

Real People. Real Possibilities.™

AGENDA

Regular Council Meeting

7:00 PM January 10, 2022

Council Members:

Les Carrier

Tina Cottone

Peggy Hale

Pete Marsh

Omar Tarazi

Andy Teater

Cynthia Vermillion

(President and Vice President of Council will be determined at the Organizational Meeting at 6:45 PM)

Michelle Crandall, City Manager

Diane (Dee) Werbrich, Clerk of Council

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



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

Strategic Focus Area #1 – Excellent, Innovative City Services

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

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

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

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

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

Strategic Focus Area #4 – Quality Commercial Development

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

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

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



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I. Invocation and Pledge of Allegiance

Invocation – Mark Altrip, Pastor of Movement Church

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

II. Roll Call

III. Approval of Minutes

- A. December 13, 2021, Special Executive Session
- B. December 13, 2021, 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

- A. New Liquor License - Bob Evans 3910 Lyman Road

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.

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

21-44 AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES REGARDING DEVELOPMENT IN THE B-4, I-270 CORRIDOR ZONING DISTRICT.



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City Council

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

FIRST READINGS

- 22-01 AMENDING CHAPTERS 1107 AND 1123 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE APPROVAL PROCESS FOR CONDITIONAL USES.
- 22-02 ACCEPTING THE APPLICATION FOR ANNEXATION OF 6.0 ±ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL DISTRICT.
- 22-03 APPROPRIATING FUNDS IN ORDER TO ISSUE A NET PROFIT TAX REFUND AND AUTHORIZING AN EXPENDITURE.

B. Resolutions - None

X. President's Communication

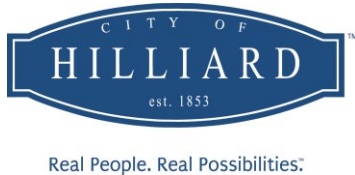
XI. Staff Reports

- A. Scioto Darby/Cosgray Road Intersection Evaluation

XII. City Manager Updates

XIII. Items for Council Discussion

Adjournment



CITY COUNCIL

DECEMBER 13, 2021
SPECIAL EXECUTIVE SESSION MINUTES

CALL TO ORDER

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

ROLL CALL OF MEMBERS

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

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Police Chief Eric Grile, Finance Director Dave Delande, Council Assistant Diane Hicks and Clerk of Council Diane Werbrich

Others Present: Council Elect Tina Cottone and Peggy Hale

Ms. McGivern, seconded by Ms. Vermillion, moved to recess to Executive Session for matters pertaining to the appointment of public personnel and reviewing negotiations of a bargaining session (Charter Section 2.10(1)(a)&(d)).

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

EXECUTIVE SESSION

Council recessed to Executive Session at 5:01 PM

Mr. Baker, seconded by Mr. Tarazi, moved to end the Executive Session at 6:26 PM.

MOVER:	Tom Baker
SECONDER:	Omar Tarazi
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier

President Marsh reconvened the Special/Executive Session meeting at 6:26 PM.

ITEMS FOR COUNCIL DISCUSSION

Ms. Vermillion, seconded by Mr. Tarazi, moved to have Ordinance 21-45 moved to the Regular Council meeting by Voice Vote.

Minutes Acceptance: Minutes of Dec 13, 2021 5:00 PM (Approval of Minutes)

STATUS: Approved (6-0)
MOVER: Cynthia Vermillion
SECONDER: Omar Tarazi
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier

Mr. Baker, seconded by Ms. Vermillion, moved to adjourn the Special/Executive Session by Voice Vote

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

ADJOURNMENT – 6:27 PM

 Pete Marsh, President
 City Council

 Diane Werbrich, MMC
 Clerk of Council

Approved: _____



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CITY COUNCIL

DECEMBER 13, 2021 REGULAR MEETING MINUTES

INVOCATION AND PLEDGE OF ALLEGIANCE

President Marsh gave the invocation

Mr. Baker and Ms. McGivern led The Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Finance Director Dave Delande, Deputy Finance Director Greg Tantari, City Engineer Clark Rausch, Operations Director Larry Lester, Community Relations Director David Ball, Transportation and Mobility Director Letty Schamp, Economic Development Director David Meadows, Recreation and Parks Director Ed Merritt, Deputy Recreation and Parks Director Erin Duffy, Staff Attorney Kelly Clodfelder, Council Assistant Diane Hicks and Clerk of Council Diane Werbrich

Others Present: Council Elect Tina Cottone and Peggy Hale

APPROVAL OF MINUTES

President Marsh asked if there were any changes or corrections to the November 22, 2021, Special or Regular meeting minutes. Hearing none, the minutes were approved as submitted.

STATUS:	Accepted
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier

RECOGNITION OF OUTGOING COUNCIL MEMBERS BAKER AND MCGIVERN

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - Mr. Teater stated the next meeting will meet on Thursday, December 16, 2021.

