



City of Pataskala *Legislative Report to Council*

Legislative Report

June 21, 2021 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2021-4384 -3rd READING - AN ORDINANCE TO AMEND SECTION 925 (WATER REGULATIONS) OF THE CODIFIED ORDINANCES.**

It is respectfully requested that this ordinance be removed from the table, amended by substitution, and the new ordinance title be read for its second reading. What originally was supposed to be a limited number of changes to the codified ordinances turned into a full ordinance review.

During a review of the codified ordinances with the Utility Committee, it was determined that several portions of Section 925 (Water Regulations) needed to be amended to bring the language in line with our current operational practices. Those changes are outlined in the red-lined "Exhibit A" attached to Ordinance 2021-4384. The most significant changes are:

- **Rule 1-** Placing the control of the water system under the Utility Director, mirroring the language already existing in the sewer ordinances.
- **Rule 4-** Clarifying that for all new water connections, each water meter will be serviced by its own individual service line.
- **Rule 8-** Dictating that existing properties with multiple water meters fed by one service line must have a method of tamper-proof isolation that allows for service to be turned off to each meter, and must be provided at the expense of the property owner.
- **Rule 15-** Clarifying that publicly owned infrastructure can only be operated by authorized personnel, barring an emergency.
- **Rule 21-** Identifying what portion of the water infrastructure is publicly owned.

Approval of Ordinance 2021-4384 is recommended.

➤ **ORDINANCE 2021-4385 – 3RD READING - AN ORDINANCE TO AMEND SECTION 921 (SEWER REGULATIONS) OF THE CODIFIED ORDINANCES.**

It is respectfully requested that this ordinance be removed from the table, amended by substitution, and the new ordinance title be read for its second reading. What originally was supposed to be a limited number of changes to the codified ordinances turned into a full ordinance review.

During a review of the codified ordinances with the Utility Committee, it was determined that several portions of Section 921 (Sewer Regulations) needed to be amended to bring the language in line with our current operational practices. Those changes are outlined in the red-lined "Exhibit A" attached to Ordinance 2021-4385. The most significant changes are:

- **921.02 (e)**- Adding this section to clarify that all sewer charges will be charged against the property and not necessarily the occupant. This language mirrors the language already existing in the water ordinances.
- **921.03(b)**- Removing this section and clarifying that septic systems fall under the direction of the Licking County Health Department, not the City Utility Department. This change happened many years ago and we are just now catching up with our ordinance language.

Approval of Ordinance 2021-4385 is recommended.

➤ **ORDINANCE 2021-4395 – 2ND READING SUPPLEMENTAL APPROPRIATION – WE HAVE IDENTIFIED A NUMBER OF ADJUSTMENTS TO THE 2021 BUDGET WHICH REQUIRE ADDITIONAL APPROPRIATIONS. WE ARE RESPECTFULLY REQUESTING THAT COUNCIL HOLD THE 2ND READING OF THE ORDINANCE AT THE JUNE 21ST MEETING. IT IS ANTICIPATED THAT THIS LEGISLATION WILL GO THROUGH ALL THREE READINGS, WITH APPROVAL REQUESTED AT THE 3RD READING.**

- *Sections 1-2: Bond Improvement Fund* – The Bond Improvements fund was used to account for the proceeds received from the bonds issued for the costs of design and construction for the Pataskala Police station. The fund currently has an unencumbered cash balance of \$42,021.96 which is no longer required for the project. ORC §5705.14(A) calls for any unexpended cash balance in a bond fund that is no longer needed for the project is to be transferred to the appropriate fund where the debt service on the bonds is paid. In this case, the appropriate fund is the Debt Service (401) fund. **We are requesting an increase in approved appropriations of \$42,030 from the Bond Improvements Fund (302) in order to transfer the remaining fund balance to the Debt Service (401) fund.**
- *Section 3: Police Station Fiber Connectivity* – The Police department was experiencing VPN connectivity issues with the fiber shared with City Hall. In order to eliminate the issues, the city contracted with Spectrum to run a dedicated fiber connection to the Police station. This new connection will cost approximately \$700 per month. **We are requesting an increase in approved total appropriations of \$6,300 to cover the estimated costs of the fiber connection for the remainder of 2021.**
- *Sections 4-8: Finance Manager Retirement* – Finance Manager Janice Smith has announced her retirement for August 6, 2021. Janice has been employed by the city for almost 26 years and has significant accrued paid leave (sick and vacation). Per the city's Employee Handbook, employees are paid out for each hour of unused vacation at the time of their retirement. In addition, employees are able to cash out a maximum of 960 hours of accrued sick leave at a 1:4 ratio. I have estimated the costs of the cash out as well as having a replacement hired and onboard prior to her retirement to be approximately \$24,000. These costs are

split between the: General fund (10%); Street fund (25%); Police fund (25%); Water fund (30%); and Sewer fund (30%). **We are requesting a total increase in approved appropriations of \$24,000 to fund the overlapping staffing and employee retirement cash out.**

