



City of Pataskala *Legislative Report to Council*

Legislative Report

October 7, 2019 Council Meeting

Unfinished Business

A. Ordinances

- **ORDINANCE 2019-4347 – Second Reading - An ordinance to make supplemental appropriations for current expenses and other expenditures during the fiscal year ending December 31, 2019.**

The Administration has identified three budget adjustments that require Council approval. **We are respectfully requesting that Council hold the 2nd reading at the October 7, 2019 Council meeting. We would anticipate that this legislation will go through all three of the required readings.**

- *Section 1: Police Station Landscaping* – City Council recently approved the expenditure of up to \$8,000 on landscaping around the new Police station. Although there have been donations that will cover much of the work, we require an appropriation for the total amount of the project. We are requesting an increase of \$20,800 to the in the Police Fund (208) budget to cover the landscape work.
- *Section 2: Main Street/SR 310 Improvements* – Now that the final items remaining on this project are going to be performed, the cost estimates appear to be approximately \$175,000 greater than the amount on the 2018 purchase order that was carried over into 2019 for this work. We are requesting an increase of \$175,000 in the budget to cover these additional costs.
- *Section 3: Property Taxes* – After paying all of the city’s property tax bills for 2018, it appears that the total is approximately \$8,000 more than was previously budgeted. These taxes are owed on parcels of land that the city owns and for which no exemption exists. We are requesting an increase of \$8,000 in the budget to cover the cost of these taxes.

New Business

A. Ordinances

- **Ordinance 2019-4348 – First Reading - An ordinance approving a Memorandum of Understanding with the Licking Heights Local School District in connection with the possible property tax exemptions in the Pataskala Corporate Park, as expressed in the Attached Exhibit A.**

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- **Ordinance 2019-4349 – First Reading - An ordinance approving a Memorandum of Understanding with the Southwest Licking Local School District in connection with the possible property tax exemptions in the Pataskala Corporate Park, as expressed in the Attached Exhibit A.**

Approval of these ordinances would authorize the City Administrator to enter into compensation sharing agreements with the Licking Heights School District and the Southwest Licking School District related to tax abatements for future development in the Pataskala Corporate Park. The city and the school districts have discussed options for a compensation agreement for the past 10-12 years.

The tax incentive available in the Corp Park is a Community Reinvestment Area (CRA) incentive. The CRA provides for an up to 100% abatement on the improved valuation of developed property for a maximum of 15-years. The State of Ohio statute related to CRA's requires approval of the local municipality and the local school district for any abatement of or greater than 50%. Additionally, the state statute requires that, in the absence of a compensation agreement with the local school district, the local school district will be paid 50% of the local municipality's income tax for any abatement of greater than 50%.

Historically, municipalities and school districts enter into a compensation sharing agreement for tax incentive programs. This provides the ability for the local municipality to confirm to potential developers that they will receive a tax abatement. This eliminates the need for a company to enter into negotiations with school districts. It provides a level of assurance to the potential developer and makes the property in the local municipality competitive with other entities.

Highlights of the proposed compensation agreements are:

- Compensation sharing would be a 50%/50% split of the city's income tax for a period of 15-years for each awarded abatement.
- School district(s) would receive from the developer/company 12% of the property tax they would otherwise be due if there was no abatement.
 - A company has the option, per the agreement, to meet with the school district(s) to negotiate a different amount.
- The school districts would be reimbursed, up to \$10,000, by the company/developer for any legal fees associated with the execution of a CRA abatement.

If approved by City Council, Licking Heights plans to consider the agreement during their November 19, 2019 board meeting. Southwest Licking will consider the agreements, if approved by Council, during their November 21, 2019 board meetings.

I recommend approval of Ordinances 2019-4348 and Ordinances 2019-4349.

➤ **Ordinance 2019-4350 – First Reading – An ordinance amending section 171.03 (Imposition of Tax) of the Codified Ordinances of the City of Pataskala**

This ordinance is the first step in the process to place a 0.5% income tax increase on the March 17, 2019 ballot. If approved, the language contained in this ordinance would be used as the ballot language for the March 17, 2019 election. There will be a companion resolution introduced on November 4th which would provide authorization to place the language in this ordinance on the ballot. This income tax increase would be dedicated solely to police services, most importantly to increase wages in an effort to increase retention of officers.

