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AGENDA

Regular Council Meeting

7:00 PM October 10, 2022

Council Members:

Andy Teater

Omar Tarazi

Les Carrier

Tina Cottone

Peggy Hale

Pete Marsh

Cynthia Vermillion

President

Vice President

Michelle Crandall, City Manager

Diane (Dee) Werbrich, Clerk of Council

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



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

Strategic Focus Area #1 – Excellent, Innovative City Services

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

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

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

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

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

Strategic Focus Area #4 – Quality Commercial Development

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

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

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



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I. Invocation and Pledge of Allegiance

Invocation - Pastor Tim Vansant, First Community Church

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

II. Roll Call

III. Approval of Minutes

- A. September 26, 2022, Special Executive Session
- B. September 26, 2022, Regular Meeting

IV. Commission and Board Reports

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

V. Recognition and Special Guests

- A. Proclamation - Storm Water Awareness Week

VI. Changes to the Agenda

VII. Consent Agenda - None

VIII. Public Comments (Items not on the Agenda)

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

IX. Business of the Council

A. Ordinances

Second Readings/Public Hearings

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

22-32 ENACTING CHAPTER 757 OF THE CITY'S CODIFIED ORDINANCES REGARDING TOBACCO RETAIL LICENSES AND AMENDING EXHIBIT A TO CHAPTER 190 FOR A TOBACCO RETAIL LICNESE FEE. (Postponed from 09262022)

22-33 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND APPROPRIATING FUNDS FOR THE VICTIM ADVOCATE POSITION.



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- 22-34 REZONING 6± ACRES OF LAND LOCATED ON THE EAST SIDE OF COSGRAY ROAD APPROXIMATELY 2,300 FEET SOUTH OF HAYDEN RUN ROAD FROM R-R, RURAL RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT ("PUD"), TO BE KNOWN AS THE PARKVIEW PRESERVE DEVELOPMENT.
- 22-35 AMENDING CHAPTER 1121 OF THE CITY'S CODIFIED ORDINANCES TO UPDATE DEFINITIONS AND STANDARDS FOR PRIVATE SWIMMING POOLS AND TO AMEND REQUIREMENTS FOR PRIVATE SWIMMING POOL BARRIERS.
- 22-36 AMENDING THE CITY'S OPERATING BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR FUEL PURCHASES FOR THE PERIOD ENDING DECEMBER 31, 2022.

First Readings

B. Resolutions

- 22-R-82 SETTING A HEARING ON THE 2023 MUNICIPAL OPERATING BUDGET.

X. President's Communication

XI. Staff Reports

XII. City Manager Updates

XIII. Items for Council Discussion

Adjournment



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CITY COUNCIL

September 26, 2022
Special Executive Session Minutes

CALL TO ORDER

The meeting was called to order by President Teater at 4:42 PM.

ROLL CALL OF MEMBERS

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

Staff Members Present: City Manager Michelle Crandall, Assistant City Manager Dan Ralley, Law Director Phil Hartmann and Council Assistant Diane Hicks

Ms. Hale, seconded by Mr. Marsh, moved to recess to Executive Session for matters pertaining to the appointment of public personnel (Charter Section 2.10(1)(a) by Voice Vote.

MOVER:	Ms. Hale
SECONDER:	Mr. Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Vermillion

EXECUTIVE SESSION

Council recessed to Executive Session at 4:43 PM.

Mr. Marsh, seconded by Ms. Hale, moved to end the Executive Session by Voice Vote at 4:50 PM

MOVER:	Mr. Marsh
SECONDER:	Ms. Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Vermillion

President Teater reconvened the Special/Executive Session meeting.

ITEMS FOR COUNCIL DISCUSSION

Mr. Marsh, seconded by Mr. Carrier, moved to appoint Mr. McNamara and Ms. Bembenic to the ESC (22-R-75) by Voice Vote.

Minutes Acceptance: Minutes of Sep 26, 2022 4:30 PM (Approval of Minutes)



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

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

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

ADJOURNMENT – 4:59 PM

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Sep 26, 2022 4:30 PM (Approval of Minutes)



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CITY COUNCIL

September 26, 2022 **Regular Meeting Minutes**

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Pastor Kyle Young, Rock City Church

Ms. Hale led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

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

Staff Members Present: City Manager Michelle Crandall, Assistant City Manager Dan Ralley, Law Director Phil Hartmann, Finance Director Dave Delande, City Planner John Talentino, Planning Manager Carson Combs, City Engineer Clark Rausch, Police Chief Mike Woods, Operations Director Larry Lester, Transportation and Mobility Director Letty Schamp, Recreation and Parks Director Ed Merritt, City Prosecutor Dawn Steele and Council Assistant Diane Hicks.

APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the September 12, 2022, Regular meeting minutes. Hearing none, the minutes were approved as submitted.

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

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - No report.

Destination Hilliard - No report.

Environmental Sustainability Commission - Mr. Marsh stated the Commission interviewed candidates and Council will make appointments later this evening.

MORPC- No report.

Planning & Zoning, - Ms. Hale reported that some of the Commission topics will be considered by Council this evening.

Public Arts Commission - No report

Rec & Parks Advisory Commission - Mr. Carrier reported the Commission met on Wednesday, September 14, 2022, and discussed the Access Policy.

Shade Tree Commission - No report.

Aging in Place Committee - Ms. Cottone reported the Committee met two weeks ago and Mr. Ralley gave a presentation on Hilliard by Design and discussed the Cemetery Road Corridor. She announced the Committee will meet on Tuesday, September 27, 2022, to discuss producing a survey to be sent to the public in January.



Other Boards/Commissions - No Report.

RECOGNITION AND SPECIAL GUESTS

President Teater read and presented the following Proclamations: Childhood Cancer Awareness and Patches of Light.

Chief Woods recognized and presented Jennifer Powell with the HPD Good Citizen Award.

CHANGES TO THE AGENDA - None

CONSENT AGENDA - None

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) – None

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

22-29 AUTHORIZING THE CANCELLATION OF THE COMMUNITY REINVESTMENT AREA AGREEMENT ASHFORD AT STURBRIDGE, LLC AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO CANCEL THE AGREEMENT.

Mr. Hartmann provided an update to Mr. Carrier's follow up questions regarding the CRA and amending it. The first question was whether the City could amend the CRA to receive all of the citations from the Department of Health. Mr. Hartmann explained that he does not believe there is a way to amend the CRA but believes the City can speak with the Department of Health to get copied on those. The second question was to allow the City to enforce the Board of Health requirement. Mr. Hartmann reported that the City cannot do that because that is exclusively before the Board of Health and no other entity has the right to enforce. The third was to put a special term in the CRA that it would automatically terminate if there are certain conditions that Council approves. Mr. Hartmann reported that the CRA is by statute and it requires a termination based on Council action.

Mr. John Buchholz, Sr. Vice President of Asset Management at Wallick Communities reported the community has met all requirements of the agreement and respectfully requested Council to vote to keep this CRA in place. He mentioned the recent reporting cycle does suggest that there is an opportunity to improve and clarify the reporting and Wallick is interested and willing to work with the City to address the reporting and any other related issues and could be in the form of a Memorandum of Understanding (MOU), legislation or a different form.

President Teater clarified that a yes vote, cancels the agreement and a no vote, the agreement will remain the same.

Vice President Tarazi asked if staff has a recommendation. Mr. Meadows replied staff does not have a recommendation because at the Tax Incentive Review Council (TIRC) meeting the issues were addressed and the Ashford of Sturbridge have resolved those issues. The City provided no recommendation since they have since come into compliance and Mr. Meadows commented that he is comfortable that they can maintain compliance or they will be in the same position next year.

Mr. Hartmann clarified a yes vote terminates the agreement. President Teater stated there are two issues, one being the reporting issues, which was in the original agreement and they seem to be in compliance now. He commented that the City has heard of some care issues at the facility, which has been discussed and cancelling this agreement will not, in any way, improve or change that care.



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STATUS: Defeated (2-4)
AYES: Les Carrier, Tina Cottone
NAYS: Andy Teater, Omar Tarazi, Peggy Hale, Pete Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-26 was defeated and the CRA with the Ashford of Sturbridge will remain

22-30 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

No one spoke for or against Ordinance 22-30 at the Public Hearing.

STATUS: Adopted (6-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-30 passed and will take effect at the earliest time allowable by law.

22-31 REZONING ±0.195-ACRE OF LAND LOCATED AT THE SOUTHWEST CORNER OF CEMETERY ROAD AND LACON ROAD FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD) AS PART OF THE "CEMETERY ROAD PROPERTIES LOCATED BETWEEN LEAP AND LACON ROADS" PUD CONCEPT PLAN AND TEXT.

No one spoke for or against Ordinance 22-31 at the Public Hearing.

STATUS: Adopted (6-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-31 passed and will take effect at the earliest time allowable by law.

22-32 ENACTING CHAPTER 757 OF THE CITY'S CODIFIED ORDINANCES REGARDING TOBACCO RETAIL LICENSES AND AMENDING EXHIBIT A TO CHAPTER 190 FOR A TOBACCO RETAIL LICNESE FEE.

No one spoke for or against Ordinance 22-32 at the Public Hearing.

Ms. Steele requested that the second reading/public hearing on this ordinance be postponed to October 10, 2022. She stated that this is a unique ordinance because it involves Franklin County Public Health and noted the Franklin County Prosecutor, Civil Division also has to approve the language. Ms. Steele reported there is one final piece of wording that the City has not received final approval from them and is why she is requesting to postpone the second reading/public hearing because it would be better to receive confirmation on that wording before passing.

Mr. Carrier, seconded by Ms. Hale, moved to postpone Ordinance 22-32 to October 10, 2022, by Voice Vote.



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STATUS:	Postponed to October 10, 2022
MOVER:	Les Carrier
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

FIRST READINGS

22-33 AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND APPROPRIATING FUNDS FOR THE VICTIM ADVOCATE POSITION.

Ms. Lemmon explained that they are proposing three changes to the salary ordinance: adding a new position (Victim Advocate) and appropriating that position for 2022; a job title change of the Human Resource Manager position; and removing the existing City Arborist and Forester job title. These services will continue under the Operations Division but the job title is no longer needed. She noted currently the City has two employees who are certified as arborists and waiting on two others to get certified. Mr. Marsh asked if these job titles could remain for future needs. Ms. Lemmon replied that she discussed that with the Division and they were confident that the job title is no longer needed. Mr. Marsh stated that if the City was at a point where there is no one to fill that position, he would prefer it remain so that it would be easier to hire someone.

Ms. Hale asked if the pay grade remains the same with the title change. Ms. Lemmon replied the pay grade would remain the same.

Mr. Marsh moved to keep the Arborist/Forester position to be filled in the future. No one seconded and the motion was not considered. Ms. Crandall reported the City would put that in a job description and would recruit someone who is a forester or arborist.

STATUS:	First Reading
SPONSOR:	Les Carrier
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

President Teater announced the second reading/public hearing will be October 10, 2022.

22-34 REZONING 6± ACRES OF LAND LOCATED ON THE EAST SIDE OF COSGRAY ROAD APPROXIMATELY 2,300 FEET SOUTH OF HAYDEN RUN ROAD FROM R-R, RURAL RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT ("PUD"), TO BE KNOWN AS THE PARKVIEW PRESERVE DEVELOPMENT.

Mr. Talentino reported that this property is immediately north of the Bo Jackson facility, which was annexed to the City earlier this year and assigned a Rural Residential (RR) zoning classification. He noted the owners would like to create a Planned Unit Development (PUD) to create a maximum of three parcels and there is a wooded area to the eastern third of the property that they want to maintain as a reserve area. Mr. Talentino stated the Planning Commission (PC) thought that the PUD zoning would be the most appropriate because it allows for additional standards and allows for the three lots.

Minutes Acceptance: Minutes of Sep 26, 2022 7:00 PM (Approval of Minutes)



STATUS: First Reading
SPONSOR: Les Carrier
SECONDER: Omar Tarazi
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced the second reading/public hearing will be October 10, 2022.

22-35 AMENDING CHAPTER 1121 OF THE CITY’S CODIFIED ORDINANCES TO UPDATE DEFINITIONS AND STANDARDS FOR PRIVATE SWIMMING POOLS AND TO AMEND REQUIREMENTS FOR PRIVATE SWIMMING POOL BARRIERS.

Mr. Combs stated this ordinance modifies the Zoning Code to update some standards for the definitions of swimming pools and the associated fence and cover requirements.

President Teater asked what assurances are in place that a lockable cover is used when it should be covered. Mr. Combs replied there are provisions in the Code but nothing that states they will be covered all of the time, which is the same as having a lock on a fence that is not closed or locked. He added it is up to the home owner. He mention that a variety of pool installation companies state the industry standards for pool cover designs on the market today can hold up to 2,000 pounds or more. Mr. Combs added that in terms of insuring the covers are sufficient enough, the City looks at industry standards and they must meet the safety certification when it is submitted for a zoning certificate.

STATUS: First Reading
SPONSOR: Peggy Hale
SECONDER: Omar Tarazi
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced the second reading/public hearing will be October 10, 2022.

22-36 AMENDING THE CITY’S OPERATING BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR FUEL PURCHASES FOR THE PERIOD ENDING DECEMBER 31, 2022.

Mr. Lester stated this ordinance amends the 2022 Operating Budget to appropriate an additional \$150,000.00 for fuel purchases for the remainder of 2022. He noted staff has seen an increase in fuel prices this year and anticipate an increase in usage going into the leaf collection and snow and ice control seasons.

STATUS: First Reading
SPONSOR: Pete Marsh
SECONDER: Omar Tarazi
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced the second reading/public hearing will be October 10, 2022.

B. Resolutions

22-R-72 A RESOLUTION APPROVING THE 2022 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL ("TIRC") FOR THE REVIEW OF COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING PROJECTS

Mr. Meadows stated that since the City opted to continue with the Ashford at Sturbridge agreement, this needs to be amended to accept all of the TIRC recommendations except for the Ashford of Sturbridge recommendation to cancel.

Minutes Acceptance: Minutes of Sep 26, 2022 7:00 PM (Approval of Minutes)



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Vice President Tarazi, seconded by Ms. Hale, moved to reconsider 22-R-72 that was postponed on September 12, 2022 by voice vote.

STATUS:	Approved (6-0)
MOVER:	Omar Tarazi
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

President Teater, seconded by Ms. Hale, moved to amend 22-R-72 to accept the TIRC recommendations except for the recommendation to cancel the Ashford at Sturbridge agreement.

STATUS:	Approved (6-0)
MOVER:	Andy Teater
SECONDER:	Peggy Hale
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

STATUS:	Adopted (6-0)
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

President Teater announced 22-R-72 passed and will take effect at the earliest time allowable by law.

22-R-75 APPROVING COUNCIL APPOINTMENTS TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.

President Teater, seconded by Mr. Marsh, moved to amend 22-R-75 to appoint John McNamara to the two-year term and Meredith Bembenic to the partial term on the ESC.

STATUS:	Approved (6-0)
MOVER:	Andy Teater
SECONDER:	Pete Marsh
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

STATUS:	Adopted as Amended (6-0)
MOVER:	Pete Marsh
SECONDER:	Tina Cottone
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED:	Cynthia Vermillion

President Teater announced 22-R-75 passed and will take effect at the earliest time allowable by law.

22-R-76 AMENDING THE 2022 STREET MAINTENANCE AND REHABILITATION PROGRAM (SMRP) CONTRACT TO AUTHORIZE ADDITIONAL WORK.

