

The Council of the City of Vandalia Meeting Minutes

August 21, 2017

MEMBERS PRESENT: Mayor Arlene Setzer, Vice-Mayor Dave Lewis, Councilmember Richard Herbst, Councilmember Farst, Councilmember Mike Blakesly, Councilmember Bob Ahlers and Councilmember Dave Gerhard

OTHERS PRESENT: Mark Dlott, Daniel Shook, Jacob Roach, Dakota Ault, Raymond Shook, Holly Wiggins, Amber Aivalotis - Weaver, Darrell Wacker, Jon Crusey, Bridgette Leiter, Doug Knight, Steve Clark, Greg Shackelford, and Jerry McDonald

Mayor Setzer called the regularly scheduled meeting of the Council of the City of Vandalia to order at 6:30 p.m. A moment of reflection was followed by the Pledge of Allegiance. The council study session minutes of July 17, the council meeting minutes of July 17 and the council retreat meeting minutes of August 12 were approved as presented.

Communications, Petitions and Awards: None

Public Hearing: None

Comments from Interested Citizens:

David Todd, 159 Colebrook Drive, expressed his concerns regarding the deterioration of the Foley plat neighborhood. **Mr. Todd** shared there are several empty homes with holes in roofs and gutters are falling down. He shared a list of addresses and corresponding concerns. **Mr. Todd** is concerned that Vandalia will end up resembling neighborhood communities. He inquired as to what the city is doing to ensure that Vandalia is not turning into the neighboring communities on T.V. **Mr. Todd** concluded by complimenting Chief Knight. Mr. Todd expressed sincere gratitude to Mr. Knight for always having an open door; he continued, when Chief Knight retires the city will lose a chief unlike any other in Montgomery County. **Mayor Setzer** commented that council is also very concerned with the same items. She asked Mr. Crusey to explain the process and why its lengthy. **Mr. Crusey** explained once the properties get into the court system, its up to the judge to order the home repairs. He noted that staff would check each address and respond to Mr. Todd. **Mayor Setzer** asked Mr. McDonald to elaborate on the process. **Mr. McDonald** commented that generally when there is a violation of the property maintenance code, a notice is given to the owner; however, when you have a property wherein there is no one living there, giving notice is more difficult. When you have bank owned properties and in the foreclosure process, the city has to wait until the new owner is listed. Then we have to give them notice and an opportunity to repair. If the owner fails to repair, then we can take them to court at which time the judge will decide what to do if anything. He concluded by stating that the city is looking into using LandBank, which is an opportunity to take houses on which taxes haven't been paid, and go

The Council of the City of Vandalia Meeting Minutes

August 21, 2017

through a process to try to get them cleaned up. The general condition of some houses in the city is something that has been discussed with council and staff are working on solutions. **Mr. Crusey** added, when we are talking about properties with high weeds or junk/debris the city has the ability to clean that property up and bill the owner; however, when it's a property maintenance issue, we do not have that ability as we are forced to go through the court system. **Mayor Setzer** thanked Mr. Todd for bringing this to council's attention.

CITY MANAGER'S REPORT

Information Items:

City Offices Closed – Labor Day

Mr. Crusey advised the audience City offices will be closed on Monday, September 4 for Labor Day. The Recreation Center will be open from 7:00 a.m. to noon for the fitness area, gymnasium and track only. The next Council meeting will be Tuesday, September 5, 2017 at 7:00 p.m.

Sister Cities – Oktoberfest

The city manager advised council the Sister Cities' Oktoberfest will be held September 8 and 9 at the Vandalia Sports Complex.

Action Items:

Appointments to Steering Committee – Zoning Code Rewrite

Mr. Crusey advised as part of the Zoning Code Update process a Steering Committee is recommended to be appointed to work with staff and Compass Point Planning to review draft regulations and proposed changes to the Zoning Map.

Recommended members of the Steering Committee are:

- Corey Follick, Planning Commission Chairman
- Aaron Hathaway, Board of Zoning Appeals – Vice Chairman
- Michael Blakesly, City Council
- Scott Buchanan, Resident, CEO of Ohio Masonic Home
- Larry Taylor, Resident, Vice President of BT Ford

It was moved by Vice Mayor Lewis, seconded by Councilmember Farst, to approve said committee. All members present voted yes. Motion passed 7-0.

Ohio Department of Liquor Control:

Jon Crusey, City Manager, explained a notice has been received from the Ohio Division of Liquor Control for a change of corporate stock ownership related to the liquor license for the Original Rib House, 275 E. National Road. The Vandalia Police Department does not oppose the proposed change in ownership. It was moved by Councilmember Gerhard, seconded by Councilmember Blakesly, to not require an ODLC hearing and to approve the transfer. All members present voted yes. Motion passed 7-0.

