

**CITY OF VANDALIA**  
**Council Study Session Minutes**  
**Monday, February 1, 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:** Jerry McDonald, Daniel D. Wendt, Missy Pruszynski, Amber Holloway, Steve Clark, Rob Cron, David Marlow, Darren Davey, Bridgette Leiter, Chief Kurt Althouse, Marc Werner

Join Zoom Meeting

<https://us02web.zoom.us/j/81150292149>

Meeting ID: 811 5029 2149

One tap mobile: 1-301-715-8592,81150292149#

Councilmember Lewis called the Study Session to order at 6:00 p.m.

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

A. Items on this evening's council meeting agenda

B. Ordinance 21-04: Amendments to Vandalia Codified Section 678.09

Mr. McDonald reminded Council of the 2019 amendments and explained said amendments eliminated some details. This amended ordinance cleans up the language in Section 678.09 and it adds discharge language that was inadvertently left out when this ordinance was amended in 2019; additionally, he explained more rights are being added to the ordinance as opposed to eliminating any rights.

**2. Monday, February 15, 2021**

A. Resolution: Miami Valley Regional Crime Lab Services Agreement

Chief Althouse reminded Council the Vandalia Police Department has utilized the services of the Miami Valley Regional Crime Laboratory for more than 40 years. He continued noting, said services include laboratory analysis in all scientific sections, supplies for the department's evidence technicians and attendance by three officers at the MVRCL evidence technician course. The proposed annual fee for 2021 is \$25,351, an 8.5% decrease from the 2020 rate. The 2021 budget for this contract is \$32,665.

Councilwoman Woods inquired about the reason for the decrease. Chief Althouse advised the cost for services is based on the volume of service provided in the year prior. Due to COVID-19, the Police Department had requested a lower volume of service from the Crime Lab.

### **3. Discussion**

#### **A. Golf Course Power Line Clearing**

Mr. Steve Clark advised Council five proposals were received for the clearing of vegetation along the power lines to the well field at the golf course. Five companies submitted and attended a mandatory site visit to view the project area and discuss specifics with Golf Superintendent Marty Szturm. He said the capital projects budget has \$38,000 allotted for the projects based on a quote received during the budget process. 3-N-1 Professional Tree Services, LLC of Beavercreek, Ohio has submitted the overall best proposal for the project with a proposal price of \$10,000 and a total of three days to complete the work. Mr. Clark explained based on the proposed cost being considerably lower, staff is requesting additional clearing of the power line be included in the contract, with a not to exceed amount of \$20,000. Reference checks have been completed on 3-N-1 Professional Tree Services, LLC; as well, the company has removed several trees at Cassel Hills Golf Course without issue.

Councilman Lewis inquired if the power company has any responsibility in clearing the brush. Mr. Clark advised they do not have any responsibility because the lines are not the normal utility lines. Councilman Follick asked what area is the City's responsibility. Mr. Clark advised the area the City is responsible for is the well field all the way up to the course where we have the holding tank area. Councilman Follick asked is this something we are doing in phases. Mr. Clark advised we are not doing this in phases.

#### **B. Proposed Increase in Legal Fees**

Mr. McDonald reviewed the current law director rates and reviewed a break-down of 2020 Legal expenses. He asked Council to consider approving an hourly increase of \$15/hour over the next two years as he has not had an increase in ten years. The firm would like to get all municipal clients and non-profit clients more in line with each other as said clients are all over the board. Mr. McDonald added the goal of the firm is to get up to \$170 by the end of 2022. He added Mrs. Pruszynski prepared a breakdown of legal cost, reviewed said document, and offered to field Council's questions.

