



City of Pataskala *Legislative Report to Council*

Legislative Report

May 1, 2017 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2017-4282 – 3RD READING**

This ordinance amends the code to call for the establishment of a development payment in-lieu fund. This fund would be used if the requirement to construct a sidewalk is waived by the City Administrator or their designee (Ordinance 2017-4283 establishes the fund and outlines how the fund would be implemented). The ordinance also revises the requirements for sidewalk construction.

➤ **ORDINANCE 2017-4283 – 3RD READING**

This ordinance establishes the development payment in-lieu fund. The City Administrator or their designee could waive the requirement to install a sidewalk if it is their determination that installing a sidewalk would not be compatible with adjacent development (i.e. a sidewalk to nowhere). If that determination is made, , the developer is required to submit a payment in-lieu of installing that sidewalk. The payment is based upon a construction estimate. The City Administrator or their designee will determine if the estimate is accurate. If the estimate is determined to be accurate, the developer will submit a check in that amount to be deposited in the fund. At that point the City Administrator or their designee will have the ability to use that fund for walkways, walkway signage, walkway lighting, etc. elsewhere in the City where these items would better serve the community.

➤ **ORDINANCE 2017-4285 – 3RD READING – An ordinance to prohibit medical marijuana cultivators, processors, and retail dispensaries licensed under Ohio Law, from locating and/or doing business within the City of Pataskala.**

Based on feedback from Council during the March 20th meeting, this ordinance is presented for consideration. If approved, the ordinance would establish prohibitions against medical marijuana cultivation, processing, and retail dispensary businesses in Pataskala. The State's medical marijuana bill permits local municipalities to enact legislation to outright prohibit any activities related to the three aspects of medical marijuana.

The cultivation rules are scheduled to take effect on May 6th. The rules for processing and dispensaries will take effect later in the year (September timeframe).

This prohibition can be modified in the future if Council chose to do so. Implementing the prohibition now, Council take work toward creation and implementation of local regulations, and lessen the prohibition in the future. This approach provides the opportunity to establish greater local control of this industry.

➤ **ORDINANCE 2017-4284 – 2ND READING**

The property has an existing 1,954 square foot home built in 1890 that is currently being used for residential purposes as well as a 720 square foot detached garage. The owner is proposing to continue using the second floor as a residence and to use the first floor of the house as a bakery and small gathering location under the business Blissful Confections & Events LLC. Commercial convection ovens and a commercial refrigerator would be installed. No alterations to the layout of the structure are proposed.

The property has limited parking space available in the rear with no on-street parking in the immediate area. However, pursuant to section 1291.05 of the code, if public parking is within 300 feet of the property, the property does not need to meet the minimum parking requirements. Therefore, all parking requirements will be met because there is a public parking lot less than 300 feet south of the location.

Pursuant to section 1245.04 of the code, residential dwelling units are conditionally-permitted uses under a Downtown Business district. Therefore, the applicant was required to apply for a conditional use to be able to reside on the second floor. The board of Zoning Appeals approved this request on April 11, 2017.

➤ **ORDINANCE 2017-4286 – 2ND READING – SUPPLEMENTAL APPROPRIATION**

This piece of legislation has been amended, and is being respectfully submitted to Council for a 2nd reading at the May 1st Council meeting. **Items highlighted in bold below have been added or modified since the 1st reading of the ordinance.**

- ***Section 1: Litigation Settlement*** – At the March 3rd Council meeting, Council authorized the city to enter into a litigation settlement with former Council member Michael Fox, for an amount not to exceed \$10,000. In order to issue such payment, we are requesting a \$10,000 increase in supplemental appropriations to cover the settlement.
- ***Section 2: Mayor's Court File Scanning*** – The Mayor's Court Clerk has been progressively scanning old court case files in order to eliminate the need for maintaining the paper form of the documents. The Clerk would like to begin scanning the 2015 case files, and is requesting an appropriation of \$5,000 from the Mayor's Court Computer (210) fund. The monies in this fund can only be used for the computerization of the Court and the Clerk's office.
- ***Section 3: Taylor Road Culvert Repair*** – The Public Service department has identified a culvert on Taylor Road that has failed, and is in need of significant emergency repairs. The Public Service Director has solicited multiple bids, however, none have yet responded with a formal proposal at this time. In order

to be prepared to react once the quote has been received, we are requesting an appropriation of \$50,000 from the Street fund to cover the project costs. The Director believes that the project will most likely cost less than that amount, but are requesting the higher appropriation in an abundance of caution.

- **Section 4: Columbia Road Bridge Improvements** – The Ohio Department of Transportation (ODOT) recently delivered an invoice in the amount of \$170,300 for the local share of design and construction costs for the Columbia Road bridge improvements project. When ODOT originally awarded the project back in 2013, the local match was estimated to be \$150,180. Subsequent to that notice, the city transferred the \$150 thousand from the Street (201) fund to the Columbia Road Bridge Improvements (307) fund, and that is the current balance of cash in the fund. In order to pay the increased invoice, however, it will require another transfer of funds from the Street fund. We are requesting an interfund transfer of \$25,000 to cover the fund shortage. Once the project is completed, any unused/unspent funds can be transferred back to the Street or another capital fund.

New Business

A. Ordinances

➤ **ORDINANCE 2017 – 4287 – 1ST READING**

To approve current replacement pages to the Pataskala Codified Ordinances.

B. Resolutions

➤ **RESOLUTION 2017-035 A resolution authorizing participation in the ODOT Winter Contract (018-18) for Road Salt**

In conjunction with resolution 2017-032, this resolution language has been provided by ODOT, and needs approved with their exact language for participation in the salt bid program. Approval of this resolution is recommended such that the City can move forward with participation in the ODOT Winter Contract for Road Salt.

➤ **RESOLUTION 2017-036 - A resolution authorizing the final agreement for the Columbia Road Bridge Replacement project (ODOT Project ID 96471) and directing the payment of the City's cost share of \$170,300.00 to the Ohio Department of Transportation.**

This resolution is required by ODOT to move forward with bidding and construction of the Columbia Road Bridge Replacement project. This resolution serves to authorize the final agreement for ODOT to proceed with the project, as well as authorize payment of the City's share of the cost. Approval of this resolution is recommended.

➤ **RESOLUTION 2017-037 – Council Copier Equipment Lease**

The city currently leases its' four (4) office copiers from Konica Minolta using 4-year operating leases. Operating leases are different from capital leases (which we use for dump trucks, heavy equipment, etc.) in that at the end of a capital lease we own the equipment outright. When an operating lease expires, the lessee (the city) is required to return the equipment to the lessor (Konica Minolta). At that point, the city has two options regarding the office copiers: (1) purchase the existing equipment; or (2) lease or purchase new replacement copiers. The first two leases (Administration and Planning/Zoning) expired in January and have already been replaced. The third copier lease (Council) recently expired, and must be addressed. The final copier (Police) does not expire until April, 2017. Once a copier reaches the 7-year mark, it becomes marked as 'out of date', and service cannot be guaranteed. Copier vendors guarantee that they will maintain replacement parts for 7 years. After that point in time, service would be on a 'best efforts' basis. As a result, the maintenance costs on copiers greater than 4 years old is more expensive, and it is usually not cost effective to simply buy this equipment. The Administration is seeking Council authorization to enter into a new 4-year lease with Konica Minolta for an updated copier for the Council Clerk, and the associated equipment maintenance agreement. The equipment will be provided at the specifications and cost provided for in the State of Ohio term schedule (e.g., state contract).