- *Section 9: Recreational Programming* – The city’s Parks & Recreation department applied for, and was awarded, a \$6,000 Aquatic Education. Nearly 1/2 of the requested increase in Parks & Rec appropriations is related to grant-related spending which will be fully offset by the increased grant revenues. In addition, the department held a softball tournament in April which generated \$1,575 to benefit the city’s ‘Shop With a Cop’ program. The revenues have already been received but we need additional appropriations in order to distribute the net proceeds. Finally, the Administration is requesting an additional \$5,000 in appropriations due to the increased number of activities being held by the department. **We are requesting a total increase in approved appropriations of \$12,575 to pay recreational programming-related expenses.**

- *Section 10: Foundation Park Shelter* - We currently have a shelter structure in storage that the Parks Board would like to see installed in Foundation Park. Foundation Park is our largest park location and lacks shelter for parents and residents during athletic events and day to day leisure. The Administration believes that installing the on-hand shelter this fall would provide the city with the ability to use the shelter in spring of 2022 and would be installed by an outside contractor in late-fall. They anticipate expenses to be in the range of \$10-15,000 and include concrete work (excavation to be done in-house) and construction labor. **We are requesting a total increase in approved appropriations of \$15,000 from the Park Use (207) fund to pay the costs associated of installing the existing shade structure in Foundation Park.**

New Business

A. Ordinances

➤ **ORDINANCE 2021-4397 – 1ST READING - AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR SIDEWALK IMPROVEMENTS UPON ADJACENT LOTS LOCATED ON THE EAST SIDE OF OAK MEADOW DRIVE**

The City of Pataskala undertook a storm water and roadway improvement project along Oakmeadow Drive. Part of that project included an asphalt path. Several residents came to council and requested that the path be replaced with a concrete sidewalk. It was decided that the additional cost of said sidewalk would be assessed to the property owners along which the sidewalk would be constructed via Resolution 2019-057.

An Assessment Equalization Board was organized to hear objections to the assessment. The City received one objection. After hearing the objection, the Assessment Equalization Board recommended that council move forward with the assessments.

This resolution is to implement said assessments. The city now knows the additional cost of the improvements. The figures included in Ordinance 2021-4397

“Exhibit A” reflect the overall cost of this project and the length in feet of concrete sidewalk installed for each property. The additional cost of the concrete sidewalk compared to the asphalt path (\$34,000) was divided by the total length of the sidewalk (1,786.6 ft) to get a cost per foot (\$19.0305628). That cost was then multiplied by the length of sidewalk installed on each property to deduce the amount that will be assessed to each property.

Approval of Ordinance 2021-4397 is recommended.

➤ **ORDINANCE 2021-4398 – 1ST READING - AN ORDINANCE PROPOSING THE AMENDMENT OF SECTIONS 3.02, 3.07, 3.08, 4.10, 4.14, 5.05, 6.02, 6.03, 7.04, 9.01, 10.02, AND 11.01 OF THE CHARTER OF THE CITY OF PATASKALA, DIRECTING THE CLERK OF COUNCIL TO PUBLISH THE PROPOSED CHARTER AMENDMENTS, AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED AMENDMENTS TO THE ELECTORATE**

Under Section 7.05 of the Charter of Pataskala Ohio, a Charter Review Commission is required to meet each five years to review the Charter and to make recommendations, if any, to the Council for revisions. This took place in 2020 and those recommendations are attached to Ordinance 2021-4398 as Exhibit A.

The recommendations include, but are not limited to, the following:

- Elected Officials may access the same healthcare benefits provided to full time Pataskala City employees, as long as the entire cost is paid by the elected official
- Mandating that required publications be include all City Websites and social media pages
- Clarifying that the City Administrator can participate in all board or commission meetings
- Removing the requirement for an Internal Control Audit and making it an option
- Allow for a Director of Parks and Recreation

This Ordinance is required to be presented to the electors at the next regular municipal election and not less than 60 days nor more than 120 days after its passage. The next regular municipal election will take place on November 2, 2021.

Approval of Ordinance 2021-4398 is recommended.

