

**September 2, 2025
City Council
Council Meeting - 7:00 PM**

The City of Vandalia is committed to transparency and open meetings. A live broadcast of this meeting for viewing only is available via the Zoom app.

Join Zoom Meeting

<https://us02web.zoom.us/j/85288834157>

Meeting ID: 852 8883 4157

One tap mobile: 1-305-224-1968, 85288834157#

1. Call to Order
2. Moment of Reflection
3. Pledge of Allegiance
4. Approval of Minutes
 - A. Council Study Session Meeting Minutes: July 21, 2025
 - B. Council Meeting Minutes: July 21, 2025
 - C. Council Study Session Meeting Minutes: August 18, 2025
 - D. Council Meeting Minutes: August 18, 2025
5. Communications, Petitions and Awards
 - A. **Introduction: Director of Parks and Recreation Alicia McCracken**
Mr. Althouse will introduce Director of Parks and Recreation Alicia McCracken, who was promoted on July 27, 2025.
 - B. **Introduction: Recreation Superintendent Aaron Messenger**
Mr. Althouse will introduce Recreation Superintendent Aaron Messenger, who was promoted August 11, 2025.
6. Public Hearing
7. Comments from Interested Citizens
8. City Manager's Report

A. Information Items

1. **Sister Cities of Vandalia Oktoberfest**

On September 5 & 6 Sister Cities of Vandalia will have their annual Oktoberfest at the Vandalia Sports Complex. For more information visit their website at vandaliasistercities.org.

2. **Large Debris Drop-Off Saturday, September 13th**

The City of Vandalia is offering Vandalia Residents free large debris drop off from 8 am – 2 pm at the Public Works Garage. Proof of residency is required.

3. **Touch-A-Truck Saturday, September 13th**

This free event will be held from 10:30 am – 1:00 pm at the Vandalia Sports Complex, where people of all ages can touch, climb and marvel at the impressive lineup of vehicles.

B. Action Items

9. Old Business

10. Resolutions

A. **25-R-37 A Resolution Authorizing An Agreement With Sandy's Towing For Towing And Impounding Services For The Division Of Police**

B. **25-R-38 A Resolution Authorizing The City Manager Or His Designee To Prepare And Submit An Application To Participate In The Ohio Public Works Commission State Capital Improvement And/Or Local Transportation Improvement Program(S) And Authorizing Additional Action As Necessary For The City To Participate In Such Programs With Respect To The Pool & Randler (N) Ave Watermain Replacement Project**

C. **25-R-39 A Resolution Amending The Personnel Policies And Procedures Manual Of The City Of Vandalia**

D. **25-R-40 A Resolution Awarding The Bid For Robinette Park Splashpad Project Requested By Parks And Recreation To Outdoor Enterprises At The Lowest And Best Bid Price Of \$1,479,880**

E. **25-R-41 A Resolution Approving Amendments To The City Of Vandalia Emergency Operations Plan**

11. Ordinances - First Reading

12. Ordinances - Second Reading

A. **25-17 An Ordinance Repealing And Replacing In Its Entirety Chapter 1044 Of The Vandalia Codified Ordinances Titled "Sewers Generally"**

- B. **25-18 An Ordinance Approving A Pud Major Amendment And Revised Preliminary Plan For Subarea B Of The Redwood Vandalia Development, Owned By Redwood Vandalia, In The Planned Unit Development District PC**
- C. **25-19 An Ordinance Approving A Planned Unit Development Preliminary Development Plan And Associated Zoning Map Change For Land Generally Located At 600 Corporate Center Drive**
- D. **25-20 An Ordinance Rezoning 5.219 Acres Of Land Located At 3675 Wyse Road From Office / Industrial Park (O/Ip) To Highway Business (HB) And Industrial (I) And Amending The Zoning Map Of The City**

13. Ordinances – Emergency

- A. **25-21 An Ordinance To Revise Appropriations For Current Expenses And Other Expenditures Of The City Of Vandalia, Montgomery County, Ohio During The Calendar Year Ending December 31, 2025, And Amending Ordinance 24-24 And Declaring An Emergency**

14. Reports from Boards and Commissions

- A. **Conditional Use: PC 25-0010 – 3675 Wyse Road – Conditional Use (Truck Facility in the I District)**

Enclosed is a memorandum from Mr. Hammes wherein the applicant, Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

15. Council Comments

- 16. Executive Session - Matters required to be kept confidential by federal law or regulations or state statutes and to consider the sale of real property.

17. Adjournment

These icons illustrate which strategic goals Council Actions align to



Opportunity
Be known regionally as a top-tier suburb through top-tier City services.



Safe & Secure
Invest in traditional public safety and community outreach to meet needs.



Infrastructure
Protect infrastructure by investing in roads, utilities & parks.



Vibrant
Use amenities & growth mindset to create a warm & welcome environment.



Fiscal Sustainability
Seize quality-of-life opportunities while maintaining fiscal prudence.



Trust and Confidence
Transparent government to empower stakeholder engagement.



Sharpen the Saw
Refining practices and leverage technology to improve customer service.

CITY OF VANDALIA
July 21, 2025
City Council
Study Session – 5:00 PM

CITY OF VANDALIA
Council Study Session Minutes
Municipal Building
333 Bohanan Drive
Monday, July 21, 2025
5:00 P.M.

Councilmembers Present: Mayor Herbst, Vice Mayor Mike Blakesly, Councilmember Amber Aivalotis-Weaver, Councilmember Cindy Doogan, Councilmember Candice Farst, Councilmember Corey M. Follick and Councilmember Dave Lewis.

Others Present: Jerry McDonald, Kurt Althouse, Angela Swartz, Rob Cron, Darren Davey, Ben Borton, Ben Graham, Leann Hanf, Brandon Sucher, Chad Follick, Bridgette Leiter, Scott Jacobs, Alicia McCracken, Jake Hayslett, Kate Baker, Richard Drake, Brayden Boston, Paula Rohn, Ryan Lefeld, Alex Gonter-Dray, Aaron Horn, Rob Smith, Greg Thurman, Don Hutchison and David Brusman.

Mayor Herbst called the Study Session to order at 5:01 p.m.

Presentation

Fraud Alert Notification (FAN) Program

Kate Baker, Programs Coordinator for the Montgomery County Recorder's Office, presented information to Council on the Fraud Alert Notification Program, information on the Transfer on Death Designation Affidavit and the Veterans ID program.

Parks & Recreation Department Update

Mrs. McCracken presented the Parks & Recreation Department Update to Council. There was a brief discussion regarding the completion of the irrigation system at the golf course. There were no further comments or questions from Council.

Monday, July 21, 2025

Items on this evening's Council Meeting Agenda

Mayor Herbst called for questions or comments regarding items on this evening's Council agenda. There were none.

Resolution: Bid Award – Damian, Soter, Romanus, Desales (N) Watermain & Resurfacing – OPWC

Mr. Borton advised Council bids for the Damian, Soter, Romanus, and Desales (N) Watermain Replacement & Resurfacing project were opened on July 8, 2025, with nine bids submitted ranging from \$1,042,800 to \$1,429,743. The project is supported by \$500,000 in OPWC funding. **Mr. Borton** recommended awarding the contract to CG Construction & Utilities, Inc. as the lowest and best bid of \$1,042,800 and authorizes the use of the full appropriated budget to accommodate any contingency items that may arise during construction. Engineering work was completed in-house to reduce costs. **Mr. Borton** thanked Chad Baughman and Jeremy Games for their contributions. There were no comments or questions from Council.

Resolution: Plattenburg Associates Inc. Contract Extension Agreement

Mrs. Leiter advised Council the City of Vandalia and Plattenburg & Associates, Inc. originally entered into an audit contract for the period 01/01/2021 – 12/31/2024, and therefore Plattenburg & Associates, Inc. has audited and provided compilation services for the City of Vandalia, NAWA and TCA for four consecutive years. **Mrs. Leiter** advised Council the Auditor of State's Office has approved the City, NAWA and TCA continuing to receive audit and compilation services with Plattenburg & Associates Inc. for the years 2025-2028 by extending the current contract by setting reasonable fees, without utilizing the bidding process, and a limitation of no more than 10 consecutive years. **Mrs. Leiter** advised Council the contract extension would include a multi-year agreement with Plattenburg & Associates, Inc. for audit and compilation services in the amount of \$160,480 for the City, \$31,680 for NAWA, and \$48,048 for TCA, which is the total cost for all four years. There were no additional comments or questions from Council.

Ordinance: Assessments April, May and June

Mrs. Leiter advised Council this emergency ordinance assesses properties for delinquent accounts related to storm water fees, trash collection, delinquent sewer & water, weed cutting and property maintenance. There were no questions or comments from Council.

Monday, August 18, 2025

Boards and Commissions Appointment - Paula Rohn – Planning Commission

Mr. Althouse advised Council at the August 18th Council Meeting, they will be asked to consider the appointment of Paula Rohn to the Vandalia Planning Commission. A memo from Deputy Clerk of Council Swartz, Ms. Rohn's application and the Vandalia Planning Commission roster are included in the Council packets. There were no questions or comments from Council.

Boards & Commissions Appointment – Rodney Reeder – Bicycle Committee

Mr. Althouse advised Council at the August 18th Council Meeting, they will be asked to consider the appointment of Rodney Reeder to the Vandalia Bicycle Committee. A memo from Deputy Clerk of Council Swartz, Mr. Reeder's application and the Vandalia Bicycle Committee roster are included in the Council packets. There were no questions or comments from Council.

Resolution: Montgomery County Emergency Management Agreement

Mr. Althouse advised Council the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement, authorized under Ohio Revised Code (ORC) 307.15 and 5502.26, is a proposed agreement among Montgomery County and its jurisdictions for countywide emergency preparedness, response, and mitigation efforts. Participating jurisdictions agree to annual per capita funding and shared responsibilities outlined in an emergency operations plan. The agreement establishes an Executive Committee and Technical Advisory Committee to guide policy and planning. Montgomery County Office of Emergency Management is empowered to coordinate emergency activities and access federal and/or state aid on behalf of jurisdictions, including non-participating entities. The agreement is indefinite unless terminated or amended by majority action, and noncompliance can result in termination and reclassification as a nonparticipating jurisdiction. **Mr. Althouse** advised Council this Agreement requires each participating jurisdiction to designate a representative, selected by the jurisdiction's chief executive, to serve on a countywide advisory group. This advisory group is responsible for appointing the Executive Committee, which oversees the implementation of countywide emergency management in accordance with ORC 5502.26. The City is responsible for selecting its representative to participate in the advisory group, and I would designate Fire Chief Chad Follick to be the city's representative on the countywide advisory group. The City will need to formally enter into the Montgomery County Jurisdictional Emergency Management Intergovernmental Agreement, and it will be in full force and effect when no less than a majority of the Jurisdictions of Montgomery County and the County Commissioners of Montgomery County shall have subscribed to this agreement by adopting a like resolution or passing a like ordinance. Vandalia's

prorated annual fee for 2025 is \$1,825.08, and the annual fee for 2026 will be \$4,562.70, based on the rate of \$.30 per citizen, based on the 2020 Census for Montgomery County, Ohio. There were no comments or questions from Council.

Resolution: Cost Sharing Agreement – DIA NE Logistics Access project - Construction Phase

Mr. Borton advised Council the Montgomery County Engineer's Office (MCEO) is seeking \$17.6 million in ODOT TRAC funding for the \$22 million construction phase of the DIA Northeast Logistics Access Project, which includes roadway, stormwater, and shared-use path improvements near the Dayton International Airport to help reroute truck traffic. The City is responsible for 6% of the total cost (approximately \$1.32 million) under an existing cost-sharing agreement based on roadway length within each jurisdiction. A new agreement is recommended to continue this partnership and leverage federal funds for a regionally significant infrastructure improvement. There were no questions or comments from Council.

Ordinance: Sewer Use Update

Mr. Borton advised Council as part of a routine OEPA permit review, updates to Chapter 1044 of our Sewer Use Ordinance are needed to align with state regulations and current City & TCA permits. Similar updates are being made by Tipp City and Huber Heights. The changes focus on improving documentation of industrial pre-treatment standards. Adoption is recommended to maintain compliance. There were no questions or comments from Council.

Ordinance: PC 25-0007 – 7100 Park Center Drive – Redwood Phase III - PUD Amendment & Final Plan

Mr. Cron advised Council the applicant, Todd Foley, with PUD Design, and on behalf of Redwood Vandalia, requests a Major PUD Amendment and Preliminary Plan for the property located at 7100 Park Center Drive. The proposal includes amending the standards to add "Multi-Family" to the list of permitted uses in Subarea B and for Phase III of the Redwood Vandalia development. **Mr. Cron** advised the Redwood Vandalia Planned Unit Development, approved in November 2019, provided for a large multi-family residential development constructed and operated by Redwood Apartments. Phase I was completed in 2024, while Phase II is currently under construction. When complete, the first two phases will result in 171 rental units. Provision Living was slated to begin construction of an independent/assisted living facility on a third parcel, but that project was cancelled in mid-2024. Two additional parcels were preserved for future development. **Mr. Cron** advised with the cancellation of the Provision Living project, Redwood Vandalia seeks to instead use parcel as an expansion of the existing multi-family residential development. This constitutes a Major Amendment to the current PUD standards for the site. The proposal also requires the approval of a revised preliminary plan. **Mr. Cron** advised the applicant seeks to amend the standards of the Redwood Vandalia PUD to add "Multi-Family Residential" to the list of permitted uses for Subarea B, consisting of Parcels 2 and 3. A revised Preliminary Plan encompassing Parcel 3 is submitted for approval as well. On July 8, 2025, the Planning Commission voted 3-0 to recommend approval. **Greg Thurman** addressed Council noting this next phase would introduce a new product with options for one-bedroom and three-bedroom units, which will also include a garage, with an option of a one-car or two-car garage. **Mr. Thurman** advised the average rent for the two- bedroom is just under \$2,000, the one-bedroom would be approximately \$300 less and the three-bedroom would be approximately \$300 more than the two-bedroom and advised the units with sun rooms rent for \$2,400 to \$2,500 a month. There were no additional questions or comments from Council.

Ordinance: PC 25-0008 – 600 Corporate Center – PUD - District & Prelim Plan

Mr. Cron advised Council the applicant, Jeff Puthoff, P.E., of Choice One Engineering, and on behalf of DR Horton, requests a Planned Unit Development and Preliminary Plan for the property located at 600 Corporate Center Drive. The proposal includes rezoning the 14.494 +/- parcel from O - Office to a PUD – Planned Unit Development, along with a preliminary plan of a residential subdivision. **Mr. Cron** advised Council that DR Horton seeks to develop the site as a residential subdivision. As proposed, the development would feature 72 single-family, detached townhomes, individual residential lots,

which is not a product the City of Vandalia currently has. **Mr. Cron** advised they will retain buffers from all the surrounding properties, including the required 40 foot wooded buffer and will be maintained by the HOA. **Mr. Cron** noted the retention/detention ponds will handle the storm water runoff. **Mr. Cron** advised Council the property is currently vacant. As part of the proposed development, the current cul-de-sac of Corporate Center Drive would be vacated in favor of new public streets, as shown on the preliminary plan. **Mr. Cron** advised the street widths will remain at 37 feet, which is six feet wider than the City code requires, throughout the entire development, meeting the requirements of the fire department as well. **Mr. Cron** advised the developer will be adding sidewalks, including a connection to the dead end at Pool Ave, allowing residents to walk or bike to Helke Park and Helke School. **Mr. Cron** advised noted street lighting will be added, which currently there are none. **Mr. Cron** noted with the size of the townhomes, there will be a five and a half foot side yard setback on each property, with eleven feet between the structures. On July 8, 2025, the Planning Commission voted 3-0 to recommend approval of the PUD and the Preliminary Plan. **Rob Smith** and **Aaron Horn** with DR Horton, gave Council a presentation on the proposed development. **Mr. Smith**, **Mr. Horn** and **Ryan Lefeld**, with Choice One Engineering, answered Councilmembers' questions. There was a brief discussion regarding similar developments in the area, the exterior product used, leaving the existing wooded area being the 40 foot buffer, including lighting on the sidewalk connection to Pool Avenue, the lot sizes and future request for accessory structures with the existing zoning code, setting a condition in the PUD that would allow a shed in the back yard of the properties, without a variance, allowing decks, shared off street parking for guests, the regulations for water runoff and retention/detention ponds and a request for photos of finished product to view. There were no additional questions or comments from Council.

Ordinance: PC 25-0009 – 3675 Wyse Road – Rezoning - O/IP to HB and I

Mr. Cron advised Council the applicant, Richard Drake, of Drake Architecture and on behalf of R&R Takhar Oil Company, requests the rezoning of three parcels totaling 5.219 acres +/- for the property located at 3675 Wyse Road. As proposed, the subject property would be rezoned from the O/IP - Office/Industrial Park to the I – Industrial and HB – Highway Business districts. **Mr. Cron** advised 3675 Wyse Road is a vacant property at the corner of Wyse and Homestretch Roads. The applicant, a current Vandalia business with operations on Poe Avenue, wishes to consolidate their operations onto one property. As proposed, this property would be developed for three distinct but complimentary uses. Parcel 0014, at the south end of the site, would be divided into two parcels. The western parcel would be a fueling station with convenience retail, while the eastern parcel would house a new corporate office. Parcels 0012 and 0013, at the north end of the site, would be combined to house a newly built Truck Facility. This facility would service the company's own vehicles and would not be open to the public. **Mr. Cron** advised the fueling station use is not permitted in the current O/IP zoning district, so the applicant requests a rezoning to HB – Highway Business for Parcel 0014. For Parcels 0012 and 0013, the applicant requests a rezoning to I – Industrial to allow for the approval of a truck facility. **Mr. Cron** then discussed the next case, for a Conditional Use: PC 25-0010 – 3675 Wyse Road – Conditional Use – Truck Facility in the I District, before he had the applicant speak. **Mr. Cron** advised, on July 8, 2025, the Planning Commission voted 3-0 to recommend approval.

Conditional Use: PC 25-0010 – 3675 Wyse Road – Conditional Use – Truck Facility in the I District

Mr. Cron advised Council the applicant, Richard Drake, of Drake Architecture and on behalf of R&R Takhar Oil Company, requests conditional use approval of two parcels totaling 1.814 acres +/- for the property located at 3675 Wyse Road. The proposal involves having a "Truck Facility" in the I – Industrial zoning district. The applicant intends to construct a 9,000 square foot truck facility at the north end of the site. This facility would service the truck fleet of Takhar Oil Co. and would not be open to the public or other companies. Further to the west, a parking area would be provided for storage of unused trucks and trailers. **Mr. Cron** advised there would be road and sidewalk improvements as well. On July 8, 2025, the Planning Commission voted 3-0 to recommend approval, with the following conditions, 1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district. 2. All parcels upon which the proposed conditional use

shall be conducted must be consolidated before any building permit is issued for this site. 3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service. **Richard Drake**, of Drake Architecture, and on behalf of R&R Takhar Oil Company, addressed Council stating R&R Takhar Oil Company owns the building on Homestead and would like to stay in Vandalia, having their headquarters here, with the intention of bringing all their operations to one location. There was a brief discussion regarding the number of trucks onsite, clarification this not being an overnight trucking facility with this condition added, clarification there will not be a tenant in the building, R&R current option on the property with the current owners expiring in the middle of September. There were no additional questions or comments from Council.

Discussion

Liquor Permit Pilot Travel Centers LLC

Chief Sucher recommended Council not request an ODLC hearing for the requested C1 liquor permit, allowing for the purchase of beer only, in original sealed container for carry out at 175 Northwoods Blvd for Pilot Travel Centers LLC, DBA Flying J Tavel Plaza 097. There were no questions or comments from Council.

Letter of Intent for Midwest Sculpture Initiative

Mr. Althouse advised Council MSI submitted a proposal to curate and erect an eight-piece temporary sculpture exhibit at the Vandalia Art Park from October 2025 through October 2026. MSI will be responsible for the placement of concrete/steel pads, the delivery and placement of sculptures, and the removal of the sculptures and pads upon conclusion of the exhibit. The City will be responsible for providing general liability insurance with MSI providing secondary insurance. The total cost of this proposal is not to exceed \$18,000. There were no questions or comments from Council.

June 2025 Financial Reports

Cognizant of Council's duty to monitor the City's financial activity, **Mayor Herbst** introduced Mrs. Leiter to provide timely financial information for Council's review and analysis. **Mrs. Leiter** reminded Council the financial reports were previously provided in their council packets. **Mrs. Leiter** reviewed the June monthly reports in detail. She began by reviewing the Statement of Revenues and Expenditures: June 30, 2025 in detail, which included revenues and expenditures for the General Fund, the Police-Fire-Street CIP Fund, Golf Fund, Water Fund and Sewer Fund. **Mrs. Leiter** reviewed the May cost recovery data for the golf course, recreation center, Cassel Hills Pool, and the Fund Statement reports in detail dated June 30, 2025. There were no questions or comments from Council.

Legislative Calendar

Mayor Herbst solicited comments or questions on the Legislative Calendar. There were none.

At 6:16 pm Mayor Herbst advised it had been recommended that Council enter into Executive Session to discuss with the City Attorney pending or imminent litigation. It was moved by Councilmember Follick, second by Vice Mayor Blakesly, to adjourn to Executive Session to discuss with the City Attorney pending or imminent litigation. All members present voted yes. Motion passed 7-0.

Study Session adjourned at 6:56 p.m.

Angela Swartz

Executive Assistant

Deputy Clerk of Council

937.415.2256

aswartz@vandaliaohio.org

www.vandaliaohio.org

DRAFT

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

COUNCIL MEMBERS PRESENT: Mayor Herbst, Vice Mayor Mike Blakesly, Councilmember Amber Aivalotis-Weaver, Councilmember Cindy Doogan, Councilmember Candice Farst, Councilmember Corey M. Follick and Councilmember Dave Lewis.

OTHERS PRESENT: Jerry McDonald, Kurt Althouse, Angela Swartz, Rob Cron, Darren Davey, Ben Borton, Ben Graham, Leann Hanf, Brandon Sucher, Chad Follick, Bridgette Leiter, Scott Jacobs, Alicia McCracken, Jake Hayslett, Kate Baker, Brayden Boston, Paula Rohn, Alex Gonter-Dray, Don Hutchison, David Brusman, Jack Shirley, Tonya Brown, Jack Froschauer, Regina Froschauer, Rodney Creech, Barbra Spurgeon, James Carmen, Laura Trendler, Bryan Sowers and family, Richard Verschoore, Eli King and family and Bob & Gloria Shanahan.

Mayor Herbst called the council meeting of the Council of the City of Vandalia to order at 7:00 p.m.

Mayor Herbst called for a moment of reflection followed by the Pledge of Allegiance.

Approval of Previous Minutes:

The Council Study Session Minutes from May 5, 2025, and the Council Meeting Minutes from May 5, 2025, the Council Study Session Minutes from May 19, 2025, and the Council Meeting Minutes from May 19, 2025, were approved as presented.

Communications, Petitions and Awards:

Introduction & Oath of Office: Bryan Sowers, Community Risk Reduction Coordinator

Mr. Althouse introduced and administered the Oath of Office to Fire Community Risk Reduction Coordinator Bryan Sowers, who began full-time employment July 9, 2025.

Introduction & Oath of Office: Eli King, Firefighter/EMT

Mr. Althouse introduced and administered the Oath of Office to Eli King, Firefighter/EMT who began employment June 21, 2025.

Mayor Herbst addressed the audience advising anyone who did not wish to stay for the remainder of the meeting, this would be the time to step out.

Public Hearing: None

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

Comments from Interested Citizens:

Mayor Herbst called for comments from interested citizens advising as they come to the podium, please clearly state their name and address for the record. **Mayor Herbst** asked those who speak to please follow the etiquette of communicating with respect to others, to please stay on topic with their statements, while addressing Council. **Mayor Herbst** reminded the audience, this is not the forum for arguments and asked in an effort to give all citizens an opportunity to express their thoughts and concerns, to keep their comments as brief as possible. **Jack Froschauer**, 11600 Cassel Road, addressed Council sharing portions of a news article from the Sunday Dayton Daily News Paper, regarding the referendum for the development on Brown School Road. **Mr. Froschauer** shared with Council his concern and disappointment with how the proposed development on Brown School Road was handled by the City's Attorney, Staff and by Council, demanding resolution of this matter.

CITY MANAGER'S REPORT

Information Item:

Mr. Althouse shared Council established a summer schedule for Council meetings. The August meeting will be held on Monday, August 18 at 7:00 p.m. The Study Session will tentatively begin at 5:30 p.m.

Action Items:

Board and Commissions Appointment

Mr. Althouse advised Council they will be asked to consider the appointment of James Carman to the Vandalia Civil Service Commission. A memo from Deputy Clerk of Council Swartz, Mr. Carmen's application and the Vandalia Civil Service Commission roster are included in the Council packets. There were no questions or comments from Council. It was moved by Councilmember Follick, second by Vice Mayor Blakesly to approve the appointment of James Carmen to the Vandalia Civil Service Commission. Motion passed 7-0. **Mayor Herbst** administered the Oath of Office to Mr. Carmen.

Liquor License Request

Mr. Althouse advised Council enclosed is a memorandum from Chief Sucher recommending Council does not request a ODCL hearing for the request for a C1 permit at 175 Northwoods Blvd for Pilot Travel Centers LLC, DBA Flying J Travel Plaza 097. There were no questions or comments from Council. It was moved by Councilmember Farst, second by Councilmember Lewis to not request a ODCL hearing for the request for a C1 permit at 175 Northwoods Blvd for Pilot Travel Centers LLC, DBA Flying J Travel Plaza 097. Motion passed 7-0.

Old Business: None

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

Resolutions:

25-R-32 A Resolution Awarding The Bid For The Damian, Soter, Romanus, Desales (N) Watermain Replacement & Resurfacing Project, Requested By Development And Engineering Services, To Cg Construction & Utilities, Inc. At The Lowest And Best Bid Price Of \$1,042,800.00. **Mr. McDonald** read Resolution 25-R-32 by title. **Mr. Althouse** advised Council bids for the Damian, Soter, Romanus, and Desales (N) Watermain Replacement & Resurfacing project were opened on July 8, 2025, with nine bids submitted ranging from \$1,042,800 to \$1,429,743. The project is supported by \$500,000 in OPWC funding. Director Borton recommends awarding the contract to CG Construction & Utilities, Inc. as the lowest and best bid of \$1,042,800 and authorizes the use of the full appropriated budget to accommodate any contingency items that may arise during construction. Engineering work was completed in-house to reduce costs. There were no comments or questions from Council. It was moved by Councilmember Farst, second by Councilmember Follick to approve Resolution 25-R-32, motion passed 7-0.

25-R-33 A Resolution Approving A Contract Extension Agreement Between The Auditor Of State, Plattenburg And Associates Inc And City Of Vandalia Regarding Auditing Services Through 2028 And Authorizing A Contract Extension Agreement With Plattenburg & Associates, Inc. For Auditing And Compilation Services For Such Periods. **Mr. McDonald** read Resolution 25-R-33 by title. **Mr. Althouse** advised Council the City of Vandalia and Plattenburg & Associates, Inc. originally entered into an audit contract for the period 01/01/2021 – 12/31/2024, and therefore Plattenburg & Associates, Inc. has audited and provided compilation services for the City of Vandalia, NAWA and TCA for four consecutive years. **Mr. Althouse** advised Council the Auditor of State's Office has approved the City, NAWA and TCA continuing to receive audit and compilation services with Plattenburg & Associates Inc. for the years 2025-2028 by extending the current contract by setting reasonable fees, without utilizing the bidding process, and a limitation of no more than 10 consecutive years. **Mr. Althouse** advised Council the contract extension would include a multi-year agreement with Plattenburg & Associates, Inc. for audit and compilation services in the amount of \$160,480 for the City, \$31,680 for NAWA, and \$48,048 for TCA. There were no comments or questions from Council. It was moved by Councilmember Doogan, second by Councilmember Farst to approve Resolution 25-R-33, motion passed 7-0.

25-R-34 A Resolution Authorizing The City Manager To Negotiate And Enter Into A Lease Agreement With Outfront Media LLC For Outdoor Advertising Structures On Airport Access Road And Enter Into An Easement Agreement With The School District To Provide Access To One Of The Structures. **Mr. McDonald** read Resolution 25-R-34 by

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

title. **Mr. Althouse** advised Council will be asked to authorize the City Manager to enter into two LED sign leases with OutFront Media LLC with respect to the existing billboard sites owned by the City on Airport Access Road. The leases will be for 20 years with annual rent starting at \$37,500 and increasing every 5 years thereafter. The leases provide that no political, nudity, pornography, lewdness, or adult oriented material will be included in any sign messages. The leases further restrict the LED portion of the signs to be on one face only with the back "static" signage reserved for City use. The legislation also authorizes the City Manager to enter into an easement agreement with the school to provide access to the sign structure on the East side of Airport Access Road. There were no comments or questions from Council. It was moved by Vice Mayor Blakesly, second by Councilmember Doogan to approve Resolution 25-R-34, motion passed 7-0.

Ordinances – First Reading:

25-16 An Ordinance Amending Chapter 1040, Water And Sewer Tap Section 1040.02 Permit And Entry Fees Of The Vandalia Codified Ordinances By Adding A New Schedule Of Fees For A Capacity Fee To Be Collected On Behalf Of Tri Cities Wastewater Authority. **Mr. McDonald** read Ordinance 25-16 by title. **Mr. Althouse** advised Council Tri Cities Wastewater Authority and the three member cities are considering a Capacity Fee implementation of new users of the sanitary sewer system to assist in offsetting the plant improvements costs for existing customers. This fee would be paid by new residential and commercial customers at the time of connection. The fee would not affect existing residents and businesses that already have the service. There were no comments or questions from Council. It was moved by Councilmember Follick, second by Vice Mayor Blakesly to approve Ordinance 25-16, motion passed 7-0.

Ordinances – Second Reading:

25-13 An Ordinance Rezoning 0.919 Acres Of Land Located At 3320 Benchwood Road From Residential Single-Family (Rsf-1) To Highway Business (Hb) And Amending The Zoning Map Of The City. **Mr. McDonald** read Ordinance 25-13 by title. **Mr. Althouse** advised Council the applicant, Jonathan Woche, AICP, with McBride Dale Clarion, and on behalf of Richard Schott, requests the rezoning of one parcel totaling 0.919 acres +/- located at 3320 Benchwood Road. As proposed, the subject property would be rezoned from the RSF-1 Single-Family Residential district to the HB – Highway Business district. On May 13, 2025, the Planning Commission voted 4-0 to recommend approval. There were no comments or questions during the public hearing. There were no comments or questions from Council. It was moved by Councilmember Farst, second by Councilmember Doogan to approve Ordinance 25-13, motion passed 7-0.

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

25-14 An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And A Resolution As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith. **Mr. McDonald** read Ordinance 25-14 by title. **Mayor Herbst** opened for a public hearing. **Jack Froschauer**, 11600 Cassel Road, inquired what this Ordinance was and if Councilmembers knew what it was. Councilmember Farst responded that Council does know what the Ordinance means. **Mr. Althouse** advised Council this ordinance approves the editing and inclusion of certain ordinances and resolutions that have been passed by Council since the last update of the Codified Ordinances. This update will codify all pertinent legislation passed by Council during 2024, as well as incorporating amendments to the Ohio Revised Code. There were no comments or questions from Council. It was moved by Councilmember Follick, second by Councilmember Doogan to approve Ordinance 25-14, motion passed 7-0.

Ordinances – Emergency Reading:

25-15 An Ordinance Approving Individual Assessments Amounts And Directing The Finance Director Or Her Designee To Certify The Amounts To The County Auditor For Collection And Declaring An Emergency. **Mr. McDonald** read Ordinance 25-15 by title. **Mr. Althouse** advised Council this emergency ordinance assesses properties for delinquent accounts related to storm water fees, trash collection, delinquent sewer & water, weed cutting and property maintenance. There were no comments or questions during the public hearing. There were no comments or questions from Council. It was moved by Councilmember Doogan, second by Councilmember Lewis to approve Ordinance 25-15, motion passed 7-0.

Reports from Boards and Commissions:

BZA 25-0007 – Variance – Total Accessory Structure Area – 842 Donora Drive

Mr. Althouse advised Council the applicant, Steve Baker, has requested a variance to have the total area of all accessory structures exceed 4% of the total lot area and 40% of the principal building footprint at 842 Donora Drive. The purpose of this request is to allow the construction of a 160 square foot shed with an existing 672 square foot detached garage for a total of 832 square feet of accessory structures. The maximum area to build on this lot is 301 square feet. The Board of Zoning Appeals voted 4-0 to recommend approval of the proposed variance. There were no comments or questions from Council. It was moved by Councilmember Follick, second by Vice Mayor Blakesly, to approve the BZA 25-007 a Variance for a Total Accessory Structure Area at 842 Donora Drive, motion passed 6-1, with Councilmember Farst voting no.

The Council of the City of Vandalia Meeting Minutes

July 21, 2025

Mayor Herbst called for comments or questions on the Planning Commission Meeting Minutes of May 13, 2025. There were none.

Mayor Herbst reviewed the June 2025 Bill Listing \$3,841,816.25, Monthly Expenses over \$25,000 and Monthly Purchasing Card Detail in the amount of \$33,767.83. There were no comments or questions from Council.

Council Comments

Councilmember Aivalotis-Weaver welcomed the new employees, new firefighters, and shared the Splashtacular was a great event.

Councilmember Doogan congratulated Parks & Rec for placing at the OPRA awards.

Councilmember Lewis shared he is aware of the controversy on a number of things, with the City Charter being one of them. Councilmember Lewis shared he has listened to several well-reasoned explanations from the City attorney and although he voted no on the first reading of the ordinance, he is convinced that the City attorney's reasoning is correct and what this City is doing is proper under the law and the City Charter.

The Regular meeting was adjourned at 7:40 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Angela Swartz, Deputy Clerk of Council

CITY OF VANDALIA
August 18, 2025
City Council
Study Session – 6:00 PM

CITY OF VANDALIA
Council Study Session Minutes
Municipal Building
333 Bohanan Drive
Monday, August 18, 2025
6:00 P.M.

Councilmembers Present: Mayor Herbst, Vice Mayor Mike Blakesly, Councilmember Amber Aivalotis-Weaver, Councilmember Candice Farst, Councilmember Corey M. Follick and Councilmember Dave Lewis.

Councilmembers Absent: Councilmember Cindy Doogan

Others Present: Jerry McDonald, Kurt Althouse, Angela Swartz, Rob Cron, Darren Davey, Ben Borton, Leann Hanf, Michael Hammes, Brandon Sucher, Brian Krimm, Ben Walker, Kristen Carnes, Chris Mastrino, Barbara Spurgeon, Alex Gonter-Dray, Don Hutchison and Kathleen Durig.

Mayor Herbst called the Study Session to order at 6:00 p.m.

Presentation

Department Update Public Service

Mr. Borton presented the Public Service Department update to Council.

There was a brief discussion regarding the bridge replacement on Johnson Station Road, which is an ODOT lead project. It was noted the favorite activity for Kids' Day at Public Works was the Lift Truck. There were no further questions or comments from Council.

Monday, August 18, 2025

Items on this evening's Council Meeting Agenda

Mayor Herbst called for questions or comments regarding items on this evening's Council agenda.

Councilmember Aivalotis-Weaver shared some concerns from citizens regarding the Corporate Center Way being developed into a Medical Center, noting there are multiple empty buildings in Vandalia that are established for medical use and are ready for use. **Councilmember Aivalotis-Weaver** shared another concern being the unkept wooded area, which would be required to be up to City standards and be watched as a housing facility, with Zoning being on top of the process. **Councilmember Aivalotis-Weaver** shared another concern being the enrollment for schools, which she stated she reached out to the schools. With enrollment on a decline, the schools would be able to handle more children, adding the chatter regarding the concern for children in trailers is due to the restructuring because of the failed levies and the schools welcome the income generated from the new housing. **Councilmember Aivalotis-Weaver** shared the concern of flooding, which will be addressed by the building department prior to the development being built. **Councilmember Aivalotis-Weaver** shared the citizens comments were heard and she did the best to find an answer for each comment.

Ordinance: Update – PC 25-0008 – 600 Corporate Center – PUD – District & Prelim Plan

Mr. Cron gave Council an update on the proposed standards for the proposed PUD at 600 Corporate Center. **Mr. Cron** addressed the drainage concern, noting they will be addressed as part of the development, permitting through the Ohio EPA, which a third party will review, and will follow the storm

water ordinance and will correct most of the existing drainage problems, making them better. **Mr. Cron** addressed the comment regarding the medical facilities, noting the property at 600 Corporate Way has been zoned Office for 40 years and there has not been a medical facility or doctor's office built there in 30 years. **Mr. Cron** advised the wooded area would remain as the buffer and part of the HOA, if something fell outside of the property lines, the property owner would take care of it. **Mr. Cron** noted some of the homes that are to the East of the tree buffer have taken it upon themselves to clear some of the area to extend their yards on property they do not own, which is a civil matter, not a City matter. **Mr. Cron** addressed the concern of the possibility for future variance request for accessory structures and setbacks, noting Staff reviewed the standards and because of the size of the lots and setback requirements, Staff amended the standards to allow 12 feet into the 25 feet rear yard setback without needing a variance, which will be part of the PUD, not changing the Zoning Code. **Mr. Cron** addressed the concern regarding the shed size, noting the Zoning Code will allow a structure or shed that is equal to 4% of your total lot area. **Mr. Cron** addressed the request for photos from an existing development with the type of product for the planned development at 600 Corporate Way, which were included in City Council's packets, as well as shown on the large screen. There was a brief discussion regarding downspouts, an emergency exit, street parking, off street parking, no street parking, adding the additional a condition of patios, porches, and decks may extend up to 12 feet into the required rear yard building setback and the sidewalk connecting the Pool Ave dead end being potentially a secondary access point with a bollard in place to prevent typical vehicle use. There were no further comments or questions from Council.

Resolution: PD Patrol Vehicle Bid Award

Chief Sucher advised Council the Division of Police is scheduled to replace three patrol vehicles in 2026 as part of the annual fleet rotations. As in years past, the vehicle purchases have been budgeted a year in advance, so PD is able to take delivery during the replacement year due to manufacturing processes. **Chief Sucher** advised bid packets were sent to multiple area vehicle dealers who provide police vehicles on July 24, 2025. The notice was also posted on the City website. On August 11, 2025, PD unsealed the only bid submission received, from Beau Townsend Ford. The individual unit price listed for a single 2026 Ford Police Interceptor Utility Hybrid was \$49,000 per unit for a total cost of \$147,000. Council approved \$180,000 in the 2025 budget for the purchase. **Chief Sucher** advised this bid submission is \$33,000 under budget. **Chief Sucher** recommended awarding the bid to Beau Townsend Ford for the purchase of the three vehicles and declare the three vehicles being replaced as surplus property and be transferred to another city department, placed on GovDeals, or otherwise disposed of by the City Manager as provided by law after delivery of the new vehicles. There were no questions or comments from Council.

