

CITY OF VANDALIA
Council Study Session Minutes
Monday, August 23, 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, Kristen Carnes, Holly Wiggins, Chief Chad Follick, Chief Kurt Althouse, Lt. Ben Walker, Lt. Brandon Sucher, Steve Clark, Rob Cron, Lisa Wendt, Zak Karto, Jack Williams, Mike Koehl

Remote Audience: Lisa Wendt, Kristen Carnes and Holly Wiggins

Join Zoom Meeting

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Meeting ID: 811 1687 7292

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

1. Monday, August 23, 2021

A. Items on this evening's council meeting agenda

Mayor Herbst asked the Councilmembers is there if anything on this evening's Council Meeting agenda to discuss. Mr. Wendt advised he has three modifications to the agendas. He noted, previously, he reported that an Executive Session would be held to discuss real estate; however, he has no updates related to real estate. Mr. Wendt did explain that he still needs an executive session to discuss confidential business information of an applicant for economic development. Then he explained the second item he would like Council to consider this evening is an ordinance declaring a moratorium on zoning applications and approvals for properties west of the Airport Access Road and also declaring an emergency. Mr. Wendt explained the reasons for this ordinance noting the need to take a hard look at this area due to the likelihood of development, based on interest, coupled with the need for utilities, and that it only makes sense to consider the rezoning of such a vast area. He continued explaining his vision for the designated area. General discussion occurred and Councilwoman Farst advised she is not ok with any rezoning until a workshop is held. Mr. McDonald explained the moratorium is only for the west side and the moratorium is for the purpose of going through a rezoning process to make it consistent with our comprehensive plan. As well, tonight will be the first public announcement of bringing water and sewer to the west side; therefore, there is the potential that people are going

to recognize the movement, which could result in an increase in zoning applications for what the property is currently zoned, which might not be consistent with our current zoning. General discussion occurred that included other reasons for the moratorium and Council's concerns with the actual rezoning process of said area during the moratorium. The last item Mr. Wendt added to the agenda was an additional supplemental in the amount of \$49,536 to repair the air conditioning unit at the Justice Center. The air conditioning unit has been inoperative since August 12, 2021. He shared the details of the troubled repair process and urged Council to consider approving the supplemental ordinance. Mr. McDonald advised this is separate from the supplemental ordinance listed on this evening's Council agenda and it will be introduced during tonight's Council Meeting as an additional supplemental ordinance.

B. Meet and Greet with Community Reinvestment Area Housing Council Applicant Mr. Jack Williams

Mayor Herbst explained an application for appointment to the CRAHC from Mr. Jack Williams has been received and Mr. Williams is with us this evening. He called upon the Applicant to share a little bit about himself and why he would like to be appointed to the CRAHC. Mr. Williams shared information about his history in Vandalia, his family and his desire to serve on the Community Reinvestment Area Housing Council. Mayor Herbst asked Council if there were any comments or questions for Mr. Williams. There were none. Mayor Herbst thanked Mr. Williams for his interest in serving the community and advised Council will vote on the appointment at the Tuesday, September 7, 2021 Council Meeting.

C. American Rescue Plan Act Proposal

- Resolution 21-R-55 ARPA Funds donation to the Vandalia Food Pantry
- Resolution 21-R-56 ARPA Funds donation to the Vandalia Youth Recreation Fund
- Resolution 21-R-57 ARPA Funds donation for Small Business Grants

Mr. Wendt explained said ARPA funds will be designated, via resolutions on tonight's Council Meeting Agenda, to the Vandalia Food Pantry, Vandalia Youth Recreation Fund, and Small Business Grants. He reviewed each resolution in detail. Then, Mr. Wendt shared in detail his Proposal for all American Rescue Plan Act funds; specifically, he shared the first responders will receive a bonus for working during the pandemic, a waterless restroom facility will be constructed at Cassel Hills Golf Course,

ultraviolet disinfecting light, et. al. Councilman Follick requested, related to the public safety bonus, to extend a bonus to other city staff who worked throughout the pandemic from the office and did not have the option to work from home. Mr. McDonald commented that he will need to look into this to make sure the ARPA funds can be used for non-public safety personnel staff.

