



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

#### January 17, 2023 Council Meeting

#### Unfinished Business

##### A. Ordinances

➤ **ORDINANCE 2022-4433 – 3<sup>RD</sup> READING - AN ORDINANCE TO AMEND SECTION D OF THE FEE SCHEDULE WITHIN THE PARKS AND RECREATION DEPARTMENT.**

This ordinance was amended by substitution. The amendments made to Exhibit A were to break down the fees for the Pataskala Youth Soccer League Registration section of the fees. The changes made in the youth soccer section broke down the different cost associated with the summer and winter training options that have been implemented as a part of the program. The Exhibit A provided (as the attachment) has all proposed changes of added and updated items highlighted in yellow. Fees for the youth soccer league and the adult softball team fees were planned increases for the 2022 program year so those two are the only “adjustments”. All other yellow highlighted items are additions to the fee schedule.

➤ **ORDINANCE 2023-4443 – 2<sup>ND</sup> READING - AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A GUARANTY AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION**

This Ordinance (First Reading) authorizes the City Administrator to execute the guaranty agreement with ODOT. Essentially this is the legislation that allows us to borrow the money from the State Infrastructure Bank. Council will remember that Etna and Pataskala are each in for “half” of the \$7,000,000 loan. The second attachment an amortization schedule shows that after interest the loan is more than just \$7,000,000 and our annual payments (which begin in 2025) are \$260,000/YR. This is the number we were shooting for after figuring the potential income tax from the Red Rock and TPA facilities. This legislation is the culmination of input from all jurisdictions and their legal teams. Our own house review consisted in Brian Zets, Jamie Nicholson, Tim Hickin and our outside bond council Dennis Schwallie. We hope there are no amendments by substitution yet to come as that would force us under council rules of order to delay the vote until the February 6th meeting.

Something special with this legislation is the fact that we would need to waive a 3rd reading and adopt at the January 17, 2023, meeting to make the deadline of February 17th to sign the guarantee after the referendum period. Missing this deadline puts the %3.0 interest on the loan in jeopardy as we might have to reapply,

and the “new rates” would be in play. Even a small raise in the rate has the potential to cost the city significantly more money.

**Motion to dispense with readings of Ordinance 2023-4443 on three separate dates as provided for in Section 4.04 of the Charter of the City of Pataskala.**

In an effort to lock in lower interest rates the TID submitted their application to the SIB Bank in early fall of 2022. That rate (%0 for year one and %3 in subsequent years) is confirmed only through a 6-month period meaning mid-February. Dispensing with the third reading and adopting this ordinance at the January 17<sup>th</sup> meeting allows for the full referendum period after which the City Administration would sign the guaranty allowing access to the \$7,000,000 for the project.

The amendment by substitution are minor changes to the Guaranty Agreement based on some last minute input from clients/stakeholders.

B. Resolutions



New Business

A. Ordinances

➤ **ORDINANCE 2022-4440 – 1<sup>st</sup> READING**

The property located at 7164 Hazelton-Etna Road is 4.63 +/- acres and is currently undeveloped. The applicant is requesting to rezone the property from the LB – Local Business district to the PDD – Planned Development District to create Sub Area “E” of Heritage Town Center, which is the current mixed use development to the south. The rezoning is in line with the recommendations of the Comprehensive Plan and the Planning and Zoning Commission recommended approval on November 2, 2022.

➤ **ORDINANCE 2023-4444 – 1<sup>ST</sup> READING - SUPPLEMENTAL APPROPRIATION (Finance Department)**

The Utility Director has determined that the 2020 WRF plant upgrade was inadequate and that additional blowers are required in order to meet EPA standards. The additional blowers are expected to cost approximately \$250,000. Funding for this additional expenditure was not included in the 2023 budget. The Administration is anticipating that it may need to take legal action against the engineering firm that designed the upgrade to reimburse the city for this expenditure. Due to the time-sensitive nature of this purchase, the Administration is requesting that Council consider this ordinance as an emergency measure. **We are requesting that this legislation be treated as an emergency and that the additional readings be waived. We are respectfully requesting that Council hold the 1<sup>st</sup> reading of the ordinance and approve as an emergency measure at the January 17<sup>th</sup> Council meeting.**

- i. *Section 1: WRF Plant Blowers* – The Utility Director has identified that the purchase and installation of additional WRF blowers will cost the city approximately \$250,000, although the Administration plans to seek reimbursement from the engineering firm that designed the project. Funding for the project will come from the Sewer Capital Improvements (652) fund.

