

**CITY OF VANDALIA**  
**Council Study Session Minutes**  
**Tuesday, January 19, 2021**  
**6:00 P.M.**

**Councilmembers Present:** Mayor Richard Herbst, Vice Mayor Robert Ahlers, Councilwoman Candice Farst, Councilwoman Constance Woods, Councilman Michael Blakesly, Councilman Corey M. Follick, Councilman David Lewis

**Others Present:** Katrina Wahl, Chief Althouse, Missy Pruszynski, Amber Holloway, Harry Hicks, Steve Clark, Rob Cron, David Marlow, Darren Davey, Bridgette Leiter, Holly Wiggins, Chief Chad Follick, Marc Werner, Bob Wolfe, Daniel Wendt and Greg Barney

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Mayor Herbst called the Study Session to order at 6:00 p.m.

**1. Tuesday, January 19, 2021**

**A. Items on this evening's council meeting agenda**

Mayor Herbst called for questions or comments related to items on this evening's Council Meeting agenda. There were none.

**B. Action Item: Ohio Dept. of Liquor Control – Max's Sports and Spirits, Inc.**

Chief Althouse explained an application has been received from the Division of Liquor Control for a change of corporate stock ownership related to the liquor license for Max's Sports & Spirits, Inc. at 400 E. National Road. He advised the Vandalia Police Department does not oppose the proposed change in ownership. Mayor Herbst called for comments or questions there were none.

**C. Resolution 21-R-02: OPERS Pick-Up for City Manager**

Mrs. Leiter reminded Council they entered into an agreement on January 4, 2021, with the incoming City Manager to provide the Fringe-Benefit Employer Pick-up Plan where the City will pay the employee's statutorily required contribution to Ohio Public Employees Retirement System as a fringe benefit. Currently the City Manager, and all full-time employees, are included on the Salary Reduction Employer Pick-up Plan where the employee's gross salary is reduced by the

amount of the contribution. Based on the agreement with the new City Manager, and to comply with OPERS guidelines, this Resolution is required to amend the current plan to exclude the new City Manager.

D. Resolution 21-R-03: OPERS Pick-Up for City Manager

Mrs. Leiter advised the audience City Council entered into an agreement on January 4, 2021, with the incoming City Manager to provide the Fringe-Benefit Employer Pick-up Plan where the City will pay the employee's statutorily required contribution to Ohio Public Employees Retirement System as a fringe benefit. Currently the Fringe-Benefit Employer Pick-up Plan only includes Elected Officials; however, based on the agreement with the new City Manager, and to comply with OPERS guidelines, this Resolution is required to amend the current plan to include the new City Manager.

E. Emergency Ordinance 21-02: Assessments

Mrs. Leiter advised this emergency ordinance assesses properties for delinquent accounts related to water, sewers, storm water fees, trash collection, property cleanup and weed cutting.

**2. Monday, February 1, 2021**

A. Resolution: Donation to Historical Society of Vandalia Butler

Chief Althouse reminded Council \$15,000 is appropriated in Council's budget for an annual donation to the Historical Society of Vandalia-Butler for all maintenance related projects and to include the cost of an annual Business/Organization membership. It is necessary for Council to take formal action to authorize said donation. He reminded Council, a letter from the Historical Society describing some of the challenges in 2020 for the Society and requesting the City's continued support was included in the Council packets.

B. Resolution: Information Technology - Metronet Lease

Mr. Davey advised the city of Vandalia's computer network connects each of the department offices and buildings together to provide telephone, internet, and application services. As more services become network dependent, it is important for the city to begin connecting locations utilizing fiber optic cabling, which provides a faster and more reliable connection than existing wireless point-to-point (PTP) connection. Mr. Davey recommends the city lease a fiber connection between Fire

Station 1 and the Justice Center, which would connect the Rec Center, Building Maintenance, and Fire Station 1 with the Justice Center and Municipal Building. He explained the IT Department received quotes from several service providers for a leased fiber connection. The lowest cost was from Metronet (aka Metro Fibernet, LLC) for \$9,000/year on a 36-month term. Mr. Davey recommends Council waive competitive bidding and enter into a 36-month lease with Metro Fibernet, LLC at the cost of \$9,000 annually for fiber connectivity between Fire Station 1 and the Justice Center.

Vice Mayor Ahlers inquired if the project is awarded when would work begin. Mr. Davey responded by noting work would begin in the spring.

