

CITY OF VANDALIA
Council Study Session Minutes
Monday, April 19, 2021
5:30 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: Jerry McDonald, Daniel Wendt, Missy Pruszynski, Amber Holloway, Darren Davey, Bridgette Leiter, Holly Wiggins, Laura Wendt, David Marlow, Rob Cron, Brandon Virgallito, Lt. Dan Swafford, Chuck Smith, William Roberts, Chief Althouse, Lt. Ben Walker, Capt. Steve Milliken, Kara Burkhardt, Shannetta Dewberry, Kristen Carnes, and Dan Holdgreve

Join Zoom Meeting

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

Meeting ID: 811 5029 2149

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

Mayor Herbst called the meeting to order at 5:30 p.m.

1. Monday, April 19, 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. Mr. Wendt requested an Executive Session be held this evening to consider the dismissal of a public employee.

B. Action Item: Liquor Permit for Chipotle Mexican Grill/275 E. National Road

Chief Althouse advised the Ohio Department of Liquor Control has notified the city of an application for a liquor permit at Chipotle Mexican Grill, 275 E.

National Road. He continued by noting the Division of Police has no objections to Chipotle's Liquor License request and do not request a hearing. Mayor Herbst called for additional comments. There were none.

C. Emergency Ordinance 21-08: Assessments

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

D. Emergency Ordinance 21-09 Supplemental Appropriations

Mrs. Leiter explained Finance is requesting the approval of the following supplemental appropriation Ordinance for an increase in the General Fund in the amount of \$59,050. All of these increases relate to increasing the budget of the City Manager's Office in order to accomplish the following:

- **Agenda Management Software Upgrade: \$11,630** – Increase of 2021 budget appropriations to account for expenses related to an upgrade to the current agenda management software. This upgrade is necessary in order to improve the efficiency of operations and the City's efforts to remain transparent and accountable to the public. The increase in cost will include hardware, software and online training.
- **Performance Management Software: \$15,300** – Increase of 2021 budget appropriations to account for expenses related to an upgrade to the current human resources personnel management software. The increase in cost will include additional modules, which will improve efficiencies relating to employee performance evaluations across the organization and implementation of pay-for-performance strategies.
- **Advisory and Lobbying Services: \$14,000** – Increase of 2021 budget appropriations to account for expenses related to consulting for advisory and lobbying services.
- **Compensation and Benefits Study: \$18,120** – Increase of 2021 budget appropriations to account for expenses related to a comprehensive compensation and benefits study.

2. Monday, May 3, 2021

A. Resolution: Concrete Repair Bids

Mr. Cron reported that bids were opened Tuesday, April 13 for the 2021 Curb & Sidewalk Program. Three bids were received for this project. Bids ranged from \$246,081.00 to \$257,625.50. Coate Construction was the low bidder at \$246,081.00. Our engineer's estimate for the project was \$265,000. This

project includes the installation of a median on West National Road just west of Joseph Hyundai.

Mayor Herbst called upon Mr. Marlow for the next several variance items and requested that he review all variance items at 1090 W. National Road and then discussion will be held.

B. Variance: Wheel Stop Devices - 1090 W National Road

Mr. Marlow explained Van Con General Contractor, is requesting a variance to allow the construction of a new 16,000 SF vehicle sales office and service facility without installing wheel stop devices for 54 existing parking spaces. The Code requires that wheel stops be installed to prevent any part of a parked vehicle from extending beyond the edge of the parking area. The Applicant is providing a 6" raised concrete curb for all new vehicular use areas. The Board of Zoning Appeals voted 5-0 to recommend approval of this request.

C. Variance: Perimeter Landscaping - 1090 W National Road

Mr. Marlow shared Van Con General Contractor is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without installing landscaping around the perimeter of the vehicle use area in the rear yard. The Code requires landscaping to be installed adjacent to vehicular use areas to soften the edges. The Applicant is proposing to install perimeter landscaping along the front and side parking areas as required, however is requesting the variance to eliminate the requirement for 159 shrubs to be planted in the rear yard. The Board of Zoning Appeals voted 5-0 to recommend approval of this request; whereas, Staff recommended denial

D. Variance: Right-of-Way Screening - 1090 W National Road

Mr. Marlow advised Van Con General Contractor, is requesting a variance to allow a 5.5-foot wide setback, with no landscape screening, between the public right-of-way and an adjacent vehicular use area. The Code requires a

10-foot-wide landscape buffer area with a 3-foot continuous evergreen hedge. The Board of Zoning Appeals voted 3-1-1 to recommend approval with one abstention; whereas, Staff recommended approval of the 5.5 foot wide setback with the condition that the thirteen shrubs proposed for perimeter landscaping be replaced with a continuous evergreen hedge to be planted at a minimum height of three feet and extend to the south an additional ten feet on both sides.

