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BOARD OF ELECTIONS  
MONTGOMERY COUNTY, OHIO

**FINAL REPORT  
OF THE  
CITY OF VANDALIA & BUTLER  
TOWNSHIP MERGER STUDY  
COMMISSION**

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**A STATEMENT OF THE TERMS AND  
CONDITIONS OF MERGER BETWEEN  
THE CITY OF VANDALIA  
AND  
BUTLER TOWNSHIP**

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**ADOPTED AUGUST 15, 2002**

# Vandalia-Butler Township Merger Study Commission FINAL REPORT

In November 2001, the voters of Vandalia and Butler Township overwhelmingly voted to establish a Merger Study Commission. This Commission was to develop a plan to merge the City of Vandalia and Butler Township into one new City. The "conditions of merger" which were adopted by the commission allow for the orderly transition of the current City of Vandalia and Butler Township into one new city which combines the strengths of both, and allows the citizens to control the future of their community.

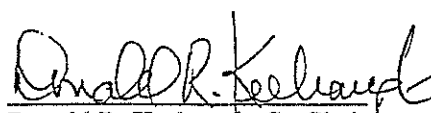
The conditions of merger, to be effective, must be adopted by a majority vote in both the City and in Butler Township. If it fails to pass in either, the merger is not approved. If it passes in both then the new City will start in January 1, 2006. The effective date was placed in the plan by the Merger Study Commission so there could be an orderly transition into the new City.

The Merger Study Commission's report is the final step in a process which started in 2001 when a group of citizens in both Butler Township and the City of Vandalia joined together to submit signed petitions to the Montgomery County Board of Elections in support of a study to merge the two communities. It has been determined that the citizens of the Vandalia-Butler community must answer the following questions: What do I want my community to look like in the future? Do I want it to be a new City of Vandalia? In an effort to maintain the present Vandalia-Butler community in the new City of Vandalia the concepts in this report are methods to preserve our community, and to assure that you, the resident of Vandalia and Butler Township have direct control over the future of our community.

In presenting these conditions of merger to the voters of Vandalia and Butler Township, the Merger Study Commission adopted a statement which stated their vision for our Community. "Upon merger all residents of the new City of Vandalia will receive equal treatment with respect to land use, municipal services and governmental action. It is the expectation of the Merger Study Commission that the new City of Vandalia will provide a general quality of life comparable to or better than that which the residents of the Township and City currently enjoy. It is also the belief of the Merger Study Commission that the new City of Vandalia will allow us to control our own destiny and build a community of greater strength than could be done independently by either the current City of Vandalia or Butler Township."

The members of the Merger Study Commission have assembled what they believe to be the best possible conditions of merger. You, the voters of the City and Township, must evaluate these conditions and determine whether it is in the best interest of our community. On behalf of the Vandalia-Butler Merger Study Commission,

PLEASE VOTE NOVEMBER 5, 2002

  
Donald R. Keebaugh, Co-Chair

  
Michael Haines, Co-Chair

CITY OF VANDALIA & BUTLER TOWNSHIP  
MERGER STUDY COMMISSION

RESOLUTION NO. 1

Formulating and establishing a statement of conditions for the  
Merger of the City of Vandalia and Butler Township in  
Montgomery County, Ohio

Whereas, Sections 709.43 through 709.48 of the Revised Code of Ohio provide for a method for the study of conditions for a merger of certain political subdivisions; and

Whereas, under terms of said statutes certain electors from the City of Vandalia and from Butler Township were duly elected to serve on the City of Vandalia & Butler Township Merger Study Commission; and

Whereas, said Merger Study Commission has met on numerous occasions, received information and advice and duly deliberated proposed conditions; and

Whereas, the City of Vandalia and Butler Township Merger Study Commission adopted certain goals for the Vandalia-Butler community, as follows:

“The merger of the City of Vandalia and Butler Township is based upon a common identity among residents of the community, a common set of community values, and a shared community history and purpose. Citizens enjoy a shared quality of life and level of services within their community. In order to protect and preserve the unique characteristics of Vandalia and Butler Township, citizens wish to maintain local control to promote the quality of life in their community.”

Whereas, the said Merger Study Commission has developed certain conditions of merger using said goals as guidelines; and

Whereas, it is the intention of said Merger Study Commission that upon merger all residents of the new City of Vandalia will receive equal treatment with respect to land use, municipal services and governmental action. It is the expectation of the Merger Study Commission that the new City of Vandalia will provide a general quality of life comparable to or better than that which residents of the Township and City currently enjoy, and it is also the belief of the Merger Study Commission that the new City of Vandalia will allow the residents to control their own destiny and build a community of greater strength than could be done independently by either the current City of Vandalia or Butler Township.

