

Real People. Real Possibilities.™

AGENDA

Regular Council Meeting

7:00 PM May 23, 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



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

Strategic Focus Area #1 – Excellent, Innovative City Services

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

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

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

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

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

Strategic Focus Area #4 – Quality Commercial Development

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

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

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



I. Invocation and Pledge of Allegiance

Invocation – Pastor Ben York, Guide Church

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

II. Roll Call

III. Approval of Minutes

- A. May 9, 2022, Special Executive Session
- B. May 9, 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
Other Boards/Commissions	President and Vice President

V. Recognition and Special Guests - None

VI. Changes to the Agenda - None

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.

22-17 AMENDING CHAPTER 755 OF THE HILLIARD CODIFIED ORDINANCES REGULATING MASSAGE AND BATH ESTABLISHMENTS.

First Readings

22-18 AMENDING CHAPTERS 1105, 1115 and 1121 OF THE CITY'S CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL FACILITIES AND MODIFY REGULATIONS FOR BED AND BREAKFAST INNS.

B. Resolutions

22-R-44 ACCEPTING SANITARY SEWER PUBLIC IMPROVEMENTS FOR THE NORWICH SQUARE DEVELOPMENT.



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22-R-45 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH DECKER CONSTRUCTION COMPANY FOR THE 2022 PEDESTRIAN AND BICYCLE MOBILITY AND SAFETY PROJECTS (CIP T-133) AND AUTHORIZING AN EXPENDITURE.

X. President's Communication

XI. Staff Reports

A, 2022 Street Maintenance and Rehabilitation Program (SMRP)

XII. City Manager Updates

XIII. Items for Council Discussion

Adjournment



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CITY COUNCIL

May 9, 2022 Special Executive Session Minutes

CALL TO ORDER

President Teater called the Special/Executive Session meeting to order at 5:31 PM

ROLL CALL OF MEMBERS

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Present – Arrived at 5:35 PM
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Assistant City Manager Dan Ralley, Economic Development Director David Meadows and Clerk of Council Diane Werbrich

Ms. Vermillion, seconded by Ms. Cottone, moved to recess to Executive Session for matters pertaining to Appointment of Public Personnel and Economic Strategies (Charter Section 2.10(1)(a)(g)).

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

EXECUTIVE SESSION

Council recessed to Executive Session at 5:32 PM

Mr. Carrier, seconded by Ms. Vermillion, moved to end the Executive Session at 6:20 PM.

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

President Teater reconvened the Special/Executive Session at 6:20 PM.

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

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

ITEMS FOR COUNCIL DISCUSSION - NONE

ADJOURNMENT – 6:21 PM

Minutes Acceptance: Minutes of May 9, 2022 5:30 PM (Approval of Minutes)



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City Council

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3.A

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of May 9, 2022 5:30 PM (Approval of Minutes)



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CITY COUNCIL

May 9, 2022 Regular Meeting Minutes

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Pastor Dan Burmeister, Life Church

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

ROLL CALL

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

Staff Members Present: City Manager Michelle Crandall, Law Director Phil Hartmann, Assistant City Manager Dan Ralley, Finance Director Dave Delande, Police Chief Mike Woods, City Engineer Clark Rausch, City Planner John Talentino, Recreation and Parks Director Ed Merritt, Community Relations Director David Ball, Staff Attorney Dawn Steele, Staff Attorney Kelly Clodfelder and Clerk of Council Diane Werbrich

APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the March 21, 2022, Special Meeting or the March 25, 2022, Special/Executive Session and Regular meeting minutes. Hearing none, the minutes were approved as submitted.

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

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - Ms. Hale reported a meeting is scheduled next week.

Destination Hilliard - Ms. Vermillion reported DH met and approved almost all of the \$50,000.00 in Hilliard Development funding for different activities happening in the City. She noted approximately 20 applications were received and a lot of great ideas were presented to bring people to the City.

Environmental Sustainability Commission - Mr. Marsh announced the next meeting is Wednesday, May 11, 2022.

Mid-Ohio Regional Planning Commission (MORPC) - Ms. Crandall stated Mr. Ball sent her the DH applications and she will forward them to Council so they can see what was approved. She announced MORPC and URI set up a non-profit around Rapid 5, which is the initiative around the 5 major waterways in Central Ohio and named Dr. Amy Acton as the Executive Director/CEO of that non-profit.

Planning and Zoning - Ms. Hale reported a meeting is scheduled for Thursday, May 12, 2022.

Public Arts - Mr. Tarazi stated the Commission is looking to expand the traffic box art throughout the City.

Recreation and Parks Advisory Commission - No report.

Minutes Acceptance: Minutes of May 9, 2022 7:00 PM (Approval of Minutes)



Shade Tree Commission - President Teater stated the Commission met on Tuesday, May 3, 2022.

Other Boards/Commissions - No report.

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

CONSENT AGENDA

22-R-38 **APPROVING AN APPOINTMENT TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.**

STATUS: Adopted by Voice Vote (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-38 passed and will take effect at the earliest time allowable by law.

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) - None

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

22-16 **APPROPRIATING FUNDS FOR IMPROVEMENTS TO MERCHANT PARK, THE LABYRINTH PROJECT.**

No one in attendance spoke for or against Ordinance 22-16 during the Public Hearing. Ms. Werbrich noted there was a scrivener error, which was corrected.

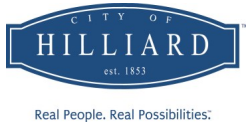
Mr. Merritt reported this is the second reading of this Ordinance that appropriates funds for improvements to Merchant Park and constructs a labyrinth in partnership with the Rotary Club. President Teater mentioned that the Rotary is excited about this project and happy to be a partner.

STATUS: Adopted (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-16 passed and will take effect at the earliest time allowable by law.

FIRST READINGS

22-17 **AMENDING CHAPTER 755 OF THE HILLIARD CODIFIED ORDINANCES REGULATING MESSAGE AND BATH ESTABLISHMENTS.**

Staff Attorney Dawn Steele explained that the City previously had a problem with some concerning massage businesses. She noted the City passed legislation in a way to ensure that when the City removed the other ones that we kept the types of massage establishments under a facade of a business that engaged in illegal conduct and promoted human trafficking and did this to bring legitimacy to the business and that the City only wants legitimate massage therapists who are licensed by the State so it is not setting up a facade for other types of business to come and say they are a massage business. This has been in effect for two years and staff is recommending two changes: To clarify the definition of State licenses, massage establishments that both owned the building and were tenants and mobile massages, which also need to be registered with the City. Ms. Steele reported that this is working, and that Zoning Inspector Kristie Schafer successfully stopped three businesses during registration that they believed would have brought back that same type of activity into the community. She explained to take some of the burden from the legitimate businesses, it will be a one-time registration with proof of an active license



since the State would continue to monitor these businesses. If a business changes or a license expires, they would have to apply for a new one, which will not impact the legitimate, long-standing businesses.

Ms. Vermillion asked how the City can ensure that a mobile business is registered since they do not have a physical location. Ms. Steele replied that she and the Code Enforcement Officers do a Google search for businesses who are offering massages in the City to determine the ones the City are not aware of. The City is still getting individuals used to the process.

Ms. Cottone asked if the individuals hired by these establishments are licensed, professional massage therapists. Ms. Steele replied there is an addendum application that they must apply every time they hire a new person. It is under that same license, but they have to notify the City so the new hire's license can be verified as active. Individuals are required to have a State of Ohio Massage License to be able to offer massage in the City.

Mr. Marsh appreciates that Ms. Steele researched this, has found what works and made it less onerous for those doing the right thing. He agreed with President Teater that it is good government and appreciates Ms. Steele's efforts. President Teater reported the City had a problem, worked at it, fixed it, evaluated whether it was working and made adjustments. He also thanked Ms. Steele for her efforts.

Ms. Hale asked what happens if someone's license is revoked. Ms. Steele replied that is something Code Enforcement handles, and it is her understanding that it is easier to check everyone at once and Code Enforcement is responsible for follow-up. She noted that the period for follow-up has not been established but as part of the process everyone who is on file is checked to ensure their licenses are still valid, and they will not be charged another fee or have a new inspection. Ms. Hale then asked if it could be written that if a license is expired or revoked, that individual cannot work at that establishment. Ms. Steele replied it is included in the legislation that if their license is suspended, they lose their registration with the City and they must have a current, active license. She added the City needs to ensure there is a mechanism in place that checks that information. President Teater added that everyone knew there was a problem and where the problem was and now there is a mechanism to fix those problems or stop them before they start. Ms. Steele reported there were members of the legitimate, well respected licensed massage therapy businesses who expressed concern, and the City heard them, and as part of this evaluation process, determined how to make it easier for them and made it clear that the City wants to legitimize their businesses.

STATUS:	First Reading
SPONSOR:	Pete Marsh
SECONDER:	Tina Cottone
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced the second reading/public hearing will be May 23, 2022.	

B. Resolutions

22-R-39 AUTHORIZING THE CONDITIONAL USE FOR VEHICLE SALES AND MAJOR VEHICLE REPAIR AT 4896 SCIOTO DARBY ROAD WITHIN THE B-2, COMMUNITY BUSINESS ZONING DISTRICT.

Mr. Talentino stated this is a conditional use and is the first to come before Council since the Code change. He reported on April 14, 2022, the Planning Commission (PC) considered an application for a Level B Site Plan for this site and a conditional use. The PC approved the Site Plan with several conditions and forwarded a positive recommendation to Council regarding the conditional use. The Board of Zoning Appeals (BZA) also heard variances for this site (**See Attached**). He noted there is a number of ways this site is deficient in terms of meeting today's code for landscaping and setback and the applicant is proposing to bring the property closer into compliance by bringing in some of these elements. Mr. Talentino reported the proposal is for the property to be used for major auto repairs and to sell vehicles. The intent is to fix the cars in the garage and sell them out front.



President Teater asked if he had a repair, he would not bring it to this establishment. Mr. Talentino replied no because the intent is to acquire cars, fix them and then sell them.

Mr. Carrier asked cars parked behind the building. Mr. Talentino replied this has been an enforcement case for the City. He added the proposal is to add pavement behind the building where they could legally store cars on an approved surface, which would create a pavement setback along Scioto Darby Road that conforms to today's code. Mr. Talentino reported the BZA approved plans that require a 10-foot pavement setback from the side property line and a privacy fence from the front of the building to the back along the paved area to screen it from the property to the east. The PC in their approval also required some mounding along the frontage and the BZA required the front would have to meet the full complement of landscaping along the Scioto Darby Road frontage, the shrub planting requirement along the sides and front of the building. Behind the building they must meet the full setback, shrub and tree plantings, and interior parking lot landscaping, which is not shown on the diagram. Mr. Talentino stated depending on how Council votes, they will have to submit a revised plan that meets all conditions because they have not done that pending Council review. There was also a commitment that the hours of operation will be from 8:00 a.m. to 7:00 p.m. He noted that with the conditions, the PC and BZA felt that it would be able to meet the requirements of the code and be a harmonious part of this neighborhood. Mr. Talentino added there were several neighbors across the street who submitted letters in opposition, and he feels bringing this site into compliance will help with their concerns. The City has enforcement concerns with this site because over the years it has been the subject of some enforcement efforts. Mr. Talentino reported the recommendation is for approval with all the conditions.

Ms. Cottone asked why the City would give them more opportunity if they are not currently in compliance. Mr. Talentino replied that currently they do not have a zoning certificate and to receive a zoning certificate, they must have an approved plan. This is an opportunity to improve the site and make it in more compliance with the Code. There are always enforcement issues when there is this type of use no matter where it is located. Ms. Cottone then asked since the City is in the process of putting together the 10-year plan, and if that plan would rather have something else in that space, why would the City encourage that company to stay. Mr. Talentino replied the current Comprehensive Plan contemplates redevelopment of this site and the Zoning Code allows this use under certain circumstances. If they can meet those circumstances, it will be a viable business and fit in with the neighborhood.

Ms. Hale asked if this is a new tenant. Mr. Talentino agreed and the City has not dealt with this applicant as far as meeting the requirements of an approved plan. President Teater asked how has the City dealt with this applicant. Mr. Talentino replied that a privacy fence was put up along the southeastern property line to almost the right-of-way line, which they did not have a permit for so they had to take it down because they would have to request a variance for the fence location forward of the building. President Teater clarified that this is a recent new tenant and with the PC and BZA requirements, it will improve the site. Mr. Talentino added that they are trying to be a permitted tenant and will improve the site, but he is not convinced because these are costly improvements. There is also a requirement to handle the storm water in a way that meets the City's Design Manual but the City has not received calculations on how to do that. He reported they want to know if they can get approved so they can put forth that effort. In the conditional use provisions for repair, the parking lot and landscape area must be curbed and that is not cheap. The City will have to work with them, if this is approved, to get the site plan that meets all requirements, which is a challenge. President Teater remarked that even if Council approves, it is unclear if the tenants can move forward with the plan. Mr. Talentino agreed and reported after this, they will need a revised site plan, a storm water management plan, and a landscaping plan that meet all of the requirements before a plan can be signed off on. Mr. Talentino stated the City also recommended, which was approved by the PC, that the improvements be done before the zoning certificate is issued. If the applicant cannot put all the items in place, they cannot legally operate out of that building. President Teater asked if the tenant is currently doing anything on the site. Mr. Talentino replied that he is unsure if they are continuing to operate.

