

333 James E. Bohanan Drive • Vandalia, OH 45377 • (937) 898-5891

April 9, 2021

Honorable Mayor & Esteemed City Councilmembers:

This week, we celebrated the 20<sup>th</sup> anniversary since the Vandalia Recreation Center opened its doors! Feel the pride and excitement in this video as our Parks & Recreation team talks about the impact of VRC on their own lives and the community: <a href="https://www.youtube.com/watch?v=SKgAk4NsGww">https://www.youtube.com/watch?v=SKgAk4NsGww</a>. I felt really fortunate to get a visit from Mr. Jack Shirley (pictured right) who shared some history and offered words of encouragement. The VRC is not just another swim and



gym. This is a place where we offer enrichment to all ages, help people hold on to their quality of life, and improve public health. Also – I recently learned that Jeff Kreill is putting in 100+ push ups per day for his new year's resolution. Feel free to stop in and ask him for a demonstration!

Please consider reviewing the updates below and the enclosed attachments.

- 1. Welcome Police Officer Nelson Clymer! This week, I had the pleasure of swearing in our newest Police Officer, Nelson Clymer. He was selected from a competitive pool of qualified applicants. Officer Clymer holds a bachelor's degree in criminal justice from the University of Cincinnati and completed the basic peace officer training at the Edison Community College Peace Officer Training Academy. Officer Clymer grew up in Miami County, graduated from Newton High School. His fiancé, many family members, and future in-laws attended the ceremony, which can be viewed on the City's Facebook: <a href="https://www.facebook.com/watch/?v=1578023519074852">https://www.facebook.com/watch/?v=1578023519074852</a>. I look forward to inviting Officer Clymer to a future City Council meeting so that you may meet him.
- 2. National Public Safety Telecommunicators Week, April 11 17, 2021: Next week, the City of Vandalia joins the Association of Police Communications Officers (APCO) International by thanking our Public Safety Specialists for their efforts in creating better public safety outcomes for the public, patients, police officers, firefighters and emergency medical service personnel. Vandalia Public Safety Specialists (PSS) are trained in Emergency Medical Dispatch (EMD). This value-added service empowers the PSS to quickly narrow a caller's type of medical or trauma situation and provide lifesaving instruction to the caller before first responders arrive.

3. Commercial Vehicle Traffic: I am happy to inform you that Senator Niraj Antani is going to attend the City Council Study Session on May 17, 2021. I will attempt to sit down and to meet with Senator Antani ahead of this meeting to ensure he is apprised of the latest developments in the City of Vandalia. This is great timing as we will have completed our retreat and goal setting session the week prior.

This week, I had the pleasure of sitting down for two hours with **State Representative Phil Plummer**. This was a great occasion to begin to develop a relationship, to learn about Representative Plummer's priorities in the legislature, and to convey the desire of the City of Vandalia to build a coalition around quelling the growing negative impacts of more frequent commercial truck traffic in the City of Vandalia. I shared the City's resolve to pair legislative representation with the administrative offices at the Ohio Department of Transportation to develop proactive and sensible prohibitions to truck traffic in the City of Vandalia. It is probable that in the near future, I will suggest that the City of Vandalia begin to collect letters of support from community members and resolutions of support from the legislative bodies of neighboring jurisdictions. Representative Plummer is currently the Vice Chair of the Finance Committee in the State House of Representatives. This is a prestigious post and it is probable that Representative Plummer's influence will continue to grow at the State House with his continued success in prominent leadership roles. I plan to invite Representative Plummer to attend a City Council meeting later this summer or fall.

With regard to **commercial vehicle enforcement** over the last two weeks, VPD officers made 37 traffic stops on commercial motor vehicles for traffic violations. These stops resulted in four citations, 33 written warnings, and two verbal warnings while working 36 additional enforcement hours. Next week, Chief Althouse and I are meeting to discuss the City's Codified Ordinances relating to commercial motor vehicles, signage, and continued enforcement efforts. Also, Crime Prevention Officer Andrew Wehner conducted two traffic surveys recently. One survey was on W. Stonequarry Road after citizen complaints of a significant amount of truck traffic. The survey revealed a total of 41 vehicles in excess of 70 ft (0.2% of the total traffic). The second survey took place as a follow-up to a previous survey over the winter on Desales Dr. Neither survey revealed a speed problem.

Staff continues to think critically, to embrace creativity, and to put out forward-thinking ideas for addressing traffic woes. Over the next year, we will need to work as a team to consider modifications to our **built environment** and **roadway facilities**. These ideas are transformative and will require *buy-in*. As I work through our comprehensive plan, I continue to find cross-sectional ideas that will accomplished our comprehensive plan goals, improve livability, drive people to shop locally, address active transportation shortcomings, and make Vandalia more of picturesque community – all while simultaneously making our tiny city a great place to reside and a horrible place to drive a semi-truck through town. I am here to

bring innovative solutions to familiar problems. Our community is experiencing issues that are not faced by any other jurisdiction in the region. To come out on top, we are going to need to take a *hard look* at resolutions that our peers are yet to embrace. Therefore, I challenge you to *see possibilities everywhere*, to recognize that we have the power to change everything, and to ask, "Why not?"

- 4. **US 40 Improvements Project:** Traffic has been shifted and roadway work has begun. Also, work continues on the southbound entrance ramp to the Airport Access Road. The Montgomery County Transportation Improvement District puts somewhat infrequent updates out on the project website: <a href="http://mctid.org/us-40-improvements/">http://mctid.org/us-40-improvements/</a>.
- 5. American Rescue Plan: The City of Vandalia anticipates receipt of \$2.9 million through the American Rescue Plan. The City anticipates that it will receive an initial tranche of \$1.45 million by May 10, 2021 with an additional disbursement of \$1.45 million by May 10, 2022. The City is monitoring guidance from the US Department of Treasury regarding strategic uses of the one-time windfall that will maximize benefit to the community as a whole. The City may direct these funds to respond to the COVID-19 public health emergency or its negative economic impacts; to respond to workers performing essential work; to provide government services to the extent of reduction in revenue; and to make necessary investments in water, sewer, or broadband infrastructure. Needless to say, there are opportunities abound to mobilize these resources to help our community. Funds must be spent by December 21, 2024. This week, I participated in a discussion with the Ohio Economic Development Association and Bricker & Eckler Attorneys at Law to learn about how the funds may be applied to public purposes. The slide deck from the presentation is enclosed. I plan to make several recommendations to Council at the April 19, 2021 Study Session. At the direction of Councilmember David Lewis and the legislative body as a whole, I am working with ACM Hollow to develop a small business relief grant for our Vandalia businesses.
- 6. **Incode Financial Management Software:** This week, Finance Department staff participated in extensive mandatory training as they worked to convert and migrate data to the new Tyler Technologies Incode financial management software.
- 7. Audits: Finance Department staff continues to provide information to the Auditor of State's Office for the 2020 audits of the City of Vandalia, Tri-Cities and NAWA. In addition, the team is working with Lennon & Company, CPAs to develop the 2020 Comprehensive Annual Financial Report.
- 8. **Lighting up Fiber:** MetroNet was onsite today to finish installing the fiber connection link between Station 1 and the Justice Center. This upgrade improves the reliability and speed of our City network.

- Pothole Repair: Asphalt plants opened on April 1, 2021. The Public Works Department has started to make permanent repairs in roadways where large potholes surfaced and water mains broke over the winter.
- 10. **Website Launch:** The launch date of the new website has been moved to May 24 to allow for more time to implement the new branding platform.
- 11. **Trash Clean Up:** A recent Facebook post gathered a lot of community attention as it addressed a growing concern for litter throughout Vandalia. Crime Prevention Officer Andy Wehner took it upon himself to coordinate a trash clean-up with the Montgomery County Sheriff's Office (MCSO) Jail Staff who run the inmate work program. Over the past week, a Sheriff's deputy brought inmate workers to Vandalia who picked up trash along the I-75 corridor, focusing on the Northwoods Blvd. and National Road areas. Thank you to MCSO for helping clean up our community!
- 12. **Hyper Reach Mass Notification System:** The Division of Fire has taken to social media to encourage residents to be weather aware and to have an emergency plan in place for different types of weather conditions. Residents are able to opt-in to text and email notifications through the Hyper Reach system at:

  <a href="https://signup.hyper-reach.com/hyper-reach/sign-up-page-2/?id=53582.">https://signup.hyper-reach.com/hyper-reach/sign-up-page-2/?id=53582.</a>
- 13. **Division of Fire Statistics:** There were 282 calls for service in March 2021 with 41.8% (118) of the calls occurring while Division of Fire crews were responding to another call.
- 14. **Public Safety Specialist Recruitment:** The City has issued a conditional offer of employment to a PSS candidate. The Police Division is currently conducting a background investigation of another candidate with plans to backfill the other remaining vacancy.
- 15. COVID-19 Relaxation of Restrictions: On April 5, Ohio Department of Health Director Stephanie McCloud issued directives rescinding and relaxing COVID-19 public health restrictions. The updated Orders are enclosed as attachments. As a staff, we are looking forward to getting back to normal. At the Vandalia Recreation Center, the showers will reopen and the facility will again permit non-resident / non-member daily admissions, flag sticks and bunk rakes will return to the Cassel Hills Golf Course, and it will be easier to sit teams in dugouts during youth sporting events. In addition, the City is working with SwimSafe, the contract pool safety service, to implement appropriate protocols ahead of the opening of Cassel Hills Pool.
- 16. Cassell Hills Pool Survey: 842 survey responses were recorded by the Wright State University MPA students. This is a great response rate that the result of our engaged residents, broad social media presence, and mailers. The team is analyzing data and

preparing a report for staff review. Results will be presented to City Council at a Study Session in May.