Destination Hilliard - President Marsh stated Destination Hilliard (DH) will be meeting Tuesday, December 14, 2021, to vote on the contract that Council may approve today and to appoint a new member to the Recreation and Parks Advisory Commission (RPAC).

Environmental Sustainability Commission - President Marsh reminded residents to save their Styrofoam for collection on December 30, 2021, from 10:00 a.m. to 12:00 p.m.

Minutes Acceptance: Minutes of Dec 13, 2021 7:00 PM (Approval of Minutes)

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

Planning and Zoning - Ms. Vermillion reported Council will be reviewing changes to the Zoning Code that were approved at the P&Z last meeting.

Public Arts - Mr. Tarazi reported the new mural is almost complete.

Recreation and Parks Advisory Commission - Mr. Teater stated the last meeting was held Wednesday, December 1, 2021, and thanked everyone for their efforts on Issue 22.

Shade Tree Commission - No report.

Other Boards/Commissions - No report

RECOGNITION AND SPECIAL GUESTS

Mr. Tony Collins and Mr. Patrick Russel updated Council on the YMCA.

CHANGES TO THE AGENDA

President Marsh stated Council approved Ordinance 21-45 be added to the Regular Agenda at the Special/Executive Session meeting in open session.

CONSENT AGENDA

Mr. Teater, seconded by Mr. Baker, moved to approve the items on the Consent Agenda by Voice Vote.

MOVER:	Andy Teater (6-0)
SECONDER:	Tom Baker
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier

A. LIQUOR PERMITS - SPEEDWAY

21-R-77 APPOINTING JAMES MARTIN TO THE CITY'S BOARD OF ZONING APPEALS.

21-R-78 APPROVING THE RE-APPOINTMENT OF MATTHEW FORCHIONE TO THE CITY'S SHADE TREE COMMISSION.

21-R-79 APPROVING THE CHANGE IN DESIGNATION OF CURRENT MEMBERS AND RE-APPOINTING JAY MUETHER TO THE CITY'S PLANNING AND ZONING COMMISSION.

21-R-80 APPROVING COUNCIL'S APPOINTMENT TO THE PUBLIC ARTS COMMISSION.

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) - None

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

No one spoke for or against Ordinances 21-41 and 21-42.

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

STATUS: Adopted (6-0)
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-41 passed and would take effect at the earliest time allowable by law.

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

President Marsh explained this is the new contract with DH under the new format and assuming this is passed by Council this evening, DH will be voting on it tomorrow.

STATUS: Adopted (6-0)
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-42 passed and would take effect at the earliest time allowable by law.

FIRST READINGS

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

Ms. Crandall explained that this is a \$1.5 million short-term note that is due February 17, 2022, which was originally issued to cover an obligation related to the Hickory Chase Development.

STATUS: First Reading
MOVER: Andy Teater
SECONDER: Cynthia Vermillion
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced the second reading/public hearing will be January 10, 2022.

21-44 AMENDING CERTAIN SECTIONS OF PART ELEVEN - THE "PLANNING AND ZONING CODE", OF THE CITY'S CODIFIED ORDINANCES REGARDING DEVELOPMENT IN THE B-4, I-270 CORRIDOR ZONING DISTRICT.

Ms. Clodfelder reported the B-4 District was created to create a walkable, vibrant mixed-use development and these changes will promote those purposes for the district. It has a lot to do with eliminating big box stores and focuses on ensuring there are multiple uses that are harmonious with other uses and specific definitions have been added.

Ms. Vermillion asked which changes specifically will make the area more walkable and connected. Ms. Clodfelder replied the use requirements in Section 1123.18 is the first step in making that connectivity happen. She explained that limiting and making sure drive thru and drive in restaurants are attached to another use and limiting other places to a portion of the principal use will make it more walkable. She reiterated this is the first step and there are other items that will need to be considered like architectural standards and building setbacks that are not addressed at this point because of the Comprehensive Plan process taking place right now but this starts to affect change in this zoning district. Ms. Crandall added currently this is a mixed-use district in the broadest sense and the City wants integrated mixed use. She stated like True Point, it would be large office space with some housing and then supportive retail and other uses. Currently some of the conditional and other uses could come into the district and not be unified, limiting the size of some of the conditional uses so that they are more supplemental and support

the larger office space such as research and development and similar uses along the I-270 corridor. Ms. Crandall explained the Community Plan will help with this process along with code changes related to that Plan and these changes help with challenges that might be faced while carrying out the Plan.

Ms. Vermillion reported that it states that hookah lounges will be removed as a conditional use and asked if hookah lounges will or will not be allowed. Ms. Clodfelder replied that hookah lounges will not be permitted as a conditional use within the B-4 District.

Ms. Vermillion asked if 15 feet for a utility substation from another structure is too close and if they had to be in the B-4 District. Ms. Clodfelder replied that other code sections were reviewed within and outside of Ohio and utility substations are already permitted in the B-4 District. She noted that she is unaware of a utility substation in the B-4 District but she can provide Ms. Vermillion with more information as to why 15 feet was chosen.