Mr. Carrier asked if there will lighting in the front area. Mr. Talentino replied there is not a proposed



lighting plan, and that would have to be submitted before it could be done.

Ms. Vermillion stated that she drove by the site, and it looks like a salvage yard and an eye sore. She reviewed the letters submitted from some of the residents and there was one who lives on Scioto Glen Drive that mentions that he has witnessed vehicles that are not registered and vehicle sales (he mentioned farm equipment). If their business model is taking salvage type vehicles, which require major body and engine work, she considers that a more industrial type of business. She stated there are EPA requirements that they will need to meet and if they are getting automobiles in a condition to sell, there will be chemicals that are going into the system that should not be. Ms. Vermillion feels that this type of business should not be at this less than one acre section, which is right in the middle of homes and does not belong in that neighborhood.

Vice President Tarazi asked if Council could say they do not want this business at this location when it is allowed under all other aspects of the City's Code. Mr. Hartmann replied that it is a conditional use under the general standards, is it harmonious with the surrounding community, etc. and Council can consider this since it is a conditional use. Mr. Talentino directed Council to review Code Section 1123.16(c) in the packet. The reason the PC and BZA recommends approval is because it has been used for this before and does not mean Council has to approve it. He noted that this is not an easy one with the balance of the Code and the intent/purposes for that district in that area to allow a business to go in and thrive, which is not an easy decision because it is on the edge.

Mr. Marsh asked if this is denied, could the owner run a tire and lube store and leave the parcel as is. Mr. Talentino replied that is a good question as to whether they can operate the most recent use. He noted it is a B2 District and the automotive repair, whether major or minor, and sales are all conditional uses. The site was the subject of a conditional use for, in today's Code, would be considered minor repair. Mr. Talentino asked Mr. Hartmann if they would be allowed to revert to their previous operations. Mr. Hartmann replied yes under (b). Mr. Talentino stated under the old Code the conditional use expired with the change of tenant and it is not clear as he reads the Code.

Ms. Cottone asked if they are currently out of compliance with some things. Mr. Talentino replied that the site currently, which was developed several years ago, has several provisions in the Code that this site does not currently meet. Ms. Cottone then asked if they would have to become compliant even if this request is not approved. Mr. Talentino explained that the BZA did grant a variance for the parking lot in front of the building and the side setbacks from the building to Scioto Darby Road. On the sides they just must meet the shrub requirement but do not have to put the two trees per 100 feet, but along the front and back they must meet everything. They were granted a variance to reduce the pavement setback on the side. Since it is an existing site, it does not meet the current requirements for lot width area but was a legal site. He noted those variances were approved a while ago because it was operating as a repair place with those standards.

Mr. Carrier asked if Council denies this, is it an administrative denial. He asked if this is a 2506 since this is the first time a conditional use has come from the PC. Ms. Crandall explained this is the change Council requested that all conditional uses come forward to Council. It is Council's decision whether to approve or deny. Mr. Carrier stated if it is denied they could appeal under Administrative Code 2506. Mr. Hartmann replied he would have to determine if it is legislative or administrative and thought that it would be administrative but would have to confirm. He added Council has a great deal of discretion with all the requirements of the Code. He added they are trying to figure out the previous zoning on the property and they do not know if there were pre-existing uses and that is why it is confusing on what can and cannot be used because there may be pre-existing non-conforming uses that may be legal. It would depend on what time and when that property was zoned and grandfathered in at the time. Mr. Carrier asked if that follows the owner or the property. Mr. Hartmann replied it follows the use and believes the City's Code states a year if it does not cease the use within a full year then it is always going to be with that property until it does not.

Vice President Tarazi stated as far as the City knows it has always had similar kinds of mechanic use at



the property. Mr. Talentino reported the most recent use was in March 2020 when the PC approved a conditional use for a tire and brake shop or minor repair. Vice President Tarazi stated that engine rebuilding would happen inside the building. Mr. Talentino replied that anything they do would happen inside the building. Vice President Tarazi asked if all EPA regulations apply in the City and if they want to add additional work inside the building, they will have to put a lot of money into the property for the City to give them permission to do that. Mr. Talentino replied what is recommended is that they would have to do the improvements, but Council has full latitude under the provisions of the Code to approve, not approve or add any reasonable conditions that would make it harmonious for this site.

President Teater said if Council approves this, they must get a site plan approved and do all the work before it can operate. Mr. Talentino agreed. President Teater added if they do the pavement, curbs, gutter, all the landscaping, the privacy fence etc, it is quite an investment in that property. It then would look better than all the properties to the west of it. Vice President Tarazi stated they want a shot at putting that much investment into it and they cannot even open the doors until they put serious money into this property. Otherwise, they keep doing similar work that they are doing behind the doors, nothing changes.

Ms. Vermillion believed that Mr. Talentino said that they were not operating right now, and she does not think if Council says no that they are going to continue doing work. Mr. Talentino explained they want to do the proposed operations and if they do not get approved and they continue to do what was previously approved, they would still need a zoning certificate. Ms. Vermillion reiterated that when she drove by the property, it looks like a salvage yard and believes Council should have the courage to say that this is not what they want in that area of town. Mr. Talentino stated one of the issues were the cars behind the building that were out of view but not on an approved surface and were brought out because they were in violation. He noted it is another violation but at least the cars are not being parked in the dirt or gravel.

Ms. Hale reported that as this was originally proposed, there was a lot of good community feedback about the noise and what it looks like. Part of this is they said they are going to have room in the back for those other cars and everything being worked on must be outside. The cars out front would be display vehicles that have already been fixed and are presentable. There will be a three-foot mound that will help with noise and decrease the visibility. Ms. Hale reported that the PC worked hard to work with the public feedback, and it is not going to be easy to meet of the requirements. Ms. Vermillion remarked that the noise will be far greater than replacing an alternator and brakes because they are talking heavy body work with constant loud pounding with all the work being done. Ms. Hale reported that one of the letters received specifically asked to decrease the hours of operation to 8:00 a.m. to 7:00 p.m., which was accepted by the PC because that represented the community as an acceptable compromise and the owner was agreeable to that as well.

President Teater mentioned that directly west of this address is a full auto repair business. He explained a yes vote will approve the requested conditional use.

STATUS: Adopted (5-2)
MOVER: Peggy Hale
SECONDER: Omar Tarazi
AYES: Teater, Tarazi, Carrier, Hale, Marsh
NAYS: Tina Cottone, Cynthia Vermillion

President Teater announced 22-R-39 passed and will take effect at the earliest time allowable by law.

22-R-40 ACCEPTING THE DEDICATION OF EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 6 OF THE COURTYARDS AT CARR FARMS.

Mr. Talentino reported this is a subdivision for Carr Farms Section 6, which consists of 31 single-family lots with two reserves. In this development the streets are all private so one of the reserve areas covers



the streets and the other is the central green area with a path through it that links to some green area on the adjacent subdivision plat. **(See Attached)**. The PC recommended favorably on this proposal.

Ms. Vermillion asked what the stripped border is. Mr. Talentino replied it is a storm water management easement and the other dashed line is the building setback line, which increased significantly from the rear property line to keep them farther from the neighboring houses.

STATUS: Adopted (7-0)
MOVER: Peggy Hale
SECONDER: Pete Marsh
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
 President Teater announced 22-R-40 passed and will take effect at the earliest time allowable by law.

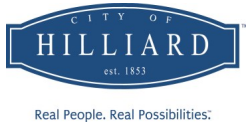
22-R-41 AUTHORIZING A CONTRACT WITH THE RUSCILLI CONSTRUCTION CO. INC. AS CONSTRUCTION MANAGER AT RISK FOR THE HILLIARD RECREATION AND WELLNESS CAMPUS.

Ms. Crandall explained that this legislation would authorize her to enter a contract with Ruscilli Construction Company for the construction management at risk services for the community recreation and wellness campus. She noted five proposals were received as part of the Request for Proposal (RFP) process and the internal team selected three firms to interview. The interviews were conducted in late April and Ruscilli was selected as the preferred firm. Ms. Crandall noted that because of this type of construction management at risk that the City is using, Council will see a series of guaranteed maximum prices come from them. The City is paying for some of their services up front and then there will be several different packages come back. She stated that because of the supply chain challenges right now, Council may see steel and roofing soon and then once it is determined what the building will look like, because some of the lead times of those could be 12 to 18 months. There may be more packages than are typically seen because it was originally thought that there would be two to three packages but there may be four to five come before Council at different times for approval. These will be for the materials and the fee for Ruscilli. Ms. Crandall introduced Mr. Don McCarthy, the City's owner's representative.

Vice President Tarazi asked why the City would not be charged up to what it can afford and how can the City ensure that they are getting a good deal or a good use of finances if someone else can do it cheaper. Mr. McCarthy replied that everyone knows what the City passed and they broke that into budgets. As part of the RFP process, they were told the range of costs for the overall project including the athletic fields but there is no design at this point because the design process has just started. He noted they are heading towards completing the programming, so they know the features, but not the design. One of the first exercises they will do on both the athletic fields, recreation center and the wellness project is to do an estimate of the early schematic design of the project, which will help guide the process through the design phase, so they know they are within the established parameters.

Mr. McCarthy explained that when the RFP was issued for the construction management services, it was done in a competitive process. All five firms were asked for their fees, staff costs, pre-construction fee and all other associated costs. The three firms were interviewed because of the size of staff, fees and pre-construction costs were all within a small margin of dollars so the City will know the cost and charge for the management of the project. The only aspect that the City is working toward is what the actual trade costs are (concrete, steel, painting, carpet, etc) and those costs will be bid to the marketplace. He stated construction management at risk is a complete open book process and all are working toward the budgets that were established in the pre-construction phase.

Vice President Tarazi asked what the City is getting for the \$100,000.00 in pre-construction services. Mr. McCarthy replied that the City will receive a series of estimates and their involvement all through the design phase on both projects. Mr. Carrier asked when would the City receive those estimates. Mr. McCarthy replied they are at different stages because each project is at a different stage. Currently, the athletic fields are slightly ahead of the recreation center so there will be a series of estimates for the



athletic complex and then a series of estimates for the recreation center, which will become the way in which the implementation of the design is managed. Vice President Tarazi asked how does the City know it is being competitive. Mr. McCarthy replied they asked for a lot of information in the RFP relative to the individual firms: proposed staffing plans and hourly rates for each position. They then compared the size of the proposed team, the types of team members (office or field), hourly rates and direct personal expense of each individual and proposed total hours. They were asked for their staff support costs, how much they will charge for the pre-construction services defined in the RFP, their pre-construction fee along with the labor costs and their pre-construction reimbursables or what will be charged beyond the staff cost, their construction fee, construction staff costs and their construction manager (CM) contingency, which is used for errors, mistakes, schedule accelerations or anything that is their responsibility. All the information was put in a matrix to compare all the costs and all three companies interviewed were all very comparable as far as what they were proposing for the project. Vice President Tarazi asked what the determining factor was for selecting Ruscilli. Mr. McCarthy replied the six City employees involved voted and he watched the deliberation but, in his opinion, they focused on the staff, credentials and the experience of the firm, which is what you want in an arrangement like this.

Vice President Tarazi asked what it means when they say there will be five packages brought back to Council. Mr. McCarthy explained that pre-Covid the City would have received one guaranteed maximum price amendment or one package of information that states, based on the design, here is the proposal to build it. He noted that because of the environment right now, they are going to the marketplace as fast as possible to get in the queue as quickly as possible for all the long lead materials like steel, roofing, emergency generators, light fixtures etc. There are tremendous shortages and extended duration on materials that he has never seen in the market in 37 years. Mr. McCarthy explained that for it to not be a schedule impact, we are going to the marketplaces as soon as there is definition on the overall project. If Council votes and approves this, they do not have construction of anything in their contract because it must come into their contract through a Guarantee Maximum Price (GMP) amendment. As bid packages are issued for bidding, it would get bid, the City would scope it out, it would be finalized, and a recommendation would be put into a GMP amendment that would come before Council for review and approval. Vice President Tarazi stated that Council would approve different aspects of the project, which happens after the designs are fully finished. Mr. McCarthy replied in the design of a project, the site is designed first because we need to know the site utilities, elevations and all aspects of the site design, then the foundation system gets designed, then the interiors get designed and as those elements are getting finished, those items are plucked out so we are going to the marketplace as soon as possible.

Mr. Carrier asked how the change orders are managed in these processes. Mr. McCarthy replied that is a complicated question, but one thing that is done when budgets are built for projects, there is an owner's contingency that is below the construction manager's number and change orders and risks for the owner are managed through that owner's contingency.

Mr. Carrier asked who is at risk for change orders. Mr. McCarthy replied it is the owner's risk. Mr. Carrier asked how that can be eliminated. Mr. McCarthy replied that the City could design the entire complex and bid it out in a lump sum, but that would be a year from now because there is a year's worth of escalation and no one knows what the material deliveries are going to be like in 12 months. He added that with the municipalities they have worked for this is the delivery method they have chosen to try to hedge against escalation, inflation and time related problems.

Ms. Hale asked if the City had a medically integrated partner, would they receive packets as well. Mr. McCarthy replied yes, and they have already had some of those conversations with the proposed partner.