- 17. Cassel Hills Pool Smoke Free Facility: Effective immediately, no smoking will be permitted within the Cassel Hills Pool facility. Smoking is antithetical to the general health and well-being that we seek to provide in the Department of Parks & Recreation. An ashtray will be placed somewhere outside of the perimeter fence.
- 18. Mental Health First Aid: This week, Officer Whittney Bryson and Public Safety Specialist Noah Warner attended Mental Health First Aid presented by Montgomery County ADAMHS. This course is designed to help first responders recognize individuals who may be experiencing a mental health crisis and to provide first responders with resources / alternatives to incarceration.
- 19. Community Helpers Day: Public Service Technicians Scott Gibbs and Josh Watts participated in the Community Helpers Day (pictured right) with the Vandalia Butler Pre-School at the First Light Church. Messrs. Gibbs and Watts spoke about their roles in the Public Works Department and brought a dump truck for the kids to see.
- 20. Adeline Drainage Project: The contractor is working to finish restoration. Storm sewer was completed last winter and areas have been too wet to grade and seed until now. All the fencing that was removed for the project is now reinstalled.



21. Redwood Development: Work continues in the Redwood Development off of Webster Street. Storm sewer for the City's portion of Park Center Drive has been installed. Contractors are currently working on filling the ravine over the large culvert in the private roadway section.

When I look across this beautiful town, I see possibilities everywhere.

Please contact me directly with comments and questions. Have a great weekend!

Your Partner in Service,

City Manager

### Attachments:

- Information Update ACM Holloway April 9 2021;
- 2. Information Update Director Leiter April 9, 2021;
- 3. Information Update Chief Follick April 9, 2021;
- 4. Vandalia Division of Fire March 2021 Statistics;
- 5. Information Update HR Manager Dewberry April 9, 2021;
- 6. Information Update Director Clark April 9, 2021;
- 7. Information Update Chief Althouse April 9, 2021;
- 8. Information Update Director Cron April 9, 2021;
- 9. Information Update IT Manager Davey April 9, 2021;
- 10. Letter Designating Vandalia as a 2021 Tree City USA April 1, 2021;
- 11. Ohio Dept. of Health Order Rescinding Various Orders Director McCloud April 5, 2021;
- 12. Ohio Dept. of Health Order for Social Distancing, Facial Coverings, and Non-Congregating Director McCloud April 5, 2021; and
- 13. American Rescue Plan Guidelines OEDA & Bricker & Eckler April 9, 2021.

To: Dan Wendt, City Manager

From: Amber Holloway, Assistant City Manager

Date: April 8, 2021

Subject: Information Update



### • On Friday March 19:

- You and I attended a webinar held by the Dayton Development Coalition on Flying Cars. The webinar covered how the State of Ohio is partnering with the Air Force Agility Prime and industry leaders to bring advanced air mobility to Ohio, more specifically the Miami Valley.
- o Rich and I held our monthly meeting.
- You, Rob, and I met with leadership from ODOT and the Transportation Improvement District.
- You, David, Rob, and I attended the Bicycle Advisory Committee meeting on Monday March 22.
- I attended training for our new website on March 23 and 24. I was very impressed with the back-end editing functions for the site. It will increase efficiency in editing and maintaining the website.
- Two meetings for the rebranding were held during this update period. The project is progressing well, and we look forward to unveiling the new brand sometime next month.
- I participated in the contract mediation for the Vandalia Firefighters.
- Rich and I attended the Employee Service Award luncheon. Rich was honored for his 15
  years of service and I was honored for 5 years of service. Congratulations to all who
  were recognized! Shannetta and Sherri did a great job coordinating the lunch.
- David and I held a virtual meeting with Kolar to learn about the services they offer as it relates to economic development and COVID relief dollars.

- You and I met with the County Administrator and Assistant County Administrator on Wednesday March 31.
- You, Jerry McDonald, and I interviewed three lobbyist firms last week.
- David and I held our monthly meeting to review ongoing planning & zoning matters.
- You, David and I met to review upcoming public hearing items.
- You, Bridgette, Shannetta, and I met to review the responses to our RFP for the Compensation Study.
- Dan Bish from Montgomery County Economic Development and I met with a Vandalia business looking for a new space.
- You, Rob and I met to discuss the Vandalia Bikeway Connector project.

### City of Vandalia Finance Department

# Information Update

**To:** Dan Wendt, City Manager

From: Bridgette Leiter, Director of Finance

Date: April 7, 2021

**Re:** Information Update - Period Ending April 9, 2021

- 1. Congratulations to Finance staff as they navigated through "go-live" week (April 5 April 9) on the data conversion to the new Tyler Technologies Finance software. They participated in extensive mandatory training sessions, and worked extremely hard to juggle daily tasks, audits, compilation of CAFR data and conversion of software each day. Thank you all and great job!
- 2. I attended a regularly scheduled council workshop and meeting. Finance had one item on the council meeting agenda, a request to increase 2021 budget appropriations in the General Fund and Crisis Intervention Training Fund.
- 3. Second round interviews for the vacant position of Assistant Finance Director were completed this week. We hope to identify a candidate and make an offer very soon.
- 4. Finance staff continue to provide the necessary information to the Auditor of State's Office regarding the 2020 audits for the City of Vandalia, Tri-Cities and NAWA, and to Lennon & Company, CPAs for the 2020 Comprehensive Annual Financial Report.
- 5. The tax division received 1,500 electronically filed income tax returns during February and March. Even with the filing and payment due date extension, taxpayers continue to file as this amount is just slightly below the amount received to date in 2020.



### DIVISION OF FIRE INFORMATION UPDATE

**TO:** DANIEL WENDT, CITY MANAGER

**FROM:** CHAD FOLLICK, FIRE CHIEF

**DATE:** 4/7/2021

**SUBJECT:** INFORMATION UPDATE – PERIOD ENDING APRIL 8, 2021

- On March 19<sup>th</sup>, The Division of Fire welcomed Morton Middle School students from Mr. Oldfield's 7<sup>th</sup> grade science classes to learn about fire science, infrared, and thermal imaging technologies. Mr. Oldfield worked with Community Risk Reduction Coordinator Scott Jacobs to host the students and assist with demonstrations.
- 2. The Division of Fire provided EMS coverage to a dance competition at Butler High School on March 20<sup>th</sup>. Additionally, the Engine doubled to serve as a background for a dance team photograph.
- 3. West Carrolton Fire Dept. along with West Carrolton Police Dept. sent representatives on March 23<sup>rd</sup> to meet with members of the Vandalia Division of Fire and Drone Team members to discuss and gather information about our drone program. They are preparing to develop a similar program with their department and have looked to us for guidance, answer questions, and share some of the information we have gained within our program.
- 4. On March 24<sup>th</sup> I attended the webinar for Ohio's Attorney General's Training on Sunshine Laws (public records information and laws).
- 5. Springtime always comes with new weather-related emergencies. The Division of Fire has taken to social media to encourage residents to be weather aware and to have an emergency plan in place for different types of weather conditions.

### DIVISION OF FIRE INFORMATION UPDATE



- They city has a Hyper Reach System (mass message, text, email alerting system) we encourage residents to sign up for those notifications if they have not done so already.
- Another result with inclement weather conditions we have seen recently,
  is a no burn advisory. The combination of high winds, low humidity, and
  dry conditions elevate the potential for fire spread. It is on these days the
  Division of Fire will request residents to refrain from open burning.
- 6. March 13<sup>th</sup> is National Doctor's Day. The Division of Fire would like to recognize our department Medical Director, Dr. Jennifer Hauler, or "Doc" as we refer to her. Doc has been with the Division for several years and we greatly appreciate everything she has done for us including most recently navigating the pandemic with our response to COVID, employee quarantines, exposures, testing, and vaccines. We are grateful for Doc's commitment to the Division of Fire and the citizens of Vandalia.
- 7. On March 30, crews responded to a local care facility on a report of a kitchen fire. Crews arrived to find a small fire on a stovetop unit that had been extinguished by a sprinkler head. It goes without saying that facilities that invest in sprinkler systems save lives and property. Fortunately, there was very minor damage, no injuries, and no smoke damage; the kitchen in the facility should be back up and running next day after inspection. Additionally, good job to the staff for reacting quickly to ensure the safety of the facility residents
- 8. On April 3<sup>rd</sup> crews responded to two separate reports of structure fires. The first was on and contained to a deck at the rear of a house in the Timberwind subdivision. No injuries were reported, and the fire is believed to be accidental. The second was

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### DIVISION OF FIRE INFORMATION UPDATE

found in a mulch bed around an apartment building. Due to the nature and typical causes of mulch fires, the Division of Fire took to social media to remind citizens about completely extinguishing smoking material. Discarded smoking material in mulch and or flower beds have the potential to cause significant property damage and can be the cause of more devastating fires.