Tuesday, September 2, 2025

Resolution: Towing Agreement Bid

Chief Sucher advised Council the Division of Police enters into an agreement every two years with area companies to provide Towing and Impound Services. On July 24, 2025, bid notices were sent to four area towing companies for submission. The notice was also posted on the City website. Bids were received from Englewood Truck Towing and Recovery and Sandy's Towing. On August 11, 2025, PD unsealed the bids received. Sandy's Towing offers a lower cost on passenger vehicle towing (\$145 versus \$195 at Englewood), flatbed towing (\$145 versus \$195 at Englewood), dead runs on passenger vehicles (\$60 versus \$97.50 at Englewood), passenger vehicle storage (\$30 per day versus \$35 per day at Englewood). Heavy towing rates were lower for Englewood towing (10k-15k GVW \$125 per hour versus \$175 per hour and towing over 15k \$225 per hour versus \$350 per hour). Very few tows requested by VPD are heavy towing. **Chief Sucher** advised both companies carry similar liability insurance thresholds and have the necessary storage and equipment availability to fulfill the towing and recovery needs of the Division of Police. Both companies offered towing services on vehicles owned by the Division of Police at no charge. Englewood's storage facility is more than five miles from the City of Vandalia while Sandy's Towing is located within the city limits. One of the bid specifications is that

the storage facility used is within five miles of the corporate limits of Vandalia. Sandy's Towing is the only bid that met that standard. Since this is a service contract and costs are paid by the customer, there are no city funds budgeted. **Chief Sucher** recommended the Towing and Impound Services contract be awarded to Sandy's Towing. This agreement will be for two (2) years and renewable for another two (2) years if mutually agreed to by both the City and Sandy's Towing. There were no questions or comments from Council.

Resolution: OPWC grant funding for Pool & Randler (N) Ave Watermain Replacement & Resurfacing
Mr. Borton advised Council Staff will be submitting an Ohio Public Works Commission (OPWC) grant application for the Pool & Randler (N) Ave Watermain Replacement project, due September 10, 2025. The project includes replacing watermain, fire hydrants, and service lines, followed by full street resurfacing. The total project cost is estimated at \$1,685,000, including \$40,000 of in-house services. To enhance the competitiveness of our application and increase the likelihood of funding approval, we will be requesting \$500,000 (~30% of the total cost), split equally between a \$250,000 grant and a \$250,000 0% interest loan over 5 years. There were no questions or comments from Council.

Resolution: PPM Revision/Update

Mrs. Hanf advised Council the document provided is the City of Vandalia's 2025 Personnel Policies Manual (PPM), developed by the Human Resources Department. This manual serves as a comprehensive reference for City staff, establishing clear policies, procedures, and expectations that guide workplace conduct and operations. Maintaining an up-to-date handbook is essential to ensure compliance with evolving employment laws, incorporate organizational changes, and reflect best practices in public sector management. Regular updates also help promote consistency, fairness, and transparency across all departments, ultimately supporting the City's mission and protecting both employees and the organization. There were no questions or comments from Council.

Discussion

July 2025 Financial Reports

Cognizant of Council's duty to monitor the City's financial activity, **Mayor Herbst** introduced Mrs. Leiter to provide timely financial information for Council's review and analysis. **Mrs. Leiter** reminded Council the financial reports were previously provided in their council packets. **Mrs. Leiter** reviewed the July monthly reports in detail. She began by reviewing the Statement of Revenues and Expenditures: July 31, 2025 in detail, which included revenues and expenditures for the General Fund, the Police-Fire-Street CIP Fund, Golf Fund, Water Fund and Sewer Fund. **Mrs. Leiter** reviewed the May cost recovery data for the golf course, recreation center, Cassel Hills Pool, and the Fund Statement reports in detail dated July 31, 2025. There were no questions or comments from Council.

Legislative Calendar

Mayor Herbst solicited comments or questions on the Legislative Calendar. There were none.

Study Session adjourned at 6:48 p.m.

Angela Swartz
Executive Assistant
Deputy Clerk of Council
937.415.2256
aswartz@vandaliaohio.org
www.vandaliaohio.org



The Council of the City of Vandalia Meeting Minutes

August 18, 2025

COUNCIL MEMBERS PRESENT: Mayor Herbst, Vice Mayor Mike Blakesly, Councilmember Amber Aivalotis-Weaver, Councilmember Candice Farst, Councilmember Corey M. Follick and Councilmember Dave Lewis.

COUNCILMEMBERS ABSENT: Councilmember Cindy Doogan.

OTHERS PRESENT: Jerry McDonald, Kurt Althouse, Angela Swartz, Rob Cron, Darren Davey, Ben Borton, Leann Hanf, Michael Hammes, Brandon Sucher, Brian Krimm, Ben Walker, Kristen Carnes, Chris Mastrino, Barbara Spurgeon, Alex Gonter-Dray, Don Hutchison, Kathleen Durig, Ryan Lefeld, Laura Rohde, Jack Shirley, Richard Drake and Rob Smith.

Mayor Herbst called the council meeting of the Council of the City of Vandalia to order at 7:00 p.m.

Mayor Herbst called for a moment of reflection followed by the Pledge of Allegiance.

Approval of Previous Minutes:

The Special Council Meeting Minutes from June 2, 2025, Council Study Session Minutes from June 16, 2025, and the Council Meeting Minutes from June 16, 2025, the Special Council Meeting Minutes from July 7, 2025, and Council Retreat Minutes from July 7, 2025, were approved as presented.

Communications, Petitions and Awards:

Introduction & Oath of Office: Police Captain Brian Krimm

Mr. Althouse introduced and administered the Oath of Office to Police Captain Brian Krimm who was promoted on July 28, 2025.

Introduction & Oath of Office: Police Sergeant Jerrod Fraley

Mr. Althouse introduced and administered the Oath of Office to Police Sergeant Jerrod Fraley who was promoted July 28, 2025.

Introduction & Oath of Office: Police Sergeant Nelson Clymer

Mr. Althouse introduced and administered the Oath of Office to Police Sergeant Nelson Clymer who was promoted July 28, 2025.

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

Mayor Herbst addressed the audience advising anyone who did not wish to stay for the remainder of the meeting, this would be the time to step out.

Public Hearing: None

Comments from Interested Citizens:

Mayor Herbst called for comments from interested citizens advising as they come to the podium, please clearly state their name and address for the record.

Mayor Herbst asked those who speak to please follow the etiquette of communicating with respect to others, to please stay on topic with their statements, while addressing Council. **Mayor Herbst** reminded the audience, this is not the forum for arguments and asked in an effort to give all citizens an opportunity to express their thoughts and concerns, to keep their comments as brief as possible. **Laura Rohde**, 230 Deervale Court, addressed Council with her concerns regarding the City scheduling a fundraising event at the same time as Summerfest, a fundraising event the Anthony Tressel Memorial has been doing for the past ten seasons every Wednesday from 5-8 pm, May through August in Seagar Park. **Ms. Rohde** shared there was a Farmers Market that was on the same night as Summerfest on May 21st, July 23rd and an upcoming date on September 17th and asked the City to make better plans when scheduling events as to not work against each other. **Ms. Rohde** addressed Council regarding the speeding, traffic and parking in the residential areas of Vandalia, specifically on Skyview, requesting it be surveyed and no parking on the North side of the street. **Ms. Rohde** addressed Council regarding the road construction in Vandalia, requesting updates of progress be given on the City's website. **Mayor Herbst** noted Staff is taking notes and will be in contact with Ms. Rohde. **Councilmember Amber Aivalotis-Weaver** addressed Ms. Rohde regarding the Vandalia Market, stating they were using the City's logo, however, the Vandalia Market is not affiliated with the City of Vandalia and has also registered with the Parks and Recreation to utilize the City's facilities.

CITY MANAGER'S REPORT

Information Item:

Mr. Althouse shared Vandalia City offices will be closed on Monday, September 1 for Labor Day. The Recreation Center will be open from 7:00 a.m. to Noon for the fitness area, gymnasium and track only. **Mr. Althouse** shared the first Council meeting in September will be on Tuesday, September 2, 2025, at 7:00 p.m. The Study Session will tentatively begin at 5:30 p.m.

Action Items:

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

Board and Commissions Appointment

Mr. Althouse advised Council they will be asked to consider the appointment of Rodney Reeder who is requesting appointment to the Vandalia Bicycle Committee.

A memo from Deputy Clerk of Council Swartz, Mr. Reeder's application and the Vandalia Bicycle Committee roster are included in the Council packets. There were no questions or comments from Council. It was moved by Vice Mayor Blakesly, second by Councilmember Follick to approve the appointment of Rodney Reeder to the Vandalia Bicycle Committee. Motion passed 6-0.

Old Business: None

Resolutions:

25-R-35 A Resolution To Enter Into A Cost Sharing Agreement With Montgomery County For Construction Phase Of Improvements For The Dayton International Airport Northeast Logistics Access Project. **Mr. McDonald** read Resolution 25-R-35 by title. **Mr. Althouse** advised Council the Montgomery County Engineer's Office (MCEO) is seeking \$17.6 million in ODOT TRAC funding for the \$22 million construction phase of the DIA Northeast Logistics Access Project, which includes roadway, stormwater, and shared-use path improvements near the Dayton International Airport to help reroute truck traffic. The City is responsible for 6% of the total cost (approximately \$1.32 million) under an existing cost-sharing agreement based on roadway length within each jurisdiction. A new agreement is recommended to continue this partnership and leverage federal funds for a regionally significant infrastructure improvement. There were no comments or questions from Council. It was moved by Councilmember Lewis, second by Councilmember Farst to approve Resolution 25-R-35, motion passed 6-0.

25-R-36 A Resolution Awarding The Bid And Authorizing The Purchase Of Three 2026 Ford Utility Patrol Vehicles Requested By The Division Of Police From Beau Townsend Ford In The Amount Of \$147,000 As The Lowest And Best Bid And Declaring Three Existing Patrol Vehicles Being Replaced Surplus Property. **Mr. McDonald** read Resolution 25-R-36 by title. **Mr. Althouse** advised Council the Division of Police is scheduled to replace three patrol vehicles in 2026 as part of the annual fleet rotations. As in years past, the vehicle purchases have been budgeted a year in advance, so PD is able to take delivery during the replacement year due to manufacturing processes. Bid packets were sent to multiple area vehicle dealers who provide police vehicles on July 24, 2025. The notice was also posted on the City website. **Mr. Althouse** advised on August 11,

August 18, 2025

2025, PD unsealed the only bid submission received, from Beau Townsend Ford. The individual unit price listed for a single 2026 Ford Police Interceptor Utility Hybrid was \$49,000 per unit for a total cost of \$147,000. Council approved \$180,000 in the 2025 budget for the purchase. This bid submission is \$33,000 under budget. **Mr. Althouse** advised Chief Sucher recommended awarding the bid to Beau Townsend Ford for the purchase of the three vehicles and declare the three vehicles being replaced as surplus property and be transferred to another city department, placed on GovDeals, or otherwise disposed of by the City Manager as provided by law after delivery of the new vehicles. **Councilmember Lewis** asked for a point of information, this does not include the equipment retrofit. **Mr. Althouse** advised that there would be a separate bid once the vehicles had arrived. There were no further comments or questions from Council. It was moved by Councilmember Farst, second by Vice Mayor Blakesly to approve Resolution 25-R-36, motion passed 6-0.

Ordinances – First Reading:

25-17 An Ordinance Repealing And Replacing In Its Entirety Chapter 1044 Of The Vandalia Codified Ordinances Titled "Sewers Generally". **Mr. McDonald** read Ordinance 25-17 by title. **Mr. Althouse** advised Council as part of a routine OEPA permit review, updates to Chapter 1044 of our Sewer Use Ordinance are needed to align with state regulations and current City & TCA permits. Similar updates are being made by Tipp City and Huber Heights. The changes focus on improving documentation of industrial pre-treatment standards. Adoption is recommended to maintain compliance. There were no comments or questions from Council. It was moved by Councilmember Follick, second by Councilmember Lewis to approve Ordinance 25-17, motion passed 6-0.

25-18 An Ordinance Approving A PUD Major Amendment And Revised Preliminary Plan For Subarea B Of The Redwood Vandalia Development, Owned By Redwood Vandalia, In The Planned Unit Development District PC. **Mr. McDonald** read Ordinance 25-18 by title. **Mr. Althouse** advised Council enclosed is a memorandum from Mr. Hammes wherein the applicant, Todd Foley, of PUD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia. There were no comments or

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

questions from Council. It was moved by Vice Mayor Blakesly, second by Councilmember Follick to approve Ordinance 25-18, motion passed 6-0.

25-19 An Ordinance Approving A Planned Unit Development Preliminary Development Plan And Associated Zoning Map Change For Land Generally Located At 600 Corporate Center Drive. **Mr. McDonald** read Ordinance 25-19 by title. **Mr. Althouse** advised Council enclosed is a memorandum from Mr. Hammes wherein the applicant, Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development with the associated Preliminary Development Plan. The property is owned by the Hague Corporation. There were no comments or questions from Council. It was moved by Councilmember Follick, second by Councilmember Lewis to approve Ordinance 25-19, with one modification to add patios, porches, and decks may extend up to 12 feet into the required rear yard building setback, motion passed 6-0.

25-20 An Ordinance Rezoning 5.219 Acres Of Land Located At 3675 Wyse Road From Office / Industrial Park (O/IP) To Highway Business (HB) And Industrial (I) And Amending The Zoning Map Of The City. **Mr. McDonald** read Ordinance 25-20 by title. **Mr. Althouse** advised Council enclosed is a memorandum from Mr. Hammes wherein the applicant, Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts. There were no comments or questions from Council. It was moved by Vice Mayor Blakesly, second by Councilmember Follick to approve Ordinance 25-20, motion passed 6-0.

Ordinances – Second Reading:

25-16 An Ordinance Amending Chapter 1040, Water And Sewer Tap Section 1040.02 Permit And Entry Fees Of The Vandalia Codified Ordinances By Adding A New Schedule Of Fees For A Capacity Fee To Be Collected On

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

Behalf Of Tri Cities Wastewater Authority. **Mr. McDonald** read Ordinance 25-16 by title. **Mr. Althouse** advised Council Tri Cities Wastewater Authority and the three member cities are considering a Capacity Fee implementation of new users of the sanitary sewer system to assist in offsetting the plant improvements costs for existing customers. This fee would be paid by new residential and commercial customers at the time of connection. The fee would not affect existing residents and businesses that already have the service. There were no comments or questions during the public hearing. It was moved by Councilmember Farst, second by Councilmember Follick to approve Ordinance 25-16, **Councilmember Follick** commented that this Ordinance is also being implemented in neighboring communities, Huber Heights and Tipp City also, motion passed 6-0.

Ordinances – Emergency Reading: None

Reports from Boards and Commissions:

Mayor Herbst called for comments or questions on the Civil Service Commission Meeting. Minutes of May 20, 2025. There were none.

Mayor Herbst reviewed the July 2025 Bill Listing \$4,539,195.02, Monthly Expenses over \$25,000 and Monthly Purchasing Card Detail in the amount of \$26,128.52. There were no comments or questions from Council.

Council Comments

Mr. Althouse congratulated the new promotions at the Police Department, wishing them the best. **Mr. Althouse** thanked Council for their support and recognized the Parks and Rec Staff for all the work that went into the Robinette Park Playground, sharing it was a great ribbon cutting event this past Friday with so many in attendance and is excited to see what the future holds with the Splash Pad.

Councilmember Follick echoed the City Manager's comments, highlighting a large majority of the Robinette Park project was secured through outside grant funding, limiting the use of City tax dollars and recognizing and thanking Staff for their hard work.

Councilmember Farst shared she had nothing to add to both of the comments.

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

Councilmember Aivalotis-Weaver made a motion to excuse Councilmember Doogan from all meetings, Councilmember Farst seconded the motion. All members present voted yes. Motion passed 6-0.

Vice Mayor Blakesly echoed all other Council comments regarding the Police promotions, noting there has been a lot of expertise move on, but there are quality folks backfilling the positions and the quality employees shine, and it is seen why they have been promoted. **Vice Mayor Blakesly** congratulated Alicia McCracken on her promotion to Parks Director, sharing she has big shoes to fill, but he can see you doing really great things, along with Aaron Messenger, who was promoted to Parks Superintendent. **Vice Mayor Blakesly** shared information on the new popsicle patrol, which is part of a positive direction to move us forward.

Mayor Herbst congratulated the new officers in their promotions and the Parks and Rec promotions sharing he is really excited and looking forward to seeing what they can do.

The Regular meeting was adjourned at 7:38 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Angela Swartz, Deputy Clerk of Council

The Council of the City of Vandalia Meeting Minutes

August 18, 2025

This page intentionally left blank.

DRAFT

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
RESOLUTION 25-R-37

A RESOLUTION AUTHORIZING AN AGREEMENT WITH SANDY'S TOWING FOR TOWING AND IMPOUNDING SERVICES FOR THE DIVISION OF POLICE

WHEREAS, Council has received a memorandum dated August 13, 2025, from Chief Sucher recommending Council award the bid for Towing and Impound Services to Sandy's Towing at published rates and subject to certain insurance terms that are not adverse to the City; and

WHEREAS, this agreement will be for two (2) years, and renewable for another two (2) years if mutually agreed to by both the City and Sandy's Towing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Council authorizes the City Manager, or his designee, to negotiate and enter into a contract with Sandy's Towing for towing and impounding services pursuant to the fee schedule supplied with the bid.

Section 2. To the extent public bidding may be required, the City waives same under 202.05(e)(5).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This resolution shall become effective immediately upon its passage.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse, Clerk of Council

Memorandum



To: Kurt E. Althouse, City Manager
From: Brandon Sucher, Police Chief
Date: August 13, 2025
Subject: Bid Recommendation – Towing and Impounding Services

On Monday, August 11, 2025, at 10:00 am, Captain Krimm opened and read aloud the two (2) bids the city received for Towing and Impound services. SSM Deborah Wright witnessed the bid opening. A representative for Sandy's Towing was present for the opening of this bid.

Advertising of the Notice to Bidder letter was initiated on July 24, 2025 and the Division sent packets to Sandy's Towing, Englewood Truck Towing and Recovery, Busy Bee Towing, and Hollis Towing on the same date. The city posted the bid specifications on the city website. We received two bid submissions from Englewood Truck Towing and Recovery and Sandy's Towing.

Sandy's Towing offers a lower cost on passenger vehicle towing (\$145 versus \$195 at Englewood), flatbed towing (\$145 versus \$195 at Englewood), dead runs on passenger vehicles (\$60 versus \$97.50 at Englewood), passenger vehicle storage (\$30 per day versus \$35 per day at Englewood). Heavy towing rates were lower for Englewood towing (10k-15k GVW \$125 per hour versus \$175 per hour and towing over 15k \$225 per hour versus \$350 per hour). Very few tows requested by VPD are heavy towing. Both companies carry similar liability insurance thresholds and have the necessary storage and equipment availability to fulfill the towing and recovery needs of the Division of Police. Both companies offered towing services on vehicles owned by the Division of Police at no charge. Englewood's storage facility is more than five miles of the City of Vandalia while Sandy's Towing is located within the city limits. One of the bid specifications is that the storage facility used is within five miles of the corporate limits of Vandalia. Sandy's Towing is the only bid that met that standard.

Sandy's Towing is our current provider. We have had no issues with Sandy's Towing as they provide prompt and professional service.

Since this is a service contract and costs are paid by the customer, there are no city funds budgeted. I recommend the Towing and Impound Services contract be awarded to Sandy's Towing. This agreement will be for two (2) years and renewable for another two (2) years if mutually agreed to by both the City and Sandy's Towing.

**CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO**

RESOLUTION 25-R-38

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND AUTHORIZING ADDITIONAL ACTION AS NECESSARY FOR THE CITY TO PARTICIPATE IN SUCH PROGRAMS WITH RESPECT TO THE POOL & RANDLER (N) AVE WATERMAIN REPLACEMENT PROJECT

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for certain capital improvements to public infrastructure that are qualified projects under Ohio Public Works Commission programs; and

WHEREAS, the City of Vandalia is planning to make capital improvements for the project known as the Pool & Randler (N) Ave Watermain Replacement project; and

WHEREAS, the Pool & Randler (N) Ave Watermain Replacement project is considered to be a priority need for the City and is a qualified project under the Ohio Public Works Commission programs.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The City Manager or his designee, is hereby authorized to apply to the Ohio Public Works Commission for State Capital Improvement Program and/or Local Transportation Improvement Program financial assistance funds relating to the capital improvements to public infrastructure for the Pool & Randler (N) Ave Watermain Replacement project.

Section 2. The City Manager is further authorized to enter into any agreements as may be necessary and appropriate that are in the best interest of the City that are necessary to apply for this financial assistance.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This resolution shall become effective immediately upon its passage.

Passed this 2nd day of September 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse, Clerk of Council



To: Kurt E. Althouse, City Manager
From: Ben Borton, Director of Public Service
Date: August 12, 2025
Subject: OPWC Application – Pool & Randler (N) Ave Watermain Replacement

The Ohio Public Works Commission (OPWC) grant funding applications for the upcoming funding cycle are due by September 10, 2025. We intend to submit a single application this year for the Pool & Randler (N) Ave Watermain Replacement project.

This project includes the replacement of all watermain, fire hydrants, and residential service connections along Pool Avenue and the northern portion of Randler Avenue. Following the completion of the watermain work, the entire roadway will be milled and resurfaced.

As part of the application, an approved resolution authorizing submission is required. The preliminary engineer's construction cost estimate prepared is \$1,645,000. We will be handling the survey, engineering, contract administration, and inspection services in-house, with estimated in-kind contributions totaling \$40,000. These in-kind services are included in the overall project cost and count toward the local match. The **total project cost** for the application will be **\$1,685,000**.

To enhance the competitiveness of our application and increase the likelihood of funding approval, we will be **requesting \$500,000** (approximately 30% of the total cost), split equally between a \$250,000 grant and a \$250,000, 0% interest loan over 5 years.

Attached are a map of the project location and a copy of the preliminary engineer's estimate for your reference.



Infrastructure
Protect infrastructure by investing in roads, utilities & parks.

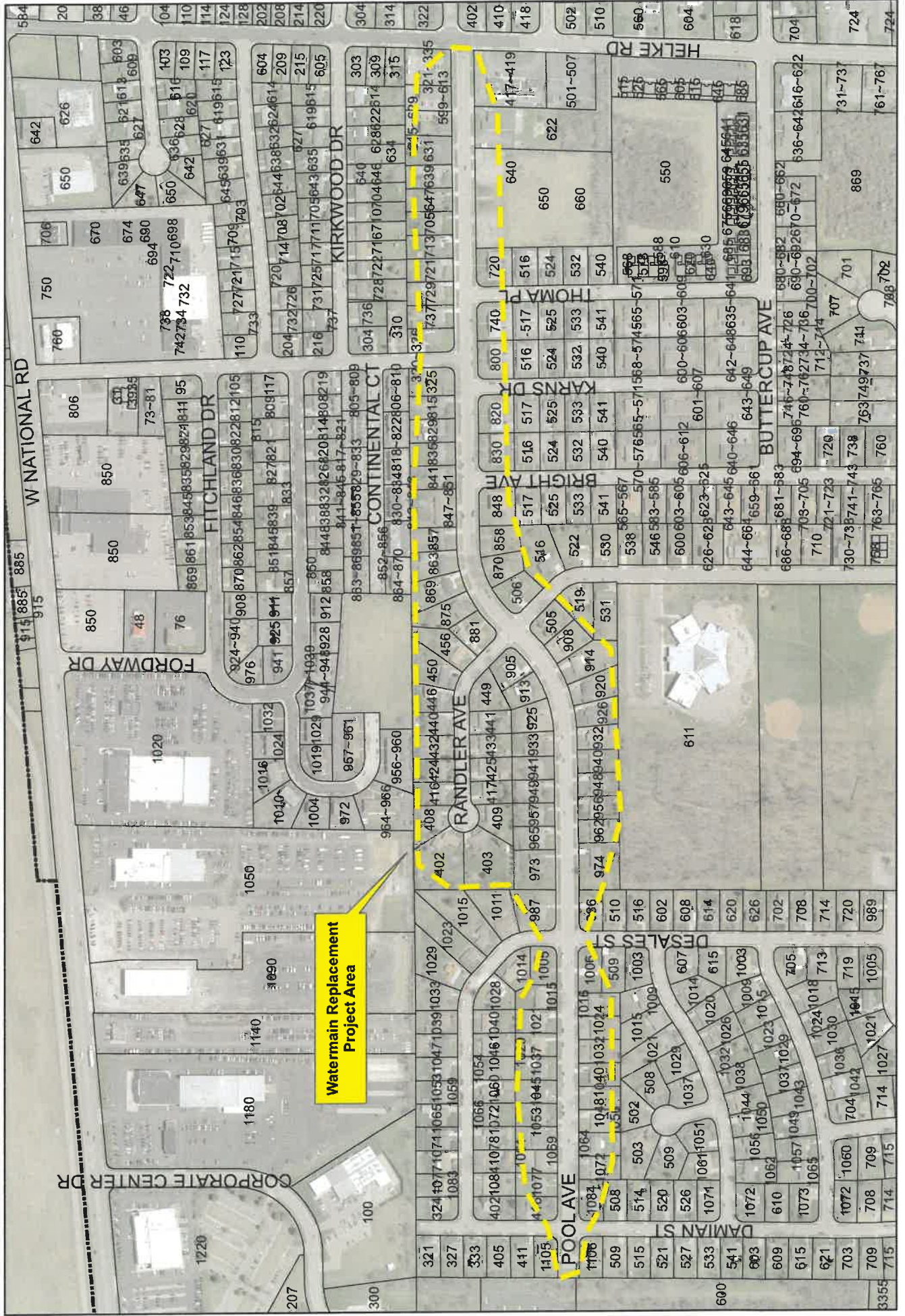


Fiscal Sustainability
Seize quality-of-life opportunities while maintaining fiscal practices.



0 200 400 Feet

Pool Randler Avenue Watermain Replacement



Pool & Randler (N) Ave Watermain Replacement

City of Vandalia



August 12, 2025

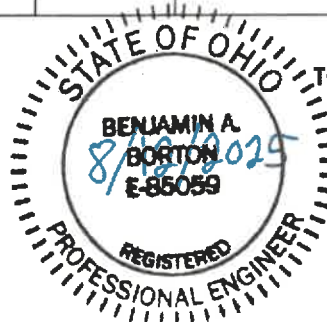
Engineer's Estimate

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
Sawcut existing asphalt	LF	11385	\$1.68	\$19,126.80
1.5" Asphalt Planing	SY	19902	\$3.76	\$74,831.52
Remove existing Fire Hydrant & 6" valve	EA	7	\$849.00	\$5,943.00
3" - #448 Asphalt Intermediate Course PG 64-22	SY	2930	\$35.48	\$103,956.40
1.5" - #448 Asphalt Surface Course PG 64-22	SY	19902	\$11.89	\$236,634.78
Remove & Replace 4" Thick Sidewalk, as per plan	SF	2745	\$16.08	\$44,139.60
Remove & Replace 6" Thick Sidewalk or Drive Approach, as per plan	SF	380	\$20.07	\$7,626.60
Remove & Replace Curb and Gutter (including gravel base), as per plan, to match existing curb type	LF	770	\$60.85	\$46,854.50
New Accessible Curb Ramp incl. 2'x4' tactile pad	EA	4	\$1,514.55	\$6,058.20
Maintenance of Traffic	LS	1	\$21,867.48	\$21,867.48
6" DI Watermain Cl. 51, Complete and in place incl. restrained joints as required with gravel backfill	LF	264	\$115.41	\$30,468.24
8" DI Watermain Cl. 51, Complete and in place incl. restrained joints as required with gravel backfill	LF	5006	\$116.85	\$584,951.10
8" x 8" Cross	EA	3	\$1,022.70	\$3,068.10
6" Valve & Valve Box	EA	7	\$1,948.34	\$13,638.38
8" Valve & Valve Box	EA	18	\$2,765.47	\$49,778.46
6" Fire Hydrant Assembly incl. all fittings, anchor pipe, gravel drain, etc.	EA	7	\$6,112.17	\$42,785.19
8" x 6" Reducer	EA	8	\$477.05	\$3,816.40
8" x 6" Tee	EA	6	\$761.84	\$4,571.04
8" Plug	EA	0	\$548.10	\$0.00
8" x 4" Tee	EA	0	\$769.65	\$0.00
4" Valve & Box	EA	0	\$1,651.65	\$0.00
6" Hydro-Stop	EA	8	\$13,732.13	\$109,857.04
8" x 8" Tee	EA	1	\$894.30	\$894.30
8" 45 Degree Bend	EA	6	\$565.65	\$3,393.90
8" 22.5 Degree Bend or 11.25 Degree Bend	EA	6	\$576.45	\$3,458.70
12" x 8" Reducer	EA	0	\$762.30	\$0.00
6" 45 Degree Bend	EA	14	\$447.76	\$6,268.64
1" Water Service Connection, incl. tap and replaced to existing curb stop or meter pit (avg. length 18' of 1" copper service)	EA	94	\$1,842.87	\$173,229.78
Cut existing 6" water main & plug with concrete	EA	13	\$869.40	\$11,302.20
Seeding & Mulching, including a minimum of 4" of processed topsoil	SY	2105	\$17.33	\$36,479.65

TOTAL

\$1,645,000.00

Benjamin A. Borton, P.E.



CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

RESOLUTION 25-R-39

**A RESOLUTION AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL
OF THE CITY OF VANDALIA**

WHEREAS, the Council of the City of Vandalia has previously adopted a Personnel Policies and Procedures Manual; and

WHEREAS, in order to provide for certain changes, it is necessary to revise this manual;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA,
MONTGOMERY COUNTY, OHIO THAT:**

Section 1: The amendments to all sections of the Personnel Policies and Procedures Manual as set forth in Exhibit A which is attached hereto and made a part of this Resolution are hereby approved.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: This resolution shall become effective immediately upon its passage.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse, Clerk of Council

City of Vandalia

Personnel Policies & Procedures



TABLE OF CONTENTS

Introduction.....	6
Definitions.....	7

DEFINITIONS

100. CLASSIFIED AND UNCLASSIFIED SERVICE

100.1 Explanation.....	10
100.2 Placement of Positions.....	10

200. EMPLOYMENT PROCEDURES

200.1 Filling Vacant Positions.....	11
200.2 Temporary and Part-time Appointments.....	11
200.3 Physicals and Drug Testing.....	11

300. EMPLOYMENT AND PROMOTION

300.1 Applications.....	12
300.2 Life of Applications.....	12
300.3 Promotions	12

400. PROBATIONARY PERIOD

400.1 Purpose.....	13
400.2 Duration.....	13
400.3 Action at End of Probationary Period.....	13

500. THE CLASSIFICATION PLAN

500.1 Purpose.....	15
500.2 Adoption and Maintenance of Plan.....	15
500.3 Amendment of Plan.....	15
500.4 Job Description	15
500.5 Use of Class Titles – Working Titles.....	16

600. COMPENSATION PROGRAM

600.1 Purpose.....	17
600.2 General Services Pay Plan.....	17
600.3 Performance Evaluations.....	19
600.4 Overtime & Other Methods of Compensation	19

700. CONTINUOUS SERVICE DATE

700.1	Definition of Continuous Service Date.....	21
700.2	Use of Continuous Service Date	21
700.3	Adjustment of Continuous Service Date.....	21
700.4	Restoration of Service Credit	21
700.5	Determination of Retirement Benefits	21

800. EMPLOYEE BENEFITS

800.1	Accrued Leaves	22
800.2	Proration of Benefits: 24/48 FT Fire Captains	22
800.3	Holidays.....	22
800.4	Vacation Leave	23
800.5	Sick Leave.....	25
800.6	Injury Leave.....	28
800.7	Other Leaves of Absence with Pay (Bereavement, Jury, etc.)	29
800.8	Leaves of Absence Without Pay	29
800.9	Military Leave – Temporary.....	29
800.10	Military Leave – Extended.....	30
800.11	Maternity Leave	30
800.12	Parental Leave with Pay.....	30
800.13	Family and Medical Leave Act.....	31
800.14	Recreational Facilities Use Benefits	33
800.15	Tuition Reimbursement.....	33

900. HEALTH AND WELFARE PROGRAM

900.1	Types of Coverage.....	35
900.2	Eligibility and Premiums	35
900.3	Basic Group Life Insurance	35
900.4	AD&D, Loss of Sight & Permanent Disability Coverage	35
900.5	Coverage During Leaves of Absence	35
900.6	Fitness for Duty	36
900.7	Additional information	36

1000. RETIREMENT PROGRAM

1000.1	Coverage.....	37
1000.2	Eligibility.....	37
1000.3	Contributions.....	37
1000.4	Coverage During Leaves of Absence	37

1000.5	Retire/Rehire Policy	37
--------	----------------------------	----

1100. DISCIPLINARY ACTION AND SEPARATION POLICY

1100.1	Disciplinary Action.....	39
1100.2	Reasons for Disciplinary Action.....	39
1100.3	Resignations.....	40
1100.4	Layoffs.....	40

1200. GRIEVANCE PROCEDURE

1200.1	Policy.....	42
1200.2	Grievance.....	42
1200.3	Procedure.....	42

1300. GENERAL EMPLOYMENT POLICIES

1300.1	Equal Employment Opportunity.....	43
1300.2	Americans with Disabilities Act (ADA)	43
1300.3	Safety in the Workplace	43
1300.4	Safety Glasses Program.....	44
1300.5	Identification Cards.....	44
1300.6	Boot and Tool Reimbursement Policy	44
1300.7	Motor Vehicle Violations.....	45
1300.8	Anti-Nepotism Policy	45
1300.9	Technology Use Policy	46
1300.10	Cellular Telephone Use Policy	50
1300.11	Remote Work Policy.....	52
1300.12	Social Media Policy.....	52
1300.13	Electronic Timekeeping Policy	54
1300.14	Travel Policy	56
1300.15	Vehicle Allowance.....	60
1300.16	Gratuities.....	60

1400. EMPLOYEE RULES OF CONDUCT

1400.1	Violation of Rules	61
1400.2	Duty to Report Violations of Rules of Conduct	61
1400.3	Code of Ethics.....	61
1400.4	Unbecoming Conduct.....	62
1400.5	Immoral Conduct.....	62
1400.6	Truthfulness.....	62

1400.7	Fictitious Illness or Injury Reports	62
1400.8	Attendance and Readiness for Work	62
1400.9	Neglect of Responsibilities.....	62
1400.10	Unsatisfactory Performance.....	62
1400.11	Employee Appearance & Dress Code.....	63
1400.12	Drug Free Workplace/Drug and Alcohol Policy.....	66
1400.13	Tobacco Use Policy.....	68
1400.14	Workplace Violence and Firearms Policy.....	68
1400.15	Paid Administrative Leave	70
1400.16	Sexual and Other Harassment.....	71

INTRODUCTION

The Vandalia Personnel Policies and Procedures Manual has been established in accordance with the provisions of the Vandalia City Charter.

This policies and procedures manual has been adopted by the Vandalia City Council. Amendments to these policies and procedures, except for those established by the Civil Service Commission and Appeal Board, may be made only by formal action of the City Council. Any employee may submit proposals for additions, changes or amendments to this manual. Such proposals must be submitted in writing to the City Manager's Office for consideration.

These policies and procedures apply to all full-time employees of the City. Some policies apply to part-time, seasonal and temporary employees, and this is noted within those policies. Certain employees of the City are covered by collective bargaining agreements. In cases where a conflict exists between the collective bargaining agreement and the policies set forth in this manual, the collective bargaining agreement provisions shall prevail and the employee shall be bound by those provisions. In all other instances, the policies in this manual shall apply to those employees.

As Chief Administrative Officer of the City, the City Manager administers programs adopted by the City Council as well as the procedures in this manual.

The Charter also establishes the Vandalia Civil Service Commission and Appeal Board (hereinafter referred to as the Board). In accordance with the Charter's provisions, Sections 7.7 through 7.13, the Board's function is twofold. First, it is totally and solely responsible for ensuring that appointments to Vandalia's classified civil service are based upon merit and fitness. Second, it hears appeals in cases of disciplinary action, transfer, reduction in rank or removal from both classified and unclassified services. The rules, regulations and/or bylaws established by the Board for its own governance are not subject to review or amendment by the City Council. These rules may be changed only by action of the Board.

DEFINITIONS

Appointing Officer. The City Manager appoints all employees to the classified and unclassified service.

Appointment. The filling by a Department Head or Division Chief of a position with an individual properly authorized by the Appointing Officer. Appointments include several types: temporary, seasonal, part-time, probationary, and career.

Board. The Vandalia Civil Service Commission and Appeals Board.

Career Status. Having successfully completed an initial probationary period, a full-time employee then achieves career status.

Chief Examiner. Appointed by the Board, to serve in both a secretarial and advisory capacity, for the purpose of carrying out the duties of the Board.

Civil Service Commission and Appeal Board. An appointed Board consisting of three (3) members as so provided in Section 7.6 of the Vandalia City Charter.

Classified Service. The classified service shall comprise all positions not specifically included in the Charter in the unclassified service. There are two classes: the competitive class and non-competitive class.

Class or Classification. A group of positions in the city service sufficiently alike in duties, authority, and responsibilities that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to all of these positions.

Council. The Council of the City of Vandalia.

Demotion. The movement of an employee from a position in one class to a position in another class having a lower salary range. This can be the result of voluntary employee action, as a result of city employee cutbacks or as a result of disciplinary action.

Department Heads. The Director of a Department.

Dismissal. Involuntary separation of service with cause.

Full-Time. Employees who are scheduled to work the maximum normal work week. This is normally forty (40) hours per work week.

Holiday. Those 24-hour day periods (12 midnight to 11:59 p.m.) as specifically designated in these rules Section 800 or later established by City Council.

Immediate Family. Mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, legal guardian, stepfather, stepmother, stepsister, stepbrother, stepchild. The Human Resources Manager may extend the definition of immediate family to include a family member other than those specifically named as may be required by law.

Job Description. The written description of a class, containing a title, statement of duties, authority and responsibilities and the minimum qualifications for the class.

Layoff. A separation from the service because of a shortage of funds or materials, abolishment of a position, or for other reasons not reflecting discredit on an employee and for reasons outside of his/her control.

Paid Administrative Leave. A temporary, non-disciplinary leave from duty, during which an employee remains in a paid status but is relieved of all work responsibilities. This leave is typically used when it is in the best interest of the City and/or the employee to remove the employee from the workplace during an internal investigation, safety concern, administrative review, or other compelling circumstance.

Part-Time Employees. Appointments requiring less than full-time work. Such employees will not be subject to the policies and procedures unless specifically included.

Personnel Action. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or any other action affecting status of employment.

Personnel File of Personnel Records. Those individual records of an employee's work history maintained by the City Manager's Office.

