

The Council of the City of Vandalia Meeting Minutes

July 19, 2021

MEMBERS PRESENT: Mayor Richard Herbst, Vice Mayor Robert Ahlers, Councilman Michael Blakesly, Councilman Corey M. Follick, Councilwoman Candice Farst, Councilwoman Constance Woods, and Councilman David Lewis

OTHERS PRESENT: Jerry McDonald, Daniel Wendt, Missy Pruszynski, Amber Holloway, Darren Davey, Kristen Carnes, Bridgette Leiter, Zak Karto, Holly Wiggins, Lisa Wendt, Kenni Lou Walker, Chief Chad Follick, Chief Kurt Althouse, Rob Cron, Lt. Ben Walker, Mike Koehl, David Marble, Jessica Ayers, Mike Erwin, Marc Erwin, Kevin Moran, Russell Maas, Bill McIntire, Ed Vecchio, Penny Vecchio, Jason Welch, Danielle Welch, Andrea Pierron, James Greice, Larry Ethun, and Daniel Pierron

Mayor Herbst called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:16 p.m. **Mayor Herbst** called for a moment of reflection followed by the Pledge of Allegiance.

It was moved by Councilman Follick, seconded by Councilman Blakesly, to amend the agenda to include 21-R-46, A Resolution Amending Resolution 20-R-61 As It Relates To The Summer Meeting Schedule For The Month August 2021. All members present voted yes. Motion passed 7-0.

Approval of Previous Minutes:

The Council Retreat Minutes of May 12, 2021, the Council Study Session Minutes of June 21, and the Council Meeting Minutes of June 21, 2021 were approved as presented.

Communications, Petitions and Awards:

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Proclamation: Andrea Marie Pierron's Life-Saving Efforts

Mayor Herbst called upon Ms. Pierron to approach the podium, he introduced her and asked her to share the event with the audience. **Ms. Pierron** thanked Mayor Herbst for the invitation and shared the details as they unfolded on her flight. Then, **Mayor Herbst** read and presented the proclamation to Ms. Pierron. Then he congratulated her. **Councilman Follick** commented that he wanted to emphasize part of Ms. Pierron's story. He explained to the audience for anyone who has done CPR for a few minutes, it is an exhausting task; so, for anyone to perform CPR for fifteen minutes, even changing off with a partner, and in tight quarters is a huge accomplishment. He explained by sharing fifteen continuous minutes of CPR is a cardiovascular exercise that few people can undertake. **Councilman Follick** concluded by thanking Ms. Pierron for her life saving efforts.

Public Hearing: None

Comments from Interested Citizens:

Mr. Mike Koehl, 9261 Dog Leg Road, advised Council of the well test findings of PFAS chemicals in the wells impacting Vandalia and Butler Township residents. He gave a brief history of the testing and noted the ground water in that area is very shallow. **Mr. Koehl** inquired is the City of Vandalia aware of this situation and will the City be working with legislators to help residents resolve the issues. **Mr. Wendt** indicated the City is aware of the polyfluoroalkyl substances and his plan is to review the testing procedures; however, it is his understanding that abatement and remediation in most places is almost non-existent, and one of the only ways around this is to go around it by abandoning wells and tying into some sort of utility system. **Mr. Wendt** advised he will work with staff and the Public Service Director to see if there are any relevant reports that are impacting the water. **Mr. Koehl** expressed appreciation to Mr. Wendt.

CITY MANAGER'S REPORT

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Mr. Wendt introduced the new City Planner, Mr. Zak Karto and shared his educational and professional history. He welcomed Mr. Karto and continued by indicating that Mr. Karto will be assisting the City in realizing the lofty Vision Vandalia Comprehensive Plan. **Mr. Karto** shared his background information and he explained that he grew up in a small town similar to Vandalia and he is excited to make a difference here.