Mr. Lester stated this legislation amends the 2022 SMRP contract to add alternates 1, 3 and 4 and includes funding for ODOT 101G contract, which allows for specialized surface treatments. He noted the

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amendment does not increase the total funding that was previously approved for this project. He reported staff and Strawser Paving collectively found a difference in the electronic bid tabulation for this project.

STATUS: Adopted (6-0)
MOVER: Tina Cottone
SECONDER: Peggy Hale
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-76 passed and will take effect at the earliest time allowable by law.

22-R-77 AUTHORIZING THE CITY MANAGER TO EXTEND THE REAL ESTATE OPTION AGREEMENT WITH THE HILLIARD DEVELOPMENT CORPORATION FOR THE SALE OF 6248 ROBERTS ROAD.

Mr. Meadows reported a year ago Council authorized a real estate option for 6248 Roberts Road. The Hilliard Development Corporation (HDC) had to proceed with getting a property survey, going through the easements and rezoning, which was accomplished over the summer.

STATUS: Adopted (6-0)
MOVER: Les Carrier
SECONDER: Pete Marsh
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-77 passed and will take effect at the earliest time allowable by law.

22-R-78 AUTHORIZING THE CONDITIONAL USE FOR INDOOR RECREATIONAL USES AT 5460 FRANKLIN STREET WITHIN THE OH-MD, OLD HILLIARD DOWNTOWN MIXED USE ZONING DISTRICT.

Mr. Cole Antle, Westwood Collective, spoke in favor of 22-R-78.

Mr. Combs explained that this is a conditional use request for 5460 Franklin Street. The property is zoned Old Hilliard Mixed Use District and as required in that District requires a conditional use for indoor recreation. The proposal is two golf simulators with a lounge space and restrooms.

STATUS: Adopted (6-0)
MOVER: Peggy Hale
SECONDER: Tina Cottone
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-78 passed and will take effect at the earliest time allowable by law.

22-R-79 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 1 OF THE HILL FARM DEVELOPMENT.

Mr. Combs stated this is the first in a series of plats for the Hill Farm HCD. The first one is 31 lots on 20,373 acres (southeast corner of the development) located at the corner of Elliot and Scioto Darby Creek Roads.

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STATUS: Adopted (6-0)
MOVER: Pete Marsh
SECONDER: Tina Cottone
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-79 passed and will take effect at the earliest time allowable by law.

22-R-80 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 2 OF THE HILL FARM DEVELOPMENT.

Mr. Combs reported this is the second phase and consists of 32 lots on 19.893 acres and located to the west of Scioto Darby Creek Road.

STATUS: Adopted (6-0)
MOVER: Tina Cottone
SECONDER: Pete Marsh
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-80 passed and will take effect at the earliest time allowable by law.

22-R-81 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 1 PHASE 3 OF THE HILL FARM DEVELOPMENT.

Mr. Combs reported this consists of 35 lots on 18.591 acres and located on the western edge of the development.

STATUS: Adopted (6-0)
MOVER: Tina Cottone
SECONDER: Pete Marsh
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh
EXCUSED: Cynthia Vermillion
 President Teater announced 22-R-81 passed and will take effect at the earliest time allowable by law.

PRESIDENT'S COMMUNICATION - None

STAFF REPORTS

Ms. Crandall asked if approval of plats could be placed on the Consent Agenda since they are routine and rarely controversial. She noted that if Council did have a question or wanted discussion, they could remove the item from the Consent Agenda. President Teater replied that he does not have an issue with putting these on the Consent Agenda portion of the agenda.

CITY MANAGER UPDATES - None
ITEMS FOR COUNCIL DISCUSSION - None

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

Minutes Acceptance: Minutes of Sep 26, 2022 7:00 PM (Approval of Minutes)



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

ADJOURNMENT – 7:55 PM

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Sep 26, 2022 7:00 PM (Approval of Minutes)

Council Memo: Legislation (22-32)

Subject: Enacting Chapter 757 - Tobacco Retail License Program
From: Michelle Crandall, City Manager
Initiated by: Dawn Steele, Staff Attorney/Prosecutor
Date: October 10, 2022

Executive Summary

Although State and Federal efforts have raised the legal age for nicotine products from 18 to 21 in recent years, they did not provide communities with a comprehensive compliance program to hold retailers accountable for selling to youth. Staff believes enacting a Tobacco Retail License (TRL) Program will provide a compliance program in our community to monitor tobacco and electronic smoking sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations. The focus of this legislation would be to hold retailers accountable, not the clerk or the youth buyer.

Staff Recommendation

Staff is recommending Council adopt Chapter 757 Tobacco Retail License and grant authority to enter into a contract with Franklin County Public Health (FCPH) to serve as the licensing agent to process applications and perform compliance checks on behalf of the City.

Background

Staff previously presented Council with general information about Tobacco Retail License (TRL) Programs and the potential benefits at a workshop session. Council directed Staff to work with FCPH towards developing a TRL program and present legislation for further consideration when it was ready. Staff has had met internally and with FCPH many times over the last several months to prepare a TRL proposal that would best fit the needs of Hilliard. On August 9, 2022, the Franklin County Board of Health passed a Resolution authorizing its staff to enter into a contract with Hilliard to provide TRL licensing agent services. If City Council passes the proposed legislation and grants authority to enter into a contract with FCPH, the City will be able to implement a well-planned TRL Program at the earliest time allowed by law.

Financial Impacts

The TRL program would be funded by grants FCPH has already received to enforce these types of programs, the annual license fee, and the civil penalty fines assessed for violations - meaning no cost to the City for implementation.

Expected Benefits

A TRL program would provide an effective enforcement mechanism to monitor retailers and hold them accountable if they sell to youth. Research shows reducing access and sales to youth greatly decreases the number of youth that begin tobacco and vaping use in the community. In addition to a monitoring mechanism, it would prohibit new tobacco retailers from opening within 1,000 feet of youth-oriented facilities to help limit exposure and access.

Attachments

- Exhibit A – New Chapter 757
- Exhibit B – Amendments to Chapter 190



Ordinance: 22-32

Passed:

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Effective:

ENACTING CHAPTER 757 OF THE CITY'S CODIFIED ORDINANCES REGARDING TOBACCO RETAIL LICENSES AND AMENDING EXHIBIT A TO CHAPTER 190 FOR A TOBACCO RETAIL LICENESE FEE.

WHEREAS, the City of Hilliard is dedicated to promoting and supporting the health and wellbeing of its residents; and

WHEREAS, there has been a dramatic increase in the use of electronic smoking devices and vaping products, and by the passage of Ordinance No. 22-21, City Council adopted legislation prohibiting that these products cannot be sold to person under twenty-one (21) years of age; and

WHEREAS, in addition to raising the purchasing age, City staff has worked with Franklin County Public Health to adopt a Tobacco Retail License Program (the "Program"); and

WHEREAS, the desires to appoint Franklin County Public Health as its licensing agent for the Program; and

WHEREAS, the City of Hilliard is a home-rule charter municipality pursuant to Article XVIII, Section 7 of the Ohio Constitution, which enables the City to have and exercise all powers of local self-government under the Constitution and laws of the State of Ohio.

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

SECTION 1. Council finds that enacting Chapter 757 of the City's Codified Ordinances, as identified in Exhibit A, **attached** hereto and incorporated herein, promotes the general health, safety, and welfare of the City of Hilliard and its residents.

SECTION 2. Exhibit A to Chapter 190 is amended to adopt an application fee for a Tobacco Retail License, as identified in Exhibit B, attached hereto and incorporated herein.

SECTION 3. City Council here authorizes the City Manager to enter in to a contract with Franklin County Public Health to be its licensing agent for the Tobacco Retail License Program.

SECTION 4. The Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 5. To the extent that grant funds, publications and/or proceeds from fines is available, the City of Hilliard may engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to persons affected by it, and to guide proprietors in their compliance with it.

SECTION 6. 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

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
 Director of Law

✓ Vote Record - Ordinance 22-32						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

Chapter 757 Tobacco Retail License

757.01 Definitions

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) *Compliance Check* means the system that the ~~City uses~~City uses to conduct store audits, investigate and ensure compliance with the requirements of this Chapter or the system that Franklin County Public Health uses to conduct store audits to ensure compliance with the requirements of this Chapter.
- (b) *Delivery Sale* means the sale of any tobacco or electronic smoking device or product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a licensed retail establishment. Delivery Sale includes, but is not limited to, the sale of any tobacco or electronic smoking device of product conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery Sale includes delivery by licensees or third parties by any means, including curbside pick-up.
- (c) *Electronic Smoking Device* means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- (d) *Moveable Place of Business* means any form of business that is operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
- (e) *Person* means any natural person.
- (f) *Purchaser* means any person who obtains or attempts to obtain a tobacco product or electronic smoking device.
- (g) *Sale* means any transfer of good for money, trade, barter, or other consideration.
- (h) *Self-Service Display* means any display from which customers may select a tobacco produce or electronic smoking device with assistance from the tobacco retailer or the tobacco retailer's agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer's agent or employee. A vending machine is a form of self-service display.
- (i) *Tobacco Product* means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

- (j) *Tobacco Retail Establishment* means any place of business where tobacco products or electronic smoking devices are available for sale to the general public. The term includes, but is not limited to, grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.
- (k) *Tobacco Retail License* means the license and Certificate of Compliance issued by the City, through Franklin County Public Health as the City's licensing agent, to a Tobacco Retail Establishment.
- (l) *Tobacco Retailer* means any person, partnership, joint venture, society, club, trustee, trust, association, organization or corporation who owns, operates, or manages any tobacco retail establishment. The term does not include non-management employees of any tobacco retail establishment.
- (m) *Vending Machine* means any mechanical, electric or electronic, or other type of device that dispenses tobacco products or electronic smoking devices upon the insertion of money, tokens, or other form of payment into or onto the device by the person seeking to purchase the tobacco product or electronic smoking device.
- (n) *Youth-oriented Facility* means any facility with residents, customer, visitors, or inhabitants of which 25% or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

757.02 License Required

- (a) Each tobacco retailer engaging in the sale of tobacco products, tobacco paraphernalia or electronic smoking devices shall secure and display at all times, a Tobacco Retail License (TRL) Certificate of Compliance issued by Franklin County Public Health under the authority of this Chapter before engaging in or continuing to engage in such business.
- (b) No tobacco retailer shall sell tobacco, tobacco paraphernalia or electronic smoking device products without a valid Tobacco Retail License (TRL) Certificate of Compliance.

757.03 Application for Tobacco Retail Establishment License; Fee

- (a) Application for a Tobacco Retail Establishment License shall be made to Franklin County Public Health, the City's licensing agent.
- (b) The application for a Tobacco Retail License shall be maintained by Franklin County Public Health and available online.
- (c) The applicant shall be required to pay a nonrefundable reasonable fee in an amount set by the City Manager and determined to be sufficient to pay the cost of administering this Chapter. The fee amount shall be listed in Chapter 190 of the City's Codified Ordinances.

757.04 Issuance of Tobacco Retail Establishment License

- (a) Franklin County Public Health shall issue a Tobacco Retail License (TRL) Certificate of Compliance or a renewal of a Tobacco Retail License (TRL) Certificate of Compliance to an applicant pursuant to this Chapter, unless it is found:
 - (1) That the applicant is under 21 years of age;

- (2) That the applicant has had a license to sell tobacco products revoked within the preceding 12 months of the date of the application;
 - (3) The applicant or licensee is giving, selling, or offering to sell cigarettes, other tobacco products, tobacco product paraphernalia and electronic smoking devices by or from a vending machine;
 - (4) That the applicant has failed to post signage as required by this Chapter;
 - (5) That the applicant has outstanding fines pursuant to this Chapter;
 - (6) That the applicant fails to provide any of the information required by 757.03;
 - (7) That the applicant provides false or misleading information;
 - (8) That the applicant was convicted within the past 5 years of any violation of a federal, state, or local law or regulation relating to tobacco products, tobacco product paraphernalia and electronic smoking devices;
 - (9) An order by a court of competent jurisdiction that a tobacco retail location or temporary tobacco retail sales location owned and/or operated by the licensee constitutes a public nuisance;
 - (10) That the applicant or licensee fails to comply with U.S. Food and Drug Administration regulations, Ohio Revised Code, and city codes relating to building, health and fire.
- (b) Franklin County Public Health shall provide the applicant either a TRL Certificate of Compliance or a written statement that the application was denied and the reason thereof. The License or written statement of denial may be provided electronically.
 - (c) Any person who has been denied a TRL Certification of Compliance may appeal such denial in accordance with 757.08.

757.05 License Expiration and Renewal

- (a) Franklin County Public Health shall issue Tobacco Retail Licenses on a calendar year basis (January 1 to December 31) or any part thereof and such license(s) shall expire on December 31 following the date of issuance.
- (b) Each Tobacco Retail Establishment shall apply for a renewal of the Establishment's License with Franklin County Public Health no later than 30 days prior to the expiration of the current License.
- (c) A Tobacco Retail License shall not be transferrable. If the address, ownership, or operation of the Establishment transfers, the License shall automatically expire.

757.06 Requirements for Tobacco Retail Establishment License

Licensed Tobacco Retail Establishments shall comply with the each of the following minimum requirements:

- (a) Prohibit the giving, selling, or offering to sell any tobacco product, tobacco product paraphernalia or electronic smoking device to a person under the age of 21;
- (b) Verify, before distributing any tobacco product, product paraphernalia or electronic smoking device that the purchaser is at least 21 years of age by examining the purchaser's proof of age, except that no such verification is required for a person over the age of 40. "Proof of age" means

a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchase is at least 21 years of age;

- (c) Post a notice at least 14" by 11" in size at any location where tobacco products, tobacco product paraphernalia or electronic smoking devices are available for purchase that states that "This Establishment shall not sell nicotine or tobacco products, including electronic Smoking Devices to person under the age of 21," posted in a conspicuous location, including at each entrance, clearly legible to a person of normal vision, and contain a telephone number for reporting violations;
- (d) Prohibit the sale or furnishing of tobacco products, tobacco product paraphernalia or electronic smoking devices by means of any type of vending machine, self-service display, delivery sales, or by any other means prohibited by federal, state, or other local law.
- (e) Must not be located within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the location of the Tobacco Retail Establishment to the nearest property line of a Youth-Oriented Facility. This restriction does not apply to an applicant who has been licensed to sell tobacco products in the same location for at least one year before the date this section was enacted into law.

757.07 Compliance Checks

- (a) Licensed Tobacco Retail Establishments shall be subject to at least two unannounced Compliance Checks per year to be conducted by Franklin County Public Health.
- (b) Licensed Tobacco Retail Establishments shall be subject to unannounced follow-up Compliance Checks by Franklin County Public Health until compliance is established.
- (c) Compliance Checks may be conducted by the City.
- (d) Compliance Check results shall be published annually by the City and made available by the City or Franklin County Public Health to the public upon request.

757.08 License Denial/Suspension/Revocation Appeal

- (a) When the City or its licensing agent determines to deny a TRL application, or to suspend or revoke a TRL Certificate of Compliance, the city or licensing agent shall notify the applicant or licensee in writing by U.S. mail, electronic mail, by posting in a conspicuous place at the location, or other means reasonably calculated to promptly notify the applicant or licensee.
- (b) Any establishment who has been denied a Tobacco Retail License (TRL) Certificate of Compliance or has had a Tobacco Retail License (TRL) Certificate of Compliance revoked may appeal that decision within five (5) days of the denial or revocation thereof by filing a written statement with Franklin County Public Health Attn: TRL Appeal. The written statement shall include the applicant's full name and contact information (including mailing address, phone number, and e-mail address), shall state the basis for the appeal, and shall include a summary of all relevant facts and circumstances.
- (c) The Franklin County Public Health Commissioner or his/her designee shall review the written statement, set a time and place for an administrative hearing, provide reasonable notice prior to such hearing, and establish the reasonable procedures, therefore. The hearing shall be held within ten (10) days of submitting the written appeal. The Health Commissioner or his/her designee shall issue a decision on whether to grant or deny the TRL Certificate of Compliance and that decision shall be final.

