



City of Pataskala *Legislative Report to Council*

Legislative Report

April 5, 2021 Council Meeting

Unfinished Business

A. Ordinances

➤ ORDINANCE 2021-4382 – 2ND READING

TPA Ventures, LLC is requesting to rezone three properties located at the northeast corner of Mink Street and Refugee Road from PDD – Planned Development District, R-87 – Medium-Low Density Residential and GB – General Business to PM – Planned Manufacturing to allow for the construction of an approximately 1.2 million square foot warehouse/distribution facility and associated site improvements. The proposal aligns with the recommendation of the Comprehensive Plan and was recommended for approval by the Planning and Zoning Commission on February 3, 2021. The applicant and the adjacent neighbors to the east (ReRolf) are negotiating a mutually agreeable buffering plan along their shared property line. Staff hopes to have the agreed upon plan for the next reading (April 5) to be included as a condition of the rezoning. Staff agreed to provide to Council the list of concerns the DeRolf's shared at the February 3, 2021 Planning and Zoning Commission meeting. These concerns can be found in the Planning and Zoning Director's March 15, 2021 Council Report.

The ordinance is being amended to include the agreed upon buffering plan along the shared property line between the applicant and the DeRolf's. It will require two-thirds of Council to approve the request because the ordinance was amended. In addition to the ordinance, a copy of this agreement is attached to the Planning Zoning Director's Staff Report.

B. Resolutions

New Business

A. Ordinances

➤ ORDINANCE 2021-4387 & ORDINANCE 2021-4388 – 1ST READING

Two income tax initiatives for the Police Department.

Each one amends section 171.03 (imposition of tax). 2021-4387 would increase the tax rate to 1.25% (from 1%). 2021-4388 Increases the total income tax to 1.50% (from 1%) but allows for a credit not to exceed 25%.

Council will need to debate and choose one (or a form) of these two options. Please note that whichever option is not selected it could be voted down or not read at the next regularly scheduled council meeting. Adoption of either of these ordinances would only be effective if the initiative passes at the ballot.

Once Council determines the preferred initiative, sister legislation will need to be drafted to actually send the issue to the ballot. The administration hopes an option can be agreed to at the April 5, 2021 meeting so we can draft the sister legislation and have it ready at the 2nd meeting in April.

B. Resolutions

➤ **RESOLUTION 2021-015 - COUNCIL CLERK COPIER**

The city currently leases its' four (4) office copiers from Konica Minolta (2) and Gordon Flesch (3) using 4-year operating leases. To date, we have been dissatisfied in the service received from Konica Minolta and are transitioning to Gordon Flesch for our remaining KM copiers. Operating leases are different from capital leases (which we use for dump trucks, heavy equipment, etc.) in that at the end of a capital lease we own the equipment outright. When an operating lease expires, the lessee (the city) is required to return the equipment to the lessor (Konica Minolta or Gordon Flesch). At that point, the city has two options regarding the office copiers: (1) purchase the existing equipment; or (2) lease new replacement copiers. The Council Clerk copier lease will expire in early-May and will need to be replaced. We don't believe that purchasing the equipment is the best course of action as once a copier reaches the 7-year mark, it becomes marked as 'out of date', and service cannot be guaranteed. Copier vendors guarantee that they will maintain replacement parts for 7 years. After that point in time, service would be on a 'best efforts' basis. As a result, the maintenance costs on copiers greater than 4 years old is significantly more expensive, and it is usually not cost effective to simply buy the equipment. The Administration is seeking Council authorization to enter in to a new 4-year lease with Gordon Flesch for an updated copier for the Council Clerk's office, and the associated equipment maintenance agreement. The equipment will be provided at the specifications and cost provided for in the State of Ohio term schedule (e.g., state contract). **We are requesting that Council approve the resolution at the April 5th Council meeting and authorize the City Administrator to execute the lease agreement for the referenced equipment.**

➤ **RESOLUTION 2021-016 – A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021**

This Resolution is to authorize participation in the annual ODOT Road Salt Bid and Contract. The language of the Resolution has been provided by ODOT, and needs approved exactly as provided for participation in the salt bid program. The Public Service Department plans to request 2000 tons of Road Salt, 800 tons more than 2020, as the salt barns are only half full due to the substantial use of salt during the 2020-2021 snow removal season. Approval of this resolution is recommended such that the City can move forward with participation in the ODOT Contract for Road Salt.

➤ **RESOLUTION 2021-017 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE BROADMOORE COMMONS, PHASE 7 DEVELOPMENT FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements for the Broadmoore Commons, Phase 7 Development by The City of Pataskala. These improvements include utilities and roadway per plan and as to be platted for Timber Valley Drive and Old Bay 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 March 22, 2021 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.

The developer has not completed the asphalt pavement within this section of the subdivision, as the asphalt plants have yet to re-open for 2021. Accordingly, the developer has requested that the City accept the improvements, as all other work is substantially, and satisfactorily complete, and has submitted a performance bond in the amount of 100% of the value of the remaining asphalt. This methodology has been used before, and as the guaranteed value of the bond covers the value of the work, the City minimizes risk while allowing the developer to move forward.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2021-017 be approved.