E. Variance: Curb Opening - 1090 W National Road

Mr. Marlow explained Van Con General Contractor, is requesting a variance to allow two curb openings on an interior lot. The Code limits each interior lot to one curb opening. The Applicant is proposing to construct two 30-foot wide curb cuts with a separation of approximately 90-feet. The property has an existing curb opening that would be removed as part of this development. The Board of Zoning Appeals voted 4-1 to recommend approval of this request; whereas, Staff recommended denial.

F. Variance: Parapet Wall - 1090 W National Road

Mr. Marlow shared Van Con General Contractor, is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without providing a parapet wall on the east, west, and south facing building facades of the proposed flat roof building. The Code requires that all sides of a building that are visible from the public street or an adjacent residential district incorporate architectural detailing on all facades in a manner consistent with the front facing façade. Additionally, the Code requires that flat roofs be concealed by a three dimensional cornice. The Applicant is proposing to construct a parapet wall only on the north facing façade and without the necessary three-dimensional cornice treatment. The Board of Zoning Appeals voted 5-0 to recommend approval with one condition being that a parapet wall is provided on the north facing building façade and the ACM panels project 8-inches out from the building façade; whereas, Staff recommended approval with the condition that a parapet wall be installed on the north facing building

façade with a three-dimensional cornice treatment projecting a minimum of eight inches from the parapet façade plane.

G. Variance: Windows - 1090 W National Road

Mr. Marlow advised Van Con General Contractor, is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without installing windows on the east and west building facades that occupy at least 25% of the total wall area. The Code requires that building elevations which are visible from a public street contain windows occupying at least 25% of the wall area, however the Applicant is proposing to install windows that comprise 4.5% of the east and west facing facades. The Applicant will comply with the 25% window requirement on the front facing façade. The Board of Zoning Appeals voted 5-0 to recommend approval subject to one condition being the east and west facing building elevations shall contain windows that occupy 25 percent of the total wall surface area that is occupied by office space; whereas, Staff recommended denial.

H. Variance: Residential Screening - 1090 W National Road

Mr. Marlow explained Van Con General Contractor, is requesting a variance to allow an outdoor display, storage, and sales facility without providing full screening of the facility from an adjacent residential district. The Code requires that all outdoor display, storage, and sales facilities be screened to their full height from view when adjacent to residential districts. The Applicant is proposing a 60-foot-wide green space buffer and maintains a 6-foot-tall privacy fence between the vehicular use area and the rear property line, however the outdoor display will still be visible to the adjacent residential district. The Board of Zoning Appeals voted 5-0 to recommend approval of this request with one condition being the Applicant repair and maintain the existing 6-foot tall wood fence; whereas, Staff recommended denial.

Mr. Marlow advised the Applicant recently provided an alternative landscape plan, or rather a verification of said plan, which was not presented to the BZA,

that showed in front of the parking spaces along National Road near the two curb cuts a continuous line of shrubs on the east and west side with no shrubs in the middle whereas the original plan showed a different plan. Therefore, the original site plan presented to the BZA had about thirteen shrubs and the Applicant is asking for approval of the revised site plan.

Mayor Herbst called for additional comments or questions. Councilwoman Farst shared concerns regarding the residential screening. Mayor Herbst called for comments from the Applicant. Ms. Kara Burkhardt, Civil Engineer for the plan, 5335 Far Hills Drive, Kettering introduced herself and indicated her firm represents Beau Townsend. She indicated all the variances meet the code for the part of the site that they are improving. Ms. Burkhardt explained the revised landscaping plan is not requesting to do less, but rather enhance the landscaping while enhancing the view of the vehicles. She presented the reasons for the variances, the need to be energy compliant and requested Council consider the variances. Brief discussion took place concerning the residential screening, parapet wall, and the windows. Ms. Burkhardt assured Council that entire project will be up to Beau Townsend standards. Councilman Follick inquired about the detention areas in front of the Nissan property. Ms. Burkhardt explained there are actually three detention areas and noted one of the detention areas will be modified to an underground chamber. Councilman Follick inquired about the reduction of the setback from ten feet to five and one half foot buffer. Ms. Burkhardt noted they are proposing the 5 and one half foot buffer to be part of the right-of-way and the remainder of the area will be on their property. She also reminded Council that over the years Beau Townsend has dedicated more right-of-way area than required by the code when compared to similar businesses in the area. Brief discussion occurred about the right-of-way, the parapet wall, the privacy fence behind the commercial sales lot, and the windows.