August 21, 2017

Old Business: None

Resolutions:

17-R-69 A Resolution Waiving The Formal Bidding Process And Authorizing The Purchase Of NextGen 911 Telephone System And Enter Into A Five Year Agreement For Software And Hardware, Requested By The Police Department, From West Safety Solutions Corp, In The Amount Of \$97,791.04. **Attorney McDonald**, read Resolution 17-R-69 by title. **Mr. Crusey** advised \$101,600 is budgeted for the replacement of the Police Dispatch Center 911 telephone system. The current 911 system has been in place since 1997, with an upgrade in 2008. However, that system, and associated equipment, is no longer supported by the vendor. The Police Department and IT staff researched various NextGen 911 systems and received demonstration of three systems. It was determined that West's Viper System was the best solution for the department's needs. The Viper system is configured similar to the current system, which should minimize training hours and result in as easier transition. It also features new technology, such as text-to-911 and geographical coordinates for tracking wireless calls. The Viper system also provides mandatory reporting software to meet State reporting requirements. The cost of this system is \$97,791.04. Upgrades and enhancements to the Viper system are included during the five-year contract period, which requires annual maintenance fees of approximately \$17,500 beginning in 2018. It was moved by Vice Mayor Lewis, seconded by Councilmember Herbst, to approve Resolution 17-R-69 and declare the existing equipment being replaced as surplus property and approve placing the existing equipment on GovDeals or otherwise disposed of by the City manager as provided by law as read. All members present voted yes. Motion passed 7-0. Resolution 17-R-69 passed 7-0.

17-R-70 A Resolution Authorizing The Purchase Of Integrated Public Safety Software Package From Spillman Technologies, Inc., Requested By The Police Department, Through The State Of Ohio Procurement Contract STS 573077 In The Amount Of \$377,086. **Attorney McDonald**, read Resolution 17-R-70 by title. **Mr. Crusey** advised the Vandalia Police Department has been utilizing CISCO software for its Computer-Aided Dispatching (CAD), Records Management System (RMS), and mobile report writing since 1999. However, this program is no longer sold or enhanced and limited support is available for its ongoing operations. Additionally, CMI is used for traffic crash reporting while Que Tel is used for evidence tracking. The Police Department wishes to find one vendor for all of its software needs. The Police and IT Department's researched and received demonstrations from three vendors. Spillman Technologies was found to be the CAD/RMS system that best meets the needs of the department and its Integrated Public Safety Software package was the lowest cost of the three products evaluated. Spillman's software is available

August 21, 2017

through the State of Ohio Cooperative Purchasing Program at a cost of \$377,086. The budget for this project is \$380,000. It was moved by Councilmember Herbst, seconded by Councilmember Farst, to approve 17-R-70 as read. All members present voted yes. Resolution 17-R-70 passed 7-0.

17-R-71 A Resolution Awarding The Bid For The Cassel Hills Feature Pool Renovation Project, Requested By The Parks And Recreation Department, To Mid-American Gunite Pools, Inc. In The Amount Of \$52,443 As The Lowest And Best Bid. **Attorney McDonald**, read Resolution 17-R-71 by title. **Mr. Crusey** explained a request for proposals was issued for the Cassel Hills Feature Pool Renovation Project. The budget for this project is \$50,000. The RFP asked vendors to develop a proposal to provide the necessary equipment, engineering, supplies, and labor necessary to complete the project. Mid-American Gunite Pools, who built the pool in 1996, submitted the best proposal at a cost of \$52,443; however, the City crews will remove concrete deck in-house saving approximately \$15,000. The Hot Water Heater replacement project at Cassel Hills Pool this spring came in under budget by \$6,000 and those funds could be used to cover the \$2,443 that this project is over budget. It was moved by Councilmember Blakesly, seconded by Councilmember Gerhard, to approve 17-R-71 as read. All members present voted yes. Resolution 17-R-71 passed 7-0.

17-R-72 A Resolution Authorizing The Purchase Of Highway Rock Salt From The Detroit Salt Company In Detroit Michigan At A Price Of \$48.17 Per Ton For An Amount Up To 2000 Tons. **Attorney McDonald**, read Resolution 17-R-72 by title. **Mr. Crusey** advised the City participates in the Southwest Ohio Purchasers for Government (SWOP4G) purchasing consortium for the bidding highway rock salt. SWOP4G recently received bids on behalf of 82 entities. The City received five bids with The Detroit Salt Company providing the lowest bid of \$48.17 per ton, for up to 2,000 tons. This price is \$8.89 per ton less than last years' bid. It was moved by Councilmember Farst, seconded by Councilmember Blakesly, to approve 17-R-72 as read. All members present voted yes. Resolution 17-R-72 passed 7-0.