757.09 Severability

In the event any subsection of this Chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional

757.99 Enforcement and Appeals

- (a) The City shall have authority to implement and enforce all provisions of this Chapter. Franklin County Public Health, as the City's licensing agent, shall have authority to conduct Compliance Checks and all licensing functions.
- (b) "Violation" including violation of 537.16 of the Codified Ordinances or a substantially equivalent offense, does not require that the person has been criminally convicted of the violation of 537.16 of the Codified Ordinances or substantially equivalent offense. The city or its licensing agent may determine that a violation has occurred even if no criminal charge has been filed. Acquittal or dismissal of a charge under 537.16 of the Codified Ordinances or any substantially equivalent offense, shall not necessarily absolve a licensee; 757 is civil in nature, and so the city or its licensing agent may find a violation based upon a preponderance of evidence, rather than proof beyond a reasonable doubt, and are not otherwise required to observe rules of criminal procedure, the exclusionary rule, or confrontation of witnesses;
- (c) Sale of multiple items in violation of 537.16 of the Codified Ordinances or substantially equivalent applicable law, where the sales occur in a single transaction, shall constitute one violation. For example; sale of three packs of cigarettes and a vial of liquid nicotine to a 19-year old in one transaction shall constitute one violation. Sale of one pack of cigarettes to one 19-year old, one pack of cigarettes to the 18-year old next in line, in two transactions, shall constitute two violations.
- (d) In addition to the denial, suspension, or revocation of a license, the city may impose the following civil penalties for violations of 537.16 or any substantially equivalent offense and as a violation of this Chapter:
 - (1) For a first violation, a fine of no less than \$500;
 - (2) For a second violation within a 36-month period, a fine no less than \$750 and the Tobacco Retailer shall be prohibited from distributing tobacco products, tobacco product paraphernalia and electronic smoking devices for a minimum of 7 days;
 - (3) For a third violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products, tobacco product paraphernalia and electronic smoking devices for a minimum of 30 days;
 - (4) For a fourth and any subsequent violation within a 36-month period, a fine no less than \$1000 and the Tobacco Retailer shall be prohibited from distributing tobacco products, tobacco product paraphernalia and electronic smoking devices for a period of three years.
- (e) The penalties associated with a violation of this Chapter are in addition to, not in lieu of, any other penalty applicable under Ohio law or any other legal remedy available to the City.
- (f) It is an affirmative defense for any Tobacco Retailer charged with a violation of this Chapter that a purchaser or recipient exhibited to the tobacco retailer, or to the tobacco retailer's agent,

employee, or representative a valid driver's license or other form of federal or state identification showing that the purchaser was at least 21 years of age at the time of the alleged offense.

- (g) It is not a violation of this Chapter for a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of City staff or authorized contractor agents for training, education, research, or enforcement purposes.
- (h) It is not a violation of this Chapter for a person under the age of 21 to handle tobacco products, tobacco product paraphernalia and electronic smoking devices in the course of lawful employment by a tobacco retailer.
- (i) It is not a violation of this Chapter for a person to purchase tobacco products, tobacco product paraphernalia and electronic smoking devices as a part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (j) *Enforcement Process.* Franklin County Public Health is authorized to do Compliance Checks.
 - (1) If a Compliance ~~Check establishes~~ Check establishes probable cause for violation(s), Franklin County Public Health may take one or more of the following actions to resolve the violation:
 - i. The Franklin County Public Health representative may speak to the Tobacco Retailer and attempt to resolve the matter through discussion and/or request that the Tobacco Retailer work with Franklin County Public Health and the City in regards to the issue. The Tobacco Retailer shall be audited for compliance again as soon as practical.
 - ii. Franklin County Public Health may also send a certified letter to the Tobacco Retailer at the address listed on the TRL Certificate of Compliance. The letter shall cite the section number of the code that is being violated and what must be done to bring the establishment into compliance. The letter will be signed by the Franklin County Public Health employee who has direct knowledge of the violation(s). The Tobacco Retailer shall be audited for compliance again as soon as practical.
 - iii. If the Tobacco Retailer has not brought the establishment into compliance with this Chapter within a reasonable amount of time, Franklin County Public Health shall refer the violation(s) to the Law Department to issue a civil penalty.
 - (2) Notwithstanding the above, if a Compliance Check established probable cause for selling to an underage person, Franklin County Public Health ~~may shall~~ refer ~~a the~~ violation(s) to the City's Law Department to issue a civil penalty.
- (k) When the City determines to issue a civil penalty for a violation, the city shall notify the violator in writing by U.S. mail, electronic mail, by posting in a conspicuous place at the location, or other means reasonably calculated to promptly notify the violator.
- (l) The City shall not be required to conduct an evidentiary hearing prior to issuing a civil penalty.
- (m) The violator may file a written notice of appeal with the city within 14 days of the date the civil penalty was issued. The civil penalty shall take effect following the expiration of time to file the notice of appeal provided herein.
- (n) The appeal of a civil penalty shall be heard by the City Manager, or his/her designee.

- (o) During any appeal of a civil penalty under this section, the burden of proof by preponderance of the evidence shall be upon the city. The hearing shall be recorded and exhibits marked to create a record for use in further appeal provided, however, that transcripts need not be ordered unless a notice of appeal to the Court of Common Pleas or Franklin County Municipal Court Environmental Division has been timely filed under R.C. Chapter 2506.
- (p) The City Manager or his/her designee hearing an appeal under this section shall rule on all preliminary and evidentiary matters, and in doing so shall not be strictly bound by the Rules of Evidence, the Rules of Civil Procedure, or the Rules of Appellate Procedure. The hearing officer may establish time limits for the presentation of evidence, determine any non-dispositive preliminary motions, and may continue any hearing on the motion of a party or on its own motion.
- (q) Appeals from decision under division (p) of this section shall proceed according to R.C. Chapter 2506.
- (r) *Legal Action.* The City may bring legal action to address any violation of this code, any enforcement order, any term or condition of a conditional use, site plan approval, variance or other entitlement issued by the City, or to collect unpaid fines.

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

EXHIBIT A FEES

DIVISION	PERMIT TYPE	DESCRIPTION		FEE
COUNCIL	ANNEXATION	Annexation Review - >25 acres	pymt. due prior to any	\$750.00
COUNCIL	ANNEXATION	Annexation Review - >ten acres but ≤ 25 acres	pymt. due prior to any	\$625.00
COUNCIL	ANNEXATION	Annexation Review - Less than ten acres	pymt. due prior to any	\$500.00
Council	Business License	Tobacco Retail License		\$500.00

(Res. 08-R-41. Passed 12-8-08; Ord. 09-63. Passed 12-21-09; Ord. 10-14. Passed 3-22-10; Ord. 10-29. Passed 8-23-10; Ord. 12-22. Passed 5-14-12; Res. 16-R-44. Passed 2-27-17; Res. 18-R-42. Passed 6-25-18; Ord. No. 19-19. Passed 9-23-19; Ord. No. 21-01 , § 1(Exh. A), 2-8-21; Ord. No. 21-13 , § 3(Exh. B), 4-26-21.)

Council Memo: Legislation (22-33)

Subject: Amending Section 127.04
From: Michelle Crandall, City Manager
Initiated by: Colleen Lemmon, Chief People Officer/HR
Date: October 10, 2022

Executive Summary

This ordinance would amend the current salary ordinance to reflect personnel changes.

Staff Recommendation

Staff recommends approval of the proposed changes:

- Changing the Pay Grade of Deputy Chief of Police to Pay Grade K
- Adding the Victim Advocate position to Pay Grade F;
- Changing the Job Title of Human Resources Manager to Human Resources Generalist;
- Removing City Arborist/Forester from the salary ordinance: and

Background

The following is a background of the proposed changes:

The Deputy Chief of Police position is currently in Pay Grade J. Moving this position to a higher pay grade (K) would be comparable to other Deputy Chief/ Assistant Chief positions in similar agencies.

The Victim Advocate position was presented to Council in the Council of the Whole meeting on September 12, 2022. Staff is recommending an additional full-time position to provide these services instead of continuing to contract out this service. If approved, the City would continue to have the selected cities enter into a shared services contract. These contracts would be finalized before the position would be filled.

On February 14, 2022, Council approved legislation to add a Human Resources Manager position in salary ordinance. Recruitment was delayed on this position until the current Chief People Officer/ Human Resources Director was hired. Staff is recommending a change of the job title to Human Resources Generalist to meet the needs of the department and assist in recruitment efforts.

The employee who was the City Arborist/Forester was recently promoted to Operations Administrator. In review of department's structure, there is no longer a need for this job title to be in the salary ordinance. There are several Maintenance Technicians that are in the process of becoming a Certified Arborist. After this process, there should be four employees that are certified.

Financial Impacts

There will not be an immediate financial impact changing the pay grade of the Deputy Chief of Police position. In the future, the employee would be eligible to receive merit increases. The pay range of K is \$100,000- \$145,000.

The financial impact of adding the Victim Advocate position is estimated at \$32,000. It is anticipated that the \$70,000 salary would be entirely covered by contracts with other suburban jurisdictions. The \$32,000 that Hilliard would pay is for the benefits package. Grant funding is anticipated which will assist in the City's costs.

There are no anticipated financial impacts with changing the job title of Human Resources Manager or removing City Arborist/Forester from the salary ordinance.

Expected Benefits

Changing the pay grade of the Deputy Chief of Police to a K would allow this position to be in a similar pay range compared to surrounding agencies.

Adding the Victim Advocate as a full-time position would allow Hilliard to recruit and retain a highly skilled person, have stability in a role important to providing support to victims of violence, and enable the City to seek grant funding opportunities.

Changing the job title of the vacant position in Human Resources will allow the department to attract a candidate to meet the needs of the City.

The job title of City Arborist/Forester is no longer needed in the salary ordinance. These services will continue to be provided by the department.

Attachments

- Victim Advocate Statistics Chart
- Exhibit A. Amendments to Salary Ordinance (This exhibit was updated to reflect the proposed changes)

JURISDICTION	2018 # CASES	2018 \$ PAID	2019 # CASES	2019 \$ PAID	2020 # CASES	2020 \$ PAID	2021 # CASES	2021 \$ PAID	2022 # CASES 8/2	2022% AS OF 8/2	2021%	4 year AVG	3 year AVG	2 year AVG	%	70K Salary	Requests	102K Value	Less Jurisdictions				
Hilliard	56	\$7,000.00	66	\$8,250.00	64	\$8,000.00	67	\$8,375.00	89	15%	12%	\$7,906.25	14%	\$8,208.33	14%	\$8,187.50	13%	15%	\$10,500.00	Benefits Package	\$15,300.00	\$2,350.00	
Grove City	126	\$15,750.00	145	\$18,125.00	153	\$19,125.00	177	\$22,125.00	149	25%	32%	\$18,781.25	34%	\$19,791.67	34%	\$20,625.00	34%	30%	\$21,000.00	\$22,725.00	\$30,600.00	\$23,375.00	
Dublin	59	\$7,375.00	61	\$7,625.00	68	\$8,500.00	88	\$11,000.00	70	12%	16%	\$8,625.00	16%	\$9,041.67	15%	\$9,750.00	16%	15%	\$10,181.82	\$11,000.00	\$14,836.36	\$11,600.00	
Grandview Heights	8	\$1,000.00	9	\$1,125.00	9	\$1,125.00	9	\$1,125.00	15	3%	2%	\$1,093.75	2%	\$1,125.00	2%	\$1,125.00	2%	2%	\$1,400.00	\$1,500.00	\$2,040.00	\$1,600.00	
Obetz	35	\$4,375.00	16	\$2,000.00	17	\$2,125.00	32	\$4,000.00	25	4%	6%	\$3,125.00	6%	\$2,708.33	5%	\$3,062.50	5%	5%	\$3,702.48	\$3,500.00	\$5,395.04	\$4,200.00	
Reynoldsburg	62	\$7,375.00	135	\$16,435.00	121	\$14,675.00	187	\$22,925.00	242	41%	33%	\$15,352.50	29%	\$18,011.67	31%	\$18,800.00	31%	30%	\$21,000.00	\$22,700.00	\$30,600.00	\$22,925.00	
Rey - Parking Pass		\$450.00		\$450.00		\$450.00		\$450.00				\$450.00		\$450.00		\$450.00				\$450.00		\$450.00	
TOTAL	346	\$43,325.00	432	\$54,010.00	432	\$54,000.00	560	\$70,000.00	590			\$55,333.75		\$59,336.67		\$62,000.00							
COULD KEEP																							
Groveport	28	n/a	21	n/a	27	n/a	25	\$3,125.00	25	4%						\$2,892.56	\$3,125.00	\$4,214.88		\$3,500.00			
Bexley	15	n/a	9	n/a	9	n/a	2 est. 10	\$1,250.00	15	2%						\$1,157.02	\$1,500.00	\$1,685.95					
New Albany	2	n/a	3	n/a	9	n/a	13 est. 10	\$1,250.00	31	5%						\$3,500.00	\$3,500.00	\$5,100.00					
NEW TOTAL	391	\$48,875.00	465	\$58,125.00	477	\$59,625.00	605	\$75,625.00	71							\$75,333.88	\$70,000.00	\$102,000.00		\$70,000.00		\$70,000.00	
COULD ADD																							
Upper Arlington	7	n/a	9	n/a	7	n/a	10	n/a															
Canal Winchester	5	n/a	6	n/a	8	n/a	15	n/a															
Minerva Park	3	n/a	2	n/a	1	n/a	1	n/a															
Westerville	23	n/a	30	n/a	30	n/a	50	n/a															
NEW TOTAL	429	\$53,625.00	512	\$64,000.00	523	\$65,375.00	676	\$84,500.00									\$75,333.88	\$70,000.00	\$109,772.23		\$70,000.00		\$70,000.00

These are # of Domestic Violence case filed in FCMC. Except for Reynoldsburg, Cindi provides Victim Advocate services for additional cases such as Aggravated Menacing, Menacing, Menacing by Stalking, Criminal Damaging & Violation of Protection Orders so these numbers are low.

**Cindi's current rate is \$125/case flat rate. "TOTALS" are calculated based upon that rate.

***Reynoldsburg currently pays \$450/year for parking pass in advance and gets deducted from her pay.

****Hilliard will provide a benefits package worth ~\$32,000.

*****Number is high because more than DVs included.

Attachment: Victim Advocate Statistics 2018-8-2.2022.xlsx (22-33 : Amending Section 127.04)



Ordinance: 22-33

Passed:

Page 1 of

Effective:

AMENDING SECTION 127.04 OF THE CITY'S CODIFIED ORDINANCES TO REFLECT PERSONNEL CHANGES AND APPROPRIATING FUNDS FOR THE VICTIM ADVOCATE POSITION.

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

WHEREAS, the City Manager desires to amend Section 127.04 to add an additional full-time non-union position, change a job title and remove a job title that is no longer in use; and

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

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

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

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

SECTION 3. An appropriation in the amount of \$25,000 is authorized from Fund 101, Object 51 to fund the Victim Advocate position for the remainder of 2022.