Vice President Tarazi asked if the pricing that the City will receive will be the actual price and not an estimate. Mr. McCarthy replied that when there is a GMP amendment, it will be actual bids for whatever is in that GMP amendment. Vice President Tarazi then asked if they would help with the design or programming piece of the puzzle. Mr. McCarthy replied they will be a partner all the way through the design process, helping to evaluate what new changes might be in the marketplace. For example, as structural steel durations go up, we may choose to pivot to a masonry bearing or a concrete building.



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These will be evaluated working through the design process and that is part of what they will help us figure out. Vice President Tarazi mentioned that someone can build a pre-engineered steel building significantly cheaper than a masonry building and asked if that has changed or are the aspects of a pre-engineered steel structure still cheaper to construct. Mr. McCarthy replied that the cost of everything has gone up and the cost of a pre-engineered steel building has gone up dramatically in the last 12 months. He stated if Vice President Tarazi is asking if it is cheaper to build a pre-engineered building than a concrete structure, the answer generally is yes because it is a prefabricated product that you fit a program into versus designing a program around the building. Vice President Tarazi asked if they could be integrated together. Mr. McCarthy replied that largely depends on the community that you are building in and what their requirements are for a development plan that would get approved. If it is allowed by the City, it can be considered.

Ms. Hale asked if Mr. McCarthy has had any experience with 3-D printed concrete buildings that take out a lot of the labor force. Mr. McCarthy replied that has not hit the commercial marketplace yet but there is a push for as much prefabrication as possible because of the labor issue in Central Ohio, which will continue for several years.

STATUS: Adopted (7-0)
MOVER: Cynthia Vermillion
SECONDER: Pete Marsh
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-41 passed and will take effect at the earliest time allowable by law.

22-R-42 APPROVING APPOINTMENTS TO THE RECREATION AND PARKS ADVISORY COMMITTEE.

STATUS: Adopted as Amended (7-0)
MOVER: Peggy Hale
SECONDER: Tina Cottone
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-42 passed and will take effect at the earliest time allowable by law.

Mr. Carrier, seconded by Mr. Marsh, moved to amend the legislation to add the name David Coyle by Voice Vote.

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

22-R-43 APPOINTING INITIAL MEMBERS TO THE CITY'S AGING-IN-PLACE ADVISORY COMMITTEE.

STATUS: Adopted as Amended (7-0)
MOVER: Tina Cottone
SECONDER: Peggy Hale
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-43 passed and will take effect at the earliest time allowable by law.

President Teater requested a motion to amend 22-R-43 to add the following:



Jan Dickerson, Brian Meginnis and Paula Santry to a one-year term. Deborah Mitchell, Sue Timan and Lynn Tramantano to a two-year term. Kathryn Grubbe, Rose Reed and Leslie Sauer to a three-year term.

Mr. Carrier, seconded by Ms. Cottone, moved to amend the legislation to add the names and terms by Voice Vote.

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

PRESIDENT'S COMMUNICATION

President Teater thanked Mr. Merritt and his staff for the Opening Day of the Buddy Ball field event.

STAFF REPORTS - NONE

CITY MANAGER UPDATES - NONE

ITEMS FOR COUNCIL DISCUSSION

Ms. Hale thanked Brown Elementary School for allowing Ms. Werbrich and her to teach their third-grade class about local government. She announced that Council has the opportunity on Wednesday, May 11, 2022, to go to Hoffman Trails Elementary School to talk about government.

Mr. Tarazi asked Council to discuss the Norwich Township Trustee letter so that we can continue collaborative governance.

Mr. Marsh stated the City knows there are a couple of things the township is interested in and there are things from the City's perspective the we are interested in from a collaboration standpoint. The Township is very interested in a fire station location, and he proposes that the City proceed with that as previously discussed. The Township has also asked for \$530,000-\$540,000 in free policing for 2023. He added that one thing that needs noted is there have been things in the past that have not worked well collaborating between the City and the Township, but we have moved past those things. He feels it is important to recognize that and this is not the place to try to extract revenge for past wrongs and the City and Township need to move forward together. Mr. Marsh explained the City would like to have a Township agreement to collaborate on incentives for the potential True Point Project and the Old Hilliard redevelopment. He proposed a trade of granting their request for free policing services in 2023 in exchange for their agreement to collaborate with the City and agree with the incentive plans that the City would like to proceed with on those parcels. Mr. Marsh clarified that the City would also give/sell the land to the Township for the new fire station and offer free policing for 2023 in exchange for the Township signing off on the City's incentive plan for the True Point potential development and the Old Hilliard District overlay for redevelopment of projects in that corridor.

Vice President Tarazi asked how much value that is. Mr. Marsh replied that is totally dependent on what comes up which could be a wide range. The True Point Development still depends on the partners they might find for the site and Old Hilliard depends on what parcels and how many parcels get aggregated for redevelopment. It is unknown but an important element for the developers who are considering those things to understand is that they are going to have collaboration from all bodies.

Vice President Tarazi asked if there is a quantified ask versus something nebulous. Mr. Marsh replied that is impossible to do at this stage because we do not know what the improvements will be on. Vice President Tarazi stated that if the City has their agreement that it could be within a dollar figure, then the City knows they are not going to say no if it is under that dollar figure. Mr. Marsh replied that could potentially limit the interest of the developer on a particular property or restrain their investment to a certain amount. He noted some of these incentives do not necessarily have additional costs and some require far less demand on Township resources, so it is hard to draw an exact number until we know what



the proposal is and the type of use. Vice President Tarazi stated he understands that but how does the City put a quantity to what Mr. Marsh is asking. Mr. Marsh replied that he would hope there would be recognition that these two things that we are discussing are potentially big, important things for the community. The redevelopment of Old Hilliard is a priority for everyone to support and the redevelopment of the True Point area is important for potentially large corporate employers, which recognizes that we are all serving the same community. He mentioned that most of the Township voters live in the City of Hilliard and benefit from the same things. Mr. Marsh stated there must be some recognition of that or there is either no development or bad development, which is worse than no development in some circumstances.

Vice President Tarazi asked if this would be a written agreement or an understanding that the same Township Trustees or mentality will be there at some point in the future. Mr. Marsh replied he is not exactly sure how that would manifest but would rely on staff who is much more versed in developing agreements like this. Ms. Crandall added the City would want something in writing that sets forth what is being given and what is expected in return.

Vice President Tarazi asked how the issue with the TIFs would be written. Mr. Meadows reported that the way the City would have to structure this because of the provisions in the Charter that requires Township consent for any type of TIF that has residential development, would have to have legislation from the Township that says they waive or approve and give their consent for the development of the True Point project and mixed-use project within the boundaries of Old Hilliard. The City would need the Township to grant that consent.

Mr. Carrier asked how much the policing contract is this year. Ms. Crandall replied it is \$517,000.00 this year and has gone up an average of approximately three percent each year. Mr. Carrier then asked if the City is at authorized strength and if there is not \$517,000.00 in the HPD budget, what does that look like. Chief Woods stated that he would come back to Mr. Delande to figure that out. He noted the HPD is not currently at full staff but are working towards that and would have to work with Ms. Crandall to see how to absorb an approximately \$500,000.00 hit. Mr. Carrier asked if any officers would be laid off. Ms. Crandall replied the HPD is not currently at full staffing so if there is a budget challenge, the City could look at not filling all of those positions immediately, which would not be ideal. She noted if the Township would agree to this, the City would figure out how to work the budget so HPD can be at full staffing.

Mr. Carrier asked if it would be better to take the levy money that they are generating, which he believes is approximately \$300,00.00 so the gap is only \$200,000.00 and then spread that out over some time. He added he can see from the Township side that they will eventually have to go for a police levy unless we structurally solve it or help work with them on a longer-term basis than a one-year hit. Mr. Carrier nominates Mr. Marsh and Ms. Crandall to talk to the Township Trustees. He stated on the back side of this, the Township could come back in a year saying they do not want to put a police levy on the ballot and ask for help again. Mr. Marsh said the primary objective, for him, is to meet the requested needs of the Township while meeting the City's needs moving forward and trading those things off so everyone wins and gets the things they want, whether it is one year or three years, or five as they proposed.

Mr. Carrier reported that Mr. Meadows worked with the Township on the last TIF they accepted down at the Darby Accord with the Sugar Property and that TIF will give the Township approximately \$12 million over a period of time. He asked what that number is. Mr. Meadows replied that he is not sure what the parameters of the Sugar Farm are but that he helped them with trying to structure it but the big issue with townships participating in TIFs is that the Ohio Revised Code (ORC) does not allow townships to receive service payments in lieu of tax, which can compensate school districts and vocational schools. What happened with Sugar Farm is that you can use service payments to pay for public improvements and they declared the fire station itself was a public improvement which is how they got to participate. He added they are not getting that free and clear like the school district. Mr. Carrier stated they are restricted to build a new fire station. Mr. Meadows agreed. Mr. Carrier asked if the City could use that framework on the City's TIFs. Mr. Meadows replied that the City could if there is a public improvement that the City wanted to declare and if the City does that, then what is the City getting in exchange versus the



Township. The City has the same abilities as the City of Columbus as far as declaring a public improvement.

Vice President Tarazi stated this is going to require a conversation between the City and Township and there might be more discussion from both sides needed and he believes this needs to be handled at a Council/Township level. President Teater stated to get this moving forward, he would like it to be a smaller number and would like for Mr. Marsh and Ms. Crandall involved. He added the City has groundwork to lay before the bigger picture. Vice President Tarazi mentioned that Ms. Crandall was talking with Ms. Fisher and the Township Trustees did not feel that was working and is why they sent a letter stating they wanted to talk to Council. President Teater replied that the Administration must be involved, and the Township cannot dictate that they are only going to negotiate with Council. Mr. Marsh added that Ms. Crandall is Council's employee and Council can provide her the framework to present to the Township, which is within her area of expertise versus a one-on-one negotiation between any Council member and Trustee. He believes it is important to respect the chain of command and Ms. Crandall is Council's representative and they should accept her as such. Ms. Crandall reported that she heard some comments that the reason the Trustees did not want her to come back is because they thought that she was not representing what Council had asked her to go forward with on behalf of Council and that is not the case. She added she and Mr. Meadows spoke with the Township's legal representative about exactly what Council asked them to bring forward. Ms. Crandall suggested that if Council decides something this evening, that it is put in writing and that she and Mr. Meadows attend an upcoming Township meeting to explain it and having someone from Council, like Mr. Marsh, there to say this represents what Council asked because he is not there to negotiate. It will be here is the offer and the reasoning behind it that she and Mr. Meadows can explain and Mr. Marsh would attend as a representative of Council to answer any question of that nature that may come up. Mr. Carrier reported that he was unaware that annexation was going to be discussed when Ms. Crandall went back for that discussion. At the Council Retreat a global deal or framework around development was discussed and he believes the next step should have been Ms. Crandall should have informed Council what she was going to tell the Township so that Council could be on the same page. Mr. Carrier cautioned any discussion around annexation because of the nature of it and it is outside the scope of the two development areas the City is concentrating on. Vice President Tarazi believes that there should be an opportunity to have a global discussion and room for other discussions as well. He suggested continuing the conversation with the Township and to find a good solution that works for everyone, and it makes practical sense that Council should be more involved in the relationship with the Township. President Teater stated on this issue of a specific request from the Township and if there is to be a resolution or solution, an open meeting between Council and the Trustees is not going to help get to that resolution or solution.

Mr. Carrier reported his concern is that the Township will get more aggravated and pull out and use the sheriffs for policing and then the City would not have a police contract, which is an outcome the City would want to try to avoid. President Teater replied that if the Township wanted to pull out and use the Sheriff's Department that is their decision, but it would not be disastrous for the City. Vice President Tarazi said Council should invite the Trustees to come to a group meeting. President Teater replied he sees that as counterproductive to the path the City is taking right now.

Ms. Vermillion commented that she wonders why Council is not relying on Ms. Crandall to handle this. President Teater added that the Township's current request is one that he cannot explain even to his neighbor why it is good for the City.

Ms. Crandall requested a motion that the 2023 police services will be provided for free in consideration that they would give consent on TIFS for the Old Hilliard area, inclusive of all the area and the True Point development.

Ms. Vermillion asked about the TIFs that are coming off in the next few years and how much money is involved. Mr. Meadows replied it is how property tax levies are assessed. New construction should hit the fire department levies but TIFs capture inflationary value and land increase. Typically, what happens with property tax collection is that an increase in value would be knocked out by reducing the total



effective rate of property tax. The City can come up with a good estimate if we were to look at all of the exempt value as being new construction. From that, we estimate that the TIF expirations, if it is all new construction, would be approximately \$313,000.00 a year from TIF expirations and the City would actually see that in calendar year 2023. It is expired for this tax year, but everything is arrears. Ms. Vermillion asked if that \$313,000.00 would go to the Township. Mr. Meadows agreed and stated that it would hit their levies like it is new construction.

