

Real People. Real Possibilities.™

AGENDA

Regular Council Meeting

7:00 PM October 24, 2022

Council Members:

Andy Teater

Omar Tarazi

Les Carrier

Tina Cottone

Peggy Hale

Pete Marsh

Cynthia Vermillion

President

Vice President

Michelle Crandall, City Manager

Diane (Dee) Werbrich, Clerk of Council

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



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

Strategic Focus Area #1 – Excellent, Innovative City Services

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

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

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

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

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

Strategic Focus Area #4 – Quality Commercial Development

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

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

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



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City Council

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I. Invocation and Pledge of Allegiance

Invocation - Reverend Steven Putka - Amlin United Methodist Church

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

II. Roll Call

III. Approval of Minutes

- A. October 10, 2022, Special Executive Session
- B. October 10, 2022, Regular Meeting

IV. Commission and Board Reports

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

V. Recognition and Special Guests – None.

VI. Changes to the Agenda

VII. Consent Agenda - None

VIII. Public Comments (Items not on the Agenda)

Public Notice: Any member of the public addressing Council on items not on this agenda are asked to sign the speaker's sign-in form. 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 - None

First Readings

- 22-37 APPROPRIATING FUNDS FOR THE OPERATING EXPENSES OF THE CITY OF HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2023.
- 22-38 APPROVING THE 2023 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2023.

B. Resolutions

- 22-R-84 A RESOLUTION AUTHORIZING THE CONDITIONAL USE FOR RETAIL USES AT 3854 MAIN STREET WITHIN THE B-1, NEIGHBORHOOD BUSINESS ZONING DISTRICT.



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- 22-R-85 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE COSGRAY ROAD & WOODSVIEW WAY IMPROVEMENTS (CIP T-84); AUTHORIZING THE TRANSFER OF FUNDS; AND AUTHORIZING AN EXPENDITURE.
- 22-R-86 AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS.

X. President's Communication

XI. Staff Reports

- A. Hilliard Recovery Court (HRC) Programming Update

XII. City Manager Updates

XIII. Items for Council Discussion

Adjournment



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CITY COUNCIL

October 10, 2022 **Special Executive Session Minutes**

CALL TO ORDER

The meeting was called to order by President Teater at 4:45 PM.

ROLL CALL OF MEMBERS

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Excused
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 and Clerk of Council Diane Werbrich

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

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

EXECUTIVE SESSION

Council recessed to Executive Session at 4:46 PM.

Ms. Hale, seconded by Mr. Marsh, moved to end the Special/Executive Session at 4:49 PM.

MOVER:	Peggy Hale
SECONDER:	Pete Marsh
AYES:	Teater, Carrier, Cottone, Hale, Marsh, Vermillion
EXCUSED:	Omar Tarazi

President Teater reconvened the Special/Executive Session meeting.

ITEMS FOR COUNCIL DISCUSSION

Ms. Vermillion, seconded by Mr. Marsh, moved to appoint Molly Winters Kryszan to the Shade Tree Commission and move 22-R-83 to the Regular meeting by Voice Vote.



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City Council

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Special Executive Session
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3.A

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

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

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

ADJOURNMENT – 4:50 PM

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Minutes Acceptance: Minutes of Oct 10, 2022 4:45 PM (Approval of Minutes)



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CITY COUNCIL

October 10, 2022 Regular Meeting Minutes

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation - Pastor Tim Vansant, First Community Church

Mr. Marsh 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, Operations Director Larry Lester, Police Chief Mike Woods, City Engineer Clark Rausch, Project Engineer Jeff Cox, City Planner John Talentino, Community Relations Director David Ball, Chief People Officer/Director of Human Resources Colleen Lemmon, City Prosecutor Dawn Steele and Clerk of Council Diane Werbrich

APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the September 26, 2022, Special/Executive Session or Regular meeting minutes. Hearing none, the minutes were approved as submitted.

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

COMMISSION AND BOARD REPORTS

Board of Zoning Appeals - No report.

Destination Hilliard - No report.

Environmental Sustainability Commission - Mr. Marsh stated the Commission will have a meeting on Wednesday, October 12, 2022, and announced the fall shredding event will be Friday, October 21, 2022, from 9:00 a.m. to 12:00 p.m..

MORPC- No report.

Planning & Zoning, - Ms. Hale reported that the Commission will be meeting this week.

Public Arts Commission - No report.

Rec & Parks Advisory Commission - No report.

Shade Tree Commission - President Teater reported that the Commission met and toured the Scioto Nature Trail and encouraged others to visit.

Aging in Place Committee - Ms. Cottone reported the Committee met two weeks ago and Mr. Ball attended and provided insight on surveys. She noted these surveys will be going out in January and created in house. The Committee will have a table at the Senior Health Fair next week.

Other Boards/Commissions - No report.

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

RECOGNITION AND SPECIAL GUESTS

President Teater presented Mr. Rausch and Mr. Cox with a Proclamation for Storm Water Awareness Week.

Ms. Crandall added it is appropriate the City is celebrating this because the groundbreaking for ADS's Engineering and Technology Center was this morning. This will be a place where new technology for storm water management will continue to be developed.

CHANGES TO THE AGENDA

Mr. Carrier, seconded by Mr. Marsh, moved to amend the agenda to add 22-R-83 for Council consideration by Voice Vote.

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

CONSENT AGENDA - None

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA) - None

BUSINESS OF THE COUNCIL

A. Ordinances

SECOND READINGS/PUBLIC HEARINGS

No one in attendance spoke for or against any of the ordinances during the public hearings.

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

STATUS:	Adopted
AYES:	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-32 passed and will take effect at the earliest time allowable by law.	

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

Ms. Crandall asked Council to amend the legislation to include the Deputy Chief position and move it to a pay grade J to K, which is more consistent with what other Deputy Chiefs are paid.

Mr. Marsh, seconded by Ms. Hale, moved to approve the amendment as presented by Ms. Crandall by Voice Vote.

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

Ms. Vermillion asked if the Victim Advocate position is strictly for domestic violence or are other situations covered. Ms. Lemmon replied that it is just for domestic violence. Ms. Steele stated that by making this

an in house position it would allow more availability than a contracted position to expand the advocacy services.

Ms. Vermillion asked if this person would go on a police call involving a domestic violence situation. Ms. Steele replied this is advocacy services for a victim to get a protection order, safety planning etc. She added the police will still do their investigation and under Marcy's Law provide a pamphlet with the Victim Advocate phone number on it, other information and a list of other services available. After the police investigation, this person comes when either they are preparing their case for prosecution or for further investigation. The police would hand off to the Victim Advocate to help the person with protection orders, safety planning etc. If there is a case, they would talk to them about court dates, explain the court process and be with them during the court process.

STATUS: Adopted (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-33 passed and will take effect at the earliest time allowable by law.

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

Ms. Vermillion noticed that one of the provisions in this legislation is that the City would have right-of-way along Cosgray road and wanted to make sure that was the case. Mr. Talentino replied that the right-of-way is not in place because there is a petroleum easement that runs along there and is complicated. He noted that once the applicants get that worked out, they are willing to dedicate the right-of-way.

STATUS: Adopted (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-34 passed and will take effect at the earliest time allowable by law.

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

Ms. Vermillion asked how the automatic pool covers would work in the case of a power outage. Mr. Talentino replied most have a backup power source and there is a manual override. Ms. Vermillion then asked if there is information nationwide that the safety pool covers have prevented drowning. Mr. Talentino replied that he does not have the nationwide data but he has not received a complaint or a call on a close call. Ms. Vermillion asked if complaints/calls were received, could this be reversed. Mr. Talentino replied adjustments could be made to the Code accordingly.

STATUS: Adopted (6-1)
AYES: Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
NAYS: Andy Teater
President Teater announced 22-35 passed and will take effect at the earliest time allowable by law.

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



STATUS: Adopted (7-0)
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-36 passed and will take effect at the earliest time allowable by law.

FIRST READINGS - NONE

B. Resolutions

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

Ms. Crandall stated this is routine legislation and a Charter requirement that this Public Hearing is scheduled.

STATUS: Adopted (7-0)
MOVER: Pete Marsh
SECONDER: Cynthia Vermillion
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-82 passed and will take effect at the earliest time allowable by law.

22-R-83 APPROVING THE APPOINTMENT OF MOLLY WINTERS KRYSZAN TO THE CITY'S SHADE TREE COMMISSION.

President Teater thanked all of the applicants who applied for this vacancy.

STATUS: Adopted (7-0)
MOVER: Tina Cottone
SECONDER: Peggy Hale
AYES: Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion
President Teater announced 22-R-83 passed and will take effect at the earliest time allowable by law.

PRESIDENT'S COMMUNICATION - None
STAFF REPORTS - None
CITY MANAGER UPDATES - None
ITEMS FOR COUNCIL DISCUSSION - NONE

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

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

ADJOURNMENT – 7:23 PM

Andy Teater, President
City Council

Diane Werbrich, MMC
Clerk of Council

Approved: _____

Council Memo: Legislation (22-37)

Subject: Appropriating Funds for the 2023 Operating Budget
From: Michelle Crandall, City Manager
Initiated by: David Delande, Director of Finance
Date: October 24, 2022

Executive Summary

Hilliard City Charter requires the submission of an Operating Budget and the adoption of an Appropriation Ordinance for Operating Expenses.

Staff Recommendation

Staff recommends that Council approve this piece of legislation.

Background

Section 6.06 of the Charter requires City Council to adopt a budget for the City for the ensuing fiscal year. Additionally, Section 6.07 provides that upon passage, the Ordinance is effective January 1st.

Financial Impacts

The Operating Budget, in accordance with Section 6.06 of the Charter, does not exceed the total estimated resources certified by the County Budget Commission.

Expected Benefits

N/A

Attachments

N/A



Ordinance: 22-37

Passed:

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Effective:

**APPROPRIATING FUNDS FOR THE OPERATING EXPENSES OF THE CITY OF
HILLIARD, OHIO FOR THE PERIOD ENDING DECEMBER 31, 2023.**

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

WHEREAS, such budget hearing was duly advertised and held on November 14, 2022.

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

SECTION 1. To provide for the current expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2023, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as hereinafter set forth.

SECTION 2. To deem appropriated, those monies received and deposited throughout the fiscal year for Fund 207 Grants, Fund 208 Park Maintenance Fund, Fund 209 Law Enforcement Education, Fund 210 Law Enforcement Trust, Fund 211 Law Enforcement Mandatory Drug Fine, Fund 212 Law Enforcement Seizure, Fund 213 Mayor's Court Computer, Fund 214 Seizure Account-Justice, Fund 215 Hilliard Recovery Court, Fund 230 Franklin County Justice Program Grant, Fund 250 General Government Grant, Fund 283 Construction Inspection Services, Funds 285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303 TIF, Fund 782 Police Benevolent Fund, Fund 881 Income Tax Deposit, Fund 890 Public Art, Fund 891/892 Fundraising Agency, Fund 893 Public Service Dept. Agency, Fund 894 Refund Trust, Fund 895 Escrow, Fund 896 Insurance Trust, Fund 897 CARES Act Funds, Fund 898 Local Fiscal Recovery Fund are appropriated upon deposit.

SECTION 3. Authority is hereby given to the Director of Finance, without further approval of Council, to transfer funds during fiscal year 2023 from the debt reduction accounts to the Bond Retirement Fund.

SECTION 4. Adoption of this Ordinance shall grant the authority and approval as set forth in the Hilliard City Charter Sections 6.07, 6.08 and 6.10.