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-33						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Passed	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

127.04 NON-UNION COMPENSATION PLAN.

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

Full-Time Non-Union Employees

Pay Grade	Position	Department	Salary Range
K	Economic Development Director	Economic Development	\$100,000 - \$145,000
	Chief Information Officer (CIO)	Information Technology/GIS	
	Operations Director	Operations	
	Recreation & Parks Director	Recreation & Parks	
	Deputy Chief of Police	Police	
J	Planning Director	Community Development/Planning	\$90,000 - \$135,000
	Transportation/Mobility Director	Community Development/Transportation	
	City Engineer/Engineering Director	Community Development/Engineering	
	Building Standards Director/CBO	Community Development/Building Standards	
	Human Resources Director	Human Resources	
	Community Relations Director	Community Relations	
	Deputy Chief of Police	Police	
I	Deputy Director of Recreation and Parks	Recreation & Parks	\$85,000 - \$127,000
	Deputy Finance Director	Finance	
H	Fiscal Officer	Finance	\$76,000 - \$111,000
	GIS Administrator	Information Technology/GIS	
	IT Administrator	Information Technology/GIS	
G	Clerk of Council	City Council	\$70,500 - \$104,500
	Project Engineer	Community Development/Engineering	
	Transportation Project Engineer	Community Development/Transportation	
	Staff Attorney	Law	
	Staff Attorney/Prosecutor	Law	
	Human Resources Manager Generalist		
F	Operations Administrator	Operations	\$64,000 - \$95,000
	Recreation Program Manager	Recreation & Parks	
	Downtown Manager	Economic Development	
	Recreation Program Manager	Recreation & Parks	
	Transportation Asset Manager	Community Development/Transportation	
	Victim Advocate	Law	
E	Community Relations Administrator	Community Relations	\$58,000 - \$85,000
	City Arborist/Forester (City Forester)	Operations	

	Clerk of Court	Law	
	Operations Supervisor	Operations	
	Construction Inspector	Community Development/Engineering	
	Electrical Inspector	Community Development/Building	
	Building Inspector	Community Development/Building	
	Police Support Service Supervisor	Police	
	Professional Standards Administrator	Police	
	Planning Manager	Community Development/Planning	

Council Memo: Legislation (22-34)

Subject: Rezoning Property along Cosgray Road to a PUD
From: Michelle Crandall, City Manager
Initiated by: John Talentino, City Planner
Date: October 10, 2022

Executive Summary

This is a request to rezone the residential property on the east side of Cosgray Road just north of the Bo Jackson Sports Facility from R-R, Rural Residential District to PUD, Planned Unit Development District for the creation of a residential development consisting of three lots and a wooded reserve area. The rezoning, if approved, would result in the creation of the Parkview Preserve PUD.

Staff Recommendation

Staff recommends that the proposed rezoning be approved to provide for the orderly residential development of this recently annexed property. The proposed rezoning will allow for the construction of three single-family dwellings that will preserve the rural setbacks and character of this portion of Cosgray Road.

Background

In January of 2022, City Council annexed the 6-acre property through the adoption of Ordinance No. 22-02. As part of the annexation, the property was placed into the R-R, Rural Residential District as a holding zone. The property owners are requesting the rezoning of the property and creation of a development plan and text that would permit the development of the property into three residential lots. The existing woodlot and barn would be retained within an open space reserve as part of the development. On September 8, 2022, the Planning and Zoning Commission approved the rezoning request 6-0. A positive recommendation is being forwarded to City Council for final disposition.

Financial Impacts

Approval of the rezoning request has no financial impact.

Expected Benefits

The proposed rezoning will allow for the orderly development of the property and preserve the existing woodlot on the property as a reserve area.

Attachments

- Planning and Zoning Commission Record of Action (September 8, 2022)
- Planning and Zoning Commission Staff Report (September 8, 2022)
- Exhibit A: Site Map
- Exhibit B: Proposed PUD Concept Plan
- Exhibit C: Proposed PUD Development Text

RECORD OF ACTION



Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, September 8, 2022 | 7:00 pm

CASE 6: PZ-22-48 – PARKVIEW RESERVE PUD – 4702 Cosgray Road

PARCEL NUMBER: 050-011790

APPLICANT: Kristin & Timothy Donnell, Jenna & Keith Caldwell, and Sarah & Bailey Alexander; c/o Ryan Kolb, Kolb Krenzle, 6375 Riverside Drive, Suite 75, Dublin, OH 43017.

REQUEST: Review & approval of a rezoning application in accordance with Hilliard Code Chapter 1117 from R-R, Rural Residential District, to PUD, Planned Unit Development District, for the creation of 3 single family lots and one reserve on 5.99 acres.

The Planning and Zoning Commission took the following action at this meeting:

MOTION:

Ms. Nixon made a motion to approve a rezoning application in accordance with Hilliard Code Chapter 1117 from R-R, Rural Residential District, to PUD, Planned Unit Development District, for the creation of 3 single family lots and one reserve on 5.99 acres with the following four conditions:

- 1) That the plans and text are revised consistent with the staff recommendations;
- 2) That cross access easements meeting the requirements of the Law Director are recorded; and
- 3) That the plans and text are revised consistent with the conditions listed above prior to this application being scheduled on a Council agenda; and
- 4) That the fence code be met.

Chairman Muether seconded the motion.

VOTE:

Chairman Muether	Yes
Vice Chair Schneck	Yes
Mr. Gutknecht	Yes
Mr. Lewie	Yes
Ms. Nixon	Yes
Mr. Pannett	Yes
Mr. Uttley	Excused

STATUS:

Case #6 PZ-22-48 – Parkview Reserve PUD was approved (6-0) with four conditions. A positive recommendation will be forwarded to City Council.

CERTIFICATION:



 Carson Combs, Planning Manager/Acting Clerk
 September 9, 2022

[END OF RECORD]

Attachment: PlanningAndZoningCommissionRecordOfAction-9-8-22 (22-34 : Rezoning Property along Cosgray Road to a PUD)

CASE 6: PZ-22-48 – PARKVIEW RESERVE PUD – 4702 Cosgray Road**PARCEL NUMBER:** 050-011790**APPLICANT:** Kristin & Timothy Donnell, Jenna & Keith Caldwell, and Sarah & Bailey Alexander; c/o Ryan Kolb, Kolb Krenzel, 6375 Riverside Drive, Suite 75, Dublin, OH 43017.**REQUEST:** Review & approval of a rezoning application in accordance with Hilliard Code Chapter 1117 from R-R, Rural Residential District, to PUD, Planned Unit Development District, for the creation of 3 single family lots and one reserve on 5.99 acres.**BACKGROUND:**

The site is 5.99 acres located on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road. On February 24, 2022, the site was annexed into the City of Hilliard and assigned a zoning classification of R-R. (Ordinance 22-02). The applicant is now requesting approval of an application to rezone 5.99 acres from R-R, Rural Residential, to PUD, Planned Unit Development for the creation of 3 single-family lots.

COMMISSION ROLE:

The Commission is to review the proposal for conformance to the provisions of the Hilliard Comprehensive Plan, and Hilliard Code Chapter 1117. Following a recommendation by the Commission, an ordinance for the proposed PUD Concept Plan will be forwarded to City Council for review and approval.

STAFF RECOMMENDATION:

The Hilliard Comprehensive Plan recommends the site and surrounding properties for Medium Density Residential land uses. Staff finds that the proposed layout, uses, and standards referenced in the proposed text would promote a residential character which could be harmonious with surrounding properties. Staff finds that the proposed PUD zoning is consistent with the purposes for planned unit development. Based on these findings, staff recommends that the Commission forwards a positive recommendation to City Council concerning the proposed PUD Concept Plan with the following 3 conditions:

- 1) That the plans and text are revised consistent with the staff recommendations listed below in bold type in the staff report;
- 2) That cross access easements meeting the requirements of the Law Director are recorded; and
- 3) That the plans and text are revised consistent with the conditions listed above prior to this application being scheduled on a Council agenda.

CONSIDERATIONS:

- The site is zoned R-R. Permitted uses in this zoning district include single-family dwellings and public parks/playgrounds, recreation areas, and ball fields. Conditional uses include farms; farm markets; greenhouse/nursery (not including retail sales); cemeteries; government offices, buildings, and facilities; libraries; places of worship; public and private schools; art, music, and dance studios; and bed and breakfast. To the north and east are residential properties within Norwich Township. To the west, across Cosgray Road, is Homestead Park zoned S-1, Support Facilities District. To the south is the Bo Jackson Elite Sports facility zoned S-1. The site has an existing 1,920-square-foot garage building which is set back approximately 500 feet from the Cosgray Road right-of-way line. The eastern portion of the site is wooded. There are no existing sidewalks along Cosgray Road on the site or adjacent properties to the north and south.

Comprehensive Plan Issues

- The Hilliard Comprehensive Plan recommends the site for Medium Density Residential uses with 2 to 6 dwelling units per acre. These areas are appropriate for a variety of dwelling types within close proximity to existing or planned roadways and utilities. Streets should include sidewalks and street trees, and be designed to promote a walkable environment. Developments should provide distinct public places within a half-mile walk of all dwellings, and well planned parks and open spaces all within a quarter-mile walk of all dwellings. Developments should include a range of housing options and price points, including single-family, condominiums, and even townhouse rental units.
- The Thoroughfare Plan classifies Cosgray Road as a Major Arterial (four-lane roadway with two through lanes in each direction and with a barrier center median and with separate left turn lanes at driveway and intersections) with a recommended minimum right-of-way width of 120 feet. The plans show the current right-of-way line is 30 feet from centerline along the site's Cosgray Road frontage. An additional 30 feet of right-of-way is needed to conform to the recommendations of the Thoroughfare Plan (60 feet from centerline).

Planned Unit Development District

- In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Hilliard Comprehensive Plan, planned unit development may be permitted as a zoning district to achieve the following purposes:
 - (a) Provide for flexibility in development that will result in a better project for the developer, residents, and users, as well as for the City in general;
 - (b) Preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams, and the like;
 - (c) Accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this Code;
 - (d) Encourage the utilization of open space and the development of recreational amenities generally located within walking distance of all living units;
 - (e) Encourage the use of lands in ways which are most in accord with their character and adaptability; and
 - (f) Encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities, and other land use features.
- The minimum site size for an all non-residential PUD is 10 acres. Sites containing less than the minimum required acreage may be approved by the City Council, if the Council determines that the site will advance the purposes of the PUD District and:
 - 1) Rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
 - 2) The proposed uses will complement the character of the surrounding area;
 - 3) The purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
 - 4) PUD zoning is not being used as a means to circumvent conventional zoning requirements.
 Staff finds that the proposal is consistent with the provisions of the Code concerning the minimum site size.
- The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification. At least two of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - 1) Preservation of significant natural features.
 - 2) A complementary mix of land uses or housing types.
 - 3) Preservation of common open space beyond the minimum required.

- 4) Connectivity of preserved open space with adjacent open space, greenways, or public trails.
- 5) Coordinated development of multiple small lots or parcels.
- 6) Removal or renovation of deteriorating buildings, sites or contamination clean-up.

Traffic Impact Issues

- The proposal is not anticipated to have a significant impact on the surrounding roadway network.

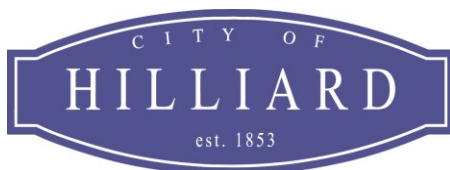
Proposed Plan:

- The proposed plans show that the existing single-family residence has been removed, and the site will be subdivided into three single-family lots and one 2.96-acre reserve. The site has an existing 100-foot-wide petroleum easement which runs diagonally across the western portion of the site. Access to the site will be from the existing full-service access point on Cosgray Road. The proposed plan shows the right-of-way line 60 feet from the centerline of Cosgray Road. **[Staff recommends that the plan be revised to clearly indicate whether the applicant is proposing to convey right-of-way along Cosgray Road to the City of Hilliard consistent with the recommendation in the Thoroughfare Plan.]**

Proposed Text:

- The proposed text includes the following standards:
 - 1) Section 4. – Specifies 3.04 acres is intended for 3 single-family lots and 2.96 acres is to be a shared open/reserve space by the property owners.
 - 2) Section 4.A. – Specifies the lot sizes and requires a minimum 2,000-square-foot floor area for dwellings. Specifies a maximum 35-foot building height. Specifies the exterior building materials. Limits the site to a maximum of 3 single-family homes. Permits fences along the north, east, and south property lines, and permits a decorative or picket fence with a maximum height of 4 feet along Cosgray Road. **[Staff recommends that permitted fence locations which conflict with the Zoning Code be specified in the text.]**
 - 3) Section 4.B. – Specifies building setbacks for principal and accessory structures. Principal structures must be set back a minimum 25 feet from all perimeter property lines and adjoining lots. Accessory structures must be set back a minimum 10 feet from all property lines and may not be located within 60 feet of Cosgray Road. **[Staff recommends that the text be revised to specify that setbacks are from the ultimate right-of-way line of Cosgray Road as specified in the Hilliard Thoroughfare Plan.]**
 - 4) Section 4.C. – States that the reserve area will be owned and maintained by an association of the property owners. Limits the reserve area to a maximum of 4 accessory structures. Requires accessory structures to be approved by the owners association prior to construction. **[Staff recommends that the text be revised to state that owners association approval is required prior to a building permit being obtained.]**

[END OF REPORT | PZ-22-48]



Ordinance: 22-34

Passed:

Page 1 of

Effective:

REZONING 6± ACRES OF LAND LOCATED ON THE EAST SIDE OF COSGRAY ROAD APPROXIMATELY 2,300 FEET SOUTH OF HAYDEN RUN ROAD FROM R-R, RURAL RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT (“PUD”), TO BE KNOWN AS THE PARKVIEW PRESERVE DEVELOPMENT.

WHEREAS, Kristin and Timothy Donnell, Keith and Jenna Caldwell, and Bailey and Sarah Alexander (collectively known as the “Owner”) own approximately 5.987 acres on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road identified by the Franklin County Auditor’s Office as Parcel #050-011790 (the “Property”), depicted in Exhibit “A”, attached hereto; and

WHEREAS, the Owner desires to rezone approximately 5.987 acres to PUD, Planned Unit Development District, as depicted and described on Exhibit “A”, attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Property was zoned to R-R, Rural Residential District upon annexation by City Council on January 24, 2022 (Ordinance No. 22-02); and

WHEREAS, the Owner submitted application number PZ-22-48 on August 2, 2022, to the City’s Planning and Zoning Commission to rezone the Property from R-R, Rural Residential District to PUD, Planned Unit Development District; and

WHEREAS, on September 8, 2022, following its duly advertised public hearing, the Planning and Zoning Commission voted 6-0 to forward a positive recommendation to City Council to rezone the Property to “PUD” Planned Unit Development District to be known as the “Parkview Preserve PUD Concept Plan and Text”, as depicted and described on Exhibits “B” and “C”, attached hereto and incorporated herein (the “PUD Development Text”).

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

SECTION 1. The 6± acre Property owned by Kristin and Timothy Donnell; Keith and Jenna Caldwell and Bailey and Sarah Alexander, located on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road, the graphical depiction and legal description of which are **attached** hereto as Exhibit “A”, and incorporated by reference herein, is rezoned from R-R, Rural Residential District to PUD Planned Unit Development District pursuant to Chapter 1117 of the City’s Codified Ordinances.

SECTION 2. The proposed Parkview Preserve PUD Concept Plan and PUD Development Text, **attached** hereto as Exhibits “B” and “C” respectively, and incorporated by reference herein, are approved.