Information Items: None

Summer Schedule – Council Meetings

Mr. Wendt reminded Council, during this evening's Study Session and at the beginning of this meeting, Council indicated approval to amend tonight's agenda to change the August Council Meeting date to Monday, August 23. The Study Session will be at 5:30 p.m. and the Council Meeting will be at 7:00 p.m. He continued by noting at the Organizational Meeting, a summer schedule was established for Council meetings; therefore, the postponement of the August 16 Council Meeting will be approved via Resolution 21-R-46 tonight.

Action Items:

Brown School Village Sidewalk Bond Extension

Mr. Wendt advised Council that staff is recommending a one-year extension of time to construct sidewalk fronting lots 42-45 in Brown School Village section 4. A performance bond is posted as surety. A one-year extension is requested to complete all subdivision items. The new deadline will be August 8, 2022. It was moved by Councilwoman Farst, seconded by Councilman Lewis, to approve the one-year extension of time to construct sidewalks. All members present voted yes. Motion passed 7-0.

Old Business: None

Resolutions:

21-R-41 A Resolution Authorizing The City Manager To Enter Into A Contract Extension For Municipal Refuse Collection And Disposal Services To Rumpke Of

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Ohio, Inc. **Mr. McDonald** read Resolution 21-R-41 by title. **Mr. Wendt** reminded Council in 2016 the City approved a five-year contract for the calendar years 2017-2021 with Rumpke of Ohio for Collection of Waste and Recycling for Vandalia residents. The contract has an option to renew for a two-year period at an agreed upon price. Rumpke has submitted pricing for the two year extension including an option to convert our recycling to a 95 gallon cart to be collected every other week. Prices reflect an annual increase each year of 4% to continue with the current service or a 3% increase if we choose to switch to the every-other-week recycling option. At Council's June 21 Study Session Council indicated a preference to continue with the current service. It was moved by Councilwoman Farst, seconded by Vice Mayor Ahlers, to approve Resolution 21-R-41. **Councilman Follick** indicated that he will respectfully vote against the extension and in favor of rebidding the contract. **Vice Mayor Ahlers** commented that he thinks everyone is in agreement with a 65 gallon tote being picked up on a weekly basis, but off-setting to that is the risk of opening up the contract to negotiations exposes the City to higher labor and higher material costs. **Vice Mayor Ahlers** concluded by noting the 4% increase is off of the 2018 base rate as opposed to the 2021 base rate, which is why he will be voting to approve the contract. Councilman Blakesly voted yes, Councilman Follick voted no, Councilwoman Farst voted yes, Councilman Lewis voted yes, Councilwoman Woods voted yes, Vice Mayor Ahlers voted yes, Mayor Herbst voted yes. Resolution 21-R-41 approved 6-1.

21-R-42 A Resolution Authorizing The City Manager To Execute An Agreement With State Of Ohio Department Of Transportation For Snow And Ice Removal. **Mr. McDonald** read Resolution 21-R-42 by title. **Mr. Wendt** advised this resolution authorizes an agreement with the State of Ohio Department of Transportation for snow and ice removal within the City's corporate limits on the Airport Access Road. ODOT will perform snow and ice removal and apply snow and ice control material;

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additionally, the City will be required to remove snow and ice & apply snow and ice control material to all lanes of US RT 40 from Airpark Blvd. to Frederick Pike. It was moved by Councilman Lewis, seconded by Councilman Blakesly, to approve Resolution 21-R-42. Councilman Lewis and Councilman Blakesly expressed their satisfaction with this agreement. All members present voted yes. Resolution 21-R-42 approved 7-0.

