



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

April 18, 2022 Council Meeting

#### Unfinished Business

##### A. Ordinances

- **ORDINANCE 2022-4418 – 3<sup>RD</sup> READING - AN ORDINANCE AMENDING SECTION 929.08 OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA (WATER SERVICE RATES) AND THEREBY CREATING AND ESTABLISHING A BULK WATER POINT RATE**

The Utility Department is working to install a Bulk Water Point at Water Treatment Plant One. This Bulk Water Point will be used to sell water to contractors for various purposes, pool fills and construction activities for example. Contractors will use a credit card machine to purchase water through the Bulk Water Point. There currently is no established rate for selling bulk water.

We consulted with neighboring communities and decided on a bulk water rate that is \$3.25 higher than the currently established Out-Of-Town water rate. That will put our rate near the middle of the surrounding communities. The bulk water rate will not be susceptible to either the minimum bill of 3,000 gallons or the Capital Improvement Rate of \$3.00 per 1,000 gallons.

This concept was presented to the Utility Committee on March 7. At that meeting the committee made a motion to recommend these changes to Council.

Approval of Ordinance 2022-4418 is recommended.

- **ORDINANCE 2022-4419 – 2<sup>ND</sup> READING – AN ORDINANCE CREATING AND ESTABLISHING A NEW POSITION WITHIN THE CITY OF PATASKALA PARKS AND RECREATION DEPARTMENT, TO WIT: PARKS MAINTENANCE COORDINATOR**

The ordinance creates a full-time maintenance worker within the Parks and Recreation Department. Currently the parks department maintains 4 large parks and 3 passive parks in the city of Pataskala.

As council knows, since 2016 there has been (1) full-time employee in the parks department. The original duties of the position included oversight of temporary maintenance employees (2) and the oversight of all aspects of the youth soccer program which includes volunteer coaches, referees, baseball/softball program usage and project management for past park improvements.

With the addition of the pool in 2020 the duties of the Parks Manager increased significantly as he now has the added responsibility of overseeing aquatic operations. The Parks Manager obtained a Lifeguard Instructor and Aquatic Facility Operator certifications. This allows the Park Manager to also be the in-house trainer for our lifeguards. The Parks Manager has also recently assumed oversight of the concession stand operations at the pool.

In light of these extra duties, the administration has determined that additional staffing is both warranted and necessary. The department consists of three main categories: Parks, Recreation and Aquatics. After careful evaluation of all three categories, it has been determined that the best place to add a staff member is in the Parks category. The Recreation and Aquatics categories are seasonal by nature, while the Parks category provides necessary work to be done year-round. Examples of work that the Parks category has during the winter months include woods clearing/management, maintaining the garage and its inventory, vehicle and equipment maintenance, park bench rehabilitation and park project planning for the spring/summer season.

Attachment A is the Position Description as approved by PBR. The budget justification from the fall of 2021, for the position as well as extra supporting documentation, is included with Parks Manager Report.

➤ **ORDINANCE 2022-4420 – 2<sup>ND</sup> READING - AN ORDINANCE CREATING AND ESTABLISHING A NEW POSITION WITHIN THE CITY OF PATASKALA PUBLIC SERVICE DEPARTMENT, TO WIT: ASSISTANT CITY ENGINEER**

During the planning process for the 2022 Budget Cycle, a new position in the Public Service Department was included. This position is proposed to be the Assistant City Engineer and will provide office and field assistance to the Public Service Director. Addition of this position will allow for the Public Service Department to be both more efficient, by having a second person in the office to remove some burden from the Public Service Director, and more effective, by performing lower-level tasks that will allow the Public Service Director more time to focus on higher level tasks.

The current staffing in the office side of the Public Service Department is one person that is ultimately responsible for drainage, roadways, plowing, public relations, traffic, bridges, right-of-way management, management of the Department and associated facilities and equipment, management of consultants, development plan reviews and construction administration, developing CIP budget and projects, and finding funding for them, and acts as an integral part of the planning and decision making team for the City, among other things. The volume of these responsibilities in our growing City are already too much for one person to effectively manage on their own. To keep schedules moving, items from falling through the cracks, and to meet the expectations of Council, residents, developers, utility providers, the administration, and the Public Service Department, additional personnel resources are needed.

The Assistant City Engineer position will assist in several areas within the Department, including public relations, planning and development, CIP efforts, right-of-way management, and general administrative duties.

Public relations efforts are anticipated to include public notifications, public outreach, and being the 1<sup>st</sup> step in addressing resident concerns. Pending many factors, and especially the weather, the Public Service Department may receive up to 25 calls per week for drainage, plowing, construction, traffic, development, and/or general complaints about anything that is inside, and several things outside of, the right-of-way.

Planning and development responsibilities will primarily be management of construction on development projects. This task includes coordination with the inspector and construction administrator, tracking project status, and maintaining project files and schedules for walk-throughs and maintenance. In time, they will also assist with development plan reviews.