Probationary Period. A period during which an employee must demonstrate, by actual performance of the duties, their fitness for the position to which they have been appointed.

Promotion. The movement of an employee from a position in one pay grade to a higher pay grade.

Provisional Employee. When the appointing officer finds it essential to fill a vacancy, and an eligible register for such vacancy does not exist, or because no one on the appropriate list is willing to accept the appointment, the City Manager may authorize the temporary filling of the vacancy by provisional appointment. No provisional appointment shall be made or payment for services rendered without the prior approval of the Human Resources Manager and/or the City Manager.

Public Safety Personnel. Employees who work in the Department of Public Safety.

Re-appointment. Movement of a current employee that does not classify as a transfer, reclassification or promotion. Employee must compete with other candidates, if applicable.

Re-classification. Results from a change(s) in an established position that necessitates raising or lowering the pay range of the position, or moving it to another class at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed in such position.

Re-employment. The appointment of an individual who previously held classified status and who resigned in good standing or was laid off.

Seasonal Appointment/Employees. Limited to seven consecutive full calendar months to provide additional employees during a particular season.

Seniority. See Continuous Service Date in Chapter 700.

Suspension. The temporary separation of an employee from his/her duties without pay.

Temporary Appointment/Employees. Limited to 120 days to prevent undue delay or interference when a short-term increase in workload requires additional employees. Positions are included in the unclassified service.

Transfer. Movement of an employee from one position to another position of the same class or of another class having the same maximum salary range. Employee must demonstrate possession of the same or comparable skills/qualifications.

100. CLASSIFIED AND UNCLASSIFIED SERVICE

100.1 Explanation

City of Vandalia employees work in either the unclassified or classified service. Each service is defined in Article VII, Section 7-8, 7-9 and 7-10 of the City Charter as follows:

A. Unclassified Service. The unclassified service is exempt from competitive examination and includes:

- All Officers elected by the people
- All Department Directors and their Assistants
- The Manager
- Boards and Commissions Members
- Clerk of Council
- Secretary to Manager, Secretary to each Department Head, and Secretary to each Board and Commission
- Unskilled Labor
- Persons appointed to fill vacancies in elected offices
- All Officials and Employees appointed by the Council
- Seasonal and Temporary Employees
- Any office or position requiring peculiar and exceptional qualifications
- Clerk of Courts

B. Classified Service. The Classified Service comprises all positions not specifically included by City Charter in the Unclassified Service. Classified service includes:

- Members and Officers of the divisions of Police and Fire, but not their Chiefs.
- Employees of any utility operated by the city who must hold a vehicle operator's license – other than a chauffeur's license – for the performance of their duties.
- Inspectors – Including plumbing, heating, electrical, sanitary sewer and other inspectors required in municipal operations.
- Skilled labor.
- Office staff, mechanics and all other positions not specifically included by the Charter in the unclassified service.

Two classes further designate positions in the Classified Service: competitive and non-competitive.

- a. The competitive class includes all positions whose merit and fitness can be determined by competitive examination.
- b. The non-competitive class includes all positions that require peculiar or exceptional qualifications of a technical, scientific, managerial, professional or educational character, as determined by the Human Resources Manager.

100.2 Placement of Positions

The City Manager shall, in accordance with Section 100.1 above and pursuant to the rules established by the Board, assign each City position to either the "unclassified" or "classified" service.

200. EMPLOYMENT PROCEDURES

200.1 Filling Vacant Positions

All appointments to Classified City positions will be made on the basis of merit and fitness in accordance with the procedures set forth by the Vandalia Civil Service Commission. The purpose of this directive is to document the process used for the filling of open positions through the hiring of new employees and by the movement of present employees within the organization.

Open positions (for both classified and unclassified) are posted on the City's website and are emailed to all employees. All internal and external candidates are required to apply online at the City's website. Announcements of job openings should specify the position title, a description of the work involved, the salary range and the required and desired qualifications, along with any other pertinent information.

Temporary, part-time, seasonal, and Unclassified positions do not require Civil Service hiring procedures.

200.2 Temporary and Part-Time Appointments

Where budgeted, and with the advance approval of the City Manager, Department Heads and Division Chiefs may make temporary, seasonal or part-time appointments within their departments and divisions.

1. Seasonal or temporary employees are those hired to work for specific seasons, as interim replacements, to supplement the work force on a temporary basis, or to help with a specific project. Assignments to this category are of a limited duration. Employment beyond any initially determined period does not imply a change in employment status. Temporary or seasonal employees remain temporary or seasonal unless they are notified in writing of a change. While temporary or seasonal employees receive all legally-mandated benefits (such as workers' compensation), they are ineligible for all the City's other benefit programs unless expressly provided.
2. Part Time employees typically work no more than 30 hours per week. Under extenuating circumstances and with the Human Resources Manager's approval, part-time employees may occasionally work more than 30 hours per week and will be compensated at the overtime rate of one and one-half times their regular pay rate for any hours over 40 in a week.
3. Seasonal, Temporary, and Part-Time employees shall work no more than 1,560 hours per calendar year.

200.3 Physicals and Drug Testing

All full-time, part-time, and seasonal/temporary position candidates must undergo a complete pre-employment physical and urine drug testing. This exam will be conducted by a provider appointed by the City of Vandalia and will be paid for by the City. The provider must certify the candidate's ability to perform the essential functions of the job for which they are applying with or without reasonable accommodation.

300. EMPLOYMENT AND PROMOTION

300.1 Applications

All candidates for city employment shall apply online, and all information requested on the forms shall be provided by each applicant. Applications will only be accepted during the period in which a position is advertised. Additional information that may be necessary to evaluate the applicant may also be required as part of the application. Proof of education, experience or other information provided on the application may be required.

The Human Resources Manager may establish a deadline for receipt of additional pertinent information to supplement or expand upon a candidate's application for employment. Failure to provide this information may result in the rejection of the individual's application to take the scheduled examination. All statements made on the application form, as well as information provided by any supplemental resume, are subject to investigation and verification. All applications, resumes and attachments, when submitted to the Human Resources Department, shall become the property of the City of Vandalia.

300.2 Life of Applications

Employment applications must be kept on file per the applicable City of Vandalia Records Retention Schedule. If an applicant is hired, their application becomes a permanent document, per the City of Vandalia Records Retention Schedule.

300.3 Promotions

Only qualified career status city employees are eligible to compete for promotional positions. Vacancies in promotional positions in the classified competitive service, which are not filled by transfer, re-instatement, or reduction, shall be filled by competitive examinations. Dishonesty, including making a misleading statement or omission of any information or fact, on any employment application documents or during the hiring process, regardless of when discovered, is disqualifying and dischargeable.

400. PROBATIONARY PERIOD

400.1 Purpose

The probationary period is an integral part of Vandalia's selection and screening process. Department Heads use the time to observe new employees' work, to train and aid them in their new positions and to reject those whose work performance fails to meet required standards. An employee's appointment is not complete until they have completed a probationary period. Probationary employees may be discharged without right of appeal at any time during this period.

400.2 Duration

All full-time new hires, as well as re-hires, are subject to a probationary period of twelve full months of actual service. Any paid or unpaid leave in excess of 90 days during the probationary period will not be counted as part of the probationary period. All transfer or promotional appointments are subject to a probationary period of six full months of actual service. Seasonal, temporary, or part-time employees appointed to full-time positions may not use any portion of their seasonal or temporary service as part of the probationary period.

400.3 Action at the End of Probationary Period

Prior to the end of an employee's probationary period, their Department Head or Division Chief must take one of the following actions, depending upon the class of position. The City Manager must approve or disapprove any of these recommendations.

A. Full-Time Appointments.

1. Affirm that the employee's service has been satisfactory and recommend that they be awarded career status.
2. Dismiss the employee.

B. Transfer.

1. Affirm that the employee's service has been satisfactory and recommend that they continue in their new classification.
2. If a vacancy exists, and with the approval of both department heads and the city manager, recommend that the employee be returned to their previous classification.
3. Dismiss the employee.

C. Re-appointment.

1. Recommend that the employee continue in their new classification.
2. If a vacancy exists, and with the approval of both department heads and the city manager, recommend that the employee be returned to their previous classification.
3. Dismiss the employee.

D. Re-classification.

1. Recommend that the employee continue in their new classification.
2. Dismiss the employee.

E. Promotion.

1. Recommend that the employee continue in their new classification.
2. If a vacancy exists, and with the approval of both department heads and the city manager, recommend that the employee be returned to their previous classification.
3. Dismiss the employee.

Reasons for termination will be carefully documented and placed in the employee's personnel file. In the event of termination during or at the end of the probationary period, the employee will receive payment for all accumulated vacation, floating holiday and comp time as provided in Chapter 800.

Upon notification of their probationary release, employees will be relieved from their duties immediately.

500. THE CLASSIFICATION PLAN

500.1 Purpose

The Classification Plan groups all positions in City service into classes, based upon each position's duties and responsibilities. It provides accurate descriptions and specifications for each class and standardizes their range of duties and responsibilities. The classification plan is:

- A. An information source for prospective city employees and a tool to be used during their selection.
- B. An orderly method of promotion and guide for employees' use in preparing themselves for promotion.

500.2 Adoption and Maintenance of Plan

The City Manager, with approval from City Council, adopts and maintains the Classification Plan. They also allocate new positions to an appropriate class and make revisions as changing conditions warrant.

500.3 Amendment of Plan

Any career status employee or Department Head or Division Chief may submit a written request for a Classification Plan amendment to the City Manager. Upon receipt of such a request, or upon their own initiative, the City Manager may conduct a classification study if, in their opinion, a study is warranted. If the study reveals conditions that warrant an adjustment in the classification plan, these changes may be made by the City Manager. Written notification of any Classification Plan amendment will be forwarded to the affected employees.

500.4 Job Description

Job descriptions serve as Classification Plan tools and do not limit or modify Department Heads' ability to assign, direct and control the work of employees they supervise.

- A. Content of Job Description. Each job description lists the class title, a description of the position's normal duties and responsibilities and the minimum qualifications a person needs to perform the work successfully.
- B. Interpretation of Job Description. Definitions in a job description are descriptive and not restrictive. They are intended to indicate the kinds of positions to the several classes as determined by general duties and responsibilities and are not to be construed as declaring the special duties or responsibilities of any position.
- C. Minimum Qualifications Statement. Personal qualifications commonly required of an employee in any class such as good citizenship, honesty, loyalty, sobriety, industry, amenability to supervision and suggestions to superiors for improvement of service and willingness to cooperate with associates will be implied as required qualifications for every class, even though such traits may not be specifically mentioned in the specifications. The desirable minimum qualifications set forth by class specification will relate to reasonable standards of experience and training required at the time of original appointment of a new employee.

A Department Head or Division Chief may significantly change the duties of an employee under their supervision for no more than 120 consecutive days without a position reclassification. If an employee's duties are changed to a higher classification for more than 30 days, additional compensation will be paid.

500.5 Use of Class Titles – Working Titles

The Class Title is the official title of every position allocated to the class for the purpose of personnel actions. It will be used on all payroll and official records and reports relating to the position. For purposes of public contact, any working title desired and authorized by the Department Head or Division Chief may be used.

600. COMPENSATION PROGRAM

600.1 Purpose

The purpose of this program is to establish and maintain a competitive compensation program that allows the City of Vandalia to attract and retain a diverse pool of well-qualified, professional, and effective public servants. The Compensation Program applies to all classifications that are included on the General Services Pay Plan (defined below) and excludes all classifications that are represented by a collective bargaining agreement.

600.2 General Services Pay Plan (GSP)

- A. Structure. The General Services Pay Plan applies to all classifications (positions) that are included on the General Services Pay Plan Table. Each position classification on the General Services Pay Plan is assigned a pay grade with corresponding pay range, based on a comparison to the broad external marketplace for similar jobs. The ranges of the structure are reviewed periodically and adjusted to the market.
- B. Plan Maintenance. The ranges of the GSP structure are reviewed periodically and adjusted to the market. The City Manager may propose modifications of the GSP to City Council. Reasons for adjusting the pay plan may include but are not limited to:
- A job title change
 - The creation or elimination of a position
 - Restructuring
 - Updated duties and responsibilities as documented in the position description or corresponding point factor analysis
 - Adjustments relating to inflationary considerations
 - Annual or periodic update to pay ranges
 - External market rates and hiring trends
 - Considerations of internal equity across the City workforce
 - Other factors as deemed appropriate by the City Manager

The following shall apply to current employees as of December 6, 2021: Employees with an hourly rate in excess of the maximum rate listed in the General Services Pay Plan shall be held at their current hourly rate ("redlined") and will not be subjected to a reduction of their hourly pay rate.

- C. Starting Pay. The starting rate of pay for any position on this salary structure is determined by the City Manager following a recommendation by the Department Head and the Human Resources Manager in consultation with the Director of Finance. The starting rate must be within the appropriate salary pay grade range as listed on the General Services Pay Plan and is determined by an analysis of several factors:
- Budgeted funds available
 - A candidate's overall experience, record, formal education, professional certifications, specialized skills or abilities, etc.
 - Salaries of current incumbents in the same or similar positions
 - The candidate's present salary
 - External market rates and hiring trends
 - Other factors as deemed appropriate by the City Manager.

- D. Merit Pay Increases. Employees on the General Services Pay Plan may receive pay adjustments based on their performance. Generally, employees with exceptional performance may be rewarded with merit increases. Employees with marginal performance may not be granted an increase. The City Manager has the latitude to grant lump sum salary actions or other pay adjustments to any City employee during the year as appropriate, including retroactively.
- E. Frequency of Merit Salary Increases. It is the intention of the City to allow for employees to be eligible for merit increases not less frequent than every 12 months. Timing of increases is mainly dependent upon what kind of evaluation an employee is placed on. Below is a guideline that can be used to determine an employee's eligibility for an increase.
1. New Hires (12 month probationary period)
 - a. General Performance Appraisal. Upon completion of their initial 12-month probationary period, full-time employees are reviewed and become eligible for career status. If granted career status, the employee is given a merit salary increase. Each year, on the anniversary of the employee's initial hire date (Continuous Service Date) they will be reviewed and may be considered for a merit salary increase. In the case of a reappointment or promotion in which an employee takes on new job duties, thus serving a six-month probationary period, their annual review date will be adjusted to reflect the date they began in their new classification.
 - b. Management Appraisal. Employees with a January 1st evaluation date are eligible for a full, non-prorated increase at the end of their 12 month probationary period *if* they were not eligible for an increase during the first January 1st evaluation cycle following their hire date due to probationary status. Following their full, non-prorated increase at the end of their probationary period, these new hires are then eligible for a prorated increase at the next occurrence of their January 1st evaluation cycle.
 2. Transfers (6-month probationary period, no change in pay grade)
 - a. General Performance Appraisal. When an employee transfers positions and their evaluation date changes to the date of the transfer, resulting in a gap of more than 12 months between pay increase eligibility, the supervisor may, at their discretion, grant a higher percentage increase at the new evaluation date to compensate for the extended wait time.
 - b. Management Appraisal. In the event of a mid-year transfer where an employee on a management evaluation cycle laterally moves from one position to another, they will remain on a January 1st evaluation cycle and will be eligible for a full, non-prorated increase at the end of their six-month probationary period if they were not eligible for an increase during their January 1st evaluation cycle. Following the increase at the end of their probationary period, these employees are then eligible for a prorated increase at the next occurrence of their January 1st evaluation cycle.
 3. Promotions (6-month probationary period, change in pay grade)
 - a. General Performance Appraisal. When an employee is promoted, their evaluation date resets to the promotion date, making them eligible for another increase after 12 months in the new position.
 - b. Management Performance Appraisal. In the event of a mid-year promotion where an employee on a management evaluation cycle moves to a higher pay grade, they will remain on a January 1st evaluation cycle and will be eligible for a prorated increase at the end of their 6-month probationary period if they were not eligible for an increase during the January 1st evaluation cycle immediately preceding their promotion. Following the increase at the end of their

probationary period, these mid-year transfers are then eligible for a prorated increase at the next occurrence of their January 1st evaluation cycle.

600.3 Performance Evaluations

Supervisors will assess how well a subordinate employee performed during the preceding evaluation period. The following timelines shall apply:

New Hires (Both Unclassified and Classified, Full-Time Staff in Memo format only):

- 90 days
- 180 days
- 270 days

Unclassified Staff:

- Evaluation Period: January 1 – December 31 (aligned with fiscal year and budget)
- Evaluations completed by January 31 of the following year

Classified, Full-Time Staff:

- Evaluation Period: Annually from date of hire – anniversary
- Evaluations completed within one month of anniversary

Part-Time Staff:

The City recognizes that part-time employment often involves variable shifts, schedules, and unpredictable tenure, particularly for new hires. While the guidelines below outline the recommended timing for performance appraisals, supervisors are encouraged to use their best judgment and make every effort to complete a review at some point during a part-time employee's tenure, even if it does not align exactly with the suggested timelines.

- **Part-Time (Ongoing) Employees**
 - Initial Review: 90 days after hire (or after starting a new role) to set expectations and address any early issues.
 - Regular Reviews: Annually (once per year)
- **Seasonal & Temporary Employees**
 - End-of-Assignment Review: At the conclusion of their seasonal or temporary employment
 - Mid-Assignment Check-in: If their assignment is longer than 3–4 months

600.4 Overtime & Other Methods of Compensation

- A. Definition of Overtime. Those hours in excess of 40 hours worked in a work week are compensated at one and one-half times the employee's regular rate of pay. For payroll purposes in computing hours worked, 15-minute intervals rounded to the nearest 15 minutes are used. It is the City's policy to minimize the need for overtime work. When employees are directed to work time beyond their normal work week, they will be compensated for that time either in overtime pay, or - with the approval of the Department Head and in cases where no additional overtime condition would be created within the department - in compensatory time.

B. Overtime Eligibility. For the purpose of implementing an overtime policy, all employee classifications are divided into two categories; those receiving no overtime compensation (FLSA Exempt, Salary), those employees who are eligible for overtime (FLSA Non-Exempt, Hourly). Overtime eligibility is determined by laws outlined in the Fair Labor Standards Act (FLSA). Non-Exempt Employees must track accurately and completely all hours worked beyond their normal workweek on their bi-weekly time sheets.

C. Comp Time. FLSA Non-Exempt employees may earn compensatory time (Comp Time) for hours worked in excess of their regularly scheduled 40-hour workweek. Comp Time is accrued at a rate of 1.5 hours for each hour of overtime worked, or fraction thereof, in lieu of overtime pay. Employees may accrue up to 80 hours of Comp Time per calendar year, including any carryover from the previous year. At the end of the calendar year, employees may elect to carry over up to 40 hours of unused Comp Time into the next calendar year. Any remaining unused Comp Time will be paid out on the second payroll in January at the employee's hourly rate of pay – as of their final pay in the year in which it was incurred.

All Comp Time leave requests are subject to supervisory approval. Supervisors retain the right to deny leave requests when granting such leave would result in an adverse impact on City operations or the delivery of services.

D. Flextime. For time worked in excess of their scheduled workweek, FLSA Exempt employees will be permitted to earn, on an hour-for-hour basis, up to 80 hours of Flextime annually that can be used as additional time off. At the end of the calendar year, employees may choose to be paid out for up to 40 hours of Flextime.

Fire Captains may accrue up to 108 hours of Flex Time annually. At the end of the calendar year, Fire Captains may choose to be paid out for up to 54 hours of Flextime.

No flextime hours are permitted to roll over from one year to the next. The time during which an employee chooses to take their flex time must be approved in advance by their supervisor with due regard to the employee and for the needs of City service.

All flextime leave requests are subject to supervisory approval. Supervisors retain the right to deny leave requests when granting such leave would result in an adverse impact on City operations or the delivery of services.

E. Compensation for Work on Holidays. Full-time employees receive their regular rate of pay for the paid City holidays. An overtime-eligible employee who actually works a holiday will receive additional compensation at the time and one-half rate for all hours worked.

F. Emergency Call-Out Pay. When overtime-eligible employees are called to work because of unforeseen emergencies, they are paid at their overtime pay rate. Each Emergency Call-Out is compensated at a minimum of two hours.

G. Distribution of Overtime. Department Heads will distribute overtime to those employees in the classification for which overtime work is required. Departments will keep ongoing records to ensure that each employee is offered overtime work on a rotating basis with other employees. Should no employee in a classification voluntarily accept overtime, the Department Head, Division Chief, or designee will require employees to work overtime. Failure to work overtime as required will result in discipline, up to and including termination.

700. CONTINUOUS SERVICE DATE

700.1 Definition of Continuous Service Date

The Continuous Service Date is the date a new employee is appointed to probationary status in the career service. Time spent in the unclassified service as a seasonal, temporary, or part-time employee is not included for the purpose of determining an employee's continuous service date.

700.2 Use of Continuous Service Date

The Continuous Service Date is used for determining vacation accumulation, sick leave accumulation and all other matters involving length of service.

700.3 Adjustment of Continuous Service Date

Employees who leave City service for military service receive credit for that service upon returning to City employment. Service credit also accumulates during authorized leaves of absence with pay.

700.4 Restoration of Service Credit

An employee who has been re-employed after a layoff or who resigned in good standing and is rehired within two years receives Continuous Service Date credit for their previous time in the career service. The City Manager will consider other situations concerning restoration of the previous time accumulated on a case-by-case basis.

700.5 Determination of Retirement Benefits

For purposes of determining retirement, the City follows the guidelines and Continuous Service Date established for individual employees enrolled in the Ohio Public Employee Retirement Service or Ohio Police & Fire Pension Fund.

800. Employee Benefits

800.1 Accrued Leaves

Certain paid leaves are accrued over time by each employee. Such accrued leave time includes vacation, floating holidays, and sick leave. It is the employee's responsibility to be aware of the time available for their use at any given time. The City provides the accrued time information to each employee on their bi-weekly paycheck stubs. Employees who request and use leave time in excess of accrued time available to them will be subject to loss of pay and possible disciplinary action. Employees on leave of absence without pay do not accrue leave time unless otherwise required by law.

800.2 Proration of Benefits for 24-48 Full Time Fire Captains

Accrued leaves, paid holidays and other benefits are based upon a ratio of actual hours worked in relation to a standard 40-hour work week. Benefit specifications for Full Time Fire Captains assigned to a 24/48 schedule are set forth in the Vandalia Division of Fire General Operating Guidelines and may be amended only with written documentation and signed approval by both the Fire Chief and the City Manager.

800.3 Holidays

A. The following are observed as holidays (non-working days) for City employees:

1. New Year's Day
2. Martin Luther King Jr. Day
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veterans Day (effective 1/1/2026)
7. Thanksgiving
8. The Friday after Thanksgiving
9. The Day before Christmas
10. Christmas Day
11. Floating Holidays – Employees accrue one and one quarter day of Floating Holiday time per calendar quarter from the date they complete the first six months of their probationary period. No floating holiday leave accrues during the first six months of a new employee's initial probationary period. Employees, thus, are eligible for five floating holidays per calendar year. Use of this leave must be approved by the supervisor in advance and taken by December 31 or otherwise forfeited.

All Floating Holiday leave requests are subject to supervisory approval. Supervisors retain the right to deny leave requests when granting such leave would result in an adverse impact on City operations or the delivery of services.

There are three exceptions to this rule, as follows:

- a. Public Works Department and Facilities Maintenance personnel may carry up to 16 hours of this leave into the next year to be used no later than the last day of February.
- b. Sworn public safety personnel may either use floating holidays or receive compensation at year's end for any unused balance.

- c. In lieu of Floating Holiday time, full-time Fire Captains accrue 24 hours' pay from the date they complete the first six months of their probationary period.
- B. **Terminal Floating Holiday Pay.** Employees who leave City service will be paid for Floating Holiday Time accrued but not taken. Floating holiday payment will not be released in cases where litigation or criminal action is pending involving theft of City property or until the employee returns any City property they may have or pays any funds due.
- C. **Holidays Falling on Saturday or Sunday.** When a holiday falls on Saturday, the preceding Friday is observed as a holiday. When a holiday falls on Sunday, the following Monday is observed as a holiday. If either of these alternate days is already a designated holiday, the City Manager determines the weekday upon which the holiday is observed.
- D. **Holiday Compensation.** An employee who works on a holiday is compensated as provided in Section 600.4 (E). Holidays occurring during paid leaves of absence will not be charged against such leave. To be compensated for a holiday, an employee must have worked, or be on a paid authorized leave of absence, the work day preceding and the work day following the holiday.

800.4 Vacation Leave

- A. Employees may not carry over vacation accrual from any other entity. Vacation accruals are calculated off of an 8-hour work day, and spread equally across 26 pays in a calendar year. Vacation time is allotted as follows:
 - 1. **First Five Years of Employment** – 12 days (or 96 hours) per year.
 - 2. **Sixth Through Ninth Year** – Following an employee's fifth anniversary with the City, 15 days (or 120 hours) of vacation leave is earned per year.
 - 3. **Tenth Through Fifteenth Year** – Following an employee's ninth anniversary with the City, 18 days (or 144 hours) of vacation leave is earned per year.
 - 4. **Sixteenth Through Twentieth Year** – Following an employee's fifteenth anniversary with the City, 21 days (or 168 hours) of vacation leave is earned per year.
 - 5. **Twenty-First Through Twenty-Fifth Year** – Following an employee's twentieth anniversary with the City, 24 days (or 192 hours) of vacation leave is earned per year.
 - 6. **Beginning the Twenty-Sixth Year of Service** – Following an employee's twenty-fifth anniversary with the City, 26 days (or 208 hours) of vacation leave is earned per year.
- B. **Approval of Vacation Leave.** All vacation leave requests are subject to supervisory approval. Supervisors retain the right to deny vacation leave requests when granting such leave would result in an adverse impact on City operations or the delivery of services.
- C. **Vacation time shall be used in the following manner:**
 - 1. **Maximum Accumulation.** Vacation leave may accrue to a maximum of 45 days. Vacation accumulated in excess of these amounts will be deducted at the end of each calendar year. Employees will only receive cash payment for their vacation accrual if they are leaving employment with the City.
 - 2. **Terminal Vacation Pay.** Employees who leave City service are paid for accumulated vacation leave. In no case shall payment be made for more than the maximum accumulation unless otherwise approved by the City Manager. Further, vacation payment will not be released in cases where litigation or criminal

action is pending involving theft of City property or until the employee returns any City property they may have or pays any funds due.

3. **Alternate option.** At their discretion, Department Directors, or their equivalent, as determined by the City Manager, may carry over or request payment for vacation accrued but not used that exceeds their 45-day maximum accrual on an annual basis. The leave must be accrued during the current calendar year—a method recognized by OPERS as the Last In, First Out—LIFO method. Therefore, per OPERS requirement, the leave that is considered to be earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year. Selection of this option must be made in writing to the City Manager by November 1 of the year in which the hours have been accrued. In no instance shall the option be exercised for more than five days of accrued vacation.

D. Vacation Leave Donation

1. **Purpose.** This program was established to help career status, full-time employees. It is to be used in cases of serious illness of an employee in which the employee has filed for disability retirement and has exhausted all paid leave time including sick, vacation, comp time and personal leave. This program will not, however, supersede or replace other retirement or disability programs.
2. **Process.** When an employee has applied for disability retirement and is within 80 hours of exhausting their paid leave, they may submit a written request to the City Manager, through their Department Head, asking to participate in the vacation donation program. The employee should attach a copy of their completed application for retirement and must waive their right to learn the identity of any employee who donates vacation time to them.
 - a. The City Manager will, within five working days of receiving the request, review the circumstances of the vacation leave donation request. Consideration will be given to length of employment, previous leave use and circumstances of current illness, as well as other factors.
 - b. Should the City Manager approve the request for vacation leave donation, the affected employee's department head will circulate a memo first to the affected employee's department and then to all City departments, outlining the circumstances of the need. Employees may voluntarily donate a portion of their own vacation leave, one day at a time.
 - c. Up to 10 days of vacation leave may be given to the employee for use as paid leave.
 - d. The following guidelines will be used for vacation leave donations:
 - 1) Employees must donate vacation leave in 1-day increments of their available vacation time, one day at a time. Vacation leave donations will be submitted on regular city Application For Leave forms and designated as "donated vacation leave." Employees will submit leave forms to their Department Head or Division Chief, who will submit them to the affected employee's Department Head or Division Chief for attachment to the affected employee's timesheet(s) in the order in which they are received.
 - 2) Vacation leave hours donated will be paid at the recipient's regular hourly rate and will not be counted as leave used by the donating employee for evaluation purposes.
 - 3) The donated vacation leave will be used in place of the recipient's regular work schedule and can be used retroactively should they exhaust all paid leave time prior to time being donated.
 - 4) Under no circumstances may the donated leave time exceed the amount approved by the City Manager, nor may it be used after the employee has exhausted all unpaid FMLA leave time. Further, no payments may be made after the employee's final pay

date as certified with OPERS or OP&F. Any unprocessed, unused donation forms will be returned to the donor.

- 5) The employee, while using donated vacation leave, will be ineligible to accrue any other regular leave from the City.
- 6) If the affected employee uses all donated hours and needs additional time, they may request that their situation be reevaluated by the City Manager. The City Manager will then determine whether an additional donation will be made.
- 7) It is important to note that due to bookkeeping procedures, any employee donating time will not be able to retrieve the donated vacation leave.

- E. **Prior Service Credit.** For purposes of vacation accumulation, employees will be credited for actual service time earned as a Full-Time employee with another governmental entity, including municipality, county, township, public education institution or state. To be credited for the service time, the employee must supply the City with written proof of previous applicable service no later than 90 days after the appointment and credit will be awarded retroactive to the first day of employment. Vandalia employees who retire and return to work at the City of Vandalia on a full-time basis are not eligible for prior service credit toward vacation accumulation.

800.5 Sick Leave

- A. **Policy.** For the purpose of this policy, immediate family is defined as: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, legal guardian, stepfather, stepmother, stepsister, stepbrother, stepchild. The Human Resources Manager may extend the definition of immediate family to include a family member other than those specifically named.

Employees may use Sick Leave for the following purposes:

1. Incapacity due to illness or injury, or exposure to a contagious or communicable disease.
2. Serious illness or injury of a member of the employee's immediate family which requires the presence of the employee.
3. Employees will be required to use their available sick leave while taking FMLA (for themselves or a family member).
4. Physician visits for employees or their immediate family members which cannot be scheduled during off-duty hours.
5. Sick Leave may not be used as vacation or extra time off.
6. The Human Resources Manager retains the right to request a physician's note as proof of illness or injury prior to compensation for sick leave.

- B. **Notice of Use of Sick Leave.** When the use of sick leave becomes necessary, the employee or some member of their household must notify their immediate supervisor or department office by telephone or message no later than one hour before the normal starting time in departments operating on a 24-hour schedule and within one-half hour after the normal starting time in all other departments. An employee who has taken Sick Leave may not work a secondary job the same day as having taken off Sick. Violation of this policy will result in disciplinary action up to and including termination. Part-Time employees may only use sick leave on a day they were already scheduled to work in the event of unforeseen illness or injury for themselves or a family member.

- C. **Rate of Accumulation.** Sick leave with pay is accumulated from the first day of employment and available for the employees' use at the rate of one and one-fourth days for each full calendar month of City service, equaling 15 days per year. Part-Time employees accumulate sick leave at the rate of 4.6 hours of sick leave for each

completed 80 hours of service. This accumulated leave will be added to a Part-Time employee's leave bank twice a calendar year: July and December.

- D. **Transfer of Sick Leave From Previous Public Employers.** Any current employee who is eligible to accrue sick leave, who has been separated from previous public service employment, and who has been hired by the City of Vandalia since 2007, may be permitted to transfer their unused, uncompensated sick leave balance up to the maximum sick leave accumulation permitted by the Personnel Policies and Procedures or applicable Collective Bargaining Agreement. Such employment with the City of Vandalia must have taken place within ten years of the date on which the employee was last separated from the previous public service (that time frame may be tolled if the employee held public office during that time). To obtain the transfer of sick leave, the employee must provide written confirmation from the employee's prior public employer detailing the employee's unused, uncompensated sick leave balance at separation.
- E. **Accrual of Sick Leave.** When an employee accumulates more than 1,250 hours sick leave, those hours more than 1,250 accrued but not used during that calendar year will be paid annually at the rate of 1 hour pay for every three hours of accrued sick leave. The leave must be accrued during that calendar year – a method recognized by OPERS as the Last In, First Out – LIFO method. Therefore, per OPERS requirement, the leave that is considered to be earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year. This payment will be made each January, based on the December 31 sick leave balance of the previous year.
- F. **Sick Leave Conversion.** An employee who leaves the City of Vandalia for the purpose of retirement and is eligible to receive retirement compensation under OPERS or the OP&F will receive, at their final pay rate, 50% of their accumulated sick leave time, up to 1,250 hours. The employee must retire under a state retirement system (OPERS or OP&F) at the time they terminate employment to be eligible for this benefit. The beneficiary(ies) of a deceased employee who was eligible to retire at the time of their death, but had not done so, will receive any payment due under this subsection.
- G. **Borrowing Sick Leave.** Under unusual circumstances and when all other forms of leave are exhausted, employees may borrow up to 10 days of sick leave in advance of earning them with the prior written approval of the City Manager. Should the employee then quit or retire, the equivalent amount of compensation will be deducted from their final check.
- H. **Certification of Illness.** After the loss of three workdays for a single illness or injury, an employee is required to submit a physician's statement confirming the illness and the anticipated date of return to work. The Department Head or Division Chief may, however, at their discretion, require a physician's statement, including diagnosis, at any time.
- I. **Transitional Duty.** Sick leave will terminate when the employee is able to return to either full or limited service. An employee returning from sick leave may be asked to provide a physician's release for approval by the Department Head and/or City Manager. In the case of release to limited service, the physician's certification must include an estimate of length of need for limited service as well as a prognosis for full recovery. Transitional duty will be granted in increments of 10 work days and only where applicable work assignments exist as determined by the Department Head. Transitional duty will not be granted for more than 40 work days for a single illness or injury unless otherwise required by law. Final judgment on the employee's ability to perform their

essential duties with or without accommodation rests with the Department Head or Division Chief in consultation with the City Manager.

J. **Sick Leave Donation.**

1. **Purpose.** Sick leave donations are reserved for full-time employees and their immediate family members. It is to be used in cases of the terminal illness of an employee or a member of their family in which the employee exhausts all other paid leave time including sick, vacation, comp time and personal leave. This program will not, however, supersede or replace other retirement or disability programs. For the purpose of this section, "terminal illness" is defined as an illness that includes a physician's certification that the patient has a life expectancy of fewer than six months.
2. **Inclusion.** For the purpose of this policy "immediate family" is limited to the employee's spouse and children. The employee's parents may also be considered "immediate family" under certain circumstances, at the discretion of the City Manager.
3. **Process.** When an employee is within 80 hours of exhausting their paid leave and anticipates the need for additional time, they can submit a written request to the City Manager, through their Department Head, asking to participate in the donation program. The memo should include detailed necessity for the leave and a doctor's statement including the anticipated amount of time needed.
 - a. Should the City Manager approve the request for sick leave donation, a memo will be circulated to all City departments outlining the circumstances and employees will be requested to voluntarily donate some of their own sick leave. Unless otherwise requested by the affected employee, their identity will be confidential at this stage.
 - b. Any sick leave donated will be placed in a sick leave bank. Should the employee return to work before exhausting the donated hours, the remaining time, up to 80 hours, will be given to the employee for use as sick leave. Any hours left in the bank will be used in subsequent donation situations.
 - c. The following guidelines will be used for sick leave donations:
 - 1) Employees must donate sick leave in 8-hour increments of their available sick time up to a 40-hour maximum at any one time. Sick leave donations will be submitted on regular city leave forms and designated as "donated sick leave."
 - 2) Sick leave hours donated will be paid at the recipient's regular hourly rate and will not be counted as a "sick leave use" by the donating employee for evaluation purposes.
 - 3) The donated sick leave will be used in place of the recipient's regular work schedule and can be used retroactively should they exhaust all leave time prior to time being donated.
 - 4) The employee, while using donated sick leave, will be ineligible to accrue any other regular leave from the City.
 - 5) The affected employee can use donated sick leave on an intermittent basis with the prior approval of the City Manager.
 - 6) If the affected employee uses all donated hours in the bank and needs additional time, they may request that their situation be re-evaluated by the City Manager. The City Manager will then determine whether an additional donation will be made.
 - 7) Any employee donating time will not be able to retrieve donated sick leave. If the recipient does not use the donated time, it will be kept in the sick leave bank.

800.6 Injury Leave

- A. **Purpose.** Injury leave is a supplement to Worker's Compensation, is intended to lower the City's Worker's Compensation costs, and is aimed at avoiding possible monetary loss from an injury or serious occupational disease received on the job or arising out of employment with the City.
- B. **Policy.** Injury leave will not be deducted from an employee's sick leave credit and will be paid only after an employee's worker's compensation claim has been received and approved.
- C. **Procedure.**
 - 1. When an accident or injury occurs in the course of City employment, it is the employee's responsibility to report the injury to their supervisor as soon as reasonably possible and complete the appropriate paperwork provided by the City. The completed forms must be filed with the supervisor and the City Manager's Office within 24 hours of the injury's occurrence. In case of severe, incapacitating injuries, a supervisor will complete the paperwork. The supervisor will report any injury to the City Manager's Office as soon as possible; never later than the end of the work shift during which the injury occurred.
 - 2. Upon receipt of an injury report, the supervisor will review the form and complete applicable supervisory paperwork to provide an opinion as to whether the injury was the result of job-related activity. They will forward the fully completed paperwork to the City Manager's Office immediately.
 - 3. If professional medical attention is required as a result of an injury, the employee must also complete a Bureau of Worker's Compensation (BWC) FROI-1 form.
 - 4. If a loss of work time occurs because of an injury and the workplace injury has been affirmed by the supervisor, the lost time will be reported and paid as injury leave. If, however, the workplace injury is not affirmed by the supervisor, injury leave will be denied, lost time will be charged as sick leave, and the City will contest any related BWC claim.
 - 5. Should the BWC allow an employee injury claim, which had previously been denied and contested by the City, all erroneously charged sick leave credit will be reinstated and any subsequent absence resulting from the original injury will be considered as injury leave.
- D. **Length of Injury Leave.**
 - 1. **Full-time employees.** Injury leave is granted in 10 work day increments (80 work hours) unless the employee has recovered enough to perform their work and terminates their leave prior to this time. Any subsequent time off for follow-up treatment associated with a certified workplace injury will be counted as Injury Leave. To allow sufficient time for necessary investigation and review, requests for injury leave--for each additional ten work days or 80 work hours--should be made two work days prior to the expiration of the previous ten-day period. Injury leave will not be granted for more than 40 work days (320 work hours). Beginning with the 321st hour of leave, temporary total disability benefits will be initiated. In the event of unusual or extenuating circumstances, prior written approval for an extension may be granted by the City Manager.
 - 2. **Part-time and seasonal employees.** Injury leave is granted in five-day increments (40 hours) up to a maximum of ten days' leave. Payment will be based upon the average number of hours worked during the current season for each day on injury leave. For example, eight hours worked consistently on Monday would be paid at eight hours for Monday, etc.
- E. **Termination of Injury Leave**

1. Injury leave will terminate when the employee is able to return to either full or limited service. An employee returning from injury leave must have a physician's release approved by the Human Resources Manager. In the case of a release to limited service, the physician's release must include a prognosis for full recovery (i.e. perform all essential functions with or without accommodation). Final judgment on the employee's ability to perform their duties rests with the Department Head or Division Chief in consultation with the City Manager.
2. An employee may elect to use accumulated vacation or sick leave upon expiration of allotted injury leave.