C. Ordinance: Rezoning: "RTF" & "RFF" to "RSF-3" – 675 Waldsmith Way

Mr. Marlow advised Jamar Investments, Inc. has requested the rezoning of 5.15 acres of land at 675 Waldsmith Way from Residential Two-Family and Residential Four-Family to Residential Single Family 3 (RSF-3). The purpose of this rezoning request is to allow the construction of one single family home. The property in question meets all applicable standards of the RSF-3 Zoning District. The Planning Commission reviewed this request at its January 12, 2021 meeting and voted 5-0 to recommend approval.

Mayor Herbst called upon the Applicant, Mr. Barney, for comments. Mr. Barney indicated this particular parcel is left over from the Brown School Woods development. He continued explaining the challenges in developing the parcel and noted at this point the requested rezoning is the best course of action. Mr. Barney advised the parcel is under contract. Councilman Follick inquired if Waldsmith Way will be cul-de-sac'd. Mr. Barney explained a cul-de-sac will not be constructed and cited he has had previous discussions with staff who indicated the best course of action would be to create a drive as opposed to a cul-de-sac. Councilman Follick inquired since there will not be a cul-de-sac, will the developer construct a curb so the road is not just open into a field. Mr. Cron responded by explaining that this topic will be part of the site plan review and the city will need to obtain some type of easement; however, the road will be finished.

D. Resolution: Public Works - Purchase Compact Track Loader

Mr. Cron shared Public Works appropriated \$75,000 in the 2021 Capital Improvement budget for the purchase of a Track Skid Loader. The appropriations were included in the Street Fund (\$37,500) and the General Fund (\$37,500). Public Works recommends purchasing a 2021 John Deere 333G Compact Track Loader from Murphy Tractor and Equipment of Vandalia at the State Bid contract price of \$72,500, which includes an extended five-year warranty. This purchase is in conjunction with the purchase of a Road Widening Paving Box and an Asphalt Mill. He reminded Council all three pieces of equipment will replace a 1992 LeeBoy Asphalt Maintainer, which is no longer in production. The Asphalt Maintainer will be designated as surplus and disposed of on GovDeals or otherwise disposed of by the City Manager as provided by law.

E. Resolution: Public Works - Road Widening Paving Box

Mr. Cron advised Public Works appropriated \$50,000 in the 2021 Capital Improvement budget for the purchase of a Road Widening Paving Box. The appropriations were included in the Street Fund (\$25,000) and the General Fund (\$25,000). Public Works recommends Council waive competitive bidding due to the lack of comparable options to meet the City's needs and purchase a 2021 Road Widener from Southeastern Equipment Company at their quoted price of \$48,836.52, which includes a five-year extended warranty. He reminded Council, this purchase is in conjunction with the purchase of a Compact Track Loader and an Asphalt Mill. All three pieces of equipment will replace a 1992 LeeBoy Asphalt Maintainer, which is no longer in production. The Asphalt Maintainer will be designated as surplus and disposed of on GovDeals or otherwise disposed of by the City Manager as provided by law.

**3. Discussion**

A. Public Works - Purchase of Mill for Bobcat - Under \$25,000

Mr. Cron explained Public Works appropriated \$18,000 in the 2021 Capital Improvement budget for the purchase of an Asphalt Mill for the Bobcat Skid Steer. The appropriations were included in the Street Fund (\$9,000) and the General Fund (\$9,000). The Asphalt Mill can be attached to the Bobcat Skid Steer for use in asphalt repairs and trench patching. Public Works received three bids for the

Asphalt Mill. Clark Equipment Company dba Bobcat of Dayton offered the lowest bid at \$16,180.40. Public Works recommends the City purchase the Asphalt Mill from Clark Equipment Company at their quoted price. This purchase is in conjunction with the purchase of a Compact Track Loader and a Road Widening Paving Box. Again, he reminded Council, all three pieces of equipment will replace a 1992 LeeBoy Asphalt Maintainer, which is no longer in production. The Asphalt Maintainer will be designated as surplus and disposed of on GovDeals or otherwise disposed of by the City Manager as provided by law.