D. Resolution 21-R-54: Dog Leg Road Water and Sewer Extension Design

Mr. Cron advised Council staff is proposing to enter into a contract with Choice One Engineering to perform the engineering and design of the extension of utilities, being public water and sanitary sewer west from Stonequarry Crossings under the Airport Access Road to serve properties on and along Dog Leg Road. He explained the contract also provides for Choice One to study the area west of Dog Leg Road to ensure that the sanitary sewer is designed to potentially serve the areas to our west border and beyond. This will prepare the City to accommodate any potential economic development opportunities in this area while also providing safe drinking water to current residential properties to mitigate any possible negative health effects from the possible PFAS contamination of existing wells.

Mr. Wendt explained he has met with a couple property owners on the west side who have expressed a strong to desire to have utilities especially since the PFAS chemicals have been found in the wells out west. Once utilities are installed there will be a great interest in economic development in this area. Staff has aggressively been researching various types of funding to make improvements west of the Airport Access Road and to mitigate corresponding traffic through town. Councilman Lewis expressed his concerns related to the level of PFAS found in the wells and the possibility of framing the expenses to the responsible person or business. Mr. Wendt explained in detail the current situation with the PFAS studies; specifically, that there is not an actionable level; once the levels are actionable, then the tracing and culpability could be determined. Various discussion continued about other chemicals found in wells surrounding the airport over the years and the current plans for the sanitary sewer and the main.

Mr. Cron advised Council on the status of a previous grant request on the Gabriel Street project that he recently heard from the State that we will now be getting funding. He has not received confirmation in writing. Mr. Cron advised that had staff bid out

and awarded the project, the City may not have received funding. He concluded by noting once he gets confirmation of funding, staff will advertise the project for bids.

E. Emergency Ordinance 21-21: Assessments

Mrs. Leiter reminded Council this is the monthly assessment ordinance; however, this month the ordinance only pertains to weed cutting. There were no further comments or questions on this item.

F. Emergency Ordinance 21-22: Supplemental

Mrs. Leiter explained the Finance Department is requesting the approval of the following supplemental appropriation Ordinance for an increase in the General Fund in the amount of \$21,247.45, American Rescue Plan Act Fund in the amount of \$435,475, Water Fund in the amount of \$36,492.50, Sewer Fund in the amount of \$36,492.50 in order to accomplish the following:

GENERAL FUND:

Fire Department

- \$2,747.45 – The Fire department will receive a reimbursement check in the amount of \$2,747.45 from the State of Ohio as part of the Ohio EMS Equipment Grant. Therefore, 2021 budget appropriations must be increased to cover the costs of EMS equipment/supplies purchased as described under the grant.

Engineering

- \$18,500 – increase appropriations to account for the unexpected costs to remove a garage located at 4359 Little York Rd. The attached structure was deemed unsafe due to a tree falling on the garage in late 2017. After several unsuccessful attempts were made to have the owner remove the structure, the City received a court order and contacted a contractor to provide a quote to remove the significantly damaged garage. The estimate amount is \$16,843.14 with a potential additional cost of \$1,656.86 for roll off dumpsters. The property owner will be invoiced for this work and the amount will be assessed to the property taxes if not paid.

AMERICAN RESCUE PLAN ACT FUND:

- \$435,475 – increase appropriations to account for the expenditures related to the American Rescue Plan Act. The first tranche totaling \$785,475.82 was received and

as the expenditures are determined, budget appropriations will be increased accordingly.

WATER FUND:

- \$36,492.50 – increase appropriations to account for the costs of a proposal for an engineering study and design of extending public water and sanitary sewer from Stonequarry Crossings west under the Airport Access Road to Dog Leg Road to service the Dog Leg Road properties and allow the City to market the area for future economic development and provide safe drinking water to existing residential properties in this area.

SEWER FUND:

- \$36,492.50 – increase appropriations to account for the costs of a proposal for an engineering study and design of extending public water and sanitary sewer from Stonequarry Crossings west under the Airport Access Road to Dog Leg Road to service the Dog Leg Road properties and allow the City to market the area for future economic development and provide safe drinking water to existing residential properties in this area.

