



City of Pataskala *Legislative Report to Council*

Legislative Report

November 20, 2023 Council Meeting

Unfinished Business

A. Ordinances

- **ORDINANCE 2022-4424 – THIRD READING - AN ORDINANCE TO REZONE PROPERTY LOCATED AT 10391 HOLLOW ROAD SW, PARCEL NUMBER 063-141936-00.000, TOTALING 160 +/- ACRES IN THE CITY OF PATASKALA, FROM THE AGRICULTURAL (AG) ZONING CLASSIFICATION TO THE PLANNED DEVELOPMENT DISTRICT (PDD) ZONING CLASSIFICATION.**

Joe Clase, Plan 4 Land, is requesting to rezone the former High Lands Gold Course, totaling approximately 160-acres, from the AG- Agricultural district to the PDD – Planned Development District to allow for the construction of a 32-lot single-family subdivision. The proposed subdivision would be served by private roads, public water and private septic systems.

The Future Land Use Map recommends this property for “Conservation Suburban” which is characterized by a clustering of single-family homes at a density of 50 percent of the site area or one unit per two acres (0.5 units per acre). It is also recommended to incorporate rural character in elements such as landscape features, large setbacks and open space. The proposed rezoning is in line with the recommendations of the Future Land Use Map.

On July 6, 2022 Planning and Zoning Commission recommended approval of the application with the following condition:

The Applicant shall provide a clean copy of the complete application to the Planning and Zoning Department prior to proceeding to City Council.

A Council public hearing was scheduled for September 19, 2022; however, the revised application was never submitted and the meeting was cancelled. Staff had some conversation with the applicant about possible changes to the plan, but nothing came of these conversations and the application could not move forward without revised plans and a Council public hearing. The Director of Planning notified the applicant on July 17, 2023 that unless a clean copy of the plans was provided by August 1, 2023 the City would rescind the recommendation of the Planning and Zoning Commission and the project would be null and void. The applicant met the August 1, 2023 deadline and the Council public hearing was scheduled.

- **ORDINANCE 2023-4456 – THIRD READING - AN ORDINANCE AMENDING ORDINANCE 2022-4431 ESTABLISHING THE ALLOCATION OF INCOME TAX**

COLLECTIONS RECEIVED BY THE CITY OF PATASKALA PURSUANT TO ORDINANCE 2010-3959.

Once the debt service and operational funding requirements were identified, the allocation of income tax revenues between the Debt Service, Street, Police and Capital Improvements funds were calculated. The initial portion is taken off the top to cover any outstanding debt service requirements. After that amount has been calculated, the next level is then allocated to the Street and Police funds to cover their current year operational needs. Any remaining funds at that point are allocated to the Capital Improvements funds. The 2023 allocations were as follows: 47.10% - Street; 46.30% - Police; 5.10% - Debt Service; and 1.50% - Capital Improvements. For 2024, the allocations are proposed as follows: 45.00% - Street; 45.00% - Police; 8.50% - Debt Service; and 1.50% - Capital Improvements. **We are respectfully requesting that Council hold the 3rd reading at the November 20th Council meeting and approve the ordinance. Nothing has changed in the legislation since its' 2nd reading at the November 6th meeting.**

➤ **ORDINANCE 2023-4457 – THIRD READING - AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF PATASKALA, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND TO AUTHORIZE APPROVED INTERFUND TRANSFERS.**

Outside of any changes made at the 2nd reading, we have made no changes to the proposed 2024 budget since the 2nd reading. **We are respectfully requesting that Council hold the 3rd reading at the November 20th Council meeting and approve the ordinance. Nothing has changed in the legislation since its' 2nd reading at the November 6th meeting.**

➤ **ORDINANCE 2023-4459 – THIRD READING – AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN REAL PROPERTY WITHIN THE CITY OF PATASKALA, OHIO, TO BE A PUBLIC PURPOSE; DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT OR SERVE SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; CREATING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS; AND AUTHORIZING THE EXECUTION OF A TAX INCREMENT FINANCING AGREEMENT WITH THE OWNERS OF SUCH PROPERTY**

Administration began working with Coughlin Properties of Pataskala, LLC in 2020 on a potential development project at the northeast corner of the intersection of Summit and Broad. Early in the planning stages, Coughlin expressed the interest of using Bristol Drive, east of Summit Road, as part of the access to the development site. It was ascertained that this section of Bristol Drive was never turned over to the City by Licking Heights after it was constructed in the early 2000's. This led to a negotiation between the school and Coughlin, for Coughlin to construct a bus drive for the School, and the School to dedicate Bristol Drive to the City.

Also in 2020, the City made an application to ODOT for improvements to the intersection of Summit Rd. and Broad St. The application included funding a new traffic signal and additional lanes on both Summit Road and Broad St., but ODOT was only willing to fund the new traffic signal. However, as Coughlin recognized that these improvements would also benefit their development project, the offered the concept

of a developer's TIF to fund the additional lanes. Accordingly, this TIF is a result of that.