#### B. Bike Path Project Update

Mr. Cron delivered a summary of previous Bike Path Project discussions with Council. He continued to remind Council of several changes to the plan over the last year and noted he has met to discuss revisions many times with MVRPC, ODOT and Five Rivers. Next, Mr. Cron advised the group met last Wednesday and explained in detail the group's latest updates to the bike route and the corresponding safety options for the Bike Path Project. General discussion was held addressing concerns with the safety of the path, where someone would park to utilize the path, and the possibility of additional signaling for bicycles. Councilman Follick reviewed the current design noting there is a dedicated bike path on the north and south side of US 40 between Foley Drive and Brown School Road while maintaining five lanes of traffic between said bike paths. Next, Councilman Follick inquired about the possibility of having a two-way bike path on the north side without losing a lane of traffic. Mr. Cron responded by explaining the key is the amount of separation and how the lanes line up through the intersection. Mr. Cron explained the next steps for this project indicating that once the preferred alternative route has been laid-out in the feasibility study, then the study will be sent to ODOT for review. Once ODOT returns their comments, the project will be advertised for public comments. General discussion continued about other options for the bike lanes. Mr. Cron asked Council if they feel comfortable going forward with public comment portion of this project. Council indicated their preference to move forward for public comments. Mayor Herbst inquired if the Bicycle Committee was pleased with the current design. Mr. Cron responded in the affirmative.

### C. Rebranding Project Update

Miss Holloway reviewed the rebranding process and explained the current status of the project to Council. She advised a kick-off meeting was held last week and noted the Virtual Visioning Workshop will be held next Tuesday, January 26 from 6-8 p.m. Then Miss Holloway summarized the purpose of the workshop and noted it will be similar to the City's Comprehensive Plan workshops. Next, she shared there are approximately thirty attendees including Councilwoman Farst, Councilwoman Woods and Councilman Corey Follick. Miss Holloway advised Council to send her names of other community members who may be an asset to the project. Brief discussion was held that involved recommending other community members as well as stakeholders and the project schedule was discussed.

### D. Membership Level with Vandalia Butler Chamber of Commerce

Chief Althouse advised Council this item is just to confirm Council's continued support to continue to serve the Chamber as a platinum member. Council indicated their approval.

- At 6:58 p.m. Mayor Herbst advised the Study Session is being adjourned for the purpose of conducting the regularly scheduled Council Meeting. He indicated the Study Session will reconvene after the Council Meeting is adjourned.
- At 7:21 p.m. Mayor Herbst re-opened the Study Session and called upon Councilman Follick to discuss the Foxfire Construction Access item.

### E. Foxfire Construction Access

Councilman Follick reminded Council the Foxfire residents are concerned about the amount of traffic and the route construction vehicles will utilize. He inquired about what role the City could play in coordinating the vehicles. Councilman Follick advised there is an access drive off of North Poe Avenue across from ViaQuest just north of the trucking company. This was originally going to be the Frisco Lane cut through. He feels it is to the advantage of the City and to the residents if staff would work in cooperation with the developer and the private property owner using this as a construction access point for the proposed development; especially, when

the likelihood of the development will take anywhere from 2, 3, 4 years or longer. He asked Council for feedback. Brief discussion was held regarding this suggestion. Mr. Cron offered some possible alternative options. Ms. Wahl reminded the audience that because public roads are involved you cannot prevent someone from using public roads. Council indicated their support on this suggestion.

#### F. Potential Zoning Changes For Future Residential Developments

Councilman Follick is aware that the zoning code was recently updated. He suggested that staff review the zoning for developments to see if there are additional changes that need to be made so that there is not another issue such as the Foxfire zoning issues we just went through. Councilman Follick continued by suggesting the consideration of minimum living space and other building material zoning requirement amendments. Mr. Bob Wolfe, 1005 Woodland Meadows, spoke in reference to the City establishing the additional zoning requirement as opposed to the HOA establishing the additional requirements. He commented that the HOA would address all the construction standards and the City would not necessarily be part of the process. Mr. Wolfe continued by noting the HOA would address the long-term care and appearance of the properties in the subdivision. Brief discussion occurred about whether or not HOA's are enforceable. Ms. Wahl explained depending on how the HOA declaration is written, HOA rules can be enforced. Councilman Follick reminded Council and staff, if the developer or the HOA prefers not to address construction standards, the City would need to have the ability to address said standards.