2. Tuesday, September 7, 2021

A. Action Item: Brown School Woods Section 4 Sidewalk Bond Extension

Mr. Cron advised Council staff is recommending a one year extension of time to complete the sidewalk construction on all remaining vacant lots in the Brown School Woods Subdivision in Section 4. Sidewalk is outstanding on lots 117-120 and 123-126 for a total of 8 lots. He explained these 8 lots were developed for 4 common wall double units. The new deadline for completion will be September 15, 2022. A performance bond is in place as surety. There were no further comments or questions.

B. Resolution: Public Works Tandem Dump Truck Purchase

Mr. Cron explained the Public Works Department is proposing to replace their 2007 Tandem Dump Truck. He advised the purchase was appropriated in the 2021 Capital Improvement Budget for this item. These vehicles are critical to our daily operations, and especially in our snow & ice operations where the City maintains over 207 lane miles of roadway. Staff obtained pricing from the State of Ohio Bid Contract for the cab & chassis from Rush Truck Center on Poe Avenue and pricing from KE Rose through Sourcewell Cooperative purchasing for the upfit of the snow and ice

equipment and the dump body. Mr. Cron advised, due to the production cost rising significantly since budget pricing was obtained, there are not enough funds allocated this year for both items; thus, staff is proposing to purchase the cab & chassis, this year, while carrying over the remaining funds and appropriating the additional amount needed in 2022 for the equipment. This should not delay the ultimate timing of the purchase as we do not expect to take delivery of the cab & chassis before the end of the year. Mr. Cron concluded by adding, once the City takes delivery, staff will then ask Council to designate the current tandem dump truck as a surplus item to be disposed of according to law. Discussion continued about whether or not to order the dump body and the upfit in 2021 or split the purchase between 2021 and 2022. After discussion, Council indicated a preference to appropriate the additional dollars and to order the dump body and the upfit in 2021.

C. Resolution: Replat 3325 Stop Eight Road

Mr. Karto advised that the Owner/Applicant, POE AVE 6196, LLC, and JDS Commercial Holdings, has submitted an application requesting the re-plat of 22.1110-acres of land at 3375 Stop Eight Road and 6196 Poe Ave. He explained the re-plat would result in creating two lots, one 15.2529-acre lot for Scene 75, and one 6.8581-acre lot formerly occupied by ITT Tech. The Planning Commission voted 5-0 to recommend approval of this request.

D. Ordinance: Rezone 3325 Stop Eight Road

Mr. Karto advised that the Owner/Applicant, POE AVE 6196, LLC, and JDS Commercial Holdings, is requesting the rezoning of approximately 6.8581 acres of land at 3325 Stop Eight Road from Highway Business (HB) to Industrial (I). He noted the purpose of the rezoning request is to establish the use of “retail sales of materials and equipment to the construction industry”. The request for rezoning to Industrial, however does not conform to the City’s Future Land Use Map designation of “Industrial/Innovation”. The Planning Commission voted 5-0 to recommend approval of this request.

Councilman Follick inquired about the Planning Commission minutes by referencing a parking easement. Mr. Karto advised the new industrial use would still potentially have overflow parking access to Scene 75.

3. Discussion

A. Parks and Recreation Forklift replacement

Mr. Clark explained the 2021 CIP budget has \$25,000 allotted for the replacement purchase of a forklift unit for the Parks and Recreation Department. The new unit will be replacing a 1996 Caterpillar Forklift that currently holds a quote for needed repairs totaling \$8,000. Staff solicited proposals from four companies – MH Equipment, Miami Industrial Trucks, Crown Lift Trucks and Pro Lift Toyota; however, proposals were received from three companies. Pro Lift was unable to supply a proposal due to production issues. He noted MH Equipment submitted the best overall proposal for a 2021 Hyster 5000 LP model at a price of \$24,404.50. Director Clark requested Council indicate approval to purchase a 2021 Hyster Forklift from MH Equipment of Dayton, Ohio at a price of \$24,404.50, and recommends that City Council declare the 1996 Caterpillar Forklift as surplus and be placed on Govdeals or otherwise disposed of by the City Manager as provided by law. Council indicated their approval for said purchase request.

