



City of Pataskala *Legislative Report to Council*

Legislative Report

February 21, 2023 Council Meeting

Unfinished Business

A. Ordinances

➤ **ORDINANCE 2022-4440 – 3rd READING**

The property located at 7164 Hazelton-Etna Road is 4.63 +/- acres and is currently undeveloped. The applicant is requesting to rezone the property from the LB – Local Business district to the PDD – Planned Development District to create Sub Area “E” of Heritage Town Center, which is the current mixed use development to the south. The rezoning is in line with the recommendations of the Comprehensive Plan and the Planning and Zoning Commission recommended approval on November 2, 2022.

B. Resolutions



New Business

A. Ordinances

➤ **ORDINANCE 2023-4445 – 1ST READING - SUPPLEMENTAL APPROPRIATION**

We have identified several adjustments to the 2023 budget which require additional appropriations. **We are respectfully requesting that Council hold the 1st reading of the ordinance at the February 21st meeting. We would anticipate that this legislation will go through all three required readings.**

- i. *Section 1: Police Cruisers* – The Police department has identified that the purchase of two (2) new Police cruisers will cost approximately \$115,000 but the 2023 budget included only \$100,000 for the purchase. The 2023 budget amount was based on historical experience, but the actual pricing on these vehicles has increased significantly since the Police budget was proposed. Additionally, the Police department lost a cruiser due to an accident and the department received \$10,000 from the city’s insurance plan. They also sold a number of cruisers and equipment at auction and raised an additional \$15,330 in funding from the sale of those assets. The department is requesting that Council appropriate the approximately \$25,000 in one-time revenues received so that they can purchase used cruisers from the Ohio State University Police department. They are also requesting that Council

increase the appropriations by an additional \$15,000 for the purchase of the new cruisers (for a total ask of \$40,000).

- ii. *Section 2: Refugee Road Improvements Project Funding* – The city is currently working with the Licking County Transportation District (LCTID), the Ohio Department of Transportation (ODOT), Etna Township and the State Infrastructure Bank (SIB) to construct infrastructure improvements to Refugee Road. We are to receive \$1.5 million from TPA Group and \$160 thousand from Red Rock for the project which, in turn, will be sent by the city to the TID to fund the project. In order to make those distributions, however, there will need to be additional appropriations added to the Capital Improvements (301) fund budget. As the revenue forecast will be also increased by the \$1.66 million, there will be no net change to the fund's projected year-end balance.

Consent Agenda

3. Motions



4. Resolution

➤ **RESOLUTION 2023-015 - PROPERTY, CASUALTY & LIABILITY INSURANCE**

We received the Ohio Plan's renewal and met with our agent on January 27th to review the proposal. The current policy expires on February 19th, however, we have a 30-day binder to sign the agreement and pay the annual premium. The new policy will run from February 19, 2023 through February 19, 2024. The proposed renewal premium is \$95,469.03 and reflects an \$8,192.03 (9.39%) increase over our 2022 premiums. It's important to remember that in 2021 we realized a \$26,265 thousand (22.42%) decrease over our 2020 premiums, and only a \$3,324 (3.96%) increase in 2022 over the 2021 premiums.

➤ **RESOLUTION 2023-017 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A SECOND AMENDMENT TO ROAD DEVELOPMENT AGREEMENT.**

TPA Ventures is in the process of constructing a new building with approximately 1,270,000 square feet of industrial facility space, to be used primarily for distribution/logistics, manufacturing, e-commerce and/or professional office space. TPA decided via a Road Development Agreement (RDA) with Pataskala to give \$1.5 million to the development of a road project to service this new building. That RDA contained several deadlines for commencement of construction and opening of the road. The first commencement date was September 1, 2022. That deadline was not met so TPA and Pataskala agreed to an extension to April 1, 2023. It now appears that the commencement will not take place until early summer. So, this (hopefully) final agreement extends the commencement date to August 2023. Please see legislative report for 2023-018 for more information

➤ **RESOLUTION 2023-018 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A THIRD INTERGOVERNMENTAL AGREEMENT WITH**

ETNA TOWNSHIP, LICKING COUNTY, AND THE LICKING COUNTY TRANSPORTATION IMPROVEMENT DISTRICT.