SECTION 5. Pursuant to Section 6.07 of the Charter, this Ordinance shall be effective on January 1, 2022.

ATTEST:**SIGNED:**

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

2023 Budgets

Fund	Department	Description	Object 51	Object 52	Object 53	Object 54	Object 55	Object 56	Object 57	Object 58	Object 59	Appropriat
101	107	Safety	\$ 11,745,602	\$ 354,600	\$ 1,279,400	\$ 8,500	\$ -	\$ -	\$ -	\$ -	\$ 300	\$ 13,388
101	220	Health	-	-	400,000	-	-	-	-	-	-	400
101	405	Community Development	307,218	20,250	40,000	1,000	-	-	-	-	-	368
101	407	Transportation & Mobility	169,690	13,380	165,250	4,600	-	-	-	-	-	352
101	408	Engineering	246,843	4,450	40,000	4,600	-	-	-	-	-	295
101	409	Building Standards	609,067	12,500	-	-	-	-	-	-	-	621
101	410	Planning	536,767	5,890	60,000	4,500	-	-	-	-	2,500	609
101	701	City Manager	237,049	14,000	149,000	2,500	-	-	-	-	-	402
101	702	Council	384,811	180,500	30,000	15,000	-	-	-	-	-	610
101	703	Clerk of Courts	233,846	18,700	88,152	1,500	-	-	-	-	-	342
101	704	Law	385,179	11,850	350,000	4,500	-	-	-	-	-	751
101	705	Finance	998,126	32,000	83,000	7,000	-	-	-	-	87,000	1,207
101	706	Economic Development	395,210	43,300	70,000	9,000	-	-	-	-	-	517
101	708	Human Resources	434,743	53,400	182,000	6,000	-	-	-	-	-	676
101	710	Facilities	353,306	51,430	2,707,000	-	-	-	559,000	-	-	3,670
101	711	Information Technology	759,598	45,000	1,059,150	6,000	-	-	-	-	-	1,869
101	712	Communications	586,394	168,650	71,000	6,000	-	-	-	-	-	832
101	716	Boards and Commissions	112,962	22,650	-	-	-	-	-	-	-	135
101	719	General Government	31,545	53,500	1,008,000	-	-	-	-	954,000	124,800	2,171
		General Fund Total	\$ 18,527,956	\$ 1,106,050	\$ 7,781,952	\$ 80,700	\$ -	\$ -	\$ 559,000	\$ 954,000	\$ 214,600	\$ 29,224
103		Recreation & Parks	\$ 3,331,453	\$ 554,644	\$ 767,537	\$ 7,500	\$ -	\$ 4,610,000	\$ 319,000	\$ 188,000	\$ 4,500	\$ 9,782
		Special Revenue Funds (Note)										
202		Streets	\$ 1,394,708	\$ 928,800	\$ 205,000	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,531
203		County Motor Vehicle Tax	-	60,000	200,000	-	-	-	-	-	-	260
206		Street Improvement Muni Tax	-	-	1,285,000	-	-	300,000	-	80,000	20,000	1,685
207		Grants	-	-	-	-	-	-	-	-	-	-
208		Park Improvements	-	10,000	20,000	-	50,000	-	-	-	-	80
209		OMVI	-	-	-	-	-	-	-	-	-	-
210		Law Enforcement	-	-	-	-	-	-	-	-	-	-
211		Law Enforcement Mandatory Drug Fine	-	-	-	-	-	-	-	-	-	-
212		Law Enforcement Seizure	-	-	-	-	-	-	-	-	-	-
213		Mayor's Court Computer	-	10,000	20,000	-	20,000	-	-	-	-	50
214		Seizure Account-Justice	-	-	-	-	-	-	-	-	-	-
215		Hilliard Recovery Court	97,768	-	40,000	-	-	-	-	-	-	137
230		Franklin County Justice Program	-	-	-	-	-	-	-	-	-	-
250		General Government Grant	-	-	-	-	-	-	-	-	-	-
266		Water Revenue	807,715	78,100	50,000	2,000	60,000	190,000	-	-	-	1,187
267		Sewer Revenue	807,715	38,150	95,000	1,000	30,000	-	105,000	-	-	1,076
268		Sewer Cap & Benefit	-	-	-	-	50,000	-	-	-	-	50
269		Storm Water Utility	807,715	43,700	80,000	-	60,000	-	-	-	-	991
283		Construction Inspection	408,665	6,000	400,000	1,500	-	-	-	-	-	816
285-303		Tax increment Financing	-	-	-	-	-	300,000	-	-	-	300
		Totals	\$ 4,324,286	\$ 1,174,750	\$ 2,395,000	\$ 7,500	\$ 270,000	\$ 790,000	\$ 105,000	\$ 80,000	\$ 20,000	\$ 9,166
		Debt										
304		Capital Improvement Fund (Note)	-	-	330,000	-	100,000	6,800,000	-	160,000	40,000	7,430
		Totals	\$ -	\$ -	\$ 330,000	\$ -	\$ 100,000	\$ 6,800,000	\$ -	\$ 160,000	\$ 40,000	\$ 7,430
		Fiduciary Funds										
881		Income Tax Deposit Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
782		Police Benevolent Fund	-	10,000	10,000	-	-	-	-	-	-	20
890		Public Art	-	-	-	-	-	-	-	-	-	-
891-892		Fundraiser Repayment	-	-	-	-	-	-	-	-	-	-
893		Public Service Dept. Agency	-	-	-	-	-	-	-	-	-	-
894		Refund Trust Account	-	-	-	-	-	-	-	-	-	-
895		Escrow Fund	-	-	-	-	-	-	-	-	-	-
		Totals	\$ -	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20
		Internal Service Fund										
896		Insurance Trust Fund	-	-	-	-	-	-	-	-	3,689,319	3,689
		Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,689,319	\$ 3,689
		Memorandum totals	\$ 26,183,695	\$ 2,845,444	\$ 11,284,489	\$ 95,700	\$ 370,000	\$ 12,200,000	\$ 983,000	\$ 1,382,000	\$ 3,968,419	\$ 59,312

Note: Funds 207 through 215, 230 and 250, 285 through 303, 283 and 782 through 897 will be deemed appropriated when revenue is received.

Attachment: Exhibit A - 2023 Operating Budget (22-37 : Appropriating Funds for the 2023 Operating Budget)

Council Memo: Legislation (22-38)

Subject: Appropriating Funds for the 2023 Capital Budget
From: Michelle Crandall, City Manager
Initiated by: David Delande, Director of Finance
Date: October 24, 2022

Executive Summary

This Ordinance approves the City's 2023 Capital Improvement Budget.

Staff Recommendation

Following the Council of the Whole session to review the 2023 Capital Improvement Budget in detail, Staff recommends approval of this Ordinance.

Background

The City's Capital Improvement Budget includes funding for the Community Recreation and Wellness Campus, as well as projects related to improvements in transportation, utilities, technology, other parks, facilities, and fleet that will be completed in 2023. Section 6.09 of the City's Charter provides that the process of approval of a Capital Budget may be established by ordinance, provided that it shall be adopted no later than December 31st.

Below is the link to the online Capital Improvement Program: <https://city-hilliard-oh-budget-book.cleargov.com/7292/capital-improvements/capital-improvements-one-year>

Financial Impacts

This legislation will result in the expenditure of approximately \$108.8 million for 2023 capital projects.

Attachments

N/A



Ordinance: 22-38

Passed:

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Effective:

APPROVING THE 2023 CAPITAL IMPROVEMENT BUDGET AND APPROPRIATING FUNDS FOR THE CAPITAL IMPROVEMENT EXPENSES OF THE CITY FOR THE PERIOD ENDING DECEMBER 31, 2023.

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

WHEREAS, the City Manager has submitted the 2023 Capital Improvements Budget to City Council; and

WHEREAS, having reviewed the 2023 Capital Improvements Budget, City Council is prepared to proceed with authorizing the 2023 Capital Improvement Expenses as identified in Exhibit "A" attached hereto and incorporated herein.

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

SECTION 1. To provide for the current capital improvement expenses and other expenditures of the City of Hilliard for the fiscal year ending December 31, 2023, the sums indicated in the **attached Exhibit "A"** are hereby set aside and appropriated as set forth therein.

SECTION 2. This Ordinance shall be in full force and effect at the earliest time provided by law.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Ordinance 22-38						
		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"/> Passed	Les Carrier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Tina Cottone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Peggy Hale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Held Over	Pete Marsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Referred	Cynthia Vermillion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> First Reading						
<input type="checkbox"/> Positive Recommendation						
<input type="checkbox"/> No Recommendation						

City of Hilliard
2023 Capital Appropriations

Fund	Object	Appropriation
304	53/55 Land Use & Public Spaces	60,000
304	53/55 Equipment	930,000
304	53/55 IT	1,185,800
304	53/55 Total Lands and Buildings	510,000
103	53/55 Recreation and Parks-Facilities	273,046
103	53/55 Recreation and Parks -Aquatics	435,000
103	53/55 Recreation and Parks -Equipment	12,000
103	53/55 Recreation and Parks -Parking Lots & Paths	450,000
103	53/55 Community Recreation & Wellness Campus	63,593,025
103	53/55 Cosgray Rd Extension	5,515,000
103	53/55 Stream Restorations and Water Quality Improvements	95,000
103	53/55 Rec. & Wellness Campus Fields and Regional Trails	17,136,816
103	53/55 Cosgray Road / Jerman Tract Sanitary Sewer	40,000
103	53/55 Ohio State Wexner Medical Center	8,623,848
304	53/55 Safety	195,000
304	53/55 Sanitary	1,177,000
269	53/55 Sanitary	532,000
304	53/55 Old Hilliard Utility Improvements	185,000
269	53/55 Storm Water Management	310,500
304	53/55 Cosgray Rd Improvements	2,618,000
206	53/55 Cosgray Rd Improvements	400,000
202	53/55 Citywide Street Rehabilitation& ROW Mgmt Program	1,300,000
206	53/55 Citywide Street Rehabilitation& ROW Mgmt Program	2,025,000
304	53/55 Citywide Safety and Capacity Improvements	100,000
304	53/55 Pedestrian/Bicycle Mobility/Safety	375,000
103	53/55 Heritage Rail Trail Extension Phase 1 & 2	15,000
304	53/55 Hilliard Traffic Management Center & Smart Technology	75,000
202	53/55 Traffic Signal and Flashing Light Replacement	200,000
304	53/55 Center Street Modifications	325,000
304	53/55 Sidewalk Maintenance Program	605,000
103	53/55 Trail Maintenance Program	270,000
304	53/55 Cemetery Road/I-270 Trail Overpass & Safety Improvements	25,000
206	53/55 Neighborhood Traffic Calming Program	75,000
269	53/55 Leap Rd South Pedestrian & Drainage Improvements	100,000
304	53/55 Water Tower Painting	40,000
		<hr/>
		\$ 109,807,035
	Summary	
	Transportation & Planning	\$ 8,568,000
	Facilities	96,683,735
	Storm Water / Sanitary / Water	2,244,500
	IT / Equipment / Safety	2,310,800
		<hr/>
		\$ 109,807,035

Council Memo: Legislation (22-R-84)

Subject: Smokey Zone 1 - 3854 Main Street
From: Michelle Crandall, City Manager
Initiated by: Carson Combs,
Date: October 24, 2022

Executive Summary

The proposal is for the approval of a Conditional Use request for 3854 Main Street to allow "General retail businesses, less than 15,000 square feet usable floor area (UFA)" within the B-1, Neighborhood Business District for a ±1,320-square foot retail store known as "Smokey Zone 1."