21-R-43 A Resolution Awarding The Bid For Equipment And Complete Equipment Installation For Three Police Patrol Vehicles, Requested By The Division Of Police, To K.E. Rose Company In The Amount Of \$46,536 And Declaring The Equipment Being Replaced As Surplus Property. **Mr. McDonald** read Resolution 21-R-43 by title. **Mr. Wendt** advised the Division of Police opened bids on May 7th for the purchase and installation of new equipment for three new Ford Utility Interceptor police vehicles. The 2021 budget for this project is \$49,350. Two bids were received with K.E. Rose Company submitting a bid of \$46,536 and Northern Light Upfitting submitting a bid of \$39,866.64. **Mr. Wendt** noted, although Northern Light Upfitting submitted the lowest bid, Chief Althouse's memo outlines several reasons to recommend that the bid awarded to K.E. Rose. In this case Northern Light Upfitting has not yet established a widespread public safety customer base and said vendor has requested upfront payment; therefore, such a risk is suboptimal and does not serve the interest of promoting the health, safety, and well-being of the residents of Vandalia. The remaining funds will be used for the installation of decals and graphics by a separate vendor. **Mr. Wendt** added that the proprietor of Northern Light Upfitting is here this evening and has requested to speak. **Mr. David Marble**, 114 S. Main Street, Union, Ohio, owner of Northern Light Upfitting, introduced himself and explained he was not asking for upfront payment and is not sure where that came from. He also requested that Council, in their decision making, not hold his lack of not working with other companies against him. **Mr. Marble** concluded by asking Council to seriously

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consider his bid and then thanked Council for the opportunity to speak. It was moved by Councilman Follick, seconded by Councilman Lewis, to approve Resolution 21-R-43. **Councilman Follick** expressed appreciation for Mr. Marble's comments this evening. He continued that it is important to consider Chief Althouse's message specifically, that approving the bid to K.E. Rose assures the community that there will be no interruption in service; however, he suggested, if there are other bids for non-public safety vehicles in the City fleet, that the vendor bid on that project, being that it is not a vehicle that is crucial to public safety so that Council can see the work product. All members present voted yes. Resolution 21-R-43 approved 7-0.

21-R-44 A Resolution Authorizing The City Manager To Submit An Application For Community Development Block Grant Funds For A Playground Structure And New Safety Surface At Helke Park. **Mr. McDonald** read Resolution 21-R-44 by title. **Mr. Wendt** explained Parks and Recreation Director Clark is requesting Council's authorization to submit an application to Montgomery County for Community Development Block Grant Funds for a Playground Structure and Safety Surface at Helke Park. The proposed project would include the demolition and removal of the current two playground structures and the installation of a new playground structure. The project also would include the addition of one swing set bay and will be ADA accessible and inclusive in nature. It was moved by Councilman Farst, seconded by Councilman Follick, to approve Resolution 21-R-44. All members present voted yes. Resolution 21-R-44 approved 7-0.

21-R-45 A Resolution Authorizing The City Manager To Enter Into A Contract For Part Two Of The Design And Engineering For The Final Design Of The Vandalia Bikeway Connector With LJB, Inc. The Amount Of \$309,698.00. **Mr. McDonald** read Resolution 21-R-45 by title. **Mr. Wendt** shared the City of Vandalia has partnered with Five Rivers Metro Parks for the construction of the Vandalia Bikeway Connector. The Bikeway will make a connection from the existing Bike Path that runs along

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National Road over the I-75 Bridge and terminates at Foley Drive to the Great Miami River Trail near Taylorsville Dam. The City was recently awarded CMAQ Funds through MVRPC in the amount of \$2,136,703 towards the construction of this project. The Design and Engineering costs are to be shared by the City of Vandalia and Five Rivers Metro Parks. The City of Vandalia is the lead agency; therefore, we must contract with the consultant for the design and then be reimbursed by Fiver Rivers Metro Parks for their share. **Mr. Wendt** recommended Council approve said resolution to enter into a contract with LJB in the amount of \$309,698 for the Engineering and Design of the Bikeway. It was moved by Vice Mayor Ahlers, seconded by Councilman Blakesly, to approve Resolution 21-R-45. **Mayor Herbst** commented that this is a great opportunity for the City of Vandalia to gain access to the Bike path as this is a \$3.15 million project and the City's share is a little over 17% so the residents of Vandalia are coming out pretty good in this situation. All members present voted yes. Resolution 21-R-45 approved 7-0.