17-R-73 A Resolution Declaring The Official Intent And Reasonable Expectation Of The City Of Vandalia On Behalf Of The State Of Ohio (The Borrower) To Reimburse Its Water Fund For The Kenbrook Drive Watermain Replacement Project (OPWC Project Loan Control No. CD21U) With The Proceeds Of Tax Exempt Debt Of The State Of Ohio. **Attorney McDonald**, read Resolution 17-R-73 by title. **Mr. Crusey** advised the Kenbrook Watermain Replacement Project is partially funded by a 25% OPWC grant (\$100,000) and a 25% OPWC loan (\$100,000 – 5 years, 0%). The adoption of this resolution certifies to the Ohio Public Works Commission that the reimbursements received from OPWC, which are tax exempt

August 21, 2017

bonds issued by the State of Ohio, will be reimbursed to the Water Fund. It was moved by Councilmember Gerhard, seconded by Vice Mayor Lewis, to approve 17-R-73 as read. All members present voted yes. Resolution 17-R-73 passed 7-0.

17-R-74 A Resolution To Enter Into An Agreement For Municipal Advisor Professional Services With Bradley Payne Advisors, LLC. **Attorney McDonald**, read Resolution 17-R-74 by title. **Mr. Crusey** explained the City currently has an agreement with Andy Brossart of William Blair, a global investment banking and asset management firm, to provide municipal advisor professional services. Such services are related to the annual issuance of the City's Bond Anticipation Notes. Mr. Brossart recently joined the firm Bradley Payne Advisory. It was moved by Councilmember Ahlers, seconded by Councilmember Herbst, to approve 17-R-74 as read. All members present voted yes. Resolution 17-R-74 passed 7-0.

17-R-75 A Resolution Approving The Final Plat Of The CSX Plat Section Three. **Attorney McDonald**, read Resolution 17-R-75 by title. **Mr. Crusey** explained Realty Development Corporation (CSX) has requested a plat of 43.88 acres generally located west of Deer Run Road, between Falls Creek Road and Old Springfield Road. The plat would create two lots, being 10.29 acres and 33.59 acres. A rezoning request is currently being considered by Council for the 33.59-acre parcel from Office/Industrial Park to Industrial. The Planning Commission reviewed this plat at its August 8 meeting and voted 4-0 to recommend approval. It was moved by Councilmember Blakesly, seconded by Councilmember Farst, to approve 17-R-75 as read. All members present voted yes. Resolution 17-R-75 passed 7-0.

Ordinances – First Reading: None

Ordinances – Second Reading:

17-22 An Ordinance Approving A Major Amendment For The Property Located At 352 East National Road And Owned By Burger King Corporation, In The Downtown Business District With A PUD Overlay. **Attorney McDonald**, read Ordinance 17-22 in its second reading by title. **Mr. Crusey** explained Burger King, 352 E. National Road, is requesting an amendment to the Downtown Business PUD to accommodate a major exterior remodeling. The renovation would include the removal of the mansard roof, updates to the interior and exterior of the building, removal of the outdoor seating area along the west side of the building, a new drive-thru clearance structure, and a new dumpster enclosure. Proposed attached building signage conforms to the signage requirements in the Downtown Business District. The existing freestanding pole sign was granted a size variance (100 square feet) in 1997, but not a height variance and is therefore non-conforming. The Downtown PUD requires a maximum set back of 15-feet. The existing building currently has a setback of 33-feet. Therefore, the applicant is requesting a waiver from the setback

August 21, 2017

requirement. Bringing the existing building into compliance, would require an 18-foot addition onto the front of the building. Staff recognizes that the addition of that amount of square footage is not necessary for restaurant operations and therefore recommends other modifications that may be appropriate to bring the building closer to meeting the intent of the Downtown Business Zoning District. Pedestrian scale elements could be added to enhance the site including: a front patio for outdoor seating, landscape mounding to soften the off-street parking area from the public right-of-way and by bringing the site into conformance with City Code Section 1278.03 "Minimum Materials and Standards" wherever possible by installing perimeter landscaping around the entire parking area and providing interior landscaping utilizing existing islands through the planting of shade trees. In addition, Staff feels that replacement of the nonconforming 20-foot-tall pole sign with a 6-foot-tall freestanding monument sign would serve as a pedestrian scale enhancement. The Planning Commission reviewed this matter and voted 4-0 to recommend approval subject to the following conditions:

1. The free-standing pole sign be replaced with a 6' tall free standing monument sign with a base of exposed brick or stone
2. The site be brought into compliance with City Code Section 1278.03 "Minimum Materials and Standards" wherever possible through the installation of interior landscaping utilizing existing parking lot peninsula and perimeter landscaping of the off-street parking area which should include mounding, trees and shrubs
3. Pedestrian scale elements be added to the building in lieu of bringing the building into conformance with the required setback through installation of a front patio to enhance the streetscape.

