

# City of Sunbury Regular Council

## Minutes

**April 19, 2023**

Mayor Joseph St. John opened the Sunbury City Council meeting at 7:30 p.m., April 19, 2023, with a moment of silent prayer and the Pledge of Allegiance.

Those answering roll call: Cindi Cooper, Joseph St. John, Damin Cappel, Dave Martin, Murray Neff, Tim Gose, and John Grumney. Other staff in attendance were Assistant City Administrator Daryl Hennessy, City Solicitor David Brehm, Clerk of Council Amber Swain, and City Engineer Dan Whited.

### **MINUTES:**

Motion by **Cooper** and seconded by **Neff** to approve the April 5, 2023 meeting minutes. Upon roll, 7 yeas. Minutes passed.

### **VISITORS**

Megan Truax was present to receive her certificate for the Citizen Recognition Program.

### **COMMITTEE REPORTS**

Mr. Gose updated the Council on the Finance Committee meeting, including a presentation from the Montrose Group and a series of monthly financial reports. He also updated the Council on the JR Smith open house sessions. He finished by reviewing the latest fire board meeting and its ongoing discussion about moving the main fire station to a new location.

### **POLICE REPORT**

Chief Rob Howard went over the new Distracted Driving Law with Council. He also updated the Council on the status of the new police vehicles, part-time officers that were sworn in, and e-scheduling.

### **Administrator's Report**

Sunbury, Ohio

### **Memo**

**To:** Mayor, Council  
**From:** Steve Pyles  
**cc:**  
**Date:** 4/18/23  
**Re:** Administrator's Report

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### Personnel and Staffing

- Alex Nelisse-Blankenship continued his training. We are down to questions and answers as he encounters new issues.
- Record, box, and plan sorting continues.
- I've been filling in for the Streets Superintendent, meeting with staff in the morning start up from 6:45 – 7:15. More information in the Streets section which follows.
- The Service Superintendent and Supervisor position, summer positions and an opening at the wastewater plant have been posted. Review of applicants for the full-time services positions has been completed, interviews conducted and five applicants for second round interviews have been selected.

### Planning and Zoning

- Continued work on resident complaints regarding a business violating the zoning code.
- See the zoning report for process activity in the last month.
- Meetings with developers.
- Preliminary meeting for a new commercial building on the last remaining out lot at Kroger Plaza.

### Odds and Ends

- Our environmental consultant, legal counsel and I continue to communicate with the Ohio EPA to discuss final items remaining related to Martindale Park. We are seeking a continuation of the grant and some supplementary funding to bring that grant to conclusion with a No Further Action and Covenant Not to Sue from OEPA. We held a teleconference last week.
- The demolition of the houses is complete, we have requested a scope change with the grantor to see if we can include the remaining structure as bids came in low and we have funds remaining.
- Space planning meetings continue with Daryl leading that effort, they met on finishes for the two buildings. MS is preparing probable costs and we should have that information by the end of April.
- Closing of the ODOT outstation property is proceeding.
- Met on-site with RLA to resolve a construction spoils issue at Freedom Park. They have agreed to pay for a local contractor to spread and compact the spoils for the parking lot.

**Adding the following two departments to my report to provide further information.**

### Streets

- Weekend trash services of public containers at town square, Freedom, and GRE parks.
- Street light maintenance, we are also working through issues with the pedestrian crossing at Fallen Heroes.

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- The street sign inventory is complete, I need to compare it to an inventory of signs on hand and get pricing for what is needed.
- We met the manufacturer's rep for the crack sealing machine and did a field use of it on Walnut View.
- There was one burial since we last met.
- The partially collapsed storm sewer on Evening Street was repaired and is ready for the 2023 repaving of that street.
- One of the Western Star plow trucks is in for service now that the snow season has, hopefully, passed.
- Mowing equipment was prepared (oil changes and other task on preventative maintenance schedule) and mowing started last week.
- Lights repaired at PD.
- Streetlight survey completed in anticipation of meeting with AEP on LED retrofit project.
- Ohio Underground Protection Service (OUPS) locates when appropriate.