B. Resolutions

➤ **Resolution 2019-069 – A resolution imposing a temporary moratorium on the acceptance of any new residential Preliminary Development Plans.**

As the City continues to face substantial residential growth pressures, the Administration has been directed to publish a request for proposals to create a roadway impact fee program. In an effort to take full advantage of impact fees for future residential development, it would be beneficial to “hit pause” on the acceptance of new residential preliminary development plans until a roadway impact fee program can be implemented. Doing so will provide for the City to take full advantage of impact fees to assist with improving our road system to keep pace with the rate of residential development.

Approval of this resolution would place a moratorium on the acceptance of any new residential preliminary development plans for a period of six (6) months while the City works to implement a roadway impact fee program. Placing this six month pause on plan acceptance will provide time for the impact fee program to be created and implemented, eliminating the potential for the City to miss opportunities to collect much needed impact fees to improve our road system to accommodate the continued residential growth pressures.

I recommend approval of Resolution 2019-069.

➤ **Resolution 2019-067– A resolution authorizing and directing the City Administrator to execute a contract with the M.P. Dory Co. for installation of Fences along the Taylor Road Trail**

Approval of Resolution 2019-067 will provide for the M.P. Dory Co. to install safety fence in select areas along the Taylor Road Trail.

After construction of the Taylor Road Trail, 3 areas were identified where pedestrian safety is a concern, and was not addressed as part of the original project. Those concerns include the path and sidewalk being very close to the edge of the road, which leaves little separation between motorists and pedestrians, and areas where steep banks are directly adjacent to the trail, and fencing is needed to provide protection for pedestrians and cyclists.

While this project was not planned as part of the 2019 budget, funding is available from savings on the both the Mill Street Culvert and Columbia Road Culvert replacement projects. Those projects were budgeted for \$50,000 a piece, but the Public Service Department was able to realize substantial savings to the City by partnering with the contractor, and each project was able to be completed for less than \$10,000.

For this project, it was determined that the proposed fence should match the existing fence that was installed as part of the original Taylor Road Trail project. Accordingly, it was determined that the best way to match the existing fence, would be to use the same company that installed the original fence. That company is the M.P. Dory company, their proposal is reasonable, and is at a lower cost than the bid price per foot for fence on the original contract.

I recommend approval of Resolution 2019-067.

➤ **Resolution 2019-068– A resolution authorizing and directing the City Administrator to execute a contract with Spenco Excavating, Inc. for installation of an outlet structure on the Glenbrooke Subdivision Retention Pond**

Approval of Resolution 2019-068 will provide for Spenco Excavating, Inc. to install an outlet structure on the Glenbrooke Subdivision retention pond.

This project has been developed in response to multiple flooding events that have occurred on Monarch Drive during heavy rain events. Investigation of this issue has shown that there are a number of factors to consider and be aware of in determining an appropriate solution.

The first item of note is that there are two basins in series within this subdivision. This is atypical, but appears to be due to the topography and geology of the area. Essentially, the area in and around this subdivision is flat and at the headwaters of the Scioto River watershed. This means that the waterway

that these ponds outlet to is very shallow, so large amounts of rainfall will overload, or flood, the receiving stream very easily. This makes having controlled outlet from these basins critical to prevent flooding.

The second item of note is that these basins were installed prior to current stormwater regulations, and would not be approved as new construction today. Neither of the ponds have outlet control, which means they free flow out of the outlet pipes. This becomes a problem for Monarch Drive specifically, as the outlet from the first pond is larger than the outlet from the second pond. This means that the second pond in the series is receiving water faster than it can outlet, which causes the flooding experienced on Monarch Drive.

The third item to note, is that while this would typically be the responsibility of the HOA, there is not a currently functioning HOA for the Glenbrooke Subdivision. As there is no HOA, and the roadway is flooding, it has been determined that it is in the best interest of the City, for the City to address this issue.

The solution that is proposed here is to install an outlet control structure on the first basin. This will minimize the ability for the first pond to overload the second pond, by using available freeboard (elevation from the normal water elevation to the top of bank) to store water in the first pond. This will occur by using a staged release concept that will begin with a slow release, step up to a faster release when the pond reaches a defined elevation, and finally, go to free flow at a higher defined elevation. This plan will minimize the potential for flooding.

The Public Service Director worked with the City Engineer (Hull) to draft an exhibit and specifications for bidding, then invited 3 contractors to an on-site pre-proposal meeting to discuss project details. All 3 contractors bid on the project, and Spenco was the low bidder.

While this project was not planned as part of the 2019 budget, \$10,000 was appropriated for it via Supplemental Ordinance 2019-4336, and the remaining dollars are available from savings on other projects.

I recommend approval of Resolution 2019-068.