



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

#### July 10, 2017 Council Meeting

#### Unfinished Business

##### A. Ordinances

##### ➤ ORDINANCE 2017-4289 – 3<sup>RD</sup> READING - SUPPLEMENTAL APPROPRIATION

This piece of legislation remains unchanged since its initial reading, and is being respectfully submitted to Council for a 3<sup>rd</sup> and final reading and adoption at the July 10<sup>th</sup> Council meeting.

- *Section 1: Public Service Budget Reallocation* – The Public Service Director has identified a 2017 budget shortfall of approximately \$50,000 in third-party services (engineering, inspections, etc.) which will be needed in order to complete all planned road and road-related projects. Fortunately, due to the mild winter, the salt budget has more than enough capacity to cover the additional funding request. This appropriation request would reduce the salt budget (e.g., General Operating) in the Permissive Tax (205) fund, and increase the Contractual Service budget object. There would be no net impact to the 2017 budget, as the amount of the decrease matches the amount of the proposed increase.
- *Section 2: Taylor Road/Cleveland Road Trail* – The Ohio Department of Transportation recently notified the city that the cost of right-of-way (ROW) acquisition, originally estimated to be \$40,000, is now projected to cost \$66,500. Unfortunately, no appropriations for this project were provided for in the 2017 budget, as construction was not anticipated to occur until 2018. However, funding for the construction phase of the project was included in the 2018 capital improvement program and multi-year forecast.

##### ➤ ORDINANCE 2017-4288 – 2<sup>ND</sup> READING

Due to the lack of demolition regulations, the Planning and Zoning Department staff has created regulations for demolitions that apply to residential, commercial, and institutional buildings. The current code does not specifically address regulations for demolitions and the Planning and Zoning Department has been approving demolition permits as determined by the staff. The regulations would clearly outline what structures

require a demolition permit and establish regulations for what is expected during and post demolition.

The following amendment would be the addition of Section 1221.06 DEMOLITIONS to Chapter 1221 GENERAL REGULATIONS, a definition of a demolition added to Chapter 1203 DEFINITIONS, and a revision of Section 1263.03 DEMOLITIONS from Chapter 1263 OLDE TOWN PATASKALA DISTRICT which contains regulations for landscaping after a demolition in the Olde Town District.

➤ **ORDINANCE 2017-4291 – 2<sup>ND</sup> READING - An ordinance to amend Chapter 1203 and add Chapter 715 and Chapter 1299 to the Codified Ordinances of the City of Pataskala, and repeal all other ordinances and parts of the Ordinances in conflict therewith.**

Approval of this ordinance would establish the permitting and zoning regulations for medical marijuana cultivation and processing businesses in the city.

The amendment to Chapter 1203 is the addition of the definition of medical marijuana and medical marijuana entity.

Adoption of Chapter 715 would establish the process and requirements for acquiring a city issued license for a cultivation or processing business. The license process is multi-staged, and a summary is provided below.

- Provisional License
  - Approved by City Council
  - Requirements of application are included in the proposed CO 715
  - Valid for 1-year; will expire in 1-year if application for operating license not submitted
  - Non-refundable \$5,000 application fee
  
- Local Operating License
  - Approved by Council
  - Must have a valid Provisional License to apply
  - Valid for 1-year
  - Can be revoked or suspended by Council action
  - Non-refundable \$5,000 application fee
  - Must be renewed annually by Council action
  - Requirements of application are included in the proposed CO 715
  - Must possess valid State of Ohio License
  
- Local Operating License Renewal
  - Local Operating Licenses must be renewed annually
  - Renewal approved by City Council

- Non-refundable \$5,000 application fee
- Council may deny renewal

The proposed Chapter 1299 creates the zoning process for medical marijuana entities. This process is based on our current Planned Development District. This process would require anyone wanting to establish a medical marijuana cultivation or processing business in the City to rezone the property on which it will be located. The rezoning would follow our normal process of public hearing with the Planning Commission, public hearing with Council, and final approval by Council.