800.7 Other Leaves of Absence with Pay (Bereavement, Jury, Etc.)

A. Full Time employees will be granted a leave of absence with pay for the following:

1. **Death in Family.** Up to five days per calendar year of leave with pay will be granted because of the death of an immediate family member.
 - a. In the event of multiple deaths in the same calendar year, employees may make a request to the City Manager for additional time off. This request may only be made if they have no bereavement days remaining. The City Manager will, at their discretion, grant or deny additional paid time off for the purpose of bereavement. The additional time off beyond five days per calendar year will be counted against the employee's sick leave balance.
 - b. **For the purpose of this policy, immediate family is defined as:** mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, legal guardian, stepfather, stepmother, stepsister, stepbrother, stepchild. The Human Resources Manager may extend the definition of immediate family to include a family member other than those specifically named.
2. **Jury Duty.** Time off for jury duty will be paid. The employee's salary will either be reduced by the amount of compensation they receive for jury service, or they must turn over the jury funds to the Finance Director.
3. **Court Appearances.** Appearance before a court, legislative committee, judicial or quasi-judicial body as a witness in response to a subpoena or other direction by proper authority and not arising from city employment will be accommodated, as necessary. Employees will be permitted to use applicable accrued leave time for this purpose or may schedule shift trades as approved by their supervisor.

800.8 Leaves of Absence Without Pay

If a Department's operation will not be seriously handicapped by the temporary absence of an employee, a Department Head or Division Chief may grant a leave of absence without pay for a period not to exceed 60 calendar days unless otherwise required by law. Leaves of absence without pay must be approved by the City Manager. Requests for unpaid leaves of absence must be in writing and must demonstrate justification for approval of the request. Unpaid leaves of absence may be extended for 60 additional days if, in the opinion of the City Manager, such extension is not detrimental to the operation of the City or a particular Department or Division. Such leave will not be approved for an employee who is accepting or working employment outside the City service.

800.9 Temporary Military Leave

This leave (and extended military leave described in 800.10 below) is granted in accordance with Ohio State Law (ORC 5923.05), and the City will follow that state law:

- A. Permanent employees who are members of the Ohio organized militia or other reserve components of the United States armed forces, including the Ohio National Guard, are entitled to a paid military leave of absence of up to 22, 8-hour days or 176 hours (for a public safety employee, 17, 24-hour days or 408 hours) within the Federal Fiscal Year (October 1 – September 30) when they are performing in the uniformed services.
- B. To qualify for paid leave, the employee must present their field order prior to reporting for training or duty.
- C. To receive their pay, the employee must complete a Military Leave Pay Form. For the purpose of computing vacation or sick leave, temporary military leave will count as full service with the City.

800.10 Extended Military Leave

- A. Extended Military Leave is given to those permanent employees who are called or ordered to the uniformed services for longer than 22 days for each year when they are performing service in the uniformed services because of an executive order issued by the President of the United States or an act of Congress. During the military service period, designated in the executive order or act of Congress, an employee is entitled to a leave of absence and to be paid during each monthly pay period of that leave of absence, the lesser of the following:
 - 1. The difference between the employee's gross monthly wage or salary with the City of Vandalia and the sum of the employee's gross uniformed pay and allowances received that month or;
 - 2. Five hundred dollars (\$500).
- B. No city employee shall receive payments while on Extended Military Leave if the sum of their gross uniformed pay and allowances received in a pay period exceeds the employee's gross monthly wage or salary with the City of Vandalia (or if the employee is receiving paid temporary military leave under 800.9 above).
- C. Employees on Extended Military Leave will receive retirement credit for time spent in military service.
- D. Employees on Extended Military Leave will continue to accrue paid leave (i.e. sick, vacation, floating holiday).
- E. Replacements for employees on Extended Military Leave will be hired with permanent status but are subject to layoffs when the absent employee returns.
- F. When employees return from Extended Military Leave, they will receive any wage adjustments and step increases that would be due as though they had been actively on the payroll.
- G. In order to receive the pay, the employee must complete a Military Leave Pay Form. The Military Leave Pay Form shall include a copy of the executive order issued by the President of the United States or an act of Congress authorizing the call to order to the uniformed services.

800.11 Maternity Leave

- A. When a Career Status employee determines she is pregnant, she should:
 - 1. Notify her Department Head or Division Chief of the estimated due date.
 - 2. Give her Department Head or Division Chief as much notice as possible prior to leaving work; and
 - 3. Give her Department Head or Division Chief at least two weeks' notice prior to returning to work.
- B. Total Maternity Leave shall continue for a period not to exceed 12 work weeks (60 workdays) unless an extension is required by law. The employee may use any applicable accumulated paid leave time during her maternity leave; otherwise, maternity leave is unpaid.

800.12 Parental Leave with Pay

Employees are eligible to use up to five days of parental leave, per calendar year, at the time of their child's birth or adoption. Parental leave, along with other types of leave outlined in this section, will be used concurrently with FMLA if FMLA is being utilized.

800.13 Family and Medical Leave Act

To be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA), an employee must have worked for the City at least 12 months and worked at least 1,250 hours during the previous 12 months.

- A. **Leave Entitlement.** Eligible employees are entitled to twelve work weeks of leave in a 12-month period for:
1. The birth of a child and to care for the newborn child within one year of birth.
 2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
 3. To care for the employee's spouse, child, or parent who has a serious health condition.
 4. A serious health condition that makes the employee unable to perform the essential functions of his or her job; or
 5. Any qualifying emergency or exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty." Also, eligible employees who are the spouse, child, parent, or next of kin of a covered service member with a serious illness or injury may take up to 26 work weeks of leave during a single 12-month period to care for the service member (military caregiver leave).

The City uses a rolling 12-month period measured backward from the date an employee uses any FMLA to calculate the amount of FMLA leave available to an employee. Each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

After five consecutive days of absence due to illness, the City will inquire with employees to see if FMLA paperwork is needed.

- B. **Employed Spouses.** Spouses who are both employed by the City are entitled to a combined total of 12 work weeks of FMLA leave for the birth or adoption of their child or for the placement of a child in their home for foster care, and/or to care for a parent (but not a parent-in-law) who has a serious health condition.
- C. **Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employees' job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, "continuing treatment" refers to a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

- D. **Intermittent Leave.** Employees may use FMLA leave in one block of time. When it is medically necessary, employees may take FMLA leave intermittently in separate blocks of time or on a reduced schedule by working less hours each day or week.
- E. **Use of Appropriate Accrued Leave.** All FMLA leaves are without pay, except to the extent paid leave is available. The City will require an employee to use all available paid leave (such as sick leave, compensatory

time, floating holidays, or vacation leave) concurrently with FMLA leave (i.e., the paid leave counts against the 12-week entitlement) prior to going on unpaid FMLA leave.

- F. **Notice and Certification.** Employees who find it necessary to use FMLA leave must provide at least 30-days advance notice when the need is foreseeable. If 30 days' advance notice is not practicable, then the employee must provide as much notice as is practicable and must comply with the required call-in procedure. When leave is needed for planned medical treatment, the employee will attempt to schedule treatment so as not to unduly disrupt City operations. Employees must notify the City if the requested leave is for a reason for which FMLA was previously taken or certified. They may also be asked to provide:
1. Medical certification completed by a health care provider supporting the need for leave because of a serious health condition affecting the employee or an immediate family member.
 2. Second or third medical opinions and periodic recertifications at the City's expense.
 3. Periodic reports during FMLA leave regarding their status and intent to return to work.
- G. **Maintenance of Health Benefits.** FMLA leaves are without benefits, except that group health insurance for employees with City group health insurance will be continued during FMLA leave with the same terms, conditions, and employee contributions applicable to employees who are actively at work. Arrangements will be made for employees to pay their health care premiums while on leave. Should an employee fail to return to work after FMLA leave, the City may take steps to recover health care premiums it paid on the employee's behalf while on unpaid FMLA leave.
- H. **Job Restoration.** Employees must inform the City of the date they will be able to return to work, no later than one week in advance, whenever practicable. An employee on FMLA leave due to the employee's own serious health condition must, as a condition to return to work, submit a medical certificate releasing the employee to return to his or her job. Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Further, an employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to prior to using FMLA leave.
- I. **Employee Notification.** The City will designate the leave as FMLA or not and so notify the employee. If the employee disagrees, he or she should inform the City immediately. If the employee is eligible, the City will notify the employee of any additional information required, the amount of leave counted against the employee's leave entitlement and the employee's rights and responsibilities. If the employee is not eligible, the City will provide the reason.
- J. **Limitations and Enforcement.** All leaves which may be available or taken under the Family and Medical Leave Act are subject to the restrictions, limitations and conditions provided in that law and any valid regulations promulgated under it. An employee who believes his or her FMLA rights have been violated may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.

- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- K. **Prevailing Law.** Should discrepancies appear between the provisions of FMLA and this policy or other sections of this manual, the requirements of the federal law will prevail.

800.14 Recreational Facilities Use Benefits

- A. Cassel Hills Swimming Pool (Family) Passes and Cassel Hills Golf Course Discounts (Individual) are issued as follows:
1. To members of Council (unless the Council member chooses to have a pass to the Vandalia Recreation Center instead, as provided below)
 2. To Full Time Employees
 3. To Part Time Fire and EMS personnel who work regular schedules
- B. The swimming pool privileges, only, are extended to the immediate family living in the same household or to the Council member's or employee's child who is a full-time student and receives the majority of their financial support from the Council member or employee.
- C. The City will provide an annual adult resident or business Vandalia Recreation Center Individual Membership as follows:
1. To Full-time employees
 2. To Council members who choose to have a resident VRC pass in lieu of passes to Cassel Hills Swimming Pool AND a Cassel Hills Golf Course Discount.
- D. All memberships expire on Dec. 31 of the year in which they are issued. The value of this membership may be applied to a family membership. In addition, the City will provide an individual exercise pass for each full-time employee's exclusive use. All other Recreation Center expenses incurred will be the employee's responsibility.
- E. Abuse or violation of the rules and regulations at any facility may result in the suspension of an employee's facility use privileges.
- F. Employees will pay for all lessons, fees, and other related charges at the regular rates.
- G. Employees will need valid passes to gain admittance at each facility. These passes are non-transferable.
- H. All passes must be relinquished upon termination of employment, prior to the payment of the final paycheck.
- I. An employee who leaves the City of Vandalia for the purpose of retirement and is eligible to receive retirement compensation under the Ohio Public Employee Retirement System or the Ohio Police and Fire Pension Fund and who has served at least 20 years of full-time service with the City of Vandalia will receive lifetime recreational facility passes under the same rules and conditions as regular full-time employees.

800.15 Tuition Reimbursement

- A. **Job Related Training.** Employees may be eligible for reimbursement of up to \$2,000 in tuition, books and other fees for specialized training that will enhance their knowledge and skills related to their current job duties. To be considered for reimbursement, employees must submit a written request and obtain prior approval for the training from their Department Director. Approval of training will be at the Director's discretion and dependent upon budget, workload, staffing, and other factors.
- B. **Degree Programs.** Employees pursuing undergraduate or graduate degrees related to their current job duties from a regionally accredited college or university only, may be eligible for annual reimbursement of up to \$5,000 for 80 percent of their tuition, books, and fees. Employees desiring to be considered for this benefit must

notify their department director in writing by June 1 each year prior to their planned enrollment in a degree program.

- C. **Reimbursement.** Reimbursement for training falling under either Sections A or B above will be made for a grade of C or better when a letter grading system is used; for a "pass" on a pass/fail system; or for other evidence of satisfactory completion of training if a formal grading system is not used. Copies of paid tuition, fees, textbook receipts, and grade/completion reports must also be submitted in order to receive reimbursement.
- D. **Maximum Annual Reimbursement.** In no case will the annual combined reimbursement amount from Sections A and B above exceed \$5,000.
- E. This section does not apply to training or education suggested, recommended, or required by an employee's department director or supervisor to enhance an employee's skills as necessary for their job duties/performance. Those costs (training or education suggested) will be paid upfront from the applicable department's training budget. In cases of required or recommended "pass/fail" training, however, the employee may be required to sign a prior agreement, stating that they will reimburse the City in the event they fail to successfully complete the training.

900. HEALTH AND WELFARE PROGRAM

900.1 Types of Coverage

Vandalia health and welfare benefits include medical, prescription drug, dental and vision care coverage; group life and indemnity insurance and accidental death, dismemberment, loss of sight and permanent disability coverage.

900.2 Eligibility and Premiums

- A. **Health Care**. All full-time employees may enroll in the City's Health Care Program when they begin their probationary period. Employees working a qualified amount of hours as defined by the Affordable Care Act, may be eligible for enrollment in the City's Health Care Program.
- B. **Premiums**. Any health care premiums will be deducted from employees' biweekly wages. A deceased City employee's family will be provided this insurance at no cost for six months following the employee's death, or until the employee's retirement provides insurance, whichever occurs first.
- C. **Stipend for Waiving Insurance**. Eligible Employees not enrolled in the City's Medical Insurance will receive a payment incentive during the first quarter of the calendar year proceeding the benefit year in which they have waived coverage. This amount is determined on an annual basis by the City Manager's Office.
 1. **Eligible Employees**. Employees eligible to receive this benefit include:
 - Employees who have waived coverage for 12 consecutive months (January – December).
 - New hires will receive a prorated amount based on their month of hire.
 2. **Ineligible Employees**.
 - Employees who enroll in medical insurance during the previous coverage year.
 - Mid-year qualifying life events where the employee chooses to waive Medical Insurance.
 - Employees whose spouse also works for the City.
 - Employees who leave the City's employment mid-year.

Final Decision on pay-off will be at the Human Resources Manager's discretion.

900.3 Basic Group Life Insurance

Full-time employees are eligible for group life insurance coverage in the amount of \$60,000. This is a City paid benefit and no cost to the employee.

900.4 Accidental Death & Dismemberment: Loss of Sight and Permanent Disability Coverage

All full-time employees are eligible to participate in an Accidental Death, Dismemberment, Loss of Sight and Permanent Disability group insurance program. Coverage in the amount of \$12,000 is paid for by the City. Employees may elect to purchase additional coverage - up to \$150,000 - for themselves and/or their spouse.

900.5 Coverage During Leaves of Absence

- A. Employees on leaves of absence with pay will have their health and welfare plan continued.
- B. An employee on leave without pay, upon recommendation by the Department Head or Division Chief and approval of the City Manager and Human Resources Manager, may continue enrollment, provided they pay the entire health care premium. This subsection does not apply to employees on unpaid FMLA Leave. See FMLA Policy.
- C. Suspended and maternity leave employees will continue to be covered by the health and welfare plans.

900.6 Fitness for Duty

The Department Head or Division Chief may, at any time, refer an employee for a complete fitness for duty exam at their discretion. Cost for the initial exam and/or any prescribed testing will be borne by the City of Vandalia and will not apply to the employee's health care coverage.

900.7 Additional Information

This is a brief summary of the health and welfare plans for general information. All rights, benefits, limitations, and conditions of participation in these plans are governed by the formal plan documents which are available from the Human Resources Department.

1000. RETIREMENT PROGRAM

1000.1 Coverage

On the first day of employment, all full-time employees must enroll in either the Ohio Police and Fire Pension Fund or the Ohio Public Employees Retirement System.

1000.2 Eligibility

- A. All sworn full-time officers of the Public Safety Department, whether on Probationary or Career Status, must participate in the Ohio Police and Fire Pension Fund.
- B. All other full-time employees, whether on Probationary or Career status and any part-time employees must participate in the Ohio Public Employees Retirement System unless exempted by being a full-time student or member of the Ohio Teachers' Retirement System.
- C. Elected officials, though exempt from mandatory membership, may also apply for membership in OPERS.
- D. Employees may take up to four hours of City-paid leave to meet with OPERS or OP&F for a retirement planning consultation.

1000.3 Contributions

- A. Employee Contributions. The employee's rate of contribution toward their respective retirement system is established by the State of Ohio and is subject to periodic changes. This amount will be deducted from their payroll and is State and Federal tax deferred. Per OPERS, Full-Time employees' contributions are deducted pre-tax, and Part Time employees and elected officials' contributions are deducted post-tax.
- B. Employer Contributions. The City will pay the employer rate and will abide by the rules of the respective retirement systems.

1000.4 Coverage During Leaves of Absence

Retirement contributions will be continued for employees on leaves of absence with pay. Retirement contributions for employees on leaves of absence without pay will be suspended until they return to work.

1000.5 Retire/Rehire Policy

The City Manager may "rehire" retired Department Directors (Assistant City Manager, Finance Director, Parks & Recreation Director, Public Service Director, Police Chief, Fire Chief) who may have met the age and service requirements of their respective retirement system. It shall be the sole discretion of the City Manager as to which management employees are offered to be rehired.

- A. Leave Balances. Rehired employees shall have all accrued, unused paid leave balances (e.g. sick leave, vacation, personal time) carried forward to the new rehire date. Said balances may be used by the employee after re-hire and he or she may convert those balances at final retirement in accordance with the relevant provisions of the Personnel Policies and Procedures.
- B. Salary Reduction. Rehired employees shall be subject to a 12.5% reduction in salary. Such salary reduction shall become effective two months from the date of re-employment.
- C. Merit Increases. Rehired employees shall not be eligible for cost-of-living increases but shall be eligible for lump sum merit payments within the percentages as authorized by Council for annual merit increases for all employees.

- D. Performance Evaluations. Rehired employees shall be deemed "at will" employees of the city. The City Manager will evaluate said employees' performance annually and determine their retention. Rehired employees' annual evaluation shall be based on the rehire date.
- E. Retention. At the conclusion of five years in retire-rehire status, the City Manager shall evaluate the appropriateness of retaining the employee beyond the five years. (Ordinance 19-01)

1100. DISCIPLINARY ACTION AND SEPARATION POLICY

1100.1 Disciplinary Action

The principal objective of discipline is to correct an employee's actions or behavior in order to improve their performance and efficiency. A record of all formal disciplinary actions (from written warnings to dismissals) will be kept on file by the City Manager's Office.

It is the general policy of the City of Vandalia to practice a progressive system of discipline, depending upon the severity of an employee's infraction. The City reserves the right to skip any and all discipline steps and impose whatever form of discipline it determines is appropriate (including proceeding immediately to dismissal for a first offense or skipping demotion, for example). The City will manage each case individually, and nothing in this policy should be construed as a promise of a specific progressive disciplinary process for every situation.

- A. Verbal Warning.
- B. Written Warning. A Supervisor, the Chief of Police or Fire, a Department Head or the City Manager may determine the need for a written warning to communicate a deficiency or problem to an employee. A copy will be placed in the employee's personnel file after review with them. The employee must acknowledge receipt of the written warning in writing.
- C. Suspension. A Supervisor may suspend any employee for the remainder of the day, without pay. In such cases, the suspended employee will meet with the Department Head or Division Chief and their Supervisor on the next working day before returning to service.

The City Manager – or Department Heads and Division Chiefs, with the approval of the City Manager – may suspend an employee without pay for as many as 30 working days. All such suspensions will be recorded in the employee's personnel file and a copy forwarded to the employee, the City Manager and the Board.

- D. Demotion. The City Manager, Department Heads and Division Chiefs may demote an employee in pay or to a lower classification. Upon approval of the City Manager, the Department Head or Division Chief will notify the employee, in writing, of the reasons for the demotion and provide notification to the Board.
- E. Dismissal. Only the City Manager may dismiss an employee from employment. A dismissal notice—including the reason for dismissal-- will be provided in writing to an employee either in person or by mail to their last known address. A copy will also be filed with the Civil Service Board.

1100.2 Reasons for Disciplinary Action

An employee's inability to perform the duties of their position; their improper conduct or any improper use of their position could result in disciplinary action or dismissal. The following actions exemplify behavior requiring disciplinary action or dismissal. The list is not to be considered all-inclusive but rather a guideline to give employees a better understanding of inappropriate behavior.

Any officer or employee of the City may be disciplined or dismissed if they:

1. Are incompetent, negligent and inefficient in the performance of their duties.

2. Are dishonest including intentionally falsifying their time sheet, employment application, or other employment-related documents (this includes material omission of information from such records).
3. Have abused or attempted to abuse approved absences such as sick leave, military leave, funeral leave or injury leave; fraudulently obtaining or attempting to obtain worker's compensation or other benefits.
4. Have stolen City property, or theft or any attempted theft.
5. Have threatened to, attempted to or used political influence in securing a position, leave of absence, transfer, change of grade and pay or character of work.
6. Have been willfully or wantonly negligent, or guilty of brutality or cruelty to an inmate or prisoner in custody.
7. Workplace violence of any kind. Threatening an employee, officer, or citizen with injury to person or property.
8. Are purposely abusive in their conduct or language toward the public or other City officers or employees.
9. As an employee of the city, fail to conduct their private and professional life so as to avoid bringing discredit upon the city by scandal, spectacle or ridicule.
10. Immoral or indecent conduct during work hours.
11. Are absent without authorization. An employee absent from duty without authorization for three days automatically terminates their services as of the last day of active employment.
12. Falsely make any type of official report or knowingly enter or cause to be entered any inaccurate or false information on the books, records or registers of the City.
13. Have knowingly violated the City Charter, Personnel Policy and Procedure Manual or Civil Service Rules and Procedures.
14. Displays conduct subversive to the good order and discipline of their Department or Division.
15. Are careless or negligent of City property.
16. Participate in unauthorized use of City vehicles or equipment.
17. Are under the influence of alcohol or any drug of abuse while performing City services; violation of the drug and alcohol policy.
18. Have been judged guilty of any felonious, immoral or criminal law of the United States or any state or subdivision, or that involving a major misdemeanor.
19. Have actively participated in an illegal employee strike.
20. Fail to obey or comply with a direct order from a supervisor or the City Manager.
21. Knowingly violate departmental policy or procedures.
22. Are found to be physically or psychologically unfit to perform required duties with or without reasonable accommodation.
23. Willfully or negligently causes injury to themselves or others, destroys or damages City property and/or disregards traffic regulations.
24. Knowingly violate workplace safety policies and procedures or create unsafe conditions which could place other employees in jeopardy.

1100.3 Resignations

An employee may resign from service by presenting their written resignation to their Department Head or Division Chief. To resign in good standing, an employee must give at least two weeks' notice, unless the Department Head or Division Chief agrees to a shorter period because of extenuating circumstances.

1100.4 Layoffs

Should a City employee be separated from active service through no fault of their own, they will be considered laid off. The affected employee will be given at least 10 work days' notice of the pending layoff. The procedure for layoffs is as follows:

- A. Order of Separation. The City Manager will prepare a list of classifications in which layoffs will occur. Preference for retention within a job classification is based upon job performance.
- B. Offer of Reassignment. An employee who is to be laid off will have the following reassignment rights: Their lay-off notice will include a listing of job openings currently available within the City. If they can demonstrate that they meet the minimum qualifications for the job, the employee will have the right to transfer or be reassigned to one of those openings.
- C. Recall Eligibility. Employees who are laid off are eligible for recall to any job opening for which they can demonstrate that they meet the minimum qualifications for the job. Written notice shall be given laid off employees of all job openings created for a period of two years after the effective date of layoff.

Minimum Qualifications as used in this section indicate that the employee must meet the stated qualifications for the position and, further, can achieve a minimum passing score on any test that may be required.

1200. GRIEVANCE PROCEDURE

1200.1 Policy

It is Vandalia's policy to provide an effective process whereby all employees may have their problems and complaints considered in a prompt and responsive manner. It is the City's policy to make every effort to determine acceptable solutions at the lowest possible level of supervision.

For this reason, employees with problems or complaints should first take up the matter orally with their immediate supervisor. This process should be kept informal. If a satisfactory agreement can be reached, no further action need be taken.

Department Heads or any other employees that work directly under the supervision of the City Manager should first take up the matter by contacting the Mayor. The Mayor, upon consultation with the Law Director will determine how to process the problem or complaint, such as determining whether to require written statements, conduct an investigation or a hearing. The Law Director shall advise City Council of any allegation against the City Manager. The decision of the Mayor on how to handle the matter shall be final and binding on the employee. (Ordinance (20-27) Passed 10/5/2020)

1200.2 Grievance

A grievance will be considered to exist when an unresolved problem, complaint, misunderstanding or disagreement exists between an employee and their supervisor.

1200.3 Procedure

- A. Written Grievance. An employee who has a grievance that they have been unable to resolve orally or they feel may need formal action should prepare a written, signed statement of the grievance. All facts of the situation should be detailed, as well as the remedy they are seeking.
- B. Submittal to Department Director or Division Chief. The employee should submit a copy of the written grievance to their Department Director or Division Chief within five days of the onset of the matter causing the grievance. Within seven days, the Department Director or Division Chief and/or their representative will provide a written response to the employee. Grievances about evaluations and resulting pay decisions under the City's pay plan may not proceed beyond this step.
- C. Appeal to City Manager. If the employee is not satisfied with the answer from the Department Director or Division Chief and wants to pursue the grievance further, they will file a notice of appeal with the City Manager within three working days after receiving the answer from the Department Director or Division Chief. Upon receipt of the appeal, the City Manager will schedule a meeting between the Department Director or Division Chief and others he may deem appropriate. Within five work days after this meeting, the City Manager will render a decision.

The decision of the City Manager will be final and binding upon the employee, the supervisor and the Department Director or Division Chief involved.

In the event of disciplinary action, transfer, reduction in rank, or removal, employees are entitled to appeal the actions of the City Manager to the Civil Service Commission & Appeal Board.

1300. GENERAL EMPLOYMENT POLICIES

1300.1 Equal Employment Opportunity

The City of Vandalia is an equal opportunity employer. As such, the City will not discriminate against any employee or applicant for employment on the basis of race, color, age, religion, sex, pregnancy, sexual orientation, gender identity, national origin, veteran or military status, genetic information, or disability with respect to recruitment, hiring, training, promotion or other terms and conditions of employment. All employees are required to comply with this policy. Retaliation against any employee who brings a complaint under this rule is prohibited and will subject the retaliator to discipline, up to and including discharge.

1300.2 Americans with Disabilities Act (ADA)

This policy applies to all Part-Time and Full-Time employees. The City of Vandalia complies with all regulations as set forth in the Americans with Disabilities Act (ADA) and all applicable state and local laws. The City prohibits discrimination against qualified individuals with a disability with regard to employment, job assignment, promotion or other terms or conditions of employment. Those with disabilities as defined under applicable state and/or federal law who need reasonable accommodation as defined under applicable state and/or federal law must notify Human Resources or the City Manager's Office about the disability and the accommodation they need. The City will provide a qualified individual with a disability with reasonable accommodation, except where such accommodation would create undue hardship on the City. Although the City may make pre-employment inquiries into the ability of an applicant to perform job-related functions and may ask an applicant to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions, the City will not require a medical examination (as defined under the ADA) until after extending a conditional offer of employment. Information obtained by the City regarding the medical history or condition of any employee shall be collected and maintained on separate forms and in separate medical files and shall be treated as a confidential medical record, except as otherwise provided under the ADA.

1300.3 Safety in the Workplace

This policy applies to all Part-Time and Full-Time employees. The Occupational Safety and Health Act of 1970 (OSHA) clearly states the common goal of safe and healthy working conditions. The safety and health of employees continues to be the first consideration in any operation. It is the intent of the City of Vandalia to comply with all laws regarding safety and health. To do this we must constantly be aware of conditions in all work areas that can produce injuries. Cooperation in detecting hazards, and in turn, controlling them is essential.

The prevention of occupationally induced injuries and illnesses is of such consequence that it may be given precedence over operations when necessary. City management will strive to provide mechanical and physical facilities required for personal safety and health.

A safety and health program conforming to the best management practices has been implemented. For continued success, the program must embody the proper behaviors toward injury and illness prevention not only on the part of supervisors and employees, but also between each employee and his or her co-workers. Only through such a cooperative effort can a safety program in the best interest of all be preserved.

Our objective is to reduce the number of injuries and illnesses to an absolute minimum, not merely in keeping with, but surpassing, the best experience of operations similar to ours. Our goal should be nothing less than zero accidents and injuries.

All employees must promptly report all injuries, no matter how slight, to the City and complete all necessary or requested documents.

1300.4 Safety Glasses Program

To support safety practices, the City of Vandalia offers Full-Time employees assistance in purchasing prescription safety glasses. Employees required to wear safety glasses for their position are eligible for the Safety Glasses Program. To participate, employees should bring their active prescription to Vandalia Optometry. If they don't have a current prescription, they must schedule an eye exam with either their physician or Vandalia Optometry before purchasing glasses. With a valid prescription, employees can order safety glasses, and Vandalia Optometry will bill their vision insurance. If the employee is not enrolled in the City's Vision plan, they should submit the prescription to their own vision insurance provider. The City will contribute up to \$150 towards the remaining balance after insurance payment. The employee is responsible for any amount exceeding the City's contribution.

Employees may take advantage of this program every other year.

1300.5 Identification Cards

The City of Vandalia recognizes the importance of all employees presenting proper identification upon request.

Vandalia employee identification cards will be issued by the City Manager's Office to all full-time city employees. Non-uniformed personnel who interact with the public should have an identification card readily available. Department Heads and Division Chiefs are responsible for collecting identification cards from employees leaving City employment. All identification cards issued by the City remain the property of the City and must be returned upon termination.

Lost or stolen cards must be reported immediately to the employee's supervisor.

1300.6 Boot and Tool Reimbursement Policy

- A. Boot Reimbursement. Employees in the following classifications shall be eligible for a reimbursement of \$225 once during each calendar year for the purchase of boots/work shoes to be worn while performing the duties of their job. This policy applies only to the following positions:

- Assistant Golf Course Superintendent
- Assistant Public Works Superintendent
- Building Inspector
- Chief Building Official
- Construction Inspector
- Custodial Supervisor
- Custodian
- Director of Parks & Recreation
- Director of Public Service
- Electrical Inspector
- Engineer
- Engineering / GIS Technician
- Facilities Superintendent
- Golf Superintendent

- Maintenance Technician
- Mechanic
- Mechanic – Facilities Maintenance
- Mechanic – Golf
- Part-time Public Works Technician
- Property Maintenance Inspector
- Public Works Superintendent
- Public Works Technician
- Zoning and Planning Coordinator

and any other classification deemed necessary by the City Manager. Each Department Director, with verification by the Human Resources Manager, shall provide specifications for said boots by administrative policy.

- B. Tool Reimbursement. Employees in the following classifications shall be eligible for a reimbursement of \$500 once during each calendar year for the purchase of tools to be used while performing the duties of their job: Mechanic, Mechanic – Golf, Mechanic – Facilities Maintenance, and any other classification deemed necessary by the City Manager. Each Department Director, with verification by the Human Resources Manager, shall provide specifications for said tools by administrative policy.

Reimbursement shall be conducted through the processes established by the Director of Finance.

1300.7 Motor Vehicle Violations

This policy applies to all Part-Time and Full-Time employees. A City of Vandalia employee will notify their Department Head within 24 hours of any misdemeanor/felony conviction they receive or any administrative actions of the Bureau of Motor Vehicles against them, including but not limited to six-point warning letters, driver's license suspension or driver's license cancellation.

Consequences of such actions will be governed by Section 1100 of the Personnel Policies and Procedures Manual.

1300.8 Anti-Nepotism Policy

This policy applies to all Part-Time and Full-Time employees. The City of Vandalia does not prohibit the employment of members of the same family. Members of an employee's family will be considered for employment on the basis of their qualifications, though employment of family members within the same department is strongly discouraged.

After February 1, 2005, no person shall be hired, reappointed, promoted or transferred to a position or department where they would supervise or receive direct supervision from the following:

- Spouse or former spouse
- Parent, including in-laws and step
- Child, including in-laws and step
- Grandchild, including in-laws and step
- Grandparent, including in-laws and step
- Brother, including in-laws and step or half
- Sister, including in-laws and step or half
- Aunt or Uncle

- Niece or Nephew
- Any other person residing in the same household as the employee.

Relationships established due to marriage after employment will also be subject to the terms of this policy.

Employment of family members may also be prohibited if the arrangement may create adverse impact on work performance, creates a conflict of interest, or creates the appearance of a conflict of interest. Final decisions regarding employment of family members and others rest with the City Manager.

1300.9 Technology Usage Policy

This policy applies to all Part-Time and Full-Time employees.

- A. **Scope.** This policy applies to all usage of technology owned or operated by the City of Vandalia ("City"); technology that is used in the course of conducting City business; and technology that accesses services or utilizes networks provided by, owned or operated by the City. The term 'technology' includes, but is not limited to: computer systems, network and wireless infrastructure, software applications and services, telecommunication services and equipment, electronically stored or transmitted information or data, electronic mail, internet, audio and video conferencing, scanning, copying, and printing ("technology").
- B. **Purpose.** The purpose of this Policy is to (i) maximize return on investment in City purchased or leased technology; (ii) to maintain security of the technology; and (iii) to ensure the safety, efficiency, and productivity of City staff while using the technology. The following sections provide guidance to City employees on the appropriate use of technology as it pertains to their employment.
- C. **General.**
 1. **Ownership.** The City's technology infrastructure, software, services, and any communication or information transmitted by, received by, or stored in the system is the property of the City. The City permits authorized individuals to use City technology in accordance with this Policy, but the City reserves all rights pertaining to the system including the right to add, change or remove any software, hardware, data, account, media, or electronic component from its electronic communication system at any time, for any reason, without prior notice.
 2. **Users of Technology.** Users of City technology include City employees, elected officials, volunteers, contractors, including independent contractors, and vendors.
 3. **Privacy Expectations.** Users of City technology should not have any expectation of privacy in anything they do on City technology or data composed, sent, received, displayed, stored, copied, password protected or deleted on City technology. The City may inspect or monitor its communication systems data and devices at any time at the City's sole discretion with or without notice. Users may not interfere with such inspection or monitoring in any way and should cooperate when requested to do so.
 4. **Records Retention on Electronic Communications.** Communication to and from public officials or public employees, including email, text messaging, and other forms of electronic communication, are subject to the Ohio Public Records Act, and in many cases may be made available to any person, including the media, upon request. Electronic communications in any format, including email and text messaging, are subject to City Personnel Policies and Procedures regarding Public Records and City or Department Records Retention Schedules.

5. Effects of Violations

- i. City Employees. City employees are expected to abide by this Policy and any violations may result in disciplinary action up to and including dismissal or loss of authorization of use of City technology. Failure by the City to discipline its employees or notify employees concerning prior violations of this Policy does not constitute a waiver of the City's right to impose discipline or use authorization for subsequent violations.
 - ii. Non-Employee Users. All users are expected to abide by this policy and any violations may result in termination of contractual obligation or authorization of use of City technology. Failure by the City to notify users concerning prior violations of this Policy does not constitute a waiver of the City's right to rescind contractual obligations or use authorization for subsequent violations.
6. Federal, State and Local laws and ordinances. Users should comply with all Federal, State and Local laws and ordinances when utilizing City technology. This includes using words, images, language, or references that might be considered obscene, derogatory, or racially, sexually, ethnically offensive, intimidating, or harassing due to its reference to race, sex, age, gender identity, sexual orientation, religion, national origin, genetic information, physical or mental disability, or any other class protected by Federal, State, or Local law or within City Policies or Ordinances.
7. Copyrighted Material. All users of City technology or users conducting City business should respect and comply with intellectual property laws, rules and regulations.
8. Disposal of Technology. Please refer to the Disposal of Surplus Property Policy for disposal of unused or waste technology (located on the Citywide Drive). The Division of Information Technology will assess equipment for any residual data that may be stored in equipment memory, flash, or internal hard drives and ensure data is securely deleted or destroyed prior to disposal.

D. Acceptable Use of Technology.

1. Authorized Users. City employees, elected officials, volunteers, contractors (including independent contractors), and vendors are authorized to use City technology systems and software as necessary to perform their duties. This authorization is a privilege, not an entitlement. Limited personal use of City technology is permitted, provided it is reasonable and does not interfere with work responsibilities, compromise system capacity, or violate City policies. Employees who use City technology for personal purposes do so at their own risk. Any misuse, including excessive or inappropriate personal use, may result in disciplinary action, up to and including termination or revocation of access.

Requests to grant, modify, or revoke access to technology systems and software shall be made to the Information Technology Manager. Non-routine revocation of an employee's access to technology systems and software may be effectuated by Department Directors after consultation with Human Resources.

Members of the general public, including authorized users performing tasks not necessary to their authorized functions, shall only be permitted to access City technology systems and software that are clearly designated for public use. Examples of public use technology include:

- vandaliaohio.org, vandaliaohio.gov, and other public websites.
- City-sponsored social media.
- Unsecured wireless networks provided as a service to visitors.

- Kiosks, public terminals or other self-service technology intended to facilitate government and citizen interaction.
2. Use of software. All software used by City-owned or issued technology will comply with the conditions outlined in the software license agreement provided with the software.

All City software purchases, including software subscriptions and cloud or hosted services, will be reviewed by Division of Information Technology staff prior to purchase. Division of Information Technology staff will provide support and lifecycle management for City purchased software.

Free software may be installed and used on City technology if it meets a legitimate business need, complies with software license terms, and is not pirated. Additionally, it must not compromise the security, integrity, performance, or reliability of City systems. The Division of Information Technology will evaluate and provide support for free software on a case-by-case basis, including lifecycle management as appropriate.

All software, whether City-owned or free, must be reviewed for security vulnerabilities that could pose a risk to City systems. If vulnerabilities are identified, the software must be patched, upgraded, or removed within a reasonable timeframe based on the severity of the risk.

Renting, loaning or unauthorized sale or duplication of City purchased software media and/or license keys is prohibited.

3. Coexistence of City and Non-City Technology. City employees, elected officials, volunteers, contractors, and vendors should ensure that no personal correspondence could reasonably be misinterpreted to be an official communication of the City.

Employees, contractors and vendors are permitted to use any City technology systems and software that are clearly designated for public use. Employees, contractors and vendors may access non-public City technology services from non-City owned devices through secure network connection methods provided and monitored by Division of Information Technology staff. Desktop computers and laptops used for this purpose must have functioning and up-to-date antivirus software installed.

Unless permitted elsewhere in policy or with the prior written authorization of the Information Technology Manager, employee-owned electronic devices should not be brought to the workplace and used in lieu of City owned devices. This includes, but is not limited to: monitors, printers, scanners, hard drives, removable media, personal computers, flash drives or similar devices.