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

ATTEST:

SIGNED:

 Diane C. Werbrich, MMC

 President of Council

Clerk of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-34						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation						
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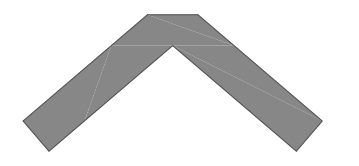


Attachment: ExhibitA-SiteMap (22-34 : Rezoning Property along Cosgray Road to a PUD)



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The NEW Design · Build

p. 614 - 323 - 1202 · plans@kolbkrenzel.com · kolbkrenzel.com



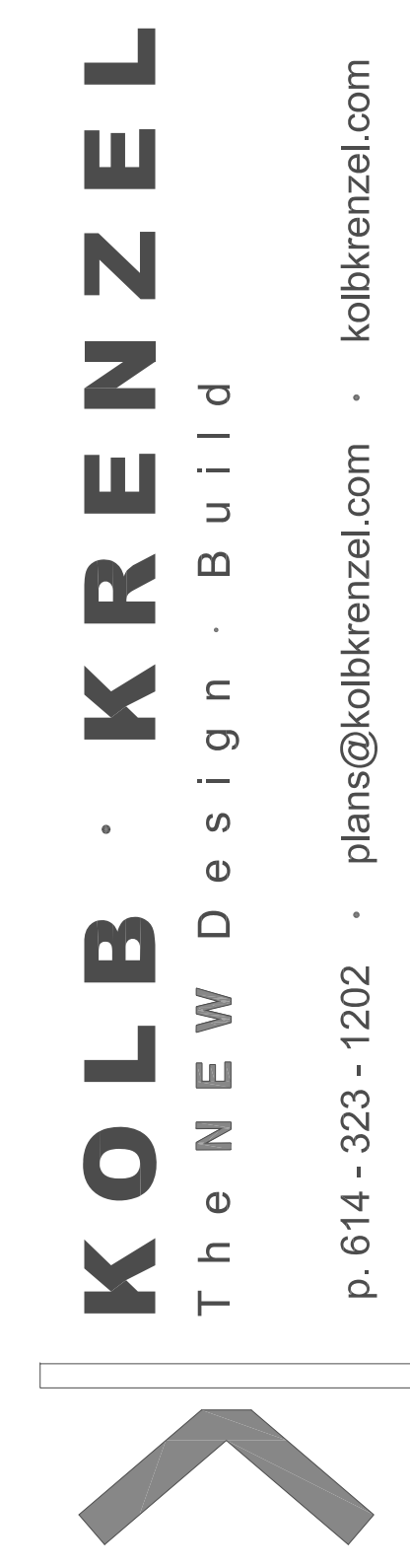
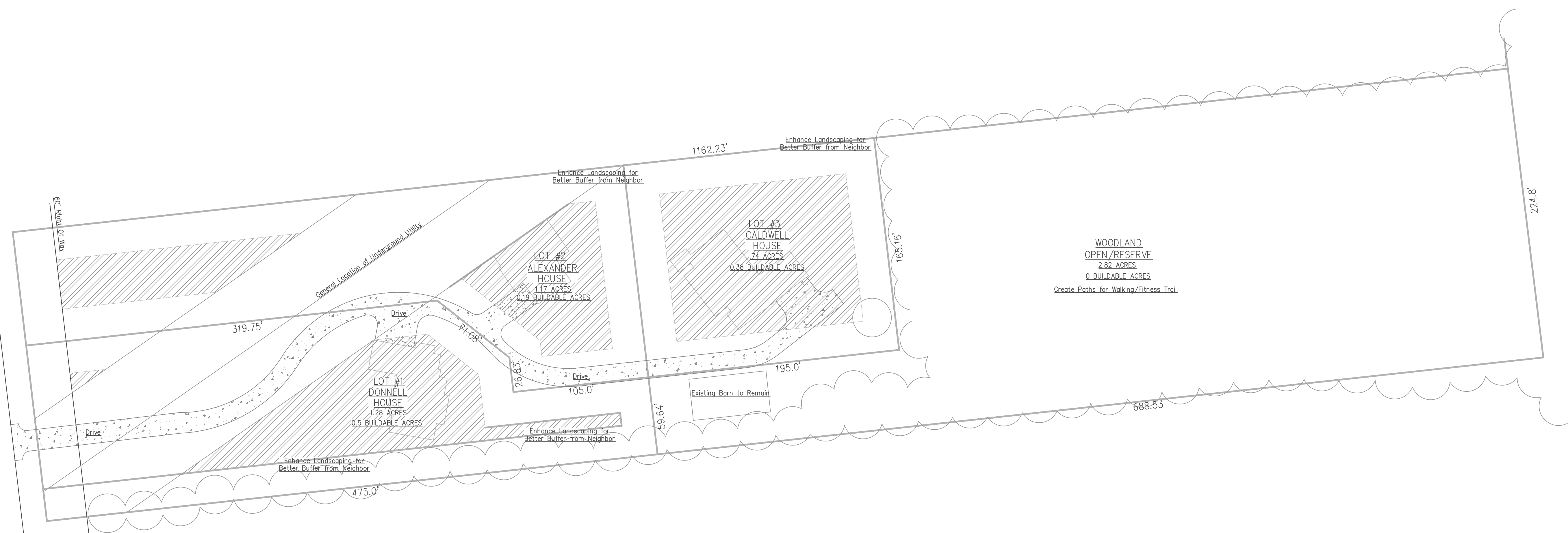
SITE PLAN

General Notes

Project Name and Address
PUD Development Plan
Cosgray Road
Hilliard, OH 43026

1.	Lot Adj.	8.15
2.	update	8.25
No.	Revision/Issue	Date

Project	PUD_Hill	Sheet
Date	06.2022	A.0
Scale		



Site Plan

General Notes

Project Name and Address
Cosgray Road Families
Cosgray Road
Hilliard, OH 43026

1.	Lot Adj.	8.15
2.	update	8.25
No.	Revision/Issue	Date

Project	COS_2022	Sheet	S. 2
Date	7.15.2022		
Scale			

1. Property Background

Parkview Reserve PUD is a planned district under Chapter 1117 of the Hilliard Codified Ordinances presented by 4702 Cosgray Road owners to the City of Hilliard, OH. The site consists of one legal parcel currently owned by Kristin Donnell, Timothy Donnell, Bailey Alexander, Sarah Alexander, Jenna Caldwell and Keith Caldwell.

Parcel ID #050-011790-00

2. Property Location

The parcel and proposed development are located on the east side of Cosgray Road in Hilliard, Ohio. To the west is property owned and maintained by Columbus and Franklin County Metropolitan Park District (Homestead Metropark). To the south are properties owned and maintained by Hilliard Real Estate Holdings LLC and City of Hilliard, Ohio. To the north and east are properties that are owned and maintained as rural residential uses within Norwich Township.

3. Property Physical Features

- a. The site is a flat residential lot with a combination of existing turf, vegetative/wild undergrowth, and trees. The turf mainly inhabits the western half of the lot, and the trees line the north and south property lines as well as speckled throughout the eastern half of the lot. Dense undergrowth exists on the east half of the lot amongst the trees. Both turf and trees have a mixture of species. Turf is generally healthy for a rural property and trees are mostly of good health, with a few unhealthy specimens throughout.
- b. A petroleum line (within a 100-foot-wide easement) is buried through the western half of the property, encompassing approximately 0.94 acres of the total area.
- c. The lot is planned to have public sewer and water available for use. Electric, phone, and cable are already available.
- d. The existing drive acts as the only access point from Cosgray Road.
- e. An existing 32-foot-by-60-foot metal pole barn is located approximately 502 feet from the west property line and 23 feet from the south property line.
- f. A small stream exists near the southeast corner of the property.

4. Property Development Plan

This application covers approximately 6.00 acres. Of this total, approximately 0.94 acres is dedicated to an existing petroleum pipeline utility easement and is unbuildable except to cross with surface pathways. Approximately 3.04 acres (including the approximately 0.94-acre utility easement) are proposed for three single-family home lots, averaging 1.01 acres each. The remaining approximately 2.96 acres are to remain as a reserve/open space owned by the property owners within the PUD.

a. Lot Details

Lot #1: Donnell family 4702 Cosgray Road Acres: 1.28+/- Buildable Acres: 0.5+/-	Lot #2: Alexander family 4704 Cosgray Road Acres: 1.17+/- Buildable Acres: 0.19+/-	Lot #3: Caldwell family 4706 Cosgray Road Acres: 0.74+/- Buildable Acres: 0.38+/-
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Each lot is represented individually with dimensions as noted on the PUD Concept Plan. Each single-family dwelling will have a minimum of 2,000 square feet of floor area. Architectural style will remain consistent with the existing community creating a uniform ambiance. Maximum height of structures shall not exceed 35 feet when measured from the finished grade at the front of the home. Homes are to be built with the following exterior materials: stone, brick, stucco, fiber-cement board, vinyl, and smart trim.

No lots may be subdivided.

No more than three single-family homes are permitted on the overall 6.00-acre property. Plans for single-family dwellings shall be approved by the association of owners before a building permit is obtained.

Fences shall conform to the provisions of the Zoning Code. All fencing must be approved by the association of owners before a fence permit is obtained.

b. Setbacks

All structures, primary or accessory, shall maintain a minimum 60-foot setback from the ultimate right-of-way line of Cosgray Road which is 60 feet from centerline as recommended in the Hilliard Thoroughfare Plan. The principal structure of each property must maintain a minimum 25-foot setback from all perimeter property lines and a minimum 25-foot setback from adjoining lots.

Accessory structures shall maintain a minimum setback of 10 feet from all property lines and may not be located within 60 feet of the ultimate right-of-way line of Cosgray Road.

c. Open/Reserve Space

This space encompasses 2.96+/- acres and will be owned and maintained by an association of the property owners. All open/reserve spaces are intended to be used by the residents of the proposed PUD. These spaces are to remain natural and be protected during construction. All vegetation shall remain, unless determined to be invasive and/or a nuisance by a horticulturist.

Accessory structures, both existing and new, within the Open/Reserve Space shall be approved by the association of owners before a building permit is obtained for any alterations or new build. There shall be a maximum of four accessory structures within this space.

Council Memo: Legislation (22-35)

Subject: Amending the Zoning Code regarding Swimming Pools
From: Michelle Crandall, City Manager
Initiated by: Carson Combs,
Date: October 10, 2022

Executive Summary

The proposal is for an amendment to the Zoning Code to update regulations pertaining to the definition and standards for swimming pools within Section 1121.06 of the code and to allow for locking safety covers within Section 1121.02 of the code as an option for safety barrier requirements in lieu of a fence.

Staff Recommendation

Staff recommends that Council adopt this ordinance based on the finding that the Zoning Code regarding pools has not been updated since the full Code's adoption in 2014. Since that time the quality of retractable safety covers for pools and locking covers for hot tubs and spas has increased significantly. As a result, a growing number of variance requests have been addressed by the Board of Zoning Appeals over the last few years.

Background

In 2014, Council adopted Ordinance No. 14-29 which repealed Part Eleven of the Codified Ordinances and established a new Zoning Code. The Code includes *Section 1121.06 Uses*, which defines private swimming pools and establishes standards for use. *Section 1121.02 Buildings and Structures* includes basic fence requirements for pools that currently do not allow for retractable safety covers on pools or locking covers for spas and hot tubs. The proposed code revision includes the following components:

- Enhanced definitions within Section 1121.06(f) that differentiate between temporary pools, private swimming pools and other natural or public water features;
- Updated development standards for pools in Section 1121.06(f);
- Revised standards within the fence code in Section 1121.02(d)(5) that allow for the use of either a fence or locking cover that meets basic industry safety standards. *Additional standards for covers (highlighted in yellow) have been added since review by the Planning and Zoning Commission to ensure proper usage of the safety cover.*

On September 8, the Planning and Zoning Commission reviewed proposed code language and made a positive recommendation to City Council (5-1). The one dissenting vote was okay with locking covers for hot tubs and spas but did not wish to modify barrier requirements for pools.

Financial Impacts

There are no anticipated financial impacts.

Expected Benefits

Approval of this amendment to the Zoning Code will establish basic parameters around which safety covers or fencing can be utilized to meet the intent of barrier requirements. The proposed code changes will significantly decrease variances to the Board of Zoning Appeals and will allow more staff time to be allocated to other planning and zoning issues.

Attachments

- P&Z Record of Action – #PZ-22-55 – September 8, 2022
- P&Z Minutes (draft) – #PZ-22-55 – September 8, 2022
- BZA Board Orders for Variances
- Exhibit A – Proposed Code Amendment

RECORD OF ACTION



Planning & Zoning Commission

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, September 8, 2022 | 7:00 pm

CASE 11: PZ-22-55 – CODE AMENDMENT – Swimming Pool Barrier Requirements

APPLICANT: City of Hilliard, c/o Michelle Crandall, City Manager, 3800 Municipal Way, Hilliard, OH 43026.

REQUEST: Review and approval of an amendment to Hilliard Code Sections 1121.02 and 1121.06 to amend the definition of swimming pools, to modify the barrier requirements for fencing around pools and hot tubs and to amend related development standards.

The Planning and Zoning Commission took the following action at this meeting:

MOTION:

Chairman Muether made a motion to approve an amendment to Hilliard Code Sections 1121.02 and 1121.06 to amend the definition of swimming pools, to modify the barrier requirements for fencing around pools and hot tubs and to amend related development standards.

Vice Chair Bevan seconded the motion.

VOTE:

- Chairman Muether Yes
- Vice Chair Schneck Yes
- Mr. Gutknecht Yes
- Mr. Lewie Yes
- Ms. Nixon Yes
- Mr. Pannett No
- Mr. Uttley Excused

STATUS:

Case #11 PZ-22-55 was approved (5-1) as submitted.

CERTIFICATION:



 Carson Combs, Planning Manager/Acting Clerk
 September 9, 2022

[END OF RECORD]

Attachment: P&Z Record of Action - #PZ-22-55 - September 8, 2022 (22-35 : Amending the Zoning Code regarding Swimming Pools)

Applicant Andy Warnock elaborated that the liquor license for Sexton’s Pizza includes the entire building. They will be using a common door to bring food and beverage into the new space as a means to help support the pizza establishment.

Mr. Pannett (seconded by Chairman Muether) made a motion to approve a conditional use under the provisions of Hilliard Code Section 1123.03 to permit an indoor recreational use (golf simulator lounge).

Status:	Approved as requested (6-0).
Mover:	Tom Pannett
Seconded:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Tom Pannett, Chris Lewie, Tracey Nixon, Eric Gutknecht.

CASE 11: PZ-22-55 – CODE AMENDMENT – Swimming Pool Barrier Requirements
APPLICANT: City of Hilliard, c/o Michelle Crandall, City Manager, 3800 Municipal Way, Hilliard, OH 43026.
REQUEST: Review and approval of an amendment to Hilliard Code Sections 1121.02 and 1121.06 to amend the definition of swimming pools, to modify the barrier requirements for fencing around pools and hot tubs and to amend related development standards.

[Mr. Combs gave the staff report]

BACKGROUND:

The latest version of the Zoning Code was adopted as Ordinance 14-29 by City Council and became effective on November 27, 2014. Adoption of the zoning code provided for the general development standards currently in place that address private swimming pools and required safety barriers. A total of 10 cases have been heard by the Board of Zoning Appeals since 2018 (9 of the 10 cases since June 2020), and the prevalence of such cases continues to rise as technology has improved. The proposed code amendments are intended to address the barrier requirements for pools by providing the option to utilize safety-certified covers for pools and hot tubs in lieu of traditional fencing options with self-latching and locking gates.