CIP efforts will include assistance with project identification, development, and planning, budgeting, finding funding opportunities, and completing funding applications.

Right-of-way management has taken on a life of its own with the number of annual permits doubling, from about 100 in 2017, to over 200 per year by 2020. Some of these have large plan reviews tied to them, they regularly have construction issues associated with them, and we currently do not have inspection set up for observation during construction. The Assistant City Engineer will review permits, coordinate with utilities for plan review, bonding, inspection fees, and scheduling, as well as coordinate for inspection and restoration of disturbed facilities as needed.

General administrative tasks are numerous and all encompassing. Filing of plans and documents prior to 2016 is scattered and incomplete at best; accordingly, the Assistant City Engineer will work to find, organize, and digitize existing plans and documents. They will also be tasked with developing standard construction drawings, specifications, and documents, which have been on the to-do list since 2016. They will generally help keep many projects moving that otherwise have, or will, stall with the current and expected workload.

In summary, the Assistant City Engineer will assist the Public Service Director with any, and all, current and future efforts of the Department. Most poignantly, without this position the Public Service Department will not be able to maintain the current CIP schedule and projects will be delayed. Similarly, review of development construction plans will slide even further from the already delayed schedule of about 3 months per application. In short, the addition of this position is critical to the operational health and welfare of the Public Service Department, as it is not possible to meet current expectations with the lack of resources, let alone meet the future expectations of our rapidly developing City.

This proposed position has already been vetted by the Administration, the PBR, and the Streets Committee. The outline justification that has been provided to, and discussed with, the Streets Committee is included in the Public Service Director's Council report, and the Position Description is attached to the Ordinance. The position would be compensated in the range indicated on the job description and based on their level of experience.

Approval of Ordinance 2022-4420 is recommended.

## B. Resolutions

## New Business

### A. Ordinances

- **ORDINANCE 2022-4417 – 1<sup>ST</sup> READING - AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY LOCATED ON TAYLOR ROAD SW, PARCEL #063-140190-00.000, TOTALING 36.18 + ACRES, IN THE CITY OF PATASKALA FROM THE PLANNED MANUFACTURING (PM) ZONING CLASSIFICATION TO THE MULTI-FAMILY RESIDENTIAL (R-M) ZONING CLASSIFICATION**

Karl Billisits, Harmony Development, is requesting to rezone 36.18-acres of the 48.9-acre property located at the southwest corner of Taylor Road and Kennedy Road from the PM – Planned Manufacturing district to the R-M – Multi-Family Residential district pursuant to Section 1217.13 of the Pataskala Code. Prior to filing an application, the applicant met with staff, the Development Committee, and the Planning and Zoning Commission to receive feedback on their proposal. At each of these levels, it was recommended that the applicant rezone to a Planned Development District to properly account for the proposed mix of uses on the property; however, the applicant elected to pursue a “straight” rezoning to the R-M – Multi-Family Residential district. Although the applicant submitted a concept plan as part of their application, the applicant is not required to adhere to the plan under a “straight” rezoning if approved. Over the course of four months, the Planning and Zoning Commission tabled the application twice before ultimately recommending to disapprove the rezoning request. A key component of their decision is the request did not align with the Comprehensive Plan, which recommends a single-family residential (Medium Density Residential) use of the property, not multi-family as proposed. Should the property be rezoned to the R-M – Multi-Family Residential district, apartments would be permitted by right, and condominiums would be permitted upon the approval of a Conditional Use by the Board of Zoning Appeals.

## Consent Agenda

### 3. Motions

### 4. Resolution

- **RESOLUTION 2022-041 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE LEGACY ESTATES, PHASE 4B DEVELOPMENT FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements for the Legacy Estates, Phase 4B Development by The City of Pataskala. These improvements include utilities and roadway per plan and as platted for Cunningham Ave. and Andy Way.

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 April 26, 2022 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 2022-041 be approved.

➤ **RESOLUTION 2022-042 – A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PRIME CONSTRUCTION MANAGEMENT AND SURVEY TO PROVIDE CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE 2022 ROADWAY IMPROVEMENTS PROGRAM**

Approval of this resolution will authorize the City Administrator to execute a contract with Prime Construction Management and Survey to provide Construction Administration and Inspection services for the 2022 Roadway Improvements Program. Construction administration services include review of shop drawings, pay application and change order review and preparation, and daily administration of the contract including coordination with the inspector. Construction Inspection services will include an inspector being on-site full-time during project operations, who will observe, document, and report construction activities. Both services are needed to ensure successful implementation of the plans in accordance with the specifications.

Funding for Construction Administration and Inspection Services for the 2022 Streets Program are included in the Public Service Department CIP project SVC-18-001. Approval of this resolution is recommended.

