

The Council of the City of Vandalia Meeting Minutes

September 7, 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: Katie Wahl, Daniel Wendt, Missy Pruszynski, Amber Holloway, Darren Davey, Bridgette Leiter, Zak Karto, Chief Chad Follick, Zachary Holbrook, Rob Cron

REMOTE AUDIENCE: Kristen Carnes

Mayor Herbst called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:05 p.m. **Mayor Herbst** called for a moment of reflection followed by the Pledge of Allegiance.

Approval of Previous Minutes: None

Communications, Petitions and Awards:

Oath of Office – Firefighter/Paramedic/Inspector Zachary Holbrook

Mr. Wendt advised tonight he has the pleasure of swearing in Firefighter/Paramedic/Inspector Zachary Holbrook. He then introduced Chief Follick who shared Firefighter Holbrook's background information. **Mr. Wendt** delivered the Oath of Office to Firefighter/Paramedic/Inspector Zachary Holbrook and congratulated him on his new position.

Public Hearing: None

Comments from Interested Citizens:

Mayor Herbst addressed the audience, specifically the remote attendees, and advised no comments from remote attendees related to proposed Ordinance 21-23 creating the Hotel/Motel Operation Registration will be permitted as that is subject to a public hearing tonight and you must be present in-person to take part in the public hearing.

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Mr. Aaron Primm, Dayton Mediation Center representative, advised the Mediation Center has received ESG-CV funds from the City of Dayton and Montgomery County to support Homelessness Prevention through their Landlord/Tenant programming. He continued by sharing the goal is to assist all those residing in Montgomery County in their efforts to maintain housing. This can be accomplished through mediation, conflict coaching, landlord/tenant education, and referrals to agencies that can offer additional support, such as rental assistance. **Mr. Primm** encouraged Council and staff to share the Mediation Center's contact information with anyone who may be experiencing difficulties relating to housing and stressed the fact that these situations are often time-sensitive, and the sooner these situations can be addressed the more favorable the outcome. **Mr. Primm** thanked Council for the opportunity to share the program information.

CITY MANAGER'S REPORT

Information Items: None

Action Items:

Sidewalk Bond Extension – Brown School Woods

Mr. Wendt advised 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. The new deadline will be September 15, 2022. The performance bond is in place to cover the applicable period. It was moved by Councilman Lewis seconded by Councilwoman Farst to approve the sidewalk bond extension. Motion passed 7-0.

Boards and Commissions - Appointments

Mr. Wendt reminded Council a meet and greet was held at the August 23 Study Session with Community Reinvestment Area Housing Council applicant Mr. Williams and his application is included in Council's packets. It was moved by Vice Mayor Ahlers, seconded by Councilman Blakesly, to approve Mr. Williams' appointment to the CRAHC. Motion passed 7-0.

Designation of Community Reinvestment Area Housing Council Member Mr. Matthew Bauer

Mr. Wendt asked Council to consider the appointment of Community Reinvestment Area Housing Council member Mr. Matthew Bauer as their designee in accordance with 88-R-30.

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It was moved by Councilman Follick, seconded by Councilman Blakesly, to approve Mr. Bauer as Council's designee to the CRAHC. Motion passed 7-0.

Old Business: None

Resolutions:

21-R-58 A Resolution Authorizing The Purchase Of A 2022 International HV507 Tandem Cab & Chassis By The Public Works Department, From Rush Truck Centers At The State Bid Contract Price In The Amount Of \$92,295.37 And Declaring The Current 2007 Freightliner Tandem Dump Truck & Associated Equipment To Be Replaced As Surplus Property. **Ms. Wahl** read Resolution 21-R-58 by title. **Mr. Wendt** reminded Council the Public Works Department is proposing to replace their 2007 Tandem Dump Truck. Money was appropriated in the 2021 Capital Improvement Budget for this item. These vehicles are critical to daily operations, and especially in snow & ice operations where the City maintains over 207 lane miles of roadway. Staff also requested Council designate the current tandem dump truck as a surplus item to be disposed of according to law. It was moved by Councilman Lewis, seconded by Councilman Follick, to approve Resolution 21-R-58. Motion passed 7-0.

21-R-59 A Resolution Ratifying The Acceptance Of The Material Terms Of The One Ohio Subdivision Settlement Pursuant To A Memorandum Of Understanding And Consistent With The Terms Of The July 21, 2021 National Opioid Settlement Agreement. **Ms. Wahl** read Resolution 21-R-59 by title. **Mr. Wendt** advised there are two primary lawsuits 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. It was moved by Councilwoman Farst, seconded by Vice Mayor Ahlers, to approve Resolution 21-R-59. Motion passed 7-0.