AND

➤ **ORDINANCE 2023-4444 – 1<sup>st</sup> READING - AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND DECLARING AN EMERGENCY. (Utility Department)**

The WRF Upgrade of 2020 has not produced the results expected. It has been determined that the design of the upgrade used incorrect data. This resulted in the plant not maintaining the level of dissolved oxygen necessary to provide proper treatment to the wastewater, leading to several permit limit violations. It has been determined that two additional 25HP blowers need to be installed in order to provide the proper amount of dissolved oxygen. The design, purchase and installation of that equipment is estimated to be \$250,000.

The design contract is with Verdantas, and they used Prime Engineering as a sub-contractor for some of the work. Discussions between the design firms related to responsibility of the error have been ongoing but have yet to produce the necessary results to move forward with correcting the issue. The Administration, along with the Utility Committee, have decided to request this supplemental so that we can move forward with those corrections without further delay. The City will be notifying Verdantas that we believe they are in breach of the design contract and will pursue reimbursement for the financial damages incurred.

On May 1, the limits at the WRF become more stringent for the summer months. To this point, the EPA has been very understanding of our situation and the resulting permit violations. It is my belief that further permit violations would likely lead to fines and/or being placed under findings and orders by the EPA. Because it will take several months to complete the design, acquisition and installation of the equipment, time is of the essence. We are requesting that this Ordinance be considered an emergency and that the regular three reading requirement be waived so that it can be voted on at the January 17 council meeting. The Administration does not take a request for an emergency lightly and would not do so unless we felt it was a critical component to the operation of the Utility Department.

If approved, the funds described in this supplemental will come from the Sewer Capital Improvements Fund. Reimbursements received for these financial damages would go back into the same fund.

Approval of Ordinance 2023-4444 is recommended.

## **Consent Agenda**

### **3. Motions**



### **4. Resolution**

➤ **RESOLUTION 2023-003 - A RESOLUTION APPROVING A CONTRACT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. FOR THE ADMINISTRATION OF POLICE OFFICER WAGES, BENEFITS, AND OTHER TERMS AND**

**CONDITIONS OF EMPLOYMENT FOR THE PERIOD JANUARY 1, 2023, THROUGH DECEMBER 31, 2025**

This resolution approves the contract language discussed at the executive session on December 5<sup>th</sup>, 2022. Prior to the consent agenda vote, (or the agenda vote should it be pulled from the consent agenda) there will be an executive session led by Jeff Stankunas, of Isaac Wiles, to summarize the agreement. As stated in the resolution, passage would result in a three-year contract with the FOP with no planned re-openers through 2025. That is something the city has not had since 2016. A tentative agreement based on this proposal was approved by a majority vote of the FOP membership on 1/11/2023.

➤ **RESOLUTION 2023-004 - A RESOLUTION TO ADVERTISE AND RECEIVE BIDS FOR THE FREEDOM PARK IMPROVEMENTS PROJECT.**

This is a resolution to advertise and receive bids for planned improvements for Freedom Park. The Licking Park District Board voted and accepted the City of Pataskala's requests for Governmental Partnership Funds to install a walking Path in 2023. This was approved by unanimous vote in September of 2022. This vote allocated 25,000 towards the installation of the walking path. This base bid and alternate bid request is to construct a new 2,500 linear foot, 8' wide walking path within Freedom Park as well as expand the parking lot at Freedom Park. The Parks Department reasonably anticipates this project will cost \$80,000.00 (\$50,000 for the walking path and an additional (as an alternate bid) \$30,000.00 for the parking lot expansion.

➤ **RESOLUTION 2023-005 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE SCENIC VIEW ESTATES, PHASE 1 DEVELOPMENT FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements for the Scenic View Estates, Phase 1 Development by The City of Pataskala. These improvements include storm, sanitary, and water utilities only. The roads within the development were to be built to public standards, but are to remain private roads.

Full-time third-party inspection was present throughout construction of this project to verify materials and installation on behalf of the City, and all testing was verified to be completed successfully in accordance with all applicable construction and material specifications.

Once all items were complete and verified, a site walk-through was conducted by the Public Service Director and Utility Director to review the project and generate a punch-list of outstanding items. Accordingly, a Certificate of Substantial Completion has been executed, and indicates a date of January 9, 2023 as the beginning of the 1-year maintenance period.

In accordance with City requirements for acceptance, as-built plans, a 1-year maintenance bond in the amount of 10% of the value of the public improvements, and an executed stormwater maintenance agreement have all been submitted to the City by the Developer.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2023-005 be approved.