3. Discussion

A. MARCS Radio User Fees – under \$25,000

Chief Althouse explained Montgomery County is the sole provider for public safety communications. In 2016, Vandalia Division of Police transitioned radio communications to the state's Multi-Agency Radio Communications System (MARCS). However, Montgomery County Communications is currently maintaining local radio towers and servicing public safety two-way radios at a monthly user fee rate of \$20.00 per radio, billed in quarterly increments. The estimated 2021 radio user fees will be \$14,880.00. Montgomery County is the sole provider for public safety communications.

B. Fire Apparatus Presentation

Chief Follick delivered a presentation on whether the City of Vandalia should rehabilitate, replace, or take no action relating to the E-One Hurricane 110 ft. ladder truck. Chief Follick's presentation addressed research related to run volumes, cost-benefit analyses, and right-sizing the fleet. Mr. Wendt shared the financing proposal indicating if funding allows the city to utilize American Rescue Plan funds, proceeds from the sale of the 1996 ladder truck and the 1998 reserve engine. Councilman Follick suggested staff and Council consider not selling the reserve engine as the possible proceeds may not out-weigh the benefits of having one less fire apparatus when another may be out of service. Several Councilmembers complimented Chief Follick on the thoroughness of his presentation and indicated their support of the purchase.

C. Agile Performance Management

Mrs. Dewberry advised Council she is recommending the approval of the 2021 Prism/Agile Performance and Employee Management system implementation to conduct employee performance evaluations, along with a forthcoming Performance Evaluation policy that will be proposed as an amendment to the personnel policy manual. The City's current performance evaluation processes are outdated and inefficient. She explained the proposed system will track and compile evaluations for approximately 140 full-time and 200 part-time

employees. In addition to the new Performance Management process, a new policy would be created to outline the purpose of the policy and explain how employees will be evaluated. The total purchase of the Performance and Employee Management modules is \$15,300. This includes a one-time \$1,000 implementation fee. She concluded by advising Council an ordinance for supplemental appropriations is included on tonight's Council Meeting agenda to cover the cost of the project. Mayor Herbst noted the time is now 7:11 p.m. and advised we will need to continue discussion on this item after our regular meeting.

- At 7:11 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 8:01 p.m. Mayor Herbst reconvene the Study Session and called upon Mr. Wendt to continue discussion on the Agile Performance Management item.

The City Manager inquired if Council needed any further explanation on the topic. There were no further questions or comments from Council.

D. Compensation & Benefits Study

Mr. Wendt shared the City received four responses to the RFP/RFQ. He noted along with ACM Holloway, Finance Director Leiter, and Human Resources Manager Dewberry, he evaluated the submissions and continues to update job descriptions and organizational charts for each department. In order to ensure that this study is productive, and it is maintained, the plan is to propose an updated personnel and staffing policy to City Council in the coming months. He reminded Council an ordinance for supplemental appropriations was discussed, during tonight's Council Meeting, to cover the cost of the project.

E. Retention of Advisory and Lobbyist services

Mr. Wendt reminded Council this was reviewed during tonight's Council Meeting as were the corresponding supplemental appropriations required to cover the cost of the project.

F. American Rescue Plan

Mr. Wendt shared a draft disbursement for the anticipated American Rescue Plan funds. He explained to-date, the United States Department of Treasury has provided limited guidance with regard to how the City will be able to deploy resources under the American Rescue Plan Act (ARPA). The City of Vandalia anticipates it will receive \$2.9 million under the ARPA. He reviewed the draft plan proposals in detail. He added, over the last few weeks, he directed our team to think critically about how this one-time windfall can be leveraged to serve our community members in need, address lost revenues, and maximize beneficence to the greatest number of people. The proposals he discussed covered economic development, fire apparatus, goals in the Vision Vandalia Comprehensive Plan, improvements to the Senior Center and our park system. Discussion occurred regarding the COVID-19 Small Business Relief Grant Program. Mr. Wendt assured Council once the funding rules are final, he will discuss further with Council prior to implementation.