Mr. Carrier reported that where Trustee Buck gets his \$8 million dollars is from the amount of dollars that are not flowing to the Township which also increases as the TIF stays on. Mr. Meadows agreed but the flip to that argument would be but for these incentives there would not have been \$545 million in market value. Mr. Carrier would like to see those numbers and he has asked the Township for some other numbers as well to understand the number of runs into the unincorporated area from HPD and he would like to understand the Brown Township contract a little more. Ms. Vermillion stated if the Township is going to be receiving \$300,000.00 plus more, why would the City still need to cover the \$517,000.00 for next year. Ms. Crandall replied that comes in on the fire side and what the Township is saying is the police levy side is what is short, and they have been covering that shortfall with their General Fund the last few years. They have been short for a while and have not adjusted or gone out for an additional levy on that. She noted that a case could be made that they could transfer that \$300,000.00 to cover the police levy gap. Mr. Carrier added the Township does not want to put two levies on the ballot at once and they know they will have to go for a fire levy sooner or later. Ms. Vermillion mentioned that she remembers the sidewalk discussion where we were afraid to spend \$300,000.00 to fix sidewalks but now, we are willing to give up half a million a year. Mr. Carrier stated he prefers to spread it out and take the millage that is there than take the hit all at once. Ms. Crandall reported if it was capped at half a million then that would be ok but option two would cost the City over \$800,000.00. Mr. Carrier added because they asked for five years.

Vice President Tarazi stated if the motion is just simply to deliver a proposal, then that can be delivered with a letter, but if the idea is that Council is appointing Mr. Marsh and Ms. Crandall to go and discuss with a starting point framework, then that is a different kind of motion. President Teater clarified that Council is sending Mr. Marsh and Ms. Crandall with a framework that Council agrees with because we could trade letters forever. He also likes the idea of Mr. Marsh and Ms. Crandall attending a Township meeting so they can answer questions because he is worried that some of what recently happened was lost in translation between Ms. Crandall's discussion with Ms. Fisher and the Township Trustees. Ms. Crandall reported that in hindsight something should have been prepared in writing for that first offer. President Teater stated that Council is taking the next step to clarify the City's position and adding that the City does want something in return so that it is also good for the City. Ms. Vermillion asked if the Administration feels that this is a good solid proposal they would want to start at. Ms. Crandall replied that if this could be approved then it would be a good place for the City to move forward with some of these economic development deals. Mr. Marsh clarified that his role will be to explain this conversation in terms of this is what Council said and not to conduct individual negotiations. President Teater stated Mr. Marsh and Ms. Crandall can bring back to Council what the discussion was with the Township Trustees. Ms. Crandall requested a motion for what Council would propose. Mr. Marsh added it would be appropriate to have something in writing that is presented.

President Teater, seconded by Ms. Vermillion, moved to have Mr. Marsh and Ms. Crandall attend the next Township meeting with the proposal that the City would agree to the one-year waiver of fees for police protection for Norwich Township in exchange for them agreeing to participate in the economic incentives for True Point and for Old Hilliard. He added the fire house is still part of that deal by Voice Vote.

Ms. Crandall stated that it was Council's intent from the very beginning to give the Township the land because the City believes that is a valuable piece of land, which they should consider that as something good for their budget.



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City Council

May 9, 2022
Regular Meeting Minutes
Page 14

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

Mr. Carrier, seconded by Ms. Cottone, moved to adjourn the Regular Council meeting by Voice Vote.

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

ADJOURNMENT – 8:54 PM

 Andy Teater, President
 City Council

 Diane Werbrich, MMC
 Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of May 9, 2022 7:00 PM (Approval of Minutes)

Council Memo: Legislation (22-17)

Subject: Amendments to Chapter 755 Massage and Bath Establishments
From: Michelle Crandall, City Manager
Initiated by: Dawn Steele, Staff Attorney/Prosecutor
Date: May 23, 2022

Executive Summary

Mobile massage is a new development in the area and Staff wants to ensure that those offering these services are properly regulated for the original goals of Ordinance No. 19-19 and to ensure that no loopholes exist that could create new public health, safety and welfare concerns. Staff has determined it is the initial registration process that is effectively screening out the types of illegitimate businesses Hilliard does not want and is proposing minor changes that will keep the effectiveness of the initial registration process, but further minimize the burden on the legitimate licensed massage therapists in our community.

Staff Recommendation

Staff is recommending Council approve and adopt the proposed changes to Hilliard City Code 755 to address the new existence of mobile massage services in the area and continue the effectiveness of the original legislation, but remove some of the requirements placed upon licensed massage therapists once they have completed the initial registration process.

Background

Council adopted Ordinance No. 19-19 to promote the health, safety and welfare of the community by only allowing State of Ohio licensed massage therapists to perform massage services and operate massage establishments in the City. This was done in conjunction with a coordinated operation to remove unlicensed massage therapy businesses from the City that were performing illegal activity and exhibited potential signs of human trafficking.

After being in effect for two-years, Staff reviewed the Ordinance's effectiveness in achieving the goals of only allowing reputable massage therapists to operate in Hilliard, promoting legitimacy of the profession by only allowing licensed professionals, and eliminating the ability of unlawful activity to occur in the City under the guise of a massage establishment. The City also became aware of a mobile massage service wanting to operate in the Hilliard area and this was a new form of massage service that communities had not seen or contemplated.

Code Enforcement Officers successfully prevented three suspicious massage establishments from opening because of the new Massage Establishment Registration process. Of the licensed massage establishments that completed the registration process, there were no violations found. Staff consulted with local licensed massage therapists for feedback on the new process. The consensus was the less extra paperwork and steps they had to do the better. Staff proposes that, unless there are major changes to the business as defined in the proposed legislation, there is no need to monitor the properly licensed massage therapists beyond the initial registration process.

Financial Impacts

The City will now only receive an application fee upon initial registration or change of address or ownership.

Expected Benefits

The proposed changes will ensure no loopholes exist and provide equity, transparency, and clarity to all licensed massage therapists in the City. The legislation will reduce the burden on the valued licensed massage therapists operating legitimate businesses in our community.

Attachments

- Exhibit A – Amendments to Chapter 755
- Exhibit B – Amendments to Chapter 190 Fee Table

Code Section	Change	Reason for Change
755.01 Definitions	Adding definition of mobile massage and distinguishing between fixed locations and mobile massage services Replacing Buildings Department with Community Development Department	Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment Aligning the definition with organizational changes within the department
755.02 License and Registration Required	Adds licensing and registering requirements for persons offering Mobile Massage Services	Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment
755.03 Exemptions	Changing language that persons licensed by the State Medical Board pursuant to R.C. 4731.15 are required to register with the City	Clarifies the exemption of persons licensed through the State Medical Board
755.04 Application for Massage or Bath Establishment; Fee.	Adding language referring to Chapter 190. Providing application requirements for Mobile Massage Services	Staying consistent with other code sections that specify the location of the fee Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment.
755.05 Issuance of Registration Certificate for Massage or Bath Establishment	Amending language to permit issuance of certificate via the City's electronic permitting software and fixing an incorrect reference.	Allows City staff to utilize its permitting software to complete all tasks related to registration
755.06 Registration Expiration, Renewal, and Duty to Update	Amending registration to be valid from date of issuance unless the licensed person moves locations or it is revoked	Simplifies registration process and further minimizes ongoing requirements for licensed massage therapists in the City
755.07 Revocation or Suspension of Establishment Registration	Amending to add specific reasons that a license may be revoked for persons offering mobile massage services	Ensuring that those persons offering mobile massage services are subject to the same reasons that a license may be revoked or suspended
755.08 Requirements for Massage and Bath Establishments AND Mobile Massage Services	Amending to specifically include requirements for those offering mobile massage services	Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment
755.09 Prohibitions	Amending to address specifically state prohibited massage therapist actions	Provides clarity to who and what actions violate the statute
755.10 Authority to Conduct Inspections	Amending to permit City staff to inspect persons who provide mobile massage services	Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment
755.99 Penalty	Amending to include a penalty for those persons offering mobile massage services	Addresses licensed massage therapists offering services at multiple locations or within a non-massage establishment



Ordinance: 22-17

Passed:

Page 1 of

Effective:

**AMENDING CHAPTER 755 OF THE HILLIARD CODIFIED ORDINANCES
REGULATING MASSAGE AND BATH ESTABLISHMENTS.**

WHEREAS, Chapter 755 of the Hilliard Codified Ordinances regulates massage establishments, bath establishments, and those persons offering massage services; and

WHEREAS, after a review, the City desires to modify certain code provisions in Chapter 755 to address the new existence of mobile massage services; and

WHEREAS, the changes outlined in Exhibits "A" and "B", attached hereto and incorporated herein, will ease the enforcement of Chapter 755; and

WHEREAS, the City believes that amending the City's Codified Ordinances, as identified in Exhibits "A" and "B", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Chapter 755, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Chapter 755, 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 Chapter 755, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. Exhibit A of Chapter 190 is hereby amended to remove the requirement to pay an application fee every 2 years, as shown on Exhibit "B", attached hereto and incorporated herein.

SECTION 43. 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

CHAPTER 755 MASSAGE AND BATH ESTABLISHMENTS

755.01 DEFINITIONS.

For purposes of enforcing this chapter, the following words are defined and shall have the meaning ascribed to them as hereafter set forth:

- (a) *"Bath Establishment"* means a fixed location where a person offers a type of contact ~~that any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activity involving any type of physical contact between a patron and an employee or operator, as defined in this section, when that contact is~~ related to providing any form of sauna, shower, steam bath, electric light bath, shower bath, tub bath, hot tub bath, sponge bath, sun bath, mineral bath, Finnish, Swedish or Turkish bath, giving salt glows, or administration of fomentation.
- (b) *"Client"* means a person who receives a Massage Service for a fee or any consideration whatsoever.
- (c) *"City Manager's Designee"* shall mean the City Employee assigned the responsibilities hereunder by the City Manager.
- (d) *"Employee"* means any person who is employed by, or renders any service at, a Massage or Bath Establishment for compensation. "Employee" includes a contract employee, freelance employee, temporary employee, or an independent contractor.
- (e) *"Licensed"* means a person who holds a current license issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with Ohio Revised Code Chapter 4731.15.
- (f) *"Massage"* means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, moving, touching or stimulating the soft tissues of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniment, antiseptics, oils, powders, creams, lotion, ointments or other similar preparations commonly used in this practice as defined in Ohio Revised Code Chapter 4731.15.
- (g) *"Massage Establishment"* means a fixed location in which a licensed massage therapist gives, performs, or administers to another Massage Services, as defined in this section, for any consideration whatsoever and as defined in Ohio Revised Code 503.40. This definition includes a standalone building or tenant space. ~~any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of Massage Services, as defined in this section, for any consideration whatsoever and as defined in Ohio Revised Code 503.40.~~
- (h) *"Massage Services"* means any service that is included in the definition of "Massage" in this Chapter, "Massage Therapy" as defined in Ohio Revised Code Chapter 4731.04, and "Massage Treatment" as defined in Ohio Revised Code Chapter 4731.15.
- (i) *"Mobile Massage Services"* means services in which a licensed massage therapist gives, performs, or administers to another person Massage Services, as defined in this section, for compensation or consideration at a location other than a registered Massage or Bath Establishment.
- (j) *"Operator"* means the permit operator of a massage or bath establishment.
- (~~j~~k) *"Person"* means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- (~~k~~l) *"Registration"* means to provide information to the ~~Buildings~~ Community Development Department that indicates the location of the establishment, the names of the individuals employed there, and

evidence of current state licensure or student status of anyone providing massages or massage therapy at the establishment as provided in ORC 503.411.

- (~~l~~m) "*Registration Certificate*" means a certification of registration issued by the City of Hilliard to a Massage or Bath Establishment ~~or to a person providing Mobile Massage Services~~.
- (~~m~~n) "*Sexual Activity*" means the same as in Ohio Revised Code Section 2907.01.
- (~~o~~) "*Sexual or genital area*" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
- (~~p~~) "*Student*" means an enrolled student regularly and actively participating in an accredited educational program to achieve the training necessary to obtain a license issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with Ohio Revised Code Chapter 4731.15.
- (~~p~~q) "*Therapist*" means a person who is Licensed to provide a Massage Treatment.

755.02 LICENSE AND REGISTRATION REQUIRED.

- (a) No person, firm, association or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the City of Hilliard, the operation of a Massage or Bath Establishment as herein defined:
 - (1) Without a Registration Certificate for a Massage ~~and~~ or Bath Establishment;
 - (2) Where Massage or Massage Services are offered or performed by a person who is not Exempt or Licensed;
 - (3) Without a Zoning Certificate and Certificate of Occupancy for the Massage ~~and~~ or Bath Establishment.
- (b) ~~No person, firm, association or corporation shall conduct or provide Mobile Massage Services, as herein defined, without a Registration Certificate for Mobile Massage Services.~~
- (~~b~~c) No person shall offer or perform Massage Services:
 - (1) Unless such person is either Exempt or Licensed;
 - (2) In a Massage or Bath Establishment that does not have a Registration Certificate ~~or not registered to provide Mobile Massage Services~~.

