

CITY OF VANDALIA
Council Study Session Minutes
Monday, March 15, 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, and Councilman David Lewis

Others Present: Katrina Wahl, Daniel D. Wendt, Missy Pruszynski, Amber Holloway, Steve Clark, Rob Cron, Darren Davey, Bridgette Leiter, Holly Wiggins, David Marlow, Holly Herbst, Ricky Herbst, Jack Herbst, David Potts, Mark Myers, Mike Flannery, and Chief Kurt Althouse

Join Zoom Meeting

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Meeting ID: 811 5029 2149

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

1. Monday, March 15, 2021

A. Items on this evening's council meeting agenda

Mayor Herbst asked Council if there are any comments or questions related to items on this evening's Council Meeting agenda. There were none.

B. Resolution 21-R-15: Police Motorola Service Agreement

Chief Althouse advised in 2015 as part of the Multi-Agency Radio Communications System (MARCS) the Division of Police purchased three radios and five consolettes from Motorola Solutions. Since then, we have continued to enter into a yearly agreement with Motorola Solutions for the servicing of the hardware and software upgrades. Staff is requesting to waive competitive bidding requirements due to the proprietary nature of Motorola hardware and software and authorize the payment of \$27,945 for the service dates of February 1, 2021, through January 31, 2022 based on the public safety need to maintain its uninterrupted connection with its personnel and other users on the radio system. There were no comments or questions.

C. Ordinance 21-06: Assessments

Mrs. Leiter explained this emergency ordinance assesses properties for delinquent accounts related to water, sewer, storm water fees, and trash collection.

2. Monday, April 5, 2021

A. Resolution: Parks & Rec - Fuel Tank Replacement

Mr. Clark explained two fuel tanks at the Facilities Maintenance Garage are in desperate need of replacement - one gasoline and one diesel. The tanks are original to the construction of the Sports Complex and Facility Maintenance Garage and are over 30 years old. The expected life for the design of the current tanks when stored outdoors is 15-20 years. The outer steel layer has ruptured in several places on the tanks and has deteriorated over time. Staff has sealed the ruptured areas with fiberglass material over the years as well as painted the tanks several times as it was a permissible and acceptable form of normal maintenance. While the maintenance extended the useful life of the tanks, the outer shell has continued to deteriorate and could be a safety concern for the public. The new replacement tanks are a double wall steel design and have a 30 year limited warranty. Bids were advertised back on February 12, 2021 and February 19, 2021 and two proposals were received. The lowest and best bid was from Reliable Construction Services of Dayton in the amount of \$33,492.73. The proposed cost is \$8,492.72 above the budgeted amount of \$25,000. To meet safety requirements and to offset the unanticipated overage, I have directed our maintenance staff to install the required bollards in-house. This will result in a cost savings of \$4,193.75. To offset the remaining overrun of \$4,298.97, the Public Works Department has agreed to complete a portion of the paving maintenance work at the Sports Complex. Therefore, reducing the project cost to \$29,298.97. Additionally, this strategy will allow the Parks and Recreation Department to complete all necessary work on the asphalt maintenance plan for 2021.

Mayor Herbst called for comments or questions. Vice Mayor Ahlers asked if the City eventually gets a new public works facility, will these tanks be moved to the new public works location. Mr. Clark responded if the Parks and Building Maintenance garage is staying in a separate location from the new public works location, the tanks will not be moved. Councilman Lewis inquired as to how the vendors were sourced. Mr. Clark advised this project was advertised for two weeks in the Daily Court Reporter. Councilman Lewis asked if the City ever uses anything other than the Daily Court Reporter. Mr. Wendt advised moving forward, once our new website is up and running, we will have a bid app that will push bids out to various reaches across the internet and will be a lot more effective than the current process. Mr. Wendt concluded by noting he is looking forward to having more competitive and numerous bids once the CivicPlus platform goes live.

B. Resolution: Spring Surplus

Mrs. Pruszynski advised Council that Department Directors have compiled a list of items that staff would like Council to declare as surplus and grant authorization to dispose of those items. The surplus items would be placed on GovDeals or otherwise disposed of by the City Manager as provided by law. Councilman Follick commented he recently noticed in a Historical Society newsletter they purchased a tractor. He would like us, in the future, to contact the Historical Society when there are items going to surplus that could either be donated or sold to the Society. Councilman Follick commented this is an opportunity for the City to help the Historical Society of Vandalia Butler with their capital needs. Councilman Follick commented he would much rather see a piece of equipment be either donated to or sold to the Historical Society as opposed to sold on GovDeals. Mr. Wendt advised he is happy to pass this on to staff. Councilman Lewis commented that he recently spoke to Mr. Dranshak who inquired about acquiring the gazebo. Brief discussion continued regarding the gazebo.