B. Restrictions on Virtual Meetings

Mr. McDonald reminded Council and the audience how virtual meetings have evolved as a result of the pandemic and advised that related pandemic legislation expired in July 2021. He continued by noting that the legislation now permits limited virtual participation in remote meetings. Mr. McDonald explained open meetings can still be broadcast using remote applications and in certain parts citizens can even take part; however, when it comes to any comments related to public hearings, the remote attendee can't take part in any discussion of a public hearing; as such, the legislation requires a person who wishes to comment on such item to be physically present at the public hearing in order to speak. He continued explaining and advising that post pandemic remote meeting regulations are different and emphasized that any person wishing to comment on an item attached to a public hearing must appear in-person and be physically present at the Council Meeting. He noted the only time the public will be permitted to speak remotely is during the *Comments from Interested Citizens* portion of the meeting wherein remote attendees can comment on anything other than public hearing items. Finally, he advised that Councilmembers are not permitted to participate remotely.

Councilwoman Farst inquired if this rule is for all boards and commissions. Mr. McDonald responded in the affirmative. Councilman Follick suggested that this information be disseminated to the public. General discussion continued.

C. Opioid Settlement Update

Mr. McDonald advised Council there are two primary law suits pending regarding the opioid crisis. Late last year the City had the option of joining one of them by joining with the One Ohio group to support the lawsuit against the distributors. At that time, the City chose not to officially join. Recently One Ohio advised of a potential settlement that could include the City. The first step in the potential settlement was to get a very high percentage, of the communities in Ohio to agree to the proposed settlement terms. Given the deadline to respond, upon recommendation by Mr. McDonald, City Manager Wendt filed a document showing the City supported the proposed settlement. Mr. McDonald explained, Council may see future legislation ratifying the filing by the City.

D. Financial Report: July 2021

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 reminded council the financial reports were previously provided in their council packets. She began by reviewing the General Fund Revenues explaining Year-To-Date July 31, 2021, overall Income tax revenue is up 9.20%, \$917,995, from 2020. Withholding tax is up YTD 7.23%, \$546,794; individual tax is up YTD 6.43%, \$66,786; Business net profit tax up YTD 21.98%, \$304,415. She noted the amount of income tax revenue budgeted for 2021 is \$16,995,000. The amount collected YTD was \$10,899,999. Therefore, the amount collected to date, 64%, in 2021 is approximately 6% higher than the estimated YTD amount based on the budget. However, due to the change in the income tax due dates in both 2020 and 2021, the monthly comparisons continue to be somewhat skewed until August. Then, Mrs. Leiter shared Licenses, Permits, and Fees revenue is down due to a decrease in construction and electrical permit revenues. Other Revenue is down YTD due to a decrease in interest revenue received, and sale of the fire station in 2020. Next, Mrs. Leiter reviewed the expenses in detail noting Overall YTD expenses are up; however, due to COVID-19, and the receipt of CARES Act funds in 2020, we reduced personnel expenses as an offset, which explains most of the increase in 2021. Mrs. Leiter shared revenue and expense information on the Golf Fund, Water Fund, and Sewer Fund.

Then, brief discussion was held, a question and answer session took place, and then Council indicated their approval of all reports.

E. 60 Day Calendar

Mayor Herbst solicited comments or questions on the 60-Day Calendar. There were no comments from Council.

F. Fall Retreat date

Mr. Wendt reminded Council he is working to schedule a Fall Retreat and that he surveyed Council for dates the week of October 11 or October 18. Council indicated that those weeks are not going to work and then he suggested Council to meet Wednesday, October 6 at 5:30 p.m. Council indicated their approval.

4. **Executive Session** – The purpose of the Executive Session is to discuss and consider confidential business information of an applicant for economic development.

At 6:53 p.m. Mayor Herbst advised the audience Council will adjourn to Executive Session to discuss and consider confidential business information of an applicant for economic development.

Adjournment to Executive Session

It was moved by Councilman Lewis, seconded by Councilwoman Farst, to adjourn to Executive Session to discuss and consider confidential business information of an applicant for economic development. 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. City Manager Wendt advised there will be no further Study Session business following the Executive Session as the Study Session will adjourn when Council exits the Executive Session.

The Executive Session concluded at 6:59 p.m. there was no further Study Session business and the Study Session was adjourned.

The study session was adjourned at 7:00 p.m.

**Missy Pruszynski
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Deputy Clerk of Council**

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