



City of Pataskala *Legislative Report to Council*

Legislative Report

October 16, 2023 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2023-4453 – SECOND READING - AN ORDINANCE REPEALING ORDINANCE 2023-4448.**

On June 20, 2023, Council adopted Ordinance 2023-4448. That ordinance was meant to create a residential TIF for the Forest Ridge residential development, formally known as the Fanin & Deagle properties. That TIF was to be created under R.C. 5709.40(B).

We subsequently learned from the Department of Taxation that the type of TIF we were attempting to create cannot be made under R.C. 5709.40(B). Instead, the type of TIF that we are attempting to create must be created under R.C. 5709.40(C).

In order to correct this issue, the original ordinance must be repealed by Council before a new ordinance can be adopted. Ordinance 2023-4453, if passed, would repeal said ordinance. We will be presenting a new ordinance to Council to create the TIF under R.C. 5709.40(C) with the necessary requirements at the October 2nd council meeting.

Approval of Ordinance 2023-4453 is recommended.

➤ **ORDINANCE 2023-4454 – SECOND READING - AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING AN ECONOMIC DEVELOPMENT PLAN, RESIDENTIAL DISTRICTS.**

To create a Tax Increment Fund (TIF) under R.C.5709.40(C), there is a requirement to show that the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision. Ordinance 2023-4454, if passed, would adopt that plan.

Ordinance 2023-4455 Exhibit A is the economic development plan for Tax Increment Financing Incentive District 1 (Forest Ridge residential development). This plan defines the need for additional wastewater treatment capacity as a result of the Forest Ridge residential development. This development will consume all the available capacity at the Water Reclamation Facility (WRF). The WRF will need to be expanded as a result to better serve this development, as well as serve future developments in the area. This plan has been developed with, and in reference to, the City of Pataskala Comprehensive Plan.

Approval of Ordinance 2023-4454 is recommended.

- **ORDINANCE 2023-4455 – SECOND READING - AN ORDINANCE CREATING THE PATASKALA TAX INCREMENT FINANCING INCENTIVE DISTRICT 1; DECLARING IMPROVEMENTS TO THE PARCELS WITHIN THE INCENTIVE DISTRICT TO BE A PUBLIC PURPOSE AND EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS OF THOSE PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THOSE SERVICE PAYMENTS; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT THE PARCELS.**

This ordinance will establish a Tax Increment Fund (TIF). The TIF is a 100%, 30-year, Non-school TIF. The appropriate school districts will essentially remain unaffected by this TIF. The TIF will be placed on the Forest Ridge subdivision project at the properties previously known as Fanin & Deagle.

The funds generated from this TIF are intended for public infrastructure improvements including, but not limited to, the expansion of the Water Reclamation Facility (WRF). The development of the Forest Ridge subdivision will consume the remaining wastewater treatment capacity of the WRF. The WRF Expansion project is currently expected to cost around \$31,000,000. Conservative estimates of the funds generated by this TIF are nearly \$20,000,000 for the 30-year life of the TIF.

The Administration does not take lightly the impact a TIF can have on service groups such as the Fire Department. It is the Administration's position that this TIF is necessary to assist in funding the needed WRF Expansion Project. The Fire Department has already been briefed on the importance of this concept and the decision of the Administration to present this ordinance to Council.

Approval of Ordinance 2023-4455 is recommended.

B. Resolutions



New Business

A. Ordinances

- **ORDINANCE 2022-4424 – FIRST READING - AN ORDINANCE TO REZONE PROPERTY LOCATED AT 10391 HOLLOW ROAD SW, PARCEL NUMBER 063-141936-00.000, TOTALING 160 +/- ACRES IN THE CITY OF PATASKALA, FROM THE AGRICULTURAL (AG) ZONING CLASSIFICATION TO THE PLANNED DEVELOPMENT DISTRICT (PDD) ZONING CLASSIFICATION.**

Joe Clase, Plan 4 Land, is requesting to rezone the former High Lands Gold Course, totaling approximately 160-acres, from the AG- Agricultural district to the PDD – Planned Development District to allow for the construction of a 32-lot single-family subdivision. The proposed subdivision would be served by private roads, public water and private septic systems.

The Future Land Use Map recommends this property for "Conservation Suburban" which is characterized by a clustering of single-family homes at a density of 50 percent of the site area or one unit per two acres (0.5 units per acre). It is also

recommended to incorporate rural character in elements such as landscape features, large setbacks and open space. The proposed rezoning is in line with the recommendations of the Future Land Use Map.

On July 6, 2022 Planning and Zoning Commission recommended approval of the application with the following condition:

The Applicant shall provide a clean copy of the complete application to the Planning and Zoning Department prior to proceeding to City Council.