Staff Recommendation

Staff recommends that Council disapprove this resolution based on the finding that (1) the proposed conditional use may pose an ongoing Code Enforcement issue that does not meet the general spirit and intent of the Zoning Code and the Conditional Use criteria specified in Section 1123.03 and (2) the proposed use will negatively impact the general health, safety and welfare of the general community and surrounding land uses, including educational facilities.

Background

Earlier this year, City Council adopted Ordinance No. 22-01, which amended Chapters 1107 and 1123 of the Codified Ordinances regarding the approval process for conditional uses. That ordinance, which took effect on February 24, 2022, amended the zoning process so that the Planning and Zoning Commission makes a recommendation to City Council for a final decision on all conditional use applications.

On September 8, 2022, the Planning and Zoning Commission considered a conditional request to allow a retail vape store located at the commercial center located at 3854-3870 Main Street. The proposed ±1,320-square-foot retail space (3854 Main Street) is located at the southern end of the ±7,000-square foot center that includes Jett Pizza and Hoagie City.

- On July 1, 2022, a violation notice was sent to the applicant by Code Enforcement for operating without a zoning certificate and for business signage installed without permits.
- On July 25, 2022, the business applied for a zoning certificate and was notified by Planning that the business required conditional use approval from City Council.
- On August 2, 2022, the business applied for the conditional use application and continued operation.
- On September 7, 2022, a cease and desist letter was sent to the business representative and the property owner with a deadline of September 15 to comply.
- On September 8, 2022, the Planning and Zoning Commission reviewed the conditional use request and made a negative recommendation.
- On September 16, 2022, Code Enforcement and HPD enforced the cease and desist letter, and the business was closed.

The City of Hilliard has been actively addressing youth tobacco and vaping issues that are impacting public health, particularly in local schools. Recognizing these dangers, City Council adopted legislation earlier this year to include new Ohio code into the Codified Ordinances. Council is also currently considering legislation to enact a Tobacco Retail Licensing (TRL) Program in coordination with Franklin Council Public Health to regulate the location of electronic smoking device retailers. Proposed legislation includes a requirement that tobacco retail shops to be located more than 1,000 feet from a youth-oriented facility, and the proposed retail establishment would be approximately 260 feet from the closest school entrance.

On September 8, 2022, the Planning and Zoning Commission disapproved the conditional use request (0-6). The negative recommendation of the Planning and Zoning Commission is being forwarded to City Council for final consideration.

Financial Impacts

The proposed use has the potential to increase the need for city and school district resources for the support of tobacco and vaping diversion programming.

Expected Benefits

Disapproval of the Conditional Use for “General retail businesses, less than 15,000 square feet usable floor area (UFA)” will protect the general character of the area and prevent negative impacts to community youth and the surrounding school properties.

Attachments

- Plan Submission & Images – 3854 Main Street
- P&Z Record of Action – Case #PZ-22-47 – September 8, 2022
- P&Z Minutes (Draft) – Case #PZ-22-47 – September 8, 2022
- Cease and Desist Letter – September 7, 2022



COMMERCIAL CENTER – FRONT ELEVATION



TENANT SPACE – FRONT ELEVATION



TENANT SPACE – FRONT ELEVATION

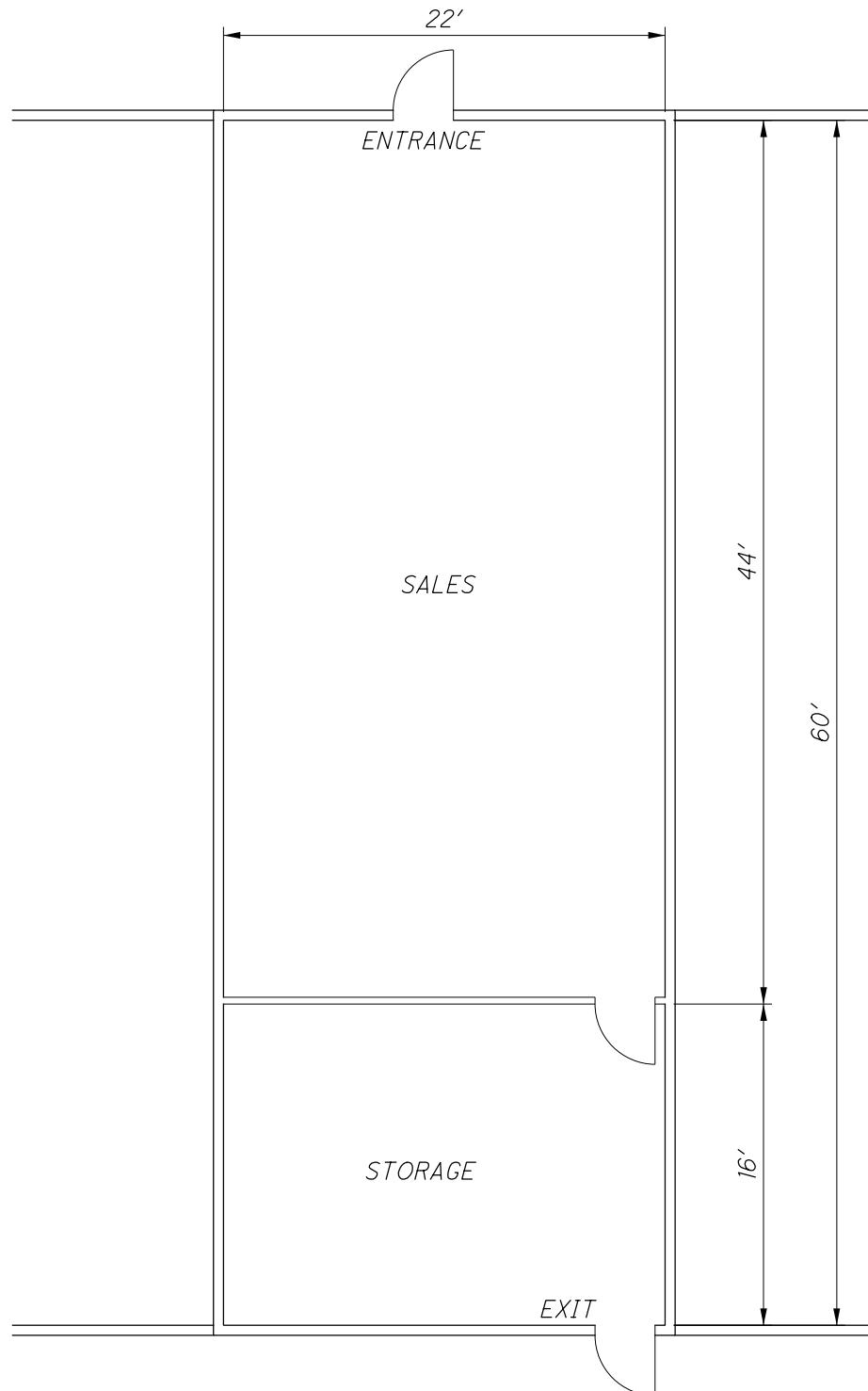


TENANT SPACE – FRONT ELEVATION



FLOOR PLAN

SMOKEY ZONE 1



NTS

RECORD OF ACTION



Planning & Zoning Commission

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

Thursday, September 8, 2022 | 7:00 pm

CASE 5: PZ-22-47 – SMOKEY ZONE 1 – 3854 Main Street

PARCEL NUMBER: 050-000283

APPLICANT: Deborah Czech, 735 Highland Drive, Columbus, OH 43214; c/o Ammar Salameh, 7813 Scioto Crossing Boulevard, Dublin, OH 43016.

REQUEST: Review & approval of a conditional use under the provisions of Hilliard Code Chapter 1123 for a 1,320-square foot retail establishment.

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

MOTION:

Mr. Pannett made a motion to approve a conditional use under the provisions of Hilliard Code Chapter 1123 for a 1,320-square-foot retail establishment.

Vice Chair Schneck seconded the motion.

VOTE:

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

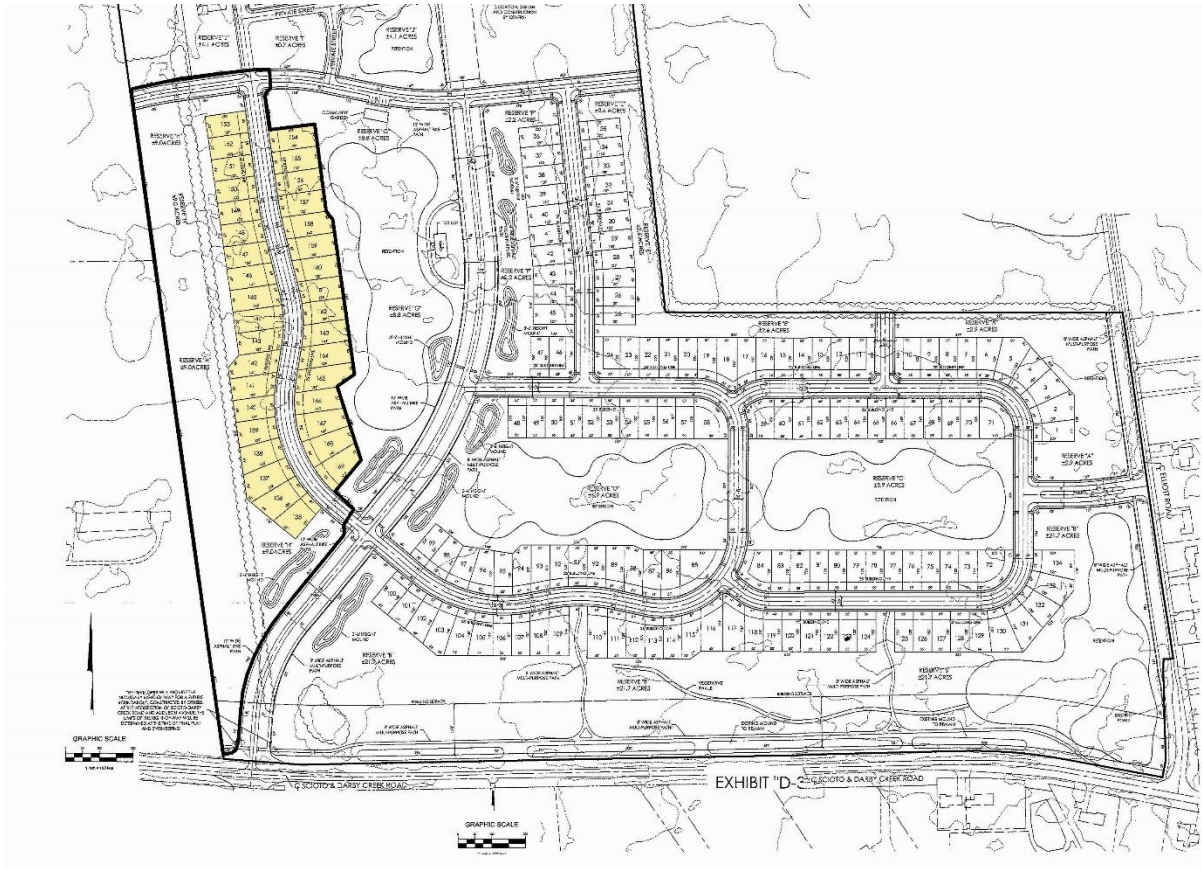
STATUS:

Case #5 PZ-22-47 was disapproved (0-6). The case will be forwarded to City Council with a negative recommendation.

CERTIFICATION:

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

[END OF RECORD]



[END OF REPORT | PLAT-22-3]

There were no questions for staff or Mr. Gottesman from M/I Homes. He indicated they were fine with the conditions.

Ms. Nixon (seconded by Mr. Pannett) made a motion to approve a Final Plat under the provisions of Hilliard Code Section 1188.05 and the Hill Farm PUD Concept Plan for a development consisting of 35 single-family lots on 18.607 acres.

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

CASE 5: PZ-22-47 – SMOKEY ZONE 1 – 3854 Main Street

PARCEL NUMBER: 050-000283

APPLICANT: Deborah Czech, 735 Highland Drive, Columbus, OH 43214; c/o Ammar Salameh, 7813 Scioto Crossing Boulevard, Dublin, OH 43016.

REQUEST: Review & approval of a conditional use under the provisions of Hilliard Code Chapter 1123 for a 1,320-square foot retail establishment.

[Mr. Combs gave the staff report]

BACKGROUND:

The tenant space for this request is located on a 0.196-acre parcel that is part of a larger retail center located on 0.56-acre on the west side of Main Street just north of the traffic circle at Cemetery Road. The site and other commercial properties to the south and east are zoned B-1, Neighborhood Business District. Properties to the north on the other side of Grace Street are zoned B-3, Office/Institutional District, and the school property to the west across Main Street is zoned S-1, Support Facilities District. This is a request for conditional use approval of a retail use within the ±7,000-square-foot commercial center that includes Hoagie City, Mod Salon and Jet's Pizza. The B-1 district generally permits personal services and restaurant uses; however, retail of any size is a conditional use. This is a conditional use request for approval for 1,320 square feet of retail use within the southern tenant space.

COMMISSION ROLE:

The Commission is to review the proposed conditional use for conformance to the provisions of Hilliard Code Chapter 1123. Conditional uses differ from permitted uses in that they may have a greater impact on the surrounding area and thus require special review and approval. The Commission is to ensure that the proposal will be compatible in this location. In considering the application, the Commission may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest. Following a recommendation on the conditional use from the Commission, the application will be forwarded to City Council for a final decision.

STAFF RECOMMENDATION:

Staff finds that the proposed conditional use will pose an ongoing enforcement issue that will not achieve the general intent of the Zoning Code. The conditional use criteria within the Zoning Code includes the impact on the character of the surrounding area, and the proposed use will negatively impact the general health, safety and welfare of the general community and surrounding land uses. Given the current stated goals of City Council and the Tobacco Retail License (TRL) legislation that will be heard and voted on within the next few weeks, staff believes that approval of a retail establishment selling tobacco and electronic smoking devices within 260 feet (door-to-door) of a youth-oriented facility does not meet the spirit and intent of the Code. Based on these findings, consistent with the provisions of Code Chapter 1123, staff recommends disapproval of the proposed conditional use.

CONSIDERATIONS:

- Code Section 1123.03 lists the following general standards for conditional uses:
 - (1) The proposed use will be consistent with the intent and purposes of the zoning code and the City of Hilliard Comprehensive Plan.
 - (2) The proposed use will comply with all applicable requirements of the zoning code, except as specifically altered in the approved conditional use.
 - (3) The proposed use will be compatible with the character of the general vicinity.
 - (4) The proposed use and site layout will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Due consideration will be given to the location and height of proposed buildings and structures, location and type of proposed fences or walls, location and screening of parking areas, and the location and type of proposed landscaping.
 - (5) The area and proposed use will be adequately served by essential public facilities and services, as applicable, such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer. The applicant or landowner will be required to install public utilities, streets or other public infrastructure as required by the city, state or other agencies to applicable

specifications that are necessitated by the conditional use development. Dedication of said public infrastructure may be required.

- (6) The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the zoning district.
- (7) The location and scale of the use, the nature and intensity of the proposed operations, the site layout and the relation of the proposed use to surrounding streets will not cause undue traffic congestion or hazards adjacent to the site or in the immediate vicinity beyond that which would be normally expected based on the existing pattern of uses and the planned character reflected in the city's Comprehensive Plan. Peak hour volumes, turning movements, existing street capacity, driveway spacing, sight distances and pedestrian traffic shall all be considered.

- Code Section 1123.04 states that reasonable conditions may be imposed on the approval of a conditional land use to achieve the following:

- (1) Ensure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads necessitated by the proposed use.
- (2) Ensure that the use is compatible with adjacent conforming land uses and activities.
- (3) Protect natural resources; the health, safety, and welfare; and the social and economic well-being of those who will use the land or activity under consideration, the residents, business owners and landowners immediately adjacent to the proposed use or activity, and the community as a whole.
- (4) Relate to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (5) Meet the purpose of the zoning code, be in compliance with the standards established in the code for the land use or activity under consideration and be in compliance with the zoning district standards.

- The proposed retail use is located within a 1,320-square foot (22' x 60') tenant space at the south end of the building. On July 1, 2022, Code Enforcement notified the business that it was operating without a required zoning certificate and had installed a sign without proper permits. On July 22, the identification sign was removed, and the tenant has been operating through the use of window signs since that time.
- On July 25, 2022, the applicant applied for a zoning certificate, and upon review of the application it was determined that conditional use approval is necessary for retail uses at that location. The business owner then applied for the conditional use application but is currently operating without zoning approval.
- On July 18, 2019, the Ohio legislature acknowledged these health, safety, and welfare concerns of smoking and vaping and passed HB 166, which amended numerous Sections in Ohio Revised Code increasing the age from 18 to 21 at which a person may purchase, use, or possess tobacco products or other alternative nicotine products.
- Additionally, HB 166 defined vapor products and electronic smoking devices and incorporated them into the definition of alternative nicotine products that are prohibited to be sold to persons under twenty-one (21) years of age.
- The City of Hilliard has been working to address youth tobacco and vaping issues that are negatively impacting public health. There has been a dramatic increase in electronic vaping devices and usage noted in local schools. Recognizing the dangers of smoking and the use of vapor products and/or electronic smoking devices, City Council adopted legislation earlier this year to incorporate State Code into its Codified Ordinances, as well as ensure that all electronic smoking devices and their component parts cannot be purchased, used, or possessed by those under the age of twenty-one.
- Given documented health risks such as chronic nicotine addition, lung disease/damage, cardiovascular damage, altered brain development and increased risk for additional substance abuse, the City is currently working with Franklin County Public Health to further address these health and safety

concerns by enacting a Tobacco Retail Licensing (TRL) Program that will protect kids by reducing youth initiation to nicotine and tobacco through improved compliance with Tobacco 21 and other tobacco control initiatives.

- When legislation adopting the TRL Program is enacted, it will regulate the location of tobacco and electronic smoking device retailers so they are not located within 1,000 feet of youth-oriented facilities such as school buildings to reduce student exposure to advertising materials and to limit access to purchasing. This proposed retail location is located directly across Main Street from the HUB Learning Center and near the Station Sixth Grade, Heritage Middle School and Darby High School. While not including a vape lounge component, the proposed retail space is highly visible to the adjacent school site and is significantly within the proposed 1,000-foot buffer.

[END OF REPORT | PZ-22-47]

Chairman Muether inquired if the applicant was present (no one responded).

Mr. Lewie asked how long the business has been operating; Mr. Combs indicated that Code Enforcement was made aware of the lack of zoning certificate and unapproved sign in July. He said they had no idea how long the applicant had been in operation before that time.

Mr. Pannett (seconded by Vice Chair Schneck) made a motion to approve the conditional use under the provisions of Hilliard Code Chapter 1123 for a 1,320 square foot retail establishment.

Mr. Talentino inquired if the Commission should note the basis for their vote; Ms. Clodfelder concurred. Mr. Gutknecht, Ms. Nixon, Vice Chair Schneck and Chairman Muether noted the proximity to the schools as pointed out in the staff report. Mr. Pannett and Mr. Lewie also pointed out all of the bases listed in the staff report.

Status:	Motion failed (0-6) and was disapproved.
Mover:	Mr. Tom Pannett
Second:	Vice Chair Schneck
Ayes:	
Nays:	Chairman Jay Muether, Vice Chair Bevan Schneck, Chris Lewie, Tom Pannett, Tracey Nixon, Eric Gutknecht.

A negative recommendation will be forwarded with this application to City Council.

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

PARCEL NUMBER: 050-011790

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

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

[Mr. Talentino gave the staff report]

BACKGROUND:

The site is 5.99 acres located on the east side of Cosgray Road approximately 2,300 feet south of Hayden Run Road. On February 24, 2022, the site was annexed into the City of Hilliard and assigned a zoning classification of



The Office of
the City Manager

Real People. Real Possibilities.

September 7, 2022

Deborah Czech
735 Highland Drive
Columbus, OH 43214

SMOKEY ZONE 1
3854 Main Street
Hilliard, OH 43026

Ammar Salameh
7813 Scioto Crossing Blvd
Dublin, OH 43016

Ammar Salameh
Agent/Owner of Valcon Consulting Group, LLC
7813 Scioto Crossing Blvd
Dublin, OH 43016

ORDER

Injunction – Cease and Desist Operations

The City of Hilliard has learned that **Smokey Zone1**, located at 3854 Main Street, is operating in violation of Hilliard City Code. The building located at 735 Highland Drive is owned by **Deborah Czech**, with an address of 735 Highland Drive, Columbus, Ohio 43214.

The building located at 3854 Main Street is located within the B-1, Neighborhood Business Zoning District. A retail location distributing nicotine and electronic smoking devices is currently a conditional use that must receive approval by the City prior to beginning business operation.

Ammar Salameh and/or Valcon Consulting Group, LLC began operating a retail operation that distributes nicotine and electronic smoking devices without receiving any of the proper permits or conditional use approval from the City. Section 1141.02 of the Hilliard Codified Ordinances authorizes the City to issue an injunction and demand that properties cease and desist from engaging in uses that are unlawful because they violate the City's Codified Ordinances.

1. **Smokey Zone 1, Ammar Salameh and Valcon Consulting Group, LLC** shall "Cease and Desist" all retail operations and other operations not authorized or permitted by the City of Hilliard's Codified Ordinances and B-1 Neighborhood Business Zoning District on the premises located at 3854 Main Street. Any signage associated with the listed business shall be removed immediately, including signage visible in windows.

2. **Smokey Zone 1, Ammar Salameh and Valcon Consulting Group, LLC** shall be given until September 15, 2022 at midnight to cease and desist all unlawful operations and remove any business signage. In the event that the above Order is not completed by September 15, 2022, the Hilliard Division of Police shall accompany City of Hilliard Staff, as designated by the Hilliard City Manager, in removing any occupants from the premises.

Michelle L. Crandall
City Manager, City of Hilliard, Ohio

Cc: Philip Hartmann, Law Director
John Talentino, Planning Director
Michael Woods, Police Chief



Resolution: 22-R-84

Adopted:

Page 1 of

Effective:

**A RESOLUTION AUTHORIZING THE CONDITIONAL USE FOR RETAIL USES AT
3854 MAIN STREET WITHIN THE B-1, NEIGHBORHOOD BUSINESS ZONING
DISTRICT.**

WHEREAS, on January 24, 2022, City Council approved amendments to Chapters 1107 and 1123 of the City's Codified Ordinances (Ordinance No. 22-01) to state that the Planning and Zoning Commission provides a recommendation to City Council on each conditional use application and that City Council would have the final approval for each application; and

WHEREAS, on August 2, 2022, a completed application for the review of a conditional use request for "General retail businesses, less than 15,000 square feet usable floor area (UFA)" for the property at 3854 Main Street (Parcel #050-000283) was submitted to the Planning Director in accordance with Hilliard Code Section 1123.02; and

WHEREAS, the Planning and Zoning Commission on September 8, 2022, reviewed the request for a conditional use to permit "General retail businesses, less than 15,000 square feet usable floor area (UFA)" within the B-1, Neighborhood Business District for the property located at 3854 Main Street under the provisions of Hilliard Code Section 1123.03; and

WHEREAS, the Planning and Zoning Commission (Case #PZ-22-47) in accordance with the Code made a negative recommendation to City Council; and

WHEREAS, as prescribed by Section 1107.03(d) upon receipt of a recommendation from the Planning and Zoning Commission, the City Council shall decide upon the conditional use application according to the procedures set forth in Chapter 1123.

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

SECTION 1. Smokey Zone 1 located at 3854 Main Street (Parcel #050-000283) is granted a conditional use for "General retail businesses, less than 15,000 square feet usable floor area (UFA)" for the purposes of a retail store.

SECTION 2. Failure to obtain any necessary Zoning Certificate and Certificate of Occupancy shall invalidate the Conditional Use granted by City Council.

SECTION 3. This Conditional Use approval in accordance with Section 1123.05 of the Hilliard City Code shall expire 12 months after it is granted, unless construction is complete or commencement of the use has begun, or significant progress has been made towards its initiation.

SECTION 4. Any expansion of the approved Conditional Use requires a final determination by City Council in accordance with Hilliard Code Chapter 1123.

SECTION 5. The Planning Director, City Engineer and Director of Building Standards are authorized to approve any necessary administrative changes to the approved plans necessary to carry out the terms of this conditional use.

SECTION 6. 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-84						
		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-84** passed by the Hilliard City Council on the 24th day of October 2022.

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

Diane C. Werbrich, MMC

Council Memo: Legislation (22-R-85)

Subject: Cosgray-Woodsview Construction CIP T-84
From: Michelle Crandall, City Manager
Initiated by: Letty Schamp, Transportation & Mobility Director
Date: October 24, 2022

Executive Summary

This legislation authorizes contracts and expenditures related to the construction of the Cosgray Road and Woodsview Way Improvements (CIP T-84). This legislation also authorizes the transfer of funds between Fund 304 (Capital Improvements) and the Percent for Public Art Program Fund and between Fund 304 (Capital Improvements) and Fund 283 (Construction Inspection).

Staff Recommendation

Staff recommends approval of this legislation to authorize construction of the Cosgray Road & Woodsview Way Improvement Project (the "Project").

Background

In November 2017, the City of Hilliard entered into a professional services agreement with Arcadis U.S., Inc. for the Project, as authorized by City Council in Resolution No. 17-R-95 on November 27, 2017. This included a feasibility study, engineering, right-of-way acquisition, permitting, and services during construction.

In September 2018, a public meeting was held to solicit feedback from the public on two different alternatives for corridor: a roundabout corridor and a signalized intersection corridor. The public was in favor of the roundabout corridor; therefore, design of the Priority 1 improvements, which included a roundabout at the Woodsview Way intersection and connection of the shared-use path on the west side of Cosgray Road, commenced in 2019.

Hilliard City Council authorized acquisition of property for the Project on September 14, 2020 by passage of Resolution No. 20-R-62.

The City of Hilliard applied for funding through the Ohio Public Works Commission (OPWC) in September 2021, as authorized by City Council in Resolution No. 21-R-50 on July 12, 2021. The City of Hilliard was awarded up to \$999,990 in grant funds through the Local Transportation Improvement Program (LTIP) to cover twenty-nine percent (22.7%) of the eligible Project costs. The City Manager entered into the LTIP Project Grant Agreement with OPWC on July 8, 2022.

Project plans and specifications were completed in September 2022. The Engineer's estimate for construction of the Project was \$4,441,000.

The Project was advertised for sale electronically on Bid Express on September 15, 2022. Bids were opened on October 6, 2022. The City received six bids for the project. The summary of bids is presented below.

Business	Bid Total
Miller Brothers Construction, Inc.	\$3,590,712.79
Shelly & Sands, Inc.	\$3,655,533.43
Complete General Construction	\$3,820,146.08
Strawser Paving Company	\$3,905,616.52
Trucco Construction Company, Inc.	\$3,956,291.41
Double Z Construction Company	\$4,299,833.68

Miller Brothers Construction, Inc. was determined to be the lowest and best bidder. The City of Hilliard has not worked with Miller Brothers Construction on other projects, therefore, experience and

references were thoroughly checked. Staff recommends award of the Project to Miller Brothers Construction in the amount of \$3,590,712.79. Ten percent (10%) is available for contingencies to cover approved change orders during construction. Therefore, the maximum not-to-exceed contract amount is \$3,949,785.

Prime AE will be providing contract administration, construction project management, inspection, and materials testing for the Project. A multi-year General Engineering Service contract was previously authorized by Hilliard City Council by passage of Resolution No. 22-R-27 on April 11, 2022. The cost for these services is estimated to be \$354,000, which includes a ten percent contingency.

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

Construction Contract (Miller Brothers Construction):	\$3,949,785
Professional Services (Prime AE):	\$354,000
Total:	\$4,303,785

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

- A maximum of \$20,000 from the Capital Improvement Fund (304) to the Construction Inspection Fund (283) to cover Hilliard staff time spent on the Project during the construction phase
- One percent (1%) of the construction contract amount (\$35,907) from the Capital Improvement Fund (304) to the Percent of Public Art Program Fund

Financial Impacts

Hilliard City Council appropriated \$1,950,000 for the Project by passage of the 2022 Capital Improvement Budget (Ordinance No. 21-41). To date, the remaining 2022 account balance available is \$1,913,202. The 2022 funds will be encumbered to Miller Brothers Construction and Prime AE to begin the Project.

The balance of funds for this Project will be included in the 2023 Capital Improvement Budget. The City will receive reimbursement from the Ohio Public Works Commission for 22.7% of eligible Project costs, up to \$999,990.

Expected Benefits

The expected benefits of the Project include:

- Improvement of safety for all users
- Reduction of vehicle speeds on Cosgray Road
- Reduction of vehicle queuing & delays on Woodsvie Way
- Improvement in pedestrian & bicycle connectivity between Hilliard neighborhoods, schools, the YMCA, and neighborhood commercial destinations
- Improvement of pavement condition on Cosgray Road
- Installation of infrastructure to support the City's fiber network
- Improvement of aesthetics

Attachments

None



Resolution: 22-R-85

Adopted:

Page 1 of

Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH MILLER BROTHERS CONSTRUCTION, INC. FOR THE COSGRAY ROAD & WOODSVIEW WAY IMPROVEMENTS (CIP T-84); AUTHORIZING THE TRANSFER OF FUNDS; AND AUTHORIZING AN EXPENDITURE.

WHEREAS, the Cosgray Road & Woodsview Way Improvement Project (CIP T-84) consists of the construction of a single lane roundabout at the intersection of Cosgray Road and Woodsview Way; completion of a shared-use path on the west side of Cosgray Road south to Scioto Darby Road; drainage; stormwater management; street lighting; fiber conduit; a pedestrian crossing north of Parkmeadow Drive; signing & pavement marking; curb ramps; street resurfacing; and landscaping (hereinafter the "Project"); and

WHEREAS, the purpose of the Project is to improve safety for all street users and to improve the condition of Cosgray Road;

WHEREAS, by Resolution No. 21-R-50, adopted July 12, 2021, Hilliard City Council authorized the City to submit an application to seek financial assistance from the Ohio Public Works Commission (OPWC) to assist in funding the Project; and

WHEREAS, on July 8, 2022, the City Manager entered into an OPWC Project Grant Agreement, identified as OPWC Project No. DCZ02, for financial assistance in the form of a grant, from the Local Transportation Improvement Fund (LTIP), for 22.7% of Project costs in an amount not to exceed Nine Hundred Ninety-Nine Thousand Nine Hundred Ninety Dollars (\$999,990); and

WHEREAS, the Engineer's Estimate for construction of the Project was \$4,441,000; and

WHEREAS, after having been duly advertised electronically for three consecutive weeks, bids for the Project were opened electronically on Bid Express at 3:00 pm on October 6, 2022, and Miller Brothers Construction, Inc., which submitted a bid in the amount of \$3,590,712.79, was determined to be the lowest and best bidder ("Contractor"); and

WHEREAS, a ten percent (10%) contingency in the amount of \$359,072.21 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 \$354,000, which includes a ten percent (10%) contingency; and

WHEREAS, the estimated cost to cover City staff time during the construction of the Project is \$20,000; and

WHEREAS, by passage of Ordinance 18-21 effective November 22, 2018, Hilliard City Council amended the Codified Ordinances of the City of Hilliard, Ohio to establish a Percent for Public Art Program Fund,

which shall receive an amount not less than one percent (1%) of the construction cost of an Eligible Project; and

WHEREAS, the Project meets the criteria of an Eligible Project for inclusion in the Percent for Public Art Program Fund; and

WHEREAS, funds for the Project were appropriated in the 2022 Capital Improvement Budget by Ordinance No. 21-41, approved by Hilliard City Council on December 13, 2021, and pursuant to Section 3.10 of the City's Charter, authorization to fund the Project may be established by resolution of Council; and

WHEREAS, Ohio Revised Code ("R.C.") Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and the remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

WHEREAS, as required by R.C. Section 5705.44, the City will request that Council appropriate additional funds for the Project in the City's 2023 Capital Improvement Budget.

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

SECTION 1. An expenditure in the amount of four million, three hundred three thousand, seven hundred eighty-five dollars (\$4,303,785) is authorized from the unencumbered balance of Fund 304, 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 Miller Brothers Construction, Inc. for the Cosgray Road & Woodsvlew Way Improvements Project (CIP T-84) in an amount not to exceed three million, nine hundred forty-nine thousand, seven hundred eighty-five dollars (\$3,949,785), 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 twenty thousand dollars (\$20,000) from Fund 304, Object 55 to Fund 283, Object 51 to cover Hilliard staff time during construction.

SECTION 4. The Finance Director is authorized to transfer thirty-five thousand, nine hundred seven dollars (\$35,907) from Fund 304, Object 55 to the Fund 890, Public Art Fund.

SECTION 5. The Finance Director is authorized to make any accounting changes necessary to revise the funding source for any contract or contract modification associated with the expenditure of funds.

SECTION 6. 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-85

		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-85** passed by the Hilliard City Council on the 24th day of October 2022.

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

Diane C. Werbrich, MMC

Council Memo: Legislation (22-R-86)

Subject: GES Contract with S&ME, Inc.
From: Michelle Crandall, City Manager
Initiated by: Clark Rausch, City Engineer
Date: October 24, 2022

Executive Summary

This Resolution is for a professional services agreement for General Engineering Services. The main tasks associated with this contract will be construction inspection and construction materials testing services.

Staff Recommendation

City Staff recommends the approval of a professional services agreement with S&ME, Inc. in the amount of \$100,000 for construction inspection and construction materials testing services. The majority of services provided by S&ME are inspection of temporary soil erosion and sediment control devices on active construction projects. These inspections and associated reports are essential for the City's compliance with the requirements in their Municipal Separate Storm Sewer System (MS4) permit with the Ohio Environmental Protection Agency (OEPA).

Background

The City of Hilliard has had a General Engineering Services contract with S&ME, Inc. for the past eight years. As part of this contract, S&ME conducts inspection of temporary sediment and erosion control devices on active construction projects throughout the City. These inspections are conducted bi-weekly and are part of the City's MS4 permit requirement with the OEPA. Inspection reports are issued to the contractors and note any deficiencies with their temporary soil erosion and sediment control measures on the site. S&ME also works with City Engineering Division staff to ensure compliance with items identified on their bi-weekly inspection reports and with the project's overall Storm Water Pollution Prevention Plan (SWPPP). This professional services agreement will allow S&ME to continue assisting City staff with these inspections and follow-up compliance. The agreement also provides for testing of construction materials that may be necessary on either a private development project or a City CIP project.

Financial Impacts

The approved 2022 Operating Budget included funding for construction inspection and construction materials testing services in Fund 283 (revenue generated by plan review and construction inspection fees). Additional funds in 2023 are budgeted to complete the terms of the agreement.

Expected Benefits

The construction inspection services included in this contract will assist the City's Engineering and Transportation & Mobility Divisions to meet the temporary soil erosion and sediment control requirements portion of the City's MS4 permit with the OEPA. In addition, the construction materials testing services included in this contract will ensure that materials installed on various projects throughout the City meet specification requirements.

Attachments

- Exhibit: Professional Services Agreement and Scope of Services



Resolution: 22-R-86

Adopted:

Page 1 of

Effective:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH S&ME, INC. TO PROVIDE GENERAL ENGINEERING SERVICES AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of Hilliard desires to enter into a General Engineering Service (“GES”) contract, also known as a Professional Services Agreement (“PSA”) with S&ME, Inc. (“S&ME”) to provide construction inspection and materials testing services to the City; and

WHEREAS, S&ME has provided construction inspection and materials testing services to the City in the past; and

WHEREAS, the City desires to continue utilizing S&ME for inspections on active construction sites for private developments, as well as to perform materials testing services for both private development and City Capital Improvement Projects; and

WHEREAS, the City desires to enter into a GES contract for construction inspection and materials testing services with S&ME, with three (3) one-year extensions subject to the appropriation of funds by City Council in subsequent years; and

WHEREAS, by the passage of Ordinance No. 21-36 on November 22, 2021, funds were appropriated in the City’s Operating Budget for General Engineering Services, and pursuant to Section 3.10 of the Charter of the City, authorization to fund the Services may be established by Resolution of Council; and

WHEREAS, Ohio Revised Code (“R.C.”) Section 5705.44 provides that when a contract runs beyond the fiscal year in which it is made, the fiscal officer shall make a certification for the amount required to meet the obligation of the contract in the current fiscal year and remaining amount of the obligation under such contract shall be included in the annual appropriation measure for the next fiscal year; and

WHEREAS, as required by R.C. Section 57005.44, the City will request that Council appropriate additional funds for the Agreement with S&ME in the City’s 2023 Operating Budget.

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

SECTION 1. An expenditure is authorized in the amounts of (\$40,000) from Fund 283, Object 53 to fund the Professional Services Agreement (PSA) with S&ME, Inc.

SECTION 2. The City Manager is authorized to enter into a PSA with S&ME, Inc., similar to the agreement attached hereto as Exhibit “A” and incorporated by reference herein, in the amount of One Hundred Thousand Dollars (\$100,000) to provide General Engineering Services (GES) to the City. The PSA may be extended beyond one year, subject to the appropriation of additional funds by City Council.

SECTION 3. Following the appropriation of the balance of funds for the PSA in the City’s 2023 Operating Budget, an expenditure is authorized in 2023 from the unencumbered balance of Fund 283, Object 53 in the amount of \$60,000.

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

SECTION 5. This Resolution is effective upon its adoption.

ATTEST:

SIGNED:

Diane C. Werbrich, MMC
Clerk of Council

President of Council

APPROVED AS TO FORM:

Philip K. Hartmann
Director of Law

✓ Vote Record - Resolution 22-R-86						
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Held Over <input type="checkbox"/> Withdrawn <input type="checkbox"/> Positive Recommendation <input type="checkbox"/> No Recommendation <input type="checkbox"/> Referred Back To Committee			Yes/Aye	No/Nay	Abstain	Absent
	Andy Teater		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Omar Tarazi		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Les Carrier		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tina Cottone		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peggy Hale		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pete Marsh		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cynthia Vermillion		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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-86** passed by the Hilliard City Council on the 24th day of October 2022.

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

 Diane C. Werbrich, MMC

CITY OF HILLIARD, OHIO
PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement"), is by and between the City of Hilliard, Ohio, 3800 Municipal Way, Hilliard, Ohio 43026, (hereinafter referred to as "**City**"), and S&ME, Inc., 6190 Enterprise Court, Dublin, OH 43016 (hereinafter referred to as "**Service Provider**").

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

SECTION I – PERFORMANCE OF SERVICES

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

SECTION II – OBLIGATIONS OF HILLIARD

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

aware of any fault or deficit in the project or any nonconformance with the Agreement.

SECTION III – TERM AND TERMINATION

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

SECTION IV - PAYMENT

- A. **Service Provider** shall be compensated for the Services outlined in Exhibit A and at the rates outlined in Exhibit B for a total not to exceed \$100,000. For any assigned additional tasks/projects, **Service Provider** shall be compensated as agreed upon by the **Service Provider** and **City**, contingent upon the appropriation of sufficient funds and the approval of Hilliard City Council, if required.
- B. The **Service Provider** shall submit invoices to the attention of the **City's** Project Manager, properly identified with the appropriate **City** purchase order number. Payment to **Service Provider** shall be made within thirty (30) days of receiving an invoice, if additional information is not required by the **City** in order to pay the invoice.

SECTION V – RELATIONSHIP OF PARTIES

The parties acknowledge and agree that **Service Provider** is an independent contractor and is not an agent or employee of **City**. Nothing in this Agreement shall be construed to create a relationship between **Service Provider** and the **City** of a partnership, association, or joint venture. Further, the parties acknowledge that **Service Provider** is paid a fee, retainer or other payment as per Section IV of this Agreement; is not eligible for workers' compensation or unemployment

compensation; is not eligible for employee fringe benefits such as vacation or sick leave; does not appear on **City's** payroll; is required to provide his or her own supplies and equipment; and is not controlled or supervised by **City** personnel as to the manner of work.

SECTION VI – INDEMNIFICATION

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

SECTION VII - INSURANCE

- A. The **Service Provider** shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect himself from any claim arising out of the performance of professional services and caused by negligent acts, omissions or negligent acts for which the **Service Provider** may be legally negligent. The **Service Provider** shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.

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

SECTION VIII – EMPLOYEE DOCUMENTATION

- A. **Service Provider** guarantees that the individuals employed by the Service working on this project are authorized to work in the United States. The **Service Provider** will upon demand provide **City** with appropriate documentation (Form I-9) for any **Service Provider** employee performing services for **City**.

- B. The **Service Provider** agrees to indemnify **City** in accordance with Section VI of the Agreement for any issue arising out of the **Service Provider's** hiring or retention of any individual who is not authorized to work in the United States.

SECTION IX – TAXES

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

SECTION X – ASSIGNMENT

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

SECTION XI – ENTIRE AGREEMENT/AMENDMENT

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

SECTION XII - DISCRIMINATION

- A. No discrimination for reason of race, color, national origin, religion, sex, genetic

information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, marital status, veteran's status, or disability shall be permitted or authorized by **City** and/or **Service Provider** in connection with the Services.

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

XIII. Governing Law/Venue.

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

XIV. Severability.

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

XV. Paragraph Headings.

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

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

S&ME, Inc.

City of Hilliard, Ohio

By: _____

Michelle L. Crandall
City Manager

Its: _____

Date: _____

Date: _____

Approved as to Form

Philip K. Hartmann, Law Director

CERTIFICATE OF FUNDS

I, David D. Delande, Director of Finance of the City of Hilliard, Ohio, do hereby certify that the funds for this Agreement with S&ME, Inc., in the amount of \$100,000.00, have been appropriated and are in the City Treasury or are in the process of collection, and that said funds are not and cannot be appropriated for any other purpose.

Date

David D. Delande
Director of Finance

Authorizing Appropriation Legislation: Ordinance No. 21-36

Passed: November 22, 2021

Effective: January 1, 2022

Authorizing Contract Legislation: Resolution No. 22-R-XX

Adopted:

Purchase Order No. CT22

Exhibit "A"

City of Hilliard
Statement of Qualifications for
General Engineering Services

October 7, 2022

S&ME, Inc. | 6190 Enterprise Court
Dublin, Ohio 43016
614-793-2226



October 7, 2022

Mr. Clark A. Rausch, P.E.
City Engineer
City of Hilliard
3800 Municipal Way
Hilliard, OH 43026

Reference: **General Engineering Services
City of Hilliard**

Dear Mr. Rausch:

We would like to confirm S&ME's interest in providing professional design/consulting services to the City of Hilliard, Ohio.

S&ME would like to assist the City of Hilliard in the following technical needs:

- Construction Services
- Materials Testing
- Geotechnical Services
- Phase I and Phase II Environmental Studies

The following sections of this letter serve to summarize our specific qualifications for assisting the City in these needs.

Construction Services

S&ME has provided construction services for the city of Hilliard and many other clients on projects in Hilliard. The services we provide include:

- construction inspection and documentation
- contract administration
- temporary erosion and sediment control inspections on active construction sites
- other field services for private and public projects



Materials Testing

S&ME's range of materials testing and monitoring services make use of AASHTO accredited laboratories and field testing performed by certified technicians. Our services involve the testing of virtually all types of construction materials and the review of the construction techniques and procedures necessary to incorporate the proper materials into the project. Services include:

- | | |
|--|--|
| ■ soils, aggregate, asphalt and concrete laboratory testing | ■ spray applied fireproof testing |
| ■ subgrade observations and proofrolling operations | ■ firestop inspection |
| ■ field density testing | ■ asphalt and concrete pavement testing |
| ■ shallow foundation excavation observations | ■ paint coatings observation and testing |
| ■ deep foundation (such as auger cast piles, drilled piers and driven piles) installation observations, including load tests | ■ structural steel inspection (subcontracted to Welding Consultants, Inc.) |
| ■ concrete, grout and mortar testing | ■ special inspection services as required by project |
| ■ reinforcing steel observations | ■ evaluation of dewatering approaches |
| ■ post-tensioning of slabs, floor flatness/levelness testing | ■ evaluation of earth retention systems |
| | ■ evaluation of new construction materials and methods |

Safety

Safety is critical to S&ME's clients...and to us. At every level, staff are unconditionally dedicated to safety. Our Behavior-Based Safety program is built on actively caring people devoted to being safety knowledgeable, vigilant and helping co-workers to be the same. Maintaining safe work environments is basic to our Strategic Plan. Our safety director is a certified safety professional, a vice president, and employs full-time, regional safety coordinators. All major service areas are represented on our Safety Leadership Team and every employee is safety trained.



Why S&ME?

S&ME acquired BBC&M Engineering, Inc. in 2011. S&ME has provided engineering, design, planning, environmental, and construction inspection services in the Central Ohio area for over 60 years. We currently have 1100 employees nationwide, with 43 employees located in Central Ohio. Due to S&ME's close proximity to the City of Hilliard, we have construction inspectors, field technicians and stormwater specialists who are available to quickly provide the needed services in a timely, cost-effective manner.

During the period of 2018-2022, S&ME provided Construction Sediment and Erosion Control Inspections at numerous project sites as part of a 5-year Professional Services Agreement with the City of Hilliard. Project sites included residential subdivisions, commercial facilities, retail facilities, religious facilities, and education facilities. S&ME has also performed construction observation and materials testing services on multiple projects since 2018 as part of our annually renewed Professional Service Agreement. Additionally, S&ME has performed numerous projects for the Hilliard City School District. This project experience is highlighted in upcoming sections of this submittal. Our technicians are proud of the value that they provide to Hilliard and of the quality product they help construct. The S&ME Environmental Team is proud to have provided Construction Sediment and Erosion Control Inspections for the City of the Hilliard. We know that this effort helps restore and preserve Hilliard's stream corridors and natural habitat.



For many years, S&ME also served under a General Services Contract for the City of Dublin. Last year S&ME also provided quality control and materials testing services for the Streets Improvement Project for the City of Circleville, Ohio. Our staff is trained and prepared to service the City of Hilliard.

S&ME's construction services team for this effort includes three Technicians with 14 years of experience combined, a Group Leader with 20 years of experience, and a Principal Engineer with over 30 years of experience. The team has a strong understanding of Hilliard's construction standards, as well as ODOT and Columbus Construction and Materials Specifications.

These projects will be staffed from personnel from our Dublin office on Enterprise Court, which is located approximately five miles from the center of Hilliard. We understand The City's need for "as-needed", "on-call", "flexible", and responsive service. S&ME believes that our experience with the City of Hilliard over the past decade has demonstrated these qualities. We have a strong working relationship with Clark Rausch, Jeff Cox, and Letty Schamp, with the City of Hilliard, and are proud to continue servicing projects with them.

Geotechnical Engineering

Regardless of the type or size of your project, risks exist, and they must be understood and managed. Unknown or poorly defined site conditions are one of the biggest risks for unexpected costs, schedule delays, or poor performance, and with good reason. The subsurface is composed of the only materials on your construction project that are not manufactured or mixed in a plant to exacting specifications. It is impossible to see beneath the ground surface to know exactly what will be encountered, but S&ME has over 45 years of experience (65 years in Ohio) helping our clients understand and successfully manage this risk. We use a wide variety of modern tools and laboratory testing methods to explore and characterize site subsurface conditions. We apply the latest engineering analyses, tempered by our local knowledge and experience, to help guide economical and prudent design of foundations and site preparation, and more importantly, to identify the subsurface risks that may threaten your project. Services include:



- | | |
|---|--|
| ■ Geotechnical site characterization | ■ Subsurface exploration and site characterization |
| ■ Engineering testing and instrumentation | ■ Information management |
| ■ Engineering analysis and design | ■ Geophysical surveys |
| ■ Engineering consulting | |

Environmental Studies and Permitting

S&ME can assist with regulatory compliance and environmental studies. S&ME has previously provided environmental services for the City of Hilliard that included Phase I Environmental Site Assessments and regulated materials assessments. Our approach is to first discuss your specific needs and objectives, evaluate the regulatory and risk management issues, and if needed, develop a cost-effective environment services program. Services include:



- | | |
|---|--|
| ■ Phase I and Phase II Environmental Studies | ■ Ecological studies |
| ■ Regulated materials assessments / remediation design / monitoring | ■ Protected species assessments |
| ■ Soil science services | ■ Waterway permitting |
| ■ Storage tank management | ■ Archaeology |
| ■ Noise monitoring | ■ Architectural history |
| | ■ Historic properties management plans |

The following Dublin, OH staff members have worked on previous City of Hilliard projects and will be available to work on the projects:

- Scott Ross, CPESC, CESSWI, PWS - Erosion and Sediment Control Manager
- Doug Lindsey, PE - Construction Services Project Manager
- Ronald Erb, PE - Principal Engineer
- Paula Manning - Laboratory Manager

History of Working with Hilliard

S&ME has a long history of working for the City of Hilliard, including the following projects:



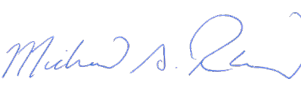
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| ■ General Engineering Services (2018-Present) | ■ Latham Park Fish Kill Investigation |
| ■ Construction Observation and Materials Testing, 2006-Present | ■ Fifth Third Bank Building |
| ■ Temporary Erosion and Sediment Control Inspection, Since 2011 | ■ Britton Parkway Expansion |
| ■ A210 Avery Road | ■ Hayden Run Road Paving |
| ■ Alt Field Tank | ■ Main Street Underground Storage Tank |
| ■ Center Street Site | ■ Police Station |
| ■ QG Printing II, LLC Facility | ■ Hilliard Silos |
| ■ Soccer Fields | ■ Grener Property Multi-Use Sports Plex |
| ■ 124-Acre Property | ■ Family Aquatic Center Waterslide Ladder |
| ■ Municipal Water Tower | ■ Two Barns at 3825 Alton Darby Creek Rd. |
| | ■ Roadway Ditch near Cosgray Rd. |
| | ■ Heather Ridge Storm Sewer |

We at S&ME value our past working relationship with the City of Hilliard and our knowledge developed through this relationship. We look forward to the opportunity of working with the City on future projects.

Sincerely,

S&ME, Inc.


 Scott Ross, CPESC, CESSWI, PWS
 Senior Scientist
 SRoss@smeinc.com


 Michael Rowland, PE
 Vice President \ Area Manager
 MRowland@smeinc.com

CITY OF HILLIARD
COMMUNITY DEVELOPMENT DEPARTMENT
EXHIBIT B - HOURLY RATES AND FEE SCHEDULE

A. Inspection and Testing	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
Engineer	\$ 108.00	\$ 112.00	\$ 116.00	\$ 120.00	Per Hour
Geotechnical Engineer	\$ 114.00	\$ 118.00	\$ 122.00	\$ 126.00	Per Hour
Resident Engineer	\$ 117.00	\$ 121.00	\$ 125.00	\$ 129.00	Per Hour
Sediment & Erosion Control Specialist	\$ 99.00	\$ 102.00	\$ 106.00	\$ 110.00	Per Hour
Staff Engineer	\$ 108.00	\$ 112.00	\$ 116.00	\$ 120.00	Per Hour
Professional Engineer	\$ 132.00	\$ 136.00	\$ 141.00	\$ 146.00	Per Hour
Project Environmental Scientist	\$ 132.00	\$ 136.00	\$ 141.00	\$ 146.00	Per Hour
Engineering Technician*					
(Includes all common field inspection and testing, including concrete soils, asphalt and masonry)	\$ 57.00	\$ 59.00	\$ 61.00	\$ 63.00	Per Hour
Engineering Technician – Overtime*					
(More than 8 hours per day portal to portal)	\$ 73.00	\$ 76.00	\$ 79.00	\$ 82.00	Per Hour
Engineering Technician – Saturdays*	\$ 73.00	\$ 76.00	\$ 79.00	\$ 82.00	Per Hour
Engineering Technician – Sundays and Holidays*	\$ 88.00	\$ 91.00	\$ 94.00	\$ 97.00	Per Hour
Senior Engineering Technician*					
(Includes all common field inspection and testing, including concrete, soils, asphalt and masonry)	\$ 63.00	\$ 65.00	\$ 67.00	\$ 70.00	Per Hour
Senior Engineering Technician – Overtime*					
(More than eight hours per day portal to portal)	\$ 86.00	\$ 89.00	\$ 92.00	\$ 95.00	Per Hour
Senior Engineering Technician – Saturdays*	\$ 86.00	\$ 89.00	\$ 92.00	\$ 95.00	Per Hour
Senior Engineering Technician – Sundays and Holidays*	\$ 107.00	\$ 111.00	\$ 115.00	\$ 119.00	Per Hour
Construction Inspector*					
(Minimum of five years of experience)	\$ 68.00	\$ 71.00	\$ 74.00	\$ 77.00	Per Hour
Construction Inspector – Overtime*	\$ 99.00	\$ 102.00	\$ 106.00	\$ 110.00	Per Hour
Construction Inspector – Saturdays*	\$ 99.00	\$ 102.00	\$ 106.00	\$ 110.00	Per Hour
Construction Inspector – Sundays and Holidays*	\$ 120.00	\$ 124.00	\$ 128.00	\$ 132.00	Per Hour
Construction Administrator (if authorized)	\$ 99.00	\$ 102.00	\$ 106.00	\$ 110.00	Per Hour
Nuclear Density Gage	\$ 40.00	\$ 42.00	\$ 44.00	\$ 46.00	Per Day
Nuclear Density Gage – AASHTO T-239-91	\$ 9.00	\$ 10.00	\$ 11.00	\$ 12.00	Per Test
Vehicle	\$ 37.00	\$ 39.00	\$ 41.00	\$ 43.00	Per Day
Routine Reports – Test Results/Inspection (Monthly)	\$ 51.00	\$ 54.00	\$ 57.00	\$ 60.00	Per Report
Project Summary Report – End of Project	\$ 322.00	\$ 335.00	\$ 349.00	\$ 363.00	Per Report

*Hourly rate includes all overhead, net fee, mileage and supervision

CITY OF HILLIARD
COMMUNITY DEVELOPMENT DEPARTMENT
EXHIBIT B - HOURLY RATES AND FEE SCHEDULE

B. Soil	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
0031. Complete Moisture – Density Relationship Tests (Include Proctor Curve, Sieve, Atterberg Limits and moisture content)	\$ 387.00	\$ 403.00	\$ 420.00	\$ 437.00	Per Test
T-88-93 1008. Particle Size Gradation and “Long” Hydrometer	\$ 124.00	\$ 129.00	\$ 135.00	\$ 141.00	Per Test
T-89-96 1010. Liquid Limit	\$ 40.00	\$ 42.00	\$ 44.00	\$ 46.00	Per Test
T-90-96 1011. Plastic Limit	\$ 40.00	\$ 42.00	\$ 44.00	\$ 46.00	Per Test
T-99-90 1029. Moisture-Density Relation (Standard Proctor)	\$ 186.00	\$ 194.00	\$ 202.00	\$ 211.00	Per Test
T-134-95 1029. Moisture-Density Relation (Soil-Cements)	\$ 248.00	\$ 258.00	\$ 269.00	\$ 280.00	Per Test
T-193-93 1040. CBR of Laboratory Compacted Soils	\$ 289.00	\$ 301.00	\$ 314.00	\$ 327.00	Per Test
T-208-92 1020. Unconfined Compression, with Stress-Strain Curve	\$ 114.00	\$ 119.00	\$ 124.00	\$ 129.00	Per Test
T-218-86 0032. Sampling of Hydrated Lime	\$ 49.00	\$ 51.00	\$ 54.00	\$ 57.00	Per Test
T-220-86 0033. Strength of Soil-Lime Mixtures	\$ 98.00	\$ 102.00	\$ 107.00	\$ 112.00	Per Test
T-239-86 0034. Density of Soil-Soil Aggregate (Nuclear Method)	\$ 9.00	\$ 10.00	\$ 11.00	\$ 12.00	Per Test
T-239-91 0035. Moisture of Soil-Soil Aggregate (Nuclear Method)	\$ 9.00	\$ 10.00	\$ 11.00	\$ 12.00	Per Test
T-265-93 1004. Moisture Content	\$ 14.00	\$ 15.00	\$ 16.00	\$ 17.00	Per Test
T-267-86 1035. Organic Content-Loss on Ignition	\$ 49.00	\$ 51.00	\$ 54.00	\$ 57.00	Per Test
T-272-86 1090. One Point Proctor	\$ 55.00	\$ 58.00	\$ 61.00	\$ 64.00	Per Test

C. Aggregate	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
T-37-93 1053. Sieve Analysis Washed	\$ 82.00	\$ 86.00	\$ 90.00	\$ 94.00	Per Test
T-100-95 1054. Bulk Specific Gravity and Absorption	\$ 91.00	\$ 95.00	\$ 99.00	\$ 103.00	Per Test
T-103-91 1056. Soundness of Aggregate (Freeze-Thaw)**	\$ 412.00	\$ 429.00	\$ 447.00	\$ 465.00	Per Test
T-104-94 0036. Soundness of Aggregate by use of Sodium of Magnesium Sulfates	\$ 255.00	\$ 266.00	\$ 277.00	\$ 289.00	Per Test

** 50-cycle Freeze-Thaw (AASHTO T103)

CITY OF HILLIARD
COMMUNITY DEVELOPMENT DEPARTMENT
EXHIBIT B - HOURLY RATES AND FEE SCHEDULE

D. Concrete	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
T-22-92 1072. Cylinders – Compressive Strength	\$ 19.00	\$ 20.00	\$ 21.00	\$ 22.00	Per Test
T-23-93 0037. Making Concrete Cylinders	\$ 9.00	\$ 10.00	\$ 11.00	\$ 12.00	Per Test
T-106-96 1082. Compressive Strength – 2" Field Cubes	\$ 18.00	\$ 19.00	\$ 20.00	\$ 21.00	Per Test
T-126-93 0038. Making and Curing Concrete Cylinders in Lab	\$ 16.00	\$ 17.00	\$ 18.00	\$ 19.00	Per Test
T-177-81 1078. Beam Flexure Test	\$ 64.00	\$ 67.00	\$ 70.00	\$ 73.00	Per Test
T-271-83 0039. Density of Concrete – Nuclear Method	\$ 17.00	\$ 18.00	\$ 19.00	\$ 20.00	Per Test

E. Asphalt	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
T-164-94 1061. Extraction (Percent asphalt, cement includes Ash Correction)	\$ 205.00	\$ 214.00	\$ 223.00	\$ 232.00	Per Test
T-166-93 1067. BSG of Compacted Specimen	\$ 49.00	\$ 51.00	\$ 54.00	\$ 57.00	Per Test
T-167-95 1066. Marshall Stability and Flow	\$ 146.00	\$ 152.00	\$ 159.00	\$ 166.00	Per Test
T-172-93 0040. Bituminous Plant Inspection	\$ 264.00	\$ 275.00	\$ 286.00	\$ 298.00	Per Test
T-230-68 0041. Determining Degree of Pavement Compaction of Bituminous Aggregate Mixes	\$ 42.00	\$ 44.00	\$ 46.00	\$ 48.00	Per Test
0042. Testing Asphalt Content - Nuclear Method (ASTM D4125-94)	\$ 80.00	\$ 84.00	\$ 88.00	\$ 92.00	Per Test
0043. Testing Bituminous Mix Density In Place (ASTM D2950- 91)	\$ 26.00	\$ 28.00	\$ 30.00	\$ 32.00	Per Test

* N/A – Unknown test method.

F. Subsurface Investigation (Drilling)	2023 Unit Price	2024 Unit Price	2025 Unit Price	2026 Unit Price	Unit
Mobilization / Demobilization (crew)	\$ 85.00	\$ 89.00	\$ 93.00	\$ 97.00	Lump Sum
Mobilization / Demobilization (rig)	\$ 373.00	\$ 388.00	\$ 404.00	\$ 421.00	Lump Sum
Standby	\$ 208.00	\$ 217.00	\$ 226.00	\$ 236.00	Per Hour
T-206-87 Standard Penetration Test - Soils include split barrel sampling of soil	\$ 30.00	\$ 32.00	\$ 34.00	\$ 36.00	Per Test
T-207-87 Thin Wall Tube Sampling	\$ 80.00	\$ 84.00	\$ 88.00	\$ 92.00	Per Test
T-22-83 Diamond Core Drilling (Coring)	\$ 57.00	\$ 60.00	\$ 63.00	\$ 66.00	Per Foot
Drilling to obtain SPT samples	\$ 18.00	\$ 19.00	\$ 20.00	\$ 21.00	Per Foot

Attachment: S&ME Draft PSA - 2022 wAttachments (22-R-86 : GES Contract with S&ME, Inc.)

Council Memo: Information Only

Subject: Hilliard Recovery Court (HRC) Programming Update
From: Michelle Crandall, City Manager
Initiated by: Dawn Steele, City Prosecutor
Date: October 24, 2022

Summary

Hilliard Recovery Court (HRC) Participant Data

The full two-year HRC Program is designed for high risk/high need individuals that continue to struggle with substance use disorder despite previous contacts with the legal system and regular probation supervision. They screen as needing higher levels of treatment and accountability.

We currently have 17 individuals actively participating in the full two-year HRC Program:

- 1 graduated in January 2022 (this was the last participant to start before COVID).
- 1 is in Phase V: Sustain and Thrive Requirements and scheduled for graduation early 2023.
- 6 are in later phases of the program and moving towards anticipated graduation in summer 2023.
- 2 have completed Intensive Outpatient ("IOP") treatment, Relapse Prevention and continue with individual counseling.
- 1 completed residential and IOP treatment, is active in Outpatient ("OP") treatment, individual counseling, beginning trauma therapy, and being linked with OpenDoor women support group.
- 1 completed residential and IOP treatment, is active in OP treatment and individual counseling, linked with OpenDoor women support group and beginning trauma therapy.
- 1 completed residential, IOP and OP treatment, is in individual counseling and sober living, has secured employment and recently was named employee of the month.
- 1 completed IOP treatment, transitioned to OP treatment, and is in individual counseling.
- 3 are newly enrolled, in IOP treatment and are in Phase I: Acute Stability and Honesty Requirements.
- 1 is in the screening process and trial period, has detoxed off fentanyl and is active in IOP treatment and individual counseling.
- 3 are currently scheduled for intake screenings with Staff.
- 1 individual screened and was linked with IOP treatment, then decided to switch to FCMC Recovery Court because living on the east side makes transportation to downtown easier.

Recovery Education Program (REP) Data

With the federal grant money providing funding for the addition of a full-time employee, Recovery Court services were expanded in March 2021 to provide case plan services to individuals that screen low risk/high need or high risk/low need. These are individuals with low level misdemeanor marijuana and drug paraphernalia charges, little to no prior contact with the legal system, and/or in need of services but are not appropriate for HRC. This operates similar to a Diversion Program and the participants are offered reduced charges or dismissals in exchange for individual case plan completion.

From March 2021 to October 2021, 35 individuals screened as appropriate for REP.

- 24 successfully completed REP case plans to address individual risks/needs.
 - 1 individual was a lifelong resident of Hilliard that became homeless and suffered from alcohol use disorder. HPD had frequent encounters and arrests over the years, many of which were disorderly conduct charges. The individual agreed to enter OARC residential treatment, successfully completed treatment, secured housing, and has no new charges.
 - 1 young individual agreed to attend Partial Hospitalization ("PHP") treatment and IOP treatment, he is 5 months sober from heroin/fentanyl, moved back to northwest Ohio with his family and secured employment.
- 1 was in warrant status, but recently reappeared and is now screening for HRC.

- 1 attended treatment but did not want to complete the entire REP case plan, so resolved the case with a plea to the original charge.
- 6 failed to report after agreeing to an REP case plan and have active warrants.
- 3 transferred to FCMC because picked up additional charges.

February 2022 to present – 41 individuals screened as appropriate for REP.

- 15 successfully completed REP case plans to address individual risks/needs.
- 2 successfully completed REP case plans, received a reduced charge and are on active supervision as part of the agreement because of higher risk/need but not appropriate for HRC.
 - 1 individual with opiate use disorder was referred to PHP, continues to maintain sobriety and is positively progressing through treatment.
- 15 currently open with active case plans.
 - 1 lifelong resident with alcohol use disorder was placed on a SCRAM monitor, completed PHP, and was sober for several months. He suffered a relapse while in IOP, so placing him back on SCRAM monitor and making therapeutic adjustments to case plan.
- 3 unsuccessful and resolved case with a plea to the original charge.
 - 1 individual completed PHP mental health treatment following a suicide attempt, stabilized, but opted to plea to charge instead of completing full case plan for reduced charge.
- 4 failed to report after agreeing to an REP case plan and have active warrants.
- 2 transferred to FCMC because picked up additional charges.

Youth Diversion Data

HPD, with input from HCSD, has begun referring youth for risk/need screening and case plan development. The main source of referrals is students found with vaping devices or illegal substances on school property. A review meeting is being held with HPD, HCSD and City Diversion Staff to evaluate the first two months and make any necessary adjustments to improve the process.

- 30 youth have been referred for Diversion
- 20 screened and case plans were developed
 - 2 successfully completed
 - Diversion screening process has identified a few students needing support services for circumstances the student had not previously shared with HCSD Staff, so Diversion Staff worked with SRO to inform school counselors, facilitated the student receiving additional support at school and made referral for outside counseling services.
- 1 not accepted into Diversion
- 1 student/family hasn't followed through with screening, so working with SRO and HCSD for resolution in addressing any barriers to participation
- 8 are in the screening process

Attachments

- Participant Gratitude Statement from Facebook

Participant Gratitude Statement from Facebook

Today is my 5 months Clean today. I graduated I.O.P today and phased up at Hilliard Recovery Program. I really don't even have the words to express the gratitude I have to finally be living a life worth living today and to finally be a person worthy of that life.

I am here by God's grace and these spiritual principles I've learned thus far: Honesty, open-mindedness, willingness, acceptance, hope, and faith. These are the stepping stones of spiritual guidance that has led me to this point in my life and recovery. That my friends is The N.A way. I'd like to post a gratitude list to the NEW people, places, and things that have allowed me a new way of life:

First to the Hilliard Recovery Program for getting me to the doorstep of a life forever changed. The people who believed in me before I knew how to believe in myself, the people that showed me true compassion in my darkest hour. Stacy, Katie, Sam, Judge Vandercarr, Dawn, and John. Thank you for allowing me the second chance I'm living right now, for believing in me every step of the way, and for allowing me to believe in the good in people again. The qualities that this world's incredible people possess... each and everyone of you possess these and then some. You all change peoples lives and you deserve to be told that everyday.

To Woodhaven and all of the incredible staff there for providing me with a safe place to not only recover but to begin to heal. And for showing me that Recovery is possible, even for someone like me. And for giving me the tools I need to hold on to this new way of life. To Freedom Recovery for continued guidance, the recovery education, and the group therapies that continues to allow me to heal.

To Open Door...for teaching me Humility and another installation of belief in the best of people. For allowing me to be a part of something bigger than myself, something so truly worthy of the cause.

To Narcotics Anonymous for allowing me to speak my truth and be a part of the biggest healing movement I've ever witnessed. For giving me the hope shot when I see a member with 25+ years that one day I'll get there too. To the newcomer to remind me where I came from. And of course for introducing me to the 12 steps that keep me teachable and keep me worthy of the never ending blessings this program has blessed me with. That to is the N.A way. To my sister's Dawn and Marina for never giving up on me and allowing me the privilege of saying that I still have Family.

Thanks to each and every person in my recovery community that has allowed me this beautiful life of recovery.

With all of my heart,
And finally Hope,
Jenna.