755.03 EXEMPTIONS.

- (a) The provisions of this Chapter shall not apply to the following:
 - (1) Hospitals, nursing homes, and public health centers licensed by the State of Ohio;
 - (2) The offices of a licensed chiropractor or physical therapist while used to perform the licensed profession;
 - (3) Any establishment where all massage services are provided by persons exempted by this section.
- (b) The provisions of this Chapter shall not apply to a person who provides a Massage Service as a portion of and incidental to services in accordance with a license issued by any of the following:
 - (1) The Ohio State Cosmetology and Barber Board or its predecessors pursuant to Ohio Revised Code Chapter 4709 or 4713;
 - (2) The State of Ohio Board of Nursing pursuant to Ohio Revised Code Chapter 4723;
 - (3) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board pursuant to Ohio Revised Code Chapter 4755;
 - (4) The Ohio State Chiropractic Board pursuant to Ohio Revised Code Chapter 4734;

- (5) The State Medical Board of Ohio pursuant to Ohio Revised Code Chapters 4730 or Chapter 4762;
 - (6) The State Medical Board of Ohio pursuant to Ohio Revised Code Chapters 4731. ~~Notwithstanding the previous statement, those persons licensed pursuant to Ohio Revised Code Section 4731.15 to practice "massage therapy" are not exempt and are required to obtain proper licensing and registration pursuant to this Chapter. except those licensed pursuant to Revised Code Section 4731.15 to practice "massage therapy."~~
 - (7) An enrolled student practicing massage therapy as part of a program of study at a school, college, or institution in good standing as determined by the board in accordance with Ohio Revised Code Chapter 4731.16(A) and is being directly supervised by a person Exempt from this Section.
- (c) An enrolled student regularly and actively participating in an accredited educational program to achieve the training necessary to obtain a license issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with Ohio Revised Code Chapter 4731.15 is permitted to give Massage Services in a Massage or Bath Establishment registered with the City of Hilliard if the Massage or Bath Establishment complies with the following:
- (1) The student's information must be submitted to the City of Hilliard Zoning Enforcement or his/her designee on the form provided.
 - (2) The Registered Massage Establishment must provide documentation that the student is enrolled and regularly and actively participating in the required education program.
 - (3) The student must work under the direction or supervision of a person Licensed pursuant to this Chapter.

755.04 APPLICATION FOR MASSAGE OR BATH ESTABLISHMENT REGISTRATION OR MOBILE MASSAGE; FEE.

- (a) Application for a registration to operate a Massage or Bath Establishment ~~or to provide Mobile Massage Services including a renewal registration~~ as required by Section 755.02(a) of this Chapter shall be made to the Zoning Enforcement Officer or his/her designee ~~on the form provided.~~
- (b) The applicant shall be required to pay a nonrefundable reasonable registration fee in an amount set by the City Manager and determined to be sufficient to pay the cost of administering this Chapter. An additional fee may be charged when a Registered Massage or Bath Establishment files a notification of new employee(s) as required by this Chapter. ~~The fee amount(s) shall be listed in Chapter 190 of the City's Codified Ordinances.~~
- (c) The registration application ~~for a Massage or Bath Establishment shall be a form designated by the City Manager and~~ shall include all of the following:
 - (1) Full legal name and current residential address of the applicant;
 - (2) The address of the proposed Massage or Bath Establishment;
 - (3) A list of services to be offered at the Massage Establishment;
 - (4) The full name of any person who will provide Massage Treatments at the Massage Establishment;
 - (5) ~~Sufficient information to identify the License~~ The current License number issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with Ohio Revised Code Chapter 4731.15 for each Therapist;
 - (6) The information required in this Chapter for each Student.
- (d) The registration application in order to provide Mobile Massage Services shall include all of the following:
 - (1) Full legal name and current residential address of the applicant;
 - (2) A list of services to be offered by the applicant;

- (3) The full name of any person who will provide Massage Services for the Mobile Massage;
- (4) The current License number issued by the State Medical Board of Ohio to practice "massage therapy" pursuant to and in accordance with Ohio Revised Code Chapter 4731.15 for the applicant and each person that will provide Massage Services for the Mobile Massage;
- (5) If applicable, the information required in this Chapter for Students.

755.05 ISSUANCE OF REGISTRATION CERTIFICATE FOR MASSAGE OR BATH ESTABLISHMENT OR MOBILE MESSAGE.

- (a) The Zoning Enforcement Officer or his/her designee, pursuant to the terms of this Chapter, shall issue a Registration Certificate to an applicant requesting to operate a Massage or Bath Establishment ~~or to provide Mobile Massage Services at a specified location~~, unless he/she finds:
 - (1) That the operation, as proposed by the applicant, if permitted, would not be in compliance with applicable laws, including, but not limited to, the building, health, planning, housing, zoning, and fire codes of the City of Hilliard, as well as the provisions of this Chapter;
 - (2) The registration application is incomplete or contains inaccurate or fraudulent information;
 - (3) The License of a Massage Therapist cannot be verified;
 - (4) Within two years before the date the application is submitted, the applicant or any Therapist listed on the registration application, was the applicant for a Registration Certificate that was revoked or denied. Nothing herein prohibits the Zoning Enforcement Officer or his/her designee from issuing a Registration Certificate for a previously denied application that has been substantially modified;
 - (5) ~~If applicable~~, both a Zoning Certificate and Certificate of Occupancy have not been issued for the Massage or Bath Establishment.
- (b) The Zoning Enforcement Officer or his/her designee shall ~~provide the applicant send, by First Class U.S. Mail addressed to the applicant~~, either a Registration Certificate or a written statement that the application was denied and the reason therefore. ~~The Registration Certificate or written statement of denial may be provided electronically.~~
- (c) Any person who has been denied a Registration Certificate may appeal such denial in accordance with Section ~~759.11~~ 755.11.

755.06 REGISTRATION EXPIRATION, ~~RENEWAL~~, AND DUTY TO UPDATE.

- (a) Each Registration Certificate shall be signed by the Zoning Enforcement Officer or his/her designee and shall contain the following information:
 - (1) The name of the applicant to whom the Registration Certificate is issued;
 - (2) The name ~~and address~~ of the Massage or Bath Establishment ~~or Mobile Massage~~;
 - (3) ~~If applicable, the address of the Massage or Bath Establishment~~;
 - (4) The full name of each Therapist identified in the Application;
 - ~~(4)5~~ The effective date of the Registration Certificate.
- (b) Each Registration Certificate ~~shall be valid from the date of issuance until such time as it expires in accordance with section (d) below or is revoked or suspended pursuant to Section 755.07. shall be valid for two (2) years from the date it is issued.~~
- (c) A person who operates a Massage or Bath Establishment ~~or provides Mobile Massage Services~~ shall notify the Zoning Enforcement Officer when a new Therapist or Student begins working at the Massage or Bath

Establishment or providing Mobile Massage Services on the form provided. The notice shall be received by the Zoning Enforcement Officer no more than fifteen (15) days after the first day the Therapist or Student provides a Massage Service in the Massage or Bath Establishment.

~~(d) No more than ninety (90) nor less than seven (7) days before the expiration of the Registration Certificate, the applicant shall submit a new registration application and pay the fee in accordance with 755.04.~~

(de) A Registration Certification shall not be transferable. If address, ownership or operation of the Massage or Bath Establishment or Mobile Massage transfers, the Registration Certificate shall automatically expire.

755.07 REVOCATION OR SUSPENSION OF ESTABLISHMENT REGISTRATION.

- (a) The Zoning Enforcement Officer or designee may revoke or suspend a massage or bath establishment or mobile massage services registration where he/she finds:
- (1) A section of this Chapter was violated upon the establishment premises or at a location that mobile massage services were provided;
 - (2) A violation of the Ohio Revised Codes or Hilliard City Codes was committed upon the establishment premises or at the location where mobile massage services were provided, and was reasonably related to the management or operation of the establishment or reasonably related to the mobile massage services offered;
 - (3) A material misrepresentation was made upon the application for an establishment or mobile massage registration;
 - (4) An operator, or employee or agent of the operator hindered, obstructed, or prevented any inspection of the establishment or mobile massage authorized by this Chapter;
 - (5) A person who is not a Therapist or Student and/or a person whose information has not been provided as required by Sections 755.05 and 755.06 provided a Massage Service at the establishment or mobile massage.
 - (6) The suspension or revocation of a massage or bath establishment or mobile massage registration shall be made pursuant to the provisions of this Chapter and the appeal of any such order shall be pursuant to Section 755.11 of this Chapter.

755.08 REQUIREMENTS FOR MASSAGE AND BATH ESTABLISHMENTS AND MOBILE MASSAGE SERVICES.

- (a) **Massage or Bath Establishment.** A City Zoning Code Enforcement Officer, or his/her designee, shall inspect the Applicant's facility prior to a registration to operate being issued by the Zoning Enforcement Officer to ensure compliance with the requirements below. No registration to operate a massage or bath establishment shall be issued, ~~renewed, or continued~~ unless an inspection discloses that the establishment complies with each of the following minimum requirements:
- (1) All applicable regulations issued by Franklin County Board of Public Health, applicable provisions of Ohio Revised Code Sections 4713.08, 4731.15, and 4734.10, and the Codified Ordinances of Hilliard.
 - (2) Massage Treatments provided in the Massage Establishment are provided only by Therapists or Students;
 - (3) Employees permit and cooperate in any inspections provided for in this Chapter;
 - (4) A readable sign shall be displayed at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall be in compliance with the City of Hilliard Graphics Code;

- (5) The Registration Certificate shall be displayed in a conspicuous location readily visible to a person entering the Establishment through a public entrance;
 - (6) Adequate equipment for disinfecting and sterilizing any instrument or apparatus used for massage or bath services is provided;
 - (7) Hot and cold running water is provided;
 - (8) Closed cabinets are utilized for the storage of clean linen;
 - (9) Adequate dressing and toilet facilities are provided for patrons' use;
 - (10) All walls, ceilings, floors, steam, or vapor rooms and all other physical facilities for the establishment are kept in good repair and maintained in a clean and sanitary condition;
 - (11) Clean and sanitary towels and linens are provided for patrons receiving massage or bath services;
 - (12) No common use of towels or linens shall be permitted.
- (b) **Mobile Massage Services.** No registration to provide Mobile Massage Services shall be issued unless an inspection discloses that the applicant providing mobile massage services meets the following minimum requirements:
- (1) All applicable regulations issued by Franklin County Board of Public Health, applicable provisions of Ohio Revised Code Sections 4713.08, 4731.15, and 4734.10, and the Codified Ordinances of Hilliard.
 - (2) Proof of license and registration certificate is readily available for inspection by a customer;
 - (3) All equipment and apparatus are maintained in a clean and sanitary condition;
 - (4) Clean and sanitary towels and linens are provided and are not shared among customers.

755.09 PROHIBITIONS.

- (a) No ~~Message Therapist owner or operator of a Massage or Bath Establishment~~ shall recklessly do any of the following:
- (1) Employ any person under the age of eighteen (18);
 - (2) Allow Massage Services to be provided by someone other than a Therapist or Student;
 - (3) ~~Failure to post or carry the Fail at the Massage or Bath Establishment the current~~ Registration Certificate issued by the City of Hilliard;
 - (4) Allow any Employee, Therapist, or Student to appear in any state of undress, to wear transparent clothing, or clothing that otherwise reveals a sexual or genital area;
 - (5) Allow any Employee, Therapist, or Student to provide a Massage Service to a Client who is in a State of Nudity, a State of Semi-nudity, or who reveals a sexual or genital area unless necessary for the Massage Service and is consistent with their License Code of Ethics.
- (b) No Therapist shall fail to display his or her state issued license in a conspicuous place where the massage is being administered and where it is visible to the patron.
- (c) No person shall recklessly do any of the following while administering a Massage Service ~~in a Massage Establishment:~~
- (1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the sexual or genital area of themselves or of any other person;
 - (2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of themselves or of any other person;

- (3) Touch, offer, or agree to touch the sexual or genital area of themselves or of any other person with any mechanical or electrical apparatus or appliance;
- (4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas;
- (5) No Therapist or Student shall perform Massage Services ~~at a Massage or Bath Establishment~~ that is not exempt and does not have a currently valid Certificate of Registration issued by the City of Hilliard.
- (d) No person shall place, publish, distribute, or cause to be placed, published, or distributed any advertising material using sexual or provocative words or images.
- (e) No person shall advertise Massage Services with the suggestion or promise of a sexual service or activity.
- (f) Nothing in this Section shall prohibit a Therapist or Student from providing Massage Services to a Client who is in a state of undress or who reveals a sexual or genital area provided that the Therapist or Student shall not engage in Sexual Misconduct as defined in Ohio Administrative Code 4731-26-01(H).

755.10 AUTHORITY TO CONDUCT INSPECTIONS.

- (a) Any person having jurisdiction to enforce the provisions of this Chapter shall be granted entry to a Massage or Bath Establishment without notice at any time the establishment is open for business for the purpose of conducting an inspection and to ensure compliance with this Chapter.
- (b) In accordance with constitutional provisions governing searches, any Code Enforcement Officer shall have the authority to enter all Massage and Bath Establishments within the City of Hilliard during all hours of operation to conduct an inspection, to investigate, or to perform the duties imposed upon the Code Enforcement Officer by this Chapter. The Code Enforcement Officer shall present credentials and request entry. If entry is refused, the Code Enforcement Officer may obtain a search warrant in accordance with Ohio Revised Code Section 2933.21.
- (c) No person shall deny access to or in any way impede any Zoning Enforcement Officer or Law Enforcement Officer authorized to enforce this Chapter while conducting an inspection of a registered massage or bath establishment, or any portion thereof, or fail to cooperate with the inspecting official(s).
- (d) No person shall in any way impede any Zoning Enforcement officer or Law Enforcement Officer authorized to enforce this Chapter while conducting an inspection of a vehicle offering Mobile Massage Services.
- (e) No person impede any Zoning Enforcement officer or Law Enforcement Officer authorized to enforce this Chapter while conducting an inspection of equipment or apparatus utilized by a Therapist providing Mobile Massage Services.
- (~~e~~f) No Therapist shall fail to provide their current state issued license upon request by any officer authorized to enforce this Chapter.
- (~~e~~g) No Student shall fail to provide a current form of State issued identification upon request by any officer authorized to enforce this Chapter.
- (~~f~~h) No Massage or Bath Establishment Operator shall fail to provide a current City of Hilliard Registration Certificate upon request by any officer authorized to enforce this Chapter.