Ordinances – First Reading:

21-26 An Ordinance Rezoning 6.8581 Acres Of Land Located At 3325 Stop Eight Road From Highway Business (HB) To Industrial (I) And Amending The Zoning Map Of The City. **Ms. Wahl** read Ordinance 21-26 by title in the first reading. **Mr. Wendt** explained the

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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). 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. It was moved by Councilman Blakesly, seconded by Councilman Follick, to approve Ordinance 21-26 with one condition as noted by the Planning Commission being that Scene 75 be required to submit a parking plan to the City to ensure adequate parking facilities are provided. Motion passed 7-0 in the first reading.

Ordinances – Second Reading:

21-23 An Ordinance Creating Chapter 878. Hotel/Motel Operation Registration, Of The Codified Ordinances Of The City Of Vandalia And Declaring An Emergency. **Ms. Wahl** read Ordinance 21-23. **Ms. Wahl** read Ordinance 21-23 by title in the second reading. **Mr. Wendt** explained the at Council’s July 19 Study Session we discussed the adoption of a Hotel Registration Ordinance which would require all hotels to obtain an annual City permit. There would be a \$100 permit fee for the original application and any renewal. The permit could be denied for several specific reasons, including, there being a pattern of criminal activity at the premises – including the property being a chronic nuisance, no Ohio hotel license, the property not being in good standing with the City Tax Division, outstanding orders from the Fire Division that have not been corrected; the annual calls for service ratio for the hotel/motel is equal to or greater than 1.2 per room during the past twelve month period; and the applicant or any owner of the hotel/motel has hindered or prevented any inspection of the hotel/motel authorized by the City’s property maintenance code. Along with the ability to close a hotel by not renewing a permit, the City could revoke a permit for violations during the year. The hotel owner would have some appeal rights. For example, in Englewood, the Property Maintenance Board is the appellate venue, which requires a \$250 appeal fee. Decisions of that board are final, from a City stand point, and can be appealed to Montgomery County Common Pleas Court. The ordinance also provides that an action to deny, to revoke, or to suspend a permit may be stayed if the hotel owner agrees to specific steps to remediate problems and list some

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potential acceptable remediation steps such as: completion of approved safety and security training; training to identify criminal activity such as human trafficking; 24-hour presence of special duty uniformed police or qualified security; installation of safety and security measures such as fencing, lighting, public space surveillance, etc.; voluntary participation in right-of-entry programs with law enforcement agencies; implementation of minimum age of twenty-one for check-in for lodging properties; and required of use of valid credit card at check-in, which is similar to the City's agreement with the Knights Inn. **Mr. Wendt** shared the purpose of this legislation is to crack down and help motivate the proprietors of these hotels to help the City prevent criminal activity on the premises. He continued by commending Chief Follick, Fire Marshall Eckert, Chief Althouse, Lieutenant Sucher, and Lieutenant Walker on their aggressive work to help us choose the type of city that we want to have, and to help bring folks into compliance with what our expectations are. There were no comments or questions during the public hearing. It was moved by Councilman Follick to amend Ordinance 21-23, Section 878.06 (a) to remove the reference to the Property Maintenance Review Board and replace with the Board of Zoning Appeals, and all other references throughout Section 878. The motion was seconded by Councilman Blakesly. All members present voted yes. Motion passed 7-0. Next, it was moved by Councilwoman Farst, seconded by Councilman Follick, to approve Ordinance 21-23 as amended in Section 878.06 (a) to replace the Property Maintenance Review Board with the Board of Zoning Appeals. All members present voted yes. Ordinance 21-23 approved 7-0 in the second reading.

Ordinances – Emergency: None

Reports from Boards and Commissions: None

Council Comments:

Mr. Wendt was pleased to report that by leveraging American Rescue Plan funds, we have launched our Small Business Relief Grant Program. Assistant City Manager Holloway and the Executive Director of the Chamber of Commerce, Mr. William Roberts have received many inquiries in our processing of applications. He continued by noting this program of providing

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five thousand to ten thousand dollars to qualifying businesses within the City of Vandalia is going to be very popular and very successful.

Councilwoman Farst began by welcoming Firefighter Holbrook and then she recognized staff for their efforts on Ordinance 21-23 relating to Hotel registration. **Councilwoman Farst** advised the audience, this morning, the Arts Council selected eight sculpture pieces that will be leased for the Art Park during 2022.

No Executive Session was held.

The regular Council Meeting was then adjourned at 7:34 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Missy Pruszynski, Deputy Clerk of Council

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