COMMISSION ROLE:

The Commission is to review the proposed code amendment and provide recommended changes to the proposed ordinance. Upon its review, the Commission is to make a recommendation to City Council who will make a final determination on the proposed Code language.

STAFF RECOMMENDATION:

Staff finds that the proposal is consistent with the purpose of the Zoning Code to promote the public health, safety, morals, comfort, and general welfare of the City and its residents. Based on this finding, staff recommends that the Commission forward a positive recommendation to Council concerning the proposed Zoning Code amendments.

CONSIDERATIONS:

- **Variance Trends.** In the last five years, at least ten variance requests have been made to the Board of Zoning Appeals to permit a lockable cover in lieu of required fencing as a safety barrier. The BZA has approved 9 of 10 requests. The only denied request included significant property maintenance code issues. [BZA-22-27 Thom Residence; BZA-22-26 Opalek Residence; BZA-22-18 Kasper Residence; BZA-22-

Attachment: P&Z Minutes - #PZ-22-55 - September 8, 2022 (22-35 : Amending the Zoning Code regarding Swimming Pools)

16 Calabrese Residence; BZA-22-7 Vawter Residence; BZA-21-35 Badow Residence; BZA-21-6 Capron Residence; 20-0157AR Miglietti Residence; 20-0145AR Ruma Residence; 18-0093AR Tucker Residence]

- **Current Pool Definition.** Section 1121.06(f) of the Zoning Code currently defines a private swimming pool as “any pool, lake, pond or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or an area less than 100 square feet, shall be permitted in any zoning district, except as an accessory use...” *By definition the Code currently includes hot tubs, jacuzzi tubs, and any other container that has the potential to hold water to a depth of 18 inches.*
- **Pool Barrier Required.** Hilliard Code Section 1121.02(d)(5)(a) states that the immediate surroundings or yard around the pool shall be fenced and equipped with a self-latching gate with a self-closing lock to prevent uncontrolled access into any swimming pool. *As written the Code requires a fence for all pools, hot tubs, spas and ponds with no provisions for alternatives, resulting in many variance requests.*
- **Temporary Pools.** “Temporary Pools” are considered as those that are small, movable and are filled daily up to a water height of 18 inches and no more than 50 square feet in area. Temporary pools do not require a zoning certificate for use and are exempt from requirements.
- **Private Swimming Pool.** “Private Swimming Pools include all pools, hot tubs, ponds etc. that have a water depth greater than 18 inches or are greater than 50 square feet in area. Swimming Pools require a zoning certificate and any other applicable permits that may be required (fence and/or electrical).
- **Other Bodies of Water.** Natural features, farm ponds and public stormwater management elements do not require a zoning certificate and are exempt from requirements.
- **General Standards.** Requirements regarding placement and setbacks have been updated to include elements that generally become issues during the zoning certificate application process.
- **Required Fencing.** Section 1121.02(d)(5) has been updated to match definitions. The proposed code language provides the option of a locking safety cover for any swimming pool (pool, hot tub, spa, etc.) if basic safety levels can be demonstrated. The proposed code requires covers to comply with ASTM F1346, which is an industry accepted safety standard.

[END OF REPORT | PZ-22-54]

Ms. Clodfelder noted for the record that the report will be corrected to indicate American Society of Testing Materials.

Mr. Pannett noted his trepidation for leaving a pool in a yard that is wide open. Mr. Talentino acknowledge his concern and pointed out that a locking fence could also be left open in a similar manner that would provide access.

Mr. Combs said that every request for a retractable swimming pool cover in lieu of a fence has been granted since 2018.

Mr. Pannett inquired if it was possible to separate out pools from hot tubs.

Mr. Lewie asked if reflecting pools or coy ponds are being included and Vice Chair Schneck also asked about backyard garden ponds; Mr. Talentino explained that if it can hold over 18 inches, it is defined as a pool. [also anything exceeding the definition of temporary pools].

Ms. Nixon asked whether it was prudent to include the word outdoor; Mr. Talentino indicated that an indoor pool would not have requirements since the house is considered to be secured.

With no more discussion, Chairman Muether (seconded by Vice Chair Schneck) made a motion to approve the proposed amendment to Hilliard Code Sections 1121.02 and 1121.06 to amend the definition of swimming pools, to modify the barrier requirements for fencing around pools and hot tubs and to amend related development standards.

Status:	Approved as submitted (5-1).
Mover:	Chairman Jay Muether
Secunder:	Vice Chair Bevan Schneck
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht Chris Lewie, Tracey Nixon
Nays:	Tom Pannett

DISCUSSION ITEMS / COMMITTEE COMMUNICATIONS

There were no discussion items or communications.

ADJOURNMENT – 8:37 PM

With no additional business, Chairman Muether (seconded by Mr. Lewie) motioned to adjourn at 8:37 p.m.

CERTIFICATION:

Nicole Starrett, Clerk/Administrative Assistant
October 14, 2022

[END OF MINUTES | SEPTEMBER 8, 2022]

Attachment: P&Z Minutes - #PZ-22-55 - September 8, 2022 (22-35 : Amending the Zoning Code regarding Swimming Pools)

Board Order



Board of Zoning Appeals

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
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Thursday, July 21, 2022 | 7:00 pm

CASE 8: BZA-22-27 – TOMM RESIDENCE – 3394 Woodland Drive
PARCEL NUMBER: 053-000086 (Heritage Preserve Section 1 Phase 2 – Lot 43)
APPLICANT: Cynthia Tomm, 3394 Woodland Drive, Hilliard, OH 43026; Tasha Jones, Fun Time Pools and Spa, 3812 April Lane, Columbus, OH 43227
REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover in lieu of a fence around the pool.

The Board of Zoning Appeals took the following action at this meeting:

MOTION:

Mr. St. Clair made a motion to approve a variance to Hilliard Zoning Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a pool with the following condition:

- 1) That the pool cover be maintained in good working order and be extended and locked over the pool when the pool is not in use.

Mr. Donato seconded the motion.

VOTE:

President Piper	Absent
Vice President Epling	Yes
Mr. Donato	Yes
Mr. Martin	Yes
Mr. St. Clair	Yes
Mr. Steele	Absent
Mr. Stepp	Yes

STATUS:

CASE #BZA-22-27 was approved (5-0) with one condition.

CERTIFICATION:



 Carson Combs, Planning Manager/Acting Clerk
 July 22, 2022

Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame as provided by Section 2506 of the Ohio Revised Code.

[END OF BOARD ORDER | BZA-22-27]

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)

Board Order



Board of Zoning Appeals

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Thursday, July 21, 2022 | 7:00 pm

CASE 1: BZA-22-18 – KASPER RESIDENCE – 4267 Shire Cove Road
PARCEL NUMBER: 050-003139 (Shier Cove – Lot 72)
APPLICANT: Helen Kasper / Larry Kasper, 4267 Shire Cove Road, Hilliard, OH 43026
REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool).

The Board of Zoning Appeals took the following action at this meeting:

MOTION:

Vice President Epling made a motion to approve a variance to Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool) with the condition that the hot tub remains covered and locked when not in use.

Mr. Donato seconded the motion.

VOTE:

President Piper	Absent
Vice President Epling	Yes
Mr. Donato	Yes
Mr. Martin	No
Mr. St. Clair	No
Mr. Steele	Absent
Mr. Stepp	No

STATUS:

Case #BZA-22-18 was disapproved (2-3).

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
July 22, 2022

Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame as provided by Section 2506 of the Ohio Revised Code.

[END OF BOARD ORDER | BZA-22-18]

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)

Board Order



Board of Zoning Appeals

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Thursday, July 21, 2022 | 7:00 pm

CASE 7: BZA-22-26 – OPALEK RESIDENCE – 4867 Barbeau Lane
PARCEL NUMBER: 050-010417 (Estates at Hoffman Farms Section 2 Phase 4 – Lot 153)
APPLICANT: David Opalek, 4867 Barbeau Lane, Hilliard, OH 43026
REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a jacuzzi (private pool) and from Section 1121.06(f)(2) to reduce the required rear setback from 10 feet to 8.5 feet.

The Board of Zoning Appeals took the following action at this meeting:

MOTION:

Vice President Epling made a motion to approve variances to the Hilliard Zoning Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a jacuzzi (private pool) and from Section 1121.06(f)(2) to reduce the required rear setback from 10 feet to 8.5 feet with the following four conditions:

- 1) That the jacuzzi remains covered and locked when not in use;
- 2) That the rear setback reduction to 8.5 feet be permitted only for the improvements as indicated on the proposed plans;
- 3) That a certificate of zoning compliance be obtained prior to construction; and
- 4) That a building permit and any necessary electrical permits be obtained for the proposed pergola and improvements prior to construction.

Mr. Stepp seconded the motion.

VOTE:

President Piper	Absent
Vice President Epling	Yes
Mr. Donato	Yes
Mr. Martin	Yes
Mr. St. Clair	Yes
Mr. Steele	Absent
Mr. Stepp	Yes

STATUS:

CASE #BZA-22-26 was approved (5-0) with four conditions.

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
July 22, 2022

Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame as provided by Section 2506 of the Ohio Revised Code.

[END OF BOARD ORDER | BZA-22-26]

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)

Board Order



Board of Zoning Appeals

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and Live-Streaming on YouTube

Thursday, June 16, 2022 | 7:00 pm

CASE 3: BZA-22-16 – CALABRESE RESIDENCE – 4293 Charles Court
PARCEL NUMBER: 050-009407 (Hoffman Farms Section 4, Phase 2 – Lot 304)
APPLICANT: James Calabrese, 4293 Charles Court, Hilliard, OH 43026
REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool).

The Board of Zoning Appeals took the following action at this meeting:

MOTION:

Mr. Steele made a motion to approve a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool) with one condition:

- 1) That the hot tub remains covered and locked when not in use.

President Piper seconded the motion.

VOTE:

President Piper	Yes
Vice President Epling	Absent
Mr. Donato	Yes
Mr. Martin	Yes
Mr. St. Clair	Yes
Mr. Steele	Yes
Mr. Stepp	Yes

STATUS:

Case #BZA-22-16 was approved (6-0) with one condition.

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
June 17, 2022

Any party adversely affected by a decision of the Board may appeal the decision in the manner and within the time frame as provided by Section 2506 of the Ohio Revised Code.

[END OF BOARD ORDER | BZA-22-16]

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)



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**BOARD OF ZONING APPEALS
BOARD ORDER**

Thursday, March 17, 2022

The Board of Zoning Appeals took the following action at this meeting:

CASE 3: BZA-22-7 – Vawter Residence – 6069 Heritage Lakes Drive

PARCEL NUMBER: 050-007078

APPLICANT: Gary Vawter, 6069 Heritage Lakes Drive, Hilliard, OH 43026.

REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover in lieu of a fence around the pool.

MOTION: Mr. Greg St. Clair made a motion to approve the variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover in lieu of a fence with the following condition:

- 1) That while the pool is not in use, the cover must be closed.

Vice President Aaron Epling seconded the motion.

VOTE:

President Piper	Absent
Vice President Epling	Yes
Mr. Donato	Yes
Mr. Martin	Yes
Mr. St. Clair	Yes
Mr. Steele	Absent
Mr. Stepp	Yes

STATUS: The motion passed 5-0 and Case #3: BZA-22-7 was approved.

CERTIFICATION:

Carson Combs, Acting Clerk/Planning Manager
March 18, 2022

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)



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**Board of Zoning Appeals
Board Order
May 20, 2021 Meeting**

The Board of Zoning Appeals took the following action at this meeting:

CASE 4: BZA-21-6 – Capron Residence – 3429 Woodland Drive

PARCEL NUMBER: 053-000212

APPLICANT: Michael Capron, 3429 Woodland Drive, Hilliard, OH 43026

REQUEST: Review & approval of a variance from Hilliard Code Section 1121.06(f) to permit an automatic pool cover in lieu of a fence around a pool.

MOTION: President Piper made a motion on Case 4: BZA-21-6– Capron Residence – 3429 Woodland Drive for approval of a variance from Hilliard Code Section 1121.06(f) to permit an automatic pool cover in lieu of a fence around a pool with the following condition:

- 1. That the cover must be extended and locked over the pool when the pool is not in use.

Mr. St. Clair seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Steele	Yes
Mr. St. Clair	Yes
President Piper	Yes
Mr. Donato	Yes
Mr. Stepp	Yes
Vice President Mulrane	Excused

STATUS: The motion passed 6-0 and Case 4: BZA-21-6– Capron Residence – 3429 Woodland Drive was approved of a variance from Hilliard Code Section 1121.06(f) to permit an automatic pool cover in lieu of a fence around a pool with the above condition.

CERTIFICATION:

David Myerholtz, Acting Clerk

June 10, 2021

Any person aggrieved by the decision of the Board of Zoning Appeals may appeal that decision to a court of competent jurisdiction within thirty (30) days per Ohio Revised Code Section 2505.07.

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)



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**Board of Zoning Appeals
Board Order
October 21, 2021 Meeting**

The Board of Zoning Appeals took the following action at this meeting:

CASE 5: BZA-21-35 – Bandow Residence – 5765 Heritage Lakes Drive

PARCEL NUMBER: 050-008223

APPLICANT: John Bandow, 5765 Heritage Lakes Drive, Hilliard, OH 43026

REQUEST: Review and Approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover in lieu of a fence on all sides of the pool.

MOTION: President Piper made a motion to approve CASE 4: BZA-21-32 – White Residence – 4140 Winterringer Street for a variance from Hilliard Code Section 1109.03 to reduce the required side yard, required rear yard, and required front yard in the R-2, Low/Medium Density Residential zoning district with the following condition:

- 1) That the pool cover is closed when the pool is not in use.

Mr. Epling seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Steele	Yes
Mr. St. Clair	Excused
President Piper	Yes
Mr. Donato	Yes
Mr. Stepp	Yes
Vice President Mulrane	Excused

STATUS: The motion passed 5-0. Case BZA-21-35 was approved with the above condition.

CERTIFICATION:

John Talentino, Acting Clerk

October 22, 2021



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**Board of Zoning Appeals
Board Order
November 19, 2020 Meeting**

The Board of Zoning Appeals took the following action at this meeting:

CASE 3: 20-0157AR – Miglietti Residence – 3437 Woodland Drive

PARCEL NUMBER: 050-000210

APPLICANT: Eric and Jennifer Miglietti, 3437 Woodland Drive, Hilliard, OH 43026

REQUEST: Review & Approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover instead of a fence.

MOTION 1: Mr. Epling made a motion on CASE 3: 20-0157AR – Miglietti Residence – 3437 Woodland Drive for approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover instead of a fence with the following 2 conditions:

- 1) That the pool cover be maintained in good working order; and,
- 2) That the pool cover be closed when not in use.

Mr. Moeller seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Boshane	No
Mr. St. Clair	Yes
Chairman Piper	No
Mr. Donato	Yes
Mr. Moeller	Yes
Ms. Mulrane	Excused

STATUS: The motion passed 4-2 and CASE 3: 20-0157AR – Miglietti Residence – 3437 Woodland Drive was approved for a variance from the Hilliard Code Section 1121.02(d)(5) to permit a pool with an automatic cover instead of a fence with the above 2 conditions.

CERTIFICATION:

David Myerholtz

David Myerholtz, Acting Clerk
November 20, 2020

Any person aggrieved by the decision of the Board of Zoning Appeals may appeal that decision to a court of competent jurisdiction within thirty (30) days per Ohio Revised Code Section 2505.07.