C. Resolution: Montgomery County Special Projects Grant

Miss Holloway explained the City has submitted an "Intent to Apply" application with Montgomery County Culture Works for the Special Projects Grant. This grant is available to various arts, cultural, or nonprofit agencies, including government agencies, within Montgomery County. Our "Intent to Apply" application is currently under review. The grant is offered to local government organizations with a 50% match of funds. We intend to request \$5,000 from Montgomery County Arts & Cultural District (MCACD) for a \$10,000 mural project. With Council's support, the \$5,000 match could be allocated from the Cultural Arts fund in the 2021 Budget. The plan for the mural project is to organize the painting of a mural in or near the center of the City. The exact location of the mural is yet to be determined, but location will be selected to have maximum visual impact from both pedestrians and those driving by. We plan to engage a local artist to design and paint this mural. We also hope to engage the community in this process by having a community paint day. This community day will allow members of the Vandalia community to join in the painting of the mural, which we feel will inspire community pride in the project. The deadline to apply for this grant is April 23, 2021. Should we elect to apply for this funding and if we are a selected recipient, we anticipate this project would take place between July and October of this year.

Mayor Herbst called for comments or questions. Councilman Blakesly commented that this will have a great visual impact and it will add a sense of community needed in Vandalia. He is looking forward to the completion of this project. Mr. Wendt added looking at the comprehensive plan, this is an item that is squarely within the plan, and he is very excited about the community paint day. He continued by noting you will see staff there and community members having an excellent time all the while contributing to the beautification of the community. Council indicated their approval to move forward with the application.

D. Ordinance: Supplemental

Mrs. Leiter explained Finance is requesting the approval of the following supplemental appropriation Ordinance for a net overall increase in the General Fund in the amount of \$48,100, and an increase in the Crisis Intervention Training Fund in the amount of \$90,000. This supplemental is for the following reasons:

General Fund:

•\$30,000 – Increase of 2021 budget appropriations to account for rental storage expenses. The City entered into a lease agreement for space to store various property and equipment. The lease includes a term of 24 months and commenced January 1, 2021 at a rate of \$2,300/month. The rental amount was not in the 2021 budget; therefore, an increase in appropriations to account for the lease payments is necessary.

•\$18,100 – Increase of 2021 budget appropriations to account for an unexpected expense regarding an invoice dated April 20, 2019 received from a vendor in late December 2020. Because the amount was not previously budgeted, an increase in appropriations is necessary in order to remit payment.

Crisis Intervention Training Fund:

•\$90,000 - Increase of 2021 budget appropriations to account for expenses related to the agreement with the County for assistance with cases involving addiction, mental health, etc. The City previously entered into a memorandum of understanding with the Montgomery County Alcohol, Drug Addiction and Mental Health Services Board for a period of 12 months in 2020, and again in 2021. The agreement provides for assistance to the City's Police Officers related to police calls involving mental health

situations. The City invoices and receives funds from the County, and subsequently reimburses South Community for the same amount. Due to COVID-19, timing of the receipts of the invoices, and funds received from the County to reimburse South Community, the appropriations must be increased for years 2020 (\$45,000) and 2021(\$45,000).

Mayor Herbst called for comments or questions. Councilman Lewis asked when the revenues are increased, at the end of the year does it look like we have \$45,000 over budget. Mrs. Leiter explained how budgetary accounting is very different and that the City is required to show the appropriation even when a City account is used as a pass through. The City is required to have the available appropriations in order to cut a check to the vendor. Once the money is received from the vendor, then the check is cut to the third party.

E. Variance: Landscaping – 6425 Miller Lane - Culver's

Mr. Marlow explained the purpose of this variance request is to allow for a 10-foot wide screening between Culver's and New Life Worship Center, where a 30-foot wide screening is required. If a fence or mound was proposed between the two properties, then only a 15-foot wide screening would be required. Culver's has provided a landscape plan that, in their opinion, would enhance the existing landscaping and screening between the two properties. Also, Culver's has suggested their landscaping plan would be more visually appealing than a fence. The Board of Zoning Appeals reviewed this request at its March 10, 2021 meeting and voted 5-0 to recommend approval with two conditions.

Mayor Herbst called upon Mr. Myers for comments. He had none. Mayor Herbst called upon the owner Mr. Potts for questions. He commented that he is a big landscaping proponent and believes that the proposed landscaping for this site was developed in such a way that it will be aesthetically pleasing. There were no comments or questions from Council.

F. Variance: Drive-Through Facility– 6425 Miller Lane - Culver's

Mr. Marlow advised the purpose of this variance request is to allow for a drive-through facility to be located in the front yard, where drive-through facilities are only permitted in the side or rear yard. This request is part of a proposal to demolish the existing

building that formerly occupied Ruby Tuesday and construct a new Culver's restaurant with a drive-through facility. Culver's has provided a landscape plan that, in their opinion, would minimize the visibility of the drive-through facility from the public rights-of-way. The Board of Zoning Appeals reviewed this request at its March 10, 2021 meeting and voted 5-0 to recommend approval with a condition.

