



City of Pataskala *Legislative Report to Council*

Legislative Report

September 5, 2023 Council Meeting

Unfinished Business

A. Ordinances



B. Resolutions



New Business

A. Ordinances

➤ **ORDINANCE 2023-4449 – 2nd READING**

The proposed ordinance would enhance the current Planned Manufacturing regulations in Chapter 1253, particularly for setback and screening requirements, and clarify the landscaping requirements for properties within the Planning Manufacturing District as found in Chapter 1283. The City Council recommended the amendment proceed through the amendment process on July 3, 2023. The Planning and Zoning Commission recommended approval on July 18, 2023 with the following conditions:

- Section 1253.01 shall be amended to remove the third sentence.
- Section 1253.06(B) shall be amended to remove the sentence and numbering adjusted accordingly.
- The regulations shall be amended to include the grammatical changes recommended by the Law Director.
- Section 1283.06(A) shall be amended to include gases and vapors.

Staff has made the necessary changes to the Ordinance in Exhibit A pursuant to the Planning and Zoning Commission's recommendation.

➤ **ORDINANCE 2023-4450 – 2nd READING - SUPPLEMENTAL APPROPRIATION – Finance Department**

We have identified several adjustments to the 2023 budget which require additional appropriations. At this point, there are three (3) specific areas that are

being addressed in this legislation which is covered below. **We are respectfully requesting that Council hold the 2nd reading of the ordinance at the September 5th Council meeting and amend by substitution. Changes to the legislation since its' 1st reading are highlighted in bold below.**

- *Section 1: WRF Plant Blowers* – The Utility Director has identified that the installation of additional WRF blowers will cost approximately \$400,000, although the Administration plans to seek reimbursement from the engineering firm that designed the project. Funding for the project will come from the Sewer Capital Improvements (652) fund.
- ***Sections 2-5: Income Tax Collection Fees & Refunds* - Income tax collections continue to track better than the original budget estimates. During August, the income tax projections were increased to reflect the improved trend. Unfortunately, one of the consequences resulting from increased collections is that the costs of collections have also risen proportionally. In addition, the value of taxpayer refunds in 2023 has also increased. These sections represent the increases necessary to cover those expenses.**
- ***Section 6: Fuel Fill Station Cover* – The Administration is requesting an additional \$45,000 in appropriations to cover the increased cost of constructing a cover for the Public Service fuel filling facility.**
 - In the late fall of 2022, the city was notified that Ohio EPA stormwater regulations required a spill containment pad and cover (roof structure) over the brine/fueling area of the Mink St. Garage. This requirement must be met to remain in compliance with our MS4 Stormwater Permit. In March 2023 Robinson Concrete installed the pad and containment and the city started looking for a contractor to install the roof structure. In May of 2023 the Public Service Department received a bid of \$13,000 to construct the roof structure. The Public Service Director notified the contractor that a P.O. had been pulled and they could proceed. Over the following months it became apparent that the contractor not only wasn't going to perform the work but had underbid the project significantly. Deciding to use a different contractor, the department once again solicited bids and received two. One for \$45,000 and one for \$56,000. As we know the roof structure must be installed, we decided to use the lower bidder (JY Contracting LLC). Mr. Haines briefed the Street Committee about these facts at the August 22nd Street Committee meeting. Since the approved 2023 budget did not contain the appropriations for this project adding it to the supplemental is necessary.

AND

➤ **ORDINANCE 2023-4450 – 2ND READING - SUPPLEMENTAL APPROPRIATION – Utility Department**

The Utility Department entered into an upgrade project at the Wastewater Treatment Plant in 2019. That project did not perform as it was intended due to poor engineering. The Utility Department is in the process of correcting the problem but will need a supplemental to facilitate the correction.

There is already one supplemental for this project in the amount of 250,000 dollars. That supplemental combined with this supplemental of 400,000 dollars will cover the material and labor cost of the additional work. In total the additional work cost is 650,000 which the Utility Department expects to be reimbursed by, Verdantis the original contract engineer.

This concept was discussed at the August 7th Utility Committee meeting.

➤ **ORDINANCE 2023-4451 – 2ND READING - EMPLOYEE HANDBOOK UPDATES**

Included in all three (3) collective bargaining agreements (FOP, OPBA and USW) is an increase in the annual sick leave accrual. Previously the annual maximum was 80 hours, but it is now 120 hours. To treat all employees consistently, the Employee Handbook needs to be updated to reflect the same accrual levels. **We are respectfully requesting that Council hold the 2nd reading of the ordinance at the September 5th Council meeting and amend by substitution. Changes to the legislation since its' 1st reading are highlighted in bold below.**

- ***Section 1: Holiday Overtime*** – Increases the overtime rate for non-union employees who work overtime on a city-recognized holiday to 2 times their current rate instead of 1.5 times. This will mirror the language in the USW collective bargaining agreement recently approved.
- *Sections 2 & 3: Sick Leave* – Increases the maximum annual sick leave accrual amount from 80 hours to 120 hours and adds language permitting sick leave usage for the birth or adoption of a child. **(This was previously listed as Sections 1 and 2).**

➤ **ORDINANCE 2023-4452 – 2ND READING - AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING THE CITY OF PATASKALA EMERGENCY OPERATIONS PLAN**

In response to a request from Council and, after the train derailment in East Palestine the Administration began an evaluation of our current Emergency Operations Plan. That plan was dated "2006" and it became apparent that the plan should be re-written from scratch.

The creation of this EOP was a significant undertaking. The Administration utilized examples from the Licking County EMA and several smaller communities across the country. Pulling from all these sources, we were able to create a format that covers the actions necessary during an emergency situation while still being easy to use. The concept for this plan was not to micro-manage each detail that the different departments will be responsible for, but to provide an overview of when it is appropriate to use this plan, how to set up the City of Pataskala Emergency Operations Center (EOC), who is responsible for the necessary actions, and to provide

an extensive list of resource contact information to be used during an emergency situation.

This plan has already been vetted by the City of Pataskala department heads, the City of Pataskala Police Department, the West Licking Joint Fire District, and the Licking County Emergency Management Agency (EMA). Using input and acquiring approval from these many sources ensures that the plan is ready to be used in any given emergency situation. If new information becomes available in the future that would make this EOP better, it can be amended at any time.

The administration is proud to present the City of Pataskala Emergency Operations Plan to Council to be considered for approval. If approved, the plan will be shared with our neighboring communities, emergency responder organizations, the Licking County EMA, and any other entity that could benefit from it.

Approval of Ordinance 2023-4452 is recommended.

Consent Agenda

3. Motions

4. Resolution

➤ **RESOLUTION 2023-071 – RATES & AMOUNTS**

ORC §5705.34 requires the city to accept the property tax rates and amounts as determined by the Licking County budget commission. This resolution would provide such formal acceptance and ensure the city's compliance with the code.