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## **AGENDA**

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# **Regular Council Meeting**

**7:00 PM February 14, 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 – Father Frank Brown, St. Brendan Catholic Church

The Pledge of Allegiance to the Flag of the United States of America – Ms. Cottone

### II. Roll Call

### III. Approval of Minutes

- A. January 24, 2022, Special Executive Session
- B. January 24, 2022, Regular 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 - None

### 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.

- 22-04 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.

#### First Readings

- 22-06 AMENDING CERTAIN SECTIONS OF PART NINE OF THE CITY'S CODIFIED ORDINANCES - THE "STREETS, UTILITIES, AND PUBLIC SERVICES CODE".



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22-07 AMENDING THE 2022 CAPITAL IMPROVEMENT BUDGET FOR THE PERIOD  
ENDING DECEMBER 31, 2022.

22-08 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO  
ADD AN ADDITIONAL NON-UNION POSITION.

### **B. Resolutions**

22-R-03 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH  
HACH COMPANY FOR 2022 SANITARY SEWER FLOW MONITORING  
SERVICES (CIP S-20) AND AUTHORIZING THE EXPENDITURE OF FUNDS.

22-R-04 APPROVING THE AGREEMENT FOR THE CITY'S PURCHASE OF EXCESS  
OF LOSS COVERAGE INSURANCE AS REQUIRED BY THE OHIO BUREAU  
OF WORKERS COMPENSATION.

22-R-05 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT  
WITH WILLIS TOWERS WATSON TO PROVIDE PROPERTY AND CASUALTY  
INSURANCE AND AUTHORIZING AN EXPENDITURE.

22-R-06 AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE  
EDGE GROUP, INC. FOR DESIGN PURPOSES OF THE CITY'S NEW  
FACILITIES ON THE JERMAN PROPERTY.

22-R-07 APPOINTING MEMBERS TO THE HILLIARD DEVELOPMENT CORPORATION  
BOARD OF DIRECTORS.

22-R-08 ADOPTING DATES AND HOURS OF OPERATION FOR THE DESIGNATED  
OUTDOOR REFRESHMENT AREA.

X. **President's Communication**

XI. **Staff Reports**

XII. **City Manager Updates**

XIII. **Items for Council Discussion**

**Adjournment**



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## CITY COUNCIL

### **JANUARY 24, 2022** **SPECIAL EXECUTIVE SESSION MINUTES**

#### **CALL TO ORDER**

The meeting was called to order by Vice President Omar Tarazi at 4:18 PM.

#### **ROLL CALL OF MEMBERS**

<b>Attendee Name:</b>	<b>Title:</b>	<b>Status:</b>
Andy Teater	President	Late – Arrived at 5:21 PM
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, Economic Development Director David Meadows, Transportation and Mobility Director Letty Schamp and Clerk of Council Diane Werbrich

Ms. Vermillion, seconded by Mr. Marsh, moved to recess to Executive Session for matters pertaining to the appointment of public personnel; the sale, lease or purchase of real estate; and reviewing negotiations of bargaining sessions (Charter Section 2.10(1)(a), (b) and (d)).

**MOVER:** Cynthia Vermillion  
**SECONDER:** Pete Marsh  
**AYES:** Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion  
**AWAY:** Andy Teater

#### **EXECUTIVE SESSION**

Council recessed to Executive Session at 4:20 PM.

Mr. Carrier, seconded by Ms. Vermillion, moved to end the Executive Session at 5:33 PM.

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

Vice President Tarazi reconvened the Special/Executive Session Meeting at 5:33 PM.

#### **ITEMS FOR COUNCIL DISCUSSION - None**

Mr. Carrier, seconded by Ms. Cottone, moved to adjourn the Special/Executive Session meeting by Voice Vote.

Minutes Acceptance: Minutes of Jan 24, 2022 4:15 PM (Approval of Minutes)



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Special Executive Session  
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**3.A**

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

**ADJOURNMENT – 5:33 PM**

\_\_\_\_\_  
Omar Tarazi, Vice President  
City Council

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

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

**Minutes Acceptance: Minutes of Jan 24, 2022 4:15 PM (Approval of Minutes)**



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## CITY COUNCIL

### **JANUARY 24, 2022** **REGULAR MEETING MINUTES**

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Pastor David White, Upper Arlington Lutheran Church, gave the invocation.

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

#### **ROLL CALL**

<b>Attendee Name:</b>	<b>Title:</b>	<b>Status:</b>
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, Assistant City Manager Dan Ralley, Finance Director Dave Delande, Police Chief Eric Grile, Community Relations Director David Ball, Transportation and Mobility Director Letty Schamp, Planning Director John Talentino, Staff Attorney Dawn Steele and Clerk of Council Diane Werbrich

#### **APPROVAL OF MINUTES**

President Teater asked if there were any changes or corrections to the January 10, 2022, Regular or Organizational meeting minutes. Hearing none, the minutes were approved as submitted.

<b>STATUS:</b>	Accepted
<b>AYES:</b>	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

#### **COMMISSION AND BOARD REPORTS**

**Board of Zoning Appeals** - No report.

**Destination Hilliard** - No report.

**Environmental Sustainability Commission** - Mr. Marsh announced a meeting will be held in a couple of weeks.

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

**Planning and Zoning** - Ms. Vermillion reported the Commission will be selecting a new Chair and Vice Chair at the February meeting.

**Public Arts** - No report.

**Recreation and Parks Advisory Commission** - Ms. Crandall reported the next meeting will be with planningNext, who will provide an update on the Comprehensive Plan and ask for input from the Commission.

**Shade Tree Commission** - No report.

**Other Boards/Commissions** - No report.

Minutes Acceptance: Minutes of Jan 24, 2022 7:00 PM (Approval of Minutes)



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### RECOGNITION AND SPECIAL GUESTS

Chief Grile recognized resident Ron Smith for his efforts in keeping the City clean.

### CHANGES TO THE AGENDA

Vice President Tarazi asked that a discussion on Alton Place be added to tonight's meeting. President Teater suggested having that discussion at the end of the meeting under Council Discussion on the agenda.

### CONSENT AGENDA - NONE

### PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) - NONE

### BUSINESS OF THE COUNCIL

#### A. Ordinances

#### SECOND READINGS/PUBLIC HEARINGS

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

No one in attendance spoke for or against this ordinance at the Public Hearing.

Ms. Vermillion stated in the meeting packet (Page 24) the B-1 District explains the notification of surrounding property owners but then states that failure to notify them does not invalidate the proceedings and asked why the failure to notify the surrounding property owners would not affect the proceedings. Mr. Talentino stated that is standard language and means if a property owner gets missed or if the notification is delayed by the post office, then it does not nullify hearing the case. Ms. Vermillion then asked if the City always meets the 14 plus day requirement. Mr. Talentino replied that is part of the standard process that the notifications go out on a certain day.

Ms. Vermillion asked what the difference is between a Level 1 and Level 2 cultivator under the Medical Marijuana section. Mr. Talentino stated he is unsure and is not familiar with them because the City has not received any applications for those. Ms. Vermillion then asked how the 500-foot distance was determined in that same section. Mr. Talentino believed that is from the State code. Mr. Carrier added it is a State driven mandate. Ms. Hale reported a Level 1 cultivator is up to 25,000 square feet and Level 2 is up to 3,000 square feet.

**STATUS:** Adopted (7-0)

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

President Teater announced 22-01 passed and would take effect at the earliest time allowable by law.

##### 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.

Aaron Epling, 3544 Main Street, and attorney for the applicant, stated he agrees with Ms. Vermillion's concern at the last meeting regarding piecemealing these annexations and stated there should be a broader policy on annexations. Piecemealing is when you are doing something because there is a lack of a broader policy in place and since there is not a broader annexation policy in place, it must be piecemealed. Mr. Epling added whether Council votes for or against this annexation, do not let piecemealing keep Council from voting for this annexation. He addressed the other concern that this annexation would drain City resources. Mr. Epling stated it is hard for him to believe that people living in the City drain resources but understands the financial reasoning for that. He added that if someone wants to build a house then the answer is no, unless it involves a big developer or if someone wants to build a business. Mr. Epling stated that should not be what the City stands for or the direction the City should go. He announced the landowners are in attendance.

Minutes Acceptance: Minutes of Jan 24, 2022 7:00 PM (Approval of Minutes)





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**Ms. Kristin Donnell**, 3748 Stunsail Lane, Columbus, OH. (One of the landowners) - addressed Council regarding the annexation.

Mr. Carrier asked if the property owners are aware that the cost for service is approximately \$90,000.00. He acknowledged the property owners were shaking their heads yes. Inaudible reply from Mr. Donnell.

Ms. Vermillion asked how many houses are on septic or well at the perimeter of the City to know how many others may want to do this. Inaudible reply from Ms. Brinkerhoff. Ms. Crandall replied that would be part of the annexation process that these individuals are doing. She noted she does not know the number of those within the City limits that are not on sewer, but can provide that information. She reviewed the map of other areas that could potentially annex into the City. (See Attached). These areas are outside the corporate limits but immediately adjacent so they could annex into the City. Mr. Hartmann added it is land that may not be developed.

Vice President Tarazi stated there are two issues: 1) the overall ten-year plan then this potential annexation area and 2) this one, six-acre piece and in his opinion that is de minimis in terms of the bigger picture. He asked if there is clarification on the time frame for the discussion on the bigger picture. Ms. Crandall replied at some point there should be a discussion but does not believe that should hold up a decision on this particular property because there is a time frame for which they brought the original annexation and the need to move this forward. She stated the bigger discussion could take place in the next month or two and the Big Darby area needs to be its own discussion on how that area develops and is part of the Community Plan update. There could be a discussion, in general on an annexation policy within the next month or two.

Mr. Marsh reported he emailed some ideas to Ms. Crandall regarding a policy particularly for the smaller parcels because the ones on the map are not necessarily single land masses. He stated the City could look at adjacency to the City's existing services, ensuring the City can acquire any necessary right-of-way versus paying later for any improvements, making sure things are up to code and looking into the financial piece by having them join the Hilliard Community Development Authority where all the new developments are being placed. Then a component of the property tax can help offset some of the maintenance cost. Mr. Marsh agreed that this particular request is small and does not necessarily undo anything that would be presented later.

Mr. Carrier stated he hopes the Comprehensive Plan vets out what is the City going to do with the parcels that are in the current contract area to the north of this property. Adjacency matters to the north out to Hayden Run. He would like to hear from the Comprehensive Plan group and staff on how to put it all together and what it means legally if the City chooses not to provide service to a group of parcels. He would like to understand the mechanics of what that means to those landowners and that the City is managing it correctly if the City does say no or have exclusionary provisions in the annexation policy and what that impact could be. Mr. Hartmann replied that the information can be provided.

Ms. Vermillion reiterated her concern regarding the piecemeal approach, which may not be what the new Comprehensive Plan wants for some of these areas. She asked if the landowners tried to find a home in Hilliard. Ms. Donnell replied that it has been her and her husband's dream to build a custom home with some land and not live in a big box neighborhood. She noted the cost of doing this is significant and is why there will be three homes on six acres with each sharing in the cost.

Ms. Vermillion asked if they had another plan if they were not annexed into the City. Ms. Donnell replied they spoke with Franklin County and Norwich Township. Franklin County, who would be responsible for the septic, was opposed to it because there would be a water line within 100 feet and that it would not be the most environmentally friendly option. If they are not annexed into the City, it would be difficult to proceed because there are limited options for septic and water. She added they were aware that the annexation may not happen but was a risk they wanted to take because this opportunity does not present itself very often and is a chance for them to stay in the City they love.

**Ms. Melissa Brinkerhoff**, 4587 Langton Road - asked where the sewer taps are coming from, how many septic tanks are in the area, what is the possibility of current residents wanting to tap into sewer in the future and what the process and procedures are for granting property owners the ability to tap in.

**STATUS:** Adopted (5-2)  
**AYES:** Teater, Tarazi, Carrier, Hale, Marsh  
**NAYS:** Tina Cottone, Cynthia Vermillion  
President Teater announced 22-02 passed and would take effect at the earliest time allowable by law.

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

No one spoke for or against Ordinance 22-03 at the Public Hearing.

**STATUS:** Adopted (7-0)  
**AYES:** Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion  
President Teater announced 22-03 passed and would take effect at the earliest time allowable by law.

**FIRST READINGS**

**22-04 AMENDING SECTION 149.07 OF THE HILLIARD CODIFIED ORDINANCES REGARDING MEMBERSHIP OF THE RECREATION AND PARKS ADVISORY COMMITTEE.**

Mr. Merritt explained that this would amend the members of the Recreation and Parks Advisory Committee (RPAC) because of the recent organizational changes by Destination Hilliard and its Board's desire to no longer actively participate, which made adjustments to the membership necessary.

Mr. Carrier asked if the City has thought about expanding the RPAC membership. Ms. Crandall replied that Council has the ability and opportunity to expand the membership but noted a larger group may be more difficult to manage. Mr. Carrier asked what Council wants out of the RPAC because it appears that they will be used for data input and data sourcing for athletic field space and policy discussion on that. He would like the RPAC involved in the aquatics portion of the Community Center and would like to see the operational cost and size of that. Mr. Merritt reported with this change in membership, the RPAC will have six residents, one high school student, two council members and one Hilliard School District representative. The Destination Hilliard spot would add another resident membership.

Mr. Carrier stated that kids give some great ideas and currently there is only one high school student. Mr. Merritt replied that this change in membership would not limit Council's ability to appoint another student or a senior because the only requirement is that they are a resident.

Vice President Tarazi agreed that smaller groups are more functional and asked if Council wants to change anything that they are asking RPAC to do. Mr. Carrier noted it starts with the assignment for the athletic fields and asked if Council foresees other assignments coming out of those discussions. Vice President Tarazi asked who gives the RPAC assignments. Ms. Crandall replied the RPAC can get assignments from Council and that Administration, from a staff perspective, uses them as a sounding board as far as what they may want to see from Recreation and Parks from what they are hearing in the community. The RPAC is set up that if there is a project they should be working on or something that Administration would like for them to review or provide input on but if there are not any topics for them to discuss, the meetings are canceled. She noted the architects will come back through for the community center after the programming schematic to get input from them as well.

Vice President Tarazi thought that the RPAC was working on getting input and discussion on various ideas. Ms. Crandall replied the Comprehensive Plan has a public input process. Vice President Tarazi noted he is referring to specifically Issue 22 and the Community Center. Ms. Crandall replied that is with the architectural firm. Vice President Tarazi then asked what the role of the RPAC within that is. Ms.



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Crandall stated they are a sounding board for Administration to bring back that feedback to Council, but if Council wants to assign them something specific to bring back a recommendation, then that could happen as well.

President Teater explained that the ordinance before Council is to replace the Destination Hilliard member with an at large member. The RPAC is an advisory group to Council and if there are questions Council would like their input on, Council is allowed to ask for that input. He stated one place the RPAC can provide input is on field usage. To Mr. Carrier's question regarding the size of the RPAC, he stated this is a new group and have been working well together and he does not see the need to change the membership numbers while it seems to be working well. Mr. Carrier commented that he would like to see a student from each high school because kids have great ideas.

Mr. Carrier asked when the next RPAC meeting is scheduled. Mr. Merritt reported the next meeting is February 9, 2022.

**STATUS:** First Reading  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Pete Marsh  
**AYES:** Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion  
President Teater announced the second reading/public hearing on 22-04 will be February 14, 2022.

**22-05 REPEALING CHAPTER 750 AND REPEALING AND REPLACING CHAPTER 753  
REGULATING THE USE OF FOOD TRUCKS IN THE CITY.**

Mr. Ralley explained that this proposal is a request to change how food trucks are regulated within the City. He stated historically the City has regulated food carts and more recently adopted regulations on food trucks and those regulations were significantly different. Mr. Ralley explained the pandemic changed the orientation about food trucks and their value to the community and this legislation will unify the regulations since not a lot of food cart applications are received. He noted there is no rational reason they should be regulated differently than other food trucks and this simplifies the process for food trucks that want to operate within the City. A provision was added to allow members from the Central Ohio Food Truck Association (COFTA) to have an expedited approval process to operate within the City because members of COFTA have gone through the background screening the City currently does through the Police Department and this will eliminate that duplication. He noted that most food trucks who want to operate in the City and are not associated with a restaurant within the City, are members of COFTA.

**STATUS:** First Reading  
**MOVER:** Cynthia Vermillion  
**SECONDER:** Pete Marsh  
**AYES:** Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion  
President Teater announced the second reading/public hearing on 22-05 will be February 14, 2022.

**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.**

Ms. Schamp explained this is a project that was piggy backed onto a Franklin County project on Scioto Darby Road outside the City's jurisdiction. **(See Attached)**

The reason for the cost increase is because the limits of the project were extended on Cosgray Road approximately 350 feet north of Scioto Darby Road. The pavement conditions were not good and there was concern that it would hold water and freeze over in the winter resulting in issues, so a decision was made to extend the project. There was also additional flagging operations and maintenance of traffic in the City's section.

**STATUS:** Adopted (7-0)  
**MOVER:** Pete Marsh  
**SECONDER:** Tina Cottone  
**AYES:** Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion  
President Teater announced 22-R-02 passed and will take effect at the earliest time allowable by law.

## PRESIDENT'S COMMUNICATION

President Teater reported he continues to work on Council committee assignments.

## STAFF REPORTS

### A. 2022 POLICE CAPITAL EQUIPMENT PURCHASES

Ms. Crandall explained there are two informational memos. The first is to purchase police vehicles, which were budgeted and will be purchased through a state term contact.

### B. SCHOOL RESOURCE OFFICER STATISTICS

Mr. Carrier asked if there are enough School Resource Officers (SRO) in the high schools. Chief Grile replied yes that there is an SRO in every high school and one in every middle school, which is above and beyond many other communities. He is comfortable with the number of SROs.

Mr. Carrier asked about evidence the SROs collect at the school. Chief Grile replied that it depends how long they are off grounds and if they are off grounds long enough to book property, they will let the patrol cars in the area know and if there is an incident, they go to the SRO at the adjacent school. If the SRO is gone for a full day, and since high schools are priorities, an SRO from a middle school would fill in and the rest of the team would cover that middle school. If there is not an SRO to pull from, a day watch officer would be put in the school to cover per the contract.

Mr. Carrier asked if the SROs have access to the cameras inside the school. Chief Grile replied that the SROs do have access to the cameras inside all the school facilities. The SRO has an office in the schools and have direct connectivity to school network but not outside the office because there are privacy concerns with the police looking in the school whenever they want.

Mr. Carrier stated the SRO program is the most valuable community program that the City operates and the schools fund most of it. He asked if there is an opportunity, since kids are doing things earlier now in their lives, to create a program at the elementary school level to expose those kids to what the Police Department means to the community and their service to them. Chief Grile replied that is a policy decision by the Police Department and the School Board and he does not know if that is the answer because it may not send the right message. He explained that a day watch officer is assigned to the elementary schools who are responsible for visiting the school several times a month to create that SRO type of relationship with teachers and students. He does not believe there is a need for an SRO in every building but can achieve relationship development by having those officers report into the schools. Chief Grile reported they started this at the beginning of the school year, and it has been tremendously successful, and believes it is working right now.

Ms. Vermillion commented that she enjoyed reading the incident where the student trusted the SRO and that it speaks volumes. She stated Safety Town is an exposure for younger students that happens early along with other special programming.



Chief Grile mentioned that they will be starting a Starfish Program where officers go to the school to read to the students, which is a program Deputy Chief Woods brought over from the City of Columbus.

Ms. Hale thanked Chief Grile for what they do for the elementary children. Chief Grile thanked Council and the School Board for their support. President Teater mentioned that the relationship between the City schools and the Police Department has been outstanding and a benefit to the community and the school system.

### CITY MANAGER UPDATES

Ms. Crandall reported today she sent out a grant award from the State for body worn cameras but there was a typo in the amount the City would receive. She stated the City requested \$169,000.00 and will receive \$58,000.00. She added Council did fund the full amount and this grant is welcomed to start this program.

### ITEMS FOR COUNCIL DISCUSSION

Ms. Cottone stated the City provides great services for seniors. She reported that in the past month she, Mr. Marsh and Ms. Crandall met with representatives from of Dublin, Upper Arlington and Clintonville who have robust programs for seniors and who were generous in sharing their time, their different models and the reasons they made their decisions.

Ms. Cottone asked for Council support in requesting legislation to be drafted to create a committee/commission for aging in place or services for seniors. Mr. Marsh added a commission could be valuable in evaluating some of the information they started to gather to determine what the best model for the City would be to provide maximum opportunity for seniors.

President Teater asked for a voice vote to have legislation prepared creating a senior advisory committee. Mr. Marsh stated it could be named later.

<b>STATUS:</b>	Approved by Voice Vote
<b>AYES:</b>	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

Vice President Tarazi provided information on the history of the Alton Place project, which has been going on for years. He noted in speaking with Mr. McCabe, the developer, he mentioned problems he is having with the City and asked Mr. McCabe to submit those issues in writing, which he did. Mr. Ralley countered Mr. McCabe's issues. Vice President Tarazi stated he then followed up with Mr. McCabe who disputed all the facts with a 60-page response, which he forwarded to Administration to review. He asked that since there is such a disconnect on this very large project, if it is prudent to bring someone in to figure out where the gaps are. He is mostly concerned if there are gaps and things that could be done differently before the much bigger community center or other projects come up. He asked what the best way to proceed is. Ms. Crandall replied that information was received late this afternoon and staff has not had the opportunity to review Mr. McCabe's response. Ms. Crandall said with understanding the challenges with the development agreement that happened, Mr. McCabe should be hiring a project manager, which would make the processes on their side a lot smoother. There were a lot of challenges during the development agreement but will review what he provided. She noted she spoke with Mr. Ralley about the possibility of meeting with their team every couple of weeks, which from the City's perspective gets more involved in the project management portion than it should be.

Mr. Carrier stated his concern is that there is \$70 million proposed in commercial and residential and the response to doing a black belt evaluation of the process was that it was one developer. He said if the City does not take a hard look at itself and the processes especially with the substantial projects coming up because it is important that the development community understand that when Council says they are going to do something, they do it and maybe the answer is to have someone to come in and see if there is a way to look at this differently and possibly defuse the back and forth. He asked to solve this. Ms.





Crandall stated the City needs to figure out a way to move this project forward and the thought was to meet with that team twice a month to start facilitating moving that. She noted there is only so much the City can do and they have to be responsive to things coming back in as well. Ms. Crandall asked if Council has heard from other developers that the City's processes are burdensome, or the customer service is bad. She has not heard that and have only heard good things from other developers and is why she said that this is only one developer. She noted if multiple developers were having the same issues, a red flag would go up. She met with the team and understood where the challenges have been with this and feels confident that the team is doing a great job in processing and reviewing in a timely manner and providing good customer service. Mr. Carrier asked Ms. Crandall to check with other developers to gain that feedback because it is important to get a complete picture. There are other entities involved in this and maybe this should be part of the Council's quarterly meetings with Ms. Crandall.

Vice President Tarazi asked why no one called Mr. McCabe after he sent the first email. Ms. Crandall replied that Mr. Ralley has met with Mr. McCabe on several occasions in the past and the thought was to reply to all of them this time, so Council had a better understanding of what was going on. Vice President Tarazi felt that not calling Mr. McCabe was a missed opportunity. He suggested talking to other developers as well, which he has started to do. One of the common issues is the uniqueness of Alton Place and where it is in its development and right now it is about getting this back on track. He added that maybe this issue should be revisited in a month to see if it has been worked out but if it is still a problem maybe then bring someone in to see what it will take to get this finished.

Mr. Marsh stated that the comment about this being one developer and as far as Council knows, this is just one developer making the comments. There are subs involved in this, but he doubts Equity has done any submittal on this and is all through Mr. McCabe. If they are frustrated with the speed, which may be the case, that does not fall all on the City. Mr. Marsh stated that being involved in this process much earlier, this is a very important project to Mr. McCabe personally and he has probably retained too much control and does need a project manager. The City saw multiple times during the negotiation phase where Mr. McCabe would attend meetings completely unprepared for the questions that were going to be asked. Mr. McCabe would nod in agreement and then weeks later he would send an email stating he could not do the things he agreed to. Mr. Marsh thinks that Council needs to keep that in mind since what he is saying is from actual experience as the Council Liaison. He stated that it is fantastic that staff is willing to go that extra mile. He can only speak for himself, but suspects most of Council as well that Administration has their complete support in upholding the City standards for this project, which is something Council used to complain about in the past. He added although it is great to be helpful, do not back down on those standards. Vice President Tarazi commented that he is not suggesting reducing the standards but, in his view, there are communication break downs that can be fixed. Someone needs to be involved that can pull this all together and get it to the finish line, which may be feedback to give to Mr. McCabe because it is not coming together now.