Any violations of City policy that occur while using a combination of City and non-City owned technology are subject to the same remediation measures and disciplinary action as if it had occurred while using wholly City-owned technology.

4. Misuse of City Technology. Misuse of City technology may include utilizing City technology for purposes other than to the extent necessary to perform the functions of their tasks and that are not clearly designated for public use, is excessive or abuse of technology, resources or capacity.

Employees who use City technology for private, non-work-related purposes do so at their own risk and such use may subject the employee to disciplinary action up to and including termination of employment or loss of authorization of use of City technology. An employee's personal use that interferes with work responsibilities or that violates City policies is not permitted.

The following is a non-inclusive list of examples of misuse of the City's technology:

- i. Spreading "chain mail" or other frivolous bulk messages.
- ii. Engaging in any conduct that may be harmful, exploit or damage City technology, data or its security or those of another user, either within or outside the communication system.
- iii. Intentional or negligent physical damage or abuse to technology beyond normal wear and tear.
- iv. Communication that would misrepresent an identity or affiliation including using another's account, log-in identification or password.
- v. Browsing the Internet or downloading offensive or inappropriate material or data including, but not limited to, sex, illegal drugs, criminal skills, hate speech, or gambling, that is not related to City business or not authorized by City management.
- vi. Attempts to gain access to another employee's communications, files, data or documents without authorization.
- vii. Soliciting for commercial ventures, religious or political causes or viewpoints, outside organizations, or other non-work-related solicitations.
- viii. Vandalism or sabotage of technology including malicious modification or deletion of data.

E. Security.

1. Passwords. Users may be assigned passwords, security codes, tokens, PIN numbers, and other security mechanisms to use and access City technology. Users are responsible for safe-guarding these security mechanisms and should not distribute them to any other person without proper authorization from the City.

All passwords, security codes, tokens and PIN numbers are subject to current City-wide best practices for password length, complexity, expiration and reuse.

Passwords, security codes and PIN numbers should not be written down or kept in a place that can be seen or easily accessed by others. Physical security tokens should not be left unattended or kept where they can easily be accessed by others.

If you suspect your account or password has been compromised, report the incident to the Division of Information Technology and change your password immediately.

2. Data Protection Responsibilities. City information, including electronic communications, website and social media data, should not be shared with other employees or the general public unless it is within the user's assigned City responsibility or if an approved records request is received by the designated public records custodian.

It is the responsibility and duty of any individual who has access to technology to protect City data resources in whatever form from unauthorized modification, destruction or disclosure.

Data collected and stored for City purposes may be subject to State or Federal law, as well as specific industry requirements for data security and protection including:

- FTC Safeguards Rule - covers personally identifiable pieces of confidential data such as social security numbers, date of birth, checking account information, credit card numbers, and driver's license numbers.
- Health Insurance Portability and Accountability Act (HIPAA) - protects the privacy of individually identifiable health information.
- Ohio Revised Code 1349.19 - protects residents of the State of Ohio from personal information disclosure that is believed to present a material risk of identity theft or fraud.
- Payment Card Industry Data Security Standard (PCI DSS) - covers credit card information.

Storing sensitive data on mobile devices such as laptops or cell phones or on removable media including, USB flash drives, CDs/DVDs, or memory cards, presents a considerable risk for loss or theft of data.

Removable media (memory cards, DVDs, flash drives, etc.) should not be thrown away or disposed of without first deleting all stored data or physically destroying the media beyond usability.

Any employee who suspects that City data has been compromised, lost, stolen or disclosed to unauthorized individuals must report the incident immediately to their supervisor and the Information Technology Manager.

3. Endpoint Security. All electronic devices that connect to City technology, including authorized personal devices, shall comply with current City-wide best practices for endpoint security. Examples of endpoint security measures include but are not limited to:
 - Installation and updating of anti-virus software.
 - Enforcing use of passwords or screen unlock PINs.
 - Enforcing use of encryption.
 - Installation of operating system and/or application security patches.
 - Installation of a software agent to monitor, report and enforce compliance with endpoint security best practices.
 - Securing or disabling unnecessary services or features.
4. Notification Responsibility. Employees have an obligation to report all security breaches, data loss, compromised credentials, lost or stolen equipment, and violations of this policy to their immediate supervisor and the Information Technology Manager.

1300.10 Cellular Telephone Use Policy

This policy applies to all Part-Time and Full-Time employees. City cellular telephone devices are a valuable tool for City of Vandalia employees to enhance their productivity while working away from their offices, to have access to valuable resources, and to streamline operations. The purpose of this policy is to set guidelines for City cellular devices, including

basic phones and smartphones. City cellular device users must comply with this policy, any applicable user manuals, applicable department/division policies and any other directives or policies involving City cell phones, as well as the City's Acceptable Use Policy, 1300.9. Upon receipt of a City-issued cellular device, employees must read this policy and any related operating procedures and acknowledge, in writing, their agreement to the policy terms. Any infraction of this policy may subject the violator to disciplinary action up to and including termination and possible criminal prosecution.

A. Cellular Device Administrators. The City's Information Technology Manager, or his designee, will work directly with the service providers to establish service, manage service plans, order devices and accessories, and handle communication issues, and when necessary, submit contract renewals and changes to the City Manager and City Council. All cellular device additions, deletions, and changes shall be submitted to the Information Technology Manager, or his designee, after receiving approval from their respective Department Director. Accessories and related items may be ordered without approval from the IT Manager as needed.

B. Usage.

1. City employees' daily work activities may require the use of cellular devices, such as:
 - Department Directors/Division Chiefs
 - Employees who perform field work
 - Those working in remote locations
 - Those responsible for facility maintenance and services
 - Those subject to after-hours or emergency call-out
 - Other functions as deemed appropriate by Department Directors.
2. Each Department Director will periodically review the need for all cellular devices used in their department and request changes as appropriate. It will be the responsibility of the Department Director to monitor ongoing cell phone use to ensure that phones are being used for appropriate business matters and investigate any unusual or questionable patterns, raising questions as necessary.
3. City cellular devices are the property of the City of Vandalia and are intended for official business use. Employees issued cellular devices are responsible for any loss or damage to the phones and equipment assigned to them. Employees are ultimately responsible for all charges incurred on the device assigned to them. Lost or stolen devices must be reported to the employee's supervisor and the Information Technology Manager immediately.
4. When an employee no longer has demonstrated a need for a cellular device or when the employee terminates employment with the department authorizing the use of the device, that employee shall return the device and all related equipment and accessories to that department.
5. Departments having employees who have infrequent need for a cellular device may utilize a shared cellular device. In such circumstances, the Department must establish stringent controls to account for possession of the device and authorization guidelines such as during travel or other special work-related events. The Information Technology Manager and Department Directors will be responsible for assuring accountability under this section.
6. City-issued cellular devices are to be used for work-related activities. While it is understood that occasional personal phone calls and device use may be necessary, personal use must be kept to a minimum. The use must not interfere with City business or the employee's job performance. Should personal calls placed on City of Vandalia cell phones result in additional costs to the City, such as roaming charges, long distance charges, directory assistance, data charges, and text messaging

charges, that do not qualify as legitimate business use, such charges will be reimbursed by the employee within 30 days of the billing date of the charges.

7. Employees assigned City-owned cellular devices to conduct City business should utilize the cellular device provided by the City. It is the general policy of the City of Vandalia that employees will not be reimbursed for charges billed to their personal cellular devices. Under limited and extraordinary circumstances, reimbursement may be made with the approval of the City Manager, the Department Director and the Director of Finance.

C. Safety.

1. An employee issued a City cell phone or using their personal cell phone for City business must exercise the utmost in caution and common sense when utilizing the phone while in a City vehicle. Whenever possible, drivers must use hands-free devices and pull to the side of the road in a safe manner when use of the cell phone is absolutely necessary, and particularly when dialing, accepting a call or checking voicemail messages. In no case should the phone be used during such maneuvers as backing, merging onto an interstate, while driving in heavy traffic in unfamiliar locales and the like. Necessary cell phone conversations while driving should be kept to a minimum and common sense should rule every instance of cell phone use inside a moving vehicle. Caution must also be taken to ensure that cell phone usage by passengers does not distract the driver.

1300.11 Remote Work Policy

The City of Vandalia, in its sole discretion, may allow employees temporarily to work remotely on a limited basis with prior, written (or email) approval from their Department Director and City Manager, provided their job duties and work performance are determined to be eligible for remote work. Employees may work remotely no more than 24 hours per pay period. Employees must work their regularly scheduled work hours remotely, unless the employees' manager or supervisor sets different remote hours. Employees must maintain regular contact with their supervisors and managers while working remotely.

Remote work may not disrupt the productivity of the employees, the employee's coworkers, the department, or the timely completion of all essential duties. Employees must remain focused and engaged with work throughout the workday, be fully available during normal business hours, and meet all performance expectations while working remotely.

The City may discontinue any or all remote work arrangements at any time, without any notice, at its sole discretion.

1300.12 Social Media Policy

This policy applies to all Part-Time and Full-Time employees. Social media refers to online platforms and applications that allow users to connect, share information, ideas, and content with others, creating virtual communities where people can interact and engage with each other through various forms of digital media like text, photos, and videos. The following are current examples of social media:

- Social networking and news sites (e.g., Facebook, X (formerly Twitter), LinkedIn, Snapchat).
- Video, photo, and other digital image sharing sites (e.g., YouTube, Flickr).
- Chat or discussion sites, bulletin boards, and online encyclopedias (e.g., Discord, Wikipedia).
- Blogs and websites.
- Virtual worlds, certain on-line multi-player games, and similar ways to communicate online.

A. Policy applies to work and non-work activity.

This policy applies to all City employees who use social media, regardless of the time or setting. It includes employees using social media in a personal capacity outside of work, on their own time, or through personal devices such as computers, cell phones, and cameras. Additionally, this policy applies to employees who are specifically authorized to use social media as part of their job responsibilities.

B. Why this policy applies to non-work activity

The City of Vandalia fully respects all employees' free speech and other legal rights, including the right to comment on matters of public concern, and legitimate need for privacy. As a result, in general, what you do on your own time is your affair. However, there are some activities by an employee that can adversely affect the City's legitimate interest in delivering efficient or effective government services, or disrupt the workplace, regardless of whether an employee pursues the activity at work or during non-work time. (e.g. harassing posts on an employee's own time about a citizen's or another employee's race or sex).

Your communication on social media is publicly accessible and may be permanently recorded. Copies of your posts can be automatically stored on numerous computers and servers for many years.

Even when access to social media is limited or restricted, such as where an employee restricts access to all or part of their Facebook page or communicates in a password-protected chat room, the communications are still not completely private. They are not well protected from outsiders; nothing on the internet is truly private.

C. Personal use of social media

The following are rules concerning an employee's personal use of social media to the extent it relates to the City of Vandalia:

1. You must keep the personal use of social media during working hours or with City equipment to a minimum. The City's computer system and access to the system are provided to employees to assist them in the performance of their jobs. Limited personal use of the City system is permitted, provided it:
 - a. Is kept to a minimum,
 - b. Does not interfere with an employee's work or the work of another,
 - c. Does not consume significant City resources, and
 - d. Complies with this policy and the City's Acceptable Use of Technology Policy.
2. You may not disclose confidential, non-public information belonging to the City that you received or learned about for purposes of performing your duties with the City. (e.g. an employee's or a citizen's date of birth, social security number, bank information, information related to confidential ongoing police investigation).
3. You may not post material that is threatening, harassing, obscene, or defamatory about the City or its employees, contractors, or citizens.
4. You may not post or publish intentionally defamatory statements or material that you know to be false, about the City or its employees, contractors, citizens, or services.
5. You may not use social media in a way that would violate published City policies concerning Equal Employment Opportunity, Harassment, Work Place Violence, Confidential Information, and Ethics and Standards of Conduct.
6. You may not use any logo or trademarks of the City in any way that would suggest you are speaking on behalf of the City.

7. If you identify yourself online as a City employee, you must make clear that your statements and opinions are your own and have not been reviewed or approved by the City.

Employees found to have violated any part of this policy may be subject to discipline up to and including termination.

D. Use of social media for business purposes.

The City may designate one or more individuals to communicate through social media on behalf of the City.

Each department shall provide a list of authorized individuals to the City Manager. Department Directors are responsible for submitting the names of those who are permitted to post on behalf of the City. This list will be reviewed on an annual basis.

Only those individuals expressly designated as an Authorized Social Media Representative are authorized to communicate or participate through social media on behalf of the City. Anyone else who engages in social media activity on behalf of the City is not authorized and will be subject to discipline.

1300.13 Electronic Timekeeping

This policy establishes a procedure for timekeeping and the use of time clocks as it relates to recording and tracking hours worked by non-exempt personnel to ensure full compliance with the Fair Labor Standards Act (FLSA). Exempt employees will be notified if they must comply with this policy for purposes of flex time.

A. Policy.

1. Official Time: Your time record must be accurate and complete. Employees are responsible for keeping an accurate and complete record of their hours worked. Depending upon the job or location, some employees use a time clock and some employees keep written time records on forms provided by the City. Your supervisor or the Payroll Department will inform you of the time keeping system that applies to you and train you to use it.
 - a. Your employee time record is an important legal document that is used for computing your pay. You must clock in when you begin work. (Do not clock in before you are ready to begin work.) You must clock out when your work ends.
 - b. Permission is required to work more than your scheduled hours. Non-exempt employees may only perform work during the times they have been scheduled to work by their supervisor. You may not work before your scheduled work time, during your meal period, or after your scheduling ending time, without obtaining the express permission of your supervisor.
 - c. Working off the clock is prohibited. You are responsible for making sure that your time record is a complete record of all your time worked. You must make sure that all the time you worked is recorded. You are prohibited from working during any time that is not recorded. You may not perform work before you clock in, after you clock out, or during your lunch break unless you first clock in. Anyone who violates these requirements may be subjected to disciplinary action up to and including discharge.

- d. No manager, supervisor, or any other employee in the City may instruct, or suggest, to you that you should not record some of your time worked, or that you perform work when you are not clocked in. No one, other than you, may clock you in or out, or otherwise record your time. Your supervisor may clock you out when you are away from your work place only if you grant the supervisor permission.
 - e. Report any problems immediately. If any manager, supervisor, or other employee instructs or suggests to you that you should not record some of your time worked, you must report it at once. If you have any reason to believe that your time record is inaccurate in any way, you must report it at once.
 - f. You may report these problems to the Human Resources Manager or the Finance Director.
 - g. The City will not take any action against you for your good faith reports under this policy.
2. Corrections to Official Time: Corrections to official time may be necessary due to malfunction, unexpected change in work hours, etc. All changes to official time shall be documented and logged within the electronic timekeeping system and must be approved by the employee's department director or their supervisory designee.
3. Rounding of Time: The City tracks work time in fifteen (15) minute increments using the 7/8 rounding rule in accordance with FLSA when calculating time. Rounding examples:
- Clocking-in or clocking-out at 7:53 through 8:07 rounds to 8:00
 - Clocking-in or clocking-out at 8:08 through 8:22 rounds to 8:15
 - Clocking-in or clocking-out at 8:23 through 8:37 rounds to 8:30; and
 - Clocking-in or clocking-out at 8:38 through 8:52 rounds to 8:45.
4. Daily Clock-in / Clock-out: All non-exempt employees working within a department / division using the electronic timekeeping system shall clock-in at the beginning of their scheduled workday and clock-out at the end of the workday. Under certain conditions (e.g., offsite training, beginning work at a different facility) the employee's supervisor (e.g., division manager, superintendent, department director) or designated administrative personnel may manually set the clock-in or clock-out time for the employee on that particular day [Note: This is meant to be a rare exception and not a normal occurrence.]. If a supervisor or manager manually sets a clock-in or clock-out time for the employee, the supervisor or manager must promptly notify the employee.

All non-exempt employees must clock-in at the beginning of their shift. Unless otherwise approved, employees may not clock-in more than seven (7) minutes before their shift begins.

Employees are not permitted to clock-out more than seven (7) minutes past the end of their shift without prior approval.

5. Lunch and Other Breaks:

- i. Regularly Scheduled Lunch and Other Breaks: Employees with a regularly scheduled lunch break do not have to clock-in / clock-out as the electronic timekeeping system will automatically deduct that time depending on the employee's work schedule. From time to time, employees may be requested to work through their lunch to complete a project or task. Supervisors must approve working through lunch and the appropriate administrative staff person or supervisor must manually adjust the time within the system. Employees also do not need to clock-in / clock-out for short breaks unless specified by department or division policy.
 - ii. Employees Without Regularly Scheduled Lunch or Other Breaks: Employees without a regularly scheduled lunch and / or other breaks shall be required to clock-in / clock-out for each occurrence.
 - iii. Minor Employees: Employees who are under the age of 18 may not work more than five (5) consecutive hours without a rest period of at least 30 minutes. Employees who are under the age of 18 shall be required to clock-in and clock-out before and after the rest period.
6. Falsification and / or Tampering: Any attempt by any employee to tamper with the timekeeping hardware or software will be considered a serious offense, subject to disciplinary action up to and including termination of employment. Clocking-in or clocking-out for another employee (e.g., "buddy punching") will be considered a serious offense, with both employees being subject to disciplinary action up to and including termination of employment. Anyone interfering with another employee's use of time clocks shall be subject to disciplinary action.
 7. Timeclock Fob Assignment: The electronic timekeeping system uses a built-in radio frequency identification system to identify the timeclock fob that is assigned to one specific employee. Employees are not permitted to use any time clock fob other than the one assigned to them. Employees shall report a lost or missing time clock fob to their supervisor. Employees shall be charged for the cost of replacement of a lost or missing timeclock fob in accordance with procedures established by the Director of Finance. Employees must return their city items at the time of termination/resignation. Employees who fail to return all city items, including the time clock fob, risk facing potential litigation.
 8. Conflicts: Departments / divisions may have more specific procedures for employees to follow as it relates to clocking-in and out. **Supervisors are directed to verify changes to record keeping and clock-in / clock-out procedures with the Human Resources Manager prior to implementation.** In the event a conflict arises between this policy and a recognized collective bargaining agreement, the procedures / rules agreed to within the agreement shall supersede this policy unless prohibited by law.

Review & Questions:

Employees shall be provided an acknowledgement of receipt and understanding of Finance Administration Policy on *Electronic Timekeeping*. Questions regarding this policy should be directed to the Payroll Specialist or Human Resources Manager.

1300.14 Travel Policy

This policy establishes procedures for City Officials and full-time employees to follow when planning for business related travel. All reimbursements for business-related travel shall be in accordance with the annual budget or approval of the City Manager. Employees and elected officials traveling at the City's expense are expected to exercise the same care in

incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

A. Requirements for Travel & Reimbursement.

All individuals requesting overnight travel must submit the following documents to the Finance Department at least 30 days prior to the event.

1. Completed Pre-Trip Travel Authorization and Expense Report.
2. Completed Purchase Orders must be obtained prior to the employee registering for any meeting, conference, seminar or training, or obligating the city to any travel-related expenses (lodging, airfare).

B. Expense Report and Reimbursement.

1. The expense reconciliation portion of the Travel Authorization and Expense Report must be completed and returned to Finance within 15 calendar days of the return date. All reimbursements submitted after this date will be made at the discretion of the City Manager.
2. Original, detailed receipts with employee and supervisor signatures must be attached for all City and employee incurred expenses with the exception of meals paid under the per diem method. Only itemized/detailed receipts will be reimbursed; if a receipt does not state what was purchased, then that item will not be reimbursed.
3. Reimbursements for authorized and documented expenses will be paid to the employee through accounts payable at the earliest possible check date. If the reimbursement totals less than \$50.00, petty cash may be used.
4. Reimbursement for any personal credit/debit card or cash expenses incurred by a traveler is permissible if a City credit card is not accepted or available. Detailed receipts for all City credit card, personal credit/debit card and/or cash expenses are required. The City Manager may deny reimbursement to employees for the use of a personal credit card and/or cash if the use is deemed unnecessary or unacceptable.
5. No reimbursement will be made for any related travel expenses that were not properly approved prior to the expenses being incurred.

C. Reimbursement Provisions.

1. Mileage.

- a. City-owned vehicles shall be used in place of private vehicles whenever practical, and travelers are encouraged to carpool to the same function. If a City vehicle is available, and a traveler chooses to use a personal vehicle, they will not be eligible for reimbursement.
- b. Travel by privately owned automobile is authorized only if the owner thereof is insured under a policy of liability insurance complying with the requirements of section 4509.51 of the revised code and maintains a valid driver's license.
- c. An employee that receives a monthly car allowance is not eligible for mileage reimbursement.
- d. Reimbursement of mileage expenses are paid out at the IRS business standard mileage rate.
- e. All requests for mileage reimbursements must be submitted with the mileage reimbursement form maintained by the Finance Department.
- f. No other expenses incurred for the use of a personal vehicle will be reimbursed (i.e. gasoline, damages, service, or repairs).

2. Parking/Tolls. Travel related expenses for parking at the destination airport, hotel/conference center, and related tolls will be reimbursed with detailed receipts.
3. Airfare/Rail.
 - a. Travel by commercial transportation is authorized at the lowest available rate, including the cost of one checked bag.
 - b. City funds shall not be used to pay for unused reservations with commercial transportation unless the City Manager is satisfied that failure to cancel or use the reservation was unavoidable. City Manager authorization shall be required as supporting documentation.
 - c. Travel within the State of Ohio by airplane/train is prohibited.
4. Car/Taxi/Bus.
 - a. Automobile rental is authorized if it is more economical than any other mode of transportation, or if the destination is not easily accessible by any other mode of transportation. Rental must be authorized by the City Manager prior to the expense being incurred.
 - b. The City is covered by the Miami Valley Risk Management Association. All liability insurance and loss damage waiver for accidents arising out of the operation or use of the automobile should be accepted by the employee.
 - c. Any employees involved in an accident with a rental car must contact their Department Head within 24 hours to complete a "First Report of Loss" form.
 - d. The cost of taxi or bus service to and from terminals, along with reasonable local travel expenses, is reimbursable with a detailed receipt.
5. Meal Expenses. For any single day's travel, only the cost of meal(s) away from home or the office will be reimbursed – not to exceed the per diem rate allocated. Employees will not be reimbursed a per diem rate for any meals that would have otherwise been provided at the conference/meeting being attended. Employees must submit a copy of the entire agenda (including meal functions) for any training session or conference they plan to attend.
 - a. Meal expenses (including tips) require detailed receipts and are reimbursable up to the maximum per diem allowance per day as published in the IRS guidelines.
 - i. Tips/Gratuities are reimbursable up to 20% on an appropriate food receipt. No tip or gratuity will be reimbursed for alcoholic beverages.
 - ii. Taxes will only be reimbursed for an appropriate food receipt. No taxes will be reimbursed for alcoholic beverages.
 - iii. No meals included or covered by the registration fees for the conference will be included in the maximum daily per diem.
 - iv. For out-of-town or overnight travel, meal per diem payments will be provided to the employee in advance.
 - b. The per diem method will be reimbursed up to the maximum per diem allowance per day as published in the IRS guidelines if the employee does not have a City purchasing card.
 - i. For the first and last day of travel, a traveler is limited to 75% of the applicable per diem rate for meals and incidental expenses. If the traveler leaves prior to 9:00 a.m. and the traveler returns after 6:00 p.m. on the first and last day, the traveler is eligible for 100% of per diem for those days.

- ii. Partial per diem will be reimbursed as provided for in the IRS guidelines – Publication 463.

6. Lodging Expenses.

- a. Travelers will be reimbursed at the actual reasonable single room rate. The reasonableness of the hotel will be determined by the City Manager. Reimbursement will be made for the actual and reasonable cost-plus taxes per night.
- b. Travelers are required to inquire with the hotel prior to incurring expenses regarding the availability of a state tax exemption due to the tax-exempt status of the City. Tax exempt forms are available from the Finance Department.

7. Travel Incidental Expenses. All necessary and reasonable miscellaneous expenses are reimbursable, if accompanied by a receipt and approved by the City Manager.

8. Non-Reimbursable Expenses. "Non-reimbursable travel expenses" should not be purchased using a City purchasing card. These expenses include (but are not limited to):

- Alcoholic beverages
- Entertainment expenses
- Transportation, meals, lodging or any other cost incurred by a spouse, child or other person who accompanies the employee
- Incidental expenses, which include personal expenses incurred during travel that are primarily for benefit of the employee and not directly related to the official purpose of travel. Examples include but are not limited to; the purchase of personal hygiene items, magazines, movie rentals, beverages and snacks not included with the purchase of a meal, room service, and other similar expenses
- Travel insurance expenses
- The cost of traffic fines and parking tickets

9. Reimbursement to the City. If the traveler fails to properly provide a receipt or after document review it is determined that incurred expenses are not allowed under this policy, the traveler may not be reimbursed for the expense, or if required, the traveler will be invoiced for the unallowable expenditure.

10. Same Day Travel.

- a. Travelers are not required to complete and submit a pre-trip travel authorization and expense report for same day travel. However, a final report is required to be completed, including the necessary documentation and an approval signature by the department head only.
- b. Travelers are entitled to lunch if they leave prior to 11:00 a.m. and return after 1:00 p.m. at the rate denoted in Section 5(b)(ii).
- c. If a traveler elects to purchase a meal rather than avail themselves of a meal that is included in the conference/training registration, the cost of that meal is not reimbursable.

11. Final Determinations. Not all situations or events will be covered by this policy; all interpretations and final determinations of this policy will be decided by the City Manager. Questions regarding this policy should be directed to the Finance Director.

1300.15 Vehicle Allowance

Department Directors or other City Designees as determined by the City Manager are eligible for a monthly vehicle allowance or an assigned city vehicle to fulfill the requirements of their duties.

Employees assigned a city vehicle will not receive compensation for mileage or a vehicle allowance.

1300.16 Gratuities

Employees of the City of Vandalia shall not accept gifts, favors, rewards, or other benefits from any person, business, or organization when such benefits are granted either fully or partially as a result of their employment with the City of Vandalia.

Procedures for compliance with this policy are as follows:

- Gratuities given to the City of Vandalia or any employee will be returned to the provider with an explanation of the policy.
- If the provider is unknown, the item will be turned over to the general fund or to a charitable organization.
- No employee shall offer or give special privileges to any other person or agency in expectation of special benefits to themselves or the City of Vandalia.
- De-minimus holiday gifts from vendors that are provided to department heads or the City Manager may be accepted provided they are shared with all persons within the applicable department.

1400. Employee Rules of Conduct

1400.1 Violation of Rules

Employees of the City of Vandalia shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of the City of Vandalia, whether stated in this section or elsewhere.

1400.2 Duty to Report Violations of Rules of Conduct

The integrity, professionalism, and effectiveness of the City of Vandalia rest with the performance of its employees. The Rules of Conduct have been adopted in furtherance thereof. Illegal, unethical, or unprofessional actions by one employee can quickly undermine the esteem, reputation, and effectiveness of all. Therefore, it is incumbent upon any employee of the City of Vandalia who discovers that a fellow employee is in violation of the Rules of Conduct to inform the employee in violation. If the violation substantially undermines the integrity, professionalism, or effectiveness of the City of Vandalia, and the employee in violation fails to immediately disclose the violation to their supervisor, the employee discovering the violation shall immediately inform their own supervisor.

1400.3 Code of Ethics

This policy applies to all Part-Time and Full-Time employees. The proper operation of democratic government requires that actions of public officials and employees be impartial; that the government decisions and policies be made within the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Recognition of these goals establishes a Code of Ethics for all officials and employees appointed and employed by the City of Vandalia.

Guidelines:

- A. No employee shall use their official position for personal gain, nor engage in any business or transaction, nor shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of their official duties.
- B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City or shall use such information to advance the financial or other private interest of themselves or others.
- C. No employee shall accept any valuable gift or gratuity whether in the form of service, loan, item or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall employees accept any gift, favor or item of value that may tend to influence an employee in the discharge of their duties, nor grant in the discharge of their employees duties any improper favor, service or item of value. Similarly, employees shall refrain from the opportunity to earn personal "credits" or "rewards" when making purchases on the City's behalf. This would include the opportunity to earn such benefits as airline frequent flyer miles, gasoline purchase credits, supermarket rewards and the like.
- D. Any employee offered a gift or favor who is not sure if its acceptance is a violation of the Code of Ethics should inform their supervisor of the gift/offer. The supervisor will make a decision or refer the individual to the highest level supervisor or the City Manager.
- E. No employee shall represent private interests against the interest of the City in any action or proceedings of which the City is part.
- F. State law provides specific restrictions regarding financial interest in companies which do business with public agencies. Employees who have any doubt concerning possible violation of these statutes are advised to consult their own attorney.

- G. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official duties. Any employee having doubt as to the applicability of a provision of this Code of Ethics to a particular situation should consult their Department Director.

Violations of this Code of Ethics may constitute a cause for suspension, removal from employment or other disciplinary action. Ethics violators are subject to criminal prosecution and penalties which include fines and incarceration; violations may be reviewed by the Ohio Ethics Commission and/or related agencies.

1400.4 Unbecoming Conduct

Employees of the City of Vandalia shall conduct themselves at all times, both at and away from work, in a manner that reflects positively on the City of Vandalia. Unbecoming conduct includes actions that bring the City of Vandalia into disrepute, reflect negatively on the employee, or impair the operations or efficiency of the City of Vandalia or the individual.

1400.5 Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and professional affairs that aligns with the highest standards of integrity. Employees shall not engage in any incident involving moral turpitude that impairs their ability to perform their job or causes the City of Vandalia to be brought into disrepute.

1400.6 Truthfulness

Upon the order of the City Manager, their designate, or a supervisor, employees of the City of Vandalia shall fully and truthfully answer all questions specifically directed and narrowly related to the performance of their job duties or their fitness for employment.

1400.7 Fictitious Illness or Injury Reports

Employees of the City of Vandalia shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the City of Vandalia about sick leave, worker's compensation, other leave or benefits.

1400.8 Attendance and Readiness for Work

Employees of the City of Vandalia shall report to work at the time and place required by their assignment or schedule and shall be prepared to perform their job responsibilities.

1400.9 Neglect of Responsibilities

Employees shall not engage in any activity or personal business that could cause them to neglect or be inattentive to their job responsibilities. Employees shall keep themselves readily available to the public and colleagues as required by their position. No employee of the City of Vandalia shall intentionally avoid their responsibilities except for a legitimate purpose.

1400.10 Unsatisfactory Performance

Employees shall maintain sufficient competency to properly perform their job duties and assume the responsibilities of their position. Employees shall perform their work in a manner that maintains the highest standards of efficiency in carrying out the functions and objectives of the City of Vandalia. Unsatisfactory performance may be demonstrated by a lack of knowledge of job responsibilities, an unwillingness or inability to perform assigned tasks, failure to meet work standards, failure to take appropriate action within their responsibilities, or absence without leave.

1400.11 Employee Appearance and Dress Code

This policy applies to all Part-Time and Full-Time employees. The City of Vandalia shall establish general guidelines defining appropriate attire and appearance standards for City of Vandalia employees. All employees shall have a neat and professional appearance that reflects well upon the City of Vandalia. Appearance plays a key role in portraying the professionalism of our City government. This policy is necessary to create and to maintain a professional image of municipal operations for the public, while ensuring an appropriate and safe work environment. All employees of the City are expected and encouraged to exercise discretion and good taste in their matter of dress. Each employee's attire, grooming and personal hygiene should be appropriate to the work situation.

Each Department Director, subject to review by the Human Resources Manager, is authorized to develop and to implement additional policies or general orders relating to employee personal appearance and dress code, which shall not conflict with this policy.

Department Directors, their designee, or the Human Resources Manager shall be charged with investigating complaints or observations relating to potential infractions of this policy. Any employee who does not meet personal appearance and dress code standards or departmental policies may be subject to corrective disciplinary action.

No employee shall be permitted to perform their duties while wearing clothing, jewelry, tattoos, piercings, body modifications, or other body art that is offensive, detrimental, or distracting to the department, division, or City (for example, references to discrimination, violence, gangs or organized crime, an illegal act, racism, swastika, confederate flag, supremacism, affiliation with an extremist group, drug use, nudity, sexually explicit acts, sexually suggestive references, other derogatory material, obscenity, profanity, an attack based on a protected class or status, an attack of another employee or person, or see-through clothing).

If an employee is required to leave work in order to comply with this policy, it shall be recorded as unpaid leave.

A. Standards for Uniformed Personnel:

All employees who are provided with a City uniform shall report to work each day in a clean uniform. Uniforms, including City supplied t-shirts, shall not be altered (for example, cutting off sleeves) in any manner, excluding professional tailoring of uniforms. Any questions regarding City-provided uniforms should be directed to the appropriate Department Director or the Human Resources Manager.

Uniformed personnel shall not be permitted to wear hats (except for winter hats not bearing another organization's logo or name), shirts, or light jackets that are not provided by the City of Vandalia. City uniforms shall not be worn when the employee is off duty unless authorized by the Department Director or City Manager. Uniformed personnel are permitted to wear City uniforms when traveling to and from work. Uniformed personnel are permitted to wear City t-shirts, sweatshirts, and hats when not on duty, and are encouraged to exercise caution and discretion to maintain a professional image that does not bring ill repute to the City organization or any employee.

Shorts: After conferring with the Human Resources Manager, and upon verifying that it is safe and in the interest of the City to do so, Department Directors may permit certain uniformed personnel to wear shorts of an appropriate length and quality in the performance of their duties.

Updated Logos: Effective, January 1, 2024, all uniformed personnel shall be required to comply with the general brand guidelines that were established by the City Council in 2021 and updated logos when wearing City-branded clothing and uniforms.

B. Standards for Non-Uniformed Personnel:

Employees who are not provided with a uniform by the City are expected to be properly dressed for the type of work they are performing. Department Directors and supervisors are expected to set clear expectations and to enforce dress code and appearance standards for non-uniformed personnel. Employees are expected to dress in a manner that a reasonable third party would find acceptable in similar business establishments or situations. City of Vandalia employees are not permitted to wear the following:

- Baggy or poor fitting clothing;
- Jogging suits, sweat suits or other athletic wear (Except when otherwise approved by the Department Director or Human Resources Manager; e.g., fitness instructor, parade duty, participation in Corporate Challenge);
- Loose or unsafe footwear (e.g., Crocs, foam flip-flops);
- Torn, tattered, or worn-out clothing; and
- Distracting or provocative clothing.

Non-uniformed personnel are permitted to wear City t-shirts, sweatshirts, and hats when not on duty, and are encouraged to exercise caution and discretion to maintain a professional image that does not bring ill repute to the City organization or personnel.

Updated Logos. Effective, January 1, 2024, all non-uniformed personnel shall be required to comply with the general brand guidelines that were established by the City Council in 2021 and updated logos when wearing city-branded clothing. Any city logos that are applied to employee-owned clothing to be worn on-duty should be reviewed and approved by the Communications Manager to ensure brand conformity (or ordered through a vendor who has obtained the City's artwork and has been approved by the Communications Manager).

- C. Jeans. Department Directors may permit personnel to wear work appropriate jeans (e.g., those that fit; are of a plain design and cut; are not faded or distressed, do not contain holes, embroidery, sequins, bleaching, acid/stone washing) in the performance of their duties so long as it does not diminish the professional image of the organization. Department Directors reserve the right to revoke such permissions.
- D. Jeans on Fridays. Non-uniformed personnel who are normally not permitted to wear jeans, are permitted to wear work appropriate jeans on Fridays (e.g., those that fit; are of a plain design and cut; are not faded or distressed, do not contain holes, embroidery, sequins, bleaching, acid/stone washing) if it does not detract from the performance of their duties.
- E. Shorts. After conferring with the Human Resources Manager, and upon verifying that it is safe and in the interest of the City to do so, Department Directors may permit certain non-uniformed personnel to wear shorts of an appropriate length and quality in the performance of their duties (e.g., Air Show, parade or special event duty, field work).

- F. Temporary Relaxation of Dress Code Standards. Department Directors may occasionally allow employees to dress in a more casual fashion than is normally required. On these rare occasions, employees are expected to present a neat and work appropriate appearance.
- G. Employee Appreciation Events and Butler High School Spirit Week. Non-uniformed personnel are permitted to wear work appropriate jeans or shorts to employee appreciation events if it does not detract from the performance of their other duties on that day.

Non-uniformed personnel are permitted to wear appropriate Vandalia Butler City School District attire (e.g., t-shirts, sweatshirts, buttons) with jeans during Butler High School Spirit Week if it does not detract from the performance of their duties. Non-uniformed personnel may wear jeans during spirit week accompanied by Vandalia-Butler City School District color combination (i.e., purple and yellow).

The Department Director, at their discretion, may choose to relax certain dress code requirements for uniformed personnel during employee appreciation events or Butler High School Spirit Week.

H. Tattoos and Scarification.

Employees may display tattoos (including scarification) during the performance of their duties if it does not violate a work rule, policy, or cause a concern for safety in the opinion of the Department Director or Human Resources Manager.

- Prohibitions: No employee shall be permitted to perform their duties while displaying a tattoo or intentional scar that is offensive, detrimental, or distracting to the department, division, or City (for example, tattoos that reference discrimination, violence, gangs or organized crime, an illegal act, racism, swastika, confederate flag, supremacism, affiliation with an extremist group, drug use, nudity, sexually explicit acts, sexually suggestive references, other derogatory material, obscenity, profanity, or an attack based on a protected class or status). Tattoos are prohibited from being displayed on the head, ears, face, front or sides of the neck, chest, or hands (including the fingers) and must be hidden from view. A tattoo that resembles a wedding ring is permitted on the traditional finger on which a wedding ring is worn, so long as the ring tattoo does not violate any other section of this policy. Tattoos covering the majority of an employee's arms, commonly known as a "sleeve", cannot be displayed beyond the wrist and any further than the base of the hand.
- Cosmetics and Permanent Makeup: Tattoos resembling cosmetic or permanent makeup may be permitted if it does not violate any other part of this policy.
- Investigation of Complaints and Order to Cover a Tattoo: Upon receiving a complaint or observing a tattoo that may violate a city policy, a supervisor may order an employee to cover a tattoo. The employee shall comply with the order to cover the tattoo. The Department Director, in consultation with the Human Resources Manager, shall determine the appropriate manner for covering the tattoo. Costs associated with covering a tattoo will be at the expense of the employee (except when uniformed personnel are instructed to cover a tattoo with a normal uniform consisting of long sleeves, pants, or hat).
- Appeal: An employee may appeal against the order of a Department Director to cover a tattoo. In the case of an appeal, the Human Resources Manager shall evaluate the tattoo and issue a decision in accordance with this policy. The Human Resources Manager's decision shall be final.

I. Piercings, Other Body Art, and Modifications:

Piercings Permitted: Employees may display piercings, gauging, dermal piercings (i.e., transdermal implants), or subdermal implants during the performance of their duties if it does not violate a work rule, policy, or cause a concern for safety in the opinion of the Department Director or Human Resources Manager.

