



City of Pataskala *Legislative Report to Council*

Legislative Report

August 19, 2019 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2019-4343 - SUPPLEMENTAL APPROPRIATION- 3RD READING**

The Administration has identified four budget adjustments that require Council approval. **We are respectfully requesting that Council hold the 3rd and final reading at the August 19th Council meeting and approve the ordinance. No changes to the ordinance have been made since its last reading.**

- *Section 1: Recreational Programming* – The city's Parks & Recreation department has offered a number of new programs which weren't contemplated during the development of the 2019 budget. As a result, the additional spending has consumed much of the department's budget which will impact the fall sports program. The Parks Manager has been quite successful in getting corporate sponsorships for many of these programs which provided additional funding to the Recreation (206) fund which was not a part of the 2019 budget. In addition, the city spent approximately \$2,500 related to the ODNR Rod & Reels grant. The city will receive reimbursement for these funds, but nonetheless the expenditure hit the Parks & Recreation budget. We are requesting an increase of \$20,000 to the Recreation Fund (206) budget to cover the operations through 12/31/19.
- *Section 2: Non-Retainer Legal Services* – The city has been involved in more litigation than would be typical. Of note, the Fannin & Deagle matter has required a significant investment in legal counsel to represent the city's interests. In addition, the city will begin negotiations with its' unions for 2020-2023 successor contracts. Unfortunately, the non-retainer line has been either encumbered or outright spent on services. We are anticipating that the non-retainer legal services will not exceed \$60,000. We are requesting an increase of \$60,000 in the budget to cover these additional costs.
- *Section 3: P&Z Vehicle* - The Planning & Zoning department currently uses a 2003 Ford F-150 pick-up truck which recently failed. After bringing the vehicle into a repair shop, it has been determined that the cost of repairing the vehicle significantly exceeds the value of the vehicle. As a result, the Administration is

requesting authorization to replace this vehicle in Resolution 2019-. We are requesting an increase of \$26,000 in the budget to cover the cost of purchasing a similar vehicle on state contract.

- *Section 4: AEP Grant* – The city received a grant of \$10,000 from AEP to assist in offsetting the costs of updating the city’s comprehensive plan. This item simply appropriates the funds received by the city so that we can spend them on the plan.

➤ **ORDINANCE 2019-4344 – 2nd READING**

This ordinance would amend the Discharge Map to remove three parcels from the Discharge Zone (Parcel Numbers 064-152760-00.001, 064-152988-00.002 and 064-152670-00.000) pursuant to Section 505.11(c) of the Pataskala Code. At the request of the Agricultural Committee, both property owners were notified by certified mail of the pending ordinance that would remove their properties from the Discharge Zone. Both property owners received and signed for the certified mail. Staff has received no objections from either property owner related to the pending ordinance.

➤ **ORDINANCE 2019-4345 – 2nd READING**

This ordinance will amend the current parks chapter in the charter 955.13 by adding fishing regulations for city owned park ponds. The regulations will set a standard for the community which will allow for residents to enjoy outdoor recreation by keeping users safe and give opportunities to fish within city limits without a license or permit.

New Business

- A. Ordinances
- B. Resolutions

➤ **RESOLUTION 2019-061 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE HAZELWOOD, SECTION 5, PART 2 DEVELOPMENT FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements for the Hazelwood, Section 5, Part 2 Development by The City of Pataskala. These improvements include utilities and roadway per plan and as platted for Burtwood Drive and Cranberry Drive.

Full-time third-party inspection was present throughout construction of this project 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. Accordingly, a Certificate of Substantial Completion has been executed, and indicates a date of August 9, 2019 as the beginning of the 1-year maintenance period.

In accordance with City requirements for acceptance, as-built plans, a 1-year maintenance bond in the amount of 10% of the value of the public improvements, and an executed stormwater maintenance agreement have all been submitted to the City by the Developer.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2019-061 be approved.

➤ **RESOLUTION 2019-062 – A RESOLUTION CONSENTING TO THE 2019 ODOT MUNICIPAL BRIDGE INSPECTION PROGRAM (PID NO. 109334) AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL CONTRACTS TO COMPLETE THE SAME**

This Resolution is to authorize participation in the 2019 ODOT Municipal Bridge Inspection Program. Through this program, all bridges within the City are inspected and rated for load capacities and restrictions. The inspections and reports are completed by a bridge engineering consultant that is selected by ODOT, and the program is 100% funded and managed by ODOT.

By consenting to participation in the program, the City agrees to comply with, implement, and fund, any recommended weight limit postings, critical action plans, or closures as determined by the findings of the inspections. These types of recommendations are given in the best interest of the public, and are only given when driven by necessity. Approval of Resolution 2019-062 is recommended.

➤ **RESOLUTION 2019-063 – A RESOLUTION CONSENTING TO PARTICIPATE IN THE ODOT LIC/KNO-FY 20 GUARDRAIL PROJECT (PID NO. 110864) AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL CONTRACTS TO COMPLETE THE SAME**

This Resolution is to authorize participation in the ODOT LIC/KNO-FY 20 Guardrail project. The goal of this project is to replace guardrail end-types to improve safety, as some existing guardrail end-types have been found by ODOT to be unsafe. This program is 100% funded and managed by ODOT, and a contractor selected by ODOT will complete guardrail replacement as provided, and directed by ODOT.