➤ **ORDINANCE 2021-4399 – 1ST READING - FULL TIME POLICE CLERK POSITION**

The Police department has requested to convert one of their approved part-time clerk positions to a full-time position. They have experienced turnover in the position and have had difficulty in attracting satisfactory candidates for a part-time position. In addition, they are proposing increasing the hourly rate of pay from \$14.00 per hour to \$20.00 per hour. This rate of pay is roughly comparable to the starting rate of pay for both the Utility Billing Clerk and the Planning & Zoning Clerk positions. In addition, the part-time rate will be increased to \$19.00 per hour and will be linked to the full-time rate less \$1. The part-time position would not receive steps over the years, but the full-time position would. **We are requesting that Council hold the first reading of the legislation of the June 21st Council meeting and would anticipate that this would go through all three of the required readings with approval requested at the 3rd reading.**

B. Resolutions

➤ **RESOLUTION 2021-027 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE HERITAGE TOWN CENTER, PHASE 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 Heritage Town Center, Phase 2 Development by The City of Pataskala. These improvements include utilities and roadway per plan and as platted for Emswiler Road and Richwood 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 June 15, 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.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2021-027 be approved.

➤ **RESOLUTION 2021-028 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A USE AGREEMENT WITH CENTRAL OHIO TECHNICAL COLLEGE (COTC)**

The City of Pataskala has office and training room space available for use by COTC. That use is governed by a Use Agreement that is included as Exhibit A for Resolution 2021-028.

Many aspects of the agreement are similar to the previous one. The major differences are as follows:

- The price per square foot has been recalculated
- There is a separate price for the training room located on the first floor of the building
 - This space will be used at a cost that is 50% of the normal office space cost.

The decision to rent the training room at a lower cost was made to get a user into that space. It is not as easy to find an interested tenant for the training room space as it is for regular office space. The city has had several inquiries about office space over the years, but only COTC has shown interest in the training room.

The rate for the office spaces will be \$1.117/sq ft covering an area of 1,772 sq ft. The rate for the training room will be \$.5585/sq ft covering an area of 731 sq ft. The term for this agreement is a period of 3 years and 5 months from August 1, 2021 through December 31, 2024.

Approval of Resolution 2021-028 is recommended.

➤ **RESOLUTION 2021-029 - A RESOLUTION APPROVING A 'THEN & NOW' CERTIFICATION BY THE CITY FINANCE DIRECTOR, PURSUANT TO R.C. 5705.41(D)(2), FOR THE PAYMENT OF OPERATING EXPENDITURES**

Approval of this resolution will provide the Administration with the ability to pay the final payment for the Mink Street, Phase II project.

Construction for the Mink Street, Phase II project was completed in 2019, and the City has been awaiting project close-out, and with it, the final contract value for this project. The final invoice for this project was just received by the City and additional funds are due, in the amount of \$25,802.08.

Unfortunately, the City has little control over this, as the Agreement with the State does clearly specify that any dollar amount over the State awarded funding is the responsibility of the City to cover. Although the State did not provide any indication that there would be an overage heretofore, The Administration did have a contingency plan for some overage.

That plan included \$50,000 to cover overages for both this project and the Taylor Road project; however, the Taylor Road project required approximately \$35,000 of these dollars to close-out. Accordingly, there is currently approximately \$15,000 left on that purchase order that can be used for the Mink Street project.

This Then and Now will authorize the additional \$10,838.27 to pay the final invoice. While these funds were not specifically planned for, there is money in the PSD budget to cover it. Specifically, with Supplemental Ordinance 2021-4383, Council authorized \$300k of additional budget for the Street's program. As only \$275 of that will be used for the Street's Program, with Council's assent, the additional funds to cover this shortfall will be pulled from those additional funds.

Resolution 2021-029 is recommended for approval.

➤ **RESOLUTION 2021-031 - CITY ADMINISTRATOR CONTRACT**

At the June 7th Council meeting, Council directed the Law Director and Finance Director to prepare the necessary legal documents and legislation in order to modify and extend the City Administrator's contract. As of July 1st, Mr. Hickin's rate of pay will increase from \$90,000 to \$100,000 and then increase annually on January 1st to \$110,00 in 2022 and \$120,000 in 2023. He will receive an annual increase in his vacation accrual rate from four (4) to five (5) weeks, and his OPERS pension pick up will increase from 50% of the employee contribution to 100%. Please note, however, that a separate resolution will need to be brought to Council at the July 6th meeting to authorize the modification of the OPERS pension pick up program. This is a pension system requirement and the legislation must meet their very specific requirements. **We are requesting that Council approve the resolution to extend the City Administrator's contract and increase his benefits at the June 21st meeting.**