755.11 ADMINISTRATIVE APPEAL.

- (a) Any establishment who has been denied a Registration Certificate or has had a Registration Certificate revoked may appeal that decision within five (5) days of the denial or revocation thereof by filing a written statement with the City Manager. 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.

- (b) The City Manager shall review the written statement, shall set a time and place for an administrative hearing, shall provide reasonable notice prior to such hearing, and shall establish the reasonable procedures, therefore. The hearing shall be held within ten (10) days of submitting the written appeal. The City Manager shall issue a decision on whether to grant or deny the Registration Certificate and that decision shall be final.

755.12 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.

755.99 PENALTY.

- (a) Whoever violates any provision of Sections 755.02 and 755.06 shall be guilty of a minor misdemeanor.
- (b) Except as otherwise provided in Subsection (a), whoever violates any provision of this Chapter is guilty of a misdemeanor of the first degree.
- (c) In addition to any penalty set forth in Subsection (a) and (b) above, the City Manager's Designee may revoke a ~~Message or Bath Establishment or Mobile Massage Services Certificate of Registration~~ ~~Registration Certificate of a Massage or Bath Establishment~~ for a violation of any provision of this Chapter.

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

EXHIBIT A FEES

DIVISION	PERMIT TYPE	DESCRIPTION		FEE
PLANNING		Massage & Bath Establishment Application Fee	\$150.00 every 2 years	\$150.00
BLDG-ZCE PLANNING		Massage Establishment Notification of New Employee	each new employee	\$50.00

Council Memo: Legislation (22-18)

Subject: Code Amendment for "Bed & Breakfast" and "Short-term Rental" uses
From: Michelle Crandall, City Manager
Initiated by: John Talentino, City Planner
Date: May 23, 2022

Executive Summary

The proposal is for an amendment to the Zoning Code to establish regulations for Short-term Rentals (STRs) such as those advertised on platforms such as Airbnb.com and Vrbo.com. The Code amendment will permit STRs and Bed and Breakfast Inns within Old Hilliard and establishes standards by which STRs must operate.

Staff Recommendation

Staff recommends that Council adopt this ordinance based on the finding that while STRs have not generated complaints to-date, the creation of base standards will provide a framework to address any should they arise. STRs are currently not permitted citywide – the proposed Code modifications establish Old Hilliard as a test area for incorporating STRs and Bed and Breakfast Inns in a manner that can be evaluated for broader application in the future.

Background

On October 27, 2014, City Council adopted Ordinance No. 14-29 which established a new Planning and Zoning Code and related Zoning Map. At the time of adoption, STRs were not a widely known use and have not been addressed in the Code. The proposed language establishes a definition and standards for STRs; it also establishes STRs and Bed and Breakfast Inns as permitted uses within the OH-MD, Old Hilliard Mixed Use District and the OH-RD, Old Hilliard Residential District. (Bed and Breakfast Inns are currently permitted only in the R-R, Rural Residential District.) Old Hilliard is the one area of the city where interest has been expressed in such uses because of the DORA and large public events.

During its April and May meetings, the Planning and Zoning Commission reviewed the proposed Code amendments and made a positive recommendation to City Council on May 12, 2022. The Commission reduced the minimum square footage needed for an STR from 1,500 square feet to 800 square feet to better match the size of dwellings within Old Hilliard. The Commission acknowledged the need to consider the uses in a manner that would result in limited administration by City staff. The Commission expressed a desire to make STRs available to a broader area throughout the city, but recommends testing the idea within Old Hilliard and revisiting the ordinance in the future if necessary adjustments are identified.

Financial Impacts

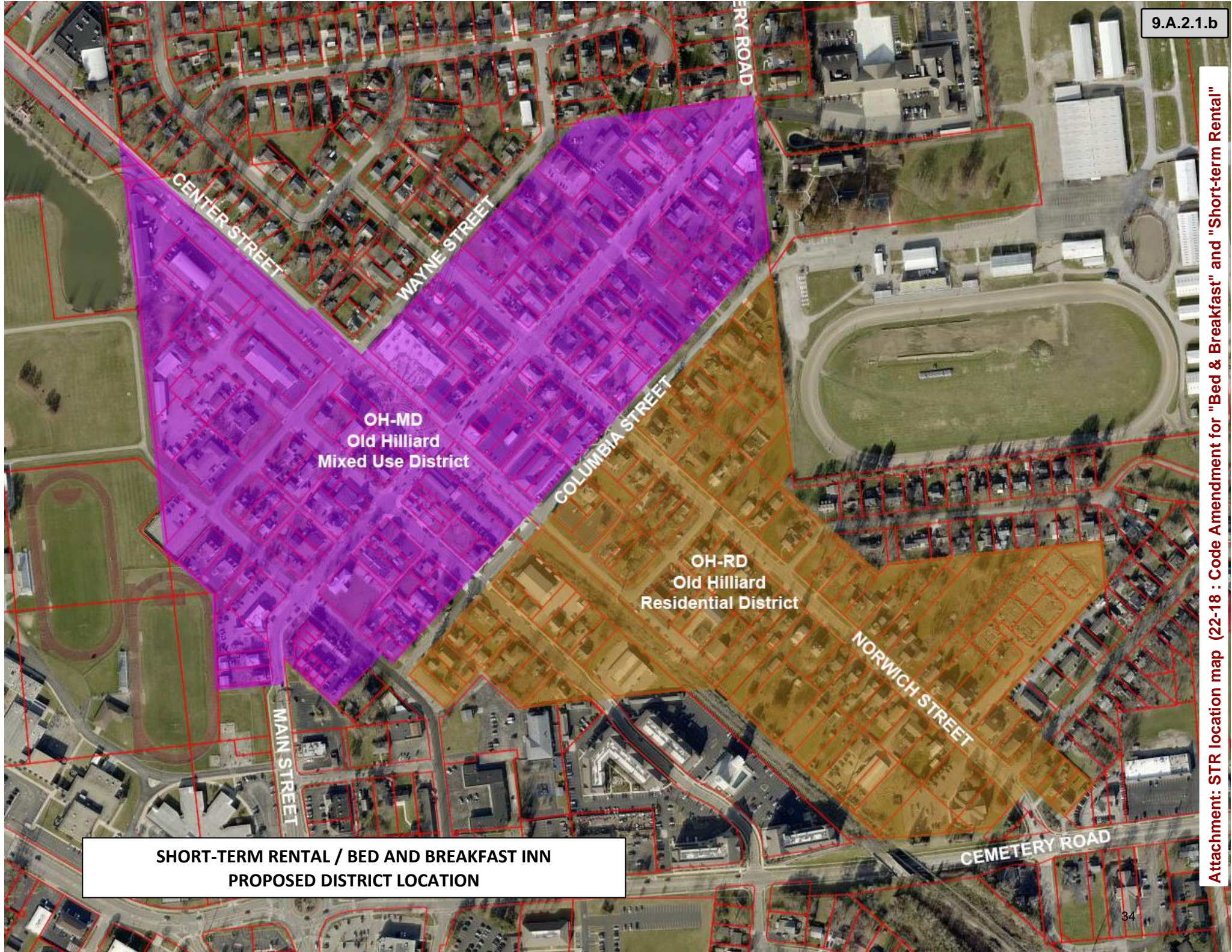
There are no anticipated financial impacts.

Expected Benefits

Approval of this amendment to the Zoning Code will establish STRs in the Zoning Code and will utilize Old Hilliard as limited geographic area where the uses can be an amenity for public events in a manner where use standards can be evaluated.

Attachments

- Exhibit A – Short-term Rental / Bed and Breakfast Inn
- P&Z Record of Action – April 14, 2022
- P&Z Minutes – April 14, 2022
- P&Z Record of Action – May 12, 2022
- P&Z Minutes (draft) – May 12, 2022



OH-MD
Old Hilliard
Mixed Use District

OH-RD
Old Hilliard
Residential District

**SHORT-TERM RENTAL / BED AND BREAKFAST INN
PROPOSED DISTRICT LOCATION**

Attachment: STR location map (22-18 : Code Amendment for "Bed & Breakfast" and "Short-term Rental"



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PLANNING & ZONING COMMISSION RECORD OF ACTION

Thursday, April 14, 2022

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

CASE 6: PZ-22-18 – Zoning Code Amendment

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

REQUEST: Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

MOTION: Mr. Lewie made a motion to postpone the proposed code amendment to the May meeting to allow for more research and additional discussion.

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	Yes

STATUS: The zoning code amendment will be rescheduled for additional review at the May 12, 2022, meeting (7-0).

CERTIFICATION:

Carson Combs, Planning Manager/Acting Clerk
April 15, 2022

Mr. Gutknecht, seconded by Vice Chair Schneck, made a motion to approve a variance under the provisions of Hilliard Code Section 1129.08 to permit 5 subdivision development advertising signs with more than 4 colors and to permit increased maximum sign size and maximum height with the following three conditions:

- 1) That the proposed subdivision sign package be permitted for a period of three years at which time any extension must be obtained from the Planning Commission;
- 2) That the proposed green “Coming Soon!” blade on the main entry signs be placed horizontally below the main sign face; and
- 3) That both main entrance signs be placed at least 15 feet from the edge of right-of-way outside of sight visibility triangles for safety consistent with the Code.

Status:	Approved with three conditions (7-0).
Mover:	Eric Gutknecht
Seconders:	Vice Chair Bevan Schneck
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

CASE 6: PZ-22-18 – Zoning Code Amendment

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REQUEST: Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

[Mr. Talentino gave the report]

BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses.

COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

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 amendment.

CONSIDERATIONS:

Definitions

- Section 1105.08 - The proposal will add the following definition:
Short-term Rental. Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:
 - (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
 - (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
 - (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[end of report]

Mr. Uttley voiced concerns about neighborhoods in other areas of Columbus being impacted by the amount of such rentals impacting ownership patterns and the turnover. He is concerned about impacting the character of areas, especially when short-term rentals can generate more income than long-term leasing.

Mr. Talentino said that ordinances vary widely around the country depending upon how detailed you want to be with registration and enforcement. He noted that hotels and apartments are using short-term systems to fill vacancies. He said Old Hilliard seemed like a good starting point.

Mr. Gutknecht said that there is more control with regulations in Old Hilliard.

Mr. Uttley has concerns about parking and what happens when homes are expanded or finished out to squeeze in more units.

Mr. Lewie voiced caution, particularly when it comes to things like long-term construction rental, seasonal workers...the price per day will have a large impact on the users.

Ms. Hale noted her use of short-term rentals around the country and that many places denote parking limitations Such as two car spaces per house or lot.

Vice Chair Schneck noted that state legislation is being considered to restrict local control; Mr. Talentino noted that this request is due to interest in Old Hilliard – not pending legislation.

Mr. Uttley noted that in the university area they are finishing out old basements to create more units.

Mr. Talentino said that registration is an option, but it must be weighted against other factors. He said that how many resources are needed is a factor – there are examples out there currently that are not being enforced.

Currently there have been no complaints, but eventually at some point there will be a problem. Mr. Talentino encouraged the Commission to research VRBO and Airb&b.

Ms. Clodfelder noted that staff can provide examples of other ordinances such as Dublin's and Columbus'.

Mr. Lewie, seconded by Chairman Muether, made a motion to postpone the case to the May meeting to allow for more research and additional discussion.

Status:	Postpone to the May meeting for additional discussion (7-0).
Mover:	Chris Lewie
Second:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett, Bill Uttley

CHAIRMAN'S COMMUNICATION

There were no additional items for communication.

COMMITTEE COMMUNICATIONS

Ms. Nixon reported that a session was held to explore programming for the new Community Center. She was surprised by the desire for a catering hall. The exercise included looking at programming elements and budget limitations to create a mix of uses within the project budget.

ADJOURNMENT

Chairman Muether, seconded by Mr. Uttley, motioned to adjourn at 8:56 p.m.

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
May 12, 2022

[END OF MINUTES | APRIL 14, 2022]

RECORD OF ACTION



Planning & Zoning Commission

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

Thursday, May 12, 2022 | 7:00 pm

CASE 1: PZ-22-18 – Zoning Code Amendment

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

REQUEST: Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

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

MOTION:

Vice Chair Schneck made a motion to approve a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards with the following change:

- 1) That Section 1121.06(i)(2) be modified from 1,500 square feet to 800 square feet of usable floor area.

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	Absent

STATUS:

Case #1: PZ-22-18 has been approved with one modification.

CERTIFICATION:

Carson Combs, Planning Manager/Acting Clerk
May 13, 2022

[END OF RECORD]

Status:	Approved with six conditions (6-0).
Mover:	Chris Lewie
Second:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett

CASE 6: PZ-22-18 – Zoning Code Amendment

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

REQUEST: Review & approval of a zoning code amendment to Code Section 1105.08 to add a definition for “Short-term Rental” to Code Section 1115.02 to add “Short-term Rental” and “Bed and Breakfast Inns” as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards.