Attachment: BZA Board Orders for Variances (22-35 : Amending the Zoning Code regarding Swimming Pools)



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**Board of Zoning Appeals
Board Order
June 18, 2020 Meeting**

The Board of Zoning Appeals took the following action at this meeting:

CASE 2: 20-0145AR – Ruma Residence – 4220 Shire Cove Road

PARCEL NUMBER: 050-003114

APPLICANT: David C. Ruma, 4220 Shire Cove Road, Hilliard, OH 43026

REQUEST: Review & approval of a variance from Hilliard Code Section 1121.06(f)(2) to reduce the minimum setback for a pool and accessory structures from 10 feet to 6 feet and Section 1121.02(d)(5) and 1121.06(f)(4) to permit a pool without fencing along the rear of the property.

MOTION 1: Mr. St. Clair made a motion on CASE 2: 20-0145AR – Ruma Residence for approval of a variance from Hilliard Code Section 1121.06(f)(2) to reduce the minimum setback for a pool and accessory structures from 10 feet to 4.5 feet with the following 2 conditions:

1. That the proposed paving is located not less than 4.5 feet from the northwest property line as shown; and,
2. That all required permits are obtained prior to installation of the pool and adjacent paved areas.

Mr. Moeller seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Boshane	Yes
Mr. St. Clair	Yes
Chairman Piper	Yes
Mr. Donato	Yes
Mr. Moeller	Yes
Ms. Mulrane	Yes

STATUS: The motion passed 7-0 and CASE 2: 20-0145AR – Ruma Residence was approved for a variance from Hilliard Code Section 1121.06(f)(2) to reduce the minimum setback for a pool and accessory structures from 10 feet to 4.5 feet with the above 2 conditions.

MOTION 2: Mr. Epling made a motion on CASE 2: 20-0145AR – Ruma Residence for approval of a variance from Hilliard Code Sections 1121.02(d)(5) and 1121.06(f)(4) to permit a pool without fencing along the rear of the property with the following condition:

1. That an automatic pool cover is installed as described in the proposal to maintain safety.

Chairman Piper Seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Boshane	No
Mr. St. Clair	Yes
Chairman Piper	Yes
Mr. Donato	Yes
Mr. Moeller	Yes
Vice Chair Mulrane	No

STATUS: The motion passed 5-2 and CASE 2: 20-0145AR – Ruma Residence was approved for a variance from Hilliard Code Sections 1121.02(d)(5) and 1121.06(f)(4) to permit a pool without fencing along the rear of the property with the above condition.

CERTIFICATION:



 David Myerholtz, Acting Clerk
 June 19, 2020

Any person aggrieved by the decision of the Board of Zoning Appeals may appeal that decision to a court of competent jurisdiction within thirty (30) days per Ohio Revised Code Section 2505.07.



Don Schonhardt, Mayor

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**Board of Zoning Appeals
Board Order
July 19, 2018 Meeting**

The Board of Zoning Appeals took the following action at this meeting:

CASE 2: 18-0093AR – Tucker Residence – 5938 Morganwood Square

PARCEL NUMBER: 050-009146

APPLICANT: Richard & Deanna Tucker, 5938 Morganwood Square, Hilliard, Ohio 43026.

REQUEST: Review & approval of a variance from Hilliard Code Section 1121.02(d)(5) to eliminate the requirement for a fence to surround a swimming pool and to install an automatic pool cover, and Section 1121.06(f)(2) to reduce the minimum setback of the walk adjacent to the pool from 10 feet to 8 feet.

MOTION #1: President Piper made a motion to approve CASE 2: 18-0093AR – Tucker Residence – 5938 Morganwood Square for a variance from Hilliard Code Section 1111.06 to reduce the minimum setback of the walk adjacent to the pool from 10 feet to 8 feet with the following 3 conditions:

- 1) That the pool and any accessory structures are located not less than 10 feet from any property line; and
- 2) That the walk adjacent to the pool is located not less than 8 feet from the south property line; and
- 3) That all other provisions of the Zoning Code concerning pools are met.

Mr. Epling seconded the motion.

VOTE:

Mr. Epling	Yes
Mr. Moeller	Yes
President Piper	Yes
Ms. Mulrane	Yes
Mr. Boshane	Yes
Mr. Donato	Yes

STATUS: The motion passed 6-0 and CASE 2: 18-0093AR – Tucker Residence – 5938 Morganwood Square was approved for a variance from Hilliard Code Section 1111.06 to reduce the minimum setback of the walk adjacent to the pool from 10 feet to 8 feet with the 3 conditions listed above.

MOTION #2: Mr. Epling made a motion to approve CASE 2: 18-0093AR – Tucker Residence – 5938 Morganwood Square for a variance from Hilliard Code Section 1111.06 to eliminate the requirement for a fence to surround a swimming pool and to install an automatic pool cover with the following 1 condition:

- 1) That the automatic pool cover be closed when the swimming pool is not in use.

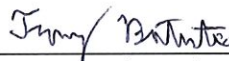
President Piper seconded the motion.

VOTE:

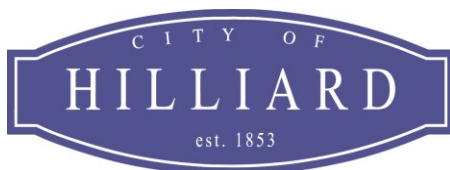
Mr. Epling	Yes
Mr. Moeller	Yes
President Piper	Yes
Ms. Mulrane	No
Mr. Boshane	No
Mr. Donato	Yes

STATUS: The motion passed 4-2 and CASE 2: 18-0093AR – Tucker Residence – 5938 Morganwood Square was approved for a variance from Hilliard Code Section 1111.06 to eliminate the requirement for a fence to surround a swimming pool and to install an automatic pool cover with the 1 condition listed above.

CERTIFICATION:



 Tromy Batiste, Acting Clerk
 July 23, 2018



Ordinance: 22-35

Passed:

Page 1 of

Effective:

AMENDING CHAPTER 1121 OF THE CITY'S CODIFIED ORDINANCES TO UPDATE DEFINITIONS AND STANDARDS FOR PRIVATE SWIMMING POOLS AND TO AMEND REQUIREMENTS FOR PRIVATE SWIMMING POOL BARRIERS.

WHEREAS, City Council adopted Ordinance No. 14-29 on October 27, 2014, establishing a new Planning and Zoning Code and adopting a new Zoning Map; and

WHEREAS, the quality and safety capabilities of swimming pool covers has increased significantly since the adoption of the Zoning Code; and

WHEREAS, the adoption of the Zoning Code did not foresee changing technology and industry standards with regard to swimming pool, hot tub and spa covers at the time of adoption; and

WHEREAS, the Board of Zoning Appeals has heard an increasing number of requests for variances to allow retractable and locking covers for pools, hot tubs and spas in lieu of fences as currently required by Code; and

WHEREAS, the proposed code modifications will permit additional pool barrier options that will address the needs of residents while providing basic health and safety to the general public; and

WHEREAS, on September 8, 2022, the Planning and Zoning Commission considered the proposed Code and approved Case #PZ-22-55 at its regularly scheduled and advertised meeting on September 8, 2022, to amend the Codified Ordinances making a positive recommendation to City Council that the proposed amendments be adopted; and

WHEREAS, amending Chapter 1121, as identified in Exhibit "A", attached hereto and incorporated herein, provides for updated pool requirements while promoting 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 Chapter 1121 of the City's Codified Ordinances as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Chapter 1121, 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 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

President of Council

Clerk of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-35						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

1121.06 USES.

- (a) *Principal Use per Lot.* A lot or parcel shall not be devoted to more than one principal use, or contain more than one principal building, except for groups of multiple family dwellings, agricultural buildings, or commercial or industrial buildings contained within a single, integrated development, sharing parking and access and determined to be a single use collectively. Examples include vehicle service stations/convenience stores/car washes and vehicle sales lots/repair/body shops.
- (b) *Legal Use.* No building, structure or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this code.
- (c) *Legal Lot.* Every building, structure or use erected or established within the city shall be located on a legally recorded lot or parcel and shall conform to all applicable requirements of this code.
- (d) *Essential Services.* The erection, construction, alteration or maintenance of essential public services is permitted in all zoning districts and exempt from the provisions of this code.
- (e) *Home Occupation.*
- (1) A permit shall be required prior to establishing a home occupation. Application for a home occupation permit shall be made in writing to the Planning Director or designee, together with payment of such fee, if any, as may be established by City Council. The requirement for a permit is to ensure compliance with the conditions of this subsection and to establish a record to determine future compliance.
 - (2) If the Planning Director or designee cannot determine if the home occupation requirements are met, in his/her sole discretion, the Planning Director or designee may refer the matter to the Planning and Zoning Commission for consideration.
 - (3) The home occupation shall be operated in its entirety within the principal dwelling.
 - (4) Only residents living in the principal dwelling shall be engaged in the home occupation.
 - (5) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25 percent of the gross floor area of the dwelling or 250 square feet, whichever is less, shall be used in the conduct of the home occupation.
 - (6) There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the home occupation, except that one sign, not exceeding two square feet, non-illuminated and mounted flat against the wall of the dwelling, may be permitted.
 - (7) The direct sale of goods, merchandise, supplies, products or services to customers shall not be permitted on the premises. Phone and internet sales may be permitted, provided the items purchased are shipped directly to the customer so no pick-up is required at the location of the home occupation.
 - (8) Outdoor storage, activities or displays shall be prohibited.
 - (9) No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any parking needed to accommodate the home occupation shall be provided off-street behind the required front setback line.
 - (10) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single family dwelling, or detectable outside the dwelling unit if conducted in an attached or multiple family dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage of the premises.

- (11) Uses such as, but not limited to: clinics, hospitals, medical offices, nurseries, day care centers, ambulance service, amusement arcades, vehicle repair or maintenance, pawn shop, fortune teller, veterinarian offices, permanent basement or garage sales or kennels shall not be considered home occupations.
- (f) ~~*Private Swimming Pools.* A private swimming pool, not including farm ponds, shall be any pool, lake, pond or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or an area less than 100 square feet, shall be permitted in any zoning district, except as an accessory use and in compliance with the following:~~
- ~~(1) The swimming pool is intended and used for the sole enjoyment of the occupants of the principal use of the property on which it is located.~~
- ~~(2) The pool and adjacent walks, paved areas and accessory structures shall not be located closer than 10 feet to any property line.~~
- ~~(3) The pool shall be located only within the rear yard.~~
- ~~(4) Fencing shall be required around the pool in conformance with Section 1121.02(d).~~
- (f) *Pools.* Temporary pools, private swimming pools and other bodies of water for the purposes of the Zoning Code shall be defined herein and shall be regulated according to the following definitions and requirements:
- (1) *Temporary Pool.* Any short-term wading, children's or pet pool structure capable of containing a maximum depth of eighteen inches of water at any point and is able to be drained daily and moved easily. Temporary pools are intended for play and are not deep enough for swimming. Temporary Pools are not subject to the requirements of this Section but must be located behind the required front building line and within the side or rear yard. Temporary pools that exceed 50 square feet in area shall be considered a private swimming pool.
- (2) *Private Swimming Pool.* Any structure capable of containing water over eighteen inches in depth and which is used or intended to be used for swimming, bathing or physical therapy purposes that is supplied with water from a controlled water source and is not refilled daily and may or may not include mechanical equipment that requires an approved electrical source. Private swimming pools may be in-ground, above-ground or any combination thereof. Private swimming pools include, but are not limited to portable pools, inflatable pools, permanent pools, hot tubs, spas and private decorative ponds.
- (3) *Other Bodies of Water.* Other natural water sources and features such as rivers, streams, wetlands and lakes and manmade water sources that include farm/agricultural ponds, stormwater retention ponds stormwater detention basins or other public features are not subject to the requirements of this Section.
- (4) *Requirements.* No Private Swimming Pool shall be permitted in any zoning district except as an accessory use with an approved zoning certificate and in compliance with the following:
- (A) Private swimming pools shall be intended and used for the sole enjoyment of the occupants of the principal use of the property on which it is located.
- (B) Private swimming pools shall only be located within the rear yard of the property.
- (C) The private swimming pool and adjacent associated walks, paved areas and accessory structures shall not be located closer than 10 feet to any side or rear property line.
- (D) Fencing or other approved barriers for safety shall be required around the private swimming pool in conformance with Section 1121.02(d).
- (E) Private swimming pools shall not be considered as a detached accessory structures for the purposes of calculating maximum permitted area based on the size of the principle structure.

- (F) A minimum separation of ten feet shall be provided between a private swimming pool and the primary structure for safe egress.
- (G) No private swimming pool may be placed within a platted utility easement, stormwater easement, no-build zone, preservation zone or other recorded easement area.
- (H) All private swimming pools shall be required to obtain a zoning certificate as required by Section 1141.03.
- (g) *Voting Place.* The provisions of this code shall not be construed in any manner that would interfere with the temporary use of any property as a voting place in connection with a municipal, school or other public election.
- (h) *Similar Uses.* Since every potential use cannot be addressed in this code, each district provides for similar uses, referencing this section. All applications for a use not specifically listed in a zoning district shall be submitted to the Planning Director or designee for review and decision, based on the following standards:
- (1) The Planning Director or designee shall find that the proposed use is not listed as a named permitted or conditional use in any zoning district.
 - (2) If the use is not addressed in any district, the Planning Director or designee shall review the uses listed as permitted and conditional in the zoning district in which the use is proposed and determine if a use listed in the district closely resembles the proposed use. This determination shall be based upon criteria such as consistency with the district purpose statement, similar character, service or market area, customer or visitor draw, scale of building and parking, potential impact on property values, traffic generated, aesthetics, noise or potentially objectionable impacts on the health, safety, and welfare in the immediate vicinity or City-wide.
 - (3) If a use is determined to be similar to a named use within the district, the proposed use shall comply with specific standards or other code requirements that apply to the named use. If the named use is a conditional use, the similar use may only be approved as a conditional use in accordance with the provisions of Chapter 1123.
 - (4) The Planning Director or designee may, at his/her discretion, submit the proposed use to the Planning and Zoning Commission for determination of the appropriateness of the use.
 - (5) Where the Planning Director or designee or Planning and Zoning Commission determines a proposed use is not similar to any named use addressed within the district, the applicant may petition for an amendment to this code.
 - (6) The determination as to whether a proposed use is similar in nature and classification to another named permitted or conditional use within a district shall be considered as an interpretation of the use regulations, and not as a use variance; this determination may be appealed as provided in Chapter 1106.
 - (7) Upon determination by the Planning Director or designee or Planning and Zoning Commission that a use is similar to a named use, the Planning Director or designee shall initiate an amendment to this chapter to list the similar use in the schedule of uses for the zoning district as permitted or conditional as the case may be.

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

1121.02 BUILDINGS AND STRUCTURES.

- (a) *Unlawful Buildings and Uses.* Any building, use, or lot which has been unlawfully constructed, occupied, or created prior to the date of adoption of this code shall continue to be unlawful, unless expressly permitted by this zoning code. Such buildings, uses or lots shall not be considered to be nonconforming buildings, uses or lots of record under this code.
- (b) *Accessory Buildings.*
- (1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than 10 feet in length. Detached accessory buildings shall be located at least 10 feet from any principal building.
 - (2) Accessory buildings shall not be erected in any front yard or within any easement.
 - (3) Accessory buildings may be erected in a rear yard if set back not less than six feet from the rear property line and three feet from the side property line. In any case, accessory buildings shall not occupy more than 30 percent of the required rear yard.
 - (4) Buildings and structures accessory to non-residential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.
 - (5) An accessory building designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the Planning Director or designee.
 - (6) The height of an accessory building shall not exceed 14 feet.
 - (7) Accessory buildings shall not exceed 50 percent of the principal building floor area or 900 square feet, whichever is less.
 - (8) An accessory building shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.
 - (9) Accessory buildings in planned developments shall be subject to the same requirements as in the Residential Districts.
 - (10) Swing sets, playground equipment, garden trellises, well-head covers and similar above-ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by city code. However, doll houses, club houses or other similar structures shall meet the requirements of the City's code.
 - (11) Accessory buildings shall share all public utilities (water/sewer/electric) with the principal building. Accessory buildings shall not be separately metered.
- (c) *Temporary Buildings.*
- (1) *Construction.* Temporary buildings used only in conjunction with construction work may be permitted in any district during the period construction work is in progress, but shall be removed upon completion of the construction work.
 - (2) *Model Homes and Sales Offices.* Upon application, the Planning Director or designee may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing development. Each permit shall specify the location of the office and shall be valid for a period of not more than two years and may be renewed by the Planning Director or designee for additional successive periods of six months or less each, at the

same location, if the office or model home is still incidental and necessary for the sale or rental of real property in the subdivision or housing development where it is located.