There were no comments or questions during the public hearing. It was moved by Councilmember Blakesly, seconded by Councilmember Gerhard, to approve 17-22 as read. All members present voted yes. Ordinance 17-22 passed 7-0 in it's second reading.

17-23 An Ordinance Rezoning Part Of The Property Generally Located At The Southwest Corner Of Old Springfield Road And Deer Run Road From Office/Industrial Park "O/IP" To Industrial "I" And Amending The Zoning Map Of The City. **Attorney McDonald**, read Ordinance 17-23 in its second reading by title. **Mr. Crusey** explained the CSX Realty Development is requesting a rezoning of approximately 33.86 acres in the Northwoods Business Park along Top Notch Court from Office/Industrial Park (O/IP) to Industrial (I). The 2000 Comprehensive Plan's Future Land Use Map designates this area as "Industrial". Therefore, the rezoning request is consistent with the Future Land Use Map's designation for this site. The

The Council of the City of Vandalia Meeting Minutes

August 21, 2017

Planning Commission reviewed this rezoning request at its June 13th meeting and voted 4-0 to recommend approval. There were no comments or questions during the public hearing. It was moved by Councilmember Ahlers, seconded by Councilmember Herbst, to approve 17-23 as read. All members present voted yes. Ordinance 17-23 passed 7-0 in its second reading.

Ordinances – Emergency: None

Reports from Boards and Commissions:

Board of Zoning Appeals Minutes: July 12, 2017

Board of Zoning Appeals Minutes: July 26, 2017

Planning Commission Minutes: July 11, 2017

Public Art in Vandalia Draft Minutes: July 18, 2017

Vandalia Cultural Arts Committee Draft Minutes: July 18, 2017

Bill Listing for July 2017 in the amount of \$2,686,171.72

Council Comments

Mr. Crusey commended Darren Davey, IT Manager, for his work on upgrading the sound system in the council chambers.

Councilmember Gerhard thanked Mr. Todd for his comments and concerns this evening and reassured him the city is very interested and concerned with getting properties cleaned up.

Councilmember Blakesly echoed Councilmember Gerhard's comments and indicated council is equally frustrated about these properties as many of the owners live out of town. **Councilman Blakesly** thanked Mr. Todd for taking time to let council know about some of the properties in the Foley plat. He concluded by expressing his gratitude for the council audio upgrade.

Councilmember Farst also indicated, in recent years council has made a much stronger effort to go after delinquent property maintenance houses. There are issues with our ability to do certain things, and getting into the court system is frustrating and time consuming for everybody. She advised the audience the growing number of property maintenance issues are on the city's radar and we have made stronger efforts to address these items. **Councilmember Farst** invited the audience to the Sister Cities ribbon cutting Tuesday, September 5 at 11:30am at the Sports Complex to celebrate the upcoming Oktoberfest, which will be held Friday, September 8 and Saturday, September 9.

Councilmember Herbst recognized Mr. Todd's comments and thanked him for his concerns.

At 7:12 p.m. **Mayor Setzer** advised the audience, that the regular Council meeting was being adjourned so that Council could complete the study session and at the conclusion of the study session council will re-adjourn the regular council

The Council of the City of Vandalia Meeting Minutes

August 21, 2017

meeting for the sole purpose of adjourning to Executive Session to discuss the possible acquisition of real property. The regular council meeting was then adjourned and the study session reconvened.

At 7:47 p.m. the regular council meeting was reconvened and it was moved by Vice Mayor Lewis, seconded by Councilmember Herbst, to adjourn to Executive Session to discuss the possible acquisition of real property. Councilmember Farst voted yes, Councilmember Gerhard voted yes, Councilmember Herbst voted yes, Councilmember Blakesly voted yes, Councilmember Ahlers voted yes, Vice-Mayor Lewis voted yes and Mayor Setzer voted yes. Motion passed 7-0.

It was moved by Councilmember Herbst, seconded by Councilmember Blakesly, to end the executive session and reconvene to the council meeting at 8:01 p.m. All members present voted yes. Motion passed 7-0.

The meeting adjourned at 8:02 p.m.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Melissa Pruszynski, Deputy Clerk of Council

The Council of the City of Vandalia Meeting Minutes

August 21, 2017

THIS PAGE INTENTIONALLY LEFT BLANK