President Marsh stated the City is going through a Community Plan process and this is one of the focus areas. He noted that an idea at least during the interim period prior to the completion of the Plan would be that all conditional use requests would also have to be approved by Council. Currently, conditional use is only approved by Planning and Zoning, but the ordinance could be changed so that Council would also have to approve conditional uses. President Marsh explained that during this time, the City is trying to be intentional, this may be something to consider. Mr. Tarazi inaudible....the City is doing a ten year plan and envisioning what this may look like. He added approving this list, which may change after feedback from the community to get a better plan. President Marsh remarked that a lot of these things may change because of that process. Ms. Vermillion stated other businesses cannot stop from coming through in the interim. President Marsh commented that some of these are important elements towards the vision Ms. Crandall described, although it may not all be there right now, it is a step towards that in the interim and until the Master Plan is completed. At which point, the Code can be fine-tuned.

President Marsh, seconded by Ms. Vermillion, moved to direct the Legal Department to prepare an ordinance that gives Council the final decision over conditional use approvals by Voice Vote.

STATUS:	Approved (6-0)
MOVER:	Pete Marsh
SECONDER:	Cynthia Vermillion
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier

Mr. Tarazi asked for background on some of the decisions on what is and is not allowed so that he can understand the whole vision. Ms. Clodfelder replied that pubs and bar establishments are already permitted in the B-4 District. A winery is a similar use, so a definition needed to be added and the vision was to create mixed uses with residential, office and other supportive uses. She noted this limits the size of grocery stores, for example, so that the area is more easily walkable in and out of these uses. Regarding hookah lounges, it was determined that the B-4 District may not be appropriate for them.

STATUS:	First Reading
MOVER:	Pete Marsh
SECONDER:	Cynthia Vermillion
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier

President Marsh announced the second reading/public hearing will be January 10, 2022.

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

Ms. Crandall explained that last year the City negotiated a contract with the Ohio Labor Council, which consists of the Police Division Records Clerk except for wages for 2022 and 2023. A 2.25% wage increase in 2022 and a 2.5% increase in 2023 and a one-time lump sum of \$600 each employee by the end of February 2022.

STATUS: First Reading
MOVER: Omar Tarazi
SECONDER: Andy Teater
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced the second reading/public hearing will be January 10, 2022.

B. Resolutions

21-R-81 AMENDING ORDINANCE NO. 12-46 (AMENDED) TO EXPAND THE ELIGIBLE PUBLIC INFRASTRUCTURE IMPROVEMENTS THAT DIRECTLY BENEFIT THE PROPERTIES WITHIN THE CONTINENTAL PLANNED UNIT DEVELOPMENT DISTRICT.

Mr. Meadows explained that this legislation will amend the Continental/Giant Eagle TIF to provide a definition for the public improvement outside what is required by the developer, which was not provided in the original TIF ordinance. This definition would be expanded to include capacity, safety, accessibility improvements, pedestrian and bicycle traffic improvements, beautification, landscaping, streetscaping improvements and related utilities along the I-270 and Cemetery Road corridors.

STATUS: Adopted (5-1)
MOVER: Tom Baker
SECONDER: Cynthia Vermillion
AYES: Marsh, Baker, McGivern, Tarazi, Vermillion
NAYS: Andy Teater
EXCUSED: Les Carrier
 President Marsh announced 21-R-81 passed and would take effect at the earliest time allowable by law.

21-R-82 AUTHORIZING THE TRANSFER OF FUNDS TO THE CAPITAL IMPROVEMENT FUND.

Mr. Delande reported this is the annual TIF allocation for the Capital funds that are transferred back to the Capital Improvement Fund, which totals approximately \$530,000.00 for expenditures spent on the TIF.

STATUS: Adopted (6-0)
MOVER: Kelly McGivern
SECONDER: Andy Teater
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-R-82 passed and would take effect at the earliest time allowable by law.

21-R-83 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS & NIPLE, INC., TO CONDUCT A FEASIBILITY STUDY AND TO PREPARE GRANT APPLICATIONS FOR THE CEMETERY ROAD/I-270 TRAIL OVERPASS & SAFETY IMPROVEMENTS AND AUTHORIZING AN EXPENDITURE.

Due to technical difficulties, there is no audio to this portion of the meeting. Ms. Schamp provided the

statement below.

Ms. Schamp stated that this project was discussed with Council in September. In October, staff issued an RFP to three consultants. Proposals were due in early November. The review team selected Burgess & Niple (B&N) based on their experience on similar projects and technical approach. Staff met with B&N and representatives from ODOT District 6 to develop a scope of services, which is included as an appendix in the PSA. The proposed fee is based on the scope of services provided. The fee includes a base scope of services, "if authorized" services if needed, and a ten percent contingency. The base scope of services will be funded from funds previously appropriated as part of the capital budget. \$25,000 is included in the 2022 capital budget, which would cover most of the "if authorized" services and contingencies. Ms. Schamp stated that the goal is to apply for federal funds in 2022 for this project.