Ms. Hale reported she is excited because this is one of the big projects the City is looking forward to. She stated in reading the memo, she senses a lot of frustration on both sides. There were dozens of issues brought up. She asked if the City has the manpower to address them in a timely fashion or would it be better to hire a neutral party project manager as Vice President Tarazi suggested. Vice President Tarazi clarified that he is not suggesting hiring a project manager but possibly hiring someone as a consultant who has project managing experience who could cut through the technical piece and figure out why there is a disconnect. He is not suggesting that this must be done but that it may be useful on a limited consulting basis especially if Mr. McCabe continues to have a laundry list of issues. Ms. Hale commented that a neutral third party sometimes is a real benefit.

President Teater agreed with Mr. Marsh and that it is one developer who was a handful during the initial process to get this through Council and is not surprised that there are some issues and problems. He commented that he has total faith in the Administration's ability to uphold the City's standards and to treat the developers right and responsibly. There is a plan to try to alleviate some of these issues and the City is going above and beyond what they need to do. President Teater reiterated that Administration has his



full support and he is comfortable moving forward with their plan to have more frequent meetings. Mr. Tarazi reported that there are items in the memo that are objectively true or not. President Teater replied that a lot on the list are things to save the developer money by having City staff do them. Mr. Tarazi stated there are things in the memo that he believes the City could have objectively done better and will see if the Administration can figure it out in the next month. President Teater stated Administration presented a plan to alleviate this and move forward and he is supportive of that.

Mr. Carrier reported there are a couple of open items from last year that he would like an update on. He asked what the timeline is on the sidewalk policy, which was left open. Ms. Crandall replied this was not left open because staff presented a timeline. She will get that information back out to Council.

Mr. Carrier stated another item is Do Not Knock. Ms. Crandall replied that she was not sure if there were open items regarding this or not. Mr. Hartmann noted that he did not believe there were because the gentleman who came to Council was questioning the prosecutor's discretion. Mr. Carrier asked if there is a Do Not Knock sign and someone knocks, if the City will then follow the code. Mr. Hartmann agreed. Ms. Vermillion recalled that the issue was his No Trespassing sign and not the Do Not Knock signage. Mr. Hartmann replied that he wanted a trespassing charge because the person did not see the sign and walked up to the door. Ms. Cottone added you cannot see his sign because it is on the fence and is not visible if a car is there. Ms. Crandall suggested looking back through the meeting minutes to verify if anything was left unresolved. The City was looking to send out the Do Not Knock stickers to residents as part of the trash bill and then they would have the option to display it or not.

Mr. Carrier stated lastly there have been public statements made by City staff that include City Council. He added, as Council, he would feel more comfortable if Council discussed statements on behalf of City Council before they go out and this should be a public discussion. From his perspective, if staff is going to speak about something on behalf of Council that it should be something Council discusses in a public forum before it is published as a process moving forward. Mr. Tarazi stated that there have been times where it was a good idea to do a political statement of some variety and asked if there should be a statement made how is that handled. He added if there is a political statement that goes out, the President of Council should put it out in their name to eliminate the need to meet, discuss and vote on it. To clarify if it is a political statement, the Council President can put it out but if it is procedural then the City Manager can put it out. Ms. Vermillion felt that Vice President Tarazi would still be unhappy if it was just the Council President because there would still be the issue of people disagreeing. Vice President Tarazi stated Council members could release their own statement. Ms. Vermillion replied that it is assumed that the Council President represents Council. President Teater said Council will take this under advisement and discuss later.

Ms. Hale stated an advisory board/committee on aging is a great idea but feels there should be clear guidelines on who can and cannot apply. In speaking with some members of Council there are exclusions on some other advisory board/commissions and believes that this should be addressed while it is not an election season.

Mr. Carrier, seconded by Ms. Vermillion, moved to adjourn the meeting by Voice Vote.

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



Real People. Real Possibilities.

**City Council**

**January 24, 2022  
Regular Meeting Minutes  
Page 10**

**3.B**

**ADJOURNMENT – 8:43 PM**

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Andy Teater, President  
City Council

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Diane Werbrich, MMC  
Clerk of Council

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

**Minutes Acceptance: Minutes of Jan 24, 2022 7:00 PM (Approval of Minutes)**



## 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:** February 14, 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

\_\_\_\_\_  
President of Council

**APPROVED AS TO FORM:**

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

✓ Vote Record - Ordinance 22-04						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	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						

**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:** February 14, 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

\_\_\_\_\_  
President of Council

**APPROVED AS TO FORM:**

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

✓ Vote Record - Ordinance 22-05						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	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 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 31<sup>st</sup> 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.

PART ONE - ADMINISTRATIVE CODE  
TITLE ELEVEN - FEES  
EXHIBIT A FEES

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**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 (22-06)

**Subject:** Amending Part IX of the City's Codified Ordinances  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Kelly Clodfelder, Staff Attorney  
**Date:** February 14, 2022

### Executive Summary

This Ordinance would approve changes to Part Nine of the City's Codified Ordinances – "Streets, Utilities, and Public Services Code" to be more aligned with the City's current form of government and organizational structure. It also proposes a few substantive changes in order to more efficiently enforce the Weed Code and to update the Recreation and Parks Code.

### Staff Recommendation

Staff recommends that Council adoption this Ordinance.

### Background

In November 2018, Hilliard voters approved a charter amendment changing the City's form of government from "Mayor-City Council" to "City Council-City Manager". In November 2019, City Council approved amendments to the Code specifically regarding the change in Mayor to City Manager, where appropriate. At the time, the administration noted that additional changes would be needed to account for this change. It was also determined that amendments to the Code were also necessary because of organizational changes.

Further, to ensure efficient application of the City's Weed Chapter and to address outdated items in the Recreation and Parks Code, substantive changes are being proposed. These changes will help with enforcement of the Codes.

Amendments to the "Streets, Utilities, and Public Services" include:

- Cleaning up titles to align with current authorized strength;
- Removing references to Director of Public Service and Director of Public Safety;
- Referencing Chapter 190 for fees (consistent with provisions throughout the Codified Ordinances)
- Revising Chapter 917 regarding Weeds to better define weeds throughout the City; and
- Amending Chapter 971, the Recreation and Parks Code to address and update.

There are some chapters that were held out of these code amendments due to the fact that a more comprehensive/substantive review is being conducted. These chapters will be brought back to Council at a later time.

### Financial Impacts

There are no anticipated financial impacts.

### Expected Benefits

The amendments to the "Streets, Utilities, and Public Services Code" ensure that the City's code is consistent with the City's form of government, organizational structure, and allows for more efficient enforcement of certain sections.

### Attachments

Exhibit A

Code Section	Change	Reason for Change
905.01 Temporary Traffic Regulations; Posting of Signs or Markers	Removing references to specific Directors	Change in Form of Government
905.06 Warning Signs; Prohibited Drive or Parking; Exception	Removing references to specific Directors	Change in Form of Government
905.07 Construction Permit for Building Materials	Removing references to specific Directors	Change in Form of Government
905.13 Duty to Remove Litter; Failure to Remove; Appeals Board	Correcting the City department	Change in City's Organizational Structure
917.01 Definitions	Adding and clarifying definitions	Assist with the enforcement of weeds and high grasses in the City
917.02 Removal of Weeds; Duty of Zoning Officer	Changing to be consistent with definitional changes	Assist with the enforcement of weeds and high grasses in the City
917.03 Notice to Cut Weeds	Changing to be consistent with definitional changes	Assist with the enforcement of weeds and high grasses in the City
917.04 Failure of Owner to Comply	Changing to be consistent with definitional changes	Assist with the enforcement of weeds and high grasses in the City
917.05 Costs	Changing to be consistent with definitional changes	Assist with the enforcement of weeds and high grasses in the City
921.03 Permit Required for Removal, Replanting and Replacement	Correcting the City department	Change in City's Organizational Structure
941.04 Maintenance	Removing references to specific directors	Change in Form of Government
945.02 Responsibility of consumer	Removing references to specific directors	Change in Form of Government
945.04 Powers and Duties of City Manager or Designee	Removing references to specific directors	Change in Form of Government
945.06 Payment of Water Rent	Removing references to specific directors	Change in Form of Government
945.07 Water Taps	Removing references to specific directors	Change in Form of Government
945.08 Water Tap Permit and Service Fee	Removing references to specific directors	Change in Form of Government
945.10 Permit Required	Removing references to specific directors	Change in Form of Government
945.14 Adoption of Rules and Regulations	Removing references to specific directors	Change in Form of Government
945.15 Water System-Capacity Charge	Removing references to specific directors	Change in Form of Government

949.01 Definitions	Replacing definitions	Change in Form of Government and Organizational Structure
949.03 Private Sewage Disposal	Removing references to specific directors	Change in Form of Government
949.05 Permits; Fee	Removing references to specific directors	Change in Form of Government
949.06 General Sewer Requirement and Restrictions	Removing references to specific directors	Change in Form of Government
949.07 Use of Public Sewers; Discharges	Removing references to specific directors	Change in Form of Government
949.16 Additional Rules and Regulations	Removing references to specific directors	Change in Form of Government
949.18 Change of Ownership	Removing references to specific directors	Change in Form of Government
949.19 Sewer Tap Permit Required	Removing references to specific directors	Change in Form of Government
949.21 Extension of Service to Nonresidents	Removing references to specific directors	Change in Form of Government
949.22 Sewerage System-Capacity Charge	Removing references to specific directors	Change in Form of Government
951.01 Definitions	Replacing definitions	Change in Form of Government and Organizational Structure
951.02 Organization of the Utility	Removing references to specific directors	Change in Form of Government
951.03 Storm Water Facilities	Removing references to specific directors	Change in Form of Government
951.11 Rules and Regulations	Removing references to specific directors	Change in Form of Government
951.12 Right of Entry for Survey; Examination and Maintenance	Removing references to specific directors	Change in Form of Government
951.16 Classification of Property; ERU Assignment and Rate	Removing references to specific directors	Change in Form of Government
951.17 Annual Review of Charges	Removing references to specific directors	Change in Form of Government
951.18 Credits	Removing references to specific directors	Change in Form of Government
951.20 Adjustment Charge, Appeal	Removing references to specific directors	Change in Form of Government
951.22 Notice to Correct Improper Drainage	Removing references to specific directors	Change in Form of Government
951.23 Abatement Costs	Removing references to specific directors	Change in Form of Government
951.24 Appeals Board	Removing references to specific directors	Change in Form of Government
951.25 Variances and Appeals	Removing references to specific directors	Change in Form of Government
971.01 Hours and Conditions of Use	Removing references to specific directors	Change in Form of Government
971.03 Prohibited Activities	Adding prohibited activities regarding swimming in ponds, lakes, and other bodies of water	Ensuring that stormwater retention ponds and other park water features, unless designated, cannot be used for swimming or boating

971.07 Vehicle Regulations	Removing references to specific directors	Change in Form of Government
971.08 Pets and Other Animals	Removing references to specific directors	Change in Form of Government
971.11 Camping and Campfires Prohibited	Removing references to specific directors	Change in Form of Government
971.12 Home Barbecues; Park Stoves	Removing references to specific directors	Change in Form of Government
971.14 Model Airplanes	Removing references to specific directors	Change in Form of Government
971.15 Borrowed or Rented City Equipment	Removing section	
971.17 Entering of Buildings	Removing references to specific directors	Change in Form of Government
971.19 Establishment or Waiver of Rules	Removing references to specific directors	Change in Form of Government
971.21 Permits for Sale and Consumption of Alcohol at Events Held in Designated Locations of the City	Removing references to specific directors	Change in Form of Government
971.22 Fishing in City Parks	Adding New Section	Being consistent with ODNR rules regarding fishing on public lands
975.05 Rules and Regulations	Removing references to specific directors	Change in Form of Government
975.06 Collection Rates and Terms	Removing references to specific directors	Change in Form of Government
975.07 Enforcement	Removing references to specific directors	Change in Form of Government and Organizational Structure





Ordinance: 22-06

Passed:

Page 1 of

Effective:

**AMENDING CERTAIN SECTIONS OF PART NINE OF THE CITY'S CODIFIED ORDINANCES - THE "STREETS, UTILITIES, AND PUBLIC SERVICES CODE".**

**WHEREAS**, due to the change in the form of government and organizational changes, the Administration has conducted a thorough review of Part Nine of the City's Codified Ordinances – the "Streets, Utilities, and Public Services Code"; and

**WHEREAS**, it was determined that certain amendments to the "Streets, Utilities, and Public Services Code" are needed to align with this form of government and organizational structures; and

**WHEREAS**, substantive changes to certain Chapter were also needed to assist with the City's enforcement of the Code; and

**WHEREAS**, as shown on Exhibit "A", attached hereto and incorporated herein, the amendments are 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.** City Council finds that amending Part Nine of the City's Codified Ordinances – the "Streets, Utilities, and Public Services Code", as amended in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Streets, Utilities, and Public Services Code", as shown and identified in track changes on the attached Exhibit "A", are approved and shall be incorporated into the City's Codified Ordinances.

**SECTION 2.** All other provisions of the "Streets, Utilities, and Public Services Code", not modified herein, remain unchanged and are in full force and effect.

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

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ Vote Record - Ordinance 22-06						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Passed <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Held Over <input type="checkbox"/> Referred <input type="checkbox"/> Withdrawn <input type="checkbox"/> First Reading <input type="checkbox"/> Positive Recommendation <input type="checkbox"/> No Recommendation			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## CHAPTER 905 General Provisions

### 905.01 TEMPORARY TRAFFIC REGULATIONS; POSTING OF SIGNS OR MARKERS.

(a) The ~~Director of Public Service, Director of Public Safety and the Chief Engineer~~ City Manager or designee each is authorized ~~in his separate official capacity,~~ to temporarily regulate the driving, parking, stopping or standing of vehicles on any street or alley in the City, when such regulation is required for the purpose of improving, repairing, maintaining or cleaning such street or alley or for any construction work, in, on, under or adjacent to the street or alley.

(b) No regulation under this section shall be effective until the street or alley to be regulated is properly posted by appropriate signs or markers.

### 905.06 WARNING SIGNS; PROHIBITED DRIVING OR PARKING; EXCEPTION.

(a) No person shall remove, displace, destroy or deface any barrier, marker, sign, obstruction or light set or placed by any person acting under the direction of the ~~Director of Public Service, Director of Public Safety or the Chief Engineer of the City~~ City Manager or designee, in or on any public street or alley for the purpose of temporarily closing such street or alley or for the purpose of temporarily prohibiting driving, parking, stopping or standing of vehicles thereon, in connection with the improvement, repair, maintenance or cleaning of such street or alley, or for any other authorized reason. No person shall drive, park, stop or stand any vehicle in or on any such street or alley when the street or alley is so marked by such barrier, marker, sign, obstruction or light for such purposes.

(b) This section shall not apply to any person requiring the use of such street or alley for access to any premises abutting the portion of such street or alley, when such person has obtained written consent to use the street or alley for such purpose from the officer under whose authority the regulation was established.

### 905.07 CONSTRUCTION PERMIT FOR BUILDING MATERIALS.

(a) No person shall place, cause to be placed or allow to remain on any street, alley, sidewalk or public ground in the City any rubbish, stone, brick, lumber or other material. However, persons engaged in the repair or construction of any building in the City may occupy certain portions of a street or sidewalk upon obtaining a permit for that purpose from the ~~Chief Building Inspector~~ City Manager or designee. The Inspector is authorized and empowered to limit in such permit the amount of space in any street or sidewalk that maybe used for such purpose, and any person violating the terms of such permit shall be subject to the penalty herein provided.

(b) Every person responsible for the presence in any street, alley or public place within the City of earth, gravel, brick, mortar, stone, wood, lime, plaster, cement or other refuse from the repair, construction or demolition of buildings, sewers, streets or other improvements of public or private property shall remove the material, or cause it to be removed, forthwith to a place of deposit designated or approved by the ~~Director of Public Service or his representative~~ City Manager or designee.

### 905.13 DUTY TO REMOVE LITTER; FAILURE TO REMOVE; APPEALS BOARD.

(a) In the event any person causes or permits the littering of streets or alleys with dirt, mud, debris or excavating or building materials, such person shall clean and remove it within twelve hours after being notified to do so by the City Manager or his/her designee.

(b) If such person fails to remove such dirt, mud, debris or excavating or building materials, such cleaning service shall be rendered by the Department of ~~Public Service~~ Community Development and the person shall be billed at the current hourly rates of the Department's equipment and personnel.

(c) Failure to pay such bill within five days shall be grounds for revocation of any and all City permits and licenses issued to such person and for refusal to issue any new permits or licenses for so long as the bill remains unpaid, unless within such time such person perfects an appeal to a Board composed of three electors appointed by Council. The appointed members shall serve three-year terms. An appeal shall be perfected by the filing of notice in writing of intention to appeal to the City Manager or his/her designee and the posting of a cash bond in the amount of the contested bill. The Board shall have the power, after full hearing, to affirm the decision of the City Manager or his/her designee in which case the bond shall be forfeited to the City, or to reverse the decision and order the return of the bond to the appellant.

(d) The littering of streets adjacent to any project for which a City permit or license was issued, shall be deemed to have been caused or permitted by the permittee or licensee in the absence of proof by him to the contrary.  
(Ord. 19-31. Passed 12-9-19.)

## CHAPTER 917 WEEDS

### 917.01 DEFINITIONS.

(a) *Definitions.* Words used in Chapter 917 shall be defined as follows:

- (1) "*Grasses*" means any of a large number of plants with jointed stems and narrow leaves.
- (2) "*Herbage*" means green plants especially when used or fit for grazing.
- (3) "*Noxious weed*" means any type or species that has been included on the official list of noxious plants by the State of Ohio, Ohio Department of Agriculture, per Ohio Administrative Code Chapter 901:5-37 Noxious Weeds, as may be amended or modified from time to time.
- (4) "*Ornamental Grass*" means grasses that are grown for decorative purposes in gardens or landscape design projects.
- (45) "*Owner*" means an owner, lessee, agent, tenant, occupant, managing corporate member, partnership, corporation or any other person or entity having control, charge, possession or care of land in the City.
- (56) "*Rank*" means strong and vigorous and usually coarse in growth (such as rank weeds); may also be strong unpleasantly smelling.
- (67) "*Undesirable*" means not pleasing or attractive.
- (78) "*Vegetation*" means plant life or cover (as of an area).
- (89) "*Vine*" means a plant whose stem requires support and which climbs (as by tendrils) or trails along the ground.
- (910) "*Weed*" as used in this chapter, includes, but is not limited to, the following: any brush, and all briars, thistles, burdock, dock, cocklebur, wild mustard, dog's fennel, lamb's quarters, plantain, wild carrot, wild parsnip, horseweed, white or yellow sweet clover, velvet leaf, common mallow, iron weed, poison ivy, and teasel. In addition, grass (excluding ornamental grasses that are cut annually) at a height of six (6) inches or more shall be deemed "weeds" under this definition, as shall vegetation constituting a threat to the public health, security, or welfare.

~~means a plant that tends to grow thickly where it is not wanted and to choke out more desirable plants.~~

(Ord. 14-23. Passed 7-14-14.)

**917.02 REMOVAL OF WEEDS; DUTY OF ZONING OFFICER.**

- (a) No owner shall permit weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation to grow thereon to a height in excess of six inches, or to spread or mature seeds thereon, or fail to cut and destroy such weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation when notified by the Zoning Officer or designee.
- (b) The Zoning Officer, or designee, shall determine when lots and lands in the City contain weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation, which constitute a nuisance or endanger the public health and shall see that such weeds, noxious weeds, herbage of rank growth, vegetation, ~~grasses~~, vines or other undesirable vegetation are removed or the nuisance abated.
- (c) The City shall keep a current copy of OAC Chapter 901:5-37 on file and available to the public upon request at no cost.

(Ord. 14-23. Passed 7-14-14.)

**917.03 NOTICE TO CUT WEEDS.**

- (a) Upon identifying lands not in compliance with this chapter, the Zoning Officer or designee shall cause written notice to be served upon one, any or all of the entities meeting the definition of Owner in Section 917.01(a) notifying such Owner that weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation is growing on such land and that they shall be cut and destroyed within five (5) calendar days after service of such notice; and, thereafter, during the growing season, with sufficient frequency to prevent such weeds, noxious weeds, herbage of rank growth, vegetation, ~~grasses~~, vines or undesirable vegetation from exceeding six inches or maturing seeds thereon.
- (b) Each notice served by the Zoning Officer shall state that only one notice of violation per calendar year is required to be served by the Zoning Officer or designee pertaining to a lot or parcel. If, after one notice has been served for a calendar year, the Zoning Officer or designee determines that one or more subsequent violations have occurred on that lot or parcel during that calendar year, the City may proceed to immediately abate such nuisance as set forth in this chapter.
- (c) Service of the notice required in subsection (b) hereof shall be made by one of the following methods:
  - (1) Personal service to the owner at his/her usual place of residence or business; or
  - (2) By certified mail, return receipt requested, to the address listed on the Franklin County Auditor's tax list for tax mailing purposes, or if the property is a rental, service may be by certified mail, return receipt requested, mailed to the property owner's address listed in the Franklin County Auditor's Rental Registration database; or
  - (3) By ordinary mail, postage prepaid, to the owner at his/her usual place of residence or business or to the address listed on the Auditor's Rental Registration database and by also posting the notice by affixing it to the building or affixing it to a free-standing post or stake on the offending owner's property, service being effective upon posting; or
  - (4) If no address for the owner is known, by publishing the notice once in a local newspaper of general circulation. Such publication notice may include the names and addresses of multiple property owners being cited under this Code Section.

If the notice was sent by certified mail and is returned with an endorsement showing it was unclaimed or refused, the notice shall be sent to the Owner by ordinary mail. The Zoning Officer or designee shall keep a record of the fact of how and when service was provided, and if notice was sent by ordinary mail, the service thereof shall be deemed complete upon mailing.

(Ord. 14-23. Passed 7-14-14.)

**917.04 FAILURE OF OWNER TO COMPLY.**

During the period March 1 through November 30 of each calendar year, the Zoning Officer or designee may determine that weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation growing on land, for which a notice or notices has been issued under Section 917.03, constitute a nuisance and/or endanger the public health pursuant to Section 917.02 and that the owner having charge, possession, control or care of the land has failed to comply with the notice. Thereupon, the Zoning Officer or designee may cause such weeds, noxious weeds, ~~and~~ herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation to be cut by use of City forces and equipment or by the hiring of private contractors. The costs shall be assessed to the owner of record as provided in Section 917.05.

(Ord. 14-23. Passed 7-14-14.)

**917.05 COSTS.**

The Owner shall pay all costs associated with the cutting and removal of the weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation growing on land, which costs shall include those listed in this section. Upon completion of the cutting and removal of the weeds, noxious weeds, herbage of rank growth, ~~grasses~~, vines or other undesirable vegetation, the Zoning Officer or designee shall determine the cost of cutting and removal and shall cause a statement thereof to be mailed to the Owner of the parcel, by:

- (a) Delivering the same personally to such person at his/her usual place of residence or business, or
- (b) By certified mail, return receipt requested, to his/her usual place of residence or business, or to the address listed in the Franklin County tax records or to the address listed in the Franklin County Auditor's rental registration listing if the property is a rental.

Personal service shall be documented as to the time, date and place of delivery. If the certified mail envelope is returned showing an endorsement with failure of delivery, the statement of cost shall be sent to the owner by ordinary mail to his usual place of residence or business, or to the address listed in the Franklin County tax records, or to the address listed in the Franklin County Auditor's rental registration listing if the property is a rental, which is deemed sufficient notice. The statement of costs shall include the following; a processing cost of fifty dollars (\$50.00); ownership investigation fee of fifty dollars (\$50.00); a City or contractor equipment charge; City or contractor equipment operator charge; fuel charge; equipment transportation charge; administration and supervision charge; publication notice costs; incidental labor charge; removal charge and any contractual charges.

(Ord. 14-23. Passed 7-14-14.)

**CHAPTER 921****Trees****921.03 PERMIT REQUIRED FOR REMOVAL, REPLANTING AND REPLACEMENT.****(a) Removal.**

(1) No person shall remove, cut above ground or otherwise disturb any tree or shrub on any street, highway, public place or tree lawn without filing an application and procuring a permit from the City Arborist. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the City and contained in the permit.