[Mr. Talentino noted that no change was made to the staff report and that the supplemental memo was provided to give examples of other codes from around the country for review/discussion]

BACKGROUND:

On October 27, 2014, Council adopted an ordinance (14-29) enacting a new Planning and Zoning Code and adopting a new Zoning Map. The applicant is requesting approval of a Zoning Code amendment concerning “Bed and Breakfast” and “Short-term Rental” uses.

COMMISSION ROLE:

The Commission is to review the proposal and forward a recommendation to Council.

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 amendment.

CONSIDERATIONS:Definitions

- Section 1105.08 - The proposal will add the following definition:
Short-term Rental. Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

Schedule of Uses

- Section 1115.02 – The proposal will add “Bed and Breakfast Inn” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – The proposal will add “Short-term Rental” as a permitted use in the OH-MD and OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1123.13(a) for specific conditions for “Bed and breakfast inns” uses in the OH-MD or OH-RD zoning districts.
- Section 1115.02 – Identifies Code Section 1121.06(i) for specific conditions for “Short-term rental” uses in the OH-MD or OH-RD zoning districts.
- Section 1121.06(i) – The proposal adds the following conditions for “Short-term rental” uses:

- (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
- (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
- (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

[end of report]

Mr. Talentino pointed out that the code change is proposed for only Old Hilliard. He noted that the District is being used as a test case because it is most likely to see short-term and bed-n-breakfast uses. He clarified that a bed-n-breakfast use is already permitted in the Rural Residential District.

Mr. Gutknecht said he understood the test case idea but has concerns about the exclusionary nature of the square footage; Mr. Gutknecht said he is not comfortable moving forward with the current version.

Vice Chair Schneck noted his concerns and said that the size should not be limited; Ms. Nixon gave an example and noted that you don't care about the size because you're travelling.

Mr. Talentino confirmed that short-term rentals are currently not permitted in the city. He said the major focus is to avoid such uses from becoming a nuisance. He said there are only a few examples online currently. Mostly the hotels and apartments are posting vacancies. Mr. Talentino emphasized that additional staffing and more complication for staff or residents are not desired. He noted that the City does not wish to have administrative processes, pointing out that Dublin's ordinance is quite different because of the Memorial Tournament. He noted that to date there have been no calls or complaints to the City for such uses. The Code will allow for obvious places to have short-term as a permitted use.

Chairman Muether noted that the Commission can always revisit the ordinance; Mr. Talentino also pointed out that the Commission can make changes now to the ordinance language.

Mr. Gutknecht indicated that there is no administration to this ordinance; Mr. Talentino noted that there is not until such time as a complaint is made.

Mr. Lewie noted that he would prefer to see the ordinance city-wide, but also understood that it is not desired to need additional staff to administer the requirements.

Ms. Clodfelder clarified that Council can make any changes to the ordinance. She also noted that increasing the square footage would make the ordinance more restrictive.

Mr. Gutknecht asked about including the Avery Estates area into the ordinance; Mr. Combs provided a map of the DORA onscreen and also uploaded a zoning map for the Commission to compare the area of the DORA in comparison to the OH-MD and OH-RD Districts. Mr. Combs noted that purple is the mixed use district; brown is the residential district and the Avery subdivision is in yellow.

Vice Chair Schneck voice his preference for keeping the Old Hilliard Districts but reducing the size to 800 square feet for single-family detached uses. He said it could be revisited in a year.

Vice Chair Schneck, seconded by Chairman Muether, made a motion to approve a zoning code amendment to Code Section 1105.08 to add a definition for "Short-term Rental" to Code Section 1115.02 to add "Short-term Rental" and "Bed and Breakfast Inns" as permitted uses in the OH-MD, Old Hilliard Mixed Use District, and OH-

RD, Old Hilliard Residential District, zoning districts and Code Chapter 1121 to add associated development standards with the following change:

- 1) That Section 1121.06(i)(2) be modified from 1,500 square feet to 800 square feet of usable floor area.

Status:	Approved with the modification (6-0).
Mover:	Vice Chair Bevan Schneck
Second:	Chairman Jay Muether
Ayes:	Chairman Jay Muether, Vice Chair Bevan Schneck, Eric Gutknecht, Chris Lewie, Tracey Nixon, Tom Pannett

DISCUSSION ITEMS

Mr. Gutknecht noted that the new artwork on the traffic boxes looks great; Mr. Lewie noted that the infamous turkeys continue to run amok through the city.

COMMITTEE COMMUNICATIONS

Ms. Nixon reported that discussion was held regarding a rectangular field policy for the new recreation fields that would be built. She noted that policies vary greatly from one community to another.

ADJOURNMENT

Chairman Muether, seconded by Mr. Lewie, motioned to adjourn at 7:53 p.m.

CERTIFICATION:

Carson Combs, Planning Manager/Acting Clerk
June 10, 2022

[END OF MINUTES | May 12, 2022]



Ordinance: 22-18

Passed:

Page 1 of

Effective:

AMENDING CHAPTERS 1105, 1115 AND 1121 OF THE CITY'S CODIFIED ORDINANCES TO REGULATE SHORT-TERM RENTAL FACILITIES AND MODIFY REGULATIONS FOR BED AND BREAKFAST INNS

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

WHEREAS, Short-term Rentals have become a relatively new use that was not contemplated at the time of the Code's adoption; and

WHEREAS, Short-term Rentals are currently not a permitted use within the City of Hilliard; and

WHEREAS, Old Hilliard provides a logical activity center in which to consider testing the incorporation of such uses that are gaining in popularity; and

WHEREAS, Bed and Breakfast Inns are currently only permitted within areas of the City zoned R-R, Rural Residential District; and

WHEREAS, on May 12, 2022, at its regularly scheduled and advertised meeting, the Planning and Zoning Commission considered Short-term Rental uses and approved Case #PZ-22-18 to amend the Zoning Code, making a positive recommendation to City Council

WHEREAS, at its regularly scheduled and advertised meeting on May 12, 2022, the City's Planning and Zoning Commission voted to forward a positive recommendation to City Council that the Short-term Rental and Bed and Breakfast Inn code amendments be adopted; and

WHEREAS, amending Chapters 1105, 1115 and 1121, as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

SECTION 1. Council finds that amending Chapters 1105, 1115 and 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 Chapters 1105, 1115 and 1121, as shown in track changes in the attached Exhibit "A" is approved and shall be incorporated in the City's Codified Ordinances.

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

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

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-18						
<input type="checkbox"/> Adopted			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted as Amended	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Passed	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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"/> Referred	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

1105.08 DEFINITIONS: R-S.

Short-term lending establishment. A business engaged in providing short-term loans to members of the general public as an element of its operation and which is not licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Short-term lending establishments include businesses offering title loans, payday loans, signature loans, small loans, pawnshops, and other similar businesses. This definition does not include investment companies and state or federally chartered banks or financial institutions.

Short-term Rental. Any room or dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation, whether such compensation is paid directly by the short-term rental guest or is collected and remitted to the permanent occupant or owner by a hosting platform.

Sign. A structure, device, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising, providing information, or identifying an establishment, product, service or activity.

1115.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1115-2 may be used for the purposes denoted by the following abbreviations:

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

Table 1115-2 Schedule of Uses: Special Purpose Districts					
Use	S-1	HCD	OH-MD Mixed Use	OH-RD Residential	Specific Conditions
Residential					
Continuing care retirement community			C	C	
Dwellings, detached single family		P	P	P	
Dwellings, attached single family		C	P	P	Maximum 20 percent of total allowable units in the HCD District
Dwellings, multiple family		C	P	P	
Dwellings, two-family		C	P	P	
Dwelling units on upper floors of buildings with non-residential uses on street level			C	C	Section 1123.13(b)
Bed and Breakfast Inn			P	P	Section 1123.13(a)

Short-term Rental			P	P	Section 1121.06(i)
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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.

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- (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 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).
- (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.

(i) *Short-term Rentals*

- (1) A short-term rental shall not provide more than six guest rooms plus a common area for use by all guests.
- (2) A short-term rental shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 800 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.
- (3) Cooking facilities shall not be permitted in short-term rental guest rooms.

Council Memo: Legislation (22-R-44)

Subject: Norwich Square Public Improvements
From: Michelle Crandall, City Manager
Initiated by: Clark Rausch, City Engineer
Date: May 23, 2022

Executive Summary

This legislation accepts the public sanitary sewer lines for the Norwich Square subdivision. The subdivision developer is Old Hilliard, LTD.

Staff Recommendation

As required by City Code Chapter 1191, the public improvements in Norwich Square have been constructed in accordance with the approved construction plans for Norwich Square Public Sanitary Sewer Improvements. City Council is being asked to accept the public improvements associated with Norwich Square. City staff recommends that the sanitary sewer constructed with Norwich Square be accepted as a public improvement so that the developer's required one-year maintenance commitment for these improvements can begin.

Background

City Council approved Resolution No. 21-R-32 on April 26, 2021, for the dedication of easements for vehicular access, public and private utilities, cable television, service connections and storm water drainage for Norwich Square, a development consisting of 8 cottage-style homes on 2.237 acres near the southern end of Norwich Street. The only public improvement associated with Norwich Square is the sanitary sewer. The street, storm sewer, storm water management structures, and street lights in Norwich Square are all privately owned and maintained.

Financial Impacts

The acceptance of the public improvements associated with this Resolution adds approximately 490 feet of public sanitary sewer to the City's public infrastructure inventory. The construction cost of these completed public improvements is approximately \$25,600.

Expected Benefits

The acceptance of the public improvements associated with this Resolution provides sanitary sewer service to 8 new, single family cottage-style homes in the City of Hilliard. Norwich Square is an "in-fill" development in Old Hilliard, which aligns with the City's master plan goals for the Old Hilliard area.

Attachments

None



Resolution: 22-R-44

Adopted:

Page 1 of

Effective:

ACCEPTING SANITARY SEWER PUBLIC IMPROVEMENTS FOR THE NORWICH SQUARE DEVELOPMENT.

WHEREAS, Norwich Square is the development of 8 cottage-style homes on 2.237 acres along Norwich Street just north of Linda Road; and

WHEREAS, City Council accepted the dedication of easements for vehicle access, public and private utilities, cable television, service connections and storm water drainage for Norwich Square by the passage of Resolution No. 21-R-32; and

WHEREAS, the public improvements, namely sanitary sewers, for Norwich Square, as identified on the above Plats, have been found to be constructed per the plans submitted to and approved by the City Engineer for each section; and

WHEREAS, the City conducted a final inspection of the public improvements associated with the development on the date shown below; and

WHEREAS, per Section 1191-01 of the City's Planning and Zoning Code, the public improvements will be maintained by the Developer until the date listed below for final acceptance and full maintenance by the City of Hilliard; and

<u>Public Improvements</u>	<u>Final Inspection Date</u>	<u>Final Acceptance Date</u>
Norwich Square (#P-955)	3/1/2022	3/1/2023

WHEREAS, it is in the best interest of the City of Hilliard and the public at large that the City accepts the public improvements as noted above.

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

SECTION 1. The City of Hilliard accepts the public improvements for Norwich Square and Upper Vue Flats Apartments as set forth in the following plans titled "Norwich Square – Public Sanitary Sewer Improvements – 2019, P-955" approved by the City Engineer on September 17, 2019, which plans are on file in the office of the City Engineer and available for inspection.

SECTION 2. The City Manager, Clerk of Council and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of accepting the public improvements as provided herein.

SECTION 3. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 22-R-44						
		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-44** passed by the Hilliard City Council on the 23rd day of May 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 23rd day of May 2022.

Diane C. Werbrich, MMC

Council Memo: Legislation (22-R-45)

Subject: 2022 Ped-Bike Mobility & Safety Projects Contract
From: Michelle Crandall, City Manager
Initiated by: Letty Schamp, Transportation & Mobility Director
Date: May 23, 2022

Executive Summary

This legislation authorizes the City Manager to enter into a contract with Decker Construction Company and authorizes expenditures related to the construction of three pedestrian crossing projects at the following locations:

1. Darby High School to Heritage Trail Connector
2. Parkmeadow Lane Trail Connector & Latham Park Trail Extension
3. Scioto Darby Sidewalk Connection at Darby Creek Nursery

This legislation also authorizes the transfer of funds between Fund 202 (Street Maintenance Fund) and Fund 283 (Construction Inspection).

Staff Recommendation

Staff recommends approval of this legislation to improve pedestrian and bicycle mobility and safety at these locations.

Background

As a result of the adoption of the Comprehensive Plan in 2011, the City's Pedestrian & Bicycle Mobility & Safety Program was initiated in 2013. This program provides funding for planning, design, right-of-way acquisition, and/or construction of a variety of small to medium sized projects that promote active transportation. Example projects include stand-alone sidewalk connections, shared-use paths, crosswalks, flashing beacons, and other associated infrastructure. Some projects are identified as part of the Comprehensive Planning process; other projects are identified through citizen requests, engineering studies, or through field review by City staff.

In the past few years, the City has received resident requests for improved pedestrian or bicycle access at the above referenced locations. The improvements proposed at each location are summarized below.