Ms. Vermillion asked how Burgess & Niple were selected. Ms. Schamp replied that B&N was selected based on their technical approach on the project, experience on similar projects and past performance.

STATUS:	Adopted
MOVER:	Cynthia Vermillion
SECONDER:	Andy Teater
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier
President Marsh announced 21-R-83 passed and would take effect at the earliest time allowable by law.	

21-R-84 AUTHORIZING THE CITY MANAGER ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BURGESS AND NIPLE, INC. FOR THE OLD HILLIARD UTILITY STUDY

No audio for this portion of the meeting exists. Mr. Rausch provided the following from his talking points:

- 1) Past redevelopments and continued development interest in Ohio have created need to analyze City water and sewer lines in the area.
- 2) Study will look at both capacity of the existing water and sewer lines, as well as areas that have limited or no lines currently.
- 3) Study being funded with American Rescue Plan Act funds.
- 4) Chose Burgess and Niple because engineering sub-consultant to planningNext for the Hilliard by Design Comprehensive Plan update.
- 5) Intent is to complete this study prior to the completion of the Comprehensive Plan Update and incorporate this study into that Plan.

STATUS:	Adopted (6-0)
MOVER:	Tom Baker
SECONDER:	Cynthia Vermillion
AYES:	Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED:	Les Carrier
President Marsh announced 21-R-84 passed and would take effect at the earliest time allowable by law.	

21-R-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MCCARTHY CONSULTING, LLC, TO BE THE OWNER'S REPRESENTATIVE FOR THE COMMUNITY CENTER CONSTRUCTION PROJECT.

Ms. Crandall stated that approval by Council this evening is the first in many steps to start the process of the recreation and wellness campus. This authorizes the hiring of an owner's rep for the entire project, which is someone who represents the City and manages the project from the selection of an architectural firm through design, construction and the opening of the facility. She explained McCarthy Consulting,

LLC was selected with a total contract of \$262,085.00 and she would like to initiate this contract as soon as possible in order to use 2021 funds to start this project for a total of \$12,925.00 with the remainder being in the 2022 Capital Improvement Projects budget.

Ms. Vermillion asked how McCarthy Consulting, LLC was selected. Ms. Crandall replied that the City interviewed two consulting firms and McCarthy Consulting, LLC provided a proposal and staff feel comfortable with his background and experience. She noted she has worked with him before on projects and he is very good at what he does and typically the cost of an owner's rep is one to two percent of the project and the contract is under a half percent of the total cost of the project.

Mr. Tarazi asked if hiring this firm is equivalent to hiring an additional staff member to oversee the project. Ms. Crandall replied that there is no one on staff who has this type of expertise to be able to carry out this project for the City. She added not only do they represent the City through the entire project, they are the City's representative with the contractors and help with disputes and issues that may arise.

STATUS: Adopted (6-0)
MOVER: Omar Tarazi
SECONDER: Andy Teater
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-R-85 passed and would take effect at the earliest time allowable by law.

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

Mr. Ralley explained that City Code Chapter 941 requires undergrounding of utilities on all Capital Projects and American Electric Power (AEP) is requesting a waiver of that requirement in part to serve in a timely fashion the three-phase requirements of the lift station being constructed on the Carr Farm property and will serve the sanitary sewer needs of the Amazon development on Cosgray Road.

STATUS: Adopted (6-0)
MOVER: Cynthia Vermillion
SECONDER: Tom Baker
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-R-86 passed and would take effect at the earliest time allowable by law.

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

Ms. Clodfelder stated this legislation reappoints Mr. Charles Evans to the Heritage Preserve New Community Authority (NCA) and explained Mr. Evans was originally appointed to this NCA in 2018 and his term expires at the beginning of January 2022. The NCA has recommended this reappointment.

Ms. Vermillion asked what type of decisions this NCA has made. Ms. Clodfelder replied the Heritage Preserve NCA is handling some bonds and are mainly done with all the construction of the public improvement portion and is not being reimbursed through the NCA and the millage charge that will go back to the developer in accordance with the Developer's Agreement.

STATUS: Adopted (6-0)
MOVER: Andy Teater
SECONDER: Cynthia Vermillion
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier
 President Marsh announced 21-R-87 passed and would take effect at the earliest time allowable by law.

PRESIDENT'S COMMUNICATION

Mr. Teater, seconded by Ms. McGivern, moved to cancel the December 27, 2021, Regular Council meeting by Voice Vote.

STATUS: Approved (6-0)
MOVER: Andy Teater
SECONDER: Kelly McGivern
AYES: Marsh, Baker, McGivern, Tarazi, Teater, Vermillion
EXCUSED: Les Carrier

President Marsh announced the regular meetings of Council will resume January 10, 2022, and at that time Council will have its Organizational meeting and new and re-elected officials will be sworn in.

President Marsh thanked staff for a great Tree Lighting event and wished everyone a Merry Christmas and Happy Holidays. He also thanked everyone for their support during his presidency and stated he is looking forward to working collaboratively in 2022.