(d) *Fences.*

(1) *General Standards.*

- A. Fences shall not be permitted to encroach upon public easements. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility. Fences in drainage easements shall require prior approval of the city engineer to allow for proper flow of water.
- B. All fences, regardless of the zoning district where located, shall be a neutral color of white, tan, light gray, light brown, or similar color.
- C. If both sides of a fence are not identical, the finished side (with no exposed posts or supporting cross elements) shall face outward from the property toward adjoining property or right-of-way.
- D. The height of a fence or wall shall be measured from the established grade line to the highest point of the fence excluding posts and finials; provided, the posts or finials shall not exceed the fence height by more than six inches. The height of the fence may not be artificially increased by the use of mounding, unless otherwise required by the zoning district regulations.
- E. All fences shall extend to the ground, or the bottom of the fence panels shall be no higher than six inches above the ground, and those inches count toward the maximum fence height.
- F. Fences and walls may not interfere with the visibility at any right-of-way, regardless of other standards.
- G. Only one style of fence or wall may be permitted per property line.
- H. Barbed wire fences, stockade fences, basket weave fences, electric fences, fences made out of razor wire, concertina wire, solid plywood, scrap lumber, common concrete, cinderblock or other similar non-customary materials are prohibited. Examples and depictions of prohibited fences are included in the Hilliard Design Manual.
- I. Fences shall not be located past the build-to line of the main structure on the parcel, except that on a corner lot, an aluminum/wrought iron style fence shall be permitted to pass the build-to line parallel to the secondary front lot line by half the linear distance between the build-to line and the right-of-way line, and shall not be greater than forty-eight inches (48") in height.

(2) *Permitting.*

- A. A permit from the City is required prior to the installation of a fence, including a new fence or fence section, replacement fence, the relocation of any part of an existing fence located on a property. A permit is not required for regular fence maintenance. Regular Fence Maintenance is for the approved permitted fence only.
- B. The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence is to be erected as described in subsection C below; the exact height, location, length, type of material, type of construction of such proposed fence; the location of all buildings on the lot; and other information deemed necessary by the zoning inspector or designee in order to ensure that the fence is constructed in compliance with this code.
- C. An applicant shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land. The owner shall submit a copy of a

survey or similar drawing indicating the location of property lines in the area of the proposed fence with the application for a permit.

- (3) *Front Yards.* No fence shall be permitted in any front yard except for invisible fences and on corner lots consistent with Hilliard Code Section 1121.02(d)(1)(l). Shrubbery and hedges may be permitted in the front yard; provided, they do not exceed a height of three feet.
- (4) *Side and Rear Yards.* Fences in side and rear yards shall comply with the following standards:
- A. Except for the M-1 and M-2 Districts, the maximum height in all Districts is six feet, except chain link fences in Residential Districts, or that part of a PUD that is exclusively for Residential Uses, which shall not exceed four feet in height. For the M-1 and M-2 Districts, the maximum height is seven feet. Fences on corner lots shall conform to the provisions of Code Section 1121.02(d)(1)(l).
 - B. All fences may be placed on the property line; provided, the location conforms to all other applicable regulations of this code section.
- (5) *Private Swimming Pools.* Fences shall be installed to surround all private swimming pools as defined by Section 1121.06(f), whether in-ground or above-ground or any combination thereof, ~~(collectively, "swimming pool")~~, as follows:
- A. The immediate surrounds of the private swimming pool or the yard in which it is located, shall be fenced and equipped with a self-latching gate with a self-closing lock to prevent uncontrolled access into any private swimming pool.
 - B. Any ladders or stairs providing access to a private swimming pool shall be enclosed by a fence and/or self-latching and self-locking gate to prevent uncontrolled access.
 - C. The fence shall be designed, constructed and maintained in a manner to secure the private swimming pool from unauthorized entry.
 - D. The fence shall be at least four, but not more than six, feet above the natural grade and comply with all other applicable provisions of Section 1121.02(d)
 - E. Private swimming pools with a locking safety cover that complies with the American Society of Testing and Materials standard for Pool & Spa Covers (ASTM F1346-91), as may be amended, shall be exempt from the provisions of Section 1121.02(d)(5)(A-D) subject to the following standards:
 1. Retractable safety covers for pools must be extended (closed) and locked when not in use.
 2. Safety covers for spas and hot tubs must be used and locked when not in use.
 3. Safety covers of any kind must be maintained in good condition and working order at all times.
- (6) *Landscaping.* Chain link or privacy fences/walls exceeding four feet in height in Commercial, Business and Manufacturing Districts that abut a Residential District or Residential Use or are located directly across a street or right-of-way from a Residential District or Use shall be bordered by landscaping. A landscape plan shall be submitted with the application and shall include planting adjacent to the fence or wall, facing the Residential District and shall include:
- A. One shrub for every six feet of fence.
 - B. At least one-half of all shrubs shall be evenly spaced and all shrubs shall be attractively arranged, with a minimum 50 percent year round opacity. At least 50 percent of the shrubs shall be evergreen. Shrubs shall be a minimum of two feet in height at the time of planting and shall be of a type expected to reach at least six feet at maturity with a spread of at least six feet.
- (7) *Maintenance.*

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- A. All fences, walls, and hedges shall be maintained in good condition, with all boards, posts, slats and gates securely in place, structurally sound and completely finished at all times, including painted surfaces. Any grounds between the structures and property lines shall be well maintained at all times, and clear of debris, weeds and overgrowth.
 - B. All fences located within an R-R District, and which are constructed in order to, at any time, confine livestock, shall be locked securely and maintained in a manner to prevent the wandering of livestock from the fenced area.
- (e) *Mechanical Equipment Screening.*
- (1) Mechanical units located on the ground shall be located in the rear or side yard not closer than three feet to adjoining property. When attached to a building, the mechanical equipment shall be architecturally integrated or appropriately screened by shrubbery or fencing so as not to be visible from neighboring property. Fences shall comply with the requirements of Section 1121.02(d).
 - (2) If located on the roof of a building or in a location that cannot otherwise be screened, the equipment shall be enclosed or designed in a manner that is architecturally integrated with the building where it is located.
- (f) *Solar Panels.* It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems to reduce the on-site consumption of utility-supplied energy and/or hot water, while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.
- (1) The installation and construction of a solar energy system shall be subject to the following development and design standards:
 - A. A solar energy system is permitted in all zoning districts as accessory to a principal use.
 - B. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to others; provided, excess power generated from time to time may be sold to an electric utility company.
 - C. The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company to the City of Hilliard acknowledging and approving such connection.
 - D. A solar energy system may be roof-mounted or ground-mounted, subject to all applicable requirements for that location, as follows:
 - 1. A roof-mounted system may be mounted on a principal building or accessory building.
 - 2. On a flat roof, a roof-mounted system may exceed the maximum principal building height or accessory building height specified in the zoning district by up to 6-feet above the deck of the roof to which it is attached. In no instance shall any part of the solar energy system extend beyond the edge of the roof. Whether mounted on the principal building or accessory building, a roof-mounted system may not exceed the maximum principal building height or accessory building height specified in the zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 3. A ground-mounted system shall not exceed the maximum building height for accessory buildings.
 - 4. The area covered by ground-mounted solar energy systems, where the ground beneath is permeable or pervious, shall not be included in calculations for lot coverage or impervious cover.

5. A ground-mounted system shall not be located within the front yard.
 6. The minimum setback distance for a ground-mounted system from the property lines shall be equivalent to the required setback for the principal building.
- E. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
1. Mechanical equipment associated with the solar energy system except for the photovoltaic (PV) panels shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this code and providing effective screening may be used.
 2. Mechanical equipment shall not be located within the front yard.
 3. Mechanical equipment shall comply with the setbacks specified for accessory structures in the zoning district, but not less than 10 feet from all side and rear lot lines.
- F. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- G. Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns.
- H. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
- I. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials.
- J. The design of the solar energy system shall conform to applicable industry standards. All necessary permits shall be obtained for a solar energy system prior to installation. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Ohio.
- K. The solar energy system shall comply with all applicable codes to ensure the structural integrity of the solar energy system.
- L. Before any construction shall commence on any solar energy system, the property owner must acknowledge, in writing, that he/she is the responsible party for owning and maintaining the solar energy system.
- M. Emergency Access. Roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof.
1. For buildings with pitched roofs, solar collectors shall be located in a manner that provides a minimum of one three-foot wide clear access pathway from the eave to the ridge on each roof slope where solar energy systems are located as well as one three-foot smoke ventilation buffer along the ridge.
 2. Rooftops that are flat shall have a minimum three-foot wide clear perimeter between a solar energy system and the roofline, as well as a three-foot wide clear perimeter around roof-mounted equipment such as HVAC units.
- N. Installation on Building Listed in the National Register of Historic places.

1. A low-profile solar energy system should be installed on a historic building so the device is not visible or is minimally visible from the primary public right-of-way; for example, installation should be on a flat roof and set back to take advantage of a parapet or other roof feature to screen solar panels from view, or on a secondary slope of a roof out of view from the primary public right-of-way.
 2. A solar energy system on a historic building should be installed in a manner that does not damage historic roofing material, does not negatively impact the building's historic character, and is reversible.
 3. Solar energy systems should be installed horizontally - flat or parallel to the roof slope—to reduce visibility.
- (2) If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be graded and reseeded.
 - (3) If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of six months) or is defective or is deemed to be unsafe by the city building official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the building official. If the owner fails to remove or repair the defective or abandoned solar energy system, the City of Hilliard may pursue a legal action to have the system removed at the owner's expense.

(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; Ord. No. 21-33 , § 1(Exh. A), 11-8-21.)

Council Memo: Legislation (22-36)

Subject: Reappropriate Additional Funds for Fuel Purchases
From: Michelle Crandall, City Manager
Initiated by: Larry Lester, Operations Director
Date: October 10, 2022

Executive Summary

This legislation amends the City's 2022 Operating Budget to appropriate additional funding for fuel purchases for the remainder of 2022.

Staff Recommendation

Staff recommends amending Ordinance No. 21-36 to increase Fund 202 by \$150,000 to provide additional funds for gasoline and diesel fuel purchases for the remainder of 2022.

Background

The cost of fuel has increased significantly since the passage of Ordinance No. 21-36 and adoption of the City's 2022 Operating Budget. Gasoline and diesel fuel is needed to continue citywide programs and services. Fuel usage will increase for the remainder of 2022 due to seasonal leaf collection and snow and ice control programs.

Financial Impacts

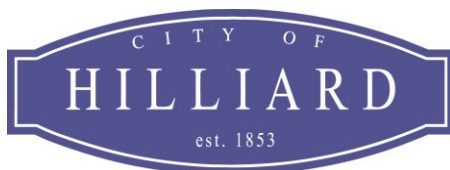
Fuel expenses were budgeted at \$210,000 in Fund 202 of the 2022 Operating Budget. This additional appropriation will increase Fund 202 to a total of \$360,000.

Expected Benefits

This amendment will provide fuel to continue citywide programs and services. Staff will also be able to increase fuel supply to prepare for upcoming seasonal leaf collection and snow and ice control programs.

Attachments

None



Ordinance: 22-36

Passed:

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Effective:

AMENDING THE CITY'S OPERATING BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR FUEL PURCHASES FOR THE PERIOD ENDING DECEMBER 31, 2022.

WHEREAS, Sections 6.05 and 6.06 of the Hilliard City Charter require the submission of a budget and the adoption of an Appropriation Ordinance following a duly advertised budget hearing; and

WHEREAS, such budget hearing was duly advertised and held on November 22, 2021.

WHEREAS, by the passage of Ordinance No. 21-36 on November 22, 2021, Council adopted the City's 2022 Operating Budget; and

WHEREAS, the Administration desires to amend the 2022 Operating Budget to appropriate additional funds to pay increased expenses for gasoline and diesel fuels for the remainder of 2022; and

WHEREAS, the cost of gasoline and diesel fuel has increased since the passage of Ordinance No. 21-36 and adoption of the City's 2022 Operating Budget; and

WHEREAS, gasoline and diesel fuel is needed to continue citywide programs and services; and

WHEREAS, fuel usage will increase for the remainder of 2022 due to seasonal leaf collection and snow and ice control programs.

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

SECTION 1. Ordinance No. 21-36 is amended to increase Fund 202 Object 52 by \$150,000 to provide funds for gasoline and diesel fuel purchases for the remainder of 2022.

SECTION 2. Authority is hereby given to the Director of Finance, without further approval of Council, to appropriate funds during fiscal year 2022 under Fund 202, Object 52.

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

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-36						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Passed	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

Council Memo: Legislation (22-R-82)

Subject: Setting Public Hearing for 2023 Operating Budget
From: Michelle Crandall, City Manager
Initiated by: David Delande, Director of Finance
Date: October 10, 2022

Executive Summary

This legislation would set the public date for the City's 2023 Operating Budget.

Staff Recommendation

Staff recommends that Council adopt this legislation.

Background

Section 6.06 of the City's Charter requires that City Council adopt a resolution setting the date and time for a public hearing on the City's operating budget.

The public hearing on the 2023 Municipal Operating Budget will be held at the Council's regular meeting on **November 14, 2022, at 7:00 p.m.**

Expected Benefits

By passing the resolution, the City Council complies with the City Charter.

Attachments

N/A



Resolution: 22-R-82

Adopted:

Page 1 of

Effective:

SETTING A HEARING ON THE 2023 MUNICIPAL OPERATING BUDGET.

WHEREAS, Section 6.06 of the Hilliard City Charter requires that City Council shall, by resolution, fix the date and place for a public hearing on the City's operating budget.

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

SECTION 1. The public hearing on the 2023 Municipal Operating Budget shall be held on **November 14, 2022, at 7:00 p.m.** in the Chambers of the Council of the City of Hilliard, 3800 Municipal Way, Hilliard, Ohio.

SECTION 2. The Clerk of Council is directed to ensure that notice regarding said hearing is given in accordance with one of the methods permitted by Section 3.03 of the Hilliard City Charter.

SECTION 3. The 2023 Municipal Operating Budget shall be on file for public inspection in the office of the Clerk of Council during normal business hours, which shall be stated in the notice.

SECTION 4. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
 Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
 Director of Law

✓ Vote Record - Resolution 22-R-82						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Andy Teater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Omar Tarazi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Positive Recommendation	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> No Recommendation						
<input type="checkbox"/> Referred Back To Committee						

CERTIFICATE OF THE CLERK

I, Diane C. Werbrich, Clerk of Council for the City of Hilliard, Ohio, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. **22-R-82** passed by the Hilliard City Council on the 10th day of October 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 10th day of October 2022.

Diane C. Werbrich, MMC