- Prohibitions: No employee shall have intentional abnormal modifications to any area of the body visible to the public while on duty (for example, tongue splitting or bifurcation, abnormal shaping of the ears, eyes, or nose; abnormal filing of the teeth).
- Appeal: An employee may appeal against the order of a Department Director to remove or to cover a piercing, or other body art or modification. In the case of an appeal, the Human Resources Manager shall evaluate the piercing or other body art or modification and issue a decision in accordance with this policy. The Human Resources Manager's decision shall be final.

J. Facial Hair:

Employees outside of the Department of Public Safety: Employees who are not assigned to the Department of Public Safety shall be permitted to grow and to maintain neatly trimmed and well-groomed facial hair.

Employees within the Department of Public Safety: Employees who are assigned to the Department of Public Safety shall comply with standards set by the appropriate Division Chief. If permitted by the Chief, employees shall be required to maintain neatly trimmed and well-groomed facial hair.

1400.12 Drug Free Workplace/Drug and Alcohol Policy

This policy applies to all Part-Time and Full-Time employees. Drug and alcohol abuse affects safety and job performance. To protect our employees, customers and the public, the City must have an environment free of alcohol and drug use. The City is committed to a workplace free from the effects of such abuse and issues the following Drug and Alcohol Policy.

A. Rules

1. No employee may use, sell, buy, distribute or possess any alcohol or illegal drugs, or un-prescribed (for the employee) controlled substances while on the job or during a meal or break period or while on City property (including parking lot and grounds) or while in a City vehicle. The penalty for this is discharge.
2. No employee may report to work, be at work, drive City vehicles, or be on City property under the influence of alcohol or illegal drugs, or un-prescribed (for the employee) controlled substances. The penalty for this is discharge. An employee who tests positive for drugs or has a blood alcohol level of .02 or above is considered "under the influence" and will be discharged.
 - a. A drug test is positive if it exceeds the concentration cutoffs then in effect as established by the Substance Abuse and Mental Health Services Administration.
3. The only exception to paragraphs 1 and 2 is the legitimate possession or use of prescription (for the employee) or over-the-counter medication. "Illegal drugs" includes all marijuana for purposes of this policy, even if prescribed, as marijuana is illegal under federal law. An employee must notify his or her supervisor or the supervisor's designee in writing if the employee has reason to believe the employee's prescription or over-the-counter medication could impair the employee's ability to perform the essential

functions of his or her job, including behavior. Impairment is just as serious when caused by medication. Failure to report will be treated as a violation under paragraphs 1 and 2.

4. Anyone involved in the illegal trafficking of drugs, or illegal conduct consistent with trafficking of drugs, on or off City premises or work time, will be discharged.
5. Any refusal under this policy to take a drug or alcohol test, to cooperate fully, or to sign any necessary papers in connection with such test, will result in discharge.
6. If an employee is unexpectedly called to work when the employee could reasonably have expected that he or she was free to drink alcohol, and has been drinking alcohol, the employee must inform his or her supervisor immediately. The supervisor will then decide the appropriate course of action. Employees who promptly report alcohol use under these circumstances will not be disciplined. Any employee who fails to report alcohol use as described in this paragraph will be subject to discharge.

B. Treatment

Employees are urged to seek professional help for a drug or alcohol related problem before disciplinary action is necessary. If the treatment requires a leave of absence, the leave will be governed by the leave of absence policy, and the terms of applicable health insurance and sickness policies. As a condition of this leave, the City may require the employee to sign a form authorizing the City to receive reports from the treatment program in order to ascertain whether the employee is cooperating and making reasonable progress in the program, including all applicable aftercare programs. An employee who has sought professional help and has obtained a leave of absence will be permitted to return to work if the employee passes a drug/alcohol test and has satisfactory medical evidence of fitness for work.

However, a drug or alcohol problem will not excuse any violation of City rules or standards, under this policy or otherwise. If an employee is subject to disciplinary action under the policy, the fact that the employee then declares a drug or alcohol related problem will not protect the employee from the prescribed disciplinary action, including discharge.

C. Testing

The City may require drug or alcohol testing or both under the following circumstances.

1. Applicants. All applicants will be tested. An applicant who fails that test will not be hired at the time but may reapply for employment after six months. If the applicant refuses to cooperate fully in taking the test, he or she will be denied further consideration for employment.
2. When there is reasonable suspicion of a problem. Reasonable suspicion includes, but is not limited to, reliable reports of a violation of this policy; the odor of alcohol or marijuana on an employee; an accident to which the employee might have contributed; unusual employee behavior, appearance or speech; or possession of drug paraphernalia.

3. After a positive test result. Any employee who returns to work after a suspension or leave related to a positive test or otherwise related to drugs or alcohol may be required to submit to unannounced drug/alcohol tests for an unlimited duration. Failing the test will result in discharge.
4. Post work-related accident. Any employee who is involved in a work-related accident that results in an injury or property damage, or reasonably could have, will be tested.

D. Commercial Vehicle Drivers

All U.S. Department of Transportation guidelines, rules and standards apply to the City's commercial vehicle licensed drivers.

1400.13 Tobacco Use Policy

This policy applies to all Part-Time and Full-Time employees. It is the policy of the City of Vandalia to provide a tobacco-free environment for all employees and visitors. This policy covers the smoking of any tobacco product as well as the use of smokeless tobacco and electronic cigarettes and applies to both employees and non-employee visitors of the City of Vandalia.

A. Policy.

- There will be no use of tobacco products within any City-owned facility or in city-owned vehicles at any time---except in designated tobacco-use areas.
- Supervisors may develop policies within their departments to provide for tobacco breaks in designated areas. Tobacco breaks must not interfere with work performance.

B. Procedure.

- Employees will be informed and reminded of this policy through signs posted in City facilities and vehicles, the Vandalia Personnel Policies and Procedures Manual, and orientation and reminders provided by supervisors.
- Visitors will be informed of this policy through signs and, if necessary, by notification of their host.
- The City will assist Full-Time employees who wish to quit tobacco use by facilitating access to recommended smoking cessation programs and materials.

Any violation of this policy will be handled through the disciplinary procedure outlined in Section 1100 of the Vandalia Personnel Policies and Procedures.

1400.14 Workplace Violence and Firearms Policy

This policy applies to all Part-Time and Full-Time employees. Acts or threats of physical or verbal violence (including intimidation and/or harassment and/or coercion) which involve or affect the City of Vandalia, its citizens or employees, which occur on City property or in the course of provision of employment will not be tolerated. Such conduct will be met with the strongest disciplinary action, up to and including termination, the use of law enforcement and the use of criminal prosecution measures.

Workplace violence includes acts or threats of violence. Examples of violence include, but are not limited to the following:

1. All threats or acts of violence occurring on City of Vandalia premises, regardless of the relationship between the City of Vandalia and the parties involved in the incident.

2. All threats or acts of violence occurring off City of Vandalia premises involving someone who represents the City of Vandalia.
3. All threats or acts of violence occurring off City of Vandalia premises involving a City of Vandalia employee if the threats or acts affect the legitimate interests of the City of Vandalia.
4. Any acts or threats resulting in the conviction of an employee or representative of the City of Vandalia or of an individual performing services or volunteer work on a contractual or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interest and goals of the City of Vandalia.
5. Specific examples of conduct, which may be considered threats or acts of violence include but are not limited to:
 - Physical assault (hitting, shoving, kicking or otherwise having unwelcome physical contact.)
 - Threatening harm to individuals, their family, friends, associates or property.
 - Verbal assault for the purposes of intimidation and/or coercion.
 - The intentional destruction or threat of destruction of City of Vandalia or personal property.
 - Upon witnessing a violent or potentially violent situation in the workplace, employees should immediately attend to their safety by leaving the area and reporting the situation as appropriate to a supervisor, or if deemed necessary, by calling 911.

A. Complaint and Investigation Procedure

In order to promote the prevention of threats and violent acts, the City requires employees to immediately report all threats and acts of violence to a supervisor. In addition, the City encourages employees to report other behavior that may indicate the potential for a violent act. Upon learning of a threat or other violent act, supervisors are required to immediately report the threat or other violent act to the City Manager's Office, so that an investigation can promptly be initiated. Employees are required to fully cooperate during the investigation of such an incident. Failure to cooperate in such an investigation may lead to discipline, up to and including termination.

In the event of an emergency, employees should call 911 to report the threat immediately.

B. Firearms

Firearms of any sort are strictly prohibited inside the buildings of any City of Vandalia property or in City of Vandalia vehicles, unless you are a law enforcement officer acting within the scope of your duties. Any employee who violates the City of Vandalia Firearms Policy shall be subject to discipline, up to and including termination.

C. Discipline

Upon completion of a thorough investigation, the City will assess disciplinary action, up to and including termination, against any employee that the City finds to have committed or threatened an act of violence or otherwise violated this policy. In addition, the City will pursue its right to criminally prosecute any person who commits or threatens an act of violence in violation of federal, state or local ordinances.

D. Right to Search/Inspect

To ensure the safety and well-being of all employees, citizens and others, the City of Vandalia reserves the right to inspect and/or search, in appropriate circumstances, all areas on or within any land, building, facility, or vehicle, leased or owned by the City, including personal belongings.

1400.15 Paid Administrative Leave

- A. **Purpose.** The purpose of this policy is to establish guidelines for placing an employee on paid administrative leave under specific circumstances, to ensure consistency, fairness, and compliance with applicable laws and organizational procedures.
- B. **Conditions for Use.** Paid administrative leave may be considered appropriate in the following circumstances, including but not limited to:
- Pending the outcome of an internal investigation involving alleged misconduct or policy violations.
 - When the employee's presence in the workplace may interfere with an investigation.
 - When there are concerns related to workplace safety or security.
 - During administrative or legal reviews affecting the employee's duties or status.
 - To allow time for fitness-for-duty evaluations when concerns arise regarding an employee's ability to perform essential job functions safely and effectively.
- C. **Authority to Place an Employee on Administrative Leave.** The following individuals have the authority to place an employee on paid administrative leave:
- City Manager (or designee)
 - Department Director or Human Resources Manager in consultation with the City Manager
- Supervisors or managers who believe administrative leave may be warranted must consult with the Human Resources Department prior to taking any action.
- D. **Duration and Conditions.** Administrative leave is intended to be temporary and shall be limited to the minimum amount of time necessary to address the situation. The leave may be extended with appropriate justification and documentation. Employees on paid administrative leave are expected to be available during regular work hours unless otherwise directed. Employees must not perform any work or enter City facilities without prior authorization during the leave period.
- E. **Notification and Documentation.** The employee shall receive written notice confirming the reason for the leave, the expected duration (if known), and any conditions or expectations during the leave period. A copy of the administrative leave notice shall be maintained in the employee's personnel file.
- F. **Status of Benefits.** While on paid administrative leave, the employee will continue to receive their regular salary and maintain eligibility for all employment benefits, including accrual of leave, health insurance, and retirement contributions, as if actively working.
- G. **Confidentiality.** All matters related to administrative leave, including the reasons and outcomes of any related investigation or review, shall be handled with the utmost confidentiality and in accordance with applicable laws and City policies.
- H. **Return to Work.** The employee will be notified in writing when the administrative leave ends and will receive instructions regarding return-to-work expectations or any further employment action, if applicable.

1400.16 Sexual and Other Harassment

- A. **Harassment Prohibited.** Harassment has no place at the City. It is against City policy, and may be a violation of the law. The City will not tolerate harassment.
- B. **Sexual Harassment.** No one may threaten or imply that an employee's submission to or rejection of sexual advances will in any way influence any decision about that employee's employment, advancement, duties, compensation, or other terms or conditions of employment. No one may take any personnel action based on an employee's submission to or rejection of sexual advances.

No one may subject an employee to any unwelcome conduct of a sexual nature. This includes both unwelcome physical conduct such as touching, blocking, staring, making sexual gestures and making or displaying sexual drawings or photographs and unwelcome verbal conduct such as sexual propositions, slurs, insults, jokes and other sexual comments. It may also include conduct such as leering at other employees or displaying sexually suggestive material in a City building or workplace or during working hours. An employee's conduct will be considered unwelcome and in violation of this policy when the employee knows or should know it is unwelcome to the person subjected to it.

Our facilities may have some high noise areas, so there may be times when an employee must get the attention of another. To do so, employees are permitted to lightly tap the person on the shoulder if necessary. The City will not tolerate abuse of this, or any unwanted touching.

- C. **Other Harassment.** No one may harass anyone because of that person's race, color, religion, ancestry, national origin, age, veteran or military status, disability, sexual orientation, gender identity, or any other unlawful factor. Examples of conduct prohibited by this policy include using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.
- D. **Making Complaints and Reporting Violations.** Any employee who experiences conduct believed to constitute harassment is encouraged to make a complaint to the City. You are not required to complain first to the person who is harassing you. If you prefer, you may complain directly to the supervisor of the harasser, to your own supervisor, a Department Director, Human Resources, or the City Manager. Similarly, if you observe harassment of another employee, you are requested and encouraged to report this to one of the persons described above. No reprisal, retaliation, or other adverse action will be taken against any employee for making, in good faith, a complaint or report of harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons described above.
- E. **Investigation of Complaints and Reports.** The City will promptly and thoroughly investigate any complaint or report of violation of this policy. Any behavior that would be considered sexual misconduct of a criminal nature will be investigated by a law enforcement agency. You may at any time inquire about the status of the investigation by asking the person to whom you complained or reported the incident.
- F. **Penalties for Violations.** The City will take prompt disciplinary and remedial action if its investigation shows a violation of this policy. Depending on the circumstances, a violation of this policy may result in a range of discipline up to and including discharge.

G. **Additional Information.** If you have any questions about this policy, please contact the Human Resources Manager for additional information. If you have other questions or concerns about discrimination or harassment, you may ask the Human Resources Manager, or you may contact the Ohio Civil Rights Commission or the U.S. Equal Employment Opportunity Commission.

Memo



To: Kurt E. Althouse, City Manager

From: Leann Hanf, Human Resources Manager

Date: August 12, 2025

Re: PPM Revisions

This memo serves as my recommendation to approve the revisions/updates that have been under review for the past year.

The City of Vandalia's Personnel Policy Manual (PPM) serves as a comprehensive guide for employees and supervisors, outlining workplace policies, procedures, and expectations. It addresses a broad range of topics—from hiring practices and employee benefits to workplace conduct and safety regulations—ensuring that all non-bargaining unit personnel in the organization operate under a consistent framework. This document functions as both a reference tool and a standard for decision-making, helping maintain fairness, transparency, and compliance with established organizational values. By having clear policies in writing, the City reduces ambiguity, supports consistent application of rules, and fosters a professional and respectful work environment.

Keeping the Personnel Policy Manual up to date is essential because employment laws, workplace norms, and societal expectations are constantly evolving. Legislative changes at the federal, state, and local levels can directly affect policies regarding wages, benefits, workplace safety, discrimination, leave entitlements, and other critical areas. Additionally, shifts in workplace culture—such as remote work trends, technology use, and diversity initiatives—require timely adjustments to ensure the City's policies remain relevant and effective. Regular updates help protect the organization from legal risk, maintain compliance, and ensure that employees are supported under policies that reflect current legal standards and best practices. This proactive approach reinforces the City's commitment to fairness, equity, and responsible governance.

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

RESOLUTION 24-R-40

A RESOLUTION AWARDING THE BID FOR ROBINETTE PARK SPLASHPAD PROJECT REQUESTED BY PARKS AND RECREATION TO DOUBLE JAY CONSTRUCTION AT THE LOWEST AND BEST BID PRICE OF \$1,479,880

WHEREAS, Council has received a memorandum and bid tabulation from Alicia McCracken, Parks and Recreation Director, recommending Council award the bid for the Robinette Park Splashpad Project as described in the bid documents for that project which were opened on August 15, 2025.

WHEREAS, the City advertised the request for proposals for the Project in the Daily Court Reporter on July 18 and 25, 2025.

WHEREAS, proposals were publicly opened and read on August 15, 2025

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Council awards the bid for Robinette Park Splashpad Project to Double Jay Construction, Inc. in the amount of \$1,479,880.00 as the lowest and best bid. Also allowing for up to 10% of the original bid for contingency items that may arise during construction.

Section 2. Council authorizes the city manager, or his designee, to negotiate and enter into a contract with Double Jay Construction Inc. for the construction of Robinette Park Splashpad project in accordance with the Robinette Park Splashpad Project Specifications and Bid Documents.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This resolution shall become effective immediately upon its passage.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse, Clerk of Council



To: Kurt Althouse, City Manager
From: Alicia McCracken, Parks & Recreation Director
Subject: Robinette Park Splashpad Project
Date: August 26, 2025

Bids were publicly opened for the **Robinette Park Splashpad** project on Friday, August 15, 2025. Attached is a letter of recommendation from OHM Advisors and a copy of the bid tabulation sheet for referenced bids. This project will allow for the construction of a splashpad, shelter, additional parking. This project is the continuation of developing Robinette Park into an inclusive place for residents to meet and recreate as indicated in the 2020 Vandalia Vision Comprehensive Plan as well as the Community Input Key Findings section of the Parks and Recreation Master Plan.

The project includes the furnishing of all materials, labor, administration, and equipment, pursuant to the drawings, plans, and specifications to complete the amphitheater project. The project was advertised in the Daily Court Reporter on July 18 and 25, 2025.

Four (4) contractors obtained the bid package through Bid Express, and all four contractors submitted bids for the project. Bids ranged from \$1,479,880 to \$1,835,00.

Our project consultant, OHM Advisors, performed a thorough review to determine if the bid proposals met all specifications and contacted project references of the apparent low bidder to determine the quality of work performed on similar projects.

Funding for the project includes federal grant funds in the amount of \$400,000 and city capital budget funds.

I recommend awarding the contract for this project to Double Jay Construction, Inc of Englewood, Ohio as the lowest and best bid at their bid price of \$1,479,880.





CITY OF VANDALIA

Robinette Splashpad Project

**Bid Tabulation Sheet
August 15, 2025
11:00 a.m.**

<u>COMPANY</u>	<u>BID BOND</u>	<u>TOTAL BID</u>
Double Jay Construction Inc	Yes	\$1,479,880
Alpha Construction Inc	Yes	\$1,643,800
Outdoor Enterprise	Yes	\$1,724,471
Brumbaugh Construction	Yes	\$1,835,000

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
RESOLUTION 25-R-41

**A RESOLUTION APPROVING AMENDMENTS TO THE CITY OF VANDALIA
EMERGENCY OPERATIONS PLAN**

WHEREAS, the Emergency Operations Committee has completed revisions to the city of Vandalia Emergency Operations Plan; and

WHEREAS, at the August 18, 2025, Council Study Session City Council reviewed the revisions;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The 2025 revisions to the City's Emergency Operation Plan as proposed by the Emergency Operations Committee and reviewed by Council are hereby approved; all other provisions of the Emergency Operation Plan not changed by the 2025 revisions shall remain in full force and effect.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This resolution shall take effect at the earliest period allowed by law.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt Althouse, Clerk of Council



Emergency Operations Plan

City of Vandalia, Montgomery County, Ohio

September 1, 2025

City of Vandalia Emergency Operations Plan

TABLE OF CONTENTS

I.	TABLE OF CONTENTS	
II.	PROMULGATION DOCUMENT	Page 5
	A. Promulgation Statement	
III.	INTRODUCTION	Page 6
	A. Purpose	
	B. Scope	
	C. Planning Development	
	D. Planning Assumptions	
	E. Methodology	
	F. Plan Activation	
	G. Plan Maintenance	
IV.	HAZARD & VULNERABILITY IDENTIFICATION	Page 10
V.	CONCEPT OF OPERATIONS	Page 13
	A. General	
	B. Phases of Emergency Management	
	C. National Incident Management System (NIMS)	
	D. Incident Command System (ICS)	
	E. Mutual Aid and Mutual Assistance	
	F. Communications and Information	
	G. Administrative Practices	
	H. Documentation	
	I. EOC After Action Reporting on Reporting Responsibility	

City of Vandalia Emergency Operations Plan

VI. DIRECTION, CONTROL & COORDINATION

Page 21

- A. Policy Group
- B. Incident Command System (ICS)
- C. Emergency Operations Center (EOC)
 - 1. EOC Activation
 - 2. Multiagency Coordination
 - 3. Emergency Support Function (ESF)

VII. CONTINUITY OF GOVERNMENT

Page 26

- A. Succession of Command
- B. Preservation of Records
- C. Inter-Governmental Relationships

VIII. AUTHORITIES AND REFERENCES

Page 28

IX. DEFINITIONS

Page 31

X. ANNEXES

Page 36

- ANNEX A Emergency Operations Center **FOUO**
- ANNEX B Policy Group/EOC Director (IC)
- ANNEX C Command Staff
- ANNEX D General Staff
- ANNEX E Emergency Support Functions (ESF)

City of Vandalia Emergency Operations Plan

XI. STANDARD OPERATING GUIDELINES (SOG)

Guide #1	Volunteer Coordination
Guide #2	Damage Assessment
Guide #3	Communications FOUO
Guide #4	Warming & Cooling Center Operations
Guide #5	Mass Arrest
Guide #6	Long-Term Community Recovery Plan
Guide #7	Debris Management Plan
Guide #8	Public Alerts and Warnings
Guide #9	Mutual Aid Agreements
Guide #10	Evacuation and Shelter
Guide #11	Outdoor Weather Warning System
Guide #12	Emergency Power Outage and Notification
Guide #13	Radio Back-Up Plan (Police & Fire)
Guide #14	Medical Triage Protocol Functional Needs Groups in Emergency Shelters
Guide #15	Public Information FOUO
Guide #16	After Action Reporting
Guide #17	Special Event Assessment Rating (SEAR) & Incident Action Plan (IAP)
Guide #18	Bomb Threat Management FOUO
Guide #19	Building Triage Marking System
Guide #20	Declaring an Emergency
Guide #21	Determination of Confidential and For Official Use Only (FOUO) Emergency Operations Documents

City of Vandalia Emergency Operations Plan

XII. EMERGENCY OPERATIONS PLAN FORMS

Page 41

1. Briefing Form	ICS 201
2. Incident Objectives Form	ICS 202
3. Organizational Assignment Listing	ICS 203
4. Assignment Form	ICS 204
5. Communications	ICS 205
6. Medical Plan Form	ICS 206
7. Organizational Chart	ICS 207
8. EOP Sign-in Form	ICS 211
9. Message Procedure & Message Form	ICS 213
10. Incident Log Form	ICS 214
11. Incident Safety Plan	ICS 215
12. Damage Assessment Form	
13. Volunteer Registration Form	
14. Volunteer Release Form	

XIII. APPENDICES

Page 42

APPENDIX A- Emergency Proclamation

City of Vandalia Emergency Operations Plan

II. PROMULGATION DOCUMENT

This Emergency Operations Plan (EOP) was originally adopted on the 4th day of November 1991, by the Council of the City of Vandalia, Montgomery County, Ohio. It addresses the City of Vandalia's planned response to extraordinary emergency situations associated with natural disasters or human-caused emergencies.

The EOP is the underlying document for protection of health, safety, and property of the public in the City of Vandalia and is the principal guide for mitigating emergencies and/or disasters at all levels of the city government. The EOP is intended to facilitate multiple-agency coordination while establishing the framework for an effective system of comprehensive emergency management.

This comprehensive EOP attempts to be all inclusive in combining the four phases of Emergency Management:

1. Prevention: These efforts are usually focused on the early detection of potential threats, the sharing of information and/or intelligence, and the preparations of strategies to avert risks/threats before they occur.
2. Mitigation: Those activities which eliminate or reduce the probability for disaster.
3. Preparedness: Those activities which governments, organizations, and individuals develop to save lives and minimize damage.
4. Response: To prevent loss of lives and property and provide emergency assistance.
5. Recovery: Short and long-term activities which return all systems to normal or improved standards.

To execute this plan effectively and mobilize the available resources, all implementing personnel must have knowledge of the procedures set forth in this plan and be trained in its use. This plan was developed using generally accepted management principles and practices for emergency management. Incorporated are planning elements derived from the Montgomery County Emergency Management Authority, Ohio Emergency Management Agency, and Federal Emergency Management Agency planning documents.

This plan is a statement of policy regarding emergency management and assigns tasks and responsibilities to the various departments within the City specifying their roles prior to, during, and following an emergency or disaster event. It is developed pursuant to Section 5502 and 3750 of the Ohio Revised Code, the adoption to the National Incident Management System (NIMS), and in conjunction with the National Response Framework.

Date

Kurt E. Althouse, City Manager

City of Vandalia Emergency Operations Plan

III. INTRODUCTION

A. Purpose

The purpose of this Emergency Operations Plan is to delineate the functions, roles, and responsibilities of all emergency response agencies and the overall emergency management system for the City of Vandalia. This Plan describes the whole community's responsibilities for emergency response and should be used in conjunction with other plans specific to the situation at hand

This Plan has been developed to meet the following objectives:

- Describe the authority, responsibilities, functions, and operations of the whole community during all levels of emergencies.
- Facilitate operational coordination and resource management during emergencies.
- Integrate non-governmental agencies and organizations into the emergency operations process through the City's Emergency Operations Plan (EOP) and/or Emergency Operations Center (EOC).

The following EOP objectives guide the planning, as well as the conduct of response and recovery efforts for the City of Vandalia during an emergency.

- Save lives and protect property
- Repair and restore essential systems and services to support pre-disaster levels of independence to all citizens.
- Provide a basis for direction and control of emergency operations.
- Provide for the protection, use and distribution of remaining resources.
- Coordinate operations with other jurisdictions' emergency service organizations.

City of Vandalia Emergency Operations Plan

B. Scope

This Plan is limited in scope to address response activities during events where normal emergency response processes and capabilities become over taxed or where it is determined there is a need for coordination of response operations due to the complexity and/or duration of events.

As in all hazard response plans, it applies to any event that concurrently challenges multiple disciplines and/or multiple jurisdictions.

The Emergency Operations Plan (EOP):

1. Establishes fundamental policies, strategies, and assumptions.
2. Establishes procedures to manage an emergency from initial monitoring through post-disaster response and recovery.
3. Assigns specific functional responsibilities to appropriate City departments.
4. Addresses the various types of emergencies that are likely to occur.
5. Identifies actions that response and recovery organizations will take, in coordination with county, state, and federal counterparts as appropriate.

C. Plan Development

This Plan has been developed to provide guidance and structure to the City of Vandalia Emergency Operations.

The Plan is developed in cooperation and with input from the city departments with primary response or support activities, as well as input from appropriate non-city agencies with identified activities related to response from small to large scale emergency situations associated with natural disasters or human-caused emergencies.

This Plan has been developed to describe city-wide response functions and capabilities and is to be used by each department identified within this Plan to develop their own SOPs specifically for their department to direct tactical operations.

When developing SOPs, each department is to take into consideration all the activities identified in this Plan directly related to their own department, as well as how those activities interact with, support, or require support from other departments identified within this Plan. Departments must ensure that their SOPs are inclusive of planning for people with disabilities and others with access and functional needs. If, at any time, any department identifies a conflict in how their field response or support activities are performed in comparison to what is described in this Plan or identifies a conflict between their listed activities and/or responsibilities within this Plan and how they relate to or support another department's listed activities, such conflict is to be immediately reported to the City's designated Emergency Manager.

City of Vandalia Emergency Operations Plan

D. Planning Assumptions

During the development of this Emergency Operations Plan, the following planning assumptions have been identified:

1. In any disaster, primary consideration is given to the preservation of life. Additionally, time and effort must be given to providing critical life-sustaining needs.
2. This plan is intended to be applicable for the whole community including historically underserved communities, vulnerable populations, and individuals with disabilities and access and functional needs.
3. City departments will mobilize to deliver emergency and essential services under all threats and emergencies.
4. An emergency can result in property loss, interruption of essential public services, damage to basic infrastructure, and significant harm to the environment.
5. The City Emergency Operations Center (EOC) may or may not be activated in support of an event. EOC activation will be determined based on the scope and severity of the event.
6. Emergencies requiring enhanced response and recovery may occur at any time.
7. Communications capabilities are adequate to provide a coordinated local response. However, communications infrastructure could be damaged, causing disruption in landline telephone, cellular telephone, radio, microwave, computer, and other communication services. Re-establishment of communications infrastructure will be critical. In some instances, the consequences of a disaster along with terrain, and the geographical area, may impact the effectiveness of notification systems.

Despite a good faith effort, the City may not have the capabilities or resources to reach every individual in terms of public warnings, notification, and/or support.

8. Residents could be displaced from their homes if an evacuation is necessary for their safety.
9. Activation of the City of Vandalia's Emergency Operations Center (EOC) will be sufficient to support jurisdictions in most of these disasters. Disasters that go beyond the immediate capabilities of the Vandalia EOC, Vandalia can look to the Montgomery County Office of Emergency Management or Montgomery County Emergency Operations Center for aid and assistance.
10. Disasters or incidents will occur that will exhaust our local response forces and there will be a need to receive county, state, or federal level assistance.

City of Vandalia Emergency Operations Plan

E. Methodology

The City of Vandalia's Emergency Operations Plan was developed using generally accepted management principles and practices for emergency management. Incorporated are planning elements derived from Montgomery County, State of Ohio, and Federal Emergency Management Agency's planning documents.

F. Plan Activation

The City Manager, Department Directors, and Incident Commanders will monitor threatening situations and determine when the City's EOP and/ or Emergency Operations Center (EOC) should be activated. The level of EOP/EOC activation will be determined by the City Manager (or his/her designee) and it will be based upon the observations and assessments of Department Heads and/or Incident Commander(s).

G. Plan Maintenance

The Emergency Operations Planning Committee is responsible for maintaining Vandalia's EOP. This plan will be reviewed and updated every five (5) years to ensure its relevance and effectiveness.

Revised pages will be dated and marked to show where changes have been made. Members of the Emergency Operation Planning Committee will be designated by the City Manager.

Plan Maintenance and Evaluation: If, at any time, a department, agency, or stakeholder to this Plan changes, develops, or amends any policy, procedure, or operation that will change or affect the contents of this Plan, that entity is to immediately notify the Emergency Manager. This Plan is to be corrected immediately upon notification or observation of any operational errors or conflicts. Such corrections are to be reflected within the Record of Changes. Periodic revisions will occur in alignment with EOP's planning cycle and as updates are identified through real-world events, training, and exercises.

The Emergency Manager will lead such an effort. Upon completion of such formal review, all corrections to the Plan will be reflected within the Record of Changes.

The City of Vandalia's Emergency Operations Plan is intended to be read and understood before an emergency occurs. The Plan was developed with input from all applicable City departments and allied stakeholders.

Upon completion, it is reviewed by the City's EOP Committee. When approved by the EOP Working Group, it presents the Plan to the City Manager (Public Safety Director) for his/her review and approval.

Once approved by the City Manager, the Plan will go to City Council for its approval and adoption.

City of Vandalia Emergency Operations Plan

IV. HAZARD & VULNERABILITY IDENTIFICATION

A hazard represents an event or physical condition that has the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural losses, damage to the environment, interruption of business, or other types of harm or loss.

Vulnerability indicates the level of exposure of human life and property to damage from natural and manmade hazards. The City of Vandalia and its people are vulnerable to a wide range of hazards that threaten communities, businesses, government, and the environment.

Below is a description of some of the hazards and vulnerabilities the city frequently faces based on levels of probability and severity. The following provide broad descriptions of the vulnerabilities the City of Vandalia has identified, plans, and prepares for:

1. **Severe Storms (Thunderstorms, Tornadoes, Hail)** – Thunderstorms, tornadoes, and hail can cause significant damage to structures, utilities, and transportation networks. Tornadoes have a high potential for loss of life and property damage.

Potential Impacts: Wind damage, power outages, structural collapse, flying debris, and possible injuries or fatalities.

2. **Flooding** – Flooding from heavy rainfall or riverine flooding can impact low-lying areas and waterways in and around Vandalia.

Potential Impacts: Displacement of residents, property damage, infrastructure damage, contaminated water supply, and disruption of transportation.

3. **Winter Weather (Snow, Ice, Sleet)** – Severe winter weather can cause hazardous road conditions, power outages, and widespread disruptions to daily activities.

Potential Impacts: Slippery roads, building collapses due to heavy snow accumulation, hypothermia risks, and transportation disruption.

4. **Extreme Heat** – Prolonged periods of extreme heat can increase the risk of heat exhaustion, heatstroke, and exacerbate existing health conditions.

Potential Impacts: Increased medical emergencies, particularly among vulnerable populations, power demand strain, and potential wildfires.

5. **Drought** – Extended periods of low rainfall can affect water supply, agriculture, and increase the risk of wildfires.

Potential Impacts: Water shortages, crop failure, livestock losses, and potential wildfires due to dry conditions.

City of Vandalia Emergency Operations Plan

6. **Earthquakes** – While rare, the region is at risk for seismic activity, which could lead to ground shaking and infrastructure damage.

Potential Impacts: Building damage, transportation disruptions, utility failures, and potential injuries or fatalities.

7. **Wildland Fires** – Dry conditions combined with high winds can result in brush, grass, field, or wildland interface fires, particularly in areas with vegetation and wooded areas (Metroparks).

Potential Impacts: Destruction of property, infrastructure damage, health risks from smoke inhalation, and displacement of residents.

8. **Pandemic and Disease Outbreaks** – Emerging infectious diseases and pandemics (such as COVID-19) could disrupt normal social and economic functions, overwhelming healthcare resources.

Potential Impacts: Public health crises, economic disruption, strain on medical facilities, and potential loss of life.

9. **Hazardous Materials Incidents** – The transportation, storage, and handling of hazardous materials pose a significant risk to the community in the event of spills, leaks, or accidents.

Potential Impacts: Environmental contamination, health hazards, evacuations, and potential long-term recovery efforts.

10. **Terrorism and Civil Disturbance** – Acts of terrorism or civil disturbance may threaten public safety, cause infrastructure damage, and disrupt daily life.

Potential Impacts: Property damage, casualties, public panic, and economic losses.

11. **Cybersecurity Threats** – Increasing reliance on digital infrastructure exposes the city to cybersecurity threats that could disrupt essential services such as communication, power, sewer, and water supply.

Potential Impacts: Disruption of critical services, data breaches, financial losses, and public safety risks.

City of Vandalia Emergency Operations Plan

12. **Critical Infrastructure Interruption** – The City of Vandalia has a significant amount of critical infrastructure that provides citizens with key resources, such as: water, power, sanitation, natural gas, fuel, telecommunications, and other services that residents and commuters depend on every day. Any major interruption to any of these services or resources can cause significant personal and economic hardship for our residents. A failure of one critical infrastructure could have a domino effect causing other critical infrastructures to fail. A prolonged interruption and a delayed recovery response to critical infrastructures will pose a significant threat to the health, safety, and property of residents. A newly emerging danger is that of intentional human-made disruptions to telecommunications infrastructures. Damage to electricity-generating facilities and transmission lines could also impact systems throughout the city. These and other services could be seriously hampered by the loss of communications, damage to transportation routes and disruption of public utilities and other essential services.

Potential Impacts: Mentioned above.

Note: Vulnerabilities (Hazards) are consistent with those identified by the Montgomery County Office of Emergency Management's (MCOEM), *Natural Hazard Mitigation Plan*.

City of Vandalia Emergency Operations Plan

V. CONCEPT OF OPERATIONS

A. General

It is the responsibility of Vandalia city government to take reasonable steps toward the protection of life and property from the effects of hazardous natural, technological, and/or manmade critical events. Should such an occurrence exceed Vandalia's capacity to respond, assistance will be requested through the Montgomery County Office of Emergency Management (MCOEM). Additional assistance may be requested from the State of Ohio and/or the federal government when appropriate.

It is frequently true that a disaster/emergency is a situation in which the usual way of doing things is no longer sufficient. It is desirable, therefore, to maintain organizational continuity by assigning personnel to tasks with which they are familiar. This plan is based upon the concept that the functions of various groups involved in emergency management and response will generally parallel their normal day-to-day responsibilities. Thus, to the extent possible, the same personnel and material resources will be utilized in both cases. In large scale disasters, however, it may be necessary to draw upon basic individual capacities and to apply them in areas of greatest need. Day-to-day functions which do not contribute directly to the disaster response may be suspended until the emergency has passed. Efforts normally aimed at routine functions will be redirected to accomplish the emergency tasks at hand.

B. Phases of Emergency Management

This plan accounts for activities before and after, as well as during emergency operations. All phases of emergency management are addressed.

1. **Prevention** – Prevention focuses on the impediment of human-caused disasters and terrorist attacks. Although preventative measures can limit risk, it is important to note not all disasters can be entirely prevented. The city supports risk prevention programs as a component of a broader emergency preparedness effort. Prevention programs are typically established by the Divisions of Police and Fire and/or other outside agencies (i.e. Emergency Management, Red Cross, etc.). These efforts are usually focused on the early detection of potential threats, the sharing of information and/or intelligence, and the preparations of strategies to avert risks/threats before they occur.
2. **Mitigation** – Mitigation activities are those which eliminate or reduce the probability of a disaster occurrence. They also include those long-term activities that lessen the effects of unavoidable hazards. The most effective way to deal with disaster is to prevent it from happening, or to lessen its impact when it does occur.

City of Vandalia Emergency Operations Plan

Mitigation Planning and Processes – The City of Vandalia's mitigation activities are guided by both the city and the County's Local Hazard Mitigation Plan.

- a. **Pre-Disaster Mitigation** – This focuses on projects that address natural or man-made hazards to reduce the risks to the population and structures. This is primarily accomplished by strengthening the resilience of critical infrastructure.
- b. **Post-Disaster Mitigation** – These efforts are designed to reduce future damage in a stricken area and decrease the loss of life and property due to incidents.

The essential steps of hazard mitigation are:

- Hazard identification
- Vulnerability analysis
- Defining a hazard mitigation strategy.
- Implementation of hazard mitigation activities and projects

3. **Preparedness** – This focuses on community and individual readiness through education, planning, and training for events which cannot be mitigated or prevented. Preparedness focuses on increasing awareness regarding local hazards and improving preparedness skills to increase community resiliency and decrease vulnerability.

The city strives to increase preparedness within the city through community outreach geared toward all vulnerable persons. Preparedness actions for all workers and citizens of the city includes, but is not limited to, developing disaster preparedness plans, creating, and maintaining an emergency kit, and training in first aid response.

The city follows the National Preparedness Cycle:

- a. **Planning** – This is the process of recording, developing, and maintaining comprehensive emergency guides. The emergency planning process is a continuous cycle of evaluation and revision to encompass current capabilities, resources, strategies, and processes as they pertain to different types of plans. At a minimum, emergency plans will contain the involved stakeholders, preparedness actions, considerations for vulnerable populations, an outline of response actions, and the process for incorporating corrective actions.
- b. **Organizing & Equipping** – This involves the provision of necessary resources to ensure operations are sustainable and pertinent to the appropriate emergency event. Organizing assigns the correct personnel with the appropriate skill sets for operational response. The equipping process involves the provision of the necessary resources or standard equipment for personnel to utilize to respond to emergency events.

City of Vandalia Emergency Operations Plan

- c. **Training** – This is essential to ensure public officials, emergency response personnel, and the public are operationally ready.