Darby High School to Heritage Trail Connector

- Asphalt trail connecting a service driveway on the Hilliard Darby High School campus to the Heritage Rail Trail on City property between a pond and the Westwood Collective building
- Storm sewer, fence improvements along school property line, and sidewalk connections to the Westwood Collective patio

Parkmeadow Lane Trail Connector & Latham Park Trail Extension

- Asphalt Trail connecting the existing path along the south side of Parkmeadow Lane in Hoffman Farms West to an existing wood pedestrian bridge over the Clover Groff Ditch on the north side of the Latham Park apartments
- Asphalt trail extension along the northern edge of the pond in Latham Park to an existing natural gravel trail on the western edge of the park connecting to the Latham Park apartments
- Curb ramp on Parkmeadow Lane and some storm sewer improvements in Latham Park

Scioto Darby Sidewalk Connection at Darby Creek Nursery

- Concrete sidewalk to fill a gap in the existing trail network where an asphalt trail ends outside of both the eastern and western boundaries of the Darby Creek Nursery
- Includes storm sewer improvements and grading all to be constructed within existing City right-of-way to remain off of Darby Creek Nursery property

The Engineer's estimate was \$290,000. The Project was advertised for sale electronically on Bid Express beginning on April 14, 2022, for two weeks. Bids were opened on April 28, 2022. The City received three bids for the Project. The summary of bids is presented below.

Business	Bid Total
Decker Construction Company	\$264,242.41
Strawser Paving Company	\$267,008.26
I-Dig Construction Group	\$289,990.72

Decker Construction Company was determined to be the lowest and best bidder. The City of Hilliard has successfully worked with Decker on other projects, and staff recommends award of the Project to Decker Construction Company in the amount of \$264,242.41. Ten percent (10%) is available for contingencies to cover approved change orders during construction. Therefore, the maximum not-to-exceed expenditure is \$290,667.

Prime AE Group will be providing contract administration, construction project management, inspection, and materials testing for the Project as previously authorization as part of a multi-year General Engineering Services contract. The cost for these services is estimated to be \$59,880, which includes a ten percent contingency. Prime's contract was previously authorized by City Council as a multi-year general engineering services contract by Resolution No. 22-R-27 on April 11, 2022; therefore, this resolution authorizes the expenditure for their professional services contract only.

The total expenditure included in the proposed legislation is summarized below.

Construction Contract (Decker Construction):	\$290,667
Professional Services (Prime AE Group):	\$59,880
Total:	\$350,547

This legislation also authorizes the transfer of funds between accounts as follows:

- A maximum of \$5,000 from Fund 202 (Street Construction Maintenance and Repair) to Fund 283 (Construction Inspection) to cover Hilliard staff time spent on the Project during the construction phase

Financial Impacts

Hilliard City Council appropriated funds for the Project by passage of the 2022 Capital Improvement Budget (Ordinance No. 21-41), and unencumbered funds from the 2021 Capital Improvement Budget for CIP T-133 were carried over to 2022. A breakdown of the 2021 carryover funds, the 2022 fund appropriation and proposed expenditures is presented below.

Current Fund Balance:	\$559,018
Proposed Construction Expenditures:	\$350,547
Proposed Transfers:	\$5,000
Balance of Funds:	\$203,471

The remaining 2022 funds will be utilized for planning/engineering or for advance material purchases for projects that are planned for later in 2022 or 2023.

Expected Benefits

The Project is expected to improve safety and to encourage more walking and bicycling at the three target locations.

The *Darby High School to Heritage Trail Connector* will provide a direct link into Old Hilliard from the Darby High School campus, which will not only improve access for students but also make walking or bicycling into Old Hilliard more convenient for staff and visitors to Darby High School and residents in Hoffman Farms.

The *Parkmeadow Lane Trail Connector & Latham Park Trail Extension* improves access between Hoffman Farms West, Villages at Homestead, Latham Park Apartments, and the Darby Town Center.

The *Scioto Darby Sidewalk Connection at Darby Creek Nursery* fills a gap in the trail network along the north side of Scioto Darby Road, providing safe access from the Hampton Reserve neighborhood to the Darby Town Center, Municipal Park, and the Hellbranch Trail.

Attachments

None



Resolution: 22-R-45

Adopted:

Page 1 of

Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH DECKER CONSTRUCTION COMPANY FOR THE 2022 PEDESTRIAN AND BICYCLE MOBILITY AND SAFETY PROJECTS (CIP T-133) AND AUTHORIZING AN EXPENDITURE.

WHEREAS, CIP T-133 was established in 2013 in the Capital Improvements Plan to provide funding for the planning, design, and construction of pedestrian and bicycle mobility and safety project citywide; and

WHEREAS, the City of Hilliard is committed to improving pedestrian safety and mobility; and

WHEREAS, the 2022 Pedestrian and Bicycle Mobility and Safety Projects consist of:

- Darby High School to Heritage Trail Connector
- Parkmeadow Lane Trail Connector & Latham Park Trail Extension
- Scioto Darby Sidewalk Connection at Darby Creek Nursery

WHEREAS, the above three projects have been combined into one project for bidding and construction due to the nature of work and are collectively known as the 2022 Pedestrian and Bicycle Mobility and Safety Projects (CIP T-133), hereinafter “the Project”; and

WHEREAS, the purpose of the Project is to improve safety and provide facilities for pedestrians and other vulnerable road users at the identified locations where no facilities currently exist and a high demand for improvements exists; and

WHEREAS, the Engineer’s Estimate for construction of the Project was \$290,000; and

WHEREAS, after having been duly advertised for two consecutive weeks as required by law, bids for the contract were opened electronically on Bid Express at 3:00 pm on April 28, 2022 and Decker Construction Company, which submitted a bid in the amount of \$264,242.41, which is under the City’s estimate, was determined to be the lowest and best bidder (“Contractor”); and

WHEREAS, a ten percent (10%) contingency in the amount of \$26,424.59 is available to cover approved change orders on the construction contract; and

WHEREAS, by Resolution No. 22-R-27, adopted April 11, 2022, Hilliard City Council authorized a multi-year General Engineering Services Contract with Prime AE Group, Inc. for construction services, including contract administration, project management, inspection, and materials testing; and

WHEREAS, the estimated cost for contract administration, project management, inspection and materials testing services for the project is \$59,880, which includes a ten percent (10%) contingency; and

WHEREAS, the estimated cost to cover City staff time during the construction of the Project is \$5,000.

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

SECTION 1. An expenditure in the amount of \$350,547 is authorized from the unencumbered balance of Fund 202, Object 55 for the construction of the Project, including related professional services for construction of the Project.

SECTION 2. The City Manager is authorized to enter into a contract with Decker Construction Company for the 2022 Pedestrian and Bicycle Mobility and Safety Projects (CIP T-133) in an amount not to exceed \$290,667, which includes a ten percent contingency to pay for approved change orders associated with the Project.

SECTION 3. The Finance Director is authorized to transfer a maximum of \$5,000 from Fund 202, Object 55 to Fund 283, Object 51 to cover Hilliard staff time during construction.

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-45					
		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-45** passed by the Hilliard City Council on the 23rd day of May 2022.

IN TESTIMONY WHEREOF, witness my hand and official seal this 23rd day of May 2022.

Diane C. Werbrich, MMC

Council Memo: Information Only

Subject: 2022 Street Maintenance and Rehabilitation Program (SMRP)
From: Michelle Crandall, City Manager
Initiated by: Larry Lester, Operations Director
Date: May 23, 2022

Summary

The purpose of this memorandum is to provide an overview of the 2022 Street Maintenance and Rehabilitation Program (SMRP). The engineer's estimate for base bid items is \$1,476,748. The engineer's estimate for alternates is \$389,697. The project will advertise for public bid on Thursday, May 26, 2022, and Thursday, June 2, 2022. Staff will open bids on Thursday, June 16, 2022, at 2:00 p.m. The substantial completion date for this project is October 14, 2022. The final completion date is December 14, 2022.

Base Bid Items

Street	Subdivision	Current PCI
BASE BID ITEMS		
Curb Ramp Program		
Sidewalk Program		
Traffic Improvement Program		
Miscellaneous Items		
Alley East of Columbia (Center St. to Norwich. St.)	Old Hilliard	15
Alley East of Main (Norwich St. to North St.)	Old Hilliard	14
Alley East of Main (North St. to Alley N. of North St.)	Old Hilliard	19
Alley East of Main (Center St. to Norwich St.)	Old Hilliard	23
Alley North of Center (Alley E. of Main St. to Columbia St.)	Old Hilliard	12
Alley North of Center (Alley E. of Grant St. to Wayne St.)	Old Hilliard	14
Alley North of Center (Columbia St. to Grove St.)	Old Hilliard	25
Ashview St. (Barnhurst Ln. to Huntwicke Dr.)	Britton Farms	22
Ashview Ct. (W. End (Cul-De-Sac) to Barnhurst Ln.)	Britton Farms	33
Brickwood Dr. (Claymill Dr. to N. End (Cul-De-Sac)	Hampton Oaks	29
Combury Ln. (Old Creek Ln. to Hyde Park Dr.)	Hyde Park	26
Elm Grove Ct. (Honeysuckle Ln. to S. E. End (Cul-De-Sac)	Brookfield Village	22
Hyde Park Ct. (Hyde Park Dr. to N. End (Cul-De-Sac)	Hyde Park	29
Midlane Dr. (Hillcrest St. to Hillcrest St. E.)	Hilliard Heights	23
Mill Run Dr. (Mill Meadow Dr. to Woods Mill Dr.)	Mill Run	34
Old Creek Ln. (Groff Pl. to Stouenburgh Dr.)	Hyde Park	20
Patcon Wy. (Vintage Woods Dr. to Vintage Woods Dr.)	Darby Glen	29
Serpentine Dr. (Hyde Park Dr. to Stoenburgh Dr.)	Hyde Park	25
Shineystone Wy. (Dayspring Dr. to Pleasantbrook Dr.)	River Run	20
Vintage Woods Dr. (Patcon Wy. To Paycon Wy.)	Darby Glen	28
Average PCI		23.1

Alternate Bid Items

Street		Current PCI
ALTERNATE BID ITEMS		
1A Fern Trail Dr. (Kriggsby Blvd. to Darby Glen Blvd.)	Darby Glen	32
1A Garrison Ct. (Fern Trail Dr. to S. End (Cul-De-Sac)	Darby Glen	33
1A Olde Vintage Dr. (Hyde Park Dr. to Serpentine Dr.)	Darby Glen	29
2A Claymill Dr. (Dixon Dr. to Brickwood Dr.)	Hampton Oaks	30
2A Claymill Ct. (Claymill Dr. to N. End (Cul-De-Sac)	Hampton Oaks	32
2A Nadine Park Dr. (Pavement Change to Laferre Ln.)	Estates at Hoffman Farms	32
3A Sutter Home Rd. (Mondavi Ln. to Hilliard Rome Rd.)	Sutton Place	33
3A Beringer Dr. (Wynneleaf St. to Sutter Home Rd.)	Sutton Place	32
3A Mondavi Ln. (Beringer Dr. to Mondavi Ct.)	Sutton Place	31
4A Kerr Dr. (Dexter Ave. to Packard Dr.)	Avery	32
4A Huntwicke Ct. (Britton Farms Dr. to N.E. End (Cul-De-Sac)	Britton Farms	30
4A Grandon Ct. (Grandon Dr. to N. End (Cul-De-Sac)	Williamsburg	33
5A Nightspring Ct. (Coolbrook Dr. to E. End (Cul-De-Sac)	River Landings	33
5A River Landings Ct. (S. End (Cul-De-Sac) to River Landings Blvd.)	River Landings	33
5A Aigin Ct. (S. End (Cul-De-Sac) to Wynneleaf St.)	Brookfield Village	34
6A Incentive Payment (Complete entire program in 90 days or less)		
Average PCI		31.9

Financial Impacts

This annual program is budgeted at \$1,800,000 in Funds 203 and 206 of the 2022 capital budget. City Council approved the 2022 capital budget on December 13, 2022, by Ordinance No. 21-41 effective January 13, 2022. The funding breakdown for this program is as follows:

Project Funding Breakdown

Funding Source	Budget Amount
T-121	1,700,000
T-122	100,000
Total Project Funding	1,800,000
	Project Amount
2022 SMRP	
Base Bid	1,476,748
Staff Inspection 2%	29,535
Contract Administration 4%	59,070
10% Contingency	147,675
Total Project	1,713,027
Balance	86,973
FCEO Hayden Run	86,973
Project Balance	0
Alternate 1A	63,060
Alternate 2A	103,631
Alternate 3A	88,638
Alternate 4A	75,943
Alternate 5A	38,424
Alternate 6A - Incentive Payment	20,000
Alternate Items	389,697

Expected Benefits

This program will increase the City's overall network pavement condition index (PCI) from 70 to 71, with no street sections in the serious or very poor condition categories. Staff's long-term goal is to maintain an overall pavement network PCI above 80.

Partnership with FCEO

The City will partner with the Franklin County Engineer's Office to resurface Hayden Run Road west of Avery Road within the Hilliard section. This project includes two drainage fixes as well as full depth pavement repairs over the existing box culvert within the project limits. The funding for this project is estimated in an amount not to exceed \$86,973. The City will benefit from the economies of scale associated with FCEO's larger annual road resurfacing program.

Attachments

Staff will provide a complete bid tabulation and program recommendation for your review prior to the June 27, 2022 City Council meeting.