(2) Application for permits shall be made to the City Division of ~~Public Service~~ **Operations** not less than forty-eight (48) hours in advance of the time the work is to be done.

(3) The City shall issue the permit if, in its judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit granted shall contain a definite date of expiration, and the work shall be completed in the time allowed on the permit and in the

manner as therein described. Any permit shall be void if its terms are violated. The applicant shall bear the cost of removal and replacement of all trees or shrubs removed. Failure to plant replacements per the City standards shall result in replacement performed by the City, its employees or agents, and the City shall bill to the person or property owner responsible for replacement the actual cost of the work incurred by the City. Notice to the property owner and collection of unpaid amounts shall be accomplished pursuant to Section 921.09 below.

(4) Notice of completion shall be given within five (5) days to the City for its inspection.

(b) Planting.

(1) The application required in subsection (a) above shall state the number of trees or shrubs to be set out; the location, grade, species, cultivar or variety of each tree or shrub; the method of planting; and such other information as the City shall find reasonably necessary to make a fair determination of whether a permit should be issued.

(2) Whenever any tree or shrub shall be planted or set out in conflict with the provisions of this section, it shall be lawful for the City to remove or cause removal of the tree or shrub, with notice to be provided to the property owner and the exact cost thereof assessed to the owner as provided in Section 921.09 below.

(c) Removal, Replanting and Replacement by City. Wherever it is necessary to remove a tree or shrub from a treelawn in connection with the paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the City shall replant such trees or shrubs or replace them. Provided that conditions prevent planting on treelawns, this requirement shall be satisfied if any equivalent number of trees or shrubs of the same size and species as provided for in the City's arboricultural specifications are planted in an attractive manner on the adjoining or surrounding property. The caliper size of the replacement tree must equal to that of the tree being replaced. For example, if a 20" caliper tree is removed, it must be replaced with 20" of calipers which can be accomplished in various ways, such as with ten 2" calipers or five 4" calipers. (Ord. 12-03. Passed 3-26-12.)

## CHAPTER 941

### Placement of Underground Utilities

#### 941.04 MAINTENANCE.

(a) All utility facilities shall be installed and maintained in accordance with this chapter and the National Electrical Safety Code, DOT Pipeline Safety Code and the National Fuel Gas Code.

(b) The ~~Director of Public Service~~ **City Manager or Designee** is authorized and directed to promulgate rules and standards for the construction of underground utility facilities and that are not in conflict with this chapter.

## CHAPTER 945

### Water Regulations

#### WATER SERVICE REGULATIONS

945.01 Definitions.

945.02 Responsibility of consumer.

945.03 Tampering with meter or water system.

945.04 Powers and duties of ~~Director of Public Service~~ **City Manager or Designee**.

945.05 Liability for loss or damage.



**945.02 RESPONSIBILITY OF CONSUMER.**

Each consumer shall provide at his own expense in his water line:

- (a) A place and all necessary fittings for the installation of a water meter. The location of the meter shall be satisfactory to the ~~Director of Public Service~~ City Manager or Designee. The meter itself shall be furnished by the City.
- (b) A valve in the line before the meter unless the service already has a meter or the meter is in a basement or frost-proof pit satisfactory to the ~~Director~~ City Manager or Designee.
- (c) Each consumer shall be held responsible for the protection of all parts of the water service which are furnished, and should damage be done to any of these, the consumer shall be held liable and shall be charged for labor and parts necessary to restore the equipment to operating condition.

**945.04 POWERS AND DUTIES OF ~~DIRECTOR OF PUBLIC SERVICE~~ CITY MANAGER OR DESIGNEE.**

- (a) The ~~Director of Public Service~~ City Manager or Designee shall make provisions for testing water meters of any customer who feels that his meter is measuring incorrectly.
- (b) The ~~Director~~ City Manager or Designee may pass and enforce additional regulations necessary for the efficient operation of the City waterworks.
- (c) The ~~Director~~ City Manager or Designee is authorized to discontinue water service to any consumer who violates any provision of this chapter or who fails or refuses to pay the charges assessed against him.

**WATER RATE REGULATIONS****945.06 PAYMENT OF WATER RENT.**

- (a) The owners, whether holders of legal title or vendees under land contract, of real property to which water is furnished by the City are financially responsible to the City for water rents as to water furnished to their property.
- (b) The ~~Director of Public Service~~ City Manager or Designee shall refuse to furnish water service, following turnoff, to property which water, previously furnished, has not been paid for in full, including all delinquent rents and charges.

**945.07 WATER TAPS.**

Tap fees shall be paid before taps are made and monthly charges for water shall start and continue so long as water is on. It shall be the responsibility of the consumer to notify the ~~Director of Public Service~~ City Manager or Designee if water is no longer desired.

**945.08 WATER TAP PERMIT AND SERVICE FEE.**

- (a) Prior to making application to the City of Columbus for a water tap for any water line on the Hilliard Water Distribution System, the property owner or contractor seeking such tap shall make application to the City ~~of Hilliard Chief Building Inspector~~ for a water tap permit.
- (b) A nonrefundable fee per tap requested shall accompany each application. This fee shall then be paid forthwith by the Director of Finance into the Water Fund of the City of Hilliard. See Chapter 190 for fee.
- (c) Upon determination ~~by the Chief Building Inspector~~ that all requirements for the property in question have been met, and that all other fees have been paid, the ~~Chief Building Inspector~~ City shall then issue a water tap permit or permits to the applicant.
- (d) Agreement shall be obtained from the City of Columbus Division of Water that no taps into the Hilliard Water Distribution System will be issued by them without the presentation of the permit set forth in this section.



## WATER WELL DRILLING

### 945.10 PERMIT REQUIRED.

(a) Hereafter no water well shall be drilled in the City unless, prior to drilling, a permit has been secured from the ~~Service Department~~ City in the form set out in the Appendix attached to Ordinance 82-17, as may be amended from time to time ~~by the Service Director~~.

(b) A separate permit shall be required for each and every water well drilled in the City, including those intended for domestic potable water, ground water source heating or cooling, ground water recharge and livestock water.

## WATER SHORTAGES

### 945.14 ADOPTION OF RULES AND REGULATIONS.

The rules and regulations dealing with threatened water shortage as set forth below are hereby adopted for implementation during a water shortage emergency:

(a) No water customer, user or consumer shall use water which is provided through the Division of Water City of Columbus, to sprinkle, water, douse, or wet their grass or lawn at any time.

(b) No residential water customer, user or consumer shall use water which is provided by the Division of Water City of Columbus, to fill, refill or add to water in a swimming pool located on their or any other property.

(c) Any water use in violation of this rule can result in discontinuance of water service. Discontinuance shall result if:

(1) A designated employee of the City of Hilliard has reason to believe that a violation of these rules has occurred; and

(2) He either mails or delivers a written warning of the violation and the possible penalties to the violator; and

(3) A second violation is observed by a designated employee of the City of Hilliard.

(d) The ~~Hilliard Service Director~~ City Manager may ~~shall~~ designate a person/or persons who are employees of the City of Hilliard who shall be responsible for the enforcement of these rules.

(e) If the water service is terminated pursuant to this rule it shall be reinstated only when:

(1) A violator comes to the Hilliard Municipal Building and meets with either the ~~Hilliard Service Director~~ City Manager or the person or persons designated ~~by him~~ to enforce these rules; and

(2) A twenty-five dollar (\$25.00) service charge is paid.

(f) All ordinances of the City that require the planting of landscaping or grass are hereby suspended.

## CAPACITY AND CONNECTION CHARGES

### 945.15 WATER SYSTEM-CAPACITY CHARGE.

(a) For the purpose of providing revenue to help finance and to more equitably distribute the cost of the construction of necessary additions to the water distribution system and facilities, it is determined and declared necessary to provide for the establishment and regulation of a water system-capacity charge as hereinafter determined with the charge to be in addition to any and all other fees which may be imposed with respect to the water system.

(b) The funds received from the collection of this charge, as it is herein authorized, shall be deposited daily with the Director of Finance who shall credit them to a special fund from which Council may take appropriations for the payment of the cost and expense of the construction, operation, maintenance, management and repair of the water systems; for the payment of the cost and expense of replacement, extensions to, or the enlargement of the system; for the payment of principal and interest on any debt incurred for the construction of the water system; and for the creation of a sinking fund for the payment of the debt.

(c) The ~~Director of Public Service~~ City Manager or Designee shall collect a water system capacity charge whenever application is made for the issuance of a water permit to provide water service to a structure.

(d) No person shall make a service connection to the City's water system or any part thereof, unless he/she has been issued a permit to do so by the City of Hilliard for the area serviced by the City of Columbus.

(e) The fee to be charged for permits to connect to the water system shall be as set forth in Chapter 190. ~~The fees to be charged for permits to connect to the water system shall be based upon the domestic supply water tap size as follows:~~

<del>Diameter of Domestic Water Tap (inches)</del>	<del>Water Capacity Charge</del>
0.75	\$3,267
1.00	6,371
1.50	11,786
2.00	20,625
3.00	34,031
4.00	51,047
6.00	102,094
8.00	178,664
10.00	267,996
12.00	334,995
16.00	368,494

(f) In the event a tap is subsequently enlarged, the difference between the capacity fee previously paid and the current capacity fee for the new size shall be paid.

(g) For all taps used to supply fire protection only, the rate shall be fifteen (15) percent of the domestic capacity charge for the tap size. A tap for a private domestic and fire protection combined system with no separate fire supply meter shall be charged the domestic capacity charge for the tap size.

(h) The water capacity charge is in addition to any charges made by any other governmental agency.

(i) The ~~Director of Public Service~~ City Manager, with consent of City Council may waive all or part of the City of Hilliard capacity charges herein in such cases where unusual circumstances, imminent hardship or economic development warrant.

(j) Public water service shall be not provided to areas outside the corporate boundaries of the City of Hilliard except as approved by the ~~Director of Public Service~~ City Manager with written consent by the City of Columbus Director of Public Utilities.

## CHAPTER 949 Sewer Regulations and Charges

### 949.01 DEFINITIONS.

(a) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "B.O.D." or "biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation or organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million by weight

(2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(3) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

(4) "City Manager" means the person appointed by City Council pursuant to Section 4.01 of the Charter for the City of Hilliard.

(4 5) "Combined sewer" means a sewer receiving both surface runoff and sewage.

~~—(5) "Director" means the Director of Public Service of the City.~~

(6) "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling of produce.

(7) "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

(8) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface water or ground water.

(9) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers.

(11) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

(12) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(13) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

(14) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

(15) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

(16) "Sewer" means a pipe or conduit for carrying sewage.

(17) "Sewer Inspector" or "Inspector" means sewer technician, superintendent, City Engineer, authorized deputy or representative as appointed by the ~~Director of Public Service of the City~~ City Manager.

(18) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(19) "Superintendent" means the Superintendent of Sewage Works of the City, or his authorized deputy, agent or representatives.

(20) "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquid and which are removable by laboratory filtering.

(21) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

#### **949.03 PRIVATE SEWAGE DISPOSAL.**

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 949.02, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(b) Before commencement of construction of a private sewage disposal system the owner shall obtain a written permit signed by the ~~Director of Public Service~~ City Manager or designee. The application for such permit shall be made and shall supplement any plans, specifications and other information as are deemed necessary by the ~~Director~~ City Manager or designee. A permit and inspection fee shall be paid to the City Clerk at the time the application is filed. See Chapter 190 for fee.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the ~~Director~~ City Manager or designee. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the ~~Director~~ City Manager or designee when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the ~~Director~~ City Manager or designee or Inspector.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Ohio. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 949.02 a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

#### **949.05 PERMITS; FEE.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer without obtaining a written permit from the ~~Director of Public Service~~ City.

(b) The owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~Director of Public Service~~ City.

#### **949.06 GENERAL SEWER REQUIREMENTS AND RESTRICTIONS.**

(a) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(b) A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(c) All sewer mains shall be designed and graded to maintain a two feet per second flow.

(d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the ~~Director of Public Service~~ City Manager or designee to meet all requirements of this chapter.

(e) The applicant for the building sewer permit shall notify the ~~Chief Construction Inspector~~ City Manager or designee when the building sewer is ready for inspection and connection to the public sewer. This connection shall be made under the supervision of the Chief Construction Inspector or his representative.

(f) Any person or persons doing sewer construction work or making a sewer tap that entails excavating through or under any street or sidewalk shall deposit with the ~~Director of Public Service~~ City Manager or designee a sum of five hundred dollars (\$500.00) in cash; by cashier's check/bank check; by an irrevocable, unconditional letter of credit; or in the form of an acceptable surety bond in the same amount

to guarantee proper execution and completion of the work without damage to the City. The security shall be returned upon final approval for the work being done. Any cash or cash equivalent that is returned shall not be returned with interest.

(g) The ~~Director of Public Service~~ City Manager or designee may pass and enforce any additional rules or regulations necessary for the proper operation and maintenance of the sewer and its facilities.

(h) Any specifications or regulations not covered by this chapter shall be governed by those specifications and regulations set up by the City Engineer or the Franklin County Sanitary Sewerage Division.

(i) All materials and workmanship shall comply with the standards contained in the Ohio Plumbing Code or those adopted by the City of Columbus, whichever are more strict.

#### **949.07 USE OF PUBLIC SEWERS; DISCHARGES.**

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the ~~Director~~ City Manager or designee. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the ~~Director~~ City Manager or designee, to a storm sewer, combined sewer, or natural outlet.

(c) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150o F.;
- (2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosion property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving water of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; or
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(d) Grease, oil and sand interceptors shall be provided when, in the opinion of the ~~Director~~ City Manager or Designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the ~~Director~~ City Manager or designee, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(e) Where installed all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(f) (1) The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 300 parts per million by weight, containing more than 350 parts per million by weight of suspended solids, containing any quantity of substances having the characteristics described in Section 503, or having an average daily flow greater than two percent (2%) of the average daily sewage flow of the City, shall be subject to the review and approval of the ~~Director~~ City Manager or designee.

(2) Where necessary in the opinion of the ~~Director~~ City Manager or designee the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection (c) hereof, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the ~~Director~~ City Manager or designee, and of the Water Pollution Control Commission of the State of Ohio, and no construction of such facilities shall be commenced until these approvals are obtained in writing.

(g) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) When required by the ~~Director~~ City Manager or designee, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurements of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the ~~Director~~ City Manager or designee. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(i) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 903 and 906 shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in Section 508, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(j) No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.

## SEWER RATE REGULATIONS

### 949.16 ADDITIONAL RULES AND REGULATIONS.

Subject to the provisions of any ordinance or indenture of mortgage authorizing and securing bonds issued by the City for the acquisition, improvement, enlargement or extension of the system, the ~~Director of Public Service~~ City Manager or Designee is authorized and directed to make and enforce such bylaws, rules and regulations as are necessary for the safe, economical and efficient management and protection of the system.

### 949.18 CHANGE OF OWNERSHIP.

It will be the responsibility of each property owner to whom the last or most recent sewer charge bill has been sent to notify the ~~Director of Public Service~~ City Manager or Designee of any change of ownership of the lot or parcel with respect to which the bill was rendered, and to pay all accrued charges up to date when the change of ownership is recorded. Failure to make this notification shall not relieve the new owner of the lot or parcel from the payment of any unpaid or delinquent sewer charges, or from any penalties or procedures specified in this chapter.



**949.19 SEWER TAP PERMIT REQUIRED.**

It shall be unlawful to tap into or make any connection to the system unless and until a tapping permit has been obtained from the ~~Director of Public Service~~ City Manager or Designee. A separate permit shall be required for each connection with the system and each permit shall state the name of the subdivision, the lot number and where applicable, the street on which the lot or tract is located and the house number of the premises for which the permit is issued. A tapping permit fee shall be paid to the City Director of Finance at the time each permit is issued, and all permits herein provided for shall become null and void ninety days from date of issuance. No refund of the permit fee shall be made unless the permit is returned to the Director of Public Service within the ninety day period.

**949.21 EXTENSION OF SERVICE TO NONRESIDENTS.**

Public sanitary sewer service shall be not provided to areas outside the corporate boundaries of the City of Hilliard except as approved by the ~~Director of Public Service~~ City Manager or Designee with written consent by the City of Columbus Director of Public Utilities.

**949.22 SEWERAGE SYSTEM-CAPACITY CHARGE.**

(a) For the purpose of providing revenue to help finance and to more equitably distribute the cost of the construction of necessary additions to both the sewer system and the sewage treatment facilities, it is determined and declared necessary to provide for the establishment and regulation of a sewer system-capacity charge as hereinafter determined with the charge to be in addition to any and all other fees which may be imposed with respect to the sewer system.

(b) The funds received from the collection of this charge, as it is herein authorized shall be deposited daily with the Director of Finance who shall credit them to a special fund from which Council may take appropriations for the payment of the cost and expense of the construction, operation, maintenance, management and repair of the sewerage systems, regulator chambers, storm standby tanks, pumping stations and sewage treatment works; for the payment of the cost and expense of replacement, extensions to, or the enlargement of these facilities; for the payment of principal and interest on any debt incurred for the construction of the sewerage system, regulator chambers, storm standby tanks, pumping stations and sewage treatment works; and for the creation of a sinking fund for the payment of the debt.

(c) The ~~Director of Public Service~~ City shall collect a sewer system capacity charge whenever application is made for the issuance of a sewer tap permit.

(d) No person shall make a service connection to the sanitary sewer system or any part thereof, unless he has been issued a permit to do so by the City of Hilliard for the area serviced by the City of Columbus.

(e) The fee to be charged for permits to connect to the sanitary sewer system shall be as set forth in Chapter 190.

(f) For those structures served by public water and sanitary sewer, in the event a domestic water tap is subsequently enlarged, the difference between the sanitary sewer capacity fee previously paid and the current sanitary sewer capacity fee for the new size shall be paid.

(g) If a structure is to be served by public sanitary sewer without public water service, the ~~Director of Public Service~~ City Manager or Designee with consent from the City of Columbus Division of Sewerage and Drainage shall determine the equivalent domestic water tap size, which shall be used to determine the sewer capacity charge.

(h) These fees are in addition to any charges made by any other governmental agency. The City of Columbus charges a sewer capacity fee, which is collected by the City of Hilliard.

(i) The ~~Director of Public Service~~ City Manager or Designee with consent of City Council may waive all or part of the City of Hilliard capacity fees herein in such cases where unusual circumstances, imminent hardship or economic development warrant.

## CHAPTER 951 Stormwater Management Code

### 951.01 DEFINITIONS.

For the purpose of this chapter, the words and phrases shall be defined as follows, unless the context clearly indicates or requires a different meaning.

(a) **ABATEMENT.** Any action taken to remedy, correct, or eliminate a condition within, associated with or impacting a drainage system, pursuant to Section 951.22 or Section 951.23 of this chapter.

(b) **APPEALS BOARD.** The Stormwater Management Utility Appeals Board's duties shall be pursuant to Section 951.24 of this chapter. The Appeals Board shall consist of the following individuals, or their authorized designees: Chairman of the City's Planning and Zoning Commission; Hilliard's Director of Finance; Director of Law; Director of Economic Development and President of the Board of Zoning Appeals. The City Engineer or his/her designee shall serve as the executive secretary of the Appeals Board, providing staff support and the preparation of meeting minutes.

(c) **CITY.** The City of Hilliard, Ohio.

(d) **CITY ENGINEER.** A professional engineer designated by and representing the City of Hilliard, Ohio or his/her authorized agent.

(e) **CITY MANAGER'S DESIGNEE.** The person/persons tasked by the City Manager to carry out the duties hereunder.

~~(e-f)~~ **COMMITTEE.** The Stormwater Management Utility Advisory Committee shall be the Community Services and Standards Committee of City Council (or as that committee may be retitled hereafter). The Advisory Committee's duties are specified in Section 951.02 of this chapter.

~~(f-g)~~ **COUNCIL.** The Council of the City of Hilliard, Ohio.

~~(g-h)~~ **CREDIT.** A reduction in a Stormwater Management Service Charge given for certain qualifying activities which reduce, on an on-going basis, either the impact of increased stormwater runoff or that reduces the City's costs of providing stormwater facilities.

~~(h-i)~~ **DETENTION BASINS.** Dry surface stormwater storage areas created by natural contours or by constructing a basin by excavation or embankment or by installing underground structures such as concrete pipes or chambers.

~~(i-j)~~ **DEVELOPER.** A person, firm, partnership or corporation, which improves a specific parcel or tract of land, performs construction work of any kind in the "project area" as defined in this section or holds or is required to obtain a "permit" as defined in this section.

~~(j)~~ **DIRECTOR.** The City's Director of Public Service shall serve as Director of the Stormwater Management Utility.

(k) **EMBANKMENT.** Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface or cut and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; a fill or the material used to make an embankment.

(l) **ENGINEER, PROFESSIONAL.** A person holding a certificate of registration under Ohio R.C. 4733.14 or 4733.19.

(m) **EROSION.** The wearing away of the land surface by the action of wind, water or gravity.

(n) **EXCAVATION.** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom. The difference between a point on the original ground and designated point of lower elevation on the final grade, cut or the material removed in excavation.

(o) **EXISTING.** Present or in effect as of the time of the adoption of this chapter.

(p) **FACILITIES.** Various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

(q) **GRADING.** Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.

(r) **MUNICIPAL.** Property or facilities owned by the City of Hilliard, Ohio.



- (s) NOTICE. A written or printed communication conveying information or warning of a code violation.
- (t) ORDER. The whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) or any matter issued by the Director or the Appeals' Board, pursuant to any provisions of this chapter.
- (u) OWNER. Any person, business, partnership, entity or organization that possesses real property.
- (v) PERMIT. The "stormwater management permit" required by the City's Codified Ordinances.
- (w) PERSON. Any person, firm or corporation (public or private), the State of Ohio and its agencies or political subdivisions and the United States of America, its agencies and instrumentalities, and any agent, servant, officer, or employee of any of the foregoing.
- (x) PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission provided for in Article IX of the Charter of the City of Hilliard, Ohio.
- (y) PREMISES. A lot or parcel and the buildings and improvements situated thereon.
- (z) PRIVATE. Property or facilities owned by individuals, corporations, partnerships, entities and other organizations and not owned by local, state, or federal government.
- (aa) PROJECT AREA. The land lying within the geographical limits of the tract(s) or parcel(s) under consideration and on which work is to be performed.
- (bb) PUBLIC. Property or facilities owned by local, state, or federal governments.
- (cc) RETENTION BASINS. Permanent ponds where additional stormwater storage capacity is provided above the normal water level.
- (dd) SEDIMENT. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its original site or origin by air, water, or gravity as a product of erosion.
- (ee) SEDIMENT CONTROL PLAN. A plan required by an ordinance, rule, or regulation for controlling the movement of soils due to storm runoff created by construction activities.
- (ff) STORM, STORMWATER. Storm and stormwater as used in this chapter are interchangeable terms.
- (gg) STORM SEWER, STORM DRAIN. A sewer or drain which carries stormwaters, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water. Storm sewers begin at the grating or opening where water enters the structure, through the sewer and conduits to the outlet structure where water enters a channel or natural watercourse.
- (hh) STORMWATER MANAGEMENT CODE. Chapter 951 of the Codified Ordinances of the City of Hilliard.
- (ii) STORMWATER MANAGEMENT DESIGN MANUAL. A handbook of design methods, standards, and requirements for the design, construction, maintenance, and use of stormwater facilities written by and available from the City, as part of the City Code.
- (jj) STORMWATER MANAGEMENT SYSTEM. All man-made facilities, structures, and natural watercourses used for collecting, transporting, detaining, storing or disposing of stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to any and all of the following: inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, and pumping stations.
- (kk) TOTAL AREA. The square footage of a lot or parcel measured or estimated by using the outside boundary dimensions, in feet, converted to acres (one acre equals 43,560 square feet), to obtain the total enclosed area, without regard for topographic features of the enclosed surface, as used in Section 951.16 for the purpose of determining the rate class for lot(s) or parcel(s) of real property. The boundary dimensions in feet of the enclosed surface area may be established by any of the following methods selected by the Utility for each lot or parcel:
- (1) On site or photogrammetric measurements of the apparent outside boundary dimensions of the lot or parcel of real property made by the City or on its behalf; or
  - (2) Computation of the area using dimensions of lot or parcel of real property and/or existing area measurements which are set forth and contained in the records of the office of the County Recorder or County Auditor.

(ll) UTILITY. The Stormwater Management Utility provided for by this chapter, which may be operated or organized as a department of the City of Hilliard, Ohio.