### Wastewater

- The department has been busy with some of the significant rain events.
- A section of sewer main in JR Smith was cleaned and televised. There will be a need to do some pipe replacement on a main that crosses through that park.
- Meeting with CT has resumed periodically to discuss plant upgrades and for them to see how the plant is currently operating. This is being done to refine plans.
- Daily operations of the plant, which includes sampling, adjusting processes based upon results, pressing sludge, sewer inspections of new taps.
- Periodic maintenance includes lubrication, cleaning clarifiers, and maintaining equipment.
- We had the new Pipe Hunter truck in for warranty work related to the power train.

### Engineer's Report

Prepared By: Wes Hall, P.E., Dan Whited, P.E.

Date: April 19, 2023

| Project Description   | Current Phase / Updates   |
|---|---|
| <b>CITY PROJECTS</b>  |   |
| <b><u>Fallen Heroes Multi-Use Trails</u></b>  |   |
| Phase 3 (to southern property line of Old Orchard Park)<br>This project extends the existing Fallen Heroes Multi-Use Trail for the terminus of Phase 2 to the southern property line of Old Orchard Park (which is the northern property line of Sunbury Meadows). This MUT segment is approximately 610 feet long. The MUT will be an asphalt trail, 10 feet wide. | Construction Phase<br>Contract is executed with contractor.<br>Preconstruction activities are |

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| <p>Sunbury has received a grant in the amount of \$50,568.50 from the County Commissioners, through their Trail Assistance Program. This amount is one-half of the estimated cost to construct the MUT.</p> <p><u>Phase 4 (from Old Orchard Park to Sunbury Meadows Drive)</u><br/>This project extends the existing Fallen Heroes Multi-Use Trail for the terminus of Phase 3 to Sunbury Meadows Drive. This MUT segment is approximately 550 feet long. The MUT will be an asphalt trail, 10 feet wide. Sunbury has received a grant in the amount of \$40,000 from Preservation Parks of Delaware County, through its Community Trail Improvement Grant (CTIG) Program.</p>  | <p>progressing.</p> <p>Phase 4 will be completed as a change order in Phase 3.</p>  |
| <p><b><u>Reservoirs Park Fishing Piers and Parking Lot Improvements</u></b><br/>The project includes the design of a small gravel parking lot off Sedgwick Avenue, with hard-surface pavement for ADA parking spaces, 620 feet of concrete sidewalk (5-feet wide) from the parking area to top of reservoir levees, to meet with the existing asphalt walking trail, a fishing pier, and ancillary items such as, but not limited to, fence gates, trail signage, trailside benches, lifebuoy rings, dog waste stations, and drainage infrastructure. Sunbury was offered, and accepted, a grant in the amount of approximately \$41,000 from ODNR's NatureWorks Grant Program. This project will need to include reservoir drawdown plans as well.</p> | <p><u>Design Phase</u><br/>Construction documents are being prepared.</p>   |
| <p><b><u>Dept. of Public Safety (DPS) Hazardous Mitigation Grant Program (HMGP) - Round 2 - Pre-Application</u></b><br/>CT is preparing a pre-application for Round 2 of the DPS HMGP. The pre-application is due on 3/24/2022 Sunbury will submit a request for a grant to assist in the engineering study of Prairie Run to identify possible solutions to mitigate flooding along the creek within the City. The results of this study will inform future decisions and actions of the City in completing projects designed to mitigate the observed flooding.</p>   | <p><u>Planning Phase</u><br/>FEMA questions are being addressed. It appears that all questions have been addressed as of 3/10/23.</p> |
| <p><b><u>Wastewater Treatment Plant Facilities Plan Update</u></b><br/>Submitted FP Update to Ohio EPA for review and approval. Waiting for comments. We were advised, informally, that the first reviewer for Ohio EPA had no comments on the FP Update. We are working to get something formal from Ohio EPA acknowledging their acceptance of the update or additional comments from additional reviewers so that we can finalize the Update. A presentation summarizing the findings, conclusions and recommendations of the Facilities Plan Update was made to the Services Committee at its meeting on 2/2/2022.</p>  | <p><u>Planning Phase</u><br/>The Ohio EPA permit application has been submitted.</p>  |
| <p><b><u>Little Walnut Creek Interceptor Sewer - Phase 2</u></b><br/>36" interceptor sewer from the intersection of Golf Course Road and Cheshire Road to Domigan Road.</p>   | <p><u>Preliminary Phase</u><br/>Survey and conceptual planning is progressing.</p>  |