By consenting to participation in the program, the City agrees to provide for future maintenance of the new guardrail infrastructure. As the City is currently responsible for all guardrail maintenance within the City, this provision does not require the commitment of any additional resources by the City. Approval of Resolution 2019-063 is recommended.

➤ **RESOLUTION 2019-064 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH LOCAL WASTE SERVICES, LTD. FOR THE EXCLUSIVE CONTRACT FOR RESIDENTIAL REFUSE AND RECYCLING COLLECTION IN THE CITY OF PATASKALA**

Approval of Resolution 2019 – (ADD) would authorize the City Administrator to sign a contract with Local Waste Services for the exclusive contract for residential refuse and recycling collection in the City of Pataskala.

Codified Ordinance 953-06 states “Council, after advertising for bids, has or will award a contract for an exclusive franchise to collect, transport, and dispose of garbage, refuse, recyclables and yard waste for residential householders.”

Waste Management has the current exclusive contract, which will expire on September 30, 2019. The current rate for the Waste Management services is \$11.89 per month plus \$2.75 month for rental of a cart (\$14.64 total monthly cost).

The City Administration advertised for bids and held a bid opening on August 9, 2019. Three bids were submitted in response to our advertisement. The bids submitted are:

**Current cost-
Waste Management \$11.89 /month \$2.75/month cart rental**

Company	Year 1	Year 2	Year 3	Additional Cart rental
Rumpke	\$18.62/month	\$18.62/month	\$18.62/month	\$3.50/month
Local Waste Services	\$18.75/month	\$18.75/month	\$18.75/month	\$3.00/month
Waste Management	\$19.75/month	Annual adjustment per Water and Sewer Index	Annual adjustment per Water and Sewer Index	\$9.32/month

Waste Management was the most expensive and restrictive. Waste Management, if awarded the bid, would require that all refuse/garbage and recycling be placed in the collection containers. Anything left out for collection that was not in a cart would not be collected, including yard waste bags. This is different than the service our residents currently are provided, and quite frankly, not a direction I can recommend for the community.

Local Waste Services provides a cart for refuse and recycling in the \$18.75 monthly charge. Residents have the option to rent additional carts for \$3.00 each per month. Additionally, Local Waste Services is not restricting collection of items to those only in the carts. Residents would be able to set items/bags/other containers out for collection and Local Waste Services would collect everything. However, any bulk (couches, mattresses, etc...) would have to be scheduled for a separate collection.

I called Upper Arlington as a reference for Local Waste Services. A few years ago, Upper Arlington implemented the “collection of items in the cart only” service and it was not well received. They have since changed back to the cart plus any other items collection process, which is going smoothly. They provided high praise for the cooperation with Local Waste Services and the service being provided.

I recommend approval of Resolution 2019-064.

C. Motions

➤ **MOTION – A MOTION TO AUTHORIZE THE LETTER IN RESPONSE TO THE NPDES PERMIT BE SENT TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY ON BEHALF OF CITY COUNCIL**

As a part of the permit renewal process for our WRF, the City is allowed a 30 day window after the issuance of a NPDES draft to return comments/ concerns to the OEPA in order to work together to create a mutually agreeable permit that will cover the next 5 year timeframe.

The OEPA stated that they issued the public notice of our permit on July 3, 2019. This created a comment period that would expire on August 5, 2019. Unfortunately, we did not receive the public notice as was originally claimed. We received it on July 11, 2019 after I emailed the OEPA and requested it. The reason given for the delay was that they

had sent the public notice to the Mayor and Council instead of to the Utility Director. Upon further investigation, it was admitted by the OEPA that the post office had no record of delivery of the public notice and so the comment period was extended until August 30, 2019. It was suggested by the Utility Committee that the letter in response to the draft NPDES be sent on behalf of Council since that is who the OEPA says that they sent the public notice to.

Most of the NPDES is very similar to the previous permits that the City has operated under. A few minor changes regarding water quality samples and frequencies changed, but are not any cause for concern. The main area of concern is the portion that regulates the I&I in the collections system. The draft language from the OEPA lays out unreasonable requirements and a relatively short timeline to accomplish them in. The response letter requests the following changes be made to the NPDES:

- The size of the area to be evaluated be limited to the “Old Town” area as this is the area with aging infrastructure and the major contributor to I&I
- The word “eliminate” be changed to “reduce” when related to I&I water
- The scope of the I&I evaluation be limited to the public sanitary system and not private sewer lines for both jurisdiction and funding purposes
- The requirement to evaluate private foundation drains be removed due to the difficulty and costs of doing so, along with the City’s limited jurisdiction over private plumbing
- The wet weather evaluation of the WRF be delayed to 18 months after the planned upgrades are completed
- The deadlines of each step of the process be extended to allow us time to finish the process of selecting an engineering firm to formulate the I&I corrective action plan. In the case of project design and construction, we request the deadlines be based off of the required Implementation Schedule that will be approved by to OEPA as opposed to arbitrary dates due to the numerous unknown factors that can delay any project

Should this motion be granted, the letter, the red-line copy of the NPDES noting the requested changes, a map of the sanitary zones and a request to reduce the minimum staffing requirements at the WRF due to licensing of staff and the use of a SCADA system will be sent to the OEPA both digitally and via certified mail on August 20.