

The Council of the City of Vandalia Meeting Minutes

**May 1, 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

MEMBERS ABESENT: Councilmember David Gerhard

OTHERS PRESENT: Joyce Theobold, Victoria Theobold, Holly Wiggins, Darrell Wacker, Jon Crusey, Melissa Pruszynski, Bridgette Leiter, Rob Cron, Julie Trick, Amber Holloway, Doug Knight, and Jerry McDonald

**Mayor Setzer** called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:00 p.m. A moment of reflection was followed by the Pledge of Allegiance. The council special meeting minutes of April 13, 2017, the council study session minutes of April 17 and the council meeting minutes of April 17 were approved as presented.

Communications, Petitions and Awards: None

Public Hearing: None

Comments from Interested Citizens:

**Holly Wiggins**, DP&L Community representative, recapped the DP&L Arbor Celebration ceremony and presented Mayor Setzer with a check for a \$50,000 grant from the DP&L *Right Tree Right Place* program. **Mrs. Wiggins**, noted that it was a competitive grant process. The program liked that the city was planting utility friendly trees and improving a public space for the entire community to enjoy. **Mayor Setzer** thanked Mrs. Wiggins for the grant. **Mayor Setzer** thanked Councilmember Farst, Amber Holloway and Rudy Wells because the application was so well written. She concluded by sharing that the proclamation presented to DP&L on Arbor Day declared Friday, April 28 as Plant Smart Day in the city of Vandalia.

CITY MANAGER'S REPORT

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

Information Items:

The City has teamed with Universal 1 Credit Union, Vandalia, to again offer its FREE Shred Day Friday, May 19 , 9 a.m. to noon in the municipal building parking lot. City Staff and staff from Universal 1 will assist citizens in unloading their cars and Universal 1 will distribute information and promotional material.

Action Items: None

Old Business: None

Ordinances – Emergency:

**17-11** Ordinance Authorizing A Temporary Advance And Reimbursement Between Various Funds Of The City For Expenses Relating To The CDBG Concrete Repair And Resurfacing Project, Together With All Related Appurtenances Thereto, And Declaring An Emergency. **Attorney McDonald**, read Ordinance 17-11 by title as an emergency reading. **Jon Crusey** indicated the City has received a \$50,000 CDBG grant to assist in the funding of this project. These funds will be reimbursed to the City once the project is complete. It is necessary to advance \$50,000 from the General Fund to the CDBG Fund prior to the award of the contract. Once the CDBG funds have been received from the County they will be reimbursed back to the General Fund. There were no comments or questions during the public hearing. It was moved by Vice Mayor Lewis, seconded by Councilmember Herbst, to approve Ordinance 17-11 as an emergency reading. All members present voted yes. Ordinance 17-11 approved 6-0 as an emergency.

Resolutions:

**17-R-43** A Resolution Authorizing The City Manager To Enter Into An Agreement With The Vandalia Police Chapter Of The Ohio Patrolmen's Benevolent Association Consistent With The Terms Set Forth In The Findings And Recommendations Of The Fact Finder In Serb Case No. 2016-Med-08-0758 And 2016-Med-08-0759. **Attorney McDonald**, read Resolution 17-R-34 by title. **Mr. Crusey** advised a fact-finding hearing was held on Friday, April 6th with the Ohio

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

Patrolmen's Benevolent Association representing Vandalia Police Officers, Public Safety Specialists and part-time clerk typists. The Fact-Finder's Report was received on April 27th. Each party must vote to accept or reject the fact-finding recommendation as a whole by May 4th. In order for the fact-finding report to be rejected, at least one party must have three-fifths of its eligible members vote to reject the recommendations. In this case, staff is recommending council accept the recommendations of the fact finder. The fact finder recommended, that the police officers who are on a six and three schedule that the work day be defined as an eight and one-half hour day. The fact finder also recommended a cost of living increase of 2.5% for 2017, 2018 and 2019. It was moved by Councilmember Blakesly, seconded by Councilmember Farst, to approve Resolution 17-R-43 as read. Vice Mayor Lewis commented that if 17-R-43 passes it will obviate the need for 17-R-44, which rejects fact findings. Councilmember Blakesly thanked the staff members for their negotiating efforts. Resolution 17-R-43 passed 6-0.