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### MONTHLY STATISTICS MEMORANDUM

TO: ALL PERSONNEL

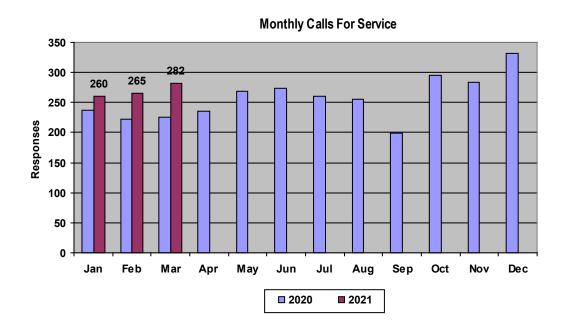
FROM: CHAD FOLLICK, FIRE CHIEF SUBJECT: STATISTICS MARCH 2021

**DATE**: 4/9/2021

**CC:** DAN WENDT, CITY MANAGER

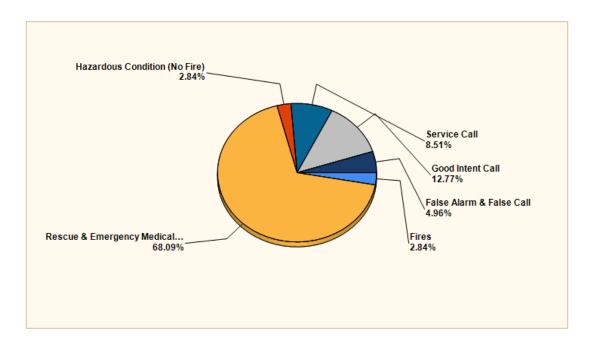
### **CALLS FOR SERVICE** (1645)

The Division of Fire responded on  $\underline{282}$  calls for service in March (192 EMS calls and  $\underline{90}$  fire calls). An average of approximately nine  $\underline{9}$  calls for service per day.



A statistic that we can track now is how many of our calls for service overlapped (or occurred simultaneously) during this evaluation period. In March, we had  $\underline{118}$  calls for service that overlapped, approximately  $\underline{42\%}$  of the call volume.

Crews responded to 282 calls for service in March the chart below outlines call types (Report 553):



The Major Incident Types in March were (% of the total call volume/month):

- Rescue & Emergency Medical Calls (68%) All the Division of Fire Emergency Medical calls including any motor vehicle/pedestrian accident (with/without injuries) and/or any technical rescue response.
- 2. Good Intent Calls (13%) Smoke scares, steam/fog mistaken for smoke, false alarms not malicious.
- 3. Customer Service Calls (9%) These are calls for service where fire crews are directly assisting a customer with a specific issue/problem (i.e., strange odors, smoke detector/CO detector installations and/or battery change outs, etc.).
- 4. Fire Alarm Calls (5%) This type call includes malfunctioning fire alarms, intentional/unintentional false alarms, or calls where someone called to report an issue that turned out to not be an emergency (illegal burning, smells/sight of smoke or fire, or steam confused for smoke).
- 5. Fires (3%) Crews responded to (2) fire incidents in March, a passenger vehicle fire and a kitchen fire. The total dollar loss fire in March was \$6000.
- 6. Hazardous Condition (3%) These are calls for service where fire crews are responding to natural gas/CO investigations, fuel/oil spills, and/or arching or downed electrical lines.

### MUTUAL AID/JOINT RESPONSE DATA (1616 & 1754)

In March, the Division of Fire provided mutual aid on sixteen (16) occasions and we received mutual aid on seven (7) occasions.

In March, we received a "joint response" from Butler Fire/EMS on (28) occasions and we provided Butler with a "joint response" resource on (14) occasions.

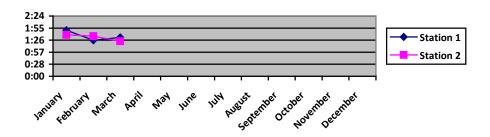
Department	Mutual Aid Received	Mutual Aid Provided	Joint Response Received	Joint Response Provided
Butler Fire (57-101)	(1754)	(1616)	28	14
Brookville (57-003)				
Clayton Fire (57-121)		2		
Dayton Fire (57-011)				
Dayton Airport (57-002)				
Englewood (57-001)				
Harrison Fire (57-107)	2	5		
Huber Fire (57-125)	4	3		
*Riverside Fire (57-115)				
Union Fire/EMS (57-122)				
Trotwood Fire (57-113)				
Tipp Fire/EMS (55-027)	1	6		
Totals	7	16		

### **RESPONSE TIMES**

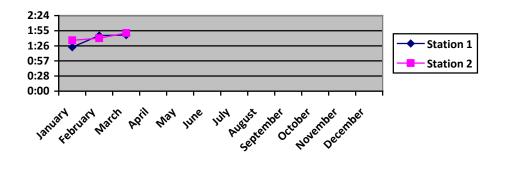
The average turnout time in March was <u>1:51</u> and the average response time in March was <u>5:42</u>.

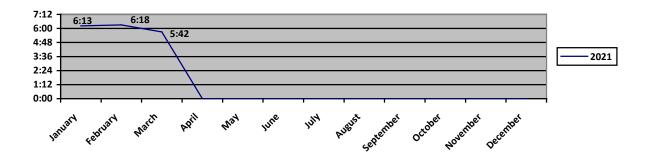
Average response time improved by 1:16 this month. Still working to improve turnout times.

### **Turnout Times EMS Calls For Service By Fire Stations**



### **Turnout Times Fire Calls For Service By Fire Stations**

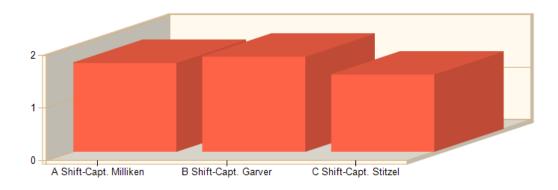




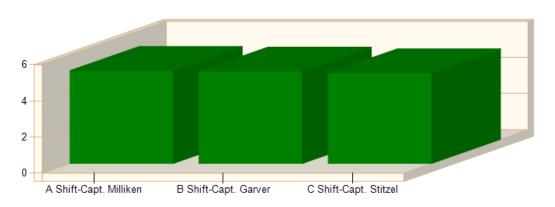
### **Average Turnout Time by Shift**

Congratulation's "C" Shift & Captain Stitzel for having the best turnout and response times in March 2021. Keep up the good work.

Good work to everyone for dropping our March response time averages a 1:16. Best response time average we have had in awhile and all with an increased month run volume. Keep up the good work everyone!

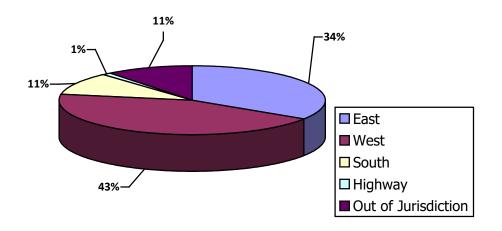


SHIFT	AVERAGE TURNOUT TIME as MM:SS (Dispatch to en-route)
A Shift-Capt. Milliken	1:46
B Shift-Capt. Garver	1:37
C Shift-Capt. Stitzel	1:35

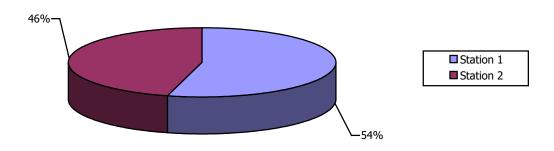


SHIFT	AVERAGE RESPONSE TIME (min) (Dispatch to Arrive)
A Shift-Capt. Milliken	5:14
B Shift-Capt. Garver	5.11
C Shift-Capt. Stitzel	5:01

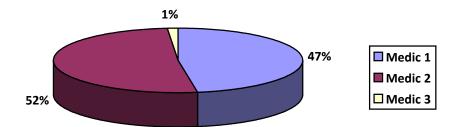
### **CALLS FOR SERVICE BY DISTRICT** (Report 972)



### CALLS FOR SERVICE BY FIRE STATION (Report 1180)



### TRANSPORTS BY MEDIC UNIT/MONTH (1645)



### TRAINING (Reports 1623)

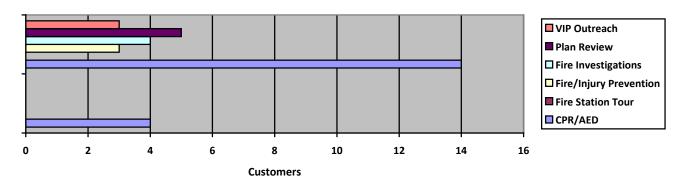
Fire/EMS crews participated in 206 hours of training in March, topics included:

- 1. Fire Topics- Pump ops, driving, hose deployment, equipment familiarization, and truck work (FFE, Vent, Saws) (163 hours)
- 2. EMS Topics-standing orders, general medical emergencies (20 Hours)
- 3. Tech Rescue-water rescue review (9)

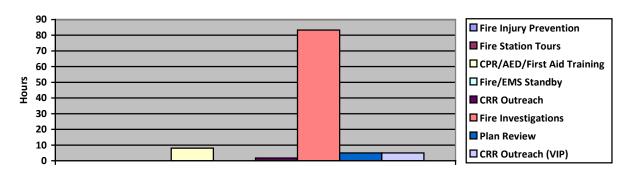
### FIRE PREVENTION, COMMUNITY RISK REDUCTION & OUTREACH ACTIVITIES (Report 753)

We are starting to schedule outreach activities to report in March.

### **Customer Contacts**



### Man, Hours Involved in Fire Prevention



**To:** Dan Wendt, City Manager

From: Shannetta Dewberry, HR Manager

**Date:** April 9, 2021

**Subject:** Information Update



### **HUMAN RESOURCES UPDATES**

### **HR Recruiting/Hiring**

- **Public Safety Specialist** We have several applicants that are completing the background check process.
- **Police Lieutenant** We have identified a candidate and that person will proceed through the hiring process.
- **Police Officer** Nelson Clymer is our newest Police Officer. He was sworn in on Wednesday, 4/7/21 and we are happy to have him on board.
- Assistant Finance Director We are wrapping up second round interviews this week.