Councilman Lewis asked with requested increase where will Vandalia fall. Mr. McDonald indicated Springboro is already at \$170/hour and Huber Heights is at \$165/hour and the goal would be to get Huber Heights to the \$170/hour by the end of 2022. He added other firms such as Coolidge Law do charge \$170/hour for municipal clients. Vice Mayor Ahlers inquired about the annual expenditure the City of Vandalia had with Pickrel in 2020. Mrs. Pruszynski advised \$95,252.18 was the total expense. Mr. McDonald added in 2019 the total expense was \$88,000. Brief discussion occurred related to services rendered by Mr. McDonald. Council indicated they would like a survey for comparables related to Law Director and Labor Attorney Services. Councilman Follick inquired about the detailed services versus total expenses for labor attorney fees for Teamsters and Police Officers. Mrs. Pruszynski explained the \$38,924 is for the entire year of 2020. Councilwoman Woods asked for the 2021 appropriations amount. Councilman Follick responded that the appropriation for 2021 is that same as the 2020 appropriations. Councilman Follick inquired why if the City is exceeding appropriations did the City not increase the appropriations for 2021. Mrs. Pruszynski explained the Legal Expense appropriations is basically a bucket of money from which any and all legal expenses are paid. She noted that staff does not specifically budget a specific number of hours for various legal services; then, she answered the question as to why we did not increase appropriations; specifically, noting that historically staff would budget for example the \$118,000. She continued, during the budget meetings the topic of whether or not to increase said appropriations was discussed and it was the preference of the administration to ask for a supplemental at a later date. Mrs. Pruszynski concluded by noting this past budget process it was agreed upon by staff to continue to budget the \$118,000 until the next City Manager was hired and we would discuss this with the new manager. Councilman Blakesly asked if there is a reason 2020 was so much higher than previous years. Mrs. Pruszynski explained this was the first year for Teamsters negotiations; therefore, this was our first round of negotiations, or expenses, related to Teamsters wherein previously the Public Works department was not recognized. She continued by noting during the budget process this coming year we can review expenses and decide whether or not to increase appropriations for 2022. Councilwoman Farst commented this is a big picture situation and a policy decision made by the City Manager's Office and should be presented to Council whether to supplement or not and we will need to deal with this later and not require Mrs. Pruszynski to answer these questions right now. Councilman Lewis asked Chief

Although how many bargaining units will be negotiating this year. Chief Althouse advised currently the police sergeants are in negotiations, the firefighters are negotiating now, and the Teamsters agreement will end this year. Councilman Lewis suggested Mr. Wendt forecast for future supplementals related to negotiations. Brief discussion continued about how to handle said appropriations moving forward.

#### C. NorthPoint Development Water Service

Mr. Cron reminded Council this item pertains to whether or not to provide City of Vandalia water to the NorthPoint development property in the City of Dayton. He continued noting that Council has had extended discussions on whether or not to provide said service. Mr. Cron advised Council Mr. Werner, NorthPoint Development, is on the Zoom Meeting with us this evening. Mr. Werner delivered a summary of this item and advised Council he recently met with the City of Dayton and no decision was made. Mr. Werner inquired if Vandalia has come to a decision on whether or not to provide the services. Councilman Lewis indicated no decision has been made as of yet; however, the purpose of tonight's meeting is to discuss this tonight. Next Councilman Lewis opened the floor for comments from Mr. Wendt and Chief Althouse. Mr. Wendt explained looking at this from a utility provision perspective, the idea of providing water just for fire line without an entity becoming a utility customer is untenable and recommends against providing said service. Mr. Wendt continued by noting he spoke with Mr. Werner today and has discussed with Chief Althouse at length about this unique predicament. He continued, there is a history of providing utilities outside the corporate boundaries and it is possible to provide said utility with a surcharge. Mr. Wendt noted he has discussed this with Mr. Werner and he has indicated the City of Dayton is receptive to this as a resolution and they would be a willing customer if it is the pleasure of Council. Mr. Wendt recommended Council permit the NorthPoint Development to become a customer. Councilwoman Farst indicated she is not in support of the development being a customer. She continued by noting she does not want to see what it encourages, nor does she want to continue providing additional water service down that side north of there, and therefore, she is totally against supplying water as a customer. Councilman Lewis noted his drawback is that Dayton continues to develop property west and, now, right in our own back yard when they had other options to develop first. Then Dayton spent an enormous amount of money bringing the water out there because they didn't want to pay for Vandalia services, which he submits were much more economical and certainly beneficial to the citizens of Vandalia. Discussion continued about the pros

and cons of allowing the development to become a customer, providing the utility now would require the City of Vandalia to provide the service to future developments in that area, at what point does the additional water provisions in this area begin taxing our system, the number of customers outside Vandalia to whom the City provides water. After the discussion, Councilman Lewis inquired with Mr. McDonald on the next steps. Mr. McDonald advised Council it would be appropriate to have this item as a resolution or an action item to authorize the City Manager to extend water service as a customer and water service in the fire line on the February 15, 2021 Council Meeting agenda. Council indicated their preference is to add this to the February 15, 2021 Council Meeting agenda.

D. City Manager Project List

Mr. Wendt advised Council he recently attended the Joint Meeting with the School District and Butler Township. He commented it was good to put faces and names together; as well, the collaborative nature between the city, township and school district is so valuable as his hometown had a similar relationship between organizations. Mr. Wendt delivered an update on the re-branding project. He concluded by noting Mr. McDonald has contacted Senator Antani with regard to setting up a meeting with a legislative aid to discuss possible legislation with regard to truck traffic and declaring National Road a no truck route.

E. 60 Day Calendar

Councilman Lewis called for comments or questions on the 60-Day Calendar. There were none.

4. **Executive Session** – No Executive Session was held.

The study session was adjourned at 6:53 p.m.



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