21-R-46 A Resolution Amending Resolution 20-R-61 As It Relates To The Summer Meeting Schedule For The Month August 2021. **Mr. McDonald** read Resolution 21-R-46 by title. It was moved by Councilman Lewis, seconded by Councilwoman Farst, to approve Resolution 21-R-46. All members present voted yes. Resolution 21-R-46 approved 7-0.

Ordinances – First Reading:

Mr. McDonald advised the Council and the audience that Ordinance 21-18, Ordinance 21-19, and Ordinance 21-20 are required to go on to a second reading, at the August Council meeting, as the zoning code requires Council to hold a Public Hearing.

21-18 An Ordinance Approving A PUD Major Amendment For The Property Located At 139 S. Dixie Drive And Owned By Mark Whetstone, In The Planned Unit Development District. **Mr. McDonald** read Ordinance 21-18 by title in the first reading.

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Mr. Wendt explained the Applicant, Mr. Richard Drake, is requesting an amendment to an approved PUD Plan in order to construct a 586 square foot addition to an existing detached garage. The proposed addition would require the relocation of four parking spaces. The Planning Commission voted 4-0 to recommend approval with 3 conditions. The conditions being:

1. The Applicant modify the French drain in order to capture stormwater runoff if necessary.
2. The Applicant must submit a to-scale parking plan prior to review by City Council.
3. There shall be no parking of vehicles on gravel at any time.

It was moved by Councilman Follick, seconded by Councilman Blakesly, to approve Ordinance 21-18 with the conditions recommended by the Planning Commission. All members present voted yes. Ordinance 21-18 approved 7-0 in the first reading.

21-19 An Ordinance Rezoning 8.952 Acres Of Land Located At 2700 W. National Road From Highway Business (HB) To Industrial (I) And Amending The Zoning Map Of The City. **Mr. McDonald** read Ordinance 21-19 by title in the first reading. **Mr. Wendt** advised the Applicant, EB Fuel Stops, has requested the rezoning of 8.952 acres of land located at 2700 W. National Road from Highway Business to Industrial. The purpose of the rezoning request is to construct a Truck Facility. The request for rezoning to Industrial conforms to the City's Future Land Use Map designation of "Industrial/Innovation". The Planning Commission voted 4-0 to recommend approval of this request. It was moved by Councilman Lewis, seconded by Councilwoman Farst, not to approve Ordinance 21-19. **Councilman Follick** asked for clarification from Mr. McDonald by noting, for the rezoning to be proper under the code, the Ordinance is required to go to a second reading with a Public Hearing. **Mr. McDonald** responded

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in the affirmative and advised Council should not be taking action to deny the zoning request at the first reading. It was moved by Councilman Lewis, seconded by Councilwoman Farst, not to approve Ordinance 21-19 in its first reading. **Councilman Follick** asked Mr. McDonald if this ordinance is required to be passed to a second reading since it is a zoning ordinance where a public hearing is required. **Mr. McDonald** responded in the affirmative and advised that Council should not deny a zoning ordinance at the first reading. Councilman Lewis and Councilwoman Farst withdrew the motion to deny. It was then moved by Councilman Lewis, seconded by Councilwoman Farst, to approve Ordinance 21-19 for a second reading. All members present voted yes. Ordinance 21-19 approved 7-0 in the first reading.

21-20 An Ordinance Amending Section 642.16 Of The Vandalia Codified Ordinances. **Mr. McDonald** read Ordinance 21-20 by title in the first reading. **Mr. Wendt** advised this ordinance will amend Section 642.16 of the Vandalia codified in order to efficiently enforce nuisance activities within the City of Vandalia. **Mr. Wendt** recommended that the ordinance be modified to include the advertising of massage, relaxation massage, any other massage technique or method, or any related service with the suggestion or promise of sexual activity as described in Ohio Revised Code 2329.17 as in the criminal activity as a nuisance section of Vandalia Codified Ordinance 642.16 among others. It was moved by Councilman Blakesly, seconded by Councilman Follick, to approve Ordinance 21-20. All members present voted yes. Ordinance 21-20 approved 7-0 in the first reading.

