. GARY TYACK
PROSECUTING ATTORNEY
FRANKLIN COUNTY, OHIO

Assistant Prosecuting Attorney

Erica C. Crawley, President

John O'Grady, Commissioner

Kevin L. Boyce, Commissioner

CITY OF HILLIARD

Witness: _____

Date: _____

By: _____
Michelle Crandell
City Manager

APPROVED AS TO FORM

Law Director
City of Hilliard

Exhibit A – Scope of Work

[illegible]

Council Memo: Information Only

Subject: 2022 Police Capital Equipment Purchases
From: Michelle Crandall, City Manager
Initiated by: Kelly Clodfelder, Staff Attorney
Date: January 24, 2022

Summary

The purpose of this memorandum is to update City Council on the status of upcoming fleet purchases as identified and previously budgeted in the 2022 Capital Budget. Staff is currently securing proposals for these purchases. The state-term contract pricing will be used to purchase the vehicles listed below.

“State-term” means that these vehicle makes/models have been competitively bid by the State of Ohio. This allows the City to use that pricing to identify a vehicle dealer to purchase from at a price that is at or below “state-term”. Most City vehicles are purchased in this way allowing us to get the most competitive pricing and saving the administrative time of a separate bidding process.

Financial Impacts

CIP #	Police Cruisers and Safety Vehicles	Amount
F-6	Four marked police cruisers with emergency equipment	\$260,000
	One mobile crime scene/incident management unit	\$100,000
	One unmarked police vehicle with emergency equipment	\$24,000
Total Equipment		\$384,000

Expected Benefits

With these purchases, the City will replace four marked police cruisers consistent with the replacement schedule, replace an end of life command vehicle and replace a court liaison vehicle that begins an unmarked fleet replacement schedule of one per year.

Attachments

2022 Capital Budget Project F-6

CIP NUMBER: F-6

PROJECT TITLE: Police Cruisers and Safety Vehicles

DESCRIPTION/JUSTIFICATION: The City of Hilliard requires a variety of equipment and vehicles to provide city services. The goal of the Capital Equipment Program is to maintain the city's fleet of vehicles and equipment in good and serviceable condition. This program provides for a minimum five-year replacement cycle for marked police cruisers and a 10-year replacement cycle for special units and unmarked vehicles. K-9 vehicle replacement is scheduled for seven years, depending upon maintenance and condition of the vehicle. The five-year capital plan included \$500,000 for an incident management unit. This can be accomplished at 1/5 the cost for a vehicle adequate for our needs.

2022

Replacement Four marked police cruisers with emergency equipment - \$260,000
 Replacement One unmarked car with emergency equipment - \$24,000
 Replacement Mobile crime scene / incident management unit - \$100,000

2023 - 2026

Replacement Four police cruisers and all emergency equipment contained within
 Replacement Two unmarked cars and all emergency equipment contained within

EXPENDITURE SCHEDULE						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
PURCHASE	\$ 384,000	\$ 323,400	\$ 339,570	\$ 356,549	\$ 374,376	\$ 1,777,894
LEASE	-	-	-	-	-	-
TOTAL	\$ 384,000	\$ 323,400	\$ 339,570	\$ 356,549	\$ 374,376	\$ 1,777,894

Council Memo: Information Only

Subject: School Resource Officer Statistics
From: Michelle Crandall, City Manager
Initiated by: Kelly Clodfelder, Staff Attorney
Date: January 24, 2022

Summary

Based on specific incidents that occurred near our school facilities, along with national events, Council Member Carrier requested information on the safety of the learning environment in the Hilliard City School District (HCSD). This memorandum will look at three areas as they relate to the safety in our school facilities: a look at the local call for service data, aspects of recent concerning events, and current cooperative programs between the Division of Police and the HCSD administration regarding student safety.

DATA ANALYSIS: Call for service (CFS) data was collected for each HCSD building in the City. Data was taken from the Division's record management system (RMS), as well as a separate spreadsheet of School Resource Officer (SRO) activities, that are not enforcement related for 2020 and 2021. The data showed that the overwhelming majority of the CFS are non-criminal calls such as "juvenile complaints", miscellaneous, traffic issues, and "suspicious activity" calls. Furthermore, the greatest amount of time the SROs spent was on non-policing activities such as counseling, mentoring, and teaching: not dealing with crime.

This data confirmed that the number of criminal incidents in our school facilities is very low. However, there are concerning increases observed in specific call types in 2021 (see below). Those include mental health emergencies, disturbances, and fights. While the total number of these types of incidents is very low, these incidents are increasing. When looking for the root cause of this increase, I believe that this could be due to the pandemic and the return of the students to the classroom after the 2020-2021 school year when time was spent on non-classroom learning. This is further evidenced when comparing the frequency of these calls in the school with those outside of the school system. Mental health issues, physical altercations, and heightened angst has also led to an increase of these types of calls in our community. The increase in these types of calls is consistent not only in the Hilliard community, but in society in general. What happens in the schools is reflected in the community.