STAFF REPORTS

Ms. Crandall thanked Ms. McGivern and Mr. Baker for their many years of service on City Council.

CITY MANAGER UPDATES - None

ITEMS FOR COUNCIL DISCUSSION

Mr. Teater, Ms. Vermillion and Mr. Tarazi thanked Mr. Baker and Ms. McGivern for their many years of service.

Ms. McGivern, seconded by Mr. Baker, moved to adjourn the Regular meeting by Voice Vote.

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

ADJOURNMENT – 8:04 PM

 Pete Marsh, President
 City Council

 Diane Werbrich, MMC
 Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Dec 13, 2021 7:00 PM (Approval of Minutes)

New Liquor License - Bob Evans 3910 Lyman Road

CONSENT AGENDA ITEM

There is **ONE** liquor permits before Council to consider.

1. Bob Evans, 3910 Lyman Road

Permit Class	Description
D1	ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.

They sent in a D2 permit in April 2021. Council did not request a hearing at the 4/26/2021 meeting.

No objections were received from PD, FD and P&Z.

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

Rec'd 12/16

7.1.b

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

03207030025		N	TO
PERMIT NUMBER		TYPE	BOB EVANS RESTAURANTS LLC
ISSUE DATE		DBA BOB EVANS RESTAURANT 226	
03 12 2021		3910 LYMAN DR	
FILING DATE		HILLIARD OH 43026	
D1			
PERMIT CLASSES			
25	132	B	C90625
TAX DISTRICT	RECEIPT NO.		FROM 12/15/2021

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 12/15/2021

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/18/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
 WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
 REFER TO THIS NUMBER IN ALL INQUIRIES

B N 0320703-0025

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
 THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal Officer

CLERK OF HILLIARD CITY COUNCIL
 3800 MUNICIPAL WAY
 HILLIARD OHIO 43026-1695

Attachment: Bob Evans - 3910 Lyman Road (2177 : New Liquor License - Bob Evans 3910 Lyman Road)

Council Memo: Legislation (21-43)

Subject: Pay off Short Term Note
From: Michelle Crandall, City Manager
Initiated by: Greg Tantari, Deputy Finance Director
Date: January 10, 2022

Executive Summary

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

Staff Recommendation

Staff recommends that Council approve this legislation.

Background

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

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

Financial Impacts

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

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

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

Expected Benefits

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

Attachments

N/A



Ordinance: 21-43

Passed:

Page 1 of

Effective:

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

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

Council Memo: Legislation (21-44)

Subject: Changes in the B-4 Zoning District
From: Michelle Crandall, City Manager
Initiated by:
Date: January 10, 2022

Executive Summary

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

Staff Recommendation

Staff recommends that Council approve the Ordinance.

Background

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

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

Updates to Exhibit D following 12/13 Council Meeting:

- Updated language regarding conditional use approval
- Not permitting utility substations to be located along a public street and more language added regarding height of fence, rather than stating a setback requirement from adjacent properties.

Financial Impacts

N/A

Expected Benefits

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

Attachments

Table of Proposed Changes

Exhibits to Legislation:

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

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

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



Ordinance: 21-44

Passed:

Page 1 of

Effective:

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

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

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

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

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

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

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

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

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

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

1105.04 DEFINITIONS: E-F-G.

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

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

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

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

1105.10 DEFINITIONS: V-W.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 1111 BUSINESS DISTRICTS¹

1111.01 PURPOSE.

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

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

1111.02 SCHEDULE OF USES.

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

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

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

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

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

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

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

CHAPTER 1123 CONDITIONAL USES

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

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

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

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

Council Memo: Legislation (21-45)

Subject: Acceptance of the OLC Collective Bargaining Agreement Article 29
From: Michelle Crandall, City Manager
Initiated by: Julia Baxter, Director of HR
Date: January 10, 2022

Executive Summary

The purpose of this legislation is to request City Council acceptance of Article 29 in the current Collective Bargaining Agreement ("Agreement") reached between the Fraternal Order of Police, Ohio Labor Council (OLC) and the City of Hilliard.

Staff Recommendation

Staff recommends that Council review and adopt this ordinance regarding Article 29 (Compensation) in the Agreement.

Background

In December 2020, the City entered into negotiations and settled on the Agreement with the exception of Article 29. At that time, the parties could not agree to wage increases for 2022 and 2023, but the parties did not let that obstacle prohibit the formation of a new three-year Agreement. On December 14, 2020, City Council passed Ordinance No. 20-38, approving the Agreement with the understanding that further negotiations were necessary regarding wages for 2022 and 2023.

In November 2021, the parties negotiated and settled on the changes noted below in the Financial Impacts section.

Financial Impacts

The financial impact of Article 29 (if accepted) will be (i) a 2.25% wage increase and one-time lump sum payment of \$600 for the bargaining unit members in 2022, and (ii) a 2.5% wage increase in 2023. There are seven (7) bargaining unit members. The total two-year financial impact to the City will be \$26,295.46.