(mm) WATERCOURSE. A permanent or intermittent stream, river, brook, creek, channel, swale or ditch for water whether natural or manmade.

### 951.02 ORGANIZATION OF THE UTILITY.

(a) The Utility shall be administered by the ~~Director~~ City Manager's Designee who shall have the responsibility for planning, developing, and implementing stormwater management or sediment control plans; financing, constructing, maintaining, rehabilitating, inspecting, and managing existing and new stormwater facilities; collecting fees and charges for the Utility; implementing and enforcing the provisions of this Code; and other related duties ~~as directed by the City Manager~~.

(b) The ~~Director~~ City Manager's Designee, on behalf of the Utility, may avail itself of the services of other City departments necessary for the discharge of its responsibilities. Services of finance, personnel, law, public works, engineering, and the like, which are used by the Utility shall be provided at cost.

(c) The Advisory Committee may make recommendations to the ~~Director~~ City Manager's Designee regarding the implementation of the Utility, but shall have no authority to bind the City or the Utility with respect to any matter including easements, expenditures or contracts.

### 951.03 STORM WATER FACILITIES.

(a) The ~~Director~~ City Manager's Designee shall monitor the design, operation, maintenance, inspection, construction and use of Storm Sewers, Storm Drains, and Stormwater Facilities in the City. The ~~Director~~ City Manager's Designee shall direct the design and construction of public stormwater facilities in the City and shall inspect, operate, and maintain them as prescribed in Section 951.09.

(b) The ~~Director~~ City Manager's Designee, on behalf of the City, may accept overriding responsibility for permanent maintenance of stormwater facilities designed to control erosion when the benefiting area involves two or more property owners. The ~~Director~~ City Manager's Designee may require facilities to be designed to reduce maintenance cost and will require that adequate easements be provided.

### 951.11 RULES AND REGULATIONS.

(a) In order to accomplish the purpose of this chapter to protect the drainage facilities, improvements, and properties owned and maintained by the City, to secure the best results from the construction, operation, and maintenance thereof, and to prevent damage and misuse of any of the drainage facilities, improvements, or properties within the City, the ~~Director~~ City Manager's Designee shall utilize existing rules, regulations or codes and may make and enforce additional rules and regulations as authorized herein or that are subject to approval by Council, and that are necessary and reasonable:

- (1) To prescribe the manner in which storm sewers, watercourses, channels, and other stormwater facilities are to be designed, installed, adjusted, used, altered or otherwise changed;
- (2) To recommend inspection and to charge fees permitted by this chapter;
- (3) To prescribe the manner in which stormwater management facilities are operated;
- (4) To facilitate the enforcement of this chapter;
- (5) To prescribe the collection procedures and timing of service charge bills;
- (6) To protect the municipal stormwater management system, improvements, and properties under the Utility's control, and to prescribe the manner of their use by any public or private person;
- (7) To establish rules and regulations to protect the public health, safety, and welfare.

### 951.12 RIGHT OF ENTRY FOR SURVEY, EXAMINATION AND MAINTENANCE.

After presenting proper credentials and securing permission, the ~~Director~~ City Manager's Designee or his designees, including contractors and their employees or consultants and their employees, may enter upon lands within the City to make surveys and examinations to accomplish the necessary findings to establish a master plan, for detailed analysis to prepare final plans and specifications for proposed improvements, or for inspection or maintenance of stormwater facilities.

**951.16 CLASSIFICATION OF PROPERTY, ERU ASSIGNMENT AND RATE.**

All properties having impervious area within the City shall be assigned an Equivalent Residential Unit (ERU), or a multiple thereof, which shall be at a minimum, one ERU.

(a) All improved single-family residential properties are assigned one ERU. A flat rate will apply to all single-family residential properties. All improved single-family residential properties are determined to include impervious area typical of a single-family residence.

(b) All properties having an impervious area which are not improved single-family residential properties are to be assigned by the ~~Director~~ City Manager's Designee an ERU multiple based upon the properties' estimated impervious area (in square feet) divided by 2,000 square feet (2,000 square feet equals one ERU). This division will be calculated to the nearest second decimal place and rounded to the nearest whole ERU.

(c) The Stormwater Management Service Charge, to be charged and collected on properties identified in subsections (a) and (b) above, shall be:

- (1) 2013 \$2.15/ERU
- (2) 2014 \$2.35/ERU
- (3) 2015 \$2.55/ERU
- (4) 2016 \$2.75/ERU
- (5) 2017 \$3.00/ERU

**951.17 ANNUAL REVIEW OF CHARGES.**

Every year after the effective date identified in Section 951.16(c), the ~~Director~~ City Manager's Designee shall prepare a report with recommended Stormwater Management Service Charges. This report shall contain data used in the determination of the recommended Stormwater Management Service Charges and shall be presented to City Council for referral to the appropriate Council committee. The committee shall make a recommendation to City Council on or before the fourth Monday in October concerning the Stormwater Management Service Charge to be in effect during the next calendar year.

**951.18 CREDITS.**

(a) The ~~Director~~ City Manager's Designee shall promulgate rules and regulations which allow for a credit in the Stormwater Management Service Charge, and to design a credit application, for properties other than single-family residential properties. These rules and regulations may allow, where appropriate, application of the credits retroactive to the effective date of this Chapter. The ~~Director~~ City Manager's Designee shall have the authority to charge a Stormwater Management Service Charge credit application fee, which shall be based upon the estimated costs of reviewing, processing and administering the credit application, which fee shall be included in the rules and regulations promulgated.

Factors to be considered in granting a credit shall include, but are not limited to, the following:

(1) Properties that have existing stormwater detention facilities, or those planning such facilities, may have their stormwater management service charges reduced as determined by the Utility, in accordance with generally accepted engineering standards and practices to more accurately reflect the contribution to runoff from the property and the level of service provided to such property. The detention facilities must be in accord with the hydrologic, hydraulic, and structural design requirements of the rules and regulations. Facilities of a temporary nature will not be allowed a decrease in their charges.

(2) The Utility may reduce or waive requirements for an individual detention/retention basin if a common or regional basin of adequate design is available or if the Utility is reasonably certain one will be constructed and if the major drainage system from the project area to such common or regional basin is such that the public health, safety and welfare will not be in jeopardy.

**951.20 ADJUSTMENT CHARGE, APPEAL.**

(a) Administrative Adjustment. Anytime the ~~Director~~ City Manager's Designee believes that the runoff situation on a parcel of property has changed, he/she reserves the right to correspondingly adjust the Stormwater Management Service Charge in a manner that continues to meet the intent of this chapter and conforms to the classification of properties in Section 951.15.

(b) Appeal. Persons who consider the charges applicable to their lot or parcel to be unjust or inequitable may apply, within 30 days after receipt of the charge, to the ~~Director~~ City Manager for adjustment thereof, stating in writing the grounds of the complaint.

The ~~Director~~ City Manager shall, within 30 days of receiving the appeal's application, cause appropriate investigation thereof and determine whether an adjustment of the charges for any such lot or parcel is necessary to provide for the just and equitable application of the stormwater management service charge, and adjust such charge if appropriate. A written finding of the determination shall be sent to the applicant.

#### **951.22 NOTICE TO CORRECT IMPROPER DRAINAGE.**

(a) Whenever the Utility shall find that a tract of land is inadequately drained, or that there is an obstruction to a culvert, or water course that interferes with water naturally flowing therein or that such culvert, storm sewer or watercourse is of insufficient capacity to reasonably accommodate the flow of water, as required by this chapter, the ~~Director~~ City Manager's Designee shall notify the owner or person having possession, charge, or management of such land to remove the obstruction or provide adequate drainage. Such notice shall be served on such persons by personal delivery, by certified mail at the last known place of residence, or by posting on the premises.

(b) The owner must comply with the Utility's orders within the time specified, not to exceed thirty (30) days. Failure to comply with such order shall constitute an unlawful act. Each additional day thereafter during which the owner fails to carry out the order of the ~~Director~~ City Manager's Designee shall constitute a separate offense.

(1) In any case where a condition described in Section 951.22 exists for more than 30 days after service of notice, the ~~Director~~ City Manager's Designee may direct the owner to fill or drain such land, remove any obstruction and, if necessary, enlarge the culverts, drains, or watercourses to meet the requirements of this chapter.

(2) In the event an owner fails or refuses to comply with the City Engineer's directive, the City may provide for the performance of the required work and charge the owner the abatement costs.

(c) Failure of the City to observe or recognize hazardous or unsightly conditions or to recommend denial of a permit, required under the City's Codified Ordinances, shall not relieve the developer or owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the City, its officers or agents being responsible for any condition or damage resulting therefrom.

(d) Nothing in this chapter shall be construed as authorizing any person to maintain a private or public nuisance on his/her property, and compliance with the provisions of this chapter shall not be a defense in any action to abate such nuisance.

(e) Nothing in this chapter shall be construed to prevent immediate action by the City in emergency situations. In case of an emergency, the City may direct that action be taken immediately to correct the condition or abate the activity to protect the public health, safety, and welfare. The City may perform the required work and charge the owner the abatement costs. Penalty, see Section 951.99.

#### **951.23 ABATEMENT COSTS.**

The City shall account for all costs associated with an emergency or abatement including, but not limited to, administration, notification, inspection, serving of papers or documents, legal counsel, force account labor, enforcement, operational services, and outside contracted services. These costs shall be billed at the discretion of the ~~Director~~ City Manager's Designee. This section shall not be construed to relieve the owner of any penalties prescribed by other sections of this chapter. Penalty, see Section 951.99.

#### **951.24 APPEALS BOARD.**

(a) Any person aggrieved by the decision of the ~~Director~~ City Manager issued pursuant to Section 951.20, or any person aggrieved by any order, notice or decision regarding imposition of the Stormwater Management Service Charge enacted under this Chapter, may petition the Appeals Board, as defined in Section 951.02, to hear and determine any appeal or variance request filed hereunder.

(b) The Appeals Board shall, in harmony with the general purpose of this chapter and to secure the public health, safety and welfare, have the power to affirm, modify, or revoke any notice or order and may grant an extension of time for the performance of any act required by this chapter, or may grant a variance, except as otherwise excluded herein, where there is practical difficulty or undue hardship connected with the performance of such decision, notice or order, and its decision shall be final.

## 951.25 VARIANCES AND APPEALS.

Any person may appeal decisions or interpretations of the ~~Director~~ City Manager's Designee, or his/her designee, issued in connection with the enforcement of any provisions of this chapter or request variances therefrom, provided that such person shall file a written petition to the office of the ~~Director~~ City Manager's Designee, along with the fees established by Council for appeals and variances. below.

(a) The Appeals Board. The Appeals Board shall hear and determine appeals or variances to this chapter and, upon receipt of a petition setting forth the requirements of Section 951.26 and the required fee(s), the Appeals Board shall set a time and place for a public hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and show cause why any decision, interpretation or any item appearing on a notice or order should be modified or denied or a variance granted.

(1) After a hearing, the Appeals Board shall sustain, modify or deny any item appealed or grant a variance by majority vote, depending on its findings as to whether the provisions of this chapter have been complied with, and the petitioner and the ~~Director~~ City Manager's Designee shall be notified in writing of such findings.

(2) The proceedings at such hearings, including the findings and decision of the Appeals Board and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the ~~Director~~ City Manager's Designee.

(b) The failure of the petitioner or his representative to appear and state his/her case at any hearing shall have the same effect as if no petition had been filed.

(c) Filing fees required by this section shall be in addition to the payment of the permits and inspection fees and any other fee which thereafter may occur, and no portion of such filing fee shall be refunded whatever the outcome of the appeal unless such petition shall have been withdrawn at least twenty-four (24) hours prior to the time and date set for such hearing.

## CHAPTER 971 Parks

- 971.01 HOURS AND CONDITIONS OF USE.
- 971.02 DAMAGE TO PARK FEATURES, STRUCTURES OR EQUIPMENT.
- 971.03 ~~CLIMBING TREES AND BUILDINGS~~ PROHIBITED ACTIVITIES.
- 971.04 GARBAGE AND REFUSE.
- 971.05 DISORDERLY CONDUCT.
- 971.06 ALCOHOL AND DRUGS.
- 971.07 VEHICLE REGULATIONS.
- 971.08 SIGNS AND ADVERTISEMENTS; DEMONSTRATIONS/RALLYS; SALE OF ITEMS.
- 971.09 PETS AND OTHER ANIMALS.
- 971.10 HUNTING, EXPLOSIVE SUBSTANCES FORBIDDEN.
- 971.11 CAMPING AND CAMPFIRE PROHIBITED.
- 971.12 HOME BARBECUES; PARK STOVES.
- 971.13 ORGANIZED GAMES; GOLF PROHIBITED.
- 971.14 MODEL AIRPLANES.



- 971.15 ~~BORROWED OR RENTED CITY EQUIPMENT.~~ RESERVED.
- 971.16 WATER POLLUTION.
- 971.17 ENTERING OF BUILDINGS.
- 971.18 OBEDIENCE TO PARK EMPLOYEES.
- 971.19 ESTABLISHMENT OR WAIVER OF RULES.
- 971.20 WEAVER PARK USED FOR HISTORICAL DISPLAY PURPOSES.
- 971.21 PERMITS FOR SALE AND CONSUMPTION OF ALCOHOL AT EVENTS HELD IN DESIGNATED LOCATIONS OF THE CITY.
- 971.22 FISHING IN CITY PARKS
- 971.99 PENALTY.

#### 971.01 HOURS AND CONDITIONS OF USE.

(a) All municipal parks except Roger A. Reynolds Municipal Park shall be open from dawn to dusk daily except as follows:

(1) A sign posted in the park by the ~~Director of Recreation and Parks~~ City Manager or designee the hours of operation which are different from those established herein.

(2) The ~~Director~~ City Manager or designee grants written approval for the use of a park outside its established hours of operation as provided herein.

(b) The hours of operation of Roger A. Reynolds Municipal Park on Veterans Memorial Drive are from dawn until ~~10:00 p.m. midnight~~ except that the ~~Director~~ City Manager or designee may post signs in limited areas of the park establishing different hours of operation for that Park area.

(c) The ~~Director~~ City Manager or designee may permit the exclusive use of an area of any City park during the time that it is open or may permit the use of a park outside its established hours by granting written approval as provided herein.

(d) ~~No person shall host a special event, meeting, activity, class, public gathering, race, fitness class, etc. in a park without obtaining W-written approval for that use. the use of a park outside its established hours or for the exclusive use of an area of a park during its hours of operation~~ Written approval may be obtained as follows:

(1) A written request shall be filed with the ~~Director~~ City Manager or designee not less than two weeks prior to the expected use. The request, at a minimum, shall contain the date and time of the requested date of use, the purpose of the use, the specific park and park area to be used, the approximate number of persons expected to participate, the name of the organization or group, the name of its president or leader, the name of the person in charge during the park use, and shall bear the signature of the president or leader of the group.

(2) Any approval for the use of a park outside its established hours or for the exclusive use of an area of a park during its hours of operation shall be in writing from the ~~Director~~ City Manager or designee, which writing shall contain any terms, conditions or restrictions for the use as the ~~Director~~ City Manager or designee, in his/her discretion, is necessary for reasons of health, safety and welfare.

(3) Written approval of the ~~Director~~ City Manager or designee shall serve as authorization for the use of the park and area requested and shall be filed by the applicant with the Hilliard Division of Police at least twenty-four hours in advance of the use.

(e) A reasonable security deposit, as established by the ~~Director~~ City Manager or designee, may be required by the applicant to use the park outside of established hours and/or to reserve the exclusive use of a park or park area and which deposit may be used to pay for any damage to property, facilities and equipment caused by the applicant's use of the park, including that of its guests, members and invitees. Retention of the security deposit does not limit the City's right to avail itself of all legal remedies for damage to, or loss of, park property caused by the Applicant's use thereof.

**971.03 ~~CLIMBING TREES AND BUILDINGS~~ PROHIBITED ACTIVITIES.**

(a) No person shall climb any tree, or climb, walk, stand or sit on any building, fountain, wall, fence or coping not specially designated for such purpose.

(b) No person shall swim, wade, boat, or ice skate in ponds, lakes, or other bodies of water unless designated as a public swimming facility.

**971.07 VEHICLE REGULATIONS.**

(a) No person shall drive or operate any motor vehicle or motor-assisted vehicle upon any park property at any rate of speed exceeding ten miles per hour except where otherwise posted and then not in excess of the posted limit.

(b) No person shall park or store any motor vehicle, trailer, wagon or bicycle on park property unless specifically so authorized by the ~~Director~~ City Manager or designee ~~of Recreation and Parks~~. No person shall clean, wash or repair any vehicle, in, on or upon park property.

(c) All motor vehicles and motor assisted vehicles shall be operated only upon designated roadways and parked only in designated areas.

(d) Bicycles and other similar pedal-operated vehicles, not including motor-assisted bicycles, are restricted to roadways and designated bikeways and shall not be ridden on sidewalks or similar areas.

(e) Dirt bikes, electric bikes, golf carts, gators, four wheelers, and other recreational vehicles shall not be allowed to operate in any city park other than in areas designated for parking.

(f) No person shall operate any vehicle, whether motorized or not, in such a manner as to endanger the operator or any other person or any property.

**971.08 SIGNS AND ADVERTISEMENTS; DEMONSTRATIONS; SALE OF ITEMS.**

(a) No person may distribute, leave or place any sign, advertisement, circular, pamphlet, paper or other literature within or upon any park without the written permission of the ~~Director~~ City Manager or designee ~~of Recreation and Parks~~.

(b) No person shall lead, incite or participate in any way any demonstration or rally of any type in any park without the written permission of the ~~Director~~ City Manager or designee.

(c) No person shall sell, or offer for sale, within any park, any item, article, thing, privilege or service, or solicit, charge admission to or sell tickets for any event unless authorized to do so in writing by the ~~Director~~ City Manager or designee.

**971.09 PETS AND OTHER ANIMALS.**

(a) Dogs and other pet animals which are walked through the park, wooded areas, roadways or pathways shall be controlled by leash, except at Heritage Trail Dog Park, where dogs may be unleashed within designated areas.

(b) Horses and other similar domesticated animals are not permitted in any portion of the parks without the written permission of the ~~Director~~ City Manager or designee ~~establishing of Recreation and Parks~~. This shall not apply to horses or other animals confined within a trailer or other vehicle.

**971.11 CAMPING AND CAMPFIRE PROHIBITED.**

No person shall engage in camping in any form in any park, or construct or cause to be constructed or ignite or cause to be ignited any campfire in any park without the written permission of the ~~Director~~ City Manager or designee ~~establishing of Recreation and Parks~~.

**971.12 HOME BARBECUES; PARK STOVES.**

The cooking of food is permitted only in designated areas provided with park stoves. Only charcoal may be used in park stoves. Home barbecues using charcoal as the fuel may be used only near park stoves. Gasoline, propane and other portable burner stoves are not permitted in any park unless approved for special activities by the ~~Director~~ City Manager or designee ~~establishing of Recreation and~~

**Parks.** All persons using charcoal shall be responsible for the proper extinguishing of coals following its use.

#### 971.14 MODEL AIRPLANES.

No person shall operate or permit to be operated within any park any engine-driven model airplane, drone, or rocket, except in areas specifically designated by ~~Director~~ City Manager or designee establishing ~~of Recreation and Parks~~.

#### 971.15 ~~BORROWED OR RENTED CITY EQUIPMENT~~. RESERVED

~~—(a) Each person borrowing or renting equipment belonging to the City for use in parks shall be liable for any damage to or destruction of the equipment and shall pay the cost of repair or replacement of the borrowed or rented article.~~

~~—(b) The City may require a reasonable security deposit for the borrowing or renting of any equipment, to be returned to the depositor upon the return of the equipment in satisfactory condition. All or a portion of the deposit may be applied toward repair or replacement costs if required.~~

~~—(c) Any person loaning or renting equipment to the City for use in the parks does so at his own risk and shall be personally liable for the cost of repair or replacement unless the City through the Director City Manager or designee establishing of Recreation and Parks waives this provision in writing.~~

#### 971.17 ENTERING OF BUILDINGS.

No person shall enter into any building, enclosure or place within any park upon which the words "No Admittance" or a similar statement is displayed or posted by sign, placard or otherwise, without the permission of the ~~Director~~ City Manager or designee establishing ~~of Recreation and Parks~~.

#### 971.19 ESTABLISHMENT OR WAIVER OF RULES.

(a) The ~~Director~~ City Manager or designee ~~of Recreation and Parks~~ may establish at any time such rules and policies as may be necessary for the conduct of the parks in keeping with the spirit and intent of this Chapter, and such rules and policies shall be binding as if set forth herein.

(b) The ~~Director~~ City Manager or designee may waive the requirements or prohibitions of any of the sections of this chapter for special events or occasions.

#### 971.21 PERMITS FOR SALE AND CONSUMPTION OF ALCOHOL AT EVENTS HELD IN DESIGNATED LOCATIONS OF THE CITY.

(a) The organizers of community events open to the public and held in Weaver Park, Roger A. Reynolds Municipal Park, Hilliard Station Park and during the Old Hilliardfest Art and Street Fair (collectively, the "Designated Locations") who wish to sell and/or serve alcoholic beverages for on-site consumption shall make application for a permit to the ~~City's Safety Director (the "Safety Director")~~ City Manager's Designee no later than 45 days prior to the first day of the event. To qualify for a permit, the Applicant shall meet the following requirements:

(1) A minimum of two special duty Hilliard Police Officers or Franklin County Sheriff's Deputies shall be hired by the Applicant for the duration of the event as security officers. The applicant shall make separate arrangements to hire the special duty officers and pay them directly. Additional officers may be required at the discretion of the Chief of Police based upon the number of estimated attendees, and such requirement shall be a condition of the permit. Private security officers may not be hired in lieu of the Hilliard Police Officers or Franklin County Sheriff's Deputies.

(2) The applicant shall obtain and maintain through the duration of the event a liquor liability policy or host policy in the minimum amount of \$1,000,000. The City shall be named as an additional insured and a Certificate of Insurance shall be submitted with the application.



(3) The applicant shall comply with all state and local liquor laws, including but not limited to obtaining all required state permits and providing copies thereof to the ~~Safety Director~~ City Manager's Designee with the application.

(4) All sales or serving of alcohol are limited to the hours of 11 a.m. through 11 p.m. on the day or days of the event.

(5) The applicant shall indemnify and hold the City harmless from and against any and all claims made against the City arising from the applicant's sale, service and consumption of alcohol at the event.

(b) Application shall be made on a form prescribed by the ~~Safety Director~~ City Manager's Designee. The ~~Safety Director~~ City Manager's Designee shall determine the specific location or locations where alcohol may be served, sold or consumed within the Designated Locations. Determining the area(s) for the serving, sale and consumption of alcoholic beverages shall be made by the ~~Safety Director~~ City Manager's Designee in consultation with the event organizer at the time the application is submitted.

(c) An application shall be denied if the applicant fails to comply with the requirements set forth in subsections (a) and (b) above.

(d) During events for which a permit under this Section has been issued, the provisions of Section 971.06 of the Codified Ordinances of the City relating solely to the possession and use of alcohol shall be waived.

(e) During events for which a permit under this Section has been issued, no person shall be charged with violating Section 529.07 of the Codified Ordinances of the City, the "Open Container" prohibition, so long as that person remains within the enclosed area specified in the City's permit.

(f) Permits granted hereunder may be revoked by the ~~Safety Director~~ City Manager's Designee if he/she has determined that the Applicant has violated any requirements of the permit, or has failed to abide by any of the requirements under this Code Section. Riotous and/or disorderly behavior during the applicant's event, that threatens the health, safety and welfare of the event participants or surrounding residents, shall be grounds for revoking a permit.

(g) An applicant whose permit application was denied, or that has been revoked the City Manager's Designee may appeal the ~~Safety Director's~~ decision to the City Manager. If the City Manager ~~is also acting as the City's Safety Director~~ denies the permit application or revokes a permit, the Applicant may appeal the denial or revocation to a court of competent jurisdiction in Franklin County, Ohio.

(h) The ~~Safety Director~~ City Manager's Designee shall devise a form and prescribe the process for the filing of timely appeals, which form and information shall be included with the initial application for a permit.

## 971.22 FISHING IN CITY PARKS

(a) Fishing on a catch and release only basis is permitted without a license at City ponds, reservoirs, and retention basins.

(b) No person shall use nets, buckets, or methods other than pole fishing to harvest fish from ponds which are solely within a park's boundaries.