This resolution represents the last and probably most important intergovernmental agreement for the Refugee Rd. project. It spells out the final distribution of the funds to pay for the 3 lane, 2 roundabouts improvements. This is the first and only document that captures the commitment by the County Commissioners to “back-stop” the project between 10 and 11 million dollars. Most of the Administration’s focus has been on making sure that the three tranches of money (TPA, Red Rock and OPWC) were memorialized properly. The OPWC issue resolved itself when the County Engineer agreed to bid the project as long as we provided him a copy of the OPWC award. The TPA and Red Rock contributions were more complicated. The main issue is each has a different triggering event to send the City their money. Additionally, the TID who is managing the project needed the money before they could award the bid. We eventually settled on a two-prong approach. The IGA was modified to allow time for Pataskala to get TPA’s funds (and pass them to the TID) and Pataskala agreed to front the \$160,000 Red Rock component from the Public Service Departments carry over balance. This money will be paid by Red Rock when their second building applies for an occupancy permit & it will return to the carry over balance. Resolutions 2023-017 and 2023-020 also play a role in the agreement. 2023-017 is an addendum to the TPA agreement changing the start date of the project to August 1, 2023. 2023-020 is an agreement to modify the 2008 road maintenance agreement between Etna and Pataskala for Refugee Road. The latter is something that Etna requested before they would agree to sign the IGA. The SIB bank also needs to have the IGA signed before activating the loan to Pataskala and Etna. This means on February 22, 2023, we will sign the IGA, the Road Maintenance agreement, the RDA with TPA and the guaranty document passed by Council ordinance on January 17th 2023. This should be the last major legislation associated with this project and will pave the way for construction to begin in earnest. (A little over 2 years after the concept was born in Alans head) *Note: **Since we will need to pay the \$1.5 million and the \$160,000 to the TID we have added those to the supplemental ORDINANCE 2023-4445 which is on the February 21, 2023 docket for its first reading**

➤ **RESOLUTION 2023-019 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A MANAGEMENT CONSULTANT AGREEMENT WITH CLEMENS, NELSON & ASSOCIATES, INC.**

Beginning in 2022 the City of Pataskala initiated an HR contract with Clemans-Nelson to provide a variety of HR guidance/experience. To date they have conducted the police exit interviews, modernized all position descriptions, assisted with hiring various positions within the city, proposed a new evaluation system, and answered various HR related questions. In 2023 we have plans to do a class and compensation study, increase their involvement with hiring, performance evaluations and continue to act in a consultant role. Clemans-Nelson has submitted a contract to provide 24 hours per month of management and/or fiscal consulting services related to labor, employment, and other related areas. This is the same as in 2022 and again includes 6 hours of on-site work per week. The base rate is the same as 2022.

➤ **RESOLUTION 2023-020 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO THE ROAD MAINTENANCE AGREEMENT BETWEEN THE CITY OF PATASKALA AND ETNA TOWNSHIP.**

In July 2000, the City of Pataskala and Etna Township entered into an agreement, pursuant to R.C. 5579.03 regarding the maintenance of certain portions of Refugee Road (the “Road Maintenance Agreement”), When Etna was evaluating their participation in the Refugee Rd. project, they noticed that the stretch of Refugee between Columbia Rd. and State Route 310 could be affected by increased traffic as a result of the project. Most RMA’s do not include reconstruction as part of maintenance. The 2000 RMA, however, did have that language in it. We agreed to modify that agreement to remove reconstruction and pledge that should major reconstruction be needed the City of Pataskala would be willing to partner on a project with Etna township. This amendment makes those changes. Note: No limits or caps are contained in the amendment for major reconstruction. These would be determined on a case by case basis.

Please see legislative report for 2023-018 for more information

➤ **RESOLUTION 2023-021- A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A DESIGN MODIFICATION CONTRACT, WITH AMERICAN STRUCTURPOINT, INC. TO PERFORM ADDITIONAL ENGINEERING DESIGN FOR THE VINE STREET TRUNK SEWER PROJECT**

Approval of this resolution will authorize American Structurepoint, Inc. for a modification to the original design to include additional drainage improvements along Vine St. at the interface with the sidewalk and include paving of Vine St. and Linda Ave.