#### G. City Manager Project List

Chief Althouse reviewed the sale of Fire Station/Airport Development. He explained to Council Marc Werner, NorthPoint Development Representative, is on the meeting tonight. He reached out to us last week requesting to tap into Vandalia's fire line without being a domestic water customer. He continued by noting the City of Dayton has advised NorthPoint that the preference is to obtain water from Dayton – not Vandalia; however, the City of Dayton is unable to provide fire line service. Chief Althouse advised NorthPoint is asking if said development can use the City of Vandalia for the fire line and therefore no revenue would be

collected; however, the issue is that there is no meter on the fire line for that source of water. NorthPoint is requesting to use the Vandalia fire line, which would only be used in the event there is a fire emergency on the property, in exchange for \$40,000. Chief Althouse introduced Marc Werner. Mr. Werner thanked Council for having him this evening. He elaborated on the situation noting that the intention was to tap into City of Dayton for both fire and domestic water. He explained a flow test was conducted that resulted in a static pressure that was far too low. Next a flow test was requested using Vandalia water that yielded favorable results. Then, Mr. Werner took all the results back to Dayton. Dayton is forcing them to stick with domestic water from the City of Dayton and the fire line from Vandalia. Mr. Werner explained as part of the request and to make the request whole, NorthPoint is offering a \$40,000 unofficial tap-fee. He explained this number came from what the typical tenant pays, which is approximately \$325.00 per month for ten years. Mr. Werner asked Council for their comments. General discussion occurred about the cost for NorthPoint to add pumps and a holding tank to the project as well as the lack of space for the holding tank, how much construction or work is it to allow them to tap in to the fire line, and whether or not to discuss as a Council and get back to Mr. Werner. Councilman Lewis urged Council to discuss at a later date and get back to Mr. Werner. He continued explaining as it relates to policy and as it relates to Dayton. The City of Dayton wanted to sell property that they knew was going to adversely impact the residents of Vandalia, and Dayton created a lengthy water line in order to obviate the sale of water, which that the City of Vandalia was providing. Councilman Lewis noted this was done to Vandalia's detriment and very little immediate benefit to Dayton and now they have a development that they do not want to service, nor does Vandalia receive income tax or property tax. He continued by sharing he appreciates all the NorthPoint has done in working with Vandalia as far as mounding and relocating the entrance; however, he does not necessarily want to capitulate on this issue and thus feels that Council should discuss further with staff. Councilman Lewis asked when NorthPoint needs a decision. Mr. Werner responded that the sooner the better, and if possible, no later than February 8. Mr. Cron inquired is Council willing to allow Dayton to be a Vandalia water customer and use the Vandalia fire line. Brief

discussion occurred. Council responded positively. Mr. Werner advised Council, in the interim, he will go back to Dayton and explain tonight's discussion. After a brief discussion, Council indicated they will discuss at a later date whether or not allow the development to be a customer for water and the fire line and advise Mr. Werner as soon as possible.

Chief Althouse advised the next item on the City Manager's Project List relates to promoting Vandalia regionally. He specifically reminded Council the rebranding, the CGI video opportunity, and the next edition of the joint quarterly newsletter are all in progress.

Chief Althouse continued with the City Manager Project List items by introducing Mr. Cron and asking him to share information on the National Road and Dixie Drive median project. Mr. Cron began by discussing the location and details of the National Road median. He advised the median will not impact any turn lanes and can possibly be part of the upcoming 2021 concrete project. Next, Mr. Cron reviewed the Dixie Drive median. He explained the location is between the old Fire Station and Tuskegee Drive and reminded Council Tuskegee Drive will be moved north of the current location sometime in the near future. The current concern is the additional lane in front of the complex where MPower Sports and Oscar's are located and noted people park in said lane and the lane will be eliminated when the median is constructed. He continued by noting the businesses had called staff to address the on-going parking issues related to this complex. Mr. Cron concluded by noting he would like Council's thoughts on the removal of the additional lane before the median project begins. Brief discussion was held related to the current parking agreement MPower has with other businesses in the complex, the fact that the other businesses in the complex are frustrated because their patrons have no where to park, the purpose of the median in that location on Dixie Drive, and the possibility of moving the median north of the proposed location. Mr. Cron asked Council for their guidance. Council indicated a preference to extend the median to the north of the proposed location if possible.

Next, Chief Althouse reminded Council he sent an email to them this afternoon regarding an email Mr. McDonald sent to Senator Niraj Antani. Chief Althouse advised Senator Antani has already submitted to email to the General Assembly.

#### H. 60 Day Calendar

Mayor Herbst asked if there were questions or comments on the 60-Day Calendar. Councilman Follick referred to the Proposed Legal Fee item on the 60-Day Calendar and requested a summary of what the legal fees are that the City is paying and split out by purpose or payee and what fees are related to contract negotiations. He explained he does not have a real clear concept of what we are paying out in legal fees on an annual basis. Mayor Herbst called for additional comments on the 60-Day Calendar. There were none.

#### **4. Executive Session** – No executive session was held.

The study session was adjourned at 8:27 p.m.



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