As part of the emergency management training curriculum, personnel with emergency responsibilities complete emergency management courses as outlined in Homeland Security Presidential Directive HSPD-5 established a single, comprehensive National Incident Management System (NIMS).

All city employees with a direct role in emergency management and response shall be NIMS and ICS trained. Figure A represents the NIMS/ICS training matrix that is being utilized to determine the minimal level of training required at each level of emergency management with the city.

Figure A- NIMS Training By EOP/EOC Responsibility

Emergency Management Team	Level of NIMS Training Required
Line Personnel, First Responders	NIMS IS 700 NIMS ICS 100 NIMS ICS 200
Line Supervisors, Single Resource, & Field Supervisors	NIMS IS 700 NIMS IS 800 NIMS ICS 100 NIMS ICS 200 NIMS ICS 300 NIMS ICS 400
Command Staff, General Staff, & EOC Director	NIMS IS 700 NIMS IS 800 NIMS ICS 100 NIMS ICS 200
Policy Group	NIMS IS 700

Effective implementation of this EOP is largely dependent upon the ability of city personnel to use the plan. The public's familiarity with its role in all phases of emergency response must also be considered. To fulfill both, public awareness and staff training through plan exercise is required.

To meet these needs, training sessions will be conducted within each city department to familiarize employees with the plan.

City of Vandalia Emergency Operations Plan

- d. **Exercises** – This provide the community with an opportunity to become thoroughly familiar with the procedures, facilities and systems which will be used in emergency situations.

The city exercises a range from training/seminars/workshops, table top exercises, and/or full-scale exercises. The city uses a three (3) year cycle:

- 1) **First Year** – EOP training, a review of the EOP, of the Incident Command Principles, and/or of the EOP Standard Operating Policies with the personnel assigned to respond as a part of the EOP.
- 2) **Second Year** – A tabletop exercise will be conducted involving all functional areas and utilizing specific elements of the plan in a meeting environment.
- 3) **Third Year** – A full-scale, hazard specific, small-scale incident, realistic scenario will be staged to exercise specific elements of the EOP.

The City Manager or his/her designated Emergency Manager, can adjust the training plan to accommodate the needs of city services, actual incidents (i.e. Eclipse) or planning for larger scale events can replace training, table tops, and/or full-scale incidents. If this occurs, an after action of these events should be conducted and it should be noted in the After-Action Report (AAR).

4. **Response** – This is the actual provision of emergency services when disaster threatens or strikes. These activities help to reduce casualties and damage as well as to speed recovery.
5. **Recovery** – This final phase is the stabilization of the community and a period in which critical community functions are restored to at or near pre-disaster conditions.

Realistically, recovery is the process of re-establishing a state of normalcy in any affected communities. The Recovery phase can occur during the response phase and may remain active for extended periods of time depending on the severity of the event. Some of the recovery actions taken by the city may include (but may not necessarily be limited to) the following:

- Debris removal
- Providing behavioral and medical health services to the public
- Developing interim and permanent housing solutions
- Supporting and establishing local assistance centers
- Rebuilding damaged infrastructure based on community needs
- Restoring historically or culturally significant locations; AND
- Implementing economic revitalization strategies in affected areas

City of Vandalia Emergency Operations Plan

Recovery responsibilities and activities within the City of Vandalia should be delineated into Recovery Support Functions (RSFs) in accordance with the National Disaster Recovery Framework (NDRF). Recovery, at a medium or larger scale, will need to be coordinated with the Montgomery County Emergency Management Office, Ohio Emergency Management, and/or Federal resources (FEMA).

C. National Incident Management System (NIMS)

The National Incident Management System (NIMS) – The NIMS provides a consistent national approach for Local, State, and Federal governments to work effectively together in response to incidents regardless of cause, size, or complexity. The City of Vandalia has adopted the NIMS by resolution (04-R-28, See Appendix C).

In 2006, the city initiated a NIMS training program that provided a baseline level of NIMS training to every city employee tasked with emergency management. The city remains committed to an aggressive NIMS implementation strategy through its continued use of the NIMS Capability Assessment Support Tool (NIMCAST) with a goal of full NIMS implementation. All divisions of the city will utilize the processes, guidelines, and protocols prescribed in the NIMS guidelines. The NIMS standardizes incident management for all hazards, regardless of scale or capability of the incident, across all levels of government. The NIMS structure is based on the Incident Command System (ICS) and the Unified Command System (UCS) for the command and management of emergency response.

D. Incident Command System (ICS)¹

ICS is a standardized management system used for the command, control, and coordination of emergency response operations. It provides a hierarchical structure and a set of procedures and protocols that enable multiple agencies and organizations to work together effectively during incidents or emergencies. ICS is utilized as a unified approach to manage complex incidents. By implementing the ICS, emergency response agencies improve coordination capabilities and streamline decision-making processes. It provides a standardized framework that allows responders from different agencies and disciplines to work together seamlessly, ensuring a more efficient and coordinated response to emergencies and incidents.

¹ The City's Incident Management System (IMS)/Incident Command System (ICS) is outlined in EOP Annex C (2025)

City of Vandalia Emergency Operations Plan

The key principles of ICS include:

1. Common terminology: Using standardized terminology to ensure clear and effective communication among responders.
2. Modular organization: Establishing a flexible organizational structure that can be scaled up or down based on the size and complexity of the incident.
3. Management by objectives: Setting clear objectives and prioritizing actions based on the overall goals of the incident response.
4. Span of control: Ensuring that supervisors have a manageable number of subordinates to effectively oversee and coordinate their activities.
5. Incident facilities and locations: Establishing specific facilities and locations, such as an Incident Command Post, to serve as operational bases for managing the response.
6. Comprehensive resource management: Efficiently and effectively allocating resources, including personnel, equipment, and supplies, to support the response effort.
7. Integrated communications: Establishing a common communication system that enables all responders to communicate effectively and share information in real-time.

E. Mutual Aid and Mutual Assistance

Mutual aid and mutual assistance are support rendered by one jurisdiction or agency to another. The purpose of mutual aid and mutual assistance is to provide personnel and logistical support to meet the immediate requirements of an emergency when the resources normally available to the City or City departments are insufficient to meet the needs of an event.

Mutual aid assistance provided to, or by, the City of Vandalia will be made in accordance with the established Mutual Aid Agreements and comply with the provisions set forth in those agreements and/or by the EOP.

If other agreements, memoranda, and contracts are used to aid emergency operations, the terms of those documents may affect disaster assistance eligibility and the City may only be reimbursed if funds are available. Discipline-specific mutual aid agreements should be maintained by the discipline that they are established for/by.

City of Vandalia Emergency Operations Plan

F. Communications & Information

This section provides an overview of the communication and information coordination protocols and procedures of City agencies as it pertains to emergency operations. For specific information on communications procedures specific to City agencies and the public, reference:

1. Communications Standard Operating Guideline (SOG), *Guide #3* (FOUO²).
2. Public Information Standard Operating Guideline (SOG) *Guide #15* (FOUO)

G. Administrative Practices

Adherence to standard administrative and financial procedures is critical to ensure resources and funding to support response and recovery activities are accurately tracked and accounted for. Standard administrative and financial practices also support proper cost accounting to obtain any reimbursement provided through disaster assistance programs.

Each department is required to have documented internal administrative procedures to track expenditures. City Departments/Divisions track expenditures for events through purchase orders.

Departments are required to track all expenditures specifically related to an incident including vehicle/equipment usage, personnel costs (straight and overtime) and/or any emergency expenditures.

There are processes in place within the EOC that allow departments to document requesting and fulfilling of needed resources. The Finance Department (Finance Section within the EOC), acting as the City's Authorized Agent, will develop a method for collecting financial documentation from departments as needed for submission as part of the City's reimbursement application process.

H. Documentation

During an emergency or incident, it is important to keep specific records related to staff assignments and costs, related to the response to and recovery from the emergency/incident. Proper documentation allows the city to obtain state and federal assistance related to disaster recovery. Each department has their own internal processes for ensuring proper documentation of actions, incident specific cost tracking, personnel timekeeping, and record retention of these documents.

Maintenance of administrative records continues throughout all phases of an emergency. In preparation for an emergency, training and appropriate forms are provided, including procedures for all units of potential response organizations. During a response, entities ensure that adequate

² For Official Use Only (FOUO)- Information not classified but which may be exempt from public release under ORC 149.433.

City of Vandalia Emergency Operations Plan

documentation is collected within the EOC, for activities of personnel, use of equipment and expenditures for the emergency.

All documentation created in the EOC during an activation shall be collected and maintained in accordance with the city's records retention policy, until at least the After-Action Report is completed.

Finally, after the response has been terminated, records should be protected and maintained for audit purposes. The Finance Section in the EOC is responsible for cost recovery records and assisting in collecting any missing information.

I. EOC After Action Reporting on Reporting Responsibility

An After-Action Report (AAR) compiles information related to operations by all responders including City and external partners, for event analysis. AARs often form the basis of the City's efforts to improve response and recovery processes through the preparedness concepts of planning, organizing, equipping, training, exercising, and evaluation.

An AAR shall be completed following any EOP/EOC activation. The process, guidelines, and/or instructions for completing the AAR are outlined in *SOP 16- After Action Reporting Process*.

It is important to note that there may be information in an AAR that could be **FOUO**, and that should be redacted or left out of the public facing (distributed or posted) document.

City of Vandalia Emergency Operations Plan

VI. DIRECTION, CONTROL & COORDINATION

The Direction, Control, and Coordination (DCC) section of an Emergency Operations Plan (EOP) is essential for ensuring the city responds efficiently during an emergency or disaster. This section outlines the leadership structure, how information flows, and how decisions are made. It coordinates the efforts of various agencies, departments, and entities involved in emergency response.

This section of the EOP defines the roles and responsibilities of individuals and agencies involved in emergency response. It ensures a unified approach to disaster management.

A. The Policy Group

The Policy Group consists of elected city officials (and the City Attorney), who have, through adoption of this plan, established general policies related to disaster response. The EOC Director (Incident Commander) will have sole responsibility for the implementation of established policy, the coordination of emergency operations and the management of the overall response and recovery effort.

B. Incident Command System

The Incident Command System (ICS) is a standardized approach to emergency response that allows for a unified and coordinated command structure. The ICS is designed to be flexible and scalable depending on the size and complexity of the incident. The city's EOP must specify how the ICS is implemented at all levels of response.

1. An **Incident Commander** (IC) is the designated senior official responsible for the overall management and coordination of the incident within the city. This could be the City Manager (Public Safety Director), Fire Chief, Police Chief, or a designated Emergency Manager.

An Incident Commander usually operates from the **Incident Command Post (ICP)**. The ICP is a central location for field-level coordination and response. An ICP is typically located within the vicinity of the incident and obtains information directly from responders in the field. Emergency responders utilize the ICP to convey information between incident responders and other levels of command.

When an ICP is being used to coordinate multiple agencies, partners, or resources it becomes a **Unified Command Post (UCP)**. A UCP is central location for field-level response and coordination. UCPs are established when two or more persons from different agencies take on the roles and responsibilities of the Incident Commander. Unified Command Posts are established when incidents become more complex and require multi-faceted coordination of more than one organization or agency under the direction of collaborative Incident Commanders.

Finally, an **Area Command** (Area Commander/Command Post) is an organization that oversees the management of multiple incidents or oversees the management of a very large or evolving situation with multiple ICS organizations.

City of Vandalia Emergency Operations Plan

2. The **Command Staff** consists of the following positions:
 - a. **Public Information Officer** (PIO): Responsible for managing communication with the public and media.
 - b. **Safety Officer**: Ensures the safety of all emergency responders and personnel involved.
 - c. **Liaison Officer**: Coordinates with other agencies, organizations, and entities involved in the response.
3. The **General Staff** are the functional areas reporting to the Incident Commander and supporting operational coordination, these are sometimes referred to as the “FLOP”:
 - a. **Finance/Admin Section** (managed by a “Section Chief”): Tracks costs, resources, and manages financial aspects of the incident response.
 - b. **Logistics Section** (managed by a “Section Chief”): Manages resources, supplies, and equipment necessary for emergency response.
 - c. **Operations Section** (managed by a “Section Chief”): Coordinates all field activities, including emergency response and recovery operations.
 - d. **Planning Section** (managed by a “Section Chief”): Responsible for gathering, analyzing, and disseminating information related to the incident. Prepares action plans for ongoing response.

More thorough, detailed job descriptions with specific job responsibilities can be found in the City Emergency Operations Plan, ANNEX Section and Field Operations Guide (FOG).

C. Emergency Operations Center (EOC)

The City of Vandalia’s Emergency Operations Center (EOC) is utilized as a central location to coordinate multi-agency operations, emergency response information, resources, and cost tracking amongst City emergency responders, departments, volunteer organizations, stakeholders, and when necessary, with county, state, and federal agencies.

The EOC is utilized to support incident command post (ICP) operations when initial incident response efforts require additional support. EOC’s do not coordinate tactical response, but rather support field tactics through the procurement of additional resources, dissemination of information, and by planning for anticipated events or needs.

City of Vandalia Emergency Operations Plan

When the EOC is activated, communications and coordination are established between Incident Commander(s) or Area Commander(s) and EOC. The city has the capability to operate EOC functions in an in-person, virtual, or hybrid (in-person/virtual) setting to support field response and is organized by Incident Command System sections.

1. **Emergency Operations Center (EOC) Activation-** The EOC is activated to support field operations when an emergency requires additional resources, or when requested resources exceed those immediately available to incident commander(s) and/or within the city.

The City Manager will have the authority to activate the Emergency Operations Plan (EOP) and/or the Emergency Operations Center (EOC) when an emergency is identified that requires a coordinated response.

Upon activation, the City Manager will notify all key personnel, including department heads, emergency responders, and partners, using the established notification system, procedures, and/or policies.

The City Manager will typically serve as the EOC Director (or Incident Commander), however, the City Manager could designate an EOC Director based on the emergency/disaster to act as the EOC Director/Incident Commander.

The City Manager or the Emergency Manager will also notify local, state, and federal partners if necessary.

The following ANNEXS provide guidance, policy, and procedure on how:

- The EOC is stood-up and/or how EOC operations will be carried out reference *ANNEX A-Emergency Operations Center Guide (FOUO)*.
- To determine what the Policy Group (City Council) and/or the EOC Director (City Manager or his/her designee) should be doing during and EOP activation reference *ANNEX B-Policy Group/EOC Directors*.

City of Vandalia Emergency Operations Plan

2. **Multiagency Coordination-** During larger scale emergencies and/or during planned events that would involve multiple jurisdictions, outside partners (private and/or public), multiple departments and agencies (i.e. Schools, Township, or surrounding bordering city). Management personnel from those partners, jurisdictions, departments, or agencies would best be served by activation of a unified command center within and/or in place of a traditional EOC. In these situations, the city would employ our standard EOP but provide a unified incident management process known as Multiagency Coordination (MAC), and operate from a Multiagency Coordination Center (MACC). From the MACC groups would provide situational assessments, determine resources needs, establish a logistics system, and allocate resources. Any affected jurisdiction may still activate their EOC, but would have representation in the city's EOC/MACC when unified decision making, communications and resources are needed to support the incident.

Multiagency coordination is a process that allows all levels of government and all disciplines to work together more efficiently and effectively. Multiagency coordination occurs across jurisdictional lines, or across levels of government.

The primary function of the Multiagency Coordination System (MACS) is to coordinate activities above the field level and to prioritize the incident demands for critical or competing resources. MACS consists of a combination of elements: personnel, procedures, protocols, business practices and communications integrated into a common system.

3. **Emergency Support Function (ESF)** is a coordinated set of activities, resources, and responsibilities outlined in a city's Emergency Operations Plan (EOP) that focuses on a specific aspect of emergency response. Each ESF is led by a primary agency and supported by various partner organizations, and together, they provide the essential services needed to respond effectively during an emergency or disaster.

The concept of ESFs is designed to ensure that all aspects of emergency response are covered systematically and efficiently, ensuring that different agencies and departments can work together in a coordinated manner. Key Features of Emergency Support Functions (ESFs):

- a. **Lead Agency:** Each ESF has a designated primary agency responsible for coordinating its activities. This agency is typically a city department or an organization that has expertise in the function.
- b. **Support Agencies:** These are additional agencies, departments, or organizations that assist in carrying out the tasks of the ESF. Support agencies might be local, regional, or even federal organizations, depending on the type of emergency.

City of Vandalia Emergency Operations Plan

- c. Coordination: ESFs are designed to integrate various agencies and resources to ensure that all essential services (such as medical care, food distribution, transportation, or public safety) are managed efficiently during an emergency.
- d. Response and Recovery: ESFs are activated based on the needs of the incident and can be used not only during response but also for recovery operations after an event.

A complete listing of the City's primary ESF's, and their general responsibilities are outlined in *ANNEX-E* of the City's EOP.

Emergency Support Functions (ESFs) organize and streamline a city's emergency response by dividing responsibilities into clear categories, each supported by specialized agencies. This system helps to avoid confusion and duplication of effort during critical times, ensuring that all necessary services are provided quickly and efficiently in response to a disaster.

It will be the EOC Director's call on which type of Incident Management System that will be used during and EOP/EOC activation. A traditional Incident Command System, which employs both the Command and General Staff (FLOP) responsibilities, or a MAC which could only employ the appropriate ESF's. The Director could also employ a hybrid IMS, that involves a mixture of both systems, whichever best fits the needs of the incident and/or the city.

City of Vandalia Emergency Operations Plan

VII. CONTINUITY OF GOVERNMENT

A. SUCCESSION OF COMMAND

1. The line of succession for elected city officials will begin with the mayor followed by the Vice-Mayor, to members of City Council in order of their total seniority on council.
2. The line of succession for the Emergency Operations Director is from the City Manager to the Assistant City Manager(s), to the "Acting City Manager."
3. The line of succession for each department head within the city administration is in accordance with operational procedures established by each department.

B. PRESERVATION OF RECORDS

Preservation of important records and measures to ensure continued operation and reconstitution are necessary of local governments during and after catastrophic disasters or national security emergencies.

It is the responsibility of the local government to ensure that all legal documents of both a public and private nature, recorded by a designated official (i.e. city clerk, tax commissioner) be protected and preserved in accordance with applicable state and local laws.

Vital records include, but may not limited to, the following:

- Judiciary records
- Financial and insurance information
- Engineering plans and drawings
- Employee, customer, and supplier databases
- Personnel files
- Tax records
- Payroll records
- Vital statistics
- Computer tapes and back-ups
- Video from Police Mobile (in car) or Body Worn Cameras

The City shall as a part of their records retention program:

1. Identify, in advance, priority categories of essential records. These categories should include those records deemed essential for continuing critical government functions during an emergency, and those records that are required to protect the rights and interests of all citizens.
2. Label all records within the priority categories with identifiable markings. Priority of evacuation should be noted on record containers.

City of Vandalia Emergency Operations Plan

3. Assess the vulnerability of stored records to direct and secondary damage from various disaster threats (i.e., fire, water, chemical damage, aftershock, vandalism, etc.).
4. Evaluate alternate records storage locations in light hazard analysis.
5. Plan for transportation to relocate to alternate location if the need arises.
6. Identify and retain copies of the records that will be needed during the emergency operations by management or the emergency response team.
7. Safeguard vital computer information and records.

C. INTER-GOVERNMENTAL RELATIONSHIPS

Under the Constitutions of the United States and of the State of Ohio, a definite relationship exists between the various levels of government, from the federal to the state to the local. Even at the local level there are definite relationships existing between the city and the county, as well as, between the surrounding communities (cities, townships, villages).

In a disaster/emergency, these multiple inter-relationships may become more direct than those existing under normal circumstances. Consequently, the potential exists for them to be either cooperative and beneficial or filled with friction and misunderstanding.

It is intended that most emergency/disaster situations, should they befall Vandalia, will be handled by city staff and volunteers with possible activation of pre-existing mutual aid agreements. Most emergencies can be expected not to require the city to call upon additional outside help. It is certainly possible to imagine, however, calamities so grand in scale or technologically complex that they may exceed the city's ability to respond. In such circumstances, it will be necessary to call upon outside assistance through the Montgomery County Office of Emergency Management, or the State of Ohio, or even from the federal government.

Under this Emergency Operations Plan, it shall be the sole responsibility of the Emergency Operation's Director or an Incident Commander to decide, based upon circumstances, the need for outside assistance in the response or recovery phases of an emergency/disaster. The EOD/IC will make such request and/or may call upon the assistance of the Policy Group for this purpose when State or Federal resources are needed.

City of Vandalia Emergency Operations Plan

VIII. AUTHORITIES AND REFERENCES

A. AUTHORITIES

Federal:

1. **Public Law 99-499, Superfund Amendments and Reauthorization Act, (Sara Title III)-** is the Emergency Planning and Community Right-to-Know Act (EPCRA), which mandates reporting on hazardous and toxic chemicals, and establishes requirements for emergency planning and community notification in case of chemical releases
2. **Robert T. Stafford Disaster Relief and Emergency Assistance Act-** An amendment to the Disaster Relief Act of 1974. The act serves as a system to allocate disaster relief assistance (either financial or physical) through presidential declaration to local and state agencies through the Federal Emergency Management Agency (FEMA). See FEMA's website for more information
3. **Homeland Security, Presidential Directive 5 (2004)-** NIMS was released by the United States Department of Homeland Security's (DHS) 120 Federal Emergency Management Agency (FEMA) and influenced by the Standardized Emergency Management System. The National Incident Management System (NIMS) identifies concepts and principles that answer how to manage emergencies from preparedness to recovery regardless of their cause, size, location, or complexity. NIMS provides a consistent, nationwide approach and vocabulary for multiple agencies or jurisdictions to work together to build, sustain and deliver the core capabilities needed to achieve a secure and resilient nation. The city utilizes NIMS to organize emergency response at different levels of operations, as well as within our public safety divisions/departments.
4. **Homeland Security, Presidential Directive 8-** a directive aimed at strengthening the nation's preparedness to prevent, protect against, respond to, and recover from domestic terrorist attacks, major disasters, and other emergencies

State:

1. Ohio Revised Code Section 149.433- Exempting security and infrastructure records.
2. Ohio Revised Code Chapter 3750 Emergency Planning
3. Ohio Revised Code Chapter 4937 | Utility Radiological Safety
4. Ohio Revised Code Section 5502.21- Emergency Management
5. Ohio Administrative Code Chapter 3750-Emergency Planning

City of Vandalia Emergency Operations Plan

Local:

1. Montgomery County Emergency Operation's Plan
2. Montgomery County Mutual Aid Agreements
3. Vandalia City Charter, Section 4-7, Emergency Measures- An emergency measure is an ordinance for the immediate preservation of the public peace, property, health, safety, and welfare; or providing for special emergencies in the operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. The Council may, by an affirmative vote of five members of the Council, pass emergency ordinances to take effect at the time indicated therein and such ordinances shall not be subject to referendum. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed as an emergency measure.
4. City Ordinance 220.01- Emergency Meeting of City Council
5. City Ordinance 452.13- Parking during Snow Emergencies
6. City Ordinance Chapter 1042- Water Generally
7. City Ordinance Chapter 1044- Sewers Generally
8. City of Vandalia Resolution Number 04-R-28, Adopting the NIMS
9. City Planning, Zoning, Housing, Building, and Fire Codes (current version)

City of Vandalia Emergency Operations Plan

B. REFERENCES

Federal:

1. National Response Framework (2008)- is a comprehensive, national, all-hazards approach to domestic incident response, guiding all levels of government, the private sector, and NGOs in preparing for and responding to disasters and emergencies, from local to national in scope.

State:

1. State of Ohio Emergency Operations Plan 2007

Local:

1. Montgomery County Emergency All-Hazards Operation's Plan
2. Montgomery County Hazard Mitigation Plan
3. Montgomery County Hazardous Materials Emergency Response Plan
4. Montgomery County Debris Management Plan
5. Montgomery County Resourced Field Inventory
6. Montgomery County Mutual Aid Agreements

City of Vandalia Emergency Operations Plan

IX. DEFINITION OF TERMS

Activation- Initial activation of the EOC may be accomplished by a designated official of the emergency response agency that implements an Incident Management System as appropriate to accomplish the agency's role in response to the emergency.

An event in the sequence of events normally experienced during most emergencies.

Annex- As used in this plan, an element that is devoted to one component part of emergency operations and that describes the city's approach to functioning in that area of activity in response to emergencies caused by any hazard that might affect the community.

After-Action Report (AAR)– A report that examines response actions, modifications to plans and procedures, training needs and recovery activities. AARs are required under the EOP following any emergency that requires a declaration of an emergency, activation of the EOP and/or activation of the EOC.

All-Hazards – Any incident, natural or manmade, that warrants action to protect life, property, environment, public health, or safety and minimize disruptions of government, social, or economic activities.

Appendix- Attachment to an annex providing technical information, details, methods, and/or hazard specific procedures to that annex.

CBRN- Chemical, biological, radiological, and nuclear defense (**CBRN defense** or CBRND) is protective measures taken in situations in which chemical, biological, radiological, or nuclear warfare (including terrorism) hazards may be present. **CBRN defense** consists of CBRN passive protection, contamination avoidance and CBRN mitigation.

Chief- The ICS title for individuals responsible for management of functional sections; Finance/Admin, Logistics, Operations, and Planning.

Command- The act of directing, ordering, or controlling by virtue of explicit statutory, regulatory, or delegated authority.

Command post- is the area established by the initial responding agency's senior officer situated at a location of his/her discretion, taking into consideration the hazard involved, the accessibility and space requirements to marshal and manage the personnel and material to combat the hazard. The Command Post serves as the on-scene communications link to the EOC.

City of Vandalia Emergency Operations Plan

Command Staff- In an incident at which primary Command Staff consists of the Incident Commander and special staff positions of Public Information Officer, Safety Officer, Liaison Officer, and other positions as required, who report directly to the Incident Commander. Those command positions may have an assistant or assistants assigned to them as the need arises.

Communications- Those communication systems that include, but are not limited to, established telephone and radio systems.

Communications Unit- An organizational unit in the Logistics Section responsible for providing communication services at an incident or EOC. A communications unit may also have an operation at the site/scene of an emergency depending upon its complexity.

Continuity of Government (COG) – Activities that address the continuance of constitutional governance. COG planning aims to preserve and/or reconstitute the institution of government and ensure that a department or agencies constitutional, legislative, and/or administrative responsibilities are maintained. This is accomplished through succession of leadership, the pre-delegation of emergency authority and active command and control during response and recovery operations.

Continuity of Operations (COOP) – Planning should be instituted (including all levels of government) across the private sector and non-governmental organizations as appropriate, to ensure the continued performance of core capabilities and/or critical government operations during any potential incident.

Cyber Threat – An act or threat that poses potentially devastating disruptions to critical infrastructure, including essential communications such as voice, email, and Internet connectivity.

Cyber Security – The protection of data and systems in networks that are connected to the internet, including measures to protect critical infrastructure services. These services may include essential communications such as voice, email, and internet connectivity.

Disaster/Emergency- An event that causes or threatens to cause loss of life, human suffering, property damage, economic and social disruption.

Disaster Plan- Local adopted plan for the control or mitigation of a major emergency.

Emergency Operations Center (EOC) - The off-site facility designed staffed to coordinate support activities including, but limited to, that normally needed to handle emergency activities.

Emergency Operations Plan (EOP) - A document that identifies available personnel, equipment, facilities supplies and other resources in the jurisdiction and states the method or scheme for coordinated actions to be taken by individuals and government services in the event of natural, manmade and attack related disasters. It describes a jurisdiction's emergency organization and its means of coordination with other jurisdictions. It assigns functional responsibilities to the elements of the emergency organization and it details tasks to be carried out at time and places projected as accurately as permitted by the nature of each situation addressed.

City of Vandalia Emergency Operations Plan

EOP Working Group – The EOP Working Group provides staff-level development of programs, procedures, plans research and representatives from City departments and outside agencies.

Emergency Public Official Information (EPI)- Instructions to the community providing citizens with information and recommendations for protective actions they should take.

Emergency Support Function (ESF) - A person with overall responsibility for coordination of the emergency when the EOP is activated.

FEMA - The Federal Emergency Management Agency.

FOUO- Is information deemed to be confidential and For Official Use Only (FOUO) by the Ohio Revised Code Section 149.433.

General (Command) Staff- are the functional areas of a command staff that report to the Incident Commander and supporting operational coordination, these are sometimes referred to as the “FLOP” (Finance and Administration, Logistics, Operations, and Planning).

Hazard- represents an event or physical condition that has the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural losses, damage to the environment, interruption of business, or other types of harm or loss.

Hazardous Materials- Refers generally to hazardous substances, petroleum, natural gas, synthetic gas, acutely toxic substances, and other toxic substances.

Incident- An event or occurrence with potential threat to the health and safety of residents in the vicinity; may also result in physical damage to properties and facilities.

Incident Action Plan (IAP)- An IAP specifies the incident objectives, states the activities to be completed, and covers a specified timeframe, called an operational period. An IAP can be oral or written.

Incident Command Post (ICP)- the field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be collocated with the incident base or other incident facilities and is normally identified by a green rotating light, a green flashing light, or a green flag/sign.

Incident Objectives- Statements of guidance and direction necessary for selecting appropriate strategy(s) and the tactical direction of resources. Incident objectives are based on realistic expectations of what can be accomplished when all allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to allow strategic and tactical alternatives.

Information – Pieces of raw, unanalyzed data that identifies persons, evidence, events; or illustrates processes that specify the occurrence of an event. May be objective or subjective and is intended for both internal analysis and external (news media) application. Information is the “currency” that produces intelligence.

City of Vandalia Emergency Operations Plan

Intelligence – Product of an analytical process that evaluates information collected from diverse sources, integrates the relevant information into a cohesive package and produces a conclusion or estimate. Information must be real, accurate and verified before it becomes intelligence for planning purposes. Intelligence relates to the specific details involving the activities of an incident or EOC and current and expected conditions and how they affect the actions taken to achieve operational period objectives. Intelligence is an aspect of information. Intelligence is primarily intended for internal use and not for public dissemination.

Joint Information Center (JIC)- A facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the JIC.

MCOEM- Montgomery County Office of Emergency Management

Mass Casualty Incident (MCI) - Any incident that generates an emergency victim load that exceeds the capability of a community's emergency medical service, including the emergency victim handling capabilities of the nearest medical treatment facility.

MAC-Multiagency Coordination

MACC-Multiagency Coordination Center

MGLERC -Montgomery-Greene County Local Emergency Response Council

Mutual Aid Agreements- Written agreement between agencies and/or jurisdiction to manage certain aspects of an incident. ICS, these incidents will be managed under the Unified Command.

NIMS- The National Incident Management System.

National Response Plan (NRP) - A plan mandated by HSPD-5 that integrates local, state, and federal domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan.

OEMA- Ohio Emergency Management Agency

One Pager- A simple one page (usually front and back) Incident Action Plan for SEAR 3 events.

Operational Period- The time scheduled for executing a given set of operational actions, as specified in the Incident Action Plan. Operational periods can be of various lengths, although usually not over 24 hours.

Recovery- The development, coordination, and execution of service and site restoration plans; the reconstruction of government operations and services; individual, private sector, nongovernmental, and public-assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post incident reporting; and development of initiatives to mitigate the effects of future incidents.

City of Vandalia Emergency Operations Plan

SARA- The Superfund Amendments and Reauthorization Act of 1986. Title III of SARA includes detailed provisions for community planning.

SEAR- is the Special Event Assessment Rating system is a proactive tool that helps the city manage the specific risks associated with a wide variety of special events. It enhances public safety, ensures effective use of resources, and provides a structured approach to emergency preparedness for special events.

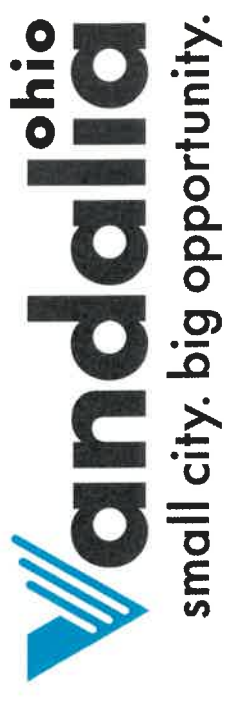
Standard Operating Guideline (SOG) - Varies greatly in usage; generally, a checklist or set of instructions having the force of a directive, covering those features of operation which lend themselves to a definite or standardized procedure without loss of effectiveness. Any information needed to accomplish a task, (e.g., personnel rosters and resource inventories, are attached or cited in a readily available reference).

Maps- Maps, charts, checklists, resource inventories, sample forms, diagrams, summaries, or critical information; all used to support the basic plan, the annexes, and/or appendices.

Unified Command- An application of the ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the Unified Command, often the senior persons from agencies and/or disciplines participating in the Unified Command, to establish a common set of objectives and strategies and a single Incident Action Plan.

Vulnerability- indicates the level of exposure of human life and property to damage from natural and manmade hazards.

Public Information Officer (PIO)- A member of the Command Staff responsible for interfacing with the public and media and with other agencies with incident-related information requirements.



EMERGENCY OPERATIONS PLAN REVISIONS 2025

COUNCIL WORKSHOP, AUGUST 18, 2025

“SAFE & SECURE”

Ensure that Vandalia remains a safe and secure community by investing in both traditional public safety operations and creative outreach efforts to meet the evolving needs of our residents and visitors



EMERGENCY OPERATIONS PLAN

Purpose- *delineate the functions, roles, and responsibilities of all emergency response agencies and the overall emergency management system for the City of Vandalia.*

Objectives:

1. Describe the authority, responsibilities, functions, and operations of the whole community during all levels of emergencies.
2. Facilitate operational coordination and resource management during emergencies.
3. Integrate non-governmental agencies and organizations into the emergency operations process through the City's Emergency Operations Plan (EOP) and/or Emergency Operations Center (EOC).



EMERGENCY OPERATIONS PLAN (EOP)

Scope: Plan is limited in scope to address response activities during events where normal emergency response processes and capabilities become over taxed or where it is determined there is a need for coordination of response operations due to the complexity and/or duration of events.

1. Establishes fundamental policies, strategies, and assumptions.
2. Establishes procedures to manage an emergency from initial monitoring through post-disaster response and recovery.
3. Assigns specific functional responsibilities to appropriate City departments.
4. Addresses the various types of emergencies that are likely to occur.
5. Identifies actions that response and recovery organizations will take, in coordination with county, state, and federal counterparts as appropriate.



PLAN REVISIONS HIGHLIGHTS





ADDITION OF AN “OFFICIAL USE ONLY (FOUO)” POLICY

Is information deemed to be confidential and For Official Use Only (FOUO) by the Ohio Revised Code Section 149.433.



HAZARDS & VULNERABILITIES (REVISIONS)

1. Weather
2. Earthquakes
3. Fires
 - Wildland, EV Fires
4. Hazardous Materials
 - Transportation Emergencies (P,T,A)
5. Terrorism & Civil Disturbance
 - Acts of Violence
6. Cyber Threats
7. Infrastructure Interruption



Note: Vulnerabilities (Hazards) are consistent with those identified by the Montgomery County Office of Emergency Management's (MCOEM), *Natural Hazard Mitigation Plan*.





CONCEPT OF OPERATIONS (REVISIONS)

1. Phases of Emergency
2. NIMS
3. Documentation
4. After Action Reporting

- Preparedness
- Prevention
- Response
- Recovery
- Mitigation



STANDARD OPERATING PROCEDURES REVIEWED & REVISED

1. Damage Assessment
2. Communications
3. Warming & Cooling Centers
4. Debris Management
5. Public Information
6. After Action Reporting
7. Special Events Assessment Rating (SEAR) & IAP
8. Bomb Threat Management
9. Declaring and Emergency
10. FOUO



THIRA- Threat, Hazard Identification and Risk Assessments

A presentation and summary of the THIRA Teams findings is coming soon. The purpose was to identify hazards, threats, and/or vulnerabilities that exist currently and to begin to plan (through recommendations) and/or work to mitigate these threats.

Citywide Policy Goals: *Through Preparedness, Prevention and Mitigation Strategies how can we focus on the safety and security of those Vandallians that live, work, and play in Vandalia everyday.*

“Big Hitters”:

- The safety and security of city buildings and city owned infrastructure.
- Threats to/on city properties from severe weather.
- Cyber security and/or attacks
- How are we communicating during emergencies internally
- What employee training (preparation) is needed.





QUESTIONS

THANKS TO THE EOP REVIEW TEAM!



**CITY OF VANDALIA
MONTGOMERY COUNTY OHIO
ORDINANCE NO. 25-17**

**AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 1044 OF
THE VANDALIA CODIFIED ORDINANCES TITLED “SEWERS GENERALLY”**

WHEREAS, the Ohio Environmental Protection Agency has required certain changes in the Vandalia Code dealing with sewer use in order to be compliant with changes in Federal and State law; and

WHEREAS, in order to comply with such required changes to the law, the City has determined it to be necessary to replace the text of Chapter 1044 “Sewers Generally” in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Chapter 1044 “Sewers Generally” of the Codified Ordinances shall be repealed in its entirety and replaced by the provisions set forth on the attached Exhibit A which is incorporated herein by this reference.

Section 2. Nothing herein shall affect any action or proceeding for the enforcement of any fine or liability accrued or incurred under any provision of Chapter 1044 prior to the effective date of this Ordinance. The enactment of this legislation shall not be construed to relieve any person from punishment for an act committed in violation of any such prior provision, nor to affect an indictment or prosecution therefor. For such purposes, any such provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 2nd day of September 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse, Clerk of Council

EXHIBIT A

CHAPTER 1044

Sewers Generally

EDITOR'S NOTE: Resolution 93-R-34, passed November 1, 1993, adopted sewer service rules and regulations. Copies of such resolution and of the rules and regulations adopted thereby, as well as all amendments thereof, may be obtained, at cost, from the Department of Utilities.

1044.01 Definitions.

1044.02 Unlawful deposits and discharges; use of public sewers required.

1044.03 Private sewage disposal systems.

1044.04 Building sewers and connections.

1044.05 Regulation of discharges; pretreatment; tests and analyses.

1044.06 Wastewater service charges.

1044.07 Delinquent bills; sanitary sewer fund; records.

1044.08 Destruction of sewage works.

1044.09 Powers and authority of inspectors.

1044.10 Publication of list of persons in significant noncompliance. 1044.11

Wastewater discharge permits.

1044.12 Reporting requirements.

1044.13 Accidental discharges.

1044.14 Changes in discharges.

1044.15 Compliance schedules.

1044.16 Record retention.

1044.17 Confidential information.

1044.18 Suspension of service and permits.

1044.19 Permit revocation.

1044.20 Rules and regulations.

1044.21 Falsifying information. 1044.22

Written notice of violations. 1044.23

Recovery of costs.

1044.24 Legal and equitable remedies.

1044.25 Administrative fines; appeals. 1044.99

Penalty.