CURRENT PROGRAMS: To best examine the recent events that raise concern, it is important to understand the ongoing proactive activities that occur to keep our schools safe. School safety is not reactionary in the City of Hilliard. Quarterly, Police Division command staff meets with the Superintendent's staff, Norwich Township Fire Department command staff, and others as a School Safety Committee. Here, we discuss current safety issues, as well as any future concerns. We ensure school safety plans are up to date, assist the district with its annual safety requirements, and identify ways to cooperatively make each classroom safer. The large-scale active shooter training in 2018, regular annual training for school staff by HPD and NTFD staff at Hilliard U, and Stop the Bleed bags in every classroom are examples of outcomes from committee meetings. We have six SROs covering all middle schools and high schools, a number that was increased when many districts were eliminating this program. This was a cooperative desire between the City and HCSD. Sergeant Settles, the SRO supervisor, meets with principals throughout the school year to ensure the program is successful for all stakeholders. Those principals also provide an annual performance evaluation on their respective SRO which becomes part of the official Division evaluation. In addition, to meet the needs of the elementary schools not covered by an SRO, patrol officers on first shift are assigned to all elementary schools. They are required to make multiple appearances each month to foster an SRO-like relationship with staff and students. This measure has been very successful for both organizations

and strong relationships have developed. At the beginning of the school year and after winter break, our Community Relations Officer attends safety drills at the elementary schools. We use this time to review and ensure proficiency in the use of the school emergency radios. The school emergency radio provides direct connection to 911 dispatchers and all police radios with the push of a large orange button. In addition to current activities, we are also working together with Council and HCSD to provide tools to combat the use of vaping devices by our youth. These are highlights of the many *proactive* programs in place to keep our schools safe.

RECENT EVENTS: There were three events that occurred over a short period of time that brought the safety of our students into concern. Locally, a gun was recovered in Davidson High School and a fight occurred after school along Davidson Road as schools were letting out for the day. The third, and the most concerning, was the latest shooting at a school in Michigan.

The Davidson Road fight occurred between two males when one saw the other walking with his girlfriend. The aggressor was a young adult who was not a student. The ensuing fight was intense, with the participants actively resisting officers' efforts to end it. Friends of both parties arrived posturing against the other, which made the scene look rather large. Three subjects were arrested and charged for their involvement. While only minor injuries occurred, the response was quite a spectacle for kids and their parents as they left school.

A gun being recovered from a student at Davidson High School makes us pause and examine the safety of our children right here in Hilliard. While this event could have resulted in many different tragic outcomes, this one did not, arguably due to the relationship between the student and the SRO. The student was taken by staff to the office because of a vaping complaint. When the SRO arrived in the office, the student asked to speak to the SRO alone. Once alone, the student disclosed that he had a gun in his bag. Personally, my mind went to another chilling scenario when I heard the student's request to be alone with the SRO. However, what occurred was a direct example of the positive relationship that SRO had with that student. Although many options were available to him, this student chose to self-disclose to the SRO. I believe this is the greatest example of a successful SRO program supported by the city and school administration.

An active shooting event is the nightmare of every community. It is the singular most horrific event we try to prevent through our safety measures. Unfortunately, they still occur in our country. As with every mass casualty event, we compare what happened there to the safety efforts we have in place here. Based on information regarding the most recent event in Michigan, there appears to have been two major opportunities that were missed in preventing this from occurring. Early reports to school administration of suspicious behavior or concerning comments were not shared with nor investigated by law enforcement. Second, the student was called to the office to address the allegations and the decision was made to not include law enforcement, or an SRO. Although staff decided to suspend the student, they allowed him to remain on campus unsupervised and commit a violent act.

In 2020 and 2021, HPD investigated more than 30 such threats in HCSD schools. Most of those threats were reported by students to school administration who contacted police. Upon receipt of these threats, the Division protocol is to immediately assign detectives to initiate a full investigation and not dismiss *any* threat regardless of time of day. The investigation proceeds until it is proven to be a non-credible threat, or as the case in 2017, an arrest is made. We also increase police presence at the school to provide peace of mind to students, parents, and staff. The relationship between law enforcement and school staff in Michigan, nor many other schools where this has occurred, is not indicative of the relationship between our SROs and principals. Simply put — the relationship between school staff, SROs and Division staff would prevent these opportunities from being missed. Michigan and Florida are both examples of when SRO programs are not successful because of failed relationships. This is not true in Hilliard; we communicate regularly at all levels so that we do not miss opportunities.

In summary, the safety of our children is the primary concern in our society. This becomes even more important as we combat the influence of the internet, social media, and cultural trends. Safety in our

classroom is a sliding scale because of the liberties ensured by the U.S. Constitution. On one end of the scale is a laissez faire approach where we simply allow things to happen as they may. The opposite end of the scale is a lock down facility with controlled access, metal detectors, and a large contingency of security officials. We have a safe environment in our schools. However, the freedom we enjoy provides opportunities where they can be exploited for harmful behaviors. With every movement on the scale, there are benefits, and there are disadvantages, but there are no absolutes. Consider the most secure facilities in our society: prison. With controlled access, razor wire, armed guards, and metal detectors, violence and substance abuse still occurs.

To ensure our schools remain a safe place for kids to learn, we must continue the open, cooperative efforts between the HCSD, the city, the community, and the students. We must continue to engage with our youth in positive ways and educate them of the potential dangers of the internet and social media. As adults we must recognize that the trends in society have a tremendous impact on the wellness of our youth and the mental health of our community must be a priority.

Below is the CFS data referenced previously. This raw data is from schools covered by SROs, by specific call type, by calendar year.

Initial Call Type	2020	2021
Fight	4	12
Disturbance 1-unit	14	10
Disturbance 2-units	8	13
Suicide Attempt	4	7
Overdose	1	1
Mental Health	6	18

Attachments

No attachments.