Over the past three years, the scope of the project has evolved for both the developer and the City. The final scope of improvements to be included in the TIF, as detailed in the TIF language, is that Coughlin will construct north and south bound, left and right-turn lanes on Summit Road at the intersection of Broad and Summit, extend a turn-lane to the south on Summit Road for access to the Pataskala Storage property (contributed to by Pataskala Storage to satisfy their TCOD requirements and included in this project for coordinated construction), extend Bristol Drive to the eastern edge of the Coughlin property, and construct the new Hornet Drive that will extend from Bristol Drive, south to a new intersection at Hornet Drive and Broad Street, and make a contiguous section along Broad St. between the Summit Road intersection and the new Hornet Drive intersection.

Coughlin will be responsible for the left-turn lane and tapers associated with the widening of Broad St. to accommodate the left-turn lane, as well as installation of the traffic signal at Hornet Drive and Broad St. They will also be responsible for pedestrian improvements on Broad St. associated with the development project. Coughlin will also be donating right-of-way, and acquiring right-of-way, that is needed for both the ODOT project and the TIF project.

Of specific note, both the ODOT project, and the TIF project, will be placing all infrastructure to accommodate a future 5-lane section on Broad St. This did add a not insignificant cost to both projects, but was a consideration that all parties agreed would be of benefit for future expansion of Broad St. Also note that Coughlin has agreed to access restrictions on existing properties at the intersection, as required to be completed by ODOT.

Both the ODOT plans and the Coughlin plans are roughly 75% complete, and construction of all improvements, by both ODOT and Coughlin, are anticipated to commence in 2024.

Approval of Ordinance 2023-4459 is recommended.

➤ **ORDINANCE 2023-4460 – THIRD READING - AN ORDINANCE AMENDING SECTIONS 171.03, 171.05, AND 171.18 OF THE CITY OF PATASKALA CODIFIED ORDINANCES (MUNICIPAL INCOME TAX CODE)**

On July 3, 2023, Governor DeWine signed House Bill 33, the state's biennium budget bill into law. That bill made several changes to the Ohio municipal income tax code. To align with the new provisions of the bill, Pataskala must adopt amendments to their existing income tax ordinances. The language in this ordinance was given to the city by RITA. According to them this is all that should be needed to modify our old ordinances to comply with the new code. Pataskala will need to adopt these changes and have them in effect on January 1, 2024.

B. Resolutions



New Business

A. Ordinances

➤ **ORDINANCE 2023-4461 – FIRST READING - AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES DURING THE FISCAL YEAR ENDING DECEMBER 31, 2023.**

As a part of our year-end review and closing process, we identified a number of needed adjustments to the 2023 budget which require additional appropriations. There are three (3) specific areas that are being addressed on this legislation, and which are covered below. Where possible, we have attempted to find offsetting reductions to cover any increases requested. **Due to the limited number of regular Council meetings left in 2023, we will be requesting that this legislation go through only two (2) of the three (3) required readings, and that the 3rd reading be waived at the December 4th Council meeting. We are respectfully requesting that Council hold the 1st reading of the ordinance at the November 20th Council meeting.**

- *Section 1: Public Service Projects* – The Public Service Director would like to transfer \$25,000 that is currently appropriated in the Capital Outlay budget category to the Contractual Services budget category. This amount has been identified as savings from capital projects in 2023 that will not be needed for those projects. He would like to use these savings on other smaller projects. Proper budgetary control and accounting would have those expenses properly classified in the Contractual Services category and this request would accomplish that.
- *Section 2: City Hall Furnace Replacements* – As a result of an annual HVAC system inspection, the city was informed that the heat exchangers in three (3) of our furnace units in City Hall were cracked and could be leaking carbon monoxide. As a result they were ‘red tagged’ and turned off. The estimated cost to replace these units is around \$8,500. We are requesting a supplemental appropriation increase of \$10,000 to cover any unanticipated issues.
- *Sections 3 – 15: Miscellaneous Year-End Budget Adjustments* – As we approach year-end, we performed an analysis of all budget lines to determine if they had enough funding to cover spending through December 31. As you will recall, the non-union employees received an 8% wage increase versus the 3% in the budget. Additionally, we had some employees terminate their employment with the city which resulted in cashing out any earned but unused compensatory time, vacation leave and/or sick leave. We also had a number of employees change their level of coverage from Employee Only or Employee and Spouse to Family coverage, resulting in a significant increase in the annual premium amount. In many cases, this has resulted in a projected budget shortfall through the end of the year. To the extent possible, we have attempted to identify budget surpluses and used them to offset the proposed increase. However, that was not possible in all cases.