Attachments

Copy of Article 29.



Ordinance: 21-45

Passed:

Page 1 of

Effective:

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

WHEREAS, the collective bargaining agreement ("Agreement") between the City and the Fraternal Order of Police, Ohio Labor Council, Inc. (the "OLC") expires on December 31, 2023; and

WHEREAS, through the course of negotiations, the parties were able to arrive at an agreement for Article 29 (Compensation) from January 1, 2022 through December 31, 2023; and

WHEREAS, on November 22, 2021, the City Administration was notified that the union membership had voted to accept Article 29 into the Agreement; and

WHEREAS, the Administration has recommended that Article 29 be approved as being in the best interest of the City; and

WHEREAS, Ohio Revised Code Section 4117.10(B) requires the Administration to submit Article 29 to City Council within 14 days of receipt of the final agreement and City Council shall approve or reject the submission as a whole within 30 days after the Administration submits it for City Council's consideration.

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

SECTION 1. The City Manager is hereby authorized and directed to execute Article 29 with the Agreement, in accordance with the terms and conditions **attached** hereto as Exhibit "A", excepting any typographical and/or grammatical edits that may needed for the Agreement to be in final form for execution.

SECTION 2. This Ordinance shall be in effect from and after the earliest time provided for by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 21-45						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Held Over						
<input type="checkbox"/> Referred						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						
	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SETTLEMENT OF RE-OPENER NEGOTIATIONS

The FOP, Ohio Labor Council (Union) and the Employer (City of Hilliard) are parties to a collective bargaining agreement for the term January 1, 2021 to December 31, 2023 covering full-time support services clerks that provided for re-opened negotiations for wages for 2022 and 2023. That re-opener is SERB Case number 2021-MED-09-1211. This document is the settlement for that MED case number.

ARTICLE 29 COMPENSATION

Section 29.1 Salary Schedule

All newly hired employees shall be placed in Step A of the wage scale below and shall remain there for six (6) months before advancement to Step 1, then remain in Step 1 for twelve (12) months before advancement to Step 2, then remain in Step 2 for twelve (12) months before advancement to Step 3.

	Sub A		Step 1		Step 2		Step 3	
	Hour	Annual	Hour	Annual	Hour	Annual	Hour	Annual
1-1-21 (2%)	\$21.636	\$45,003.97	\$22.910	\$47,653.52	\$24.627	\$51,223.77	\$27.787	\$57,796.48
1-1-22 2.25%	\$22.12	\$46,016.56	\$23.43	\$48,725.72	\$25.18	\$52,376.30	\$28.41	\$59,096.90
1-1-23 2.5%	\$22.68	\$47,166.97	\$24.01	\$49,943.86	\$25.81	\$53,685.71	\$29.12	\$60,574.32

All employees covered by this agreement shall receive a one-time, lump sum payment of six-hundred dollars (\$600.00) by separate check no later than the end of February 2022.

For the FOP, Ohio Labor Council, Inc.:

Andrea H. Johan
Senior Staff Representative

Heather L. Bryant
Bargaining Team Member

Kristin Buelow-Lambdin
Bargaining Team Member

For the City of Hilliard:

Michelle L. Crandall
City Manager

David D. Delande
Finance Director

Philip K. Hartmann, Esq.
Law Director

Eric Grile
Chief of Police

Michael Woods
Deputy Chief of Police

Natalie Riley, Support Services Supervisor

Council Memo: Legislation (22-01)

Subject: Amending the Zoning Code regarding Conditional Uses
From: Michelle Crandall, City Manager
Initiated by: Philip Hartmann, Law Director
Date: January 10, 2022

Executive Summary

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

Staff Recommendation

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

Background

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

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

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

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

N/A

Attachments

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

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

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

CONDITIONAL USE APPLICATIONS
2019-2021

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



Ordinance: 22-01

Passed:

Page 1 of

Effective:

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

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

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

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

WHEREAS, amending Chapters 1107 and 1123, as identified in Exhibits "A" and "B", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Chapters 1107 and 1123 of the City's Codified Ordinances, as identified in Exhibits "A" and "B", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions Chapters 1107 and 1123, as shown in track changes in the attached Exhibits "A" and "B" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of the City's Codified Ordinances, not modified herein, remain unchanged and are in full force and effect.