Ordinances – Second Reading: None

Ordinances – Emergency:

21-17 An Ordinance Approving Individual Assessments Amounts And Directing The Finance Director Or Her Designee To Certify The Amounts To The County Auditor For Collection And Declaring An Emergency. **Mr. McDonald** read Ordinance 21-17 by title in an emergency reading. **Mr. Wendt** advised this emergency ordinance

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assesses properties for delinquent accounts related to storm water fees, weed cutting, trash collection, & sewer and water. There were no comments or questions during the public hearing. It was moved by Councilman Blakesly, seconded by Vice Mayor Ahlers, to approve Ordinance 21-17 in an emergency reading. All members present voted yes. Ordinance 21-17 was approved 7-0 in an emergency reading.

Reports from Boards and Commissions:

Mayor Herbst called for comments or questions on the Planning Commission Minutes of May 25, 2021. There were none.

Mayor Herbst reviewed the June Bill Listing in the amount of \$2,016,311.15 and the June Purchasing Card Detail in the amount of \$30,382.40. There were no comments or questions.

Council Comments:

Mr. Wendt asked Council to mark their calendars and invited them to the upcoming Employee Appreciation Pool Party at Cassel Hills Pool Friday, July 23 from 6:00 p.m. until 8:00 p.m. He recognized the entire City staff who assisted with the Air Show Parade and the Air Show. **Mr. Wendt** explained it was a great success and a great way to show recognition of City boards and commissions volunteers, current businesses and also prospects for economic development gains at the Air Show.

Councilman Lewis took time to share a narrative from Sgt. J. Chiles that was included in last week's Blue Letter wherein several City staff members, along with, the Food Pantry and Pastor Hussong, provided extra-mile assistance to a family in need. This

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narrative is emblematic of the Rotary Club saying, "Service above self." **Councilman Lewis** recognized Ms. Pierron for her life saving actions.

Councilwoman Farst commented on the success of the Air Show and recognized all City staff who assisted with the event and explained how much extra work staff puts into this event as well as how the event benefits the City. Next, she commented that she has concerns with communication to citizens. **Councilwoman Farst** continued by indicating the importance of being intent about disseminating information to our citizens and requested an additional avenue to communicate with the community. She also recognized Ms. Pierron for her life saving efforts. **Councilwoman Farst** welcomed Mr. Karto and added Council is looking forward to working with him. She concluded by sharing that she attended the Historical Society event yesterday and explained the Society just added a main room onto their facility called the Collections Management Resource Center in honor of long time member Ms. Shirley Couch and acknowledged Mr. and Mrs. Bud Brown for their continued accomplishments in getting that room finished.

Councilwoman Woods began by welcoming Mr. Zak Karto and recognized Ms. Pierron and shared appreciation for her efforts. She advised that she was recently in Greenville and had the opportunity to stop at the EB Truck stop and complimented Mr. Marc Erwin on the facility as she was very impressed with the business.

Councilman Blakesly commented all the great stories this evening from the Blue Letter narrative and Ms. Pierron's life saving actions make him very proud to be part of this community.

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Councilman Follick recognized staff and sponsors for a successful Star Spangled Celebration. He welcomed Mr. Zak Karto, Mr. Baldauf and Mr. Tarzinski to the City. **Councilman Follick** shared that he attended the White Castle ground breaking event. He explained White Castle is a fourth generation family owned company who is doubling their footprint in Vandalia and last week White Castle broke a one-day plant record as 500,000 sliders were produced in one day at the Vandalia plant.

Mayor Herbst also welcomed Mr. Karto. He commented that he received several compliments from business owners on the success of the Air Show and he thanked staff for making it an enjoyable weeked for the Air Show guests. **Mayor Herbst** commented on yesterday's Historical Society dedication. He concluded by recognizing Ms. Pierron for her life saving efforts and recognized her daughter for having the respect to want to recognize her mom publicly on social media as the post touched a lot of people.

No Executive Session was held.

The regular Council Meeting was then adjourned at 8:19 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

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Missy Pruszynski, Deputy Clerk of Council

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