**17-R-45** A Resolution Awarding The Bid For The Curb & Sidewalk Replacement And Street Resurfacing Project, Requested By The Public Works Department, To Wagner Paving, Inc. At The Lowest And Best Bid Price Of \$ 269,049.45. **Attorney McDonald**, read Resolution 17-R-45 by title. **Mr. Crusey** advised bids for Curb/Sidewalk Repairs & Street Resurfacing within the CDBG area were opened on April 11, as well as bids for the City-Wide Street Resurfacing Program. The budget for both resurfacing programs is \$485,000. The bid totals for both programs was \$524,582.71, which exceeds appropriations by \$39,582.71. During discussion at your April 17th study session Council was in concurrence to use surplus appropriations from other capital projects that have come in under budget rather than to reduce the number of streets being resurfaced. It was moved by Councilmember Farst, seconded by Councilmember Blakesly, to approve 17-R-45 as read. All members present voted yes. Resolution 17-R-45 passed 6-0.

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

**17-R-46** A Resolution Awarding The Bid For The Resurfacing Of Various Streets, Requested By The Public Works Department, To John R. Jurgenson Co. At The Lowest And Best Bid Price Of \$255,533.26. **Attorney McDonald**, read Resolution 17-R-46 by title. It was moved by Vice Mayor Lewis, seconded by Councilmember Ahlers, to approve 17-R-46 as read. All members present voted yes. Resolution 17-R-46 passed 6-0.

**17-R-47** A Resolution Authorizing The Purchase Of Two 2017 Ford F250 Sd Regular Cab 4wd Pickup Trucks With A Snow Plows, Requested By The Public Works Department, From Beau Townsend Ford In The Amount Of \$31,230.00 Each And Declaring The Two Current 2005 Ford F350 4wd Pickup Trucks To Be Replaced As Surplus Property. **Attorney McDonald**, read Resolution 17-R-47 by title. **Mr. Crusey** advised the Public Works Department budgeted \$40,000 each for the replacement of two 2005 model pickup trucks. Bid specifications were sent to three local dealerships with Beau Townsend Ford submitting a lone bid. Beau Townsend's price is \$894 less per truck than the State Bid price. It was moved by Councilmember Ahlers, seconded by Councilmember Farst, to approve 17-R-47 as read. All members present voted yes. Resolution 17-R-47 passed 6-0.

**17-R-48** A Resolution Waiving The Formal Bidding Process And Authorizing The City Manager To Enter Into An Agreement With Asphalt Sealcoaters Of Dayton For The Crack Repairs And Resurfacing Of Play Courts And Walkways At Jeffers Park, Helke Park, Victory Park And The Sports Complex In The Amount Of \$42,477. **Attorney McDonald**, read Resolution 17-R-48 by title. **Mr. Crusey** advised the 2017 budget includes \$48,000 to repair cracks and resurface play courts at several locations throughout the city. The Parks and Recreation Department is proposing to utilize the Riteway Crack Repair System for these repairs, which is recommended by the US Tennis Association and comes with a two-year warranty. Asphalt Sealcoaters of Dayton is the sole certified Riteway contractor for this region. It was moved by

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

Councilmember Herbst, seconded by Councilmember Ahlers, to approve 17-R-48 as read. All members present voted yes. Resolution 17-R-48 passed 6-0.

**17-R-49** A Resolution Awarding The Bid For Playground Safety Surface Repair And Recap Project At Jeffers Park And The Sports Complex To The Fibar Group, Llc, At The Lowest And Best Bid Price Of \$14,975. **Attorney McDonald**, read Resolution 17-R-49 by title. **Mr. Crusey** explained \$19,000 is budgeted to repair and cap the poured-in-place playground safety surfaces at Jeffers Park and the Sports Complex. Five bids were received from four companies. The lowest and best bids was received from The Fibar Group LLC of Armonk, NY in the amount of \$14,975. It was moved by Councilmember Farst, seconded by Councilmember Blakesly, to approve 17-R-49 as read. All members present voted yes. Resolution 17-R-49 passed 6-0.