Consent Agenda

3. Motions



4. Resolution

➤ **RESOLUTION 2023-081 – A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A SERVICE CONTRACT WITH THE CITY OF COLUMBUS FOR SNOW AND ICE REMOVALS SERVICES AND SUPPLIES**

The City of Columbus Division of Infrastructure Management reached out to several municipalities this year to request assistance with snow and ice removal services in areas that are in remote and/or isolated regions of their service area. For Pataskala, they requested as much of Broad St. as we were willing to take, as well as some secondary streets in subdivisions off of, and near, Broad St. For a number of reasons, the administration determined that the only area that we are willing to take on is the 2 lane-mile section of Broad St. in Franklin County between the County Line/Municipal Boundary and the Limited Facility intersection. The rationale is that the County Line is a random point between intersections, and that we have to go to the intersection to turn around anyway, so this made sense.

The City of Columbus offered a couple different methods of compensation, but the best value for the City of Pataskala is for the City of Columbus to deliver 30,000 gallons of brine to the City for use during the 23/24 season. This agreement is valid only for the 23/24 season. We believe that this trade is fair, and see the agreement as a mutually beneficial opportunity to build better relations with the City of Columbus.

Approval of this resolution is recommended.

➤ **RESOLUTION 2023-083 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO ADVERTISE, RECEIVE, AND REVIEW BIDS / PROPOSALS FOR GENERAL ENGINEERING AND PLAN REVIEW SERVICES IN 2024**

The City of Pataskala administration outsources its general engineering and plan review services to a qualified engineering firm, as permitted by Section 6.03 (A) (5) of the Charter of Pataskala. This process allows us to have engineering expertise in a wide variety of disciplines while minimizing the financial burden to Pataskala.

After consulting with the Law Director, it has been determined that a Request for Proposals (RFP) is the appropriate method to solicit firms interested in providing these services. An RFP requires authorization from council to be advertised and evaluated. If this resolution is approved by the Pataskala City Council, the RFP will be advertised beginning on November 26th and will close on December 15th. Once proposals are evaluated by the administration, the selected proposal will be recommended to council in January of 2024.

➤ **RESOLUTION 2023-084 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO ADVERTISE, RECEIVE, AND REVIEW BIDS / PROPOSALS FOR GIS SERVICES IN 2024**

The City of Pataskala operates and maintains a Geographical Information System (GIS). This system allows for tracking of infrastructure assets and their location within the city. The system is also used to document aspects of the Zoning for Pataskala, age and condition of infrastructure assets, asset failures, etc.

This system requires a specialized professional to operate correctly. This professional will also update the GIS system as necessary, including the addition of new infrastructure as it is installed by contractors.

After consulting with the Law Director, it has been determined that a Request for Proposals (RFP) is the appropriate method to solicit firms interested in providing these services. An RFP requires authorization from council to be advertised and evaluated. If this resolution is approved by the Pataskala City Council, the RFP will be advertised beginning on November 26th and will close on December 15th. Once proposals are evaluated by the administration, the selected proposal will be recommended to council in January of 2024.

- **RESOLUTION NO. 2023-085 - A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR THE CITY OF PATASKALA NATURAL GAS AGGREGATION PROGRAM AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PARTICIPATE IN THIS PROGRAM**

AND

- **RESOLUTION NO. 2023-086 - A RESOLUTION AUTHORIZING THE LICKING COUNTY COMMISSIONERS TO ACT AS THE PURCHASING AGENT AND GOVERNMENTAL AGGREGATOR FOR THE CITY OF PATASKALA ELECTRIC AGGREGATION PROGRAM AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS NECESSARY TO PARTICIPATE IN THIS PROGRAM**

With the passage of the electric and gas aggregation initiatives at the last election, Pataskala is now able to participate in the Licking County Aggregation program. From the beginning, it was always the plan to have the Licking County Commissioners act on behalf of City of Pataskala in Licking County as the governmental aggregator. In order to let them do that the city must cede it's authority to the County. This does two things. It maximizes our purchasing power and takes away the responsibility the city would have with regards to filing things with the PUCO. Resolution 2023-085 does this for gas and resolution 2023-086 does this for electric.

- **RESOLUTION 2023-087 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH TUSON LLC. FOR CONSTRUCTION SERVICES FOR THE CREEK ROAD FORCE MAIN UPGRADE PROJECT**

The City of Pataskala Utility Department has collected bids for the Creek Rd. Force Main Upgrade Project. The Utility Department is asking for permission to enter into a contract with Tuson LLC. \$1,240,000 is the total cost of the project including all three bid alternatives and a 10% contingency for the project. The funds for this will come from the ARPA money that the city received.

This project includes replacing the existing force main pipe with a larger pipe from the lift station to the plant. The new force main will also be separated from the Eastside Lift Station force main allowing the stations to not fight each other for pumping capacity during wet weather situations. Lastly the new force main will have its own entrance to the headworks of the plant.

I recommend approval of Resolution 2023-087.