As always, please continue to stay safe and healthy!!



# **Department of Parks & Recreation Information Update**

To: Dan Wendt, City Manager

From: Steve Clark, Director of Parks & Recreation

**Date:** 4/8/2021

**Re:** Information Update – Period ending April 8, 2021

- On Tuesday, April 6 Governor DeWine announced that the state of Ohio has issued a new, streamlined health order that encompasses its guidance on mass gatherings and other COVID-19 restrictions. In issuing this new order, Governor DeWine also rescinded a number of orders which apply to parks and recreation agencies including orders regulating swimming pools, youth sports, indoor fitness facilities, festivals and youth camps. As a result of the new order and the rescinded orders we are making the appropriate adjustments to our facilities, programs and events. Some immediate changes include the opening of locker room showers for daily use at the VRC; non-resident daily admissions will now be accepted at the VRC; lobby chairs and tables are back in place at the VRC; flag sticks and bunker rakes are now back in place at the golf course; youth baseball/softball restrictions on players (masks, team bench seating, distancing) have been lifted. Staff continues to review the orders and will be making the appropriate adjustments over the next days and weeks. We are also working with SwimSafe to determine how the new orders concerning social distancing, facial coverings and non-congregating will be handled at Cassel Hills Pool this summer.
- The Cassel Hills Pool Community Survey wrapped at midnight on Monday, April 5. A total of 842 survey's were completed. The Wright State University MBA students will now analyze the data and prepare a report and presentation for Council. We are very happy with the number of respondents and look forward to reviewing the survey data when completed.

### **RECREATION CENTER**

- The VRC will be celebrating 20 years of providing healthy recreation opportunities to the community on Thursday, April 8. We have been advertising the special day via social media and look forward to providing patrons with a special experience throughout the day. A total of 67 Anniversary t-shirts were sold with proceeds going to support our Dayton Foundation Recreation Fund. We have a few extra shirts available if anyone is interested in purchasing. Please contact Alicia McCracken for details.
- o The Aquatic Center was closed on Tuesday, April 6 for UV system maintenance. Many thanks to our staff for coordinating and communicating the closure to the public..
- We are beginning to transition many of our group fitness classes back into the group fitness studio in order to open up some open gym time for basketball and volleyball players. We have been conducting all group fitness classes in the gym due to COVID restrictions.
- Postcards mailed to all resident households to promote the Cassel Hills Pool survey included an offer of free entry into the VRC.
- We continue to have a steady stream of insurance based membership sign ups that past few weeks. This coincides with the COVID vaccine becoming more available, thus seniors appear to be willing to come to the VRC again. The increase in Silver Sneakers visits from February to March is 554 more visits.

Our current membership promotion, "Stimulate Your Health" is going very well. Thus far, we have sold 39 memberships (3 month memberships). The promotion runs through April 14. Our next promotion will be the College Student Special that also involves a 3 month summer membership.

### RECREATION/ATHLETICS DIVISION

- The Annual Community Easter Egg Hunt took place at the Sports Complex on Saturday, April 3 with over 500 kids participating. This was the first large scale event held by our department in over a year and we were very happy with the turnout.
- Spring CampREC was a great success with each day reaching maximum capacity. Camp staff did an awesome job working with the kids and leading activities. All COVID guidelines were followed including temperature checks, wearing of masks and wiping down of all tables and high touch areas frequently.
- The Annual Vandalia Corporate Challenge Kick-Off Social will be held on Friday, April 9 at 11:30am at the VRC. A total of 10 businesses are planning to attend the informational event. The 32<sup>nd</sup> Annual event is scheduled to take place June 6-11.
- Our Summer Program Guide is now available on the website. Programs, events and activities that take place between May and September are included in the guide.
- We have a total of 442 youngsters registered in our youth baseball/softball program. This is a slight increase over the 2019 season. We did not conduct the program last summer due to COVID-19 restrictions. Opening day will take place on Saturday, April 24.
- Jeff Kreill, John Myers and I evaluated Miami Valley CTC Sport Marketing student presentations last week via zoom. Their assignment was to create programs and events for a Youth Recreation Advisory Board. We were very impressed with the creativity of the five group presentations.

### **GOLF DIVISION**

- o The summer like weather has created a great start to the golf season. We have collected \$44,114 through April 5 in green fees and carts. This is \$24,000 above the five year average for this date.
- The irrigation system had a leak in the main supply line that Public Works has been assisting with the repair. We also had to replace two electric poles next to the clear well that had rotted and become unstable.
- o League play is starting this week with 18 leagues signed up for the 2021 season.

### SENIOR CITIZENS CENTER

- As of April 2, we have a total of 437 members at the Senior Center. Many members have allowed their membership to expire due to the COVID pandemic and are waiting until they are comfortable to return before continuing with membership. Things have picked up over the past 8 weeks as memberships increased by 70 members during this time.
- Toni Williams and Jeff Kreill attended a State of Ohio online webinar concerning Senior Centers. New orders from the Governor are expected soon which will include no longer requiring Toni to be tested. Information concerning a second round of grant funding just for Senior Center was also shared as part of the webinar.
- Vandalia residents Diane and Tom Hertlein are completing the necessary paperwork to become Van Tran drivers. They learned about our need for volunteer drivers from the article in the Dayton Daily News. Unfortunately, we are losing long time driver Doug Good as he has decided to hang it up. Doug served the program for 13 years and we truly appreciate his efforts as a volunteer driver.

## Information Update

To: Dan Wendt

City Manager

From: Kurt E. Althouse

Chief of Police

Date: April 8, 2021

Subject: Information Update Ending April 9, 2021



- 1. During the past two weeks, VPD officers made 37 traffic stops on commercial motor vehicles for traffic violations. These stops resulted in 4 traffic citations, 33 written warnings and 2 verbal warnings while working 36 additional enforcement hours.
- 2. CPO Andrew Wehner conducted two traffic surveys over the last few weeks. One survey was on W. Stonequarry Road after citizen complaints of a significant amount of truck traffic. The survey revealed a total of 41 vehicles in excess of 70 ft (.2% of the total traffic). The second survey took place as a follow-up to a previous survey over the winter on Desales Dr. Neither survey revealed a speed problem.
- 3. A recent Facebook post gathered a lot of community attention as it addressed a growing concern for litter throughout the city. CPO Wehner coordinated a trash clean-up with the Montgomery County Sheriff's Office Jail Staff who run the inmate work program. Over the past week, a sheriff's deputy brought inmate workers to Vandalia who picked up countless bags of trash along the I-75 corridor, focusing on the Northwoods Blvd. and National Road areas. A special thanks to the MCSO and inmate workers who helped clean up our community.
- 4. The Explorers held another meeting this week and we're glad to have another new student visit the Post with plans on joining. This training covered Use of Force/Shoot or Don't Shoot scenarios with the new MILO system. A special thanks to Det. Fraley for assisting with this program. It was well received by the Explorers.
- 5. Officer Wehner attended April's Miami Valley Crime Prevention Association (MVCPA) meeting. This is an opportunity for officers from the region to discuss trends throughout their department and across the state. Board members of the MVCPA are trying to put together an active shooter, Train-the-Trainer class, which could then be brought back to Vandalia for our community members.
- 6. Officer Wehner worked in coordination with Kate Todd of Demmitt Elementary and our local businesses to bring back the 3<sup>rd</sup> Grade Safety Patrol end of year party. Thanks to Charlie and Skateworld for donating the rink & roller-skates, to Bill Jarrett of Vandalia Tactical, and Bob Hinshaw of the VFW for each donating a boys & girls bicycle as a prize for students to win at the party.

- 7. During the week of March 22, newly appointed chaplain, Pastor Hussong, attended an OPOTA class on chaplaincy. The instruction focused on developing crisis communication skills, identifying stressors for officers, assistance during a line of duty death or serious injury, and developing sensitivity with diverse populations.
- 8. After a third party called in a road rage incident, VPD officers located one of the vehicles and made a traffic stop. Officers found 69 grams of marijuana in the vehicle. Possession of marijuana charges are pending on a Vandalia juvenile.
- 9. The Ohio Association of Chiefs of Police and Law Enforcement Foundation awarded VPD as the April Agency of the Month for the introduction and use of the EMAC (Endangered Missing Adult and Child) program. The Sharing Ohio's Best Award helps bring awareness to agencies that promote positive policing and outstanding community efforts. This information was shared on Facebook and highlighted with local media outlets.
- 10. On March 31, MILO Range Systems installed our new training simulator. The purchase included one full day of training, provided by MILO representative, for our instructors. The instructor training was completed on April 1, and we will begin utilizing the simulator to supplement our in-service training. The simulator will also be used for our Explorer program, citizen's police academy, as well as demonstrations for other community organizations.
- 11. During the week of March 22, Accreditation Manager Laurie Paskey attended a virtual CALEA conference where she sat through a number of beneficial classes. CALEA has not held an in-person conference since November of 2019 due to the pandemic.
- On March 25, Accreditation Manager Laurie Paskey attended Public Records 101 & 102. The classes were virtual and presented by the Ohio Association of Chiefs of Police.
- 13. On April 7, Officer Whittney Bryson and Public Safety Specialist Noah Warner attended Mental Health First Aid presented by Montgomery County ADAMHS. This course helps first responders recognize individuals who may be experiencing a mental health crisis and provides them with resources/alternatives to incarceration.
- 14. Every year during the second week of April, the telecommunications personnel in the public safety community are honored. This year that will be April 11-17. This week-long event, sponsored by APCO International, is a time to celebrate and thank those who dedicate their lives to serving the public and public safety community through hard work and dedication in the Communications Centers. Thank you to our Public Safety Specialists for all the sacrifices they make to create a better and safer world for the public, police officers, fire and EMS personnel.
- 15. Mr. Wendt administered the oath of office to Nelson Clymer as he became the newest Vandalia police officer on Wednesday morning in Council Chambers. Mr. Clymer grew up in Miami County and is a Newton HS graduate. He obtained his bachelor's degree in criminal justice from the University of Cincinnati. He successfully completed his basic peace officer training at Edison Community College's Peace Officer Training Academy.