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

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-01						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
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	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHAPTER 1107 PLANNING AND ZONING COMMISSION AND CITY COUNCIL

1107.02 PLANNING AND ZONING COMMISSION POWERS AND DUTIES.

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

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

1107.03 POWER AND DUTIES OF THE CITY COUNCIL.

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

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

CHAPTER 1123 CONDITIONAL USES

1123.01 PURPOSE.

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

1123.02 PROCEDURES.

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

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

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

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

1123.03 GENERAL STANDARDS.

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

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

1123.05 EXPIRATION.

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

1123.07 PERFORMANCE GUARANTEES.

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

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

(c) *Restaurants, Bars and Taverns.*

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

1123.12 USE REQUIREMENTS—PERSONAL SERVICES.

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

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

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

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

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

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

(2) *Medical Marijuana Processor.*

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

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

(3) *Medical Marijuana Retail Dispensary.*

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

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

1123.14 USE REQUIREMENTS—TRANSPORTATION AND WAREHOUSING.

(a) *Heliports and Helipads.*

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

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

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

1123.15 USE REQUIREMENTS—UTILITIES.

(b) *Wireless Communication Facilities.*

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

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

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

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

1123.17 USE REQUIREMENTS—OTHER.

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

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

Council Memo: Legislation (22-02)

Subject: 4702 Cosgray Road Annexation Ordinance
From: Michelle Crandall, City Manager
Initiated by: Philip Hartmann, Law Director
Date: January 10, 2022

Executive Summary

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

Staff Recommendation

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

Background

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

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

Financial Impacts

N/A

Expected Benefits

N/A

Attachments

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



AUDITOR OFFICE

SEARCH

ONLINE TOOLS

REFERENCE

CONTACT MICHAEL



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



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



Ordinance: 22-02

Passed:

Page 1 of

Effective:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-02						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						



Franklin County
Board of Commissioners

ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department
James Schimmer, Director

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



Property Information

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

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

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

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

Name: **See Attached**

Address:

Phone #

Fax #

Email: **kmdonnell@gmail.com**

Attorney/Authorized Agent Information

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

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

Phone # **614-876-7888**

Fax # **844-269-6995**

Email: **jeff@epling.law**

Staff Use Only

Case # **ANX- 37-21**

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

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

Fee Paid: **\$250.00**

Receipt #: **21-03441**

Received By: **Matt Brown**

Notification Deadline (5 days):

10/4/21

Svc Statement Deadline (20 days):

10/18/21

Document Submission

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

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

Petitioners Signature

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

See Attached

Property Owner

Date

Property Owner

Date

Attorney or Authorized Agent

Date


Attorney or Authorized Agent

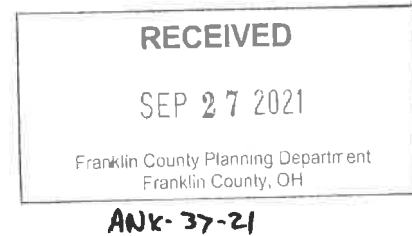
Date

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

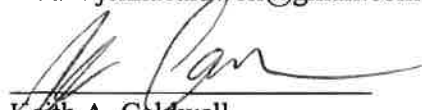
4702 Cosgray Rd. Annexation**Property Owners**

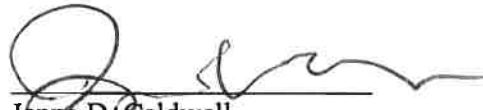
Kristin Donnell and Timothy Donnell
 3748 Stunsail Ln.
 Columbus, Ohio 43221
 Ph: 614-306-6601
 Email: kmdonnell@gmail.com


 Kristin Donnell

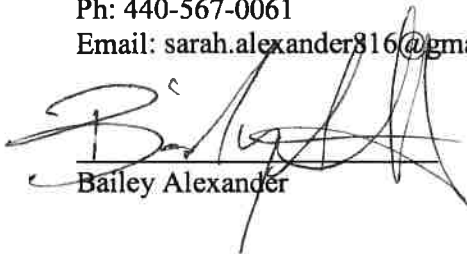

 Timothy Donnell



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


 Keith A. Caldwell


 Jenna D. Caldwell

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


 Bailey Alexander

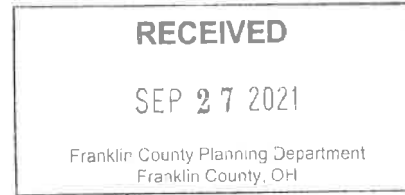

 Sarah Alexander

Adjacent Properties

050-011456-00

Address: 4696 Cosgray Rd., Hilliard, OH 43026

Owner: Hilliard Real Estate Holdings, LLC



050-011197-00

Address: 4678 Cosgray Rd., Hilliard, OH 43026

Owner: City of Hilliard Ohio

Owners Address: 3800 Municipal Way, Hilliard, OH 43026

200-000053-00

Address: 4760 Cosgray Rd. Hilliard, OH 43026

Owner: Bryan Allen & Catherine Allen

200-001352-00

Address: 4701 Leppert Rd., Hilliard, OH 43026

Owner: Tillison-Leppert, LLC

Owner Address: 2640 Crafton Park, Columbus, OH 43221

200-001368-00

Address: 4752 Cosgray Rd., Hilliard, OH

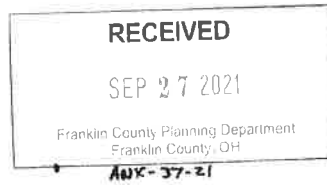
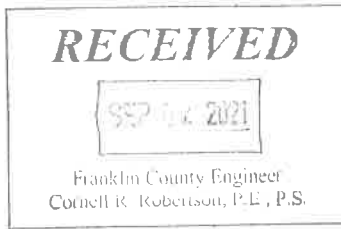
Owner: William E. Herron