Mayor Herbst gave Mr. Myers and Mr. Potts an opportunity to share additional comments. Mr. Potts thanked Council for their time this evening and he added that he is the owner of Culver's in Troy and is looking forward to the first Culver's in Montgomery County. He said he learned a lot with this particular piece of property and the fact that it is a corner lot. He briefly explained some of the challenges.

Mayor Herbst called for comments or questions from Council. Councilman Follick thanked Mr. Potts for choosing Vandalia. He noted this design is going to be an improvement for that property because landscaping is pretty much non-existent there now, and the orientation of the building, given the additional drive-through cueing space through the parking lot, will eliminate any traffic issues on Miller Lane or Benchwood Road.

G. Variance: Accessory Structure – 4511 Poplar Creek Road

Mr. Marlow explained the purpose of this variance request is to allow for a 480 (16' x 30') square foot addition to an existing detached garage in the front yard, where detached garages must be located in the side or rear yard. The existing detached garage is 1200 (40' x 30') square feet and was granted a variance in 2006. The detached garage is located approximately 10-feet from the front property line adjacent to S. Brown School Road and the requested addition would reduce the setback to approximately 4-feet. The property has several topography challenges which limits the location an accessory structure could be constructed. The Board of Zoning Appeals reviewed this request at its March 10, 2021 meeting and voted 4-0 to recommend approval.

Mayor Herbst asked Mr. Flannery for comments. Mr. Flannery advised Mr. Marlow covered it pretty well. He continued noting the lot is beautiful, but with the cliff, the creek and some topography challenges that required the original garage to be built there did not fit his storage needs. Mr. Flannery said with this project he will have to

do a little bit better job in storing items, so they are not left outside. Mayor Herbst commented that he has been to this property and there are definitely some topographical issues, and believes Mr. Flannery is making the best of what he has to work with.

3. Discussion

A. Sunshine Law Certified Training

Mrs. Pruszynski advised the audience the State of Ohio requires newly elected officials to attend one accredited Public Records Training per term or appoint an appropriate designee. As Council's designee, Mrs. Pruszynski attended the February 24, 2021 training on behalf of Mayor Herbst, Vice Mayor Ahlers, Councilwoman Woods, and Councilman Follick. There were no comments or questions.

B. February 2021 Monthly Financial Report

Cognizant of Council's duty to monitor the City's financial activity, Mayor Herbst introduced Mrs. Leiter to timely provide financial information for Council's review and analysis. Mrs. Leiter began by reminding council the financial reports were previously provided in their council packets. Mrs. Leiter began sharing information on revenues and noting YTD February 28, 2021, overall Income tax revenue is up 2.79%, or \$77,544, from 2020. Withholding tax is up YTD 1.12%, or \$26,651; individual tax down YTD 11.31%, or \$28,904; business net profit tax up YTD 59.14% or \$79,798. The amount of income tax revenue budgeted for 2021 is \$16,995,000. The amount collected YTD was \$2,858,348. Therefore, the amount collected to date, 17%, in 2021 is exactly where we should be to date based on the budgeted amount. Other taxes - hotel/motel tax receipts are up. Licenses, Permits, and Fees revenue is down due to a decrease in construction and electrical permit revenues. Fines and Forfeitures revenue is down due to a decrease in case load (Court - COVID-19). Charges for Services revenue is down due to COVID-19. Daily admissions, aquatics programs, birthday parties, membership passes, and jungle playground revenue are all down at the Rec Center. Senior Center revenue is down YTD. Other Revenue is down due to a decrease in interest revenue received. Next Mrs. Leiter shared updated expense data. She explained Overall YTD expenses are down. Fire personnel costs are up - full time wages up; part time wages down, storage facility monthly fee, Power DMS/workflow - other professional services, training and equipment maintenance, annual lifepak – Stryker, expenses are all up YTD.

Mrs. Leiter moved on to the Golf Fund specifically advising overall revenue is down due to the inclement weather and overall expenses are down YTD. Then she delivered an update on the Water Fund noting overall revenue is up YTD and reminded Council, previously, rates were increased to build the fund balance to prepare for upcoming water projects. Mrs. Leiter advised Council the Water Fund expenses related to personnel costs are up YTD, flows are up YTD; therefore, water purchase costs are also up YTD, and capital purchases are up YTD. Then the Sewer Fund revenues were reviewed, and Mrs. Leiter advised Council overall revenue is down YTD, and reminded Council, previously, rates were decreased to spend down the fund balance. Mrs. Leiter also explained due to recent rate increases in 2021 & 2022 for Tri-Cities services, we will need to discuss a possible rate increase in the near future. Then she concluded this portion with a report on Sewer Fund expenses noting overall expenses were down YTD, and capital purchases are up YTD.