16. On March 31, I participated in a virtual panel discussion along with other members from the Montgomery County Re-Entry Program in a presentation to a class of University of Dayton students on the benefits of offering such a program. The Montgomery County Re-Entry Program provides citizens returning from prison the opportunity to learn job skills, find employment and housing, and integrate back into the community so they can live productive lives and reduce recidivism.



### **Public Works & DES Information Update**

To: Dan Wendt, City Manager

From: Rob Cron, Director of Public Service

**Date:** April 8, 2021

**Re:** Information Update for March 20 - April 9, 2021

### **Public Works**

Crew were called out on three separate occasions to repair watermain breaks. One of the breaks was on the line from the well that feeds the irrigation system at the golf course. We also had to repair one of the valves that broke on Desales Street, shutting down to repair the break.

We assisted the Vandalia Butler Chamber with our bucket truck to replace the sign at their office on National Road.

Now that the asphalt plants are open, we have begun making permanent repairs in our roadways where mainbreaks have occurred or large potholes have surfaced. We also replaced some curb that was removed for a utility repair.

Crews performed two burials at Poplar Hill Cemetery during this period.

We replaced four curb stops (valves) on water services that were inoperable.

We have replaced the Winter Banner on National Road with the Spring Banners and have brought the spring weather with them.

We have been performing some maintenance around our facility. Recently we installed a new metal roof and painted our paint and chemical storage building.

Steve Nickels and I attended the monthly NAWA Technical Committee meeting on April 7th.

Scott Gibbs and Josh Woss participated in the Community Helpers Day with the Vandalia Butler Pre-School at the First Light Church. They spoke about what their roles are as Public Works Employees and took one of our dump trucks for them see.



### **Development & Engineering Services**

The contractor was able to move back in this week to finish the restoration on the Adeline Drainage project. All of the storm sewer was completed last winter but areas have been too wet to complete all of the final grading a seeding until now. They have also reinstalled all the fencing that had to be taken down to complete the work.

The contractor was in this week to pour the handicap ramps on the Northwoods and Falls Creek Improvement project. Foundations have been poured for the signal poles as well. As of now, the estimated delivery of the signal poles is still late June to early July.

Traffic has been shifted over and roadway work has begun on the US40 Widening project. They have also begun work on the southbound entrance ramp to the Airport Access Road.

Work continues in the Redwood Development off Webster Street. The storm sewer for the City's portion of Park Center Drive has been installed. They are currently working on filling the ravine over the large culvert in the private roadway section.

Work on the Chipotle site is moving along. They are currently working on the drive approach and streetscape portion of the project.

Chad Baughman and I met with Craig Eckstein on O'Hara Court to review his commitment to completing the final course of asphalt on this development. He indicated that he will be obtaining prices to get this completed as soon as possible.

Negotiations continue with Tri Cities Wastewater Authority and Veolia to renew their contract for the operations of the Sanitary Sewer Treatment Plant. We are very close with only have a few outstanding items to resolve.

David Marlow, Amber, you and I participated in the Bicycle Advisory Committee Meeting on March 22<sup>nd</sup>. Matt Lindsey, from MVRPC, joined us as well to discuss the implementation of a Complete Streets Policy in Vandalia.

Ted Baker and Chris Mastrino attended the bi-weekly jobsite progress meeting at Heraeus to discuss the status of their projects as they move closer to completion.

Ted and Chris met with the design team from Axogen to assist them with their unique door locking issues due to FDA regulations.

Ted and Chris also met with Pastor Friend at the New Life Worship Center on Benchwood Drive to help him identify and address some structural framing challenges on the building addition and alteration project. Pastor friend is acting as the project manager for this project and welcomes any assistance we can provide.

Jason Eckert, Ted, Chris and Amber meet on site with representatives of Xerion at 250 Northwoods Boulevard to review the status of their ongoing fire alarm and sprinkler issues.

It was an honor to participate in the Employee Service Awards program again this year. Congratulations to all the recipients and thank you for your years of dedicated service to the City. Public Works and DES had four employees recognized. Steve Nickels and Chris Mastrino with 30 years. Kip Millikin with 20 years and John Bubeck with 5 years.

### Memorandum

To: Dan Wendt, City Manager

From: Darren Davey, IT Manager

**Date:** April 8, 2021

Re: Information Update



### **Information Technology Department**

- 1. CivicPlus conducted remote training for the new website management software on March 23-25. Several city employees attended the training sessions. The launch date of the new website has been moved to May 24 to allow for more time to implement any rebranding changes.
- 2. All of the equipment for the Police Body Cam Upgrade project has arrived. I am waiting for an installation date from the project team.
- 3. MetroNet will be onsite Friday, April 9, to finish installing the fiber connection link between Station 1 and the Justice Center.
- 4. We will be assisting the Division of Police again this year for their LEADS audit and implementing any changes that may be required due to new policies.
- 5. The Firewall Upgrade Project will be on the April 19 council agenda. If approved, we will begin implementing a few physical connection changes prior to the installation of the new firewall. After the firewall is installed we will begin rolling out additional security enhancements. These changes will be phased in over several months to allow us to fully test the new settings and minimize downtime.
- 6. We assisted the Division of Police with the installation of their new weapons training system last week. The new technology is quite an improvement from the donated system they were using previously that required continual tweaking from IT.
- 7. Congratulations to IT Support Specialist Austin Roberson and his wife Laura on the birth of their second child, Cooper James Robertson, who was born on April 5!



### April 1, 2021

Dear Tree City Award winner,

The City of Montgomery would like to congratulate you on your prestigious Tree City Award. The past two years have been challenging for everyone, and continuing to showcase your community's love for forestry should be commended.

The Tree City Awards program had to be cancelled by the City of Sidney in 2020 as well as this year in Montgomery due to Covid-19. In lieu of our annual event, the City of Montgomery and our Beautification & Tree Commission along with support from the Ohio Department of Natural Resources (ODNR) will be hand-delivering an event package to each Tree City Award winner for 2021. This package will contain your Tree City Award, several Montgomery-themed gifts, and gifts from the City of Sidney from last year's cancelled awards program.

We would like to thank everyone at the ODNR for their continued support of our urban forestry efforts. Without the support of our local government leaders and city support, our forestry work and success would not be possible. We hope our gift box finds you well and enjoying the spring weather. Here is to a healthy and prosperous 2021!

Sincerely,

Terry Willenbrink

Assistant Public Works Director/City Forester

Mike Rogers

Public Works Supervisor/City Forester

Aaron B. Kellenberger

Beautification and Tree Commission Chair



Mike DeWine, Governor Jon Husted, Lt.Governor

Stephanie McCloud, Director

### **DIRECTOR'S ORDER**

Re: Director's Order Rescinding Various Orders

- I, Stephanie McCloud, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infectious diseases" **Order** the following to prevent the spread of COVID-19 into the State of Ohio:
  - 1. The Director's Order to Require an Inventory of All Ventilators in Ohio signed March 30, 2020 is rescinded.
  - 2. The Director's Order that Reopens Campgrounds, with Exceptions signed May 20, 2020 is rescinded.
  - 3. The Director's Order that Provides Guidance for Baseball, Softball, Batting Cages, Golf Courses, Miniature Golf, Local and Public Pools and Aquatic Centers, Tennis Facilities, Skills Training for All Sports, and General Non-Contact Sports including Bowling Alleys, with Exceptions signed May 22, 2020 is rescinded.
  - **4.** The Director's Order that Reopens Gyms, Dance Instruction Studios, and Other Personal Fitness Venues, with Exceptions signed May 22, 2020 is rescinded.
  - 5. The Director's Updated and Revised Order for Business Guidance and Social Distancing signed May 29, 2020 is rescinded.
  - **6.** The Director's Order that Amends the Requirements for Non-Essential Surgeries and Procedures signed June 2, 2020 is rescinded.
  - 7. The Director's Order Updating and Revising Requirements and Guidance for Youth Camps and Residential Camps, with Exceptions signed July 5, 2020 is rescinded.
  - **8.** The Director's Second Order to Extend the Expiration Date of Various Orders signed July 6, 2020 is rescinded.
  - **9.** The Director's Order for Facial Coverings throughout the State of Ohio signed July 23, 2020 is rescinded.
  - **10.** The Director's Order that Provides Mandatory Requirements for Entertainment Venues signed August 25, 2020 is rescinded.

- 11. The Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions signed September 23, 2020 is rescinded.
- 12. The Director's Second Amended Order that Provides Mandatory Requirements for Youth, Collegiate, Amateur, Club and Professional Sports signed September 25, 2020 is rescinded.
- 13. The Amended Director's Order that Reopens Hair Salons, Day Spas, Nail Salons, Barber Shops, Tattoo Parlors, Body Piercing Locations and Tanning Facilities, with Exceptions signed October 9, 2020 is rescinded.
- 14. The Addendum to Director's Third Amended Order that Reopens Restaurants, Bars, Banquet and Catering Facilities and Services to Dine-in Service, with Exceptions signed February 11, 2021 is rescinded.
- 15. The First Amended Revised Order to Limit and/or Prohibit Mass Gatherings in the State of Ohio, with Exceptions signed March 2, 2021 is rescinded.
- 16. The Addenda to Director's Second Amended Order that Provides Mandatory Requirements for Youth, Collegiate, Amateur, Club and Professional Sports signed 9/25/2020 and Director's Order that Provides Mandatory Requirements for Entertainment Venues signed 8/25/2020 signed March 2, 2021 is rescinded.
- 17. The Director's Order that Reopens Fairs and Animal Exhibitions, with Exceptions signed March 11, 2021 is rescinded.
- 18. The Addendum to Director's Second Amended Order that Provides Mandatory Requirements for Youth, Collegiate, Amateur, Club and Professional Sports and Extracurricular Activities signed March 15, 2020 is rescinded.

April 5, 2021

Date



Mike DeWine, Governor Jon Husted, Lt.Governor Stephanie McCloud, Director

### **DIRECTOR'S ORDER**

### Re: Director's Order for Social Distancing, Facial Coverings and Non-Congregating

- I, Stephanie McCloud, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infectious diseases" **Order** the following to prevent the spread of COVID-19 into the State of Ohio:
  - 1. **Preamble:** Everyone should wear a mask when engaging with others outside their household. Facial coverings have proven to be an effective weapon in the fight against COVID-19.

As we head into spring and the weather is more pleasant, everyone should, whenever possible, be outside for activities and gatherings. The spread of COVID-19 is significantly less outdoors and compared to indoors.

Continuing to wear a mask, socially distance and avoid large gatherings will get us to the goal of 50 cases per 100,000 over a two-week period that bring an end to Health Orders. Only by following the basic precautions can we continue to lower the number of cases.

### 2. Facial Coverings (Masks).

- a. Except as provided herein, all individuals, in the State of Ohio shall wear facial coverings at all times when:
  - i. In any indoor location that is not a residence;
  - ii. Outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their family/household; or
  - iii. Waiting for, riding, driving, or operating public transportation, a taxi, car service, or a ride sharing vehicle. This does not apply to private or rental vehicles where members of a family/household are sharing a vehicle.
- b. The requirement to wear a facial covering does not apply when:
  - i. The individual is under ten years of age;
  - ii. A medical condition including those with respiratory conditions that restrict breathing, mental health conditions, or disability contraindicates the wearing of a facial covering;
  - iii. The individual is communicating or seeking to communicate with someone who is hearing-impaired or has another disability, where the ability to see the mouth is essential for communication;
  - iv. The individual is alone in an enclosed space, such as an office, or in lieu of an enclosed space, the individual is separated by at least six feet in all directions from

- all other individuals, and in either case the space is not intended for use or access by the public;
- v. The individual is actively engaged in exercise in a gym or indoor facility so long as six or more feet of separation between individuals exists;
- vi. The individual is actively participating in athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order;
- vii. The individual is actively engaged in a public safety capacity, including but not limited to law enforcement, firefighters or emergency medical personnel;
- viii. The individual is seated and actively consuming food or beverage in a restaurant or bar;
- ix. Facial coverings are prohibited by law or regulation;
- x. Facial coverings are in violation of documented industry standards;
- xi. Facial coverings are in violation of a business's documented safety policies;
- xii. Individual is actively participating in broadcast communications;
- xiii. Individual is an officiant of a religious services; or
- xiv. In an industrial or manufacturing facility, employees are separated by at least six feet in all directions, or by a barrier in a manufacturing line or work area.
- xv. Schools offering kindergarten through grade twelve instruction (or some portion of it) that comply with the guidelines set forth by the Ohio Department of Education and the Ohio Department of Health.
- xvi. Child care centers, family child care, in-home aids, day camps, and after school programs licensed by the Ohio Department of Job and Family Services (ODJFS) that comply with current and future guidelines set forth by ODJFS and the Ohio Department of Health.
- c. Nothing in this order is intended to interfere with the separation of powers under the Ohio Constitution. Businesses must apply exceptions to wearing a mask equally to all persons. This Order does not apply to jails or prison facilities. This Order is not intended to supersede, supplant or preempt any order or law of a local jurisdiction that is more restrictive than this Order. For the purposes of this Order, a facial covering (mask) is any material covering an individual's nose, mouth, and chin.
- 3. Congregating. Individuals must avoid gathering in groups and attempt at all times to maintain social distancing. When gathered together, individuals should be in a group of no more than ten individuals that is separated from other groups by at least six feet. Each individual should perform a daily health assessment and stay home if you have a fever, cough, or other signs of possible corona virus.
- **4. Social Distancing Requirements.** For purposes of this Order, Social Distancing Requirements include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. Where possible, designate with signage, tape, or by other means

six-foot spacing for employees and customers in line to maintain appropriate distance. Have hand sanitizer and sanitizing products readily available for employees and customers.

### 5. Sanitation.

- a. Hand washing or sanitization upon entry to facility.
- b. Use sanitizer products that meet the CDC guidelines.
- c. Have sanitizer available throughout businesses and organized events for employees and patrons.
- d. Routine disinfection of high-contact surfaces, desk workstations, restrooms, and equipment.
- **6.** Large gatherings. Organizers and managers should conduct the event in a manner that discourages individuals from standing or sitting close together in buildings or on other parts of the grounds or premises. Where possible, the organizers and managers should provide one-way traffic in buildings or other areas, where doing so will help people maintain social distancing.

### 7. Exhibitions, competitions, and auctions

- i. Participants, spectators, and judges shall, when possible, maintain a distance of six feet between each other.
- ii. Family members of the participants shall have priority in the viewing area.
- iii. Each family should group together in the viewing area, and there should be six feet between families.
- iv. Microphones shall be sanitized after each person uses the microphone.
- v. Organizers should consider the use of a virtual exhibitions, competitions, and auctions, although this is not required. Priority seating shall be family members of participants and buyers at auctions.

### 8. Fixed Seating

- i. The maximum number of spectators permitted to be in attendance at an indoor facility with fixed seating shall be twenty-five percent of the capacity of the facility with fixed seating.
- ii. A distance of six feet should be maintained between seated spectators with groups of no more than ten people seated together.

### 9. Signage

i. All businesses and organized gatherings, where possible, shall post clearly visible signage at all entrances to each of their grounds or premises requiring all persons entering to wear a facial covering. The text shall state that all persons are required to wear a facial covering and engage in social distancing at all times in or on the grounds or premises. Such signage is available for download from https://coronavirus.ohio.gov/wps/portal/gov/covid-19/responsible-restart-

ohio/Posters-and-Signs/ Any entity requiring assistance printing signage should contact the Ohio Department of Health Call Center at 1-833-4-ASK-ODH (1-833-427-5634).

#### 10. Buildings

i. Buildings accessible to the public shall strive to maximize ventilation, including opening doors and windows. Indoor facilities are expected to employ filtration of MERV 13 or higher at soon as practicably possible.

#### 11. Food and Beverages

- i. Restaurants, drinking establishments and banquet facilities shall require patrons to be seated while actively eating or drinking. The tables should be six feet apart and seat no more than 10 persons per table. Facial coverings are to be worn when not seated, in compliance with the requirements of this Order.
- ii. At all other organized gatherings, it is recommended that areas be designated for tables and seating for food and drink consumption. The tables should be six feet apart and seat no more than 10 persons per table. Food and drink should be consumed while seated.

#### Confirmed Cases.

- a. Immediately isolate and seek medical care for any individual who develops symptoms.
- b. Contact the local health district about suspected cases or exposure.
- c. Organizer must maintain a complete list of coaches, players, and employees present at each event to include the date, beginning and ending time of the event, plus name, address, and phone contact to be made available upon request from local health district.
- d. It is recommended that, if possible, work with local health department to identify potentially infected or exposed individuals to help facilitate effective contact tracing/notifications.
- e. It is recommended that, if possible, once testing is readily available, test all suspected infections or exposures.
- f. It is recommended that, if possible, following testing, contact local health department to initiate appropriate care and tracing.
- g. Students:
  - i. For athletes and students involved in extracurricular activities whose exposure was not in a classroom setting, CDC continues to endorse quarantine for 14 days and recognizes that any quarantine shorter than 14 days balances [the] reduced burden [of quarantine] against a small possibility of spreading the virus [beyond 10 days]. CDC recognizes that reducing the length of quarantine may make it easier for people to quarantine by reducing the time they cannot play sports. Players, coaches, officials, or other individuals who had close contact (within six feet of an

infected individual for at least 15 minutes) or who had direct physical contact with the person (e.g., who were coughed on or sneezed on by the infected person) and who remain asymptomatic may consider the following to consider stopping quarantine:

- After day 10 without testing
- After day 7 after receiving a negative test result (test must occur on day 5 or later)
- ii. However, youth who are not required to quarantine due to exposure occurring in a classroom setting under the school-based exposure guidance are permitted to participate in organized sports activities and extracurricular activities as long as they remain symptom free and follow applicable guidance.
- **12. Duration.** This Order shall be effective immediately and remains in full force and effect until the Director of the Ohio Department of Health rescinds or modifies this Order.

Accordingly, I hereby ORDER that the Social Distancing, Facial Coverings and Non-Congregating requirements remain in effect. This Order shall remain in effect until the Director of the Ohio Department of Health rescinds or modifies this Order. To the extent any public official enforcing this Order has questions regarding what services are prohibited under this Order, the Director of Health hereby delegates to local health departments the authority to answer questions in writing and consistent with this Order.

Stephanie McCloud, Director

April 5, 2021

Date



#### **Ohio Economic Development Association (OEDA)**

**Jeffry D. Harris** 

Of Counsel

Bricker & Eckler

**Brooke A. Mangiarelli** 

Associate

Bricker & Eckler



## **What We'll Cover Today**











**Rescue Plan** 

**Eligibility & Use of Funds** 

**Ohio Roll-out** 

Q & A

Overview:
Broadband,
Restaurants, EDA,
SSBCI, State &
Local Fiscal
Recovery, HUD

Eligibility & Uses of Rescue Plan's Different Appropriations

??

Time for Questions & Answers



#### **Overview**

- Public Law 117-2 signed into law on March 11, 2021
- \$1.856T COVID relief package, w/ heavy emphasis on social equity:
  - \$350B to state & local governments (incl. \$10B for critical infrastructure)
  - \$130B to school districts
  - \$30B to public transit agencies
  - \$28.6B to restaurants & bars
  - \$10B to State Small Business Credit Initiative (SSBCI)
  - \$7B to expand PPP eligibility to incl. more non-profits
  - \$7.17B to FCC for schools / libraries' remote learners' broadband access
  - \$3B to U.S. EDA



#### **Politics**

- Far larger stimulus plan than \$787B ARRA package (2009)
  - Passed during early stages of Obama Administration
  - Federal response to the home mortgage loan crisis
  - Widely viewed by economists as too small to effect lasting impact
- Democrats in Washington had a dim view of that 2009 deal
  - Much horse-trading to gain Republican support which never materialized



#### Inflation? Fuggedaboutit

- Economy overheating voiced by political talking heads & Wall Street traders
- Federal Reserve Chair Jerome Powell: little cause for worries about inflation
  - Dominant thinking since 1980s currently evolving
  - Fed to not raise interest rates until it sees:
    - Economy at full employment (i.e., less than 5% unemployment)
    - Inflation above 2% (as measured by CPI) AND
    - Evidence such price increases are poised to remain permanent
  - "There's a difference between a one-time surge in prices and ongoing inflation"



## **Broadband Expansion – Schools & Libraries**



#### **E-Rate: Emergency Connectivity Fund**

- Appropriates \$7.17B in FY '21 through FY '30 to support schools & libraries in providing devices and connectivity during the COVID-19 pandemic
  - Administered by Federal Communications Commission
    - Required to issue reg's w/in 60 days
  - Offset 100% of costs to purchase devices & equipment & IT services incurred from 01.27.2020 (emergency declared) thru June 30 of 1<sup>st</sup> year post-COVID emergency
  - For use by students, school staff & library patrons; at locations other than schools / libraries
  - Educational connections & devices to address the "homework gap"
- UPDATE: March 22: FCC issued <u>Federal Register notice</u> seeking public comment



# Restaurant Revitalization Fund



#### **Restaurant Revitalization Fund**

#### ARPA, Title V, Sec. 5003

- Appropriates \$28.6B in FY '21 (until expended) to support restaurants, food trucks, brewpubs, taprooms & bars (incl. those located in airport terminals)
  - Grant assistance: Up to \$10MM/operator (no more than \$5MM/location); "equal to the [operator's] pandemic-related revenue loss"
- Use of funds: payroll; mortgage (P + I) and rent payments; utilities; maintenance (incl. construction & FF&E); supplies; food & beverages; operational exp.'s; paid sick leave
- Eligible operators: submit "good-faith certification" that support "necessary" & did not receive Shuttered Venue Operator Grants
  - **Ineligible**: Government-owned operators; operators with > 20 locations (irrespective of common naming); pending recipients of Shuttered Venue Operator Grants
    - o NOTE: \$1.25B add'l appropriation to Shuttered Venue Operators Grant fund
- \$5B carve-out for operators with gross receipts in 2019 ≤ \$500,000



# U.S. Economic Development Administration



#### **Economic Adjustment Assistance (EAA) Program**

#### ARPA, Title VI, Sec. 6001

- Additional \$3B in FY '21 through FY '22 to support small businesses responding to & recovering from economic effects of COVID-19
- Economic Development Assistance Programs to prevent, prepare for, and respond to coronavirus
  - Incl. necessary expenses for responding to economic injury as a result of coronavirus
  - \$750MM carve-out to states & communities suffering losses in travel, tourism & outdoor recreation
- Funds avail, under EAA
  - Updated Economic Adjustment Assistance Notice of Funding Opportunity?

#### OR

- Appears EDA using <u>FY20 PWEAA NOFO + Addendum</u>
  - "No application deadlines... agency will accept proposals on a rolling basis until the publication of a new PWEAA NOFO, cancellation of this NOFO, or all funds are obligated"

## **Eligible Applicants**



- Unchanged from traditional (i.e., pre-COVID) type EAA <u>applicants</u>:
  - State of Ohio
  - Counties
  - Cities
  - Townships
  - Special purpose government units engaged in economic development
    - Think CICs in "agency" with local jurisdictions
  - Consortia of governments
  - Institutions of higher education, and
  - Public / private non-profits acting in cooperation with officials of political subdivisions

## Forms of EDA Assistance



- EAA is primary funding line administered by EDA
  - Compare Public Works program
    - NOFO Addendum to allow Public Works projects?
- EAA provides investments for construction & non-construction
- Subject to federal regulations:
  - Title 13, Chapter III, Part 307 of the Code of Fed Regulations
- Regs divide EDA's grant funding into <u>two types</u>:
  - Strategy grants support developing, updating, refining region's Comprehensive Economic Development Strategy ("CEDS")
  - Implementation grants to execute activities identified in CEDS
    - Incl. infrastructure construction, capitalizing revolving loan funds ("RLF"), technical assistance, and other activities

## **Eligible Uses of Funds - Construction**



- Implementation-type grants involving public works and facilities to support economic recovery, including broadband, roads, water & sewer
- EDA-cited <u>examples</u>
  - FY '20 NOFO:
    - Funding to a city to support the construction of a publicly owned multi-tenant business and industrial facility to house early-stage businesses
  - CFR:
    - Site acquisition, site preparation & rehabilitation and equipping of facilities
- Projects must be completed w/in 5 years from award date
- Must include an environmental impact statement prepared under NEPA + public notice period + comments from SHPO
- Applicant as NGO (e.g., local nonprofit)?
  - Local political subdivision afforded 15 days to review application

## Eligible Uses of Funds – Nonconstruction



- Implementation grants for design & engineering & (re-)capitalizing RLFs
- Strategy grants for planning & strategy development
- FY '20 NOFO hinted that projects to be completed w/in 3 years
- Indirect cost recovery (i.e., **grant administration expenses**)
- RLFs received special mention under CARES Act appropriation
  - EDA waived typical requirements through May 2021
    - Minimum interest rate charged for business & public infrastructure lending
    - 1:2 lending requirement for loan portfolios, whereby \$1 of EDA funds must leverage at least \$2 of add'l capital
    - o Credit otherwise unavailable (i.e., borrower being first rejected elsewhere)

## **Rescue Plan Funding Process?**



- Following CARES Act's competitive & non-competitive funding (i.e., existing EDA grantees)?
- Rescue Plan \$\$ via Chicago Regional Office allocation?
  - CARES Act directed \$225MM to Illinois, Indiana, Michigan, Minnesota,
     Ohio & Wisconsin
  - Applicants were to consider substantial grant amount requests
  - Agency handled applications "exceeding the historical averages"
  - EDA generally awarded up to 80% of total project's cost
  - "Heavily oversubscribed"
- Pre-COVID: EAA grant awards typically sized \$150k to \$1M



# State Small Business Credit Initiative (SSBCI)



Amends State Small Business Capital Initiative Act of 2010 (12 U.S.C. 5701 et seq.)

#### What is SSBCI?

- Version 1.0: originally introduced 2010; active through 2017
- Deliver urgently needed capital to small businesses in the United States
- Council of Development Fin. Agencies (CDFA) strong proponent
  - "One of the most successful federal access to capital delivery mechanisms during its time"
  - ODSA: \$55,138,373 in deployed capital (2010 2017)
    - Ohio Capital Access Program; Small Business Collateral Enhancement Program; Targeted Investment Program
- Original SSBCI allowed states flexibility to design their own small business support programs:
  - Federal program that leveraged private capital; + 16,900 small businesses participated
  - 80% SSBCI loans & investments to businesses ≤10 employees; 42% in LMI communities



Amends State Small Business Capital Initiative Act of 2010 (12 U.S.C. 5701 et seq.)

- Version 2.0: Reauthorized \$10B through FY '30 to support small businesses responding to & recovering from economic effects of COVID-19
  - Technical assistance (e.g., legal, accounting, fin. advisory services)
- Pre-existing state programs to immediately deploy funds
- \$1.5B carve-out for businesses enterprises owned & controlled by socially & economically disadvantaged individuals
  - PLUS another \$1B incentive to state programs demonstrating robust support for such businesses
- \$500MM carve-out for very small businesses (< 10 FTEs; incl. sole proprietors & 1099s</li>



# State & Local Fiscal Recovery Funds

## Purpose of Coronavirus State & Local Fiscal Recovery Funds



For "responding to the COVID-19 public health emergency, to offset revenue losses, bolster economic recovery and to provide premium pay for essential workers."

-U.S. Senate Democratic Caucus



#### Amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.)

#### ARPA, Title IX, Subtitle M, Sec. 9901 (add-on to CARES Act's Sec. 601)

- Sec. 602: Appropriates \$219.8B through Dec. 31, 2024 to States & D.C., territories & Tribal governments
  - Amounts payable to each of the 50 states and District of Columbia: total \$195.3B
    - \$500MM to each of the 50 states + D.C.
    - Additional amount: (remainder \* States' unemployment rates)
    - Minimum: (\$500MM + add'l amount) + local governments \$\$ = CARES Act allocations
      - Ohio: \$4.528B under CARES Act

#### Timing

- Amount payable within 60 days of State's certification of need
  - U.S. Treasury can withhold up to 50% for up to 12 mo's & require 2<sup>nd</sup> certification of need

## **Eligible Uses of Funds – States**



Payments from Coronavirus State Fiscal Recovery Fund can <u>only</u> be used for costs incurred during covered period (March 3, 2021 forward) that:

- A. Respond to the COVID-19 public health emergency or its negative economic impacts
  - Inc. assistance to households, small businesses & nonprofits, industries
- B. Respond to workers performing essential work
  - Providing premium pay (up to \$13/hour)
  - Incl. grants to eligible employers
- C. To provide government services to extent of reduction in revenue
  - Compare: most recent full SFY prior to COVID
- D. To make necessary investments in water, sewer, or broadband infrastructure

#### **Restrictions on Uses of Funds – States**



#### **Pending Litigation**

- On March 17, 2021, Ohio AG Yost filed a motion for preliminary injunction to prohibit enforcement of Title IX, Subtitle M, Sec. 9901
  - Mandates that Coronavirus State Fiscal Recovery Funds cannot be used (directly or indirectly) to offset tax cuts or credits
    - A State or territory shall not use the funds . . . to either directly or indirectly offset a reduction in the net tax revenue of such State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase
      - Covered period = March 3, 2021 to last day of FY in which all Funds are expended or returned
- Yost position that provision is "coercive" and exceeds Congressional authority under the U.S. Constitution

## **Eligible Uses of Funds – U.S. Dept. of Treasury Guidance**



## **TBD**

## **Ohio General Assembly**



**Appropriating Coronavirus State Fiscal Recovery Funds** 

## **TBD**



#### Amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.)

#### ARPA, Title IX, Subtitle M, Sec. 9901 (add-on to CARES Act's Sec. 601)

- Sec. 603: Appropriates \$130.2B through Dec. 31, 2024 to metropolitan cities, nonentitlement communities & counties
  - Amounts payable to:
    - Metropolitan cities: \$45.57B
    - Nonentitlement units of local government: \$19.53B, via payments to states, within 30 days of states' receipt
      - Capped at 75% of most recent budget as of 01.27.2020
    - See estimated amounts: <a href="https://www.nlc.org/resource/estimated-local-allocations-in-the-american-rescue-plan/">https://www.nlc.org/resource/estimated-local-allocations-in-the-american-rescue-plan/</a>



Amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.)

#### ARPA, Title IX, Subtitle M, Sec. 9901 (cont.)

- Sec. 603: Appropriates **\$130.2B** through Dec. 31, 2024 to metropolitan cities, nonentitlement communities & counties (*cont*.)
  - Amounts payable to:
    - Counties: \$65.1B
    - See estimated amounts: <a href="https://www.naco.org/resources/featured/state-and-local-coronavirus-fiscal-recovery-funds">https://www.naco.org/resources/featured/state-and-local-coronavirus-fiscal-recovery-funds</a>

## Eligible Uses of Funds – Units of Local Government / Counties



Payments from Coronavirus State Fiscal Recovery Fund can <u>only</u> be used for costs incurred during covered period (March 3, 2021 forward) that:

- A. Respond to the COVID-19 public health emergency or its negative economic impacts
  - Inc. assistance to households, small businesses & nonprofits, industries
- B. Respond to workers performing essential work
  - Providing premium pay (up to \$13/hour)
  - Incl. grants to eligible employers
- C. To provide government services to extent of reduction in revenue
  - Compare: most recent full FY prior to COVID
- D. To make necessary investments in water, sewer, or broadband infrastructure

## **Eligible Uses of Funds – U.S. Dept. of Treasury Guidance**



## **TBD**

## Ohio Office of Budget & Management



**Guidance regarding use of Coronavirus Local Fiscal Recovery Funds** 

## **TBD**



Amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.)

#### ARPA, Title IX, Subtitle M, Sec. 9901 (add-on to CARES Act's Sec. 601)

- Sec. 604: Appropriates \$10B to States & D.C., territories & Tribal governments to carry out critical capital projects
  - \$100MM to each state (minimum)
    - Available until expended
  - "To carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to" the COVID-19 public health emergency



# U.S. Housing & Urban Development



#### **Emergency Rental Assistance**

- Appropriates > \$21.5B through September 30, 2027 for emergency rental assistance to States, local governments, and U.S. territories
  - Administered by Treasury
  - Includes payment of rent, rental arrears, utilities and home energy costs, and other housing-related expenses (not to exceed 18 mos.) to eligible households
  - At least 40% of allocations to be paid w/in 60 days of enactment; remaining funds to be paid in tranches to eligible grantees (must obligate at least 75% of funds initially paid)



#### **Emergency Rental Assistance (cont.)**

- Appropriates \$5B through September 30, 2030 for emergency housing vouchers
  - Administered by Dep't of Housing & Urban Development
  - Families/individuals who are homeless, at-risk of homelessness, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
  - HUD to notify public housing agencies w/in 60 days of enactment



#### **Homelessness Assistance & Supportive Services Program**

- Appropriates \$5B through September 30, 2025, generally, for:
  - Tenant-based rental assistance
  - Development and support of affordable housing
  - Supportive services, including housing counseling & homelessness prevention
  - Acquisition and development of non-congregate shelter units (may be converted to permanent affordable housing or used as emergency shelter)
- To benefit families/individuals who are homeless, at-risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and veteran families w/ veteran member meeting one of these criteria



#### **Homeowner Assistance Fund**

- Appropriates > **\$9.9B** through September 30,2025 for qualified expenses
  - Qualified expenses include mortgage payment assistance, forbearance, delinquency, or default financial assistance, principal reduction, facilitating interest rate reduction, utility assistance, & HOA or condo fee assistance
  - Can also be used to reimburse States and local gov'ts for funds expended during period beginning Jan.
     1, 2020 and ending on the date that first funds are disbursed by State under Homeowner Assistance
     Fund for eligible purpose
- Allocated to States based on homeowner need
  - Determined w/ ref. to avg. number of unemployed individuals measured over 3-12 mo. period, and total number of mortgagors w/ (a) mortgage payments over 30 days past due or (b) mortgages in foreclosure
  - Each State, D.C., and PR to receive at least \$50M
  - At least 60% of funds must be used to assist homeowners w/ incomes equal to or less than (a) 100% of the area median income for their household size, or (b) 100% of the median U.S., as determined by HUD



# OEDA's Questions Posed to Bricker



Can the State of Ohio transfer its allocated Coronavirus State Fiscal Recovery Funds to private, nonprofits?

#### Answer:

YES. By reference to a federal definition of "private nonprofit organization," the Rescue Plan authorizes states to transfer funds to one or more entities that meet the following criteria:

(A) no part of the net earnings inures to the benefit of any; (B) has a voluntary board; (C) has an accounting system, or has designated a fiscal agent; and (D) practices nondiscrimination



I have heard talk in the media of "adverse affects" from the use of Rescue Plan dollars to offset tax cuts. What impact, if any, on my local community's receipt of Coronavirus Local Fiscal Recovery Funds if we provide a tax break – via TIF or EZ, for example – to tax payers?

#### Answer:

In the absence of contrary U.S. Treasury guidance, it is unlikely that providing these types of tax incentives will negatively impact local communities' receipt of Coronavirus Local Fiscal Recovery Funds. The "tax mandate" provision of Section 602(c)(2)(A) of the Social Security Act (which prohibits the use of certain funds to offset tax cuts) applies only to funds distributed to States (a) through the Coronavirus State Fiscal Recovery Fund, or (b) from counties and local governments.



May I use my local government's direct payment of Coronavirus Local Fiscal Recovery Funds as some (or even all) of the local match amount required under another federal funding program?

#### Answer:

In the absence of U.S. Treasury guidance, it is unclear. However, this use of funds was a permissible use of funds under the Treasury's CARES Act guidance, which suggests this may also be a permissible use of Coronavirus Local Fiscal Recovery Funds, as long as it otherwise falls within the Rescue Plan's eligible use criteria.



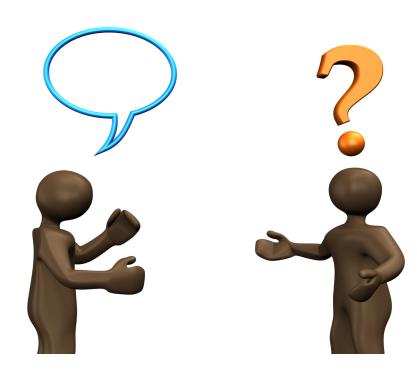
What is the status of townships in Ohio receiving direct payments under the Local Fiscal Recovery Fund?

#### Answer:

In the absence of U.S. Treasury guidance, it is unclear. Ohio Townships & OTA have voiced concern over their seeming exclusion as Recovery Fund recipients. (The U.S. House-passed version of the Rescue Plan was arguably more clear.) It may be the HUD Sec'y deems "nonentitlement unit of local government", as meaning a non-metro "city" under section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)), to include townships.







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