NOW, THEREFORE, BE IT RESOLVED by the City of Vandalia & Butler Township Merger Study Commission, that:

Section 1. The Board of Elections of Montgomery County, Ohio, be and it hereby is, respectfully requested to submit to the electors of the City of Vandalia and Butler Township, according to law, at the general election of November 5, 2002, the following question, to wit:

“Shall the conditions of merger proposed by the City of Vandalia & Butler Township Merger Study Commission be approved and pursuant to those conditions, the City of Vandalia and Butler Township merge into one community?”

\_\_\_\_\_ For the Merger

\_\_\_\_\_ Against the Merger,”

Section 2. The following be, and they hereby are, submitted and proposed as “conditions of merger” of the City of Vandalia and Butler Township, to wit:

## ARTICLE 1 - GENERAL CONDITIONS

### 1. NAME OF NEW CITY

The name of the new city formed by the merger of Butler Township and the City of Vandalia shall be the City of Vandalia or Municipality of Vandalia.

### 2. EFFECTIVE DATE

The effective date of the merger shall be January 1, 2006.

### 3. SCHOOL DISTRICT

Merger is for municipal purposes only. The boundaries of the Vandalia-Butler City School District and other school districts will remain the same.

## ARTICLE 2 SPECIAL CONDITIONS

The merger of the City of Vandalia and Butler Township is specifically conditioned upon the passage of a tax levy by the current City of Vandalia. The levy must pass no later than the general election in November 2004.

The levy is currently estimated to be in the range of five (5) to six (6) mills. At the time the levy is placed on the ballot the millage could be less or more than the estimated five (5) to six (6) mills.

## ARTICLE 3 GOVERNMENT AND REPRESENTATION

### 1. FORM OF GOVERNMENT

The new City of Vandalia will continue to operate as a Charter City with the Council-Manager form of government.

### 2. CITY CHARTER

The Charter of the current City of Vandalia will be the Charter of the new City. Certain Charter provisions may be altered by these conditions, which shall apply as necessary for the implementation of the merger. Within ninety (90) days after the effective date of the merger, the City Council shall appoint a Charter Review Commission to review and recommend changes, if any are needed, in the City Charter.

### 3. POLITICAL REPRESENTATION

The terms of all currently elected City and Township officials shall expire on December 31, 2005 at 11:59:59 p.m. The elected officials of the new City shall be the Mayor and six (6) Members of Council elected at-large. The first election of said officials shall be at the general election held in November, 2005 with terms of office to be effective January 1, 2006 at 12:00:00.

At the November 2005 general election, the three (3) members elected who receive the largest number of votes shall each serve as members of Council for a term of four (4) years. The remaining three (3) members elected shall serve for term of two (2) years. Thereafter, all members of Council shall serve for terms of four (4) years or

until their successors are elected and qualified.

The Mayor shall serve for a term of four (4) years or until a successor is elected and qualified.

#### 4. ORDINANCES

The Codified Ordinances of the City of Vandalia, except as specifically changed by these conditions, shall apply throughout the new City.

Use of firearms shall be permitted in those areas of the new City where such use legally existed prior to the effective date of the merger. Keeping of livestock shall be permitted in those areas of the new City where such use legally existed prior to the effective date of the merger. The Council of the new City shall have the authority to modify that use as is necessary for the protection of the public.

Changes related to planning and zoning are set forth in Article 5.

### ARTICLE 4 PERSONNEL

It is the intention of the Merger Study Commission that all employees of the City of Vandalia and Butler Township will become employees of the new City. Employees of the new City will receive pay and benefits in accordance with the salary and benefit ordinances of the new City, and will be accorded equal treatment regardless of whether they were previously employed by the City or Township.

On the effective date of the merger, all full time employees of Butler Township and the City of Vandalia who are employed on the effective date of the merger shall be offered full time employment with the new City. Employees will be offered employment in positions as determined by the City Manager after consultation with the employee, the employee's former department head, and the head of the department to which assignment is anticipated. Whenever possible said positions shall be comparable in duties and title with the employee's current position.

All employees shall be subject to applicable provisions of the City Charter, Ordinances, Resolutions, rules and regulations. All employees shall retain their seniority and will be given credit for all full time employment except if it is inconsistent with the union contract.

Nothing in the conditions of merger shall be construed so as to limit the lawful authority of the new City to determine employment requirements beyond the effective date of the merger.

### ARTICLE 5 PLANNING, ZONING AND LAND USE

The terms of members of the Boards of Planning and Zoning Appeals of the City of Vandalia; and of the Zoning Commission and Board of Zoning Appeals of Butler Township shall terminate on the effective date of the merger. The newly elected City Council shall appoint Boards of Planning and Zoning Appeals consistent with the

City Charter. It is the intention of the Merger Study Commission to provide protection to allow the continuance of operating farms within the new city.