Mrs. Leiter reviewed the current budget data in detail. She specifically noted Total revenues received in the General, Water and Sewer Funds were slightly below the budgeted amount for 2021. There was minimal revenue received in the Golf Fund due to inclement weather. Total expenditures in the General, Golf, Water and Sewer Funds were below the budgeted amounts. Then she reviewed the Cost Recovery data in detail and specifically noted the total cost recovery percentage for the golf course was lower YTD (2021) due to a decrease in revenue in 2021. The Recreation Center cost recovery for 2021 was lower YTD due to a decrease in revenue. She commented she is very pleased with the City's current financial status.

Then she explained the American Rescue Plan and noted Thursday, March 18 she will be attending a webinar. Mrs. Leiter advised Council the City is on target to receive \$2.94 million and 50% will be received in 2021 and the final 50% will be received in 2022. The 2021 monies should be received in the next 90 days. Mrs. Leiter advised during the upcoming webinar she expects to hear the related financial regulations attached to the receipt of the monies. Mr. Wendt advised Council they can expect staff to deliver a presentation at a future Study Session on proposed ways in which those funds may be directed. She called for comments or questions from Council. Brief discussion was held and council indicated their approval of the information.

C. City Manager Project List

Mr. Wendt apologized for the lack of a City Manager Project List in the Council packets. He reminded Council he is working on a suitable format that has not yet been completed. Mr. Wendt advised he does have a few updates to share with Council. He shared Finance Director Leiter and the finance team are working tirelessly to aggressively implement the Tyler Technologies Encode Financial Management Software. Mr. Wendt shared information related to commercial vehicle traffic specifically noting he met with ODOT District 7 Deputy Director Randy Chevalley. Mr. Wendt advised this was a really good meeting and he is planning to sit down with Mr. Chevalley, Mr. Stanley, Assistant City Manager Holloway, and Public Service Director Cron to discuss creative ways in which we can discuss our commercial truck problems. Mr. Wendt informed Council he is working with Senator Antani's office to schedule an appearance at a Council Study Session after the goal setting retreat. He noted an RFP/RFQ has been posted in order to run a comprehensive compensation and benefits study to make sure that we are being good stewards of tax payer dollars. Mr. Wendt noted he has had several questions from numerous possible vendors. He noted the RFP/RFQ will remain open until March 26 at which time he will examine how it is best to continue. As well, he advised staff has been directed to review all their corresponding job descriptions for which the compensation plan will be initiated. Once he reviews the updated job descriptions, they will be turned over to the successful vendor. Mr. Wendt advised Council on April 5, CGI Video will be here before the Council meeting. Anyone who would like to be part of the video is welcome to participate. He continued by noting Miss Holloway and Mr. Hopkins have been working really hard with CGI to get the details of the video content organized. Mr. Wendt added staff will be amping up the release of the video via social media.

** Mr. Cron asked to share an update on the status of an alternate solution for disposal services. He indicated he and Miss Holloway are currently working with JB Mulch to create an agreement and said agreement will be very similar to the agreement the City had with BR Mulch. As well, the City is expected to be without disposal services for one week. Mr. Cron advised Council to look for a resolution at the April 5 Council Meeting. Mr. Wendt added this is a great example of the City working with a business and is a big opportunity for the City.

D. 60-Day Calendar

Mayor Herbst called for comments or questions on the 60-Day Calendar. There were none.

4. **Executive Session** – The purpose of the Executive Session is to discuss negotiations with the Ohio Patrolmen’s Benevolent Association (OPBA) Vandalia Police Sergeants’ group.

At 6:48 p.m. Mayor Herbst advised the audience Council will adjourn to Executive Session to discuss negotiations with the Ohio Patrolmen’s Benevolent Association (OPBA) Vandalia Police Sergeants’ group.

Adjournment to Executive Session

It was moved by Councilwoman Farst, seconded by Councilman Lewis, to adjourn to Executive Session to discuss negotiations with the Ohio Patrolmen’s Benevolent Association (OPBA) Vandalia Police Sergeants’ group. Councilman Lewis voted yes, Councilwoman Woods voted yes, Councilman Blakesly voted yes, Councilwoman Farst voted yes, Councilman Follick voted yes, Vice Mayor Ahlers voted yes, and Mayor Herbst voted yes. Motion passed 7-0.

Re-Convene to Special Meeting

It was moved by Councilman Lewis, seconded by Councilwoman Farst, to reconvene to the Study Session at 6:57 p.m. All members present voted yes. Motion passed 7-0.

The study session was adjourned at 6:58 p.m.



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