The original plan for this project was to install a trunk sewer on Vine St. and Linda Ave. to address the flooding problems on Linda Ave. This is of course still the primary goal, but during design, it was recognized that the planned budget was well in excess of the actual funding need. With this information, and extra funds, we started to look for other potential improvements to further enhance this project. Two items were identified.

The first is to improve the drainage along Vine St. at the interface between the sidewalk and the roadway between the Library and Linda Ave. In this section, the water cannot get off of the roadway and the roadway edge has experienced significant deterioration due to this inadequacy. As proposed, the project will now include a concrete gutter section and curb inlets between the roadway and sidewalk along this stretch of Vine St.

The other item is that to complete the concrete gutter section, paving work will need to be completed along this interface for the drainage to work properly. Once this was recognized, we investigated how much we would be able to pave within the existing budget. As it turns out, there is enough budget to pave all of Vine St. from Cedar St. to Broad St. as well as all of Linda Ave. from Vine St. to its western terminus. As these streets would need paved anyway, and were planned to be paved the following year, it makes sense to complete paving as part of the project since it is within the budget.

Furthermore, while the OPWC funding has not been finalized, the OPWC executive committee has recommended this project for funding. The funding

application is for \$225k of grant and \$75k of loan, thus increasing the available budget by \$225k. So, these planned additions fit within the original budget, and we will most likely be getting additional funding through OPWC.

The \$5,800 cost for this modification to include additional survey and design is minimal and the benefits are many.

Approval of Resolution 2023-021 is recommended.

➤ **RESOLUTION 2023-022- A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A BED AND PLOW ACCESSORIES PACKAGE, THROUGH THE STATE OF OHIO COMPETITIVE PURCHASE PROGRAM, FROM BROWN EQUIPMENT COMPANY**

In March of 2021, Council approved the purchase and lease agreement for the procurement of a bed and plow accessories package for the tandem axle dump truck that was authorized at the same time. Unfortunately, the build and delivery of the frame and chassis of the dump truck had been delayed, and it was only recently completed. As this process took almost 2 years, which is atypical, and likely a function of the pandemic, the bed and plow accessories package that was planned for is no longer available. The comparable package that is now available is also now more expensive.

As the proposal at the time was only a proposal, which is typical, and not an agreement, there is no recourse to dispute the cost increase. The cost has increased from \$94,725 to \$104,975, for a total increase of \$10,250. Considering all the factors, including the existing lease and that the truck has to have the bed and plow accessories to be useful, this is the best option to move forward with. Fortunately, with the savings in the 2023 budget from the Loader that was previously authorized by Council, there is enough, even with the additional cost of the proposed service truck, to absorb this additional cost.

Approval of Resolution 2023-022 is recommended.

➤ **RESOLUTION 2023-023 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT TO PURCHASE A 2023 CHEVROLET SILVERADO 3500 HD, FOUR-DOOR, FOUR-WHEEL DRIVE, CREW CAB SERVICE TRUCK FROM COUGHLIN AUTOMOTIVE THROUGH THE STATE OF OHIO COMPETITIVE PURCHASING PROGRAM**

Approval of this resolution would provide for the Public Service Department (PSD) to purchase a new service truck as identified in the PSD Capital Improvements projects in the approved 2023 budget.

The original CIP project identifies a 3/4 ton, four-wheel drive, four-door service truck with a regular bed for a price tag of \$45,000 or less; however, costs have increased and other needs have been recognized. Regarding the increase in cost, the original plan would not have fit within the original budget. Once this was realized, we started to look at alternatives. It was then realized that a 1-ton truck would service the department better by being able to tow the durapatcher. As it will also be able to haul all of the personnel required for this work, we can now reduce the number of vehicles needed for this operation and be more efficient. Furthermore, a service bed has been added to the proposed service truck, which will also increase efficiency and effectiveness by being able to carry tools and equipment in locked, water tight

compartments, avoiding having to load and unload equipment and minimize trips when equipment is forgotten.

The additional cost for this equipment can be absorbed in the budget from the savings on the Loader. The Loader, which was previously approved, came in at approximately \$45,000 below budget; accordingly, there is still a savings in the fund of approximately \$25,000.

Approval of this resolution is recommended.