**17-R-50** A Resolution Waiving The Formal Bidding Requirement And Authorizing Payment Of Annual User Fees Associated With Required Police Communication Devices In The Amount Of \$14,940.00. **Attorney McDonald**, read Resolution 17-R-50 by title. **Mr. Crusey** explained in 2016 Vandalia transitioned to the MARCS system that was implemented county-wide by Montgomery County. The cost for the maintenance of the system and its towers is \$20 per month for each radio activated on the MARCS system. The Police Department's estimated user fees for 2017 is \$14,940. It was moved by Councilmember Ahlers, seconded by Councilmember Herbst, to approve 17-R-50 as read. All members present voted yes. Resolution 17-R-50 passed 6-0.

Ordinances – First Reading:

**17-12** An Ordinance Amending Sub-Section 1282.06 (k) Of The Vandalia Zoning Code Regarding Directional And Instructional Signs. **Attorney McDonald**, read Ordinance 17-12 in its first reading by title. **Mr. Crusey** explained the zoning code permits directional and instructional signs in Business, Office, Industrial or Public Facilities District that do not exceed three square feet in area and three feet in

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

height. Two directional signs per driveway are permitted. Council directed staff to review directional signage regulations of area jurisdictions to determine if Vandalia's regulations were too strict. Based upon the results of that survey, staff recommended to allow two directional signs in the Industrial District to be combined for a total of nine square feet, which is 75% of the combined area of both signs. The Planning Commission reviewed this modification at its April 11th meeting and voted 4-0 to recommend approval. It was moved by Vice Mayor Lewis, seconded by Councilmember Herbst, to approve 17-12 as read. Councilmember Farst thanked staff, Amber and the Planning Commission for working with council. All members present voted yes. Ordinance 17-12 passed 6-0 in its first reading.

Ordinances – Second Reading:

**17-09** An Ordinance Adding Section 1276.35 To The Vandalia Zoning Code Regarding The Cultivation, Processing, And Retail Sale/Distribution Of Medical Marijuana. **Attorney McDonald**, read Ordinance 17-09 in its second reading by title. **Mr. Crusey** explained council enacted a 270-day moratorium regarding the cultivating, processing, or retail dispensing of medical marijuana at its August 15, 2016 meeting. At Council's February 20th meeting staff was directed to prepare the necessary legislation to prohibit the cultivating, processing, or retail dispensing of medical marijuana in the City of Vandalia. However, this ordinance does not prohibit the legal personal use or legal possession of medical marijuana. The Planning Commission reviewed the proposed Zoning Code amendment at its March 28th meeting and voted 4-1 to recommend approval. There were no comments or questions during the public hearing. It was moved by Councilmember Blakesly, seconded by Councilmember Farst, to approve 17-09 as read. All members present voted yes. Ordinance 17-09 passed 6-0 in its second reading.

Reports from Boards and Commissions:

- A. Planning Commission Minutes: April 11, 2017
- B. Parks and Recreation Draft Minutes: April 19, 2017

The Council of the City of Vandalia Meeting Minutes

**May 1, 2017**

C. Public Art in Vandalia Draft Minutes: April 18, 2017

D. Vandalia Cultural Arts Advisory Committee Draft Minutes: April 18, 2017

Council Comments:

**Mr. Crusey** recognized Ms. Holloway's efforts in putting together the *Right Tree Right Place* grant application.

**Councilmember Blakesly** moved to excuse Councilmember Gerhard from the all of tonight's meetings. Vice Mayor Lewis seconded the motion. All members present voted yes. Motion passed 6-0.

**Councilmember Farst** thanked DP&L for the grant. She thanked Amber Holloway for compiling the application. Councilmember Farst shared that the grant will provide 72 trees, boulders, landscape mounding areas and wild flower areas. She thanked Rudy for assisting with the layout.

**Mayor Setzer** concluded by thanking Holly Wiggins and DP&L for the grant.

The meeting adjourned at 7:42 p.m.

APPROVED:

\_\_\_\_\_  
Arlene J. Setzer, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Pruszynski  
Deputy Clerk of Council