



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

#### March 6, 2017 Council Meeting

#### **Unfinished Business**

##### A. Ordinances

➤ **ORDINANCE 2017-4280 – 3<sup>rd</sup> READING**

Approval of this ordinance would amend Codified Ordinance Chapter 1207 as it relates to the appointment of members to the Planning Commission and Board of Zoning Appeals. The voter approved Charter amendments that took effect January 1, 2017 changed the appointment of members to these boards from a mayoral appointment with council confirmation to council appointment with confirmation of a majority of council. Approval of this ordinance would amend Codified Ordinance Chapter 1207 to be consistent with the new Charter language related to these appointments. I recommend approval of Ordinance 2017-4280.

➤ **ORDINANCE 2017-4276 – 2<sup>nd</sup> READING**

The first property (Davis property) is located at 72 North Hazelton-Etna Road and is 1.94 acres in size. The property currently contains a 1,425 square foot home constructed in 1960, a 2,400 square foot pole barn constructed in 1978 and a 1,000 square foot and two 2,400 pole barns both constructed in 1940. The applicant is seeking to rezone the property from the R-20 – Medium Density Residential district to the PRO – Professional Research Office district so that the property can be used as part of a potential expansion of the existing nursing care facility.

The second property (Pataskala Oaks property) is located at 144 East Broad Street and is 4.16 acres in size. The property is split zoned; approximately 0.65 acres is zoned R-20 – Medium Density Residential while the remaining portion of the property is zoned PRO – Professional Research Office. The property contains an approximately 12,200 square foot portion of the existing nursing care building, of which approximately 3,300 square feet is located in the R-20 – Medium Density Residential District. The applicant is looking to rezone the entire property to the PRO – Professional Research Office district to correct the split zoning of the property and to correct the nonconforming use of the R-20 portion of the property.

The future land use map designates the Davis property for Medium Density Residential (R-20) which is defined by the comprehensive plan as a residential land use for single-family homes. Although the future land use map designates the property for a single-family residential land use, staff would question the likelihood of the property to be used in that manner in the future. Due to the location at the corner of Broad Street and State Route 310, the property is not well suited for a residential use, particularly single-family. Although the property does abut existing single-family homes, the PRO district focus is on office uses rather than more intense commercial uses such as gas stations or restaurants. Furthermore, adequate screening would be required should the property develop.

The future land use map designates the Pataskala Oaks property for Office which is defined by the Comprehensive Plan as office uses. Rezoning the entire property to PRO would not only bring the property in line with the future land use map, it would remove the split zoning and eliminate the nonconforming use. Staff spoke with the Law Director, whose comments are attached, who stated that split zoning of a property is “clearly impermissible” based upon case law.

Should the applicant choose to pursue an expansion of the existing nursing home facility, both a Conditional Use application and a Transportation Corridor Overlay District (TCOD) application would need to be approved. Both of these applications are open for public comment. Approval of the rezoning would be the first step in the process for a potential expansion of the nursing home facility and would also correct an error on the zoning map.

➤ **ORDINANCES 2017-4281 –SUPPLEMENTAL APPROPRIATION - 2<sup>ND</sup> READING**

This piece of legislation has been amended, and is being respectfully submitted to Council for a 2<sup>nd</sup> reading at the March 6<sup>th</sup> Council meeting. There a number of 2017 budget clean up items that require housekeeping, and this supplemental budget ordinance does just that. We anticipate that this legislation will go through all three of the required readings by Council. **The section highlighted in bold reflects changes made to the ordinance since its last reading by Council. We are requesting that Council substitute to this version at the March 6<sup>th</sup> Council meeting.**

- *Section 1 - 3: Parks & Recreation* – We continue to identify the expense requirements associated with providing recreational programming in the city. Based upon the Parks Manager’s recent analysis of supplies, materials and services needed during 2017, it now appears that the associated 2017 operating budget was understated by approximately \$29,000. A copy of the analysis accompanies this report. It is important to note that the increase in appropriations in the Recreation (206) fund are supported by projected fund revenues, in large part by program registration fees.
- *Section 4: Public Service Uniforms* – During the development of the 2017 budget, the uniform allowance line was overlooked, resulting in no proposed spending in 2017. Due to the contractually-mandated requirement to provide uniforms to the employees, the department is requesting a \$6,000 increase in appropriations

in the Street (201) fund in order to be able to purchase the required uniforms, shoes, Carharts, etc.

- *Section 5: Debt Service* – During the 2016 year-end closing process, a carryover purchase order for the Local Government Innovation Fund (LGIF) debt service was closed, resulting in a 2017 budgetary shortfall of approximately \$5,100. We are requesting a \$5,100 increase in appropriations in the Debt Service (401) fund to cover the required 2017 debt service payments.
- ***Section 6: Mayor’s Court Computer*** – **The Mayor’s Court computer fund receives revenues from defendant’s in the city’s court, which are ORC-restricted to the computerization of the court. The annual system maintenance amount was underestimated in the 2017 budget. We are requesting an increase of \$2,500 in appropriations to cover the costs of the annual maintenance agreement.**

## New Business

### A. Ordinances



### B. Resolutions

#### ➤ **RESOLUTION 2017-022 – CENTRALIZED INCOME TAX COLLECTIONS**

In Governor Kasich’s recently released proposed biennial budget (2018-2019), a proposal has been made to centralize the collection of a portion of municipal income tax collections at the Ohio Department of Taxation. Specifically, he has proposed that the state serve as the tax administrator/collector for the net profits portion of the income tax. We have concerns about the state taking this operation away from the cities, and the potential for future reduction of income tax revenue and loss of local control. The Ohio Municipal League (OML) and the Regional Income Tax Agency (RITA) have both encouraged local communities to have their elected officials pass resolutions in opposition to this proposal. Resolution 2017-022 was developed using an OML template, and it is being proposed to Council for consideration. We are recommending that Council adopt this resolution, and that the Clerk forward a copy to the appropriate state-level representatives.