CROSS REFERENCES

Compulsory sewer connections - see Ohio R.C. 729.06

Management and control of sewerage system - see Ohio R.C. 729.50

Sewers in annexed territory - see ADM.210.09, 210.10

Water and sewer funds - see ADM. 234.04

Sewers in trailer parks - see B.R. & T.874.09

Sewer permits - see S.U. & P.S. Ch.1040

1044.01 DEFINITIONS.

All terms not defined herein shall be defined as have meaning as set for the in title 40 of the United States Code of Federal Regulations. Unless the context specifically indicates otherwise, as used in this chapter:

- (a) "Ammonia nitrogen" means the measure of the ammonia form of nitrogen in a sample in accordance with procedures

set forth in 40 CFR 136.

- (b) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- (c) "BOD" (denoting biochemical oxygen demand) means the measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to chemical oxidation, in accordance with procedures set forth in 40 CFR 136.
- (d) "Charges" are specifically defined as follows:
 - (1) "Debt service charge" means the amount to be paid each billing period for payment of interest, principal and coverage of outstanding indebtedness.
 - (2) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
 - (3) "Sewer fund" means the principal accounting designation for all revenues received in the operation of the sewerage system.
 - (4) "Surcharge" means the assessment, in addition to the basic user charge and debt service charge, which is levied on those persons whose wastes are greater in strength than the concentration values established in Section 1044.06.
 - (5) "Useful life" means the estimated period during which the collection system and/or treatment works will be operated.
 - (6) "User charge" means that amount, paid by each consumer connected to the sanitary sewerage system, proportionate to the service provided. It shall be a charge levied on users of the treatment works to cover the cost of operation, maintenance and replacement.
 - (7) "Wastewater service charge" means the charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Section 1044.06.
- (e) "City Engineer" means the City Engineer of the City of Vandalia.
- (f) "District" means the Tri-Cities North Regional Wastewater Authority.
- (g) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, excluding paper products.
- (h) "Indirect Discharge or Discharge" means the introduction of pollutants into the POTW from any nondomestic source.
- (i) "Industrial wastes" means liquid wastes from industrial manufacturing processes, as distinct from sanitary sewage or waste from commercial or institutional sources.
- (j) "Inspector" means an individual employed by or representing the City whose duties include the issuance of appropriate permits and the performance of inspections under this chapter.
- (k) National Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (l) "Natural outlet" means any outlet, including the outlet of storm sewers, into a watercourse, pond, ditch, lake or other body of surface or ground water, which outlet does not require an NPDES discharge permit.
- (m) "Normal domestic sewage" means the spent water of a community, which may be a combination of the liquid and water-carried wastes from residences and from sanitary conveniences from commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.
- (n) "NPDES permit" means any permit or equivalent document or requirement issued to regulate the discharge of pollutants pursuant to Section 402 of the Federal Water Pollution Control Act, as amended.
- (o) "Operation, maintenance and replacement" (OM&R) means all costs, direct and indirect (other than debt service), necessary to ensure adequate wastewater treatment on a continuing basis, conforming with related Federal, State and local requirements, and ensuring optional long-term facilities management. These costs include administration and replacement as defined in subsection (c) hereof.
- (p) "Person" means any individual, firm, company, association, society, corporation or group.
- (q) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration in moles per liter.
- (r) "Pollutant" is defined as follows:

(1) "Compatible pollutant" means chemical oxygen demand, biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree. Examples of such additional pollutants may include:

- A. Total organic carbon;
- B. Phosphorus and phosphorus compounds;
- C. Nitrogen and nitrogen compounds; and
- D. Fats, oils and greases of animal or vegetable origin, except as otherwise prohibited.

(2) "Incompatible pollutant" means any pollutant which is not a compatible pollutant.

- (s) "Pretreatment Requirements." Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (t) "Properly shredded garbage" means wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (u) "Publicly Owned Treatment Works or POTW." A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by [the City]. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (v) POTW Treatment Plant means the Tri-Cities North Regional Wastewater Authority (TCA) located at 3777 Old Needmore Road, Dayton, Ohio which is that portion of the POTW designed to provide treatment of domestic wastewater.
- (w) "Sewage" means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground water, surface and storm water that may be present, but excluding major industrial process wastes.
- (x) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage, and the North Regional Wastewater Treatment Plant of the District.
- (y) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
- (z) "Sewer types and appurtenances" are defined as follows:
 - (1) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the interface of the building wall.
 - (2) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
 - (3) "Combined sewer" means a sewer which is designed and intended to receive wastewater and storm, surface and ground water drainage.
 - (4) "Public sewer" means a sewer provided by or subject to the jurisdiction of the City or other public agency. It includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the sanitary sewerage system, even though such sewers may not have been constructed with City funds.
 - (5) "Sanitary sewer" means a sewer that conveys sewage or industrial wastes, or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.
 - (6) "Sewer" means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.
 - (7) "Storm sewer" means a sewer that carries storm, surface and ground water drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
 - (8) "Storm water run-off" means that portion of the precipitation that is drained into the sewers.
- (aa) "Shall" is mandatory; "may" is permissive.
- (bb) "Significant noncompliance" meaning is provided in paragraphs (1) through (9) of this section:
 - (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month

period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter at any permitted monitoring point during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC (TRC-1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
 - (3) Any other violation of a pretreatment standard or requirement as defined by paragraph (N) of rule O.C.3. 745-3-01 of the Ohio administrative Code (daily maximum or longer term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health or welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
 - (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial user permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules, or any other reports required by the POTW;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation or group of violations including a violation of BMP's that the POTW determines adversely affects the operation or implementation of the local pretreatment program.
 - (9) The term "Significant noncompliance" shall be applicable to all Significant Industrial Users (or and other Industrial User that violates paragraphs (3), (4) or (8) or this definition).
- (cc) "Slug load" is a discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's (Publicly Owned Treatment Works) regulations, local limits or permit conditions.
- (dd) "Suspended solids" means solids that either float on the surface of, or are suspended in, water, sewage or other liquids, and which are removable by laboratory filtering, in accordance with 40 CFR 136.
- (ee) "User" means a person using the services of the sewage works in one of the following categories:
- (1) "Commercial user" means a user engaged in the purchase or sale of goods, the transaction of business or otherwise rendering a service.
 - (2) "Government user" means a municipality or governmental subdivision or agency existing under Federal or State statute.
 - (3) "Industrial user" means a user engaged in a manufacturing or processing activity that discharges a trade or process wastewater as a result of such activity. All industrial users shall promptly notify the City in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

The City may, with the approval of the subdistrict, at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a significant industrial user if the industrial user has no reasonable potential to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

- (4) "Institutional user" means a user involved primarily in social, charitable, religious, educational or other special purpose activity.
- (5) "Residential user" means a user whose premises are used primarily as a domicile for one or more persons and whose wastes originate from normal living activities.
- (6) "Significant industrial user" means:
 - A. All industrial users subject to categorical pretreatment standards; and
 - B. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up five percent or more of the

average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the City Engineer, to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

- (ff) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- (aa) ."Categorical Pretreatment Standard or Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (bb) ."Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of Tri-Cities North Regional Wastewater Authority NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (cc) "New source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating process of the building, structure, facility or installation is substantially independent of an existing source at the same site.
- (dd) "Pass through" means a discharge which exits the POTW into waters of the United States, in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
- (ee) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in the Ohio Administrative Code 3745-3-04. "BMPs" also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (Ord. 86-08. Passed 5-19-86; Ord. 91-07. Passed 3-18-91; Ord. 92-19. Passed 9-21-92; Ord. 05-09. Passed 3-21-05; Ord. 07-19. Passed 11-19-07; Ord. 09-07. Passed 5-4-09.)

1044.02 UNLAWFUL DEPOSITS AND DISCHARGES; USE OF PUBLIC SEWERS REQUIRED.

- (a) No person shall place, deposit or permit to be deposited, in any unsanitary manner on public or private property in the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste. No person shall discharge to any natural outlet in the City or to any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this chapter and within the constraints established by the NPDES permit issued for such discharge.
- (b) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- The owner of a house, building or property used for human occupancy, employment, recreation or other purpose, situated in the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer, is hereby required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with this chapter within ninety days after date of official notice to do so, provided that such public sewer is available for use by such house, building or property. (Ord. 86-08. Passed 5-19- 86.)
- (c) Discharges of trucked or hauled waste are prohibited except at specific discharge points designated by the POTW.
- (d) No significant industrial user shall discharge any sewage to a public sanitary sewer if not in possession of a valid industrial user waste discharge permit issued by the City. (Ord. 91-08. Passed 3-18-91.)

1044.03 PRIVATE SEWAGE DISPOSAL SYSTEMS.

- (a) Where a public sanitary sewer is not available under Section 1044.02(d), the building sewer shall be connected to a private sewage disposal system complying with this section.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the City. In addition, the owner shall secure a permit from the County/City Health Department and shall conform to its rules and regulations.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection and before any underground portions are covered.
- (d) The type, capacity, location and layout of a private sewage disposal system shall comply with all requirements of the Ohio Environmental Protection Agency and local health departments. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. No septic tank shall be permitted to directly discharge to any natural outlet.
- (e) When a public sewer system becomes available to property served by a private sewage disposal system, as provided in Section 1044.02(d), a direct connection shall be made to the public sewer, in compliance with this chapter, when any septic tank, cesspool and similar private sewage disposal facility fails to function properly.
- (f) The owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times, at no expense to the City.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. 86-08. Passed 5-19-86.)

1044.04 BUILDING SEWERS AND CONNECTIONS.

- (a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit therefor from the City.
- (b) All disposal by any person into the sewerage system is unlawful, except those discharges in compliance with Federal standards promulgated pursuant to the Federal Water Pollution Control Act, as amended, and more stringent State and local standards.
- (c) There shall be two classes of building sewer permits, one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer. A permit and inspection fee, in accordance with Section 1040.02, shall be paid to the City at the time the application is filed.
- (d) An industrial user, as a condition of permit authorization, shall provide information describing its wastewater constituents, characteristics and type of activity.
- (e) A building sewer permit will be issued and a sewer connection shall be allowed only if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (f) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.
- (g) A separate and independent building sewer shall be provided for every building. However, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (h) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this chapter.
- (i) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the Building and Housing

Code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

- (j) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (k) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Housing Code or other applicable rules and regulations of the City, or to the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the inspector before installation.
- (l) The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his or her representative.
- (m) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 86-08. Passed 5-19-86.)

1044.05 REGULATION OF DISCHARGES; PRETREATMENT; TESTS AND ANALYSES.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer.
- (b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the inspector. Industrial cooling water or unpolluted process water may be discharged, on approval of the inspector and upon the issuance of a NPDES permit, to a storm sewer or natural outlet.
- (c) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (d) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive material or volatile liquid;
 - (2) Any waters or wastes containing toxic or poisonous pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard or toxic effect in the receiving waters of the sewage treatment plant or exceed the limitations set forth in the categorical pretreatment standards of the Act. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
 - (3) Any waters or wastes having a pH lower than 6.0 S.U. (Standard Units) or greater than 9.0 S.U., unless otherwise permitted by the City, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
 - (4) Solid or viscous substances in such quantities or of such size as are capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works. Such substances include, but are not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. Also included are any materials which, by reason of mixture or interaction, tend to cause obstruction or otherwise interfere with the operation of the sewage works.
 - (5) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or sixty degrees Centigrade using the test method specified in 40 CFR 261.21;
 - (6) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (e) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely that such wastes can harm either the sewers, sewage treatment processes or equipment, have an adverse

effect on the receiving stream, otherwise endanger life, limb or public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, consideration will be given to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, the nature of the sewage treatment process, the capacity of the sewage treatment plant, the degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Prohibited substances include:

- (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (sixty-five degrees Centigrade), but in no case heat in amounts which will inhibit biological activity in the POTW, thus resulting in interference, or heat in such quantities that the temperature at the POTW treatment plant exceeds 104 degrees Fahrenheit (forty degrees Centigrade).
 - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l, unless otherwise permitted by the City, or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Centigrade). Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin are prohibited if discharged in amounts that can pass through or cause interference;
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.
 - (4) Any waters or wastes containing acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not, without prior approval by the City;
 - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials;
 - (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;
 - (7) Any radioactive wastes or isotopes of such a half-life or concentration as may exceed established limits in compliance with applicable State or Federal regulations;
 - (8) Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - C. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
 - D. Unusual volumes of flow or concentration of wastes constituting slugs;
 - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or which are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters; or
 - (10) Any wastewater that causes the receiving plant to violate the conditions of its NPDES permit.
- (f) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in this section, and which waters or wastes may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the City may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under Section 1044.06.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and to the requirements of all applicable codes, ordinances and laws.

- (g) Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. However, such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the County/City and shall be located as to be readily and easily accessible for cleaning and inspection.
- (h) Where preliminary treatment or flow-equalizing facilities are provided for waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
- (i) When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such meters and other appurtenances in the building sewer as are necessary to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.
- (j) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with 40 CFR, Part 136, and shall be determined at the control manhole provided or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
 - (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
 - (2) The user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - (3) Samples for oil and grease, temperatures, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (4) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the POTW may authorize a lower minimum. For these reports, the user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- (k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment of a surcharge based on the strength and character of the waste, provided that such payment is in accordance with Federal and State guidelines for user charge systems and industrial cost recovery systems. No agreement shall be made which violates any State or Federal standard or requirements, including categorical pretreatment standards. The City may reject any industrial waste which may not be compatible with the treatment process or the sewage works. Further, the City may require pretreatment of industrial wastes if deemed necessary, and may impose a surcharge commensurate with any added difficulty or added direct cost associated with an industrial waste.
- (l) No industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. This subsection shall not prohibit the use of equalization tanks utilized to regulate flows.
- (m) National categorical pretreatment standards, as promulgated by the United States Environmental Protection Agency

(USEPA) pursuant to the Act, shall be met by all industrial users who or which are subject to such standards.

- (n) State requirements and limitations on discharges to the POTW shall be met by all dischargers who or which are subject to those standards in any instance in which such standards are more stringent than Federal requirements and limitations, the requirements of this chapter or the requirements of any other applicable ordinance.

(o) Local Limits

- (1) The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- (2) As specified in the current, approved and amended pretreatment program for TCA , limitations for specific pollutants have been established and shall be abided by all users of the POTW. A listing of such limitations is available from the City upon request.
- (3) The City may develop Best Management Practices (BMPs), by ordinance, in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of this section.

- (p) No discharger shall discharge or cause to be discharged into the sewer water any pollutants in concentrations above those specifically permitted in a wastewater discharge permit issued by the City. Discharge permits shall impose maximum discharge concentration limits or mass-based limits where appropriate and except as allowed in 1044.05(o)(1) through (8) below. In the absence of such specific wastewater discharge permit conditions, no person shall discharge wastewater containing pollutants in excess of the limits specified in the subdistrict's approved and amended pretreatment program for the North Regional Wastewater Treatment Plant. A list of such limitations shall be provided by the City, upon request.

- (1) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW shall impose an alternate limit in accordance with 40 C.F.R. 403.6(e).

- (3) A categorical industrial user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following paragraphs of this section.

A. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the POTW. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (meaning, adjusted to reflect credit for pollutants in the intake water) if the following requirements are met.

- 1. Either the applicable categorical pretreatment standards contained in 40 C.F.R. subchapter N specifically provide that they shall be applied on a net basis or the industrial user demonstrates that the control system it proposes or used to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake water.
 - 2. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - 3. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
 - 4. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water into which the POTW discharges. The POTW may waive this requirement if it finds that no environmental degradation will result.
- (4) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the POTW convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the POTW. The POTW may establish equivalent mass limits only if the industrial user meets all the conditions set forth in Section 1044.05(o)(4)A. through E.

- A. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - B. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
 - C. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - D. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - E. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
 - F. An industrial user subject to equivalent mass limits must:
 - 1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - 2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - 3. Continue to record the facility's production rates and notify the POTW whenever production rates are expected to vary by more than 20% from its baseline production rates.
 - 4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to those in division (o)(4)A. of this section so long as it discharges under an equivalent mass limit.
 - G. When developing equivalent mass limits, the POTW:
 - 1. Will calculate the equivalent mass limits by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 - 2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - 3. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limits were not based on the use of dilution as a substitute for treatment. The industrial user must also be in compliance with Section 1044.13(f) regarding the prohibition of bypass.
- (5) The POTW may convert the mass limits of the categorical pretreatment standards of 40 C.F.R. Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the POTW.
- (6) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (7) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- (8) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the POTW within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the POTW of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(q) Non-Significant Categorical User. The POTW may determine that an industrial user subject to categorical pretreatment

standards is a non-significant categorical industrial user rather than a significant categorical industrial user on a finding that the industrial user never discharges more than 100 gallons per day (GPD) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- (1) The industrial user, prior to the POTW's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) The industrial user annually submits the following certification statement, signed in accordance with the signatory requirements in section 1044.12(d), together with any additional information necessary to support the certification statement.

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1044.05(q);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

- (3) The industrial user never discharges any untreated concentrated wastewater.
 - (4) If the IU is located upstream of a combined or sanitary sewer overflow the following additional requirements must be met of the application of this classification:
 - A. The IU cannot discharge wastewater that is regulated by categorical pretreatment standards or;
 - B. Must not have been in significant noncompliance at any time in the past two years.
 - C. Procedures for categorization of an IU as a non-significant categorical industrial user and the issues related to combined sewer overflows must be addressed through either the long term control plan, approved combined system operation plan implementing the nine minimum controls, or the program modification request.
 - (5) The POTW must evaluate and document, at least once per year, whether the industrial user continues to meet the requirements for the classification.
 - (6) Upon a finding that a user meeting the criteria in Section 1044.05(p)(1) through (4) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 C.F.R. 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- (r) Mid-Tier Categorical Industrial Users. A categorical industrial user may be considered a mid-tier categorical industrial user.
- (1) This classification requires that the IU does not discharge total categorical wastewater that exceeds:
 - A. Zero point zero one percent (0.01%) of the design dry weather hydraulic capacity of the POTW;
 - B. Five thousand gallons per day of total categorical wastewater;
 - C. Zero point zero one percent (0.01%) of the design dry weather organic treatment capacity of the POTW; and
 - D. Zero point zero percent (0.01%) of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standards for which a local limit has been developed.
 - (2) The IU's flow must be measured by a continuous effluent flow monitoring device unless the IU discharges in batches.

- (3) The IU must not have been in significant noncompliance for any time in the past two years.
 - (4) The daily flow rates, production levels, or pollutant levels of the IU cannot vary so significantly that decreasing the reporting requirement would result in data that are not representative of conditions occurring during the reporting period.
 - (5) If the IU is located upstream of a combined or sanitary sewer overflow, procedures for categorization of an IU as a mid-tier categorical industrial user and the issues related to combined and sanitary sewer overflows must be addressed through either:
 - A. The long-term control plan;
 - B. Approved combined sewer system operation plan implementing the nine minimum controls; or
 - C. The program modification request.
 - (6) Any IU classified as a mid-tier categorical industrial user will be required to be inspected and the effluent randomly sampled and analyzed by the POTW at least once every two years. If the IU no longer meets the criteria for being classified as a mid-tier categorical industrial user the POTW must immediately begin inspecting the IU and monitoring the effluent at the frequency set by the POTW's pretreatment program.
 - (7) As a mid-tier categorical industrial user the control authority may reduce the IU's reporting frequency to no less than once a year unless required more frequently by the categorical pretreatment standard or the Director of the Ohio EPA.
 - (8) If the IU no longer meets the criteria for being classified as a mid-tier categorical industrial user the IU must immediately begin monitoring the effluent and complying with the minimum reporting requirements at the frequency set by the POTW's pretreatment program.
- (s) Monitoring Waivers. The POTW may authorize, at its discretion, an industrial user subject to a categorical pretreatment standard, except for centralized waste treatment facilities regulated by and defined in 40 C.F.R. 437, to forego sampling of a pollutant regulated by a categorical pretreatment standard.
- (1) Monitoring waivers do not apply to pollutants where certifications processes and requirements are established by the POTW or by categorical pretreatment standards (e.g. a Total Organics Management Plan's certification alternative to sampling) unless allowed for by the applicable categorical pretreatment standard.
 - (2) If a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the user shall be required to immediately notify the POTW in writing and start monitoring the pollutant at the frequency specified in the POTW's pretreatment program.
 - (3) The monitoring waiver applies only to IU self-monitoring and does not remove the POTW's obligations for IU monitoring for that parameter; however, the waiver can be extended to POTW monitoring done to satisfy IU self-monitoring.
 - (4) In making its request for a pollutant monitoring exemption, the industrial user must demonstrate through sampling an other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. The industrial user must provide data from at least one sampling of the facility's process wastewater prior to treatment present at the facility that is representative wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the USEPA approved analytical method form 40 C.F.R. 136 with the lowest method detection limit for that pollutant was used.
 - (5) Waivers are valid only for the duration of the effective period of the IU's control mechanism and, in no case, longer than five years. The IU must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.
 - (6) The request for a monitoring waiver shall be signed by an authorized representative of the industrial user in accordance with paragraph (F) of O.A.C. rule 3745-3-06, and it must include the certification statement in 40 C.F.R. 403.6(a) (2)(ii).
 - (7) The POTW shall include any monitoring waiver as a condition in the industrial user's control mechanism. The supporting reason(s) for a monitoring waiver and the information submitted by the user in its request shall be maintained in the industrial user's file by the POTW for three years after expiration of the waiver.
 - (8) Upon approval of the monitoring waiver and revision of the IU's control mechanism by the POTW, the IU shall certify on each self-monitoring report with the following statement: "Based on my inquiry of the person or persons

directly responsible for managing compliance with the pretreatment standards under 40 C.F.R. [specific national pretreatment standard part], I certify that, to the best of my knowledge and belief, there has been no increased in the level of [listed pollutant] in the wastewaters due to the activities at the facility since the submittal of the last periodic report under paragraph (E) of rule 3745-3-06 of the Ohio Administrative Code."

- (t) If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

(Ord. 86-08. Passed 5-19-86; Ord. 89-24. Passed 1-2-90; Ord. 91-07. Passed 3-18-91; Ord. 91-08. Passed 3-18-91; Ord. 92-19. Passed 9-21-92; Ord. 07-19. Passed 11-19-07; Ord. 09-07. Passed 5-4-09.)

1044.06 WASTEWATER SERVICE CHARGES.

- (a) Basis for Wastewater Service Charges. The wastewater service charge for use of the public sewers and for services supplied by or through the City shall consist of a charge for collection and a charge for treatment. These charges shall be established to defray the cost of administration, operation, maintenance and major replacement and debt service.
- (b) Collection System Charge. The collection system charge shall consist of a minimum charge, plus a use charge based on flow. Notwithstanding anything in section 1044.06 to the contrary, in the event that City provided water services has been turned off at the request of the property owner, there shall be no monthly minimum collection system charge.
- (c) Treatment System Charge. The treatment system charge for normal domestic sewage and for discharges that are less than 240 mg/l BOD, less than 240 mg/l suspended solids and less than 36 mg/l ammonia nitrogen and that contain no incompatible pollutants shall consist of a flow charge.

The treatment system charge for wastewater that is greater than 240 mg/l BOD, 240 mg/l suspended solids or 36 mg/l ammonia nitrogen shall consist of a flow charge and a surcharge, as applicable.

- (d) Rates. For purposes provided for in subsection (a) hereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises having any sewer connection with the sanitary sewerage system, or otherwise discharging sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sanitary sewerage system, a sewerage service charge or rental, payable as hereinafter provided and in an amount determined as follows:
- (1) For any lot, parcel of land, building or premises situated in the City, and having any connection with the municipal sanitary sewerage system or otherwise discharging sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the municipal sanitary sewerage system, a charge or rental shall be based upon the quantity of water used as measured by the municipal water meter used. The charge shall be made monthly or otherwise, at the discretion of Council.

A. Schedule of sewer charges for the first 2,500 gallons:

METER SIZE IN INCHES	2023	2024	2025	2026	2027
5/8	\$3.87	\$5.81	\$7.55	\$9.43	\$11.79
3/4	\$3.87	\$5.81	\$7.55	\$9.43	\$11.79
1	\$8.33	\$12.50	\$16.24	\$20.30	\$25.38
1½	\$8.33	\$12.50	\$16.24	\$20.30	\$25.38
2	\$14.74	\$22.11	\$28.74	\$35.93	\$44.91
3	\$21.16	\$31.74	\$41.26	\$51.58	\$64.47
4	\$27.55	\$41.33	\$53.72	\$67.15	\$83.94
6	\$33.93	\$50.90	\$66.16	\$82.70	\$103.38
8	\$40.37	\$60.56	\$78.72	\$98.40	\$123.00
10	\$46.78	\$70.17	\$91.22	\$114.03	\$142.53

Thereafter, in addition to the above charge, the following rate (per 1,000 gallons of water) shall be assessed:

	2023	2024	2025	2026	2027
Next 30,833 gallons	\$1.77	\$2.66	\$3.45	\$4.31	\$5.39
Next 133,333 gallons	\$1.30	\$1.95	\$2.54	\$3.17	\$3.96
Next 833,333 gallons	\$0.53	\$0.80	\$1.03	\$1.29	\$1.61
Over 1,000,000 gallons	\$0.35	\$0.53	\$0.68	\$0.85	\$1.07

The charge levied by or pursuant to this chapter shall be billed monthly.

B. Schedule of charges for collection of waste water treatment for the first 2,500 gallons:

METER SIZE IN INCHES	2023	2024	2025	2026	2027
5/8	\$7.70	\$11.55	\$15.02	\$18.77	\$23.46
3/4	\$7.70	\$11.55	\$15.02	\$18.77	\$23.46
1	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
1½	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
2	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
3	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
4	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
6	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
8	\$14.53	\$21.80	\$28.33	\$35.42	\$44.27
10	\$16.28	\$24.42	\$31.75	\$39.68	\$49.60

Thereafter, in addition to the above charge, the following rate (per 1,000 gallons of water) shall be assessed:

2023	2024	2025	2026	2027
\$4.99	\$7.49	\$9.73	\$12.16	\$15.20

The charge levied by or pursuant to this chapter shall be billed monthly.

- (2) For any lot, parcel of land, building or premises situated outside the City and having a connection with the municipal sewerage system or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sanitary sewerage system, unless such usage of the municipal sewerage system is covered by a separate specific agreement specifying rates, terms and conditions of usage measured on a bulk or large quantity basis, the charge shall be based upon the quantity of water used as measured by the water meter. Such meter shall be approved by Council and the charge shall be made monthly or otherwise, at the discretion of Council. The rates to be charged shall be as authorized in paragraphs (d)(1) and (d)(3) and subsection (e) hereof, plus fifty percent for billing, operation, maintenance, major replacement and debt service.
- (3) If a lot, parcel of land, building or premises discharges sanitary sewage, industrial waste, water or other liquids into the municipal sanitary system, either directly or indirectly, and is not a user of water supplied under the Municipal Utilities Department, and the water used is not measured by a meter, at his or her expense, to install and maintain a meter acceptable to Council for such purpose, then, in each case, the amount of water so used shall be determined by the following rates:

Rates for Properties with Non-Metered Sewer and Waste Water Treatment Services

		2023	2023	2024	2024	2025	2025	2026	2026	2027	2027
No. in Family	Gallons per month	Sewer	WW T	Sewer	WWT	Sewer	WW	Sewer	WWT	Sewer	WWT
1 or 2	2,500	\$3.87	\$8.51	\$5.81	\$12.77	\$7.55	\$16.59	\$9.43	\$20.74	\$11.79	\$25.93
3	3,333	\$7.68	\$10.40	\$11.52	\$15.60	\$14.98	\$20.28	\$18.72	\$25.35	\$23.40	\$31.69
4	5,000	\$11.55	\$18.59	\$17.33	\$27.89	\$22.52	\$36.25	\$28.15	\$45.31	\$35.19	\$56.64

5	6,666	\$15.40	\$26.81	\$23.10	\$40.22	\$30.03	\$52.28	\$37.54	\$65.35	\$46.92	\$81.69
6	8,333	\$19.25	\$34.95	\$28.88	\$52.43	\$37.54	\$68.15	\$46.92	\$85.19	\$58.65	\$106.49
7	10,000	\$23.07	\$43.14	\$34.61	\$64.71	\$44.99	\$84.12	\$56.23	\$105.15	\$70.29	\$131.44
8 and over	13,333	\$30.75	\$59.47	\$46.13	\$89.21	\$59.96	\$115.97	\$74.95	\$144.96	\$93.69	\$181.20
4-family apt.	6,666	\$15.40	\$26.81	\$23.10	\$40.22	\$30.03	\$52.28	\$37.54	\$65.35	\$46.92	\$81.69
6-family apt.	10,000	\$23.07	\$43.14	\$34.61	\$64.71	\$44.99	\$84.12	\$56.23	\$105.15	\$70.29	\$131.44

- (4) If a lot, parcel of land, building or premises discharges industrial wastes, either directly or indirectly, into the municipal sanitary sewerage system, and Council finds that it is not practical to attempt to measure such wastes by a meter, Council shall measure such wastes in such manner and by such method as it may find practical in light of conditions and attendant circumstances of the case in order to determine the sewer service charge or rental in accordance with the corresponding rates provided in this chapter.
- (5) All sewer rental charges levied or incurred prior to the effective date of this chapter (Ordinance 86-8, passed May 19, 1986) and remaining unpaid, shall remain payable and be collected at the same rates as were previously provided.
- (6) Effective the first billing period payable in January, 2028 and annually thereafter, the monthly rate charges for sewer, collection of waste water treatment, and rates for properties with non-metered sewer and waste water treatment services shall automatically increase by 2.25% above the then current rate.
- (e) Application of Surcharge. A surcharge shall be levied for wastes stronger than normal domestic sewage. The surcharge shall consist of a component for operation, maintenance and replacement and a component for debt plus reserves. The surcharge shall be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed 240 mg/l BOD, 240 mg/l suspended solids or 36 mg/l ammonia nitrogen. Other waste characteristics shall be surcharged if they increase the cost of wastewater treatment in excess of that for treatment of normal domestic sewage. The surcharges are as follows:

BOD in excess of 240 mg/l:

OM&R	\$ 0.0314
Debt	\$ 0.0696
Total	\$ 0.101 / excess pound

Suspended solids in excess of 240 mg/l:

OM&R	\$ 0.0292
Debt	\$ 0.0428
Total	\$ 0.072 / excess pound

Ammonia nitrogen in excess of 36 mg/l:

OM&R	\$ 0.1908
Debt	\$ 0.1022
	\$ 0.293 / excess pound

- (f) Computation of Surcharge. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the City or its representatives and shall be binding as a basis for surcharges.

(g) Credits.

- (1) Credit for Certain Leaks. The Director of Finance may, when requested in writing by the owner or consumer, reduce both the monthly wastewater service charge and the wastewater treatment charge by an amount equal to fifty percent of the amount of the wastewater service charge that is in excess of the average for the lesser of the prior 12 months or from the date service started, provided the water was not discharged into the sewer system. Such credit may be provided only when the Director verifies that a water service or inside plumbing line, not including fixture or fixture parts, has broken, leaked and caused excessively high water usage to record on the owner's or consumer's water meter.
- (2) Credit for Swimming Pool Filling. The Director of Finance may, when requested in writing by the owner or consumer, reduce both the monthly wastewater service charge and the wastewater treatment charge by an amount equal to one hundred percent (100%) of the amount of the wastewater service charge that is in excess of the average for the lesser of the prior 12 months or from the date service started, provided the water was not discharged into the sewer system. Such credit may be provided only when the Director verifies that the water was used for the filling of a swimming pool of 1,000 gallon. Such credit shall be given only one time and for one pool per calendar year.

- (h) Commercial Evaporation Credit. The total monthly wastewater service charge for commercial customers situated within the City with water usage in excess of 2,000,000 gallons of water per month based upon the quantity of water used as measured by the water meter, shall be subject to a credit of 10% upon the user presenting to the City evidence that at least 10% of the water usage is evaporated and not disposed of through the municipal sanitary sewerage system unless such usage of the Municipal sewerage system is covered by a separate specific agreement specifying rates, terms and conditions of usage measured on a bulk or large quantity basis.

(Ord. 86-08. Passed 5-19-86; Ord. 90-29. Passed 12-17-90; Ord. 92-13. Passed 7-6-92; Ord. 94-11. Passed 9-19-94; Ord. 07-23. Passed 12-3-07; Ord. 09-17. Passed 9-8-09; Ord. 10-15. Passed 12-7-10; Ord. 16-36. Passed 12-5-16; Ord. 17-31. Passed 12-18-17; Ord. 22-35. Passed 10-17-22.)

1044.07 DELINQUENT BILLS; SANITARY SEWER FUND; RECORDS.

- (a) Delinquent Charges; Collection. The collection of charges for waste water and delinquent charges shall be as set forth in Chapter 1049 .
- (b) Use of Funds. The funds realized from the collection of the charges or rentals authorized by this chapter shall be accounted for and be known as the Sanitary Sewer Fund, and, when appropriated by Council, shall be available for the payment of the cost and expenses of the management, maintenance and repair of the Municipal sanitary sewerage system and the sewage pumping, treatment and disposal works. Any surplus of operation, maintenance and replacement or debt funds for the North Regional Plant collected by the City shall be used only for payment of the respective operation, maintenance and replacement or debt charges or expenses related to the North Regional Plant. Any surplus of other sewer funds shall be used for the payment of the interest on bonds issued and outstanding or which may be issued to provide funds with which to pay the Municipal portion of the cost of constructing such sanitary sewerage system, or part thereof, and such sewage pumping, treatment and disposal works, to retire such bonds when they mature and for the enlargement or replacement of the sanitary sewerage system and pumping, treatment and disposal works.
- (c) Annual Review of User Charges. The City shall annually request the District to prepare an audit report of the treatment operation, including the user charge system. The purpose of this audit is to ensure that the charges established by the District are adequate to maintain the self-sufficiency of the wastewater facilities and to ensure that the District's charges are proportional to the District's costs of providing treatment.

In addition, the City shall annually review its pass through of the North Regional operation, maintenance and replacement charges to ensure that all users of the City's sewerage system pay their proportionate share of the North Regional operation, maintenance and replacement charge.

- (d) Access to Records. The Ohio Environmental Protection Agency, the U.S. Environmental Protection Agency or their authorized representatives, shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges or industrial cost recovery for the purpose of making audits, examinations and excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions of any Federal grant.

(Ord. 86-08. Passed 5-19-86; Ord. 17-31. Passed 12-18-17.)

1044.08 DESTRUCTION OF SEWAGE WORKS.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Whoever violates this section shall be subject to

immediate arrest under the charge of disorderly conduct.

(Ord. 86-08. Passed 5-19-86.)

1044.09 POWERS AND AUTHORITY OF INSPECTORS.

- (a) The Director of Public Service or other duly authorized representative of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, testing, records review and copying, to determine compliance with this chapter and any wastewater discharge permit or order issued hereunder. The Director of Public Service or his or her representative shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways of facilities for waste treatment. Users shall allow the Director of Public Service or his or her representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Service or other duly authorized representative of the City shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Director of Public Service or other duly authorized representative of the City shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
 - (3) The Director of Public Service or other duly authorized representative of the City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
 - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director of Public Service or other duly authorized representative and shall not be replaced. The costs of clearing such access shall be born by the User.
 - (5) Unreasonable delays in allowing the Director of Public Service or other duly authorized representative of the City access to the User's premises shall be a violation of this ordinance.
- (b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Director of Public Service or duly authorized representative of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to City employees. The City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Section 1044.05.
- (c) The Director of Public Service and other duly authorized representatives of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 86-08. Passed 5-19-86; Ord. 16-06. Passed 5-2-16.)

1044.10 PUBLICATION OF LIST OF PERSONS IN SIGNIFICANT NONCOMPLIANCE.

- (a) Publication Requirements. At least annually, the City shall publish in at least one newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a list of all industrial users which at any time during the previous 12-month period were in significant noncompliance with applicable pretreatment standards or other pretreatment requirements.

(Ord. 92-19. Passed 9-21-92; Ord. 09-07. Passed 5-4-09.)

1044.11 WASTEWATER DISCHARGE PERMITS.

- (a) Application. All significant industrial users and others, as may be required by the City, shall submit an application for a wastewater discharge permit to the City, at least ninety days prior to connecting or discharging to the POTW. All existing significant industrial users connected to or already discharging to the POTW, and who or which have not previously applied for a wastewater discharge permit, shall make application to the City within ninety days after the effective date of

this chapter. New sources shall give estimates of the information requested in the application. Applications shall be signed by an authorized representative of the industrial user.

The industrial user may be required to submit the following information in the application:

- (1) The name, address and location of the industrial facility (if different from the address);
 - (2) SIC number;
 - (3) The time and duration of the discharge;
 - (4) Average daily flow rates, including daily, monthly and seasonal variations, if any;
 - (5) Site plans, floor plans, mechanical plans and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation;
 - (6) A description of all activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
 - (7) The nature and concentration of any pollutants in the discharge which are limited by City, State or Federal pretreatment standards, and a statement regarding whether or not the limits are being met on a consistent basis, and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards and requirements;
 - (8) If additional pretreatment is required to meet the pretreatment standards and requirements, the shortest schedule by which the user will provide such additional pretreatment shall be provided. The completion date in such schedule shall not be later than 18 months. The following conditions shall apply to this schedule:
 - (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, beginning construction, completing construction, and the like).
 - (B) No time increment in this section shall exceed 9 months.
 - (C) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent of the Water/Wastewater Division including, as a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the project to the schedule established. In no case shall more than 9 months elapse between such progress reports to the Superintendent.
 - (9) Each product produced by type, amount, process or processes, and the rate of production;
 - (10) The type and amount of raw materials processed (average and maximum per day);
 - (11) The number of employees, hours of operation and proposed or actual hours of operation of pretreatment systems; and
- (b) Any other information as may be deemed necessary by the City to evaluate the permit application.
- (c) Evaluation of Applications. The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may deny or condition any new or increased contribution of pollutants, or change in the nature of pollutants to the PTW where such contribution does not meet applicable pretreatment standards or requirements or where such contribution would cause the POTW to violate its NPDES permit.
- (d) Duration. Permits shall be issued for a specific time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a certain date. The user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit.
- (e) Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. Wastewater contribution permits shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation, without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit
- (f) Required Permit Contents. Wastewater discharge permits shall be subject to all provisions of this chapter and any such other rules and regulations and applicable regulations, user charges, and fees established by the City. Each discharge permit will indicate a specific date upon which it will expire. Permits must contain the following:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the POTW and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits, including best management practices, based on applicable pretreatment standards;
 - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements and affording the City access thereto. These requirements shall include an identification of pollutants or best management practices to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge;
 - (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
 - (7) Requirements to control slug load discharge, if determined by the POTW to be necessary;
 - (8) Requirements for notification of slug load discharge;
 - (9) Requirements for notifying the City of any new wastestreams or any substantial change in the volume or character of the wastewater being discharged;
 - (10) Any grant of the monitoring waiver by the POTW must be included as a condition in the user's permit.
- (g) Optional Permