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Legislative Bulletin

An Official Publication of the Hilliard City Council

Publication Date: November 29, 2022

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ORDINANCES

The following Ordinances were passed on November 28, 2022

22-39 APPROVING AN AMENDMENT TO SECTION 161.36 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE TUITION REIMBURSEMENT PROGRAM.

WHEREAS, currently, Chapter 161 of the Codified Ordinances of the City provides for the conditions of employment, compensation, classification, and benefits afforded to non-unionized City employees; and

WHEREAS, the City finds it necessary to amend certain language in Code Section 161.36 to remove the limit on the maximum amount available for tuition reimbursement: and

WHEREAS, the amended language will benefit the City, its employees, and attract qualified candidates.

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

SECTION 1. City Council finds that amending the language in Section 161.36, as identified in Exhibit "A", attached hereto and incorporated herein, is in the City's best interest. The changes to Section 161.36, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in to the City's Codified Ordinances.

SECTION 2. All other provisions of Chapter 161, not modified herein, remain unchanged and are in full force and effect.

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

22-40 AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND DEED FOR 3.4± ACRES ALONG ALTON DARBY CREEK ROAD AND COSGRAY ROAD.

WHEREAS, on March 8, 2021, the City accepted the transfer of 123 ±acres of land from the Hilliard Development Corporation in order to start developing its new Recreation and Wellness campus (the "City Property"); and

WHEREAS, the City desires to transfer 3.4± acres from the City Property to the Board of Trustees of Norwich Township so that Norwich Township can build a new fire station; and

WHEREAS, after negotiations between the City and Norwich Township, the Parties have agreed to a Purchase Agreement, attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, pursuant to Section 151.03 of the City's Codified Ordinances, the City Manager has declared this 3.4± acres to be surplus to the needs of the City and transferring it to Norwich Township is in the best interest of the health, safety, and welfare of the City.

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

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22-40 continued:

- **SECTION 1.** The City Manager is authorized to enter into a Real Estate Purchase Agreement with Board of Trustees of Norwich Township, substantially similar to the one attached hereto as Exhibit "A" and incorporated herein, with such changes that are not inconsistent with this Ordinance and not adverse to the City whose signature thereon shall be conclusive evidence that such changes are approved by Council.
- **SECTION 2.** In accordance with the Real Estate Purchase Agreement, the City Manager is authorized to execute a limited warranty deed transferring 3.4± acres to the Board of Trustees of Norwich Township.
- **SECTION 3**. The City Manager, City Engineer, and City Law Director are authorized to approve any necessary administrative changes to the deed and to affect the proper form and recording of the 3.4± acres to Norwich Township.
- **SECTION 4.** This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

22-41 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE CITY'S PURCHASE OF STOP LOSS INSURANCE.

WHEREAS, the City of Hilliard is self-funded for purposes of providing employee health insurance benefits; and

WHEREAS, the City annually purchases a stop-loss insurance policy which provides for payment of health insurance claims that are more than \$75,000 per person covered; and

WHEREAS, the City, through its consultant, received renewal quotes for a stop-loss insurance policy; and

WHEREAS, the stop-loss policy previously in effect expires at midnight on December 31, 2022 after which time the City must have a new contract in place; and

WHEREAS, it is in the interest and benefit to the City of Hilliard and the public at large that the stop-loss policy be approved.

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

- **SECTION 1.** The City Manager is authorized and directed to enter into a contract with Anthem Blue Cross Blue Shield to provide insurance coverage described above at an annual premium cost not to exceed \$840,348 for the period from January 1, 2023 to December 31, 2023, on such terms and conditions consistent with the recommendations provided by the City's consultant and as approved by the City's Law Director.
- **SECTION 2**. All monies paid under this contract will be allocated to the various personnel appropriations (Object 51) in the City's 2023 Operating Budget as approved by City Council.
- **SECTION 3**. This Ordinance shall be in full force and effect at the earliest time provided for by law.

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The First Reading of the following Ordinances was held on November 28, 2022.

The Second Reading/Public Hearing is scheduled for December 12, 2022

22-42 ACCEPTING THE APPLICATION FOR ANNEXATION OF 20.8± ACRES LOCATED IN NORWICH TOWNSHIP, FRANKLIN COUNTY, OHIO, AND ASSIGNING A ZONING CLASSIFICATION TO THE PROPERTY OF R-R, RURAL RESIDENTIAL.

WHEREAS, on August 15, 2022, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 20.8± acres of real property in Norwich Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, pursuant to Ohio Revised Code §709.023(C) the City of Hilliard adopted Resolution No. 22-R-68 on August 22, 2022, which Resolution indicated the type and scope of services the City of Hilliard will provide to the territory upon annexation to the City; and

WHEREAS, on August 23, 2022, a certified copy of Resolution No. 22-R-68 was sent to the Office of the Clerk of the Franklin County Commissioners; and

WHEREAS, the Petition came on for public hearing before the Franklin County Board of Commissioners on September 20, 2022; and

WHEREAS, pursuant to an action of the Franklin County Commissioners after that hearing, the Clerk of the Board of County Commissioners entered on the journal of the Board an order approving the annexation according to law, certified the transcript for the proceeding in connection with the annexation and filed it with the Clerk of Council of the City of Hilliard on September 22, 2022; and

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

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

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

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

SECTION 1. The proposed annexation of 20.8± acres from the unincorporated area of Norwich Township, Franklin County, Ohio to the City of Hilliard, a petition for which was filed with the Board of County Commissioners, Franklin County, Ohio on August 15, 2022, and approved by the Board of County Commissioners on September 20, 2022, be and the same is hereby accepted. The petition is **attached** hereto as **Exhibit "A"** and graphically depicts and describes the territory that is the subject of the annexation, which Exhibit is incorporated herein. The certified transcript of the proceedings of the County Commissioners is on file with the Clerk of Council of the City and has been for more than sixty (60) days.

SECTION 2. The 20.8± acres shall be assigned the zoning classification of "R-R" Rural Residential District, which classification most closely resembles the zoning classification prior to the annexation based on minimum lot sizes, minimum lot widths, acreage and dimensions of the 20.8± acres.

SECTION 3. The Clerk of Council is hereby authorized and directed to make three (3) copies of this Ordinance, to each of which shall be attached a copy of the map accompanying the Petition for Annexation, a copy of the transcript of the proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then deliver one copy to the County Auditor, one copy to the County Recorder, and one copy to the

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22-42 continued:

Secretary of State and shall file notice of this annexation with the Board of Elections of Franklin County within thirty (30) days after it becomes effective, and further the Clerk of Council shall do all other things with respect to the action taken by this Ordinance as may be required by law.

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

22-43 AMENDING CERTAIN SECTIONS OF PART FIVE - THE "GENERAL OFFENSES CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Five of the City's Codified Ordinances – the "General Offenses Code" has been reviewed by the City's Codifier, Municide and the Administration in order to address certain changes in the Ohio Revised Code and update/align with the City's current form of government; and

WHEREAS, it is necessary to update the "General Offense Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, it is necessary to update certain sections of the "General Offenses Code" in order to align with the City's change in form of government as well as outdate code sections; and

WHEREAS, the Administration desires to amend the "General Offenses Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City believes that amending the "General Offenses Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

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

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

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

22-44 AMENDING CERTAIN SECTIONS OF PART THREE - THE "TRAFFIC CODE" OF THE CITY'S CODIFIED ORDINANCES TO ALIGN WITH OHIO REVISED CODE.

WHEREAS, Part Three of the City's Codified Ordinances – the "Traffic Code" has been reviewed by the City's Codifier, Municide in order to address certain changes in the Ohio Revised Code; and

WHEREAS, it is necessary to update the "Traffic Code" to ensure that it corresponds with and does not conflict with Ohio Revised Codes regarding the same or similar topics; and

WHEREAS, the Administration desires to amend the "Traffic Code", as outlined in Exhibit "A", attached hereto and incorporated herein; and

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22-44 continued:

WHEREAS, the City believes that amending the "Traffic Code", as identified in Exhibit "A", attached hereto and incorporated herein, promotes the general health, safety, and welfare of the City and its residents.

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

- **SECTION 1.** Council finds that amending Part Three of the City's Codified Ordinances the "Traffic Code", as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to the "Traffic Code", as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.
- **SECTION 2**. All other provisions of the "Traffic Code", not modified herein, remain unchanged and are in full force and effect.
- **SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.
 - 22-45 REPEALING AND REPLACING CHAPTERS 909 AND 913 AND ADOPTING CHAPTER 911 OF THE CITY'S CODIFIED ORDINANCES REGARDING MAINTENANCE AND CONSTRUCTION REQUIREMENTS RELATED TO SIDEWALKS, CURB RAMPS, SHARED-USE PATHS, DRIVEWAY APPROACHES, CURBS AND GUTTERS.

WHEREAS, the City of Hilliard in in the process of developing a Sidewalk Maintenance Program; and

WHEREAS, in order to move forward with the Program, a review of the City's Codified Ordinances was necessary in order to address and clarify property owner and City responsibilities as it relates to the construction and maintenance of various types of infrastructure; and

WHEREAS, upon review, City staff determined that it was necessary to repeal and replace Chapters 909 and 913, as well as adopt a new Chapter 911; and

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

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

- **SECTION 1.** City Council finds that repealing and replacing Chapter 909 of the City's Codified Ordinances, as shown in Exhibit "A" is in the City's best interest. Chapter 909, as shown in Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances.
- **SECTION 2**. City Council finds that adopted Chapter 911, as shown on Exhibit "B", is in the City's best interest. Chapter 911, as shown in Exhibit "B" is approved and shall be incorporated into the City's Codified Ordinances.
- **SECTION 3**. City Council finds that repealing and replacing Chapter 913 of the City's Codified Ordinances, as shown in Exhibit "C" is in the City's best interest. Chapter 913, as shown in Exhibit "C" is approved and shall be incorporated into the City's Codified Ordinances.
- **SECTION 4.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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22-46 AMENDING EXHIBIT A OF CHAPTER 190 OF THE CITY'S CODIFIED ORDINANCES TO UPDATE THE COMPREHENSIVE FEE SCHEDULE.

WHEREAS, Chapter 190 of City's Codified Ordinances contains various fees, including fees for the various permits, inspections, zoning applications, code enforcement and municipal services offered by the City (collectively, "municipal services"); and

WHEREAS, for the convenience of the public and the City, the comprehensive fee schedule for municipal services in Chapter 190 is subject to annual review by City Council; and

WHEREAS, it is a goal of City Council to sustain City finances thru the collection and updating of certain fees and other revenues in order to maintain a high level of municipal services; and

WHEREAS, as shown on "Exhibit One", attached hereto and incorporated herein, the amendments are in the best interest of the City and its residents.

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

SECTION 1. City Council authorizes the acceptance of applications and issuance of permits for the items listed in Exhibit A of Chapter 190, as identified in "Exhibit One", attached hereto and incorporated herein, and finds that amending the fees listed in Exhibit A of Chapter 190 is in the City's best interests. The changes and additions to Exhibit A of Chapter 190, as shown and identified in track changes on the attached Exhibit One, are approved.

SECTION 2. All other provisions of Chapter 190, not modified herein, remain unchanged and are in full force and effect.

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

22-47 AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2023 CONTRACT WITH THE DISTRICT ADVISORY COUNCIL OF THE FRANKLIN COUNTY GENERAL HEALTH DISTRICT FOR PUBLIC HEALTH AND PLUMBING INSPECTION SERVICES.

WHEREAS, Ohio Revised Code Section 3709.08 authorizes the chief executive of a city, with the approval of a majority of the members of the legislative authority of a city, to enter into a contract with the chairman of the district advisory council for the provision of public health services to the city; and

WHEREAS, the District Advisory Council of the Franklin County General Health District (the "Board of Health") has sent the City of Hilliard a proposed contract for public health services with the City of Hilliard for 2023, a copy of which is attached as Exhibit "A" (the "Contract"); and

WHEREAS, the City's Department of Community Development, Building Standards Division staff is not certified to inspect plumbing, and the Contract terms include the Board of Health providing plumbing inspection services, which services it is certified to provide; and

WHEREAS, the cost of the public services provided by the Board of Health is based upon a per capita rate of \$9.5996 which is multiplied by a population estimate for the City of Hilliard of approximately 37,094; and

WHEREAS, for providing plumbing inspection services, the Contract provides that the City will remit 60% of all plumbing inspection fees collected by the City to the Board of Health; and

WHEREAS, sufficient funds were appropriated in the 2023 Operating Budget for the Contract; and

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22-47 continued:

WHEREAS, in order to ensure the Contract no interruption of services and that the Contract is entered into on January 1, 2023, the City is requesting emergency passage of this Ordinance.

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

SECTION 1. The City Manager is hereby authorized and directed to execute the 2023 Health Services Agreement with the District Advisory Council of the Franklin County General Health District, a copy of which is **attached** hereto as **Exhibit** "A," and incorporated herein by reference.

SECTION 2. All costs associated with the services provided in the Health Services Contract shall be paid in accordance with the authorization granted in the City's 2023 operating budget, which shall not exceed \$356,087.56.

SECTION 3. In order to ensure that services provided by the Board of Health are not interrupted and that the Contract can be entered into on January 1, 2023, this Ordinance is declared to be emergency measure and it shall be effective upon its adoption.

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on November 28, 2022.

22-R-96 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR SECTION 4 OF THE COURTYARDS AT CARR FARMS.

WHEREAS, on July 11, 2016, City Council adopted Ordinance 16-01 rezoning 79.5± acres of land on the east side of Leppert Road north of Davidson Road from R-R, Rural Residential District to PUD, Planned Unit Development District as the Carr Farms Development PUD Concept Plan and Text; and

WHEREAS, a 6-month extension of the Carr Farms PUD Concept Plan was approved by the Planning and Zoning Commission on April 12, 2018; and

WHEREAS, City Council approved Resolution No. 20-R-95 to modify the Carr Farms PUD Concept Plan and Text to consist of 59 traditional single-family homes and 179 empty-nester homes on November 23, 2020; and

WHEREAS, on October 11, 2021, City Council adopted Resolution No. 21-R-62 approving a modification of the Carr Farms PUD Concept Plan and Text consisting of 227 empty-nester homes and 16 townhomes on 79.45 acres; and

WHEREAS, upon application by Epcon Carr Farms, LLC. and EMH&T (collectively, the "Owner"), on November 10, 2022, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Phase 4 of The Courtyards at Carr Farms for the development of 38 single-family lots for empty-nester homes on 13.026 ± acres of land (the "Property"); and

WHEREAS, the Owner has offered to dedicate to the City of Hilliard easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground, for the construction, operation and where necessary, easements for the construction, operation and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

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22-R-96 continued:

WHEREAS, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

WHEREAS, it is in the interest and the benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

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

SECTION 1. The City of Hilliard accepts the dedication of easements for public and private utilities, cable television, service connections and storm water drainage within the Courtyards at Carr Farms Phase 4, as shown on Exhibit "A", attached hereto and incorporated by reference herein.

SECTION 2. The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat as identified in Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

SECTION 3. The Clerk of Council, Chairman of the Planning and Zoning Commission and the City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

SECTION 4. This Resolution is effective upon its adoption.

22-R-97

APPROVING CHANGES TO THE PLANNED UNIT DEVELOPMENT (PUD) TEXT FOR ±0.44-ACRE LOCATED ON THE SOUTHWEST CORNER OF CEMETERY ROAD AND LACON ROAD AS PART OF THE "CEMETERY ROAD PROPERTIES LOCATED BETWEEN LEAP AND LACON ROADS" DEVELOPMENT ("PUD") PLAN AND TEXT TO MODIFY SETBACKS AND OTHER DEVELOPMENT STANDARDS.

WHEREAS, Cemetery Road Holdings, LLC. (the "Owner") owns approximately ±0.44 acre at the southwest corner of Cemetery Road and Lacon Road at 4445 Cemetery Road, identified as Parcel #050-002824 by the Franklin County Auditor's Office; and

WHEREAS, a portion of the Property was rezoned from R-2, Low Density Residential District to B-1, Neighborhood Business District by City Council on August 18, 1980 (Ordinance No. 80-38) to permit the construction of a retail sports clothing store and office; and

WHEREAS, City Council adopted Ordinance 91-03, effective March 13, 1991, to rezone adjacent properties located at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from R-2, Low Density Residential District to B-5, Commercial Planned Development District; and

WHEREAS, the B-5, Commercial Planned Development District adjacent to the Property included the development plan text known as "*Cemetery Road Properties Located Between Leap and Lacon Roads*" prepared by the Mid-Ohio Regional Planning Commission (MORPC); and

WHEREAS, City Council adopted Ordinance No. 14-29 on October 27, 2014, enacting a new Zoning Code that reclassified the adjacent properties at 4461-4599 Cemetery Road and 3827-4424 Lacon Road from B-5, Commercial Planned Development District to PUD, Planned Unit Development District; and

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22-R-97 continued:

WHEREAS, City Council adopted Ordinance 22-31 on September 26, 2022, to rezone a 0.195-acre portion of the property from B-1, Neighborhood Business District to PUD, Planned Unit Development District (which became effective on November 26, 2022); and

WHEREAS, the Owner at 4445 Cemetery Road submitted application number PZ-22-43 to the City's Planning and Zoning Commission on July 6, 2022, to amend the PUD development text; and

WHEREAS, on August 11, 2022, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council regarding proposed PUD text modifications as depicted and described as Exhibit "A", attached hereto and incorporated herein (the "PUD Development Text"); and

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

SECTION 1. The "Cemetery Road Properties Located Between Leap and Lacon Roads" PUD Development Text is hereby amended to modify setbacks and development standards.

SECTION 2. The amended development text, attached hereto as Exhibit "A" and incorporated herein by reference, is approved and shall hereafter be referred to as the "Cemetery Road Properties Located Between Leap and Lacon Roads" PUD Development Text.

SECTION 3. This Resolution is effective upon its adoption.

22-R-98 APPROVING COUNCIL APPOINTMENT TO THE AGING-IN-PLACE ADVISORY COMMITTEE.

WHEREAS, Section 149.08 provides that Council shall appoint members to the City's Aging-in-Place Advisory Committee; and

WHEREAS, Lynn Tramontano was appointed to a term on the APAC expiring May 13, 2024; and

WHEREAS, due to Ms. Tramontano's resignation, City Council needs to appoint in order to fill the unexpired term; and

WHEREAS, Carol Clark-Korkate has express a desire to be appointed.

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

SECTION 1. Carol Clark-Korkate is hereby appointed to the Aging-in-Place Advisory Committee to fulfill an unexpired term through May 13, 2024; and

SECTION 2. This Resolution is effective upon its adoption.

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