



City of Pataskala *Legislative Report to Council*

Legislative Report

April 17, 2017 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2017-4282 – 2ND 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 – 2ND 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 – 2ND 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.

New Business

A. Ordinances

➤ **ORDINANCE 2017-4284 – 1ST 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 – 1ST READING - Supplemental Appropriation**

This piece of legislation has been prepared, and is being respectfully submitted to Council for a 1st reading at the April 17th Council meeting.

- *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.

B. Resolutions

- **RESOLUTION 2017-010 - A resolution authorizing the sale, by internet auction during calendar year 2017, of city owned personal property which is not needed for public use or which is obsolete or unfit for the use for which it was acquired.**

Annually, the city must pass legislation to authorize the online auction sale of surplus equipment. Approval of this resolution would grant that authorization for 2017. The city uses the online auction site GovDeals.com to sale of equipment that has been deemed surplus and that has been authorized by City Council for sale. The city has the need to sell three equipment trailers (authorization being requested for the sale through Resolution 2017-031). Prior to listing any surplus items on GovDeals, Council must approve Resolution 2017-010 to authorize the administration to proceed with the sale. I recommend approval of Resolution 2017-010.

- **RESOLUTION 2017-031 - A resolution giving notice of the City of Pataskala's intent to sell, by internet auction, unneeded and surplus municipal personal property (three (3) equipment trailers**

The City's Public Services Department has three equipment trailers that are no longer needed to carry out service delivery. The Services Department purchased, as approved in the 2017 budget, a new equipment trailer to accommodate the larger equipment that has been acquired over the past several years. The department has determined it appropriate to sell the three unneeded trailers. The trailers will be offered for sale by auction using the online service GovDeals.com. I recommend approval of Resolution 2017-031.

- **RESOLUTION 2017-032 - A resolution authorizing and directing the City Administrator to participate in the 2017 ODOT Winter Salt Contract Bidding Program.**

It is hard to believe that summer hasn't even started and we are discussing the purchase of road salt for winter 2017/2018. The City historically has participated in the ODOT Salt Purchasing Bid Program for the procurement of rock salt. The program is built on the economy of scale, in that many different local governments throughout the state of Ohio participate in this program. We have traditionally received decent bid prices for salt using this program. Approval of this resolution would authorize the City Administrator to submit paperwork to participate in the program. Submittals are due by May 10th. I recommend approval of Resolution 2017-032.

- **RESOLUTION 2017-033**

Resolution to enter into contract with Strand Associates in an amount not to exceed \$25,000. Strand will be tasked with a full review of our Water Distribution Hydraulic Modeling, System Hydraulic Analysis, and recommendations to improve efficiency. This review is related to potential developments in the portion of the systems that has received complaints due to low pressure. Professional review is required prior to additional growth.