



City of Pataskala *Legislative Report to Council*

Legislative Report

May 21, 2018 Council Meeting

Unfinished Business

A. Ordinances

➤ ORDINANCE 2018-4314 – 2nd READING

The three eastern properties located at 14305 & 14271 Columbus Road SW (East Broad Street) & 14359 East Broad Street consist of 5.6 acres, 5.36 acres, & 5.12 acres (16.08 Total Acres). The three properties are currently owned by Charles McClellan which operates the trucking company CM Brokerage, Inc. The owner is proposing to rezone the properties from GB – General Business & R-87 – Medium-Low Density Residential to only GB – General Business.

The western-most property located at 14379 East Broad Street consists 4.27 acres. The property is currently owned by Rose Oberst who is proposing to use the property for her real-estate business Mgt. & Maintenance, LLC. The owner is proposing to rezone the property from GB – General Business & R-87 – Medium-Low Density Residential to only GB – General Business.

The Comprehensive Plan's Future Land Use map designates the properties as having Retail along Broad Street with the remaining area designated at Office. The proposed GB – General Business rezoning would conform to the Comprehensive Plan. Due to the property being split-zoned between residential and commercial, the regulations that apply for each zone district can become complicated and make it difficult to determine which regulations apply to the property. In addition, the Law Director has previously stated that split-zoning is "technically illegal". Therefore, the applicants are taking the necessary steps to correct the issue.

➤ ORDINANCE 2018-4315 – 2nd READING

The property located at 65 South Main Street contains an approximately 2,332 square foot building and a 5,900 square foot parking lot. The building is currently being used as a veterinary office. Although the property is currently zoned residential, the veterinary office, according to the applicant, was permitted via a use variance in 1978. The applicant is requesting to rezone the property as they feel a veterinary office is more appropriate in a commercial district. In the GB – General Business district a veterinary office is a permitted use.

The property located on North End Drive abuts the veterinary office's western property line and is currently vacant. The applicant plans to install an employee parking lot on the property for the adjacent veterinary clinic and wants to rezone the property to the GB – General Business district so both properties are zoned the same.

The Future Land Use Map designates these properties as Mixed Use, which includes commercial uses; therefore, the proposed rezoning to the GB – General Business district is in line with the Comprehensive Plan.

- **ORDINANCE 2018-4320 – 2nd READING - AN ORDINANCE GRANTING (FRANCHISE) TO LICKING RURAL ELECTRIFICATION, INC. OF NEWARK, OHIO, ITS SUCCESSORS AND ASSIGNS THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE IN THE STREETS, THOROUGHFARES, ALLEYS, BRIDGES, AND PUBLIC PLACES OF THE CITY OF PATASKALA, OHIO, LINES FOR THE DISTRIBUTION OF ELECTRIC ENERGY TO THE CITY OF PATASKALA AND ITS INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH, OR ACROSS THE CITY OF PATASKALA.**

Approval of this ordinance would grant a 5-year franchise (service) agreement with Licking Rural Electric to provide electric service in the city. Licking Rural's previous agreement with the city expired in April. They are seeking to renew their agreement for another 5-year period. This agreement is similar to the agreement with AEP, except AEP's agreement was approved for 25-years.

Ohio Revised Code Section 4933.13 governs such agreements:

A company organized for supplying electricity for power purposes, and for lighting the streets and public and private buildings of a municipal corporation, may manufacture, sell, and furnish the electric light and power required in such municipal corporation for such or other purposes. With the consent of the municipal corporation, under such reasonable regulations as such municipal corporation prescribes, such company may construct lines for conducting electricity for power and light purposes through the streets, alleys, lanes, lands, squares, and public places of such municipal corporation, by the erection of the necessary fixtures, including posts, piers, and abutments necessary for the wires.

I recommend approval of Ordinance 2018-4320.

New Business

A. Ordinances

- **ORDINANCE 2018-4316 – 1ST READING**

Currently, the only regulations that address wireless telecommunication facilities (cell towers) can be found in Section 1293.08 of the Code. This section only states that if a cell tower is over 50 feet in height, it must be located in a manufacturing or industrial district. The NAICS Classification and Zoning District Matrix lists the zoning districts where a cell tower is permitted, conditionally permitted, or not permitted. Due to the existing void in the regulations, the Planning and Zoning Department crafted regulations specifically for cell towers with the input of the Development Committee.

B. Resolutions

➤ **RESOLUTION 2018-028**

A resolution authorizing the City Administrator to execute at contract with Jamison Well Drilling, Inc. for the 2018 Water Well Preventative Maintenance Program. Jamison was the lowest bid received out of four for this project. The 2018 Utility Budget includes sufficient funds to cover this expenditure. This preventative program is vital to ensure the life of wells at Water Plant 1 through preventive and predictive maintenance.

➤ **Resolution 2018-029– A resolution authorizing and directing the City Administrator to enter into an agreement with the Licking County Health Department for Citywide mosquito treatment for the calendar year 2018**

Resolution 2018-029 will authorize the City Administrator to enter into an agreement with the Licking County Health Department to provide mosquito treatment throughout the City. This is an annual agreement with the Licking County Health Department, for them to trap and conduct counts to assess mosquito populations, coordinate with the City for treatment areas and times, and to treat the areas in need to help control mosquito populations. Approval of this Resolution is recommended.