G. March 2021 (1st QTR 2021) 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 by delivering an update on the March 2021 General Fund statement of revenues and expenditures, then a detailed review of the Police Fire Street CIP Fund revenues and expenses. She noted year-to-date March 31, 2021, overall Income tax revenue is down 2.26% (\$97,821) from 2020. Withholding tax is up YTD 1.47% (\$50,141); individual tax up YTD 3.23% (\$11,172); Business net profit tax down YTD 27.78% (\$159,135). The amount of income tax revenue budgeted for 2021

is \$16,995,000. The amount collected YTD was \$4,224,741. Therefore, the amount collected to date in 2021 is just shy of where we should be to date based on the budgeted amount ($\$16,995,000 \times 25\% = \$4,248,750$). Then noted under 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. As well, Fines and Forfeitures revenue is down due to a decrease in case load in the Court due to 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 YTD at the Rec Center. Senior Center revenue is down YTD. Other Revenue is down YTD due to a decrease in interest revenue received. Mrs. Leiter continued with the details of expenditures noting Overall year-to-date expenses are down. She indicated the City Manager/Council –Personnel costs, data processing expenses are up year-to-date, legal fees, membership dues and insurance expenses are down YTD. Finance/Tax –Data processing and postage expenses are up year-to-date; health insurance and income tax refund expenses are down YTD. Then she reported the Court personnel expenses are down year-to-date; however, Police –Personnel costs, gas/oil, equipment maintenance - communication radio consoles, radio services, data processing – Motorola - expenses are all up year-to-date. Likewise, Fire - personnel costs, gas/oil, data processing (Motorola-Cad), technical supplies, communication, storage facility monthly fee, Power DMS/workflow and station 3 haz mat disposal (other professional services), training and equipment maintenance (annual lifepak - Stryker) expenses are all up year-to-date.

Next, Mrs. Leiter discussed the Golf Fund revenues and expenditures, Water Fund revenues and expenditures, and Sewer Fund revenues and expenditures. She advised the Golf Fund overall revenues were up year-to-date, and overall Golf Fund expenditures are also up year-to-date due to an increase in contractual expenses such as mower repairs and expenses related to a pressure relief valve pump. Mrs. Leiter explained the overall revenues for the Water Fund are up year-to-date and reminded Council previously rates were

increased to build the fund balance to prepare for upcoming water projects. Then she shared Water Fund expenses noting the personnel costs are up year-to-date, flows are up year-to-date; therefore, water purchase costs are also up year-to-date. She concluded by noting capital purchases are also up year-to-date. Then she reviewed the Sewer Fund revenues in detail noting overall revenue is down year-to-date and that previously rates were decreased to spend down the fund balance. Mrs. Leiter added due to recent rate increases in 2021 and 2022 for Tri-Cities services, we will need to discuss a possible rate increase in the near future. She shared overall Sewer Fund expenses are flat year-to-date and capital purchases are up year-to-date. General discussion occurred related to the recent rate increase.

Mrs. Leiter commented that total revenues received in the General, Water and Sewer Funds were slightly below the budgeted amount for 2021. Total revenue received in the Golf Fund is significantly below the budgeted amount due to inclement weather and total expenditures in the General, Golf, Water and Sewer Funds were below the budgeted amounts.

Next, Mrs. Leiter reviewed in detail the Cost Recovery for March 2021 for the Golf Course, Recreation Center and Cassel Hills Pool. She indicated the total cost recovery percentage for the recreation center was lower year-to-date due to a decrease in revenue. She then shared the details of the March Fund Statement. Mrs. Leiter called for comments or questions. There were none.

Mrs. Leiter reviewed the first quarter deb summary in detail. Mrs. Leiter reviewed in detail the Purchasing Card Account Information and explained the first quarter purchasing card detail. Brief discussion occurred. Mayor Herbst complimented Mrs. Leiter on her presentation and efforts. After a brief discussion with questions and answers, Council indicated approval of all reports.

H. City Manager Project List

Mayor Herbst commented that Mr. Wendt covered this during tonight's meetings.

I. 60 Day Calendar

Mayor Herbst – called for comments or questions on the 60-Day Calendar. Then, he suggested the Study Sessions on May 3 and May 17 begin at 5:30 p.m. Council indicated their approval.

4. **Executive Session** – The purpose of the Executive Session is to consider the dismissal of a public employee.

At 8:51 p.m. Mayor Herbst advised the audience Council will adjourn to Executive Session to consider the dismissal of a public employee.

Adjournment to Executive Session

It was moved by Councilman Follick, seconded by Councilman Blakesly, to adjourn to Executive Session to consider the dismissal of a public employee. 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 Study Session

It was moved by Councilman Lewis, seconded by Councilwoman Farst, to reconvene to the Study Session at 9:02 p.m. All members present voted yes. Motion passed 7-0.

The study session was adjourned at 9:03 p.m.



Missy Pruszynski

Secretary to the City Manager
Deputy Clerk of Council
937.415.2258
missy@vandaliaohio.org
www.vandaliaohio.org