## Chapter 975. Solid Waste Collection.

### 975.05 RULES AND REGULATIONS.

(a) No householder, occupying any household shall fail to comply with the following:

(1) Provide and maintain an approved receptacle/container as determined by the ~~Director~~ City Manager's Designee pursuant to ~~his~~ the authority set forth in this chapter for the collection and disposition of solid waste.

(2) All such receptacles/containers shall be kept on the householder's property by placing receptacles/containers behind the householder's residential dwelling structure, to the side of the

residential dwelling structure but not forward of the face of the dwelling structure, or in an enclosed area not forward of the build line.

(3) All such receptacles/containers shall be delivered by the householder to and from the street on the day designated for collection of solid waste subject to the following:

A. No such receptacle/container of solid waste shall be delivered to the street earlier than 5:00 p.m. on the day immediately preceding the solid waste collection day.

B. If the day normally designated by the contract for collection of yard waste is a legal holiday, as defined in the City's refuse collection contract, then the day designated for the collection of yard waste shall be the day following the holiday for the purposes of applying this section.

C. If the day normally designated by the contract for collection of garbage and refuse is a legal holiday, as defined by the contract, then the day designated for the collection of garbage and refuse shall be the day following the holiday for the purposes of applying this section.

D. All such receptacle/containers for the collection of solid waste shall be removed from the street by 9:00 a.m. of the morning immediately following the day the solid waste is collected.

(4) All such receptacles/containers shall be delivered and placed for collection only on property located within the side lot lines extended to the street in front of the householder's household, or such other location as set forth in the City's refuse collection contract. It is the intention of this subsection to prohibit all persons from placing solid waste for collection on the street in front of any household not occupied by the householder or in violation of the contract.

(b) No owner or manager of a commercial establishment or multi-family apartment or facility unit shall fail to comply with the following:

(1) Provide and maintain an approved receptacle/container as determined by the ~~Director~~ City Manager's or designee pursuant to ~~his~~ the pursuant to his authority set forth in this chapter for the collection and disposal of solid waste

(2) Such owner or manager of every commercial establishment or multi-family apartment or facility unit shall arrange for the collection of solid waste as is necessary so as to avoid the creation of a nuisance but in no event less frequently than once per week.

(3) All refuse and solid waste receptacles/containers for residential and commercial/business uses, shall be of sufficient size to regularly and consistently accommodate the amount of refuse and solid waste disposed of by its residents, employees and patrons.

#### **975.06 COLLECTION RATES AND TERMS.**

(a) Commencing on July 1, 2012 (2012-2013 collection year), every householder (or owner as the case may be) in the City shall be charged an amount that is 100% of the actual monthly cost of the solid waste services collection, disposal and billing.

(b) If a residential property owner of record, who verifies on the City's application that he/she resides in the residential property and is identified as the owner by the Franklin County Auditor's Office, is sixty-five years or older, the charge for the solid waste collection services to such owner shall be reduced by ten percent (10%) of the total monthly billing rate charged in subsection (a) above. This discount shall apply to the first full month after eligibility has been established through application to the City Manager or designee consistent with Rules adopted ~~by the Director~~ for implementation of the discount. The City shall not be liable for refunds for failure to promptly establish eligibility by an Owner for the discount provided for herein.

(c) The City Manager or designee may, in cases of financial hardship, and on a case-by-case basis, provide owners of residential property, who also reside at the property as verified by the owner and is identified as the owner by the Franklin County Auditor's Office, a discount on their solid waste collection services. The discount may be considered for owner-occupants who are receiving Medicaid, or some other form of government income-based aid or government disability aid, and who provide proof to the City Manager or designee of receiving such government aid. The City Manager or designee may establish rules and procedures to apply for and receive a hardship discount that are not inconsistent with this section.

(d) The monthly service charge set forth herein shall include the collection of all solid waste and other environmental services limited to the following:

- (1) Garbage and refuse.
  - (2) Recyclable products placed in separate containers, as approved by the ~~Director~~ City Manager's or designee.
  - (3) Yard waste placed in separate containers, as approved by the City Manager or designee.
  - (4) Hazardous waste is not included in the collection of solid waste.
  - (5) The collection of miscellaneous materials shall be as determined by the rules and regulations adopted by the City Manager or designee.
- (e) The City may institute a collection schedule that would permit residents to pay the solid waste service fee authorized in Section 975.06(a) on a quarterly basis. If such a schedule is instituted, then householders (or owners as the case may be) who elect to pay the entire solid waste service fee in one payment at the initial billing shall be entitled to a discount.

#### **975.07 ENFORCEMENT.**

This chapter and any rules and regulations adopted hereunder may be enforced by the City Manager or designee, any police officer, Zoning/Code Enforcement Officer, ~~Deputy Zoning Officer~~ or City Inspector, ~~the Chief Building Inspector or any Deputy Building Inspector of the City.~~

## Council Memo: Legislation (22-07)

**Subject:** Amending the 2022 Capital Budget  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Delande, Director of Finance  
**Date:** February 14, 2022

### Executive Summary

This Ordinance would approve amendments to both the 2022 Capital Improvement Budget and the 2022-2026 Capital Improvement Program.

### Staff Recommendation

Staff is recommending the adoption of this ordinance which would amend the City's 2022 Capital Improvement Budget and 5-year CIP to include estimated costs associated with the design and construction of the major elements envisioned for the Recreation and Wellness Campus.

### Background

On November 2, 2021, the electors of the City of Hilliard approved a .5% income tax increase. The revenue received from this .5% increase is to be solely dedicated to recreation and parks capital, programming, and operational expenses.

On December 14, 2021, City Council passed Ordinance No. 21-41, approving the 2022 Capital Improvement Budget and appropriating funds for the Capital Expenses. As the City begins to move forward with the design, and construction of a Recreation and Wellness Campus it is necessary to amend Ordinance No. 21-41 to appropriate the funds from the revenue received. Additionally, it is necessary to amend the 5-year CIP to reflect the total estimated funding needed to complete the various elements of this campus.

#### Project Costs

The total project cost for the Recreation and Wellness Campus is currently estimated at \$102,141,505. Attached is a more detailed 5-year breakdown of the following five major components of the campus design and construction.

Project Component	Total Estimated Cost	2022 Estimated Allocation
Recreation and Wellness Center	\$66,431,286	\$2,406,975
Athletic Fields and Regional Trail	\$15,154,498	\$1,163,184
Stream Restoration	\$1,449,683	\$1,354,842
Cosgray Road Extension	\$14,205,374	\$1,725,000
Clover Groff Bridge	\$4,900,665	\$0
<b>Totals</b>	<b>\$102,141,505</b>	<b>\$6,650,000</b>

#### Amended Budget

The amended 2022 budget includes an appropriation from Fund 103, Object 55 of \$6,650,000 as noted in the chart above. Additionally, as noted, this appropriation includes funds for the Cosgray Road Extension. A portion of the Cosgray Road Extension was originally budgeted in the Transportation Capital Budget, however it has been moved to this fund due to the fact it is part of the completion of the Campus.

#### Public Art Allocation

These estimates include \$200,000 dedicated to public art on the site. This is in-line with Council's 1% for the Arts policy if the entire campus is treated as one singular project. If the various components are defined as separate projects, then additional funds could be assumed for public art. At this point in time, Staff recommends the \$200,000 max for the entire site with the further recommendation that if funds/contingencies are available at the conclusion of construction, additional funds could be allocated

by Council for public art up to the 1% max for each separate project. This recommendation is with the understanding that funding and debt funding a +\$100 million development with rapidly escalating cost of construction means the City will need to make some difficult choices on campus elements in order to deliver a high-quality final product for our Community.

### **Financial Impacts**

This revised 2022 Capital Improvement Budget totals \$19,977,956, which includes \$6,650,000 specifically directed towards the Recreation and Wellness Campus. The 5-year estimated cost for completion of the project is \$102,141,505.

### **Attachments**

- Recreation Wellness Center Expenditure Schedule
- Exhibit A – Amended Capital Improvement Budget
- Exhibit B – Revised Capital Improvement Program
- Recreation and Wellness Center – Master Project Schedule

City of Hilliard - Master Project Schedule - RFP Update			Project Master Format			17-Jan-22													
#	Activity ID	Activity Name	Start	Finish	Original Duration	2022				2023				2024				2025	
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
1	City of Hilliard - Master Project Schedule - RFP Update		17-Jan-22	03-Feb-25	775														
2	Recreation & Wellness Building		17-Jan-22	03-Feb-25	775														
3	Team/Consultant Selection Process		17-Jan-22	11-Sep-23	421														
4	MILE-BLDG-1100	Hilliard - City Council Approve A/E Selection	28-Mar-22	28-Mar-22	1	Hilliard - City Council Approve A/E Selection													
5	MILE-BLDG-1110	Hilliard - City Council Approve CM Selection	23-May-22	23-May-22	1	Hilliard - City Council Approve CM Selection													
6	MILE-BLDG-1120	Hilliard - City Council Approve GMP Amendment (GMP #1)	24-Apr-23	24-Apr-23	1	Hilliard - City Council Approve GMP Amendment (GMP #1)													
7	MILE-BLDG-1135	Hilliard - City Council Approve GMP Amendment (GMP #2)	11-Sep-23	11-Sep-23	1	Hilliard - City Council Approve GMP Amendment (GMP #2)													
8	Architect/Engineer		17-Jan-22	31-Mar-22	54														
9	CON-BLDG-1020	Hilliard - Review Draft RFP & Advertisement Info	17-Jan-22	19-Jan-22	3	Hilliard - Review Draft RFP & Advertisement Info													
10	CON-BLDG-1040	Hilliard - Advertise for RFP/RFP Submission Process	20-Jan-22	09-Feb-22	15	Hilliard - Advertise for RFP/RFP Submission Process													
11	CON-BLDG-1050	Hilliard - Review RFP Responses/Develop Shortlist	10-Feb-22	16-Feb-22	5	Hilliard - Review RFP Responses/Develop Shortlist													
12	CON-BLDG-1060	Hilliard - Notify Shortlisted Firms	17-Feb-22	17-Feb-22	1	Hilliard - Notify Shortlisted Firms													
13	CON-BLDG-1070	Hilliard - Conduct A/E Interviews	01-Mar-22	02-Mar-22	2	Hilliard - Conduct A/E Interviews													
14	CON-BLDG-1080	Hilliard - A/E Contract Negotiations	03-Mar-22	09-Mar-22	5	Hilliard - A/E Contract Negotiations													
15	CON-BLDG-1090	Hilliard - Official Award of A/E Contract/Issue P.O./NTP	29-Mar-22	31-Mar-22	3	Hilliard - Official Award of A/E Contract/Issue P.O./NTP													
16	Construction Manager		03-Mar-22	24-May-22	59														
17	CON-BLDG-2000	MCC - Develop CM RFP & Advertisement Info	03-Mar-22	11-Mar-22	7	MCC - Develop CM RFP & Advertisement Info													
18	CON-BLDG-2010	MCC - Finalize Draft CM Agreement	03-Mar-22	11-Mar-22	7	MCC - Finalize Draft CM Agreement													
19	CON-BLDG-2020	Hilliard - Review Draft RFP & Advertisement Info	14-Mar-22	18-Mar-22	5	Hilliard - Review Draft RFP & Advertisement Info													
20	CON-BLDG-2030	Hilliard - Advertise for RFP/RFP Submission Process	21-Mar-22	08-Apr-22	15	Hilliard - Advertise for RFP/RFP Submission Process													
21	CON-BLDG-2040	Hilliard - Review RFP Responses/Develop Shortlist	11-Apr-22	15-Apr-22	5	Hilliard - Review RFP Responses/Develop Shortlist													
22	CON-BLDG-2050	Hilliard - Notify Shortlisted Firms	18-Apr-22	18-Apr-22	1	Hilliard - Notify Shortlisted Firms													
23	CON-BLDG-2060	Hilliard - Conduct CM Interviews	28-Apr-22	29-Apr-22	2	Hilliard - Conduct CM Interviews													
24	CON-BLDG-2070	Hilliard - CM Contract Negotiations	02-May-22	06-May-22	5	Hilliard - CM Contract Negotiations													
25	CON-BLDG-2080	Hilliard - Official Award of CM Contract/Issue P.O./NTP	24-May-22	24-May-22	1	Hilliard - Official Award of CM Contract/Issue P.O./NTP													
26	Design Process		01-Apr-22	16-Aug-23	350														
27	PROG-BLDG-1000	A/E - Complete Programming Phase (POR)	01-Apr-22	26-May-22	40	A/E - Complete Programming Phase (POR)													
28	PROG-BLDG-1010	Hilliard - Review/Approve Program of Requirements (POR)	27-May-22	03-Jun-22	5	Hilliard - Review/Approve Program of Requirements (POR)													
29	SD-BLDG-1000	A/E - Complete Schematic Design Phase (SD)	06-Jun-22	01-Aug-22	40	A/E - Complete Schematic Design Phase (SD)													
30	SD-BLDG-1010	CM - Complete SD Estimate	02-Aug-22	15-Aug-22	10	CM - Complete SD Estimate													
31	SD-BLDG-1020	Hilliard - Review/Approve Schematic Design (SD)	16-Aug-22	22-Aug-22	5	Hilliard - Review/Approve Schematic Design (SD)													
32	DD-BLDG-1000	A/E - Complete Design Development Phase (DD)	23-Aug-22	08-Dec-22	75	A/E - Complete Design Development Phase (DD)													
33	DD-BLDG-1010	CM - Complete DD Estimate	09-Dec-22	30-Dec-22	15	CM - Complete DD Estimate													
34	DD-BLDG-1020	Hilliard - Review/Approve Design Development Phase (DD)	03-Jan-23	11-Jan-23	7	Hilliard - Review/Approve Design Development Phase (DD)													
35	CD-BLDG-1000	A/E - Complete Construction Documents Phase (CD)	12-Jan-23	03-May-23	80	A/E - Complete Construction Documents Phase (CD)													
36	CD-BLDG-1050	A/E - Early Release - Long Lead Bid Packages	02-Feb-23	02-Feb-23	1	A/E - Early Release - Long Lead Bid Packages													
37	CD-BLDG-1010	A/E - Issue 75% CD Documents	30-Mar-23	30-Mar-23	1	A/E - Issue 75% CD Documents													

Actual Level of Effort

Actual Work

Remaining Work

Critical Remaining Work

Milestone

( New Bar )

Date

Revision

Checked

Approved

17-Jan-22

Master Project Schedule - Architect/Engineer RFP

Hilliard Recreation & Wellness Campus Project



City of Hilliard - Master Project Schedule - RFP Update						Project Master Format												17-Jan-22	
#	Activity ID	Activity Name	Start	Finish	Original Duration	2022				2023				2024				2025	
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
38	CD-BLDG-1020	CM - Complete 75% CD Estimate (CD)	31-Mar-23	20-Apr-23	15														
39	CD-BLDG-1030	TEAM - Reconcile Estimate, Design, Scope (CD)	21-Apr-23	01-May-23	7														
40	CD-BLDG-1040	Hilliard - Review/Approve Construction Documents Phase (CD)	04-May-23	12-May-23	7														
41	CORR-BLDG-1000	A/E Respond to Correction Letter #1	21-Jun-23	12-Jul-23	15														
42	CORR-BLDG-1010	A/E Respond to Correction Letter #2	03-Aug-23	16-Aug-23	10														
43	Plans Examination/Permitting Process		15-May-23	25-Aug-23	73														
44	PERM-BLDG-1000	Hilliard - Complete Plans Examination Process #1	15-May-23	19-Jun-23	25														
45	PERM-BLDG-1010	Hilliard - Issue Correction Letter #1	20-Jun-23	20-Jun-23	1														
46	PERM-BLDG-1020	Hilliard - Complete Plans Examination Process #2	13-Jul-23	02-Aug-23	15														
47	PERM-BLDG-1030	Hilliard - Building Permit Issued	17-Aug-23	25-Aug-23	7														
48	Bidding/Procurement Process		03-Feb-23	22-Aug-23	141														
49	BID-BLDG-1000	CM - Complete Bidding Process (GMP #1)	03-Feb-23	02-Mar-23	20														
50	BID-BLDG-1010	CM - Bid Review Process (GMP #1)	03-Mar-23	23-Mar-23	15														
51	BID-BLDG-1020	CM - Provide Draft GMP Amendment (GMP #1)	24-Mar-23	27-Mar-23	2														
52	BID-BLDG-1030	Hilliard - Review/Approve Draft GMP Amendment (GMP #1)	28-Mar-23	31-Mar-23	4														
53	BID-BLDG-1040	CM - Finalize GMP Amendment (GMP #1)	03-Apr-23	05-Apr-23	3														
54	BID-BLDG-1055	CM - Complete Bidding Process (GMP #2)	20-Jun-23	18-Jul-23	20														
55	BID-BLDG-1070	CM - Bid Review Process (GMP #2)	19-Jul-23	08-Aug-23	15														
56	BID-BLDG-1085	CM - Provide Draft GMP Amendment (GMP #2)	09-Aug-23	10-Aug-23	2														
57	BID-BLDG-1100	Hilliard - Review/Approve Draft GMP Amendment (GMP #2)	11-Aug-23	17-Aug-23	5														
58	BID-BLDG-1115	CM - Finalize GMP Amendment (GMP #2)	18-Aug-23	22-Aug-23	3														
59	Construction		25-Apr-23	03-Feb-25	451														
60	CONST-BLDG-1000	Hilliard - Confirm Funds/Issue Full NTP	25-Apr-23	01-May-23	5														
61	CONST-BLDG-1010	CM - Commence Construction Work On Site	02-May-23	02-May-23	1														
62	CONST-BLDG-1020	CM - Construct New Recreation & Wellness Building/Complex	03-May-23	26-Nov-24	400														
63	CONST-BLDG-1030	CM - Punchlist & Close Out Process	23-Oct-24	03-Feb-25	70														
64	CONST-BLDG-1040	Hilliard - Move In, Occupancy	27-Nov-24	03-Feb-25	45														

Actual Level of Effort    Critical Remaining Work  
Actual Work    Milestone  
Remaining Work    ( New Bar )

Date	Revision	Checked	Approved
17-Jan-22	Master Project Schedule - Architect/Engineer RFP	DPM	
	Hilliard Recreation & Wellness Campus Project		



McCarthy Consulting, LLC

**CIP NUMBER:** RP-7**PROJECT TITLE:** Recreation & Wellness Campus

**DESCRIPTION/JUSTIFICATION:** This project provides estimated expenditures for the design and construction of the major elements of the City's new Recreation & Wellness Campus, including a state-of-the-art Community Recreation and Wellness Center, the extension of Cosgray Road through the site, and new athletic fields.

<b>EXPENDITURE SCHEDULE - TOTAL</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN	\$ 5,025,159	\$ 2,764,866	\$ 740,000	\$ 90,000	\$ -	\$ 8,620,024
CONSTRUCTION	1,205,000	24,235,000	47,445,423	8,700,000	-	81,585,423
RIGHT-OF-WAY	325,000	-	-	-	-	325,000
UTILITIES	-	25,000	-	-	-	25,000
CONTRACT ADMIN/INSPECTION	-	505,374	600,000	370,665	-	1,476,039
MISCELLANEOUS IMPROVEMENTS	94,842	3,401,620	4,406,780	2,206,777	-	10,110,019
<b>TOTAL</b>	<b>\$ 6,650,000</b>	<b>\$ 30,931,860</b>	<b>\$ 53,192,203</b>	<b>\$ 11,367,442</b>	<b>\$ -</b>	<b>\$ 102,141,505</b>

<b>EXPENDITURE SCHEDULE - COMMUNITY RECREATION &amp; WELLNESS CENTER</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN	\$ 2,406,975	\$ 2,414,866	\$ -	\$ -	\$ -	\$ 4,821,840
CONSTRUCTION	-	10,000,000	37,995,902	5,000,000	-	52,995,902
MISCELLANEOUS IMPROVEMENTS	-	2,871,182	3,971,182	1,771,180	-	8,613,544
<b>TOTAL</b>	<b>\$ 2,406,975</b>	<b>\$ 15,286,047</b>	<b>\$ 41,967,084</b>	<b>\$ 6,771,180</b>	<b>\$ -</b>	<b>\$ 66,431,286</b>

<b>EXPENDITURE SCHEDULE - FIELDS &amp; REGIONAL TRAIL</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN	\$ 1,163,184	\$ -	\$ -	\$ -	\$ -	\$ 1,163,184
CONSTRUCTION	-	9,985,000	2,699,521	-	-	12,684,521
MISCELLANEOUS IMPROVEMENTS	-	435,598	435,598	435,597	-	1,306,793
<b>TOTAL</b>	<b>\$ 1,163,184</b>	<b>\$ 10,420,598</b>	<b>\$ 3,135,119</b>	<b>\$ 435,597</b>	<b>\$ -</b>	<b>\$ 15,154,498</b>

<b>EXPENDITURE SCHEDULE - STREAM RESTORATION</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN	\$ 55,000	\$ -	\$ -	\$ -	\$ -	\$ 55,000
CONSTRUCTION	1,205,000	-	-	-	-	1,205,000
MISCELLANEOUS IMPROVEMENTS	94,842	94,841	-	-	-	189,683
<b>TOTAL</b>	<b>\$ 1,354,842</b>	<b>\$ 94,841</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,449,683</b>

<b>EXPENDITURE SCHEDULE - COSGRAY ROAD EXTENSION</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN/ENGINEERING	\$ 1,400,000	\$ 350,000	\$ -	\$ -	\$ -	\$ 1,750,000
RIGHT-OF-WAY	325,000	-	-	-	-	325,000
UTILITIES	-	25,000	-	-	-	25,000
CONSTRUCTION	-	4,250,000	6,750,000	-	-	11,000,000
CONTRACT ADMIN/INSPECTION	-	505,374	600,000	-	-	1,105,374
<b>TOTAL</b>	<b>\$ 1,725,000</b>	<b>\$ 5,130,374</b>	<b>\$ 7,350,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 14,205,374</b>

<b>EXPENDITURE SCHEDULE - CLOVER GROFF BRIDGE AT MUNICIPAL PARK</b>						
PROJECT ELEMENT	2022	2023	2024	2025	2026	TOTAL
DESIGN/ENGINEERING	\$ -	\$ -	\$ 740,000	\$ 90,000	\$ -	\$ 830,000
CONSTRUCTION	-	-	-	3,700,000	-	3,700,000
CONTRACT ADMIN/INSPECTION	-	-	-	370,665	-	370,665
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 740,000</b>	<b>\$ 4,160,665</b>	<b>\$ -</b>	<b>\$ 4,900,665</b>





Ordinance: 22-07

Passed:

Page 1 of

Effective:

**AMENDING THE 2022 CAPITAL IMPROVEMENT BUDGET FOR THE PERIOD  
ENDING DECEMBER 31, 2022.**

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

**WHEREAS**, by the passage of Ordinance No. 21-41 on December 14, 2021, Council adopted the City's 2022 Capital Improvement Budget; and

**WHEREAS**, due the passage of Issue 22 on November 2, 2021, the City is collecting an additional 0.5% in income tax that must be used for recreation and park uses; and

**WHEREAS**, the Administration desire to appropriate the funds received in order to move forward with the design, and construction of the City's Recreation and Wellness Campus; and

**WHEREAS**, it is also necessary to revise the City's 5-year (2022-2026) Capital Improvement Program due to the passage of Issue 22; and

**WHEREAS**, after reviewing the amended Capital Improvement Budget, City Council is prepared to authorize the amended 2022 Capital Budget, identified in Exhibit "A", attached hereto and incorporated herein; and

**WHEREAS**, after reviewing the 2022-2026 Capital Improvement Program, City Council is prepared to adopt the 5-year Capital Improvement Program, identified in Exhibit "B", attached hereto and incorporated herein.

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

**SECTION 1.** Ordinance No. 21-41 is amended as set forth in Exhibit "A", **attached** hereto and incorporated herein, and the sums indicated are hereby set aside and appropriated as set forth herein.

**SECTION 2.** City Council revises and adopts the 2022-2026 Capital Improvement Program for the City, as set forth in Exhibit "B", **attached** hereto and incorporated herein.

**SECTION 3.** This Ordinance shall be in full force and effect at the earliest time provided by law.

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ <b>Vote Record - Ordinance 22-07</b>						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	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						

**City of Hilliard**  
**Capital Projects for 2022**  
**Revised 2/14/22**

<b>CIP #</b>	<b>Project</b>	<b>2022</b>
AP-3	Land Use and Public Spaces Master Plan	\$ 150,000
	<b>Total Administration and Planning</b>	<b>\$ 150,000</b>
F-1	Heavy Equipment	\$ 180,000
F-3	Large Trucks	\$ 200,000
F-4	Light Trucks and Pickups	\$ 90,000
F-5	Vehicles	\$ 75,000
F-6	Police Cruisers and Safety Vehicles	\$ 384,000
	<b>Total Equipment</b>	<b>\$ 929,000</b>
IT-1	City Network	\$ 271,500
IT-2	Desktop / Laptop Computers	\$ 35,000
IT-9	Hilliard Police Department - Information Technology	\$ 309,000
IT-10	City Wide Camera / Wi-Fi Project	\$ 30,000
IT-11	City Wide Fiber Project	\$ 1,920,000
IT-12	Traffic Signal	\$ 25,000
IT-13	Service Management	\$ 137,000
IT-16	Citizen Technology	\$ 2,500
IT-17	Staff Support Technology	\$ 110,000
	<b>Total Information Technology</b>	<b>\$ 2,840,000</b>
LB-3	HVAC System Improvements for City Buildings	\$ 85,000
LB-4	Plumbing and Electrical Improvements at City Buildings	\$ 30,000
LB-6	Roof Replacements	\$ 30,000
LB-7	I-270 Fence and LA Enhancements	\$ 50,000
LB-8	Demolition Projects	\$ 20,000
LB-13	Operations Service Center	\$ 20,000
LB-20	Street and Public Lands Tree Replacement Program	\$ 150,000
LB-26	Office Renovations	\$ 50,000
	<b>Total Lands and Buildings</b>	<b>\$ 435,000</b>
RP-2	Parks	\$ 461,746
RP-3	Aquatics	\$ 40,000
RP-4	Vehicles	\$ 115,000
RP-5	Equipment	\$ 14,000
RP-7	Recreation & Wellness Campus	\$ 6,650,000
	<b>Total Recreation and Parks</b>	<b>\$ 7,280,746</b>
SAF-1	Safety Equipment (Vests)	\$ 19,110
SAF-2	Replacement Weapons	\$ 18,000
SAF-5	Safety Equipment (Miscellaneous)	\$ 4,800
SAF-14	K9 Replacement	\$ 18,000
	<b>Total Safety</b>	<b>\$ 59,910</b>
S-20	Comp Maint and Operations Plan including Annual Inflow & Infiltration Abatement Program	\$ 140,000
S-28	Upper Scioto West (Hayden Run) Sanitary Sub Trunk, Phase 1	\$ 1,500,000
S-31	Lift Station Rehabilitation and Replacement Program	\$ 50,000
S-33	Annual Sanitary Sewer Cleaning and CCTV and Rehabilitation Program	\$ 177,000
S-37	Annual Sanitary Sewer Lining Program	\$ 13,000
S-43	Sanitary Trunk Sewer Maintenance	\$ 10,000
S-45	Cosgray Road / Jerman Tract Sanitary Sewer	\$ 35,000
	<b>Total Sanitary</b>	<b>\$ 1,925,000</b>

**Attachment: Exhibit A.Amended 2022 Capital Budget (22-07 : Amending the 2022 Capital Budget)**

CIP #	Project	2022
ST-32	Storm Water Management (NPDES Phase 2) Program	\$ 110,300
ST-38	Stream Restorations and Water Quality Improvements	\$ 1,075,000
ST-43	Leap Road Storm Sewer Improvements	\$ 15,000
ST-44	Lacon Road Culvert Replacement	\$ 358,000
	<b>Total Storm Water Mgmt - EPA/NPDES</b>	<b>\$ 1,558,300</b>
T-84	Cosgray Road Improvements	\$ 1,950,000
T-121	Citywide Street Rehabilitation and Right-of-Way Management Program	\$ 1,700,000
T-122	Citywide Alley Rehabilitation and Reconstruction Program	\$ 100,000
T-133	Pedestrian / Bicycle Mobility and Safety Improvements	\$ 365,000
T-148	Heritage Trail Extension (Phase 3)	\$ 15,000
T-149	Hilliard Traffic Management Center and Smart Technology Improvements	\$ 55,000
T-154	Traffic Signal Asset Management Program	\$ 190,000
T-160	Sidewalk Maintenance Program and ADA Compliance	\$ 370,000
T-161	Trail Maintenance Program	\$ 15,000
T-162	Cemetery Road / I-270 Trail Overpass and Safety Improvements	\$ 25,000
T-163	Neighborhood Traffic Calming Program	\$ 15,000
	<b>Total Transportation</b>	<b>\$ 4,800,000</b>
	<b>Total</b>	<b>\$ 19,977,956</b>

**2022 - 2026 Capital Improvement Plan**  
**Revised 2/14/22**

CIP #	Project	2022	2023	2024	2025	2026
AP-3	Land Use and Public Spaces Master Plan	\$ 150,000	\$ -	\$ -	\$ -	\$ -
	<b>Total Administration and Planning</b>	<b>\$ 150,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
F-1	Heavy Equipment	\$ 180,000	\$ 260,000	\$ 410,000	\$ 190,000	\$ 220,000
F-2	Light Equipment	\$ -	\$ 125,000	\$ 130,000	\$ 135,000	\$ 140,000
F-3	Large Trucks	\$ 200,000	\$ 210,000	\$ 215,000	\$ 220,000	\$ 225,000
F-4	Light Trucks and Pickups	\$ 90,000	\$ 95,000	\$ 100,000	\$ 105,000	\$ 110,000
F-5	Vehicles	\$ 75,000	\$ 26,000	\$ 28,000	\$ 30,000	\$ 32,000
F-6	Police Cruisers and Safety Vehicles	\$ 384,000	\$ 323,400	\$ 339,570	\$ 356,549	\$ 374,376
F-7	Grounds Maintenance Equipment	\$ -	\$ 70,000	\$ 20,000	\$ 22,000	\$ 23,000
F-8	Emergency Operations Plan Equipment	\$ -	\$ 22,000	\$ 24,000	\$ 26,000	\$ 28,000
	<b>Total Equipment</b>	<b>\$ 929,000</b>	<b>\$ 1,131,400</b>	<b>\$ 1,266,570</b>	<b>\$ 1,084,549</b>	<b>\$ 1,152,376</b>
IT-1	City Network	\$ 271,500	\$ 48,500	\$ 56,700	\$ 61,870	\$ 67,557
IT-2	Desktop / Laptop Computers	\$ 35,000	\$ 38,500	\$ 42,350	\$ 46,585	\$ 51,244
IT-9	Hilliard Police Department - Information Technology	\$ 309,000	\$ 115,600	\$ 127,160	\$ 139,876	\$ 153,864
IT-10	City Wide Camera / Wi-Fi Project	\$ 30,000	\$ 33,000	\$ 36,300	\$ 39,930	\$ 43,923
IT-11	City Wide Fiber Project	\$ 1,920,000	\$ 550,000	\$ 350,000	\$ 350,000	\$ 350,000
IT-12	Traffic Signal	\$ 25,000	\$ 27,500	\$ 30,250	\$ 33,275	\$ 36,603
IT-13	Service Management	\$ 137,000	\$ 179,200	\$ 144,920	\$ 159,412	\$ 175,353
IT-15	Engineering Management	\$ -	\$ 400,000	\$ 75,000	\$ 82,500	\$ 90,750
IT-16	Citizen Technology	\$ 2,500	\$ 52,750	\$ 8,025	\$ 8,828	\$ 9,710
IT-17	Staff Support Technology	\$ 110,000	\$ 76,500	\$ 84,150	\$ 92,565	\$ 101,822
	<b>Total Information Technology</b>	<b>\$ 2,840,000</b>	<b>\$ 1,521,550</b>	<b>\$ 954,855</b>	<b>\$ 1,014,841</b>	<b>\$ 1,080,826</b>
LB-3	HVAC System Improvements for City Buildings	\$ 85,000	\$ 87,000	\$ 90,000	\$ 95,000	\$ 100,000
LB-4	Plumbing and Electrical Improvements at City Buildings	\$ 30,000	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000
LB-6	Roof Replacements	\$ 30,000	\$ 35,000	\$ 40,000	\$ 45,000	\$ 50,000
LB-7	I-270 Fence and LA Enhancements	\$ 50,000	\$ 250,000	\$ 250,000	\$ -	\$ -
LB-8	Demolition Projects	\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
LB-13	Operations Service Center	\$ 20,000	\$ 50,000	\$ 15,000	\$ 20,000	\$ 25,000
LB-20	Street and Public Lands Tree Replacement Program	\$ 150,000	\$ 200,000	\$ 210,000	\$ 215,000	\$ 225,000
LB-26	Office Renovations	\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
	<b>Total Lands and Buildings</b>	<b>\$ 435,000</b>	<b>\$ 737,000</b>	<b>\$ 735,000</b>	<b>\$ 520,000</b>	<b>\$ 560,000</b>
RP-1	Facilities	\$ -	\$ 50,000	\$ 400,000	\$ -	\$ -
RP-2	Parks	\$ 461,746	\$ 441,546	\$ 314,046	\$ 168,000	\$ 189,000
RP-3	Aquatics	\$ 40,000	\$ 365,000	\$ 90,000	\$ 2,265,000	\$ 190,000
RP-4	Vehicles	\$ 115,000	\$ -	\$ 35,000	\$ 35,000	\$ 35,000
RP-5	Equipment	\$ 14,000	\$ 68,000	\$ 27,000	\$ 30,000	\$ -
RP-6	Multi-use Trails and Parking Lots	\$ -	\$ 450,000	\$ 10,000	\$ 95,000	\$ 10,000
RP-7	Recreation & Wellness Campus	\$ 6,650,000	\$ 30,931,860	\$ 53,192,203	\$ 11,367,442	\$ -
	<b>Total Recreation and Parks</b>	<b>\$ 7,280,746</b>	<b>\$ 32,306,406</b>	<b>\$ 54,068,249</b>	<b>\$ 13,960,442</b>	<b>\$ 424,000</b>
SAF-1	Safety Equipment (Vests)	\$ 19,110	\$ 20,066	\$ 21,069	\$ 22,122	\$ 23,228
SAF-2	Replacement Weapons	\$ 18,000	\$ 18,900	\$ 19,845	\$ 20,837	\$ 21,879
SAF-5	Safety Equipment (Miscellaneous)	\$ 4,800	\$ 5,040	\$ 5,292	\$ 5,557	\$ 5,834
SAF-11	Radio System	\$ -	\$ 31,500	\$ -	\$ -	\$ -
SAF-14	K9 Replacement	\$ 18,000	\$ -	\$ -	\$ -	\$ 20,000
	<b>Total Safety</b>	<b>\$ 59,910</b>	<b>\$ 75,506</b>	<b>\$ 46,206</b>	<b>\$ 48,516</b>	<b>\$ 70,941</b>
S-20	Comp Maint and Operations Plan including Annual Inflow & Infiltration Abatement Program	\$ 140,000	\$ 147,000	\$ 154,300	\$ 162,000	\$ 170,000
S-28	Upper Scioto West (Hayden Run) Sanitary Sewer Sub Trunk, Phase 1	\$ 1,500,000	\$ -	\$ -	\$ -	\$ -
S-31	Lift Station Rehabilitation and Replacement Program	\$ 50,000	\$ 1,030,000	\$ 53,000	\$ 882,000	\$ 59,500
S-33	Annual Sanitary Sewer Cleaning and CCTV and Rehabilitation Program	\$ 177,000	\$ 185,800	\$ 195,200	\$ 205,100	\$ 215,300
S-37	Annual Sanitary Sewer Lining Program	\$ 13,000	\$ 192,100	\$ 201,500	\$ 211,600	\$ 222,300
S-43	Sanitary Trunk Sewer Maintenance	\$ 10,000	\$ 104,000	\$ 117,100	\$ 123,000	\$ 129,200
S-45	Cosgray Road / Jerman Tract Sanitary Sewer	\$ 35,000	\$ 305,000	\$ -	\$ -	\$ -
S-46	Old Hilliard Sanitary Sewer Improvements	\$ -	\$ 130,000	\$ 980,000	\$ -	\$ -
	<b>Total Sanitary</b>	<b>\$ 1,925,000</b>	<b>\$ 2,093,900</b>	<b>\$ 1,701,100</b>	<b>\$ 1,583,700</b>	<b>\$ 796,300</b>
ST-27	Detention and Retention Basin Rehabilitation Program	\$ -	\$ 175,000	\$ 180,000	\$ 190,000	\$ 200,000
ST-32	Storm Water Management (NPDES Phase 2) Program	\$ 110,300	\$ 115,900	\$ 121,700	\$ 127,800	\$ 134,200
ST-34	Hilliard Storm Water Utility Plan	\$ -	\$ 10,500	\$ -	\$ 11,600	\$ -
ST-38	Stream Restorations and Water Quality Improvements	\$ 1,075,000	\$ -	\$ -	\$ -	\$ -
ST-42	Joint Storm Water Quality and Erosion Control Projects	\$ -	\$ 123,400	\$ 129,600	\$ 136,100	\$ 142,900
ST-43	Leap Road Storm Sewer Improvements	\$ 15,000	\$ 185,900	\$ -	\$ -	\$ -
ST-44	Lacon Road Culvert Replacement	\$ 358,000	\$ -	\$ -	\$ -	\$ -
	<b>Total Storm Water Mgmt - EPA/NPDES</b>	<b>\$ 1,558,300</b>	<b>\$ 610,700</b>	<b>\$ 431,300</b>	<b>\$ 465,500</b>	<b>\$ 477,100</b>

**2022 - 2026 Capital Improvement Plan**  
**Revised 2/14/22**

CIP #	Project	2022	2023	2024	2025	2026
T-84	Cosgray Road Improvements	\$ 1,950,000	\$ 2,270,000	\$ 500,000	\$ 1,810,000	\$ -
T-121	Citywide Street Rehabilitation and Right-of-Way Management Program	\$ 1,700,000	\$ 2,110,000	\$ 2,220,000	\$ 2,330,000	\$ 2,440,000
T-122	Citywide Alley Rehabilitation and Reconstruction Program	\$ 100,000	\$ 105,000	\$ 115,000	\$ 120,000	\$ 130,000
T-124	Citywide Safety and Capacity Improvements (GES)	\$ -	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
T-133	Pedestrian / Bicycle Mobility and Safety Improvements	\$ 365,000	\$ 460,000	\$ 460,000	\$ 460,000	\$ 460,000
T-134	Heritage Trail Extension (Ph 1 & Ph 2)	\$ -	\$ 375,000	\$ 2,167,000	\$ 1,008,000	\$ -
T-137	Wilcox Road / Hayden Run Road Intersection Improvement	\$ -	\$ -	\$ 350,000	\$ 450,000	\$ 3,025,000
T-144	Cemetery Road and Britton Parkway Traffic Signal Safety Improvement	\$ -	\$ 35,000	\$ 170,000	\$ -	\$ -
T-147	Main Street / Hilliard Rome Road Corridor Safety Improvement	\$ -	\$ 100,000	\$ -	\$ -	\$ -
T-148	Heritage Trail Extension (Phase 3)	\$ 15,000	\$ -	\$ 200,000	\$ 450,000	\$ 1,200,000
T-149	Hilliard Traffic Management Center and Smart Technology Improvements	\$ 55,000	\$ 265,000	\$ 90,000	\$ 90,000	\$ 90,000
T-154	Traffic Signal Asset Management Program	\$ 190,000	\$ 135,000	\$ 120,000	\$ 120,000	\$ 120,000
T-155	Hayden Run Road and Britton Parkway Improvement	\$ -	\$ 200,000	\$ 980,000	\$ -	\$ -
T-156	Alton & Darby Creek Road & Roberts Road Improvement	\$ -	\$ -	\$ -	\$ 500,000	\$ 250,000
T-157	Center Street Modifications	\$ -	\$ 20,000	\$ 220,000	\$ -	\$ -
T-158	Transportation and Mobility Planning	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
T-159	Davidson Road Corridor Improvement (Schirtzinger - Dublin)	\$ -	\$ -	\$ 75,000	\$ -	\$ -
T-160	Sidewalk Maintenance Program and ADA Compliance	\$ 370,000	\$ 430,000	\$ 460,000	\$ 515,000	\$ 570,000
T-161	Trail Maintenance Program	\$ 15,000	\$ 115,000	\$ 115,000	\$ 115,000	\$ 115,000
T-162	Cemetery Road / I-270 Trail Overpass and Safety Improvements	\$ 25,000	\$ -	\$ -	\$ -	\$ -
T-163	Neighborhood Traffic Calming Program	\$ 15,000	\$ 37,500	\$ 37,500	\$ 37,500	\$ 37,500
	<b>Total Transportation</b>	<b>\$ 4,800,000</b>	<b>\$ 6,807,500</b>	<b>\$ 8,429,500</b>	<b>\$ 8,155,500</b>	<b>\$ 8,587,500</b>
W-20	Water Tank Painting	\$ -	\$ 350,000	\$ 380,000	\$ 400,000	\$ 425,000
W-49	Old Hilliard Water Line Improvements	\$ -	\$ 50,000	\$ 403,000	\$ 50,000	\$ 336,000
	<b>Total Water</b>	<b>\$ -</b>	<b>\$ 400,000</b>	<b>\$ 783,000</b>	<b>\$ 450,000</b>	<b>\$ 761,000</b>
	<b>Totals</b>	<b>\$ 19,977,956</b>	<b>\$ 45,683,962</b>	<b>\$ 68,415,780</b>	<b>\$ 27,283,048</b>	<b>\$ 13,910,043</b>

## Council Memo: Legislation (22-08)

**Subject:** Amending 127.04 to add an additional Non-Union Position  
**From:** Michelle Crandall, City Manager  
**Date:** February 14, 2022

### Executive Summary

This legislation adds a Human Resources Manager position to the City's classification plan and amends the 2022 Operating Budget. Funds would be transferred within the existing operating budget to fund the position for the last six months of 2022 (assuming a June 1, 2022 hire date).

### Staff Recommendation

Staff recommends Council approval of this legislation. The current and future City staff needs of human resources leadership, vision and support have grown significantly over the past few years and this additional position is needed to meet those needs.

### Background

The City will soon be posting the Human Resources Director position with a working title of Chief People Officer/Human Resources Director. The needs of this position to think more strategically with a focus on talent retention & attraction, workplace culture and employee benefits, requires that this additional Human Resources Manager position be added to be responsible for other typical human resource functions. As the City has grown and evolved, human resource needs have also grown but the staffing has not increased sufficiently to keep pace with those needs.

Responsibilities of a forward-thinking and comprehensive human resources division include the following:

- Culture, Core Values, Employee Engagement, Retention & Employee/Team Recognition
- Recruitment, Selection and Onboarding of New Employees
- Diversity, Equity, and Inclusion
- Wellness and Benefits Analysis, Evolution and Administration
- Employee Learning, Development and Coaching
- Employee and Labor Relations
- Compensation Strategy and Implementation
- Organization and Workforce Planning
- Policy Development and Implementation
- Safety/Risk Management

The City currently has two full-time and two part-time Human Resources positions to fulfill these varied responsibilities, with one part-time position that has never been filled. Staff is recommending removal of the second part-time position and that is reflected in the revised operating budget.

The Human Resources Manager would be a pay grade "G" with a salary range of \$70,500 - \$104,500. Staff would assume a hiring range of \$80,000 - \$90,000 for budgeting purposes and a 2022 hire date of June 1.

### Financial Impacts

The total cost of this position for a full year, assuming an \$85,000 starting salary would be approximately \$135,000. An additional \$63,500 allocation is being requested to cover 2022 costs.

### Expected Benefits

The addition of this position would help to support our employees with their human resource needs. It would also help in the recruitment of the Human Resources Director, with candidates knowing they will have the staff necessary to build a successful division.

## HUMAN RESOURCES DEPARTMENT

### **STATEMENT OF FUNCTION**

The Human Resources Department provides assistance, support and direction on all matters related to the management of the City's human resources. The department is responsible for personnel administration; personnel recruitment, selection and retention; employee benefits and compensation; employee trainings, labor relations and collective bargaining; disciplinary and grievance hearings; City work rules and policies; employee appraisals and development; and ensure a safe and positive work climate for all employees. The department also oversees regulatory compliance under various federal and state laws such as COBRA, the Family Medical Leave Act (FMLA), Fair Labor Standards Act (FLSA), all other applicable antidiscrimination/equal employment opportunity laws, and rules and regulations under the Bureau of Workers Compensation (BWC), IRS, the Department of Labor, etc.

### **OBJECTIVES AND ACTIVITIES**

- Develop and direct an HR agenda that supports and drives the overarching goals of the organization.
- Provide leadership and direction to the organization in the administration of employee performance appraisals and to provide guidance and direction to managers in the development of meaningful performance objectives and individual development plans for their employees. This includes the implementation of new job-specific competencies in 2022.
- Management of the City's compensation plan through job description revisions and wage surveys.
- Administer the City's self-insured workers compensation program.
- Provide leadership and guidance to the organization in developing and implementing new benefit and related health management strategies, including the implementation of the wellness program in 2021.

<b><u>PERSONNEL DATA</u></b> <b><u>POSITION TITLE</u></b>	<b><u>2021</u></b> <b><u>CURRENT</u></b>	<b><u>2022</u></b> <b><u>REVISED</u></b>
Human Resources Director	1	1
Human Resources Manager	0	1
Human Resources Specialist	1	1
PT Human Resources Generalist	2	1
<b>TOTAL</b>	<b>4</b>	<b>4</b>

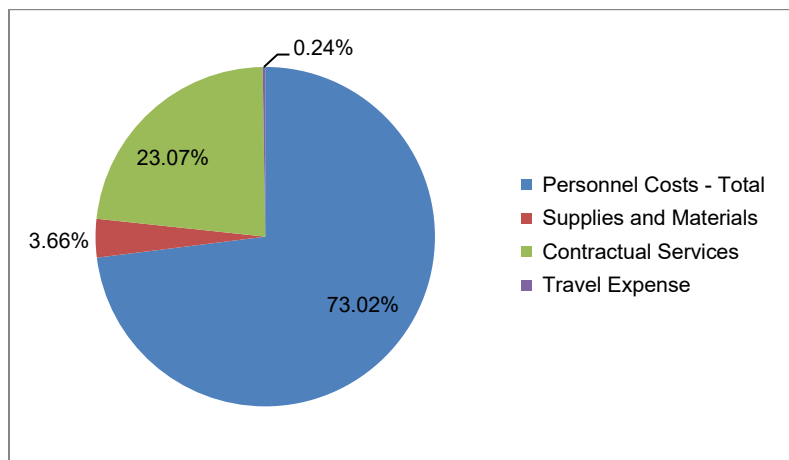


## HUMAN RESOURCES

	2021		2022
Description	Budget	Projected	Budget
Personnel Costs - Total	374,500.00	309,440.18	454,649.00
Salaries	273,342.00	225,896.51	316,354.00
Benefits	101,158.00	83,543.67	138,295.00
Supplies and Materials	23,800.00	6,252.87	22,800.00
Contractual Services	122,400.00	111,325.50	143,650.00
Travel Expense	500.00	-	1,500.00
<b>Total Human Resources</b>	<b>521,200.00</b>	<b>427,018.55</b>	<b>622,599.00</b>

<b>Personnel Percent Change</b>			<b>21.40%</b>
<b>Budget Percent Change</b>			<b>19.45%</b>

Percent change is 2022 budget to 2021 budget.



- **Supplies – Object 52** – Primary expenditures include employment ads for City employees (we hired 16 full-time employees and 153 part-time/seasonal employees), annual memberships in the National Public Employer Labor Relations Association (NPELRA) and the Society for Human Resources (SHRM), Ohio Self Insurers Association (OSIA), various seminars and legal workshops, printing materials related specifically to Human Resources, i.e., training and safety materials, employee handbooks, policies and procedures, etc., and office supplies.
- **Contracts – Object 53** – Includes expenditures for various consultant contracts related to professional and medical services. Primary expenditures include police recruitment costs (including the sergeant promotional testing, assessment center, written test administration, screening, and medical exams); legal consulting services related to the City's three collective bargaining unit agreements; development of various HR policies; interpretation of various federal and state laws, rules and regulations related to policies and programs; wellness programming activities and education; consultation/training related to DEI efforts; ; consultation related to the

City's health care plan and the federal health care reform rules and regulations; professional medical services for preemployment, post-employment and random drug screenings; background checks, independent medical exams to determine employees' fitness for duty, pre-employment physicals and psychological evaluations for the Division of Police; and receipt and review of driver abstracts for employees operating and/or driving city vehicles.



Ordinance: 22-08

Passed:

Page 1 of

Effective:

**AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO ADD AN  
ADDITIONAL NON-UNION POSITION.**

**WHEREAS**, by the passage of Ordinance No. 21-40 on November 22, 2021, City Council approved a new classification plan for the City, codified in Section 127.04 of the City's Codified Ordinances; and

**WHEREAS**, the City Manager desires to amend Section 127.04 to add an additional full-time non-union position; and

**WHEREAS**, due to the additional position, it is necessary to appropriate additional funds; and

**WHEREAS**, the City Manager believes that amending Section 127.04 for this additional position and appropriating additional funds, is in the best interests of the City.

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

**SECTION 1.** City council finds that amending Section 127.04 of the City's Codified Ordinances, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 127.04 as shown and identified in track changes on the attached Exhibit "A" are approved.

**SECTION 2.** All other provision of Section 127.04, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** An appropriation in the amount of \$63,500 is authorized from the following to fund the Human Resources Manager position:

- Fund 101, Object 51 \$60,000
- Fund 101, Object 52 \$2500
- Fund 101, Object 53 \$1000.

**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

\_\_\_\_\_  
President of Council

**APPROVED AS TO FORM:**

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

✓ Vote Record - Ordinance 22-08						
<input type="checkbox"/> Adopted			<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	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						

(b) The following shall constitute the listing of City job classifications and corresponding pay grades and pay ranges covered by this Plan:

Full-Time Non-Union Employees

Pay Grade	Position	Department	Salary Range
<b>G</b>	Clerk of Council	City Council	\$70,500 - \$104,500
	Project Engineer	Community Development/Engineering	
	Transportation Project Engineer	Community Development/Transportation	
	Staff Attorney	Law	
	Staff Attorney/Prosecutor	Law	
	Human Resources Manager	Human Resources	

## Council Memo: Legislation (22-R-03)

**Subject:** 2022 Sanitary Sewer Flow Monitoring  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Clark Rausch, City Engineer  
**Date:** February 14, 2022

### Executive Summary

This legislation would allow the City Manager to enter into a professional services contract with Hach Company ("Hach") to supply and maintain equipment to conduct sanitary sewer flow monitoring at various locations in the City's sanitary sewer system. This flow data will be utilized by consultants under contract with the City for various capital improvement programs, including Prime AE Group as part of the City's Comprehensive Sanitary Sewer Master Plan, Burgess and Niple, Inc. as part of the City's Old Hilliard Utility Study, and CDM Smith as part of the City's Utility Capacity, Management, Operations, and Maintenance (CMOM) program.

### Staff Recommendation

The City's Engineering Division recommends approval of a two-year renewal to the Hach contract for sanitary sewer flow monitoring. This contract is a continuation of an existing contract and will benefit both the City's future planning for sanitary sewer service, as well as the City's maintenance planning for the existing sanitary sewer system.

### Background

The City has contracted with Hach to conduct remote sanitary sewer flow monitoring since 2009. Flow monitors produce 24-hour, 7-day-a-week measurements of flow in the City's sanitary sewer system. The advantage of Hach's flow monitoring system is it produces real-time data that can be viewed on-line by the City or any engineering consultant under contract with the City. In addition, Hach monitors and maintains the meters as part of their contract. This eliminates the cost to the City of purchasing, owning, and maintaining flow monitors.

Sanitary sewer flow monitors were initially placed at the five (5) locations where City of Hilliard sanitary sewers connect to City of Columbus sanitary sewers. The need for sewer flow monitoring arose as a result of the City being required to institute a Capacity, Management, Operations, and Maintenance (CMOM) program (CIP S-20). The purpose of placing these monitors at their initial locations was to measure the amount of sanitary sewer flow leaving the City of Hilliard and entering the City of Columbus sewer system. These flows were incorporated into a flow model of the City's sanitary sewer system as part of the CMOM program. During subsequent years of the contract with Hach, the flow monitors have been moved to other locations in the sanitary sewer system to measure flows in various portions of the sewer system. Recently, the flows were also used to model the Roberts Milliken trunk sewer as part of a report submitted to the City of Columbus to determine the capacity available in this trunk sewer.

### Financial Impacts

The City has previously contracted with Hach for two-year contracts over the past twelve (12) years. Most years, these contracts were less than \$50,000, and therefore each contract was of an amount where legislation was not necessary. Hach's costs for monitoring services have risen only slightly for each successive contract, and the service has been very good. Therefore, the City has chosen to continue to utilize Hach for flow monitoring services.

For this two-year contract, Hach will supply five (5) sanitary sewer flow monitors in 2022 at various locations in the City's sanitary sewer system as determined by the City and their consultants. In addition to sanitary sewer flow monitors, Hach will supply and maintain a rain

gauge to remotely monitor rainfall events over the life of the flow monitoring contract. The cost of the five flow monitors for twelve (12) months, including a cost to relocate four of the meters one time in 2022 to locations chosen by the City and its consultants, as well as the cost of the rain gauge, is \$60,000 per year for 2022 and 2023. The cost of this program has been included as part of the S-20 CMOM Program in the City's 2022 Capital Improvement budget.

### **Expected Benefits**

The flow monitoring data provided by Hach Company will benefit the City in a number of ways. Prime AE will continue to use the flow data to refine their sanitary sewer model that was produced as part of the Comprehensive Sanitary Sewer Master Plan. Secondly, the sanitary sewer flow data will be utilized by Burgess and Niple to determine available capacity in the Old Hilliard sanitary sewer system in order to determine sanitary sewer needs for redevelopment opportunities in Old Hilliard. Lastly, CDM Smith will utilize the sanitary sewer flow data provided by Hach to determine which sewers need televised and possibly lined as part of the City's CIP S-33 Annual Sanitary Sewer Cleaning and Televising Program and CIP S-37 Sanitary Sewer Lining Program, respectively.

### **Attachments**

- Hach contract proposal





TECHNICAL PROPOSAL #: 100735810

HACH COMPANY

**DATA DELIVERY SERVICES (DDS)**

**PROJECT NAME:**

**DDS PROPOSAL AND ORDER DESCRIPTIONS**

**#OF METERS - 5**

**DURATION - 24 MONTHS**

**RENEWAL - HACH203362**

**HACH**  
**DATA**  
**DELIVERY**  
**SERVICES**  
**(DDS)**



CITY OF HILLIARD

JAN 25, 2022

## MEET HACH DATA DELIVERY SERVICES (DDS)

DDS is a highly efficient Flow Monitoring service tailored to deliver the right data right when you need it, so you can deliver the right results. For a fixed monthly Hach Flow provides all of the equipment, data transmission, and technical support you need to acquire your flow data-delivered in real-time, so you can immediately perform your analysis. And Hach even manages all equipment monitoring and maintenance resources, removing that aggravation from your day.

Stop losing time to the constant struggle of securing reliable flow data. Use DDS instead and devote your efforts to implementing projects that finally solve your wastewater flow challenges.

### What Hach Handles:



**All Necessary  
Equipment**



**Monitoring &  
Maintenance**



**Data Transmission  
& Storage**



# Proposal

9.B.1.a

Hach Company-Flow Products & Services  
PO Box 608  
Loveland, CO 80539  
Phone: (800) 368-2723  
Website: www.hach.com/flow

**Quote Number: 100735810v3**

Use quote number at time of order to ensure  
that you receive prices quoted

Quote Date: 25-Jan-2022

Quote Expiration: 26-Mar-2022

CITY OF HILLIARD  
3800 MUNICIPAL WAY  
HILLIARD, OH 43026-1620

Name: Clark Rausch  
Phone: 614-334-2459  
Email: crausch@hilliardohio.gov

Customer Account Number : 40112640  
Customer Quote Reference: DDS program

Sales Contact: Randy Draper Email: rdraper@hach.com Phone: 301-524-6342

## PRICING QUOTATION

Line	Part Number	Description	Qty	Unit Price	% Disc	Net Unit Price	Extended
<b>DDS Program</b>							
		RENEWAL - HACH203362					
		Type of Meter: Flodar/FL904					
		Duration: 24 Months					
1	DDS-SL2-LT	DDS LONG-TERM Monthly Charge for 24+ months project durations	24	4,385.00		4,275.00	102,720.00
2	DDS-CALIBRATION	DDS Annual Calibration	1	6,000.00		6,000.00	6,000.00
3	DDS-SL2-LT-RG	DDS LONG-TERM RAINGAUGE Monthly Charge for 24+ month project durations	24	450.00		400.00	9,600.00
		Shipping to and from site included in quoted price.					
Grand Total							\$ 118,320.00

Attachment: Hach Contract Proposal 01-25-22 (22-R-03 : 2022 Sanitary Sewer Flow Monitoring)

**DDS PROJECT SUMMARY- DDS PROGRAM**

For Equipment Specifications copy and paste the following link:  
<https://www.hach.com/flow>

**\*\*When ready to move forward with your project, please email a Customer Purchase Order referencing an accepting the proposal to your Hach Flow Divisional Manager, (replace with DSM name and email)**

**\*\*Special Note: A Hard copy PO is required for all orders over \$25K.**

**PLEASE INCLUDE THE FOLLOWING INFORMATION ON YOUR PO**

**Proposal #:**

**Date:**

**Customer PO Reference #:**

**Customer On-site Need by Date:**

**Complete bill to and ship to information.**

**TERMS AND CONDITIONS:** As stated in the Subscriber License and Data Delivery Services Agreement

**SPECIAL OR ADDITIONAL TERMS AND CONDITIONS:**

Installation prices are estimated and may exceed the above quoted price.

Actual instrumentation installed to be determined by Hach. Hach will evaluate each site to confirm application is correct for instrumentation.

**TERMS OF SALE**

**Freight:** Ground Prepay and Add

**FCA:** Hach's facility

**12% Supply Chain Surcharge has been added to this quote for all shipments, if applicable, and is included in the "Net Unit Price" and Grand Total**

All purchases of Hach Company products and/or services are expressly and without limitation subject to Hach Company's Terms & Conditions of Sale ("Hach TCS"), incorporated herein by reference and published on Hach Company's website at [www.hach.com/terms](http://www.hach.com/terms). Hach TCS are contained directly and/or by reference in Hach's offer, order acknowledgment and invoice documents. The first of the following acts constitutes an acceptance of Hach's offer and not a counteroffer and creates a contract of sale "Contract" in accordance with Hach TCS: (i) Buyer's issuance of a purchase order document against Hach's offer; (ii) acknowledgement of Buyer's order by Hach; or (iii) commencement of any performance by Hach pursuant to Buyer's order. Provisions contained in Buyer's purchase documents (including electronic commerce interfaces) that materially alter, add to or subtract from the provisions of the Hach TCS are not part of the Contract.

Due to International regulations, a U.S. Department of Commerce Export License may be required. Hach reserves the right to approve specific shipping agents. Wooden boxes for ocean shipment are extra. Specify final destination to ensure proper documentation and packing suitable for International transport. In addition, Hach may require: 1). A statement of intended end-use; 2). Certification that the intended end-use does not relate to proliferation of weapons of mass destruction (prohibited nuclear end use, chemical / biological).

Attachment: Hach Contract Proposal 01-25-22 (22-R-03 : 2022 Sanitary Sewer Flow Monitoring)

ORDER TERMS:

Terms are Subject to Credit Review

In order for Hach to process the order as quickly as possible, please provide the following information.

- Complete Billing address.
- Complete Shipping address.
- Part numbers and quantities of items being ordered.
- Please reference the quotation number on your purchase order

If the order is over \$25,000 Hach will also require the following additional information.

- Pricing
- Purchase Order Number
- Freight terms and INCO term FOB Origin or FCA Shipping Point
- Required delivery date
- Vendor name should specify "Hach Company" with the Loveland address:
  - o Hach, PO Box 389, Loveland, CO 80539
- Credit terms of payment. Default payment terms are Net 30.
- Indicate if order needs to ship complete or if it can ship partial.
- Tax status
- Special invoicing instructions

Sales tax is not included on quote. Applicable sales tax will be added to the invoice based on the U.S. destination, if applicable provide a resale/exemption certificate.

Shipments will be prepaid and added to invoices unless otherwise specified.

Equipment quoted operates with standard U.S. supply voltage.

Hach standard terms and conditions apply to all sales.

Additional terms and conditions apply to orders for service partnerships.

Prices do not include delivery of product. Reference attached Freight Charge Schedule and Collect Handling Fees.

Standard lead time is 30 days.

This Quote is good for a one time purchase

## DDS PROJECT SUMMARY

### Hach Deliverables:

- Delivery of factory calibrated flow instruments and communications equipment as specified
- Hach-certified installation services and system start-up
- In-situ calibration of Hach flow instruments to observed site conditions
- As-built documentation of installations and observed site conditions
- Standard configuration of instruments for 15-minute data collection and 1-hour data transmission intervals
- Customer training on FSDATA software navigation and features, including report generation
- Secure 24/7 access to customer data on Hach's FSDATA software, viewable via standard web browsers (i.e., Internet Explorer)
- Ongoing monitoring of Hach instrument functionality to ensure instrument uptime
- Technical support by phone (800-368-2723) as needed
- Planned and unplanned instrument maintenance
- Instrument removal upon contract completion

### Customer Responsibilities:

- Designate a shipping address to receive the meters
- Identify preferred monitoring sites
- Provide access to monitoring sites for Hach's field crews
- Identify one individual as customer administrator, and up to 5 authorized users for access to secure flow data
- Supply computer and internet connectivity to access FSDATA software
- Generate reports utilizing FSDATA software as required by the project

### Sales Contact:

Name: Randy Draper  
Title: Divisional Sales Manager  
Phone: 301-524-6342  
Email: rdraper@hach.com



**Resolution: 22-R-03**

**Adopted:**

**Page 3 of**

**Effective:**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HACH COMPANY FOR 2022 SANITARY SEWER FLOW MONITORING SERVICES (CIP S-20) AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

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

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

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

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

**WHEREAS**, as a means of meeting the above SSES requirements, the City has established sanitary sewer flow monitoring program with Hach Company ("Hach") to obtain real-time flows in the sanitary sewer system; and

**WHEREAS**, the information generated from this flow monitoring program will assist the City in both planning for future sanitary sewer service in undeveloped portions of the City, as well as in its efforts to maintain the existing sanitary sewer system; and

**WHEREAS**, the estimated cost for the 2022 flow monitoring services ("Project") is Sixty Thousand Dollars (\$60,000); and

**WHEREAS**, funds for this Project were appropriated as part of CIP Project S-20, Capacity, Management, Operations, and Maintenance (CMOM) in the 2022 Capital Improvement Budget by Ordinance No. 21-41, approved by Hilliard City Council on December 13, 2021, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council.

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

**SECTION 1.** An expenditure is authorized from Fund 304 Object 55 in an amount not to exceed \$60,000 to pay the cost of the Project.

**SECTION 2.** The City Manager is authorized to enter into a contract with Hach Company for the 2022 sanitary sewer flow monitoring services (CIP S-20) in an amount not to exceed \$60,000. This contract is subject to a one-year renewal option on the same terms and conditions.

**SECTION 3.** The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

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



ATTEST:

SIGNED:

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

\_\_\_\_\_  
**President of Council**

APPROVED AS TO FORM:

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

✓ Vote Record - Resolution 22-R-03						
		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-03** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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

## Council Memo: Legislation (22-R-04)

**Subject:** 2022 Excess Loss Coverage  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Delande, Director of Finance  
**Date:** February 14, 2022

### Executive Summary

Approval of this resolution authorizes the City Manager to enter into an agreement for the purchase of excess loss coverage insurance as required by the Ohio Bureau of Workers Compensation.

### Staff Recommendation

Staff recommends adoption of this resolution regarding the City's annual renewal.

### Background

In order to comply with regulations of the Bureau of Workers Compensation's self-insurance program, the City is required to purchase excess loss coverage. Therefore, since the current contract lapses on February 15, 2022, it is necessary to renew. This contract is subject to a one-year renewal option on the same terms and conditions.

### Financial Impacts

The one-year cost of this coverage is \$110,712. Funding for the contract was approved in the City's 2022 Operating Budget.

### Attachments

N/A



Resolution: 22-R-04

Adopted:

Page 2 of

Effective:

**APPROVING THE AGREEMENT FOR THE CITY'S PURCHASE OF EXCESS OF LOSS COVERAGE INSURANCE AS REQUIRED BY THE OHIO BUREAU OF WORKERS COMPENSATION.**

**WHEREAS**, the City of Hilliard is self-funded for purposes of providing workers compensation benefits to its employees; and

**WHEREAS**, the City, through its consultant, received quotes for excess of loss coverage for 2022 from certain vendors for claims exceeding \$550,000; and

**WHEREAS**, the City must have an excess of loss coverage policy in effect as of February 16, 2022, in order to comply with the regulations of the Bureau of Workers Compensation's self-insurance program; and

**WHEREAS**, funding for insurance in the amount of \$110,712 was provided in the 2022 Municipal Operating Budget in operating Funds including 101 and other Special Revenue Funds by Ordinance No. 21-36 effective January 1, 2022, and pursuant to Section 3.10 of the Charter of the City, authorization for this contract may be established by resolution of Council.

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

**SECTION 1.** The City Manager is hereby authorized and directed to enter into a one-year contract with Midwest Employers Casualty at an annual premium cost of \$110,826 for the period from February 16, 2022, to February 15, 2023, on such terms and conditions consistent with the recommendations provided by the City's consultant. This contract is subject to a one-year renewal option on the same terms and conditions.

**SECTION 2.** All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2022 Operating Budget as passed by City Council.

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

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ Vote Record - Resolution 22-R-04						
		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-04** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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

## Council Memo: Legislation (22-R-05)

**Subject:** 2022 Property & Casualty Insurance  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Delande, Director of Finance  
**Date:** February 14, 2022

### Executive Summary

Authorizing the City Manager to enter into an agreement with Willis Towers Watson to provide property and casualty insurance.

### Staff Recommendation

Staff recommends adoption of this resolution regarding the City's annual renewal of property and casualty insurance.

### Background

The current agreement with Willis Towers Watson for the provision of property and casualty insurance has a one-year term which expires February 15, 2022. Willis Towers Watson has proposed new agreements for the provision of property and casualty insurance coverage and the agreements provide for a new term commencing February 15, 2022, and expiring February 15, 2023.

### Financial Impacts

This resolution provides for expenditures not to exceed \$221,712 for this coverage. Funding for such insurance was approved in the 2021 Operating Budget.

### Expected Benefits

Property & Casualty Insurance is necessary in order for the City to protect its assets and secure coverage for certain potential liabilities.

### Attachments

N/A



Resolution: 22-R-05

Adopted:

Page 2 of

Effective:

**AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WILLIS TOWERS WATSON TO PROVIDE PROPERTY AND CASUALTY INSURANCE AND AUTHORIZING AN EXPENDITURE.**

**WHEREAS**, the City of Hilliard presently receives property and casualty insurance through its broker Willis Towers Watson; and

**WHEREAS**, the agreement with Willis Towers Watson for the provision of property and casualty insurance has a one-year term which expires February 15, 2022; and

**WHEREAS**, Willis Towers Watson has proposed new agreements for the provision of property and casualty insurance coverage; and

**WHEREAS**, funding for insurance in the amount of \$221,712 was provided in the 2022 Municipal Operating Budget in Fund 101 and Fund 304 by Ordinance No. 21-36 effective January 1, 2022, and pursuant to Section 3.10 of the Charter of the City, authorization for this contract may be established by resolution of Council; and

**WHEREAS**, it is to the interest and benefit to the City of Hilliard and the public at-large that the property and casualty insurance contracts be approved.

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

**SECTION 1.** An expenditure in an amount not to exceed \$ 221,712 is authorized from Fund 101 General Government and Fund 304 Capital Improvement to fund the property and casualty insurance contract.

**SECTION 2.** The City Manager is hereby authorized to enter into a contract with Zurich American Insurance Company through its broker Willis Towers Watson, to provide property and casualty insurance at an annual premium cost not to exceed \$ 221,712 for the period from February 16, 2022 to February 15, 2023, on such terms and conditions consistent with the recommendations provided by the City's consultant.

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

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ Vote Record - Resolution 22-R-05						
		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-05** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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



## Council Memo: Legislation (22-R-06)

**Subject:** Professional Services Agreement with EDGE (CIP RP-7)  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Ed Merritt, Director of Recreation & Parks  
**Date:** February 14, 2022

### Executive Summary

This legislation will allow the City Manager to enter into a professional services agreement ("PSA") with The EDGE Group, Inc. ("EDGE") for design purposes related to the recreation and wellness campus to include design of new athletic fields, multiuse paths and a landscape masterplan for the entire campus.

### Staff Recommendation

Staff recommends that City Council approve a PSA with EDGE in the amount of \$738,325.00 for this design work. The project includes design of new athletic fields, regional trails, shelter houses, restrooms, fencing, pedestrian hardscaping, sports lighting, stormwater management, irrigation, and landscape masterplan for the entire property (the "Project").

### Background

On November 2, 2021, residents approved increasing the City's municipal income tax by 0.5% and dedicating the resulting funds for recreation and parks, including (but not limited too) construction of a community center and development of a new athletic field complex and regional multiuse paths. In order to move forward with the construction of the Project, it is necessary to engage a Landscape Architect to provide professional services for new athletic fields and a landscape masterplan.

### Financial Impacts

Following City staff's selection of EDGE to provide professional services for the project, EDGE submitted their design fee proposal for the project. Staff worked with the City's Owners Representative, McCarthy Consulting, LLC, to evaluate the Project's needs and update the proposal. The professional fees for this project are \$738,325.00. This fee will come from a concurrent ordinance updating the City's Capital Improvement Project budget line-item RP-7 for the entire development. City staff will authorize EDGE to begin work not to exceed the amount of \$49,000 from Recreation and Parks operating budget so that work can begin immediately and there is no delay in the project..

### Expected Benefits

This is one of four projects on this site that will dramatically change the amenities for City of Hilliard residents. With the second phase of a stream restoration, the City will improve one stream corridor helping to strengthen our commitment to the environment. The City will improve an existing intersection and provide a much-needed road connection through the site that will help alleviate traffic issues. The project will also relocate existing athletic fields and provide residents a new athletic complex that will provide needed additional field space. Additionally, the project will provide new trail connections that will connect our residents who live on the West side of Hilliard. Finally, the development will result in the construction of a world class Community Center with a wellness component that will be the hub of Hilliard. It will serve as a community gathering place and improve the health and overall well-being of our residents.

### Attachments

- Exhibit A - EDGE Scope of Services
- Exhibit B - PSA with EDGE



Resolution: 22-R-06

Adopted:

Page 2 of

Effective:

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE EDGE GROUP, INC. FOR DESIGN PURPOSES OF THE CITY'S NEW FACILITIES ON THE JERMAN PROPERTY.**

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

**WHEREAS**, in order to move forward with the construction of a community center, wellness campus and athletic complex (the "Project"), it is necessary to engage a "Landscape Architecture Firm", which will help design and assist the City with the Project; and

**WHEREAS**, the City desires to engage The EDGE Group, Inc. ("EDGE"), which has offered a proposal, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, funding for the entire Project will be appropriated in a concurrent Ordinance updating the City's Capital Improvement Budget, RP – 7; and

**WHEREAS**, initial funding for the Project was appropriated by Ordinance No. 21-36, and pursuant to Section 3.10 of the Charter, authorization for funding this Project may be established by resolution of Council.

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

**SECTION 1.** An expenditure is authorized from Fund 101, Object 53 in the amount not to exceed \$49,000 in order to initiate the Professional Services Agreement with The EDGE Group, Inc.

**SECTION 2.** Upon the appropriation of the remainder of the funds for this Agreement, an expenditure is authorized from Fund 103, Object 55.

**SECTION 3.** The City Manager is hereby authorized to enter into a professional services agreement with The EDGE Group, Inc. in substantially the same form as the on attached hereto as Exhibit "B" and incorporated herein, in an amount not to exceed \$738,325. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City.

**SECTION 4.** The Finance Director is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds provided herein.

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

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ Vote Record - Resolution 22-R-06						
		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-06** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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

January 18, 2022

Ed C. Merritt III, CPRP  
Director - Recreation and Parks Department  
City of Hilliard  
3800 Veterans Memorial Drive  
Hilliard, OH 43026

RE: Professional Services for **the City of Hilliard Athletic Complex**

Dear Mr. Merritt:

EDGE is pleased to submit this technical proposal to provide professional services for a new Athletic Complex for the City of Hilliard. It is our understanding that this project will include the following basic site program and is based on conceptual plans completed in July 2021.

**Site Program:**

- ✓ • Synthetic Turf Complex - Assumes 4 fields with field lighting and scoreboards
- ✓ • Natural Grass Complex
- ✓ • Park Structures - Assumes the following parameters:
  - One central shelter structure to include concession and restroom. Concession area will not include food production. Square footage not to exceed 2000sf.
  - Two additional shelters with restrooms. Square footage not to exceed 1500sf each.
  - One maintenance/storage building not to exceed 1500sf. This square footage may also be added to one of the three shelter buildings.
- ✓ • Regional Trail - providing connectivity around (or through) the Athletic Complex. Assumes that this trail will be documented as part of the park construction documents.
- ✓ • Loop Road and Parking including site lighting.
- ✓ • Pedestrian/Site Amenities - including pedestrian hardscape, gathering areas, furniture, playground(s), fencing, netting/goals, portable bleachers, and site lighting.
- ✓ • Stormwater Management. Assumes that stormwater solutions will be coordinated with Cosgray Road improvements and overall approach as designed by MS Consultants.
- ✓ • Irrigation - Assumes irrigation will be provided for Natural Grass areas and additional quick coupler access for the synthetic turf areas.
- ✓ • Site landscape/restoration - Assumes that larger "non-athletic field" areas may be treated or restored with native grasses and/or successional forest.
- ✓ • Oversight/Preparation of "Landscape Master Plan" for the entire Recreation and Wellness District.

**APPROVED**

By Don McCarthy at 7:32 pm, Jan 18, 2022

The following scope of services includes the design and construction documentation of the above program. Our team will be providing the following professional services to complete these documents: site planning, landscape architecture, civil engineering, architecture, mechanical/electrical/plumbing engineering, structural engineering, communications design, and irrigation design. The roles and responsibilities of the Project Team are as follows:

- ✓ **EDGE:** Project Management, Site Planning, Landscape Architecture, and Landscape Master Planning
- ✓ **O Sports:** Architecture, MEPSC design, and Field engineering/specifications
- ✓ **MS Consultants:** Civil Engineering and Stormwater Management coordination
- ✓ **Century Equipment:** Irrigation Design

Based on this understanding of the project, we propose the following basic scope of services.

#### ✓ **Basic Scope of Services**

##### **A. Landscape Master Plan & Schematic Design (30% documents)**

1. ✓ Collect site survey (previously prepared by others) in electronic AutoCAD form depicting boundaries, topography, planimetric features and all jurisdictional information such as easements, right-of ways, and private/public utility information.
2. ✓ Prepare a "Landscape Master Plan" for the entire Recreation and Wellness District. This process will establish the landscape vision for the athletic complex, the Cosgray Road Extension, the Clover Groff Crossing, the Community Center, and the existing soccer complex. This plan will likely include areas of turf grass, meadow areas, typical stormwater bmp treatments, tree plantings, roundabout treatments, parking lot planting standards, and regional trail buffer treatments. The objective of this plan will be to create landscape consistency between all projects. A combination of enlarged plans, 3D graphics, and/or character images will be utilized to gain consensus on major landscape design principles.
3. ✓ Based on the established Athletic Complex program and conceptual site plan, produce preliminary site plan alternatives to explore field mix/layout, access drives, parking areas, amenity areas, and regional trail routing. Prepare 3D computer model to study focus areas including shape/form studies for park structures. Collect "best practice" examples to explore character and style of potential elements including architecture, furniture, landscape treatments, etc.
4. ✓ Attend periodic review meetings and workshops with the Project Team (including City Advisory Group) to coordinate work, solicit comment and gain concurrence on design direction. (Assume 4 meetings)
5. ✓ Revise plan based on Team input.
6. ✓ Prepare final schematic design package including plans, elevations, and 3D images of all major features.
7. ✓ Refine Landscape Master Plan based on Project Team input. Utilize Landscape Master Plan deliverable to review the landscape vision with City Council, Tree & Landscape Commission, and other project stakeholders. (Assume 2 meetings)
8. ✓ Submit SD package to the City and Advisory Group for review and comment.

**APPROVED**

By Don McCarthy at 7:35 pm, Jan 18, 2022

✓ **B. Design Development (70% documents)**

1. ✓ Refine the horizontal layout of all plan features such as athletic fields, roadways, parking, walks, plazas, structure locations, and the regional trail.
2. ✓ Produce a preliminary grading plan including critical spot elevations and drainage structure locations.
3. ✓ Prepare storm drainage and site utilities plans including electrical, sanitary, and water service. Coordinate all necessary utilities required for the site/structures and integrate into design of individual elements.
4. ✓ Prepare preliminary site lighting plan including fixture catalog cuts and preferred locations. Indicate horizontal locations of all light fixtures relative to hardscape and planting. Fixture types to include vehicular lighting for roads/parking, pedestrian-scaled lighting, and field lighting for select fields.
5. ✓ Prepare preliminary architectural plans, sections, and elevations for park structures.
6. ✓ Prepare planting design including location of all trees and shrubs, limits of seed/sod and preliminary listing of plant types proposed. Include special consideration of fencing and/or planting to establish appropriate buffers from field areas to the regional trails and to stormwater facilities.
7. ✓ Indicate horizontal locations of all site amenities including furniture, playground(s), and fencing. Provide furniture catalog cuts to Project Team for review and approval.
8. ✓ Prepare preliminary site construction details as necessary and required by the above-documented site development.
9. ✓ Prepare draft technical specifications as necessary and in support of the above-documented site development.
10. ✓ Prepare final design development package including plans, elevations, and details.
11. ✓ Attend periodic review meetings and workshops with Project Team to coordinate work, solicit comment and gain concurrence on design direction. (Assume 6 meetings)
12. ✓ Submit DD package to the City and Advisory Group for review and comment.

✓ **C. Construction Documentation (100% documents)**

1. ✓ Finalize site layout plan including all necessary dimensions, detail keys, material identifications, construction and general notes.
2. ✓ Finalize site grading including all critical spot elevations, storm drainage structure horizontal locations and rim elevations, construction and general notes.
3. ✓ Finalize site grading plan, storm drainage system plans, site utility plans and site lighting plans.
4. ✓ Prepare final architectural plans, sections, and elevations for park structures.

**APPROVED***By Don McCarthy at 7:35 pm, Jan 18, 2022*

5. ✓ Finalize planting plan including locations of all plant materials, plant list with genus, species size and type of plant, planting details, limits of seed/sod, construction and general notes.
6. ✓ Finalize site details sheet including sections, elevations and enlarged plans as necessary to adequately communicate design intent and construction quality to bidders/contractors.
7. ✓ Prepare site irrigation plan depicting all heads, valves, meters, piping backflow prevention device, details and notes.
8. ✓ Prepare technical specifications in CSI format as necessary and in support of the above-documented site development.
9. ✓ Prepare final construction document package including plans, elevations, and details.
10. ✓ Attend periodic review meetings and workshops with Project Team to coordinate work, solicit comment and gain concurrence on final documents. (Assume 6 meetings)
11. ✓ Submit CD package to the City and Advisory Group for final review and comment.
12. ✓ Based on final comments, revise and submit reproducible plans and specifications to the City for bidding purposes.
13. ✓ Submit plans and specifications for plans examination/permitting.

**D. Bidding and Construction Administration (If authorized, not in contract) ✓**

This proposal does not include bidding phase or construction phase services. If requested, an additional services proposal can be provided for specific services during these phases. Typical services may include the following.

1. Pre-bid meeting attendance.
2. Clarifications and addenda preparation during bidding period.
3. Pre-construction meeting attendance.
4. Periodic on-site construction observation and in-office documentation to monitor construction compliance with contract documents.
5. Respond to RFI requests and review of shop drawings.
6. Final inspection including punch list preparation for items documented for construction as described above.
7. As built drawing preparation at completion of construction.

✓ **E. Assumptions and Exclusions**

1. ✓ This proposal is based on the basic site program stated herein. Additional services may be provided for additional buildings and/or site features as requested by the owner. A scope and professional fee for the additional design work will be negotiated as an additional service.

**APPROVED**

*By Don McCarthy at 7:35 pm, Jan 18, 2022*



2. ✓ Overall stormwater management design and engineering to be provided by others. Final grading plans to be coordinated with final stormwater management solutions.
3. ✓ All permit fees are the responsibility of the Client.
4. ✓ This proposal assumes that Phase 1 and Phase 2 Environmental Site Assessments have been performed for the project limits.
5. ✓ Geotechnical investigation/soils report and cost estimating services to be provided by others.

### Preliminary Project Schedule

Notice to Proceed	January 24, 2022 ✓
Landscape Master Plan/Schematic Design	January 24 – March 18, 2022 ✓
Owner Review/Approval	March 18 - April 4, 2022 ✓
Design Development	April 4 – June 30, 2022 ✓
Owner Review/Approval	June 30 - July 15, 2022 ✓
Construction Documents	July 15 – October 14, 2022 ✓
Owner Review/Approval	October 14 - October 31, 2022 ✓
Bidding/Contractor Selection	November/December 2022 ✓

**APPROVED**

*By Don McCarthy at 7:35 pm, Jan 18, 2022*



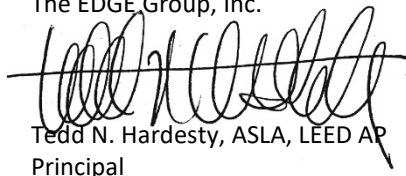
### Professional Fees

For the above-described service, EDGE proposes the following fee structure, which includes reimbursable expenses. *The reimbursable expenses provided in this fixed fee proposal includes local mileage and limited printing for the progress meetings identified within the scope of services described above.* Bidding and Construction Phase services are not included in this proposal but may be provided as an additional service upon request.

	Landscape MP & SD (30%)	DD (70%)	CD (100%)	Total
EDGE	\$115,000	\$120,000	\$105,000	\$340,000 ✓
O Sports	\$90,000	\$126,000	\$112,000	\$328,000 ✓
MS Consultants	\$5,000	\$30,000	\$25,000	\$60,000 ✓
Century Equipment	\$1,650	\$4,875	\$3,800	\$10,325 ✓
<b>Subtotal</b>	<b>\$211,650</b>	<b>\$280,875</b>	<b>\$245,800</b>	<b>\$738,325 ✓</b>
Design Phase Contingency				Included in Owner's Project Contingency ✓
<b>Total</b>				<b>\$738,325 ✓</b>

Thank you for the opportunity to submit this proposal and we look forward to working with you on this exciting project.

Respectfully submitted,  
The EDGE Group, Inc.



Tedd N. Hardesty, ASLA, LEED AP  
Principal

**APPROVED**

By Don McCarthy at 7:34 pm, Jan 18, 2022

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

---

This Professional Services Agreement (“Agreement”) is by and between the City of Hilliard, Ohio, 3800 Municipal Way, Hilliard, Ohio 43026, (hereinafter referred to as “**City**”), and The EDGE Group, Inc., 330 West Spring Street, Suite 350, Columbus, Ohio 43215 (hereinafter referred to as “**Service Provider**”).

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

**SECTION I – PERFORMANCE OF SERVICES**

- A. Perform the Services as set forth in Exhibit A.
- B. If the **Service Provider** is an individual, complete, sign and return the Ohio Public Employees Retirement System (“OPERS”) Independent Contractor Acknowledgement form.
- C. Give prompt notice to **City** should the **Service Provider** observe or otherwise become aware of any fault or deficit in the project or any nonconformance with the Agreement.
- D. Remit to **City** after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials. **Service Provider** shall be entitled to retain copies for the **Service Provider's** files.

**SECTION II – OBLIGATIONS OF HILLIARD**

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

**SECTION III – TERM AND TERMINATION**

- A. This Agreement begins on the date signed by the City Manager and upon execution, the

City will issue the **Service Provider** a limited notice to proceed, which directs the **Service Provider** as to a portion of the work that may be commenced and completed, not to exceed \$49,000. Upon the effective date of Ordinance No. 22-\_\_, which appropriates the remaining compensation for services as provided in Section IV below, the City will issue a full notice to proceed, and the **Service Provider** shall promptly provide the **City** with the Services as set forth in Exhibit A.

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

#### **SECTION IV - PAYMENT**

- A. **Service Provider** shall be compensated for the Services outlined in Exhibit A for a total not to exceed \$738,325. For any assigned additional tasks/projects, **Service Provider** shall be compensated as agreed upon by the **Service Provider** and **City**, contingent upon the appropriation of sufficient funds and the approval of Hilliard City Council, if required.
- B. The **Service Provider** shall submit invoices to the attention of the **City's** Recreation and Parks Director, or designee, properly identified with the appropriate **City** purchase order number. Payment to **Service Provider** shall be made within thirty (30) days of receiving an invoice, if additional information is not required by the **City** in order to pay the invoice.

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

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

#### **SECTION VI – INDEMNIFICATION**

- A. Professional Liability. Relative to any and all claims, losses, damages, liability and cost, the **Service Provider** agrees to indemnify and save **City**, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury arising from the negligent acts, errors or omissions by the **Service Provider** or its employees.
- B. Non-Professional Liability (General Liability). To the fullest extent permitted by law, the

**Service Provider** shall indemnify, defend and hold harmless **City**, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of the **Service Provider**, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused by the negligent acts or omissions of the **Service Provider**, any subconsultant(s) of the **Service Provider**, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph.

## **SECTION VII - INSURANCE**

- A. The **Service Provider** shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect himself from any claim arising out of the performance of professional services and caused by negligent acts, omissions or negligent acts for which the **Service Provider** may be legally negligent. The **Service Provider** shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.
- B. In addition to errors and omissions insurance, the **Service Provider** shall also secure and maintain, at his/her own expense, insurance for protection from claims under Worker's Compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom, and any other insurance prescribed by laws, rules, regulations, ordinances, codes or orders.
- C. The **Service Provider** shall secure and maintain, at his/her own expense, General Liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence.
- D. The **Service Provider** shall secure and maintain, at his/her/its own expense, Property insurance for protection from claims or damages because of damage to or destruction of property including loss of use resulting therefrom in an amount not less than Five Hundred Thousand Dollars (\$500,000.00).
- E. The **City** shall be held harmless for any damage to the **Service Provider's** property and/or equipment during the course of performance under the Contract.
- F. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified. Certificates showing that the **Service Provider** is carrying the above referenced insurance in at least the above specified minimum amounts shall be furnished to, and approved by, the **City** prior to the start of work on the project and before the **City** is obligated to make any payments to the **Service Provider** for the work performed under the provision of this contract. All such Certificates, with the exception of those for Worker's Compensation and Errors & Omissions coverage, shall clearly reflect that the City of Hilliard is an "Additional

Insured”.

## **SECTION VIII – EMPLOYEE DOCUMENTATION**

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

## **SECTION IX – TAXES**

- A. **Service Provider** has the following identification number for income tax purposes:  
\_\_\_\_\_.
- B. **Service Provider** is subject to and responsible for all applicable federal, state, and local taxes.
- C. The **City** represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to **Service Provider** upon written request. **Service Provider** hereby further agrees to withhold all municipal income taxes due or payable under the provisions of Chapter 183 of the Codified Ordinances of City, Ohio, for wages, salaries and commissions paid to its employees and further agrees that any of its subcontractors shall be required to agree to withhold any such municipal income taxes due under such chapter for Services performed under this Agreement.
- D. The **Service Provider** shall receive Internal Revenue Service form 1099 from the **City** for income tax reporting purposes.

## **SECTION X – ASSIGNMENT**

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

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

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

## **SECTION XII - DISCRIMINATION**

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

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

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

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

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

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

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

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

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

**The EDGE Group, Inc**

**City of Hilliard, Ohio**

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

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

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

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

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

Approved as to Form

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

### **CERTIFICATE OF FUNDS**

I, David D. Delande, Director of Finance of the City of Hilliard, Ohio, do hereby certify that the funds for this Agreement with The EDGE Group, Inc., in the amount of \$738,325, have been or will be appropriated and are in the City Treasury or are in the process of collection, and that said funds are not and cannot be appropriated for any other purpose.

\_\_\_\_\_  
Date

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

Authorizing Appropriation Legislation:  
Passed:  
Effective:

Purchase Order No.:



## Council Memo: Legislation (22-R-07)

**Subject:** Appointing members to the HDC Board of Directors  
**From:** Michelle Crandall, City Manager  
**Initiated by:** David Meadows, Director of Economic Development  
**Date:** February 14, 2022

### Executive Summary

The purpose of this legislation is to appoint three members to the Hilliard Development Corporation Board of Directors which now serves as the City of Hilliard's agent for industrial, commercial, distribution and research development.

### Staff Recommendation

The Administration recommends that Michelle Crandall, David Delande and a to-be-determined councilmember be appointed for a one-year term to the Hilliard Development Corporation Board of Directors.

### Background

The Hilliard Development Corporation (HDC) is a not-for-profit corporation established to advance, encourage and promote civic, economic, commercial and industrial development within the City of Hilliard. HDC was designated as the City of Hilliard's agent for industrial, commercial, distribution and research development by passage of Ordinance No. 20-19 on July 13, 2020.

Hilliard City Council gets to appoint three members to the HDC Board of Directors. The Administration recommends that City Council appoint City Manager Michelle Crandall, Finance Director David Delande and a to-be-determined Councilmember for a one-year term to the Hilliard Development Corporation Board of Directors.

### Financial Impacts

N/A

### Expected Benefits

Hilliard City Council now has direct HDC Board appointees that will enhance the oversight and transparency of the organization.

### Attachments

N/A



**Resolution: 22-R-07**

**Adopted:**

**Page 2 of**

**Effective:**

**APPOINTING MEMBERS TO THE HILLIARD DEVELOPMENT CORPORATION  
BOARD OF DIRECTORS.**

**WHEREAS**, the Hilliard Development Corporation (HDC) is a not-for-profit corporation established to advance, encourage and promote civic, economic, commercial and industrial development within the City of Hilliard; and

**WHEREAS**, pursuant to Ordinance No. 20-19, HDC is the City's agent for industrial, commercial, distribution and research development; and

**WHEREAS**, as a result, City Council desires to appoint three (3) members to HDC's Board of Directors; and

**WHEREAS**, the City recommends appointing City Manager Michelle Crandall, Finance Director Dave Delande, and Councilmember Les Carrier to one-year terms.

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

**SECTION 1.** Hilliard City Council hereby appoints Michelle L. Crandall, Dave Delande, and Council Member Les Carrier to the Hilliard Development Corporation Board of Directors for a term ending one year from the date of adoption of this resolution

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

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
President of Council

**APPROVED AS TO FORM:**

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

## ✓ Vote Record - Resolution 22-R-07

		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-07** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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

## Council Memo: Legislation (22-R-08)

**Subject:** 2022 DORA  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Ed Merritt, Director of Recreation & Parks  
**Date:** February 14, 2022

### Executive Summary

2022 marks the fifth year of the Designated Outdoor Refreshment Area (DORA) in Old Hilliard. This memorandum provides an overview of the City's DORA and recommendations for its operation in 2022.

### Staff Recommendation

Below are two options for operation of the DORA in 2022. Staff is recommending "Plan A", which would establish a year-round, 365-day DORA with a 12 p.m. – 9 p.m. timeframe (starting March this year).

In 2021, the DORA operated June 1- October 31, 7-days/week from 12 p.m. – 9 p.m. each day. For either plan, Staff will coordinate with our local business partners to work within the parameters set forth by Council.

### Background

In 2017, the City of Hilliard created a designated outdoor refreshment area (DORA) in Old Hilliard centering on Hilliard's Station Park. At that time, Council structured the DORA around City planned Thursday evening events/concerts referred to as "Celebration at the Station".

In 2020 with the onset of the pandemic and continuing through 2021, the format was changed due to the State recommended social distancing. To respond to business needs for social distancing during the pandemic, Center Street was closed between Wayne and Main Streets, tables were purchased for this area and were placed on the closed section of street, and DORA days/hours were expanded to Wednesdays-Fridays, 4 p.m. - 9 p.m., Saturdays 11 a.m – 9 p.m through August 15. An amendment was passed to include Sundays and extending the date through October 31.

In 2021, the City was able to open the splash pads and have events as planned at Hilliard's Station Park. The DORA operating timeframes were Monday-Sunday 12 p.m. - 9 p.m., June 1-October 31.

Staff is providing two possible plans for 2022, as outlined below:

#### Plan A – Recommended:

- DORA 7-days a week, 365 days/year (beginning March 1, 2022)
- Times: 12p.m. - 9 p.m. each day
- Center Street remains closed between Main Street & Wayne Street
- Tables placed on Center Street between Main & Wayne Streets, May-October
- Participating businesses required to use Compostable 16 oz. or 10 oz. cups for Celebration at the Station Thursday night events. (no glass, cans)
- Participating businesses are required to use a clear plastic cup, 16oz. or 10oz. on all other days/times. (no glass, cans, etc.)
- Businesses must purchase compostable cups and wristbands from the City at cost
- Celebration at the Station events would still occur 10 Thursday evenings throughout the summer. During Celebration at the Station events, due to the larger crowds, participating DORA businesses would be required to use wristbands to designate patrons over 21 years of age.

In 2022, with the addition of the Downtown Manager position, there will be opportunities to coordinate more events among the businesses. A year-round DORA will help to accommodate winter events that might be planned.

Plan B – Optional :

- DORA 7-days a week, April 1 through October 31
- Times: 12 p.m. to 9 p.m. each day
- Center Street remains closed between Main Street & Wayne Street
- Tables placed on Center Street between Main & Wayne Streets, May-October
- Participating businesses required to use Compostable 16 oz. or 10 oz. cups for Celebration at the Station Thursday night events. (no glass, cans, etc.)
- Participating businesses are required to use a clear plastic cup, 16oz. or 10oz. on all other days/times. (no glass, cans, etc.)
- Businesses must purchase compostable cups and wristbands from the City at cost
- Celebration at the Station events would still occur 10 Thursday evenings throughout the summer. During Celebration at the Station events, due to the larger crowds, participating DORA businesses would be required to use wristbands to designate patrons over 21 years of age.

## Financial Impacts

The Designated Outdoor Refreshment Area serves as an economic development tool used by numerous communities throughout central Ohio and Ohio. Hilliard's DORA helps the businesses within Hilliard's "town center" and adds an important element to this business district's vibrancy and resulting attraction of other businesses/developments. Old Hilliard is a focus area that is vital for the City's financial future.

## Expected Benefits

The expansion of the DORA dates in 2022 will provide a vibrant place and experience for residents to gather and socialize. Additionally, it will assist the numerous businesses within the district and allow for coordinated events among businesses to be successful. Finally, it serves as catalyst to continue the successful development of Old Hilliard.

## Attachments

- DORA Map (unchanged from 2021 DORA)



Resolution: 22-R-08

Adopted:

Page 3 of

Effective:

**ADOPTING DATES AND HOURS OF OPERATION FOR THE DESIGNATED  
OUTDOOR REFRESHMENT AREA.**

**WHEREAS**, pursuant to R.C. 4301.82, *et seq.*, on April 24, 2017, City Council adopted Resolution No. 17-R-30 establishing a Designated Outdoor Refreshment Area ("DORA") in Old Hilliard; and

**WHEREAS**, the city desires to provide opportunities to its residents to enjoy the City's businesses and amenities in Old Hilliard; and

**WHEREAS**, to provide these opportunities, the City desires to permit the DORA to the public every Monday through Sunday starting March 1, 2022, annually; and

**WHEREAS**, the DORA will operate from 12 p.m. to 9 p.m. each day; and

**WHEREAS**, the City will issue guidelines for operation of the DORA during this time that adheres to all Federal, State, and City orders; and

**WHEREAS**, City Council finds that permitting the DORA to operate daily will further the City's goal of providing outdoor entertainment activities in Old Hilliard.

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

**SECTION 1.** Beginning March 1, 2022, City Council hereby permits the DORA to operate every day of the year, from 12 p.m. to 9 p.m. City Council may amend the dates and times on an as needed basis.

**SECTION 2.** City Council finds that the boundary of the DORA should remain the same, as identified in **Exhibit "A"**, attached hereto and incorporated herein. City Council may amend the boundaries of the DORA on an as needed basis.

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

ATTEST:

SIGNED:

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

\_\_\_\_\_  
President of Council

APPROVED AS TO FORM:

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

✓ Vote Record - Resolution 22-R-08						
<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"/> 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"/> Withdrawn	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> No Recommendation	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred Back To Committee						

#### CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **22-R-08** passed by the Hilliard City Council on the 14th day of February 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 14th day of February 2022.

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