Zoning districts, as established by the Butler Township Zoning Resolution, as they exist on the effective date of the merger shall be an amendment to the Planning and Zoning Code of the City of Vandalia, and shall be applicable to the former Township until such time as the Board of Planning and Zoning Appeals of the new City creates a unified code which is adopted by the City Council. Administration of the districts, including processing and standards for variances, shall be in accordance with the Planning and Zoning Code of the City of Vandalia. Applications for rezoning shall be to a zoning district consistent with the code in effect for that particular area.

Any person or persons legally utilizing a premise as authorized by a Butler Township Zoning Resolution or as approved or authorized under a Conditional Use Certificate variance as granted by the Butler Township Board of Zoning Appeals shall be legally entitled to continue such use subject to any conditions imposed thereon, however, no such use shall be expanded, altered, or changed to a different use.

## ARTICLE 6 CITY SERVICES

### 1. STREET LIGHTING

There shall be no change to the existing services for a minimum of three years, unless petitioned and paid for by end users. After that date, a uniform method of financing and providing street lighting would be applied to the new City.

### 2. GARBAGE COLLECTION AND DISPOSAL

Garbage collection shall be the responsibility of the new City.

### 3. STREETS AND ROADS

The new City will be responsible for all roads and streets within the new City, including all roads currently maintained by Montgomery County.

### 4. PARKS

The new City will become responsible for the maintenance and operation of all parks currently owned by the City of Vandalia and Butler Township.

### 5. CEMETERIES

The cemeteries currently operated by Butler Township and the City of Vandalia will be the responsibility of the new City.

### 6. CABLE TELEVISION

The current franchise agreements in place in the City of Vandalia and Butler Township will be the responsibility of the new City.

## ARTICLE 7 FINANCE

### 1. INCOME TAX

The current City of Vandalia income tax of 1.75% on earned income will be levied uniformly throughout the new City.

### 2. PROPERTY TAX

The current property tax levy of 4.14 mills will continue. The merger of the City of Vandalia and Butler Township is specifically conditioned upon the passage of a tax levy by the current City of Vandalia. The levy must pass no later than the general election in November 2004.

The levy is currently estimated to be in the range of five (5) to six (6) mills. At the time the levy is placed on the ballot the millage could be less or more than the estimated five (5) to six (6) mills.

Passage of these "terms and conditions of merger" does not approve the tax levy.

### 3. SPECIAL ASSESSMENTS

Special assessments currently collected within either Butler Township or the City of Vandalia will be continued.

## ARTICLE 8 GENERAL

Each and every article of these Conditions of Merger and each and every section and provision herein shall be deemed to be severable. In the event that any article, section or provision is held to be illegal or unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining articles, sections, or provisions, nor shall such decision affect or impair the merger of the City of Vandalia and Butler Township.

### 1. INTERESTS AND OBLIGATIONS

Upon the effective date of the merger, the City of Vandalia shall succeed to the interests of Butler Township in:

- a. All moneys, taxes and special assessments whether such moneys, taxes or special assessments are in the treasury or in the process of collection;
- b. All property and interest in property, whether real or personal;
- c. All rights and interests in contracts and in securities, bonds, notes or other instruments;
- d. All accounts receivable and rights of actions;
- and
- e. All other matters not included above.

Upon the effective date of merger, the City of Vandalia shall become liable for all outstanding franchises, contracts, debts and other legal claims, actions and obligations of Butler Township.

It is hereby found and determined that all formal actions of this Commission, and that all deliberations of this Commission and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

The Co-Chairmen be, and they hereby are, authorized and instructed to forward a certified copy of this Resolution to the Board of Elections of Montgomery County, Ohio and copies thereof to the City of Vandalia and Butler Township, and to any other party as may be required or requested.

Approved this 15<sup>th</sup> day of August, 2002.

Members of the Vandalia-Butler Study Merger Commission

Gary Spoltman  
Gary Spoltman

yes

Pam Perilman  
Pam Perilman

Michael Haines  
Michael Haines

yes

Donald R. Keebaugh  
Donald R. Keebaugh

yes

Bruce Routson  
Bruce Routson

YES

David Lewis  
David Lewis

No

Curtis Slaton  
Curtis Slaton

yes

Lori Gatland  
Lori Gatland

yes

Jean Mayhack  
Jean Mayhack

yes

Joyce Orange  
Joyce Orange

yes

This is to attest and certify that the aforesaid Resolution No. 1 of the City of Vandalia-Butler Merger Study Commission was, this 15<sup>th</sup> day of August, 2002, approved by a majority of the City of Vandalia members and by a majority of the Butler Township members as set forth above.

Jean Mayhack  
Jean Mayhack  
Secretary