A Council public hearing was scheduled for September 19, 2022; however, the revised application was never submitted and the meeting was cancelled. Staff had some conversation with the applicant about possible changes to the plan, but nothing came of these conversations and the application could not move forward without revised plans and a Council public hearing. The Director of Planning notified the applicant on July 17, 2023 that unless a clean copy of the plans was provided by August 1, 2023 the City would rescind the recommendation of the Planning and Zoning Commission and the project would be null and void. The applicant met the August 1, 2023 deadline and the Council public hearing was scheduled.

➤ **ORDINANCE 2023-4456 – FIRST READING - AN ORDINANCE AMENDING ORDINANCE 2022-4431 ESTABLISHING THE ALLOCATION OF INCOME TAX COLLECTIONS RECEIVED BY THE CITY OF PATASKALA PURSUANT TO ORDINANCE 2010-3959.**

Once the debt service and operational funding requirements were identified, the allocation of income tax revenues between the Debt Service, Street, Police and Capital Improvements funds were calculated. The initial portion is taken off the top to cover any outstanding debt service requirements. After that amount has been calculated, the next level is then allocated to the Street and Police funds to cover their current year operational needs. Any remaining funds at that point are allocated to the Capital Improvements funds. The 2023 allocations were as follows: 47.10% - Street; 46.30% - Police; 5.10% - Debt Service; and 1.50% - Capital Improvements. For 2024, the allocations are proposed as follows: 45.00% - Street; 45.00% - Police; 8.50% - Debt Service; and 1.50% - Capital Improvements. **We are respectfully requesting that Council hold the 1st reading at the October 16th Council meeting. We would anticipate that this legislation will go through all three of the required readings.**

➤ **ORDINANCE 2023-4457 – FIRST READING - AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PATASKALA, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND TO AUTHORIZE APPROVED INTERFUND TRANSFERS.**

The proposed 2024-2028 capital improvements program (CIP) and any significant projects/initiatives and/or proposed staffing changes were previously presented to Council at the September 25th special Council meeting. The formal budget book is currently in the process of being prepared and will be provided to Council soon. We will be tracking any requested changes to the budget and incorporating them at one time into the proposed budget in order to ensure that we all are working from the same version of the proposed budget instead of different amended interim versions. As a result, the proposed budget numbers contained in the attached exhibit remain

unchanged (other than the items identified above) from those provided at the special Council meeting. **We are respectfully requesting that Council hold the 1st reading at the October 16th Council meeting. We would anticipate that this legislation will go through all three of the required readings.**

➤ **ORDINANCE 2023-4459 – FIRST READING – AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY OF PATASKALA, OHIO, TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH THE OWNERS OF SUCH PROPERTY**

Administration began working with Coughlin Properties of Pataskala, LLC in 2020 on a potential development project at the northeast corner of the intersection of Summit and Broad. Early in the planning stages, Coughlin expressed the interest of using Bristol Drive, east of Summit Road, as part of the access to the development site. It was ascertained that this section of Bristol Drive was never turned over to the City by Licking Heights after it was constructed in the early 2000's. This led to a negotiation between the school and Coughlin, for Coughlin to construct a bus drive for the School, and the School to dedicate Bristol Drive to the City.

Also in 2020, the City made an application to ODOT for improvements to the intersection of Summit Rd. and Broad St. The application included funding a new traffic signal and additional lanes on both Summit Road and Broad St., but ODOT was only willing to fund the new traffic signal. However, as Coughlin recognized that these improvements would also benefit their development project, they offered the concept of a developer's TIF to fund the additional lanes. Accordingly, this TIF is a result of that.

Over the past three years, the scope of the project has evolved for both the developer and the City. The final scope of improvements to be included in the TIF, as detailed in the TIF language, is that Coughlin will construct north and south bound, left and right-turn lanes on Summit Road at the intersection of Broad and Summit, extend a turn-lane to the south on Summit Road for access to the Pataskala Storage property (contributed to by Pataskala Storage to satisfy their TCOD requirements and included in this project for coordinated construction), extend Bristol Drive to the eastern edge of the Coughlin property, and construct the new Hornet Drive that will extend from Bristol Drive, south to a new intersection at Hornet Drive and Broad Street, and make a contiguous section along Broad St. between the Summit Road intersection and the new Hornet Drive intersection.

Coughlin will be responsible for the left-turn lane and tapers associated with the widening of Broad St. to accommodate the left-turn lane, as well as installation of the traffic signal at Hornet Drive and Broad St. They will also be responsible for pedestrian improvements on Broad St. associated with the development project. Coughlin will also be donating right-of-way, and acquiring right-of-way, that is needed for both the ODOT project and the TIF project.

Of specific note, both the ODOT project, and the TIF project, will be placing all infrastructure to accommodate a future 5-lane section on Broad St. This did add a not insignificant cost to both projects, but was a consideration that all parties agreed

would be of benefit for future expansion of Broad St. Also note that Coughlin has agreed to access restrictions on existing properties at the intersection, as required to be completed by ODOT.