050-011196-00

Address: 4675 Cosgray Rd., Hilliard, OH 43026

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

RECEIVED

SEP 27 2021

Franklin County Planning Department
Franklin County, OH

AUX-37-21

ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE

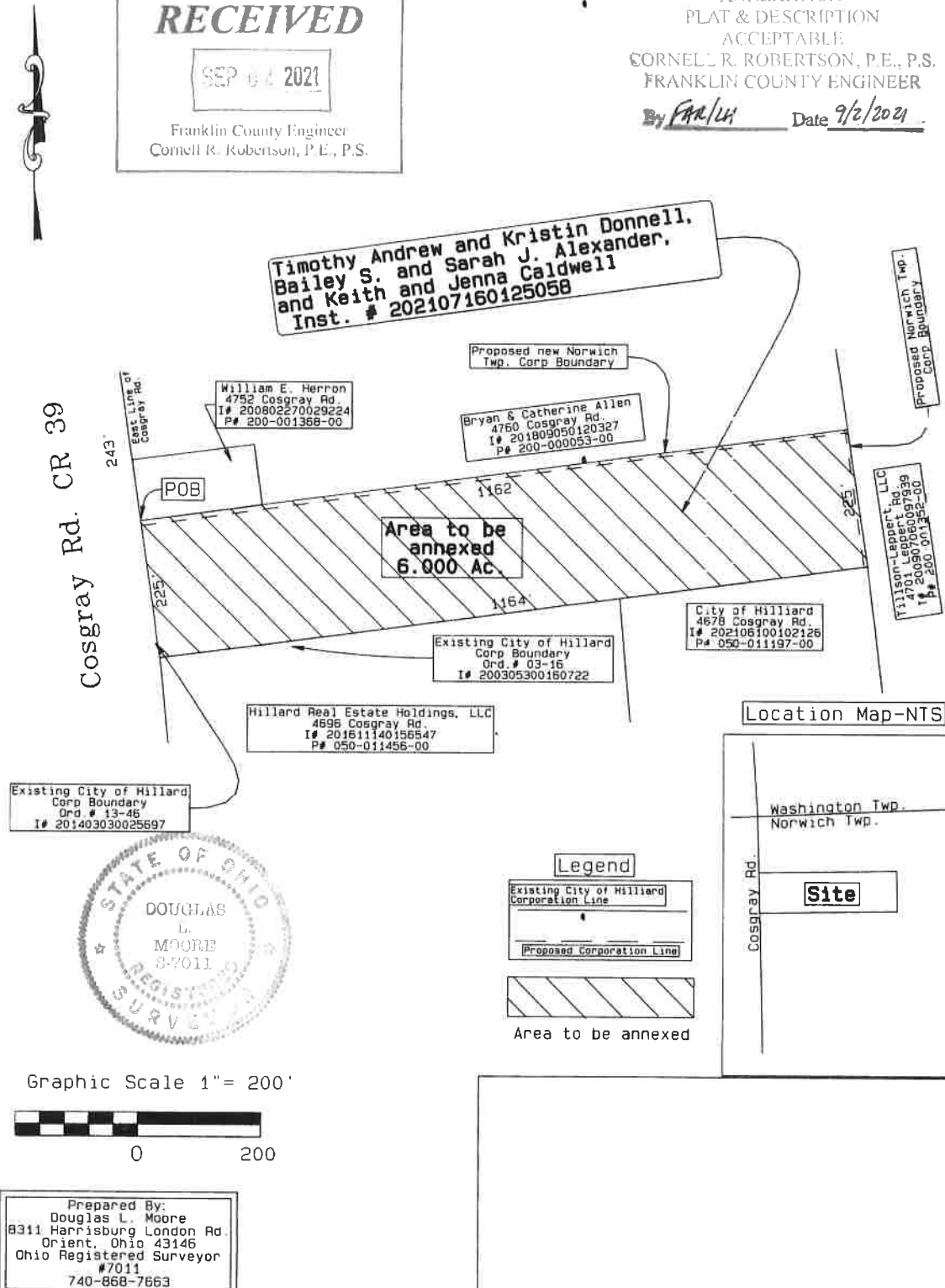
CORNELL R. ROBERTSON, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By FAR/LL Date 9/2/2021

RECEIVED

SEP 27 2021

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



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

Council Memo: Legislation (22-03)

Subject: Appropriation for Net Profit Tax Refund
From: Michelle Crandall, City Manager
Initiated by: Greg Tantari, Deputy Finance Director
Date: January 10, 2022

Executive Summary

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

Staff Recommendation

Staff recommends that Council approve this piece of legislation.

Background

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

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

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

Financial Impacts

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

Expected Benefits

N/A

Attachments

N/A



Ordinance: 22-03

Passed:

Page 1 of

Effective:

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

Pete Marsh
President of Council

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-03						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Tom Baker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Held Over	Kelly McGivern		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Referred	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						