➤ **RESOLUTION 2022-043 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO ADVERTISE, RECEIVE, AND REVIEW BIDS FOR CONSTRUCTION OF THE 2022 ROADWAY IMPROVEMENTS PROGRAM**

Approval of this resolution would provide for GPD Group to complete bidding services for the 2022 Roadway Improvements Project. Bidding services include advertisement for, receipt, and review of bids, and is part of the Annual Roadway Improvements Design Engineering Services, which is identified in the approved 2022 budget as Public Service Department project number SVC-18-001.

The proposed cost for bidding services is included in the total value of \$37,980 that was approved as part of Resolution 2021-062 for Engineering Services of the 2022 Roadway Improvements project. Approval of Resolution 2022-043 is recommended.

➤ **RESOLUTION 2022-044 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT, FOR STORM WATER MANAGEMENT PROGRAM IMPLEMENTATION AND ANNUAL REPORTING SERVICES, WITH THE LICKING COUNTY SOIL AND WATER CONSERVATION DISTRICT**

The EPA regulates storm water for Municipal Separate Storm Sewer Systems (MS4). The City of Pataskala operates a MS4 and is therefore subject to the EPA's storm water regulations under its MS4 permit.

As a part of the MS4 permit, we are required to submit an annual report no later than April 1. This report is quite extensive and covers the storm water activities that the City of Pataskala participated in. Additionally, the storm water regulations require the development, implementation, and enforcement of a Storm Water Management Program.

Previously, the City of Pataskala has contracted with the city engineer for all aspects of the MS4 requirements (There are 6). Conversations with the Licking County Soil and Water Conservation District (LCSWCD) revealed that the LCSWCD could perform sections 1,2 & 6 quicker and at less expense (about \$3,000 annually) than the city engineer.

The proposed agreement (with exhibits A and B) is attached to the resolution. Exhibit A are the direct responsibilities of the Soil and Water District. Exhibit B is the Agreement for Public Education, Outreach, Involvement, and Participation Concerning Effects of Storm-Water Drainage. This coupled with sections 3, 4 & 5 (which will still be handled by our city engineer), will meet the requirements of our MS4 permit. The LCSWCD fee for their portion of this agreement will be \$50/hr with a do not exceed amount of \$5,000 per calendar year. This agreement will remain in effect until March 31, 2026, which is the expiration date of our MS4 permit.

➤ **RESOLUTION 2022-045- A RESOLUTION RATIFYING THE COSHOCTON-FAIRFIELD-LICKING-PERRY SOLID WASTE DISTRICT'S UPDATED SOLID WASTE MANAGEMENT PLAN**

The Coshocton-Fairfield-Licking-Perry (CFLP) Solid Waste District (District) maintains a Solid Waste Management Plan. This plan regulates the activities of the CFLP Solid Waste District. This plan is required to be updated every three years. Following a review of the existing plan as well as comments received by the OEPA, the CFLP Solid Waste Management Plan has been updated for 2022.

A summary of the significant changes are as follows:

- Updated designation of solid waste facilities that can be used
- Assurance that at least 80% of residents have access to recycling
- District assistance with education and technology for waste reduction, composting and recycling, as well as the reduction of industrial waste
- Continued enforcement of solid waste laws and regulations focusing on tire dumping and litter collection

In order to approve the changes to the solid waste management plan, 60% of the District's population, including at least three of the four largest municipalities in each county must approve the changes. Hearings to solicit public input have already been held in each of the four counties covered by the District. The District is now asking the larger municipalities to approve changes to the plan. The funding for these programs will come from disposal fees collected at municipal solid waste landfills.

The Law Director has reviewed the plan and believes that approval of these changes is appropriate. Once ratified at the local level, the plan will go to the OEPA for final review and approval.

We only received the plan via CD so we have provided a link should you want to see it.

<http://www.cflpswd.org/draft%20plan%20for%20ratification.pdf>

➤ **RESOLUTION 2022-046 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH LAW GENERAL CONTRACTING INC. FOR CONSTRUCTION SERVICES FOR THE TWO INCH WATERLINE UPGRADE PROJECT**

The Utility Department has identified the water mains in the Denison/ Poplar/ Willow Street area as being a critical infrastructure component in need of replacement. The design of this project was completed in 2022.

This project will include replacing the existing 2" and 4" cast iron water mains with 6" and 8" C-900 plastic ones, install plastic service lines on the public side of the curb box and eliminate three dead end lines to improve the overall hydraulics of the distribution system.

Competitive bids were requested for this project. The Bid Opening was conducted on April 6, 2022. After review by Poggemeyer Design Group for accuracy, the lowest and best bid was presented by Law General Contracting Inc. in the amount of \$360,694.88. The total project cost identified in Section 1 the Resolution includes contingency moneys to account for unforeseen issues that may arise when digging in "Old Town".

These bid results and the selection of Law General Contracting Inc. were discussed with the Utility Committee at the meeting on April 18.

Approval of Resolution 2022-046 is recommended.