**Ordinance 2017-4291 would permit cultivation and processing businesses. If Council choose to proceed with permitting these two aspects of medical marijuana, the currently tabled Ordinance 2017-4285 should be amended by motion to remove the prohibition on cultivation and processing, leaving the prohibition on dispensaries in place.**

## New Business

### A. Ordinances

### B. Resolutions

#### ➤ **RESOLUTION 2017-047 - Audit Contract Extension**

The conclusion of the 2016 audit also concluded our initial 3-year contract with the city's auditors, Julian & Grube. We have been very pleased with the level of support and communication received from J&G, and have requested that the Auditor of State's office authorize the optional 3-year contract extension. The AOS has agreed to our request which will result in maintaining continuity of the audit team for the next three years. The significant benefit to the city from a longer audit tenure is the reduced amount of time and effort required by city staff to educate front-line auditors on the city's finances and fund structure. We have prepared Resolution 2017-047 requesting Council authorization to enter into the extension agreement.

#### ➤ **RESOLUTION 2017-048**

Authorizes the City Administrator to enter into contract with Mount Water Well Drilling in an amount not to exceed \$14,000. Due to pump and motor failure on Well #1 at WTP2 it is necessary to purchase a new pump and motor assembly. This purchase will ensure reliability of two operating wells at the WTP2 for the production of water for the customers.

➤ **Resolution 2017-050 - FOP Contract Ratification**

The city has reached tentative agreement with the Fraternal Order of Police, Ohio Labor Council (Police officers and Detectives only – no Sergeants) on all issues, including wages and benefits. The FOP members have voted on the agreement, and approved it as presented. Resolution 2017-049 has been prepared and is being presented to Council for consideration at the July 10<sup>th</sup> meeting. Here are some of highlights of the proposed contract:

- Calls for 3.25% wage scale increase in 2017, 3.25% in 2018 and 3.0% in 2019
- Increases uniform allowance from \$700 in 2016 to \$1,000 by 2019.
- Standardizes a number of payroll-related items that have been inconsistent between the city's collectively-bargained employees and the non-union (e.g. minimum use of comp time, etc.)
- Eliminates the ability of Police officers to advance unearned vacation leave into January for use prior to it being earned. This item has created a number of payroll and recordkeeping issues for the city.
- Employee contributions toward the health care insurance premiums will remain at 10% for 2017 and 2018, but are subject to a reopener for 2019.
- The grievance process has been streamlined, eliminating a verbal step in the process.
- Expanded language has been added to the agreement which spells out how an injured employee is to be treated once they have exhausted all injury leave, sick leave, compensatory time and vacation leave.
- Added language formally addressing the city's K9 program. Previously, we recognized the designated handlers, and provided them with 4 hours of paid time, which they can convert to compensatory time. This has been the existing practice, although the contract did not explicitly discuss it.
- Standardized definitions of 'immediate family' and 'extended family' when applying for bereavement leave.

➤ **Resolution 2017-051 – A resolution authorizing and directing the City Administrator to enter into an agreement with JAW Excavating, LLC for the construction of the Taylor Road Culvert Replacement Project.**

At the May 1<sup>st</sup> Council meeting the PSD alerted City Council that the 60" culvert on Taylor Road just south of the Railroad tracks had developed a sink hole, and upon inspection, the bottom was found to be rotted out, and that the culvert is in need of immediate replacement. As this had not been included in the 2017 budget, \$50,000 in supplemental funds were requested to cover the cost of replacement, and this funding was subsequently approved as part of Ordinance 2017-4286. With the funding in place, the PSD reached out to three different local contractors for proposals to do the work. After review, it was found that JAW Excavating, LLC had the lowest and best bid at a price not to exceed \$40,000. The PSD met with JAW Excavating, LLC on July 5<sup>th</sup> to review the

proposal, ensure its' accuracy, and discuss details of the project. After this meeting, the PSD is confident moving forward with JAW Excavating, LLC, and approval of this resolution is recommended.