Both the ODOT plans and the Coughlin plans are roughly 75% complete, and construction of all improvements, by both ODOT and Coughlin, are anticipated to commence in 2024.

Approval of Ordinance 2023-4459 is recommended.

➤ **ORDINANCE 2023-4460 – FIRST READING - AN ORDINANCE AMENDING SECTIONS 171.03, 171.05, AND 171.18 OF THE CITY OF PATASKALA CODIFIED ORDINANCES (MUNICIPAL INCOME TAX CODE)**

On July 3, 2023, Governor DeWine signed House Bill 33, the state’s biennium budget bill into law. That bill made several changes to the Ohio municipal income tax code. To align with the new provisions of the bill, Pataskala must adopt amendments to their existing income tax ordinances. The language in this ordinance was given to the city by RITA. According to them this is all that should be needed to modify our old ordinances to comply with the new code. Pataskala will need to adopt these changes and have them in effect on January 1, 2024.

Consent Agenda

3. Motions



4. Resolution

➤ **RESOLUTION 2023-072 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS TO ETNA PARKWAY, RELATED TO THE THAYER-GEIS DEVELOPMENT PROJECT, FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements completed on Etna Parkway related to the Thayer-Geis development project. These improvements include drainage and roadway widening per plan for Etna Parkway.

Full-time third-party inspection was present throughout construction of these improvements 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 to review the project and generate a punch-list of outstanding items. Substantial completion was achieved, and the 2-year maintenance period began on 7-11-23.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2023-072 be approved.

➤ **RESOLUTION 2023-073 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS TO ETNA PARKWAY, RELATED TO THE RED**

ROCK, PHASE A DEVELOPMENT PROJECT, FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA

Approval of this resolution will indicate formal acceptance of infrastructure improvements completed on Etna Parkway related to the Red Rock, Phase A development project. These improvements include drainage and roadway widening per plan for Etna Parkway.

Full-time third-party inspection was present throughout construction of these improvements 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 to review the project and generate a punch-list of outstanding items. Substantial completion was achieved, and the 2-year maintenance period began on 6-6-23.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2023-073 be approved.

➤ **RESOLUTION 2023-074 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH JY CONTRACTING. TO INSTALL A SHELTER STRUCTURE AT THE MINK STREET GARAGE FUELING STATION**

In early 2023, the PSD discovered that the fueling station at the Mink Street Garage does not meet EPA requirements. To rectify this situation, it has been determined that a concrete pad and dry sump, along with a roofed shelter structure, need to be installed around, and over, the fueling station.

This project was originally approved by Council as Resolutions 2023-025 and 2023-026 in March of 2023. Resolution 2023-025 was for the concrete pad and drainage, and 2023-026 was for the structure. The work as part of 025 was completed in a reasonable time frame, but the contractor for 026 later rescinded his bid, with the comment that they did not understand the full nature of the work. They stated that they thought they were building something akin to a ball diamond dug out, which is significantly different than what was needed. Accordingly, their bid was not accurate, and we sought additional proposals.

JY Contracting was the lowest and best bid that was received, at a cost of \$44,948. It is believed that this contractor understands the need, and the price reflects this. This project was not planned for in the 2023 budget but can be funded within the 2023 budget using funding from the capital projects budget that will not be used in 2023.

Approval of this Resolution is recommended.

➤ **RESOLUTION 2023-075 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO ADVERTISE, RECEIVE, AND BIDS FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE CREEK ROAD FORCE MAIN UPGRADE PROJECT.**

The City of Pataskala Utility Department is in the process of collecting bids for the Creek Rd. Force Main Upgrade Project.

This project includes replacing the existing force main pipe with a larger pipe from the lift station to the plant. The new force main will also be separated from the Eastside Lift Station force main allowing the stations to not fight each other for pumping capacity during wet weather situations. Lastly the new force main will have its own entrance to the headworks of the plant.

As bid opening for this project is November 7th, selection of a firm to handle construction administration for this project should coincide nicely.

I recommend approval of Resolution 2023-075.

➤ **RESOLUTION 2023-076 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND / OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.**

The City of Pataskala operates and maintains a water treatment plant #1. The original plant was built in the 1930's. The components of the water plant have aged well but are at the end of their useful life.

The Iron Filter #2 at the Water treatment Plant #1 has developed a leak in the bottom of the tank. We have attempted to patch the leak twice, but we have been advised the patch will not continue to hold and it has been recommended that the tank be replaced. Our plan is to apply to OPWC for \$400,000 to help mitigate the cost of the project. The total cost of the project is estimated to be \$2,500,000.

The Utility Department is hopeful that this project will be selected for the OPWC funding to help minimize the impact this project will have on the water funds. Passing this resolution will allow the city to apply for said OPWC funding.

I recommend approval of Resolution 2023-076