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| <p><b><u>Stormwater Utility Study</u></b><br/>A study is being completed to determine the feasibility of implementing a Stormwater Utility.</p>  | <p>Study is on hold while MS4 program is being reviewed and organized.</p>   |
| <p><b><u>2023 Street Improvements</u></b><br/>This project will involve improvements to the following streets, which will receive OPWC funding: S Miller Dr. (US 36 to SR 3), Fox Trail Dr. (entire length), Raccoon Ln. (entire length), Chipmunk Ln. (entire length), Cottontail Dr. (entire length), Woodchuck Dr. (From Raccoon Ln to the existing phase line 250' to the south), Evening St. (entire length), Walnut St. (entire length), W Granville St. (SR 3 to Evening St).</p> | <p><u>Design Phase</u><br/>Construction documents are being prepared. Will be able to bid by late April</p>                                |
| <b>PRIVATE DEVELOPMENT PROJECTS</b>  |  |
| <p>Metro Development (DRK) submitted an application to rezone 67.1 acres of land between Africa Road and 3 B's &amp; K Road, on the south side of 36/37, to Planned Residence District (PRD) and to rezone 2.0 acres of land on the east side of 3 B's &amp; K Road, on the south side of 36/37, to Planned Commercial District (PCD). Metro Development proposes to construct 744 apartments, with ancillary supporting facilities, within the PRD.</p>                                 | <p><u>Design Phase</u><br/>Preliminary plan was approved at the March Planning Commission meeting. Final Engineering is being reviewed</p> |
| <p><b><u>Granville Street Multi-Family Development / Sunbury Commerce Park</u></b><br/>Mixed-use development; 120-unit apartment complex and 40,000 sq. feet of commercial/retail space.</p>   | <p><u>Planning Phase</u><br/>Council approved the rezoning. A submittal is anticipated soon.</p>   |
| <p><b><u>Magnolia Park</u></b><br/>New single-family subdivision located east of the Middle School.</p>  | <p><u>Construction Phase</u><br/>Clearing has been completed. Construction is anticipated to start soon.</p>                               |
| <p><b><u>Rolling Hills Subdivision</u></b><br/>New single family, planned residential subdivision located on Golf Course Road. The Final Plat for Section 1 and Section 3A were approved by Council.</p>   | <p><u>Construction Phase</u><br/>Construction is progressing.</p>  |
| <p><b><u>Price Ponds Subdivision</u></b><br/>New single family planned residential subdivision located on Golf Course Road. Final Plat for Section 1 was approved with contingencies by Council on 7/6/22.</p>   | <p><u>Construction Phase</u><br/>Construction is progressing for Section 1. Mass grading plan for Section 2 and 3 is being reviewed.</p>   |

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|---|--|
| <p><b>Eagle Creek Subdivision</b><br/> New single family, planned residential subdivision located on 3B's&amp;K Road. The preliminary plat / plan was conditionally approved at the 8/22/2022 Planning Commission Meeting.</p>  | <p>Design Phase<br/> Preliminary plan was approved at the March Planning Commission meeting.</p> |
| <p><b>Kintner Crossing</b><br/> New small lot single family and town home development north of Cheshire Road and west of West Cherry Street. The development consists of 81 small lot single family and 107 town homes on a 39.9 acre site.</p>                             | <p>Planning Phase<br/> Rezoning was approved by Council.</p>                                     |
| <p><b>Eagle Storage - 601 West Cherry Street</b><br/> Addition of four new storage buildings on the property. Council approved the building and site improvements with contingencies. We have reviewed the construction drawings (1st submittal) and provided comments.</p> | <p>Design Phase<br/> Waiting on the resubmittal of the construction drawings.</p>                |
| <p><b>BSTP Sunbury, LLC (Azco Development LLC)</b><br/> Mixed retail development in the Sunbury Meadows development. Initial application for day care facility; commitments on other three lots still undetermined.</p>   | <p>Preliminary plan was conditionally approved at the March Planning Commission meeting.</p>     |

**RIGHT-OF-WAY PERMITS**

The following R/W Permits Completed and/or under review:

- Columbia Gas - 595 Redshank Dr
- Columbia Gas - 1490 Linseed Ct
- Columbia Gas - 701 Titleist Dr
- Columbia Gas - 978 Ping Ln

**RESOLUTIONS**

First Readings

**RESOLUTION NO. 2023.08**

**RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 84.97 +/- ACRES OF LAND IN BERKSHIRE TOWNSHIP (DELAWARE COUNTY) OHIO IF ANNEXED TO THE CITY OF SUNBURY, OHIO**

Motion was made by **St. John** to suspend the rules, seconded by **Neff**, passed 7-0.

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Motion was made by **St. John** and seconded by **Neff** on the resolution, passed 7-0.

#### RESOLUTION NO. 2023.09

**RESOLUTION AS REQUIRED BY O.R.C. 709.023(C) SETTING FORTH MUNICIPAL SERVICES THAT WILL BE PROVIDED TO 84.932 +/- ACRES OF LAND IN BERKSHIRE TOWNSHIP (DELAWARE COUNTY) OHIO IF ANNEXED TO THE CITY OF SUNBURY, OHIO**

Motion was made by **Martin** to suspend the rules, seconded by **Cooper**, passed 7-0.

Motion was made by **Martin** and seconded by **Cooper** on the resolution, passed 7-0.

#### RESOLUTION 2023.10

**A RESOLUTION TO ASSIGN A DELEGATE AND ALTERNATE DELEGATE TO THE REGIONAL COUNCIL OF GOVERNMENTS FOR THE REGIONAL INCOME TAX AGENCY**

Motion was made by **Cappel** to suspend the rules, seconded by **Grumney**, passed 7-0.

Motion was made by **Cappel** and seconded by **Grumney** on the resolution, passed 7-0.

### ORDINANCES

#### Third Readings

#### ORDINANCE 2022.50 (Tabled)

**AN ORDINANCE APPROVING THE COMMERCIAL AND INDUSTRIAL SITE PLAN AND BUILDING APPLICATION OF CUTLER PROPERTIES LTD FOR CONSTRUCTION OF STORAGE BUILDINGS TO BE LOCATED AT 601 W CHERRY ST.**

To remain tabled

#### First Readings

#### ORDINANCE NO. 2023.09

**AN ORDINANCE PROVIDING FOR THE EMPLOYMENT OF DARYL P. HENNESSY AS CITY ADMINISTRATOR, AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT CONTRACT, AND DECLARING AN EMERGENCY**

Motion was made by **Martin** to suspend the rules, seconded by **Gose**, passed 7-0.

Motion was made by **Martin** and seconded by **Gose** on the Emergency, passed 7-0.

Motion was made by **Martin** and seconded by **Gose** on the Ordinance, passed 7-0.

### NEW / UNFINISHED BUSINESS

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### **Parade Rules and Procedures – Best Practices**

Mr. Brehm updated the Council on Parade Rules and Procedures – Best Practices, and that there are still discussions taking place with the insurance company. No action taken.

### **The Montrose Group – Professional Services Agreement**

Motion was made by **Cooper** to enter into a professional service agreement with The Montrose Group, seconded by **Neff**, passed 7-0.

### **Planning and Zoning Commission Appointment**

Tabled at this time pending the scheduling of interviews with the applicants.

### **S. Columbus Street Demolition Project**

Mr. Hennessy updated the Council on the status of this project. No action taken pending additional information about the availability of grant funds to assist with the demolition of the garage.

### **Council Strategic Planning – May 13, 2023**

Mr. Hennessy reminded Council to have their work packets turned in before the end of the month.

Executive Session pursuant to ORC 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

Executive Session pursuant to ORC 121.22(G)(2) to consider the purchase of property for public purposes when the premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public.

Motion Made by **St. John** to enter executive session, seconded by **Cappel**. 7-0

Motion made by **Martin** to end executive session, seconded by **Gose**. 7-0

### **ADJOURNMENT**

Motion to adjourn by **Cappel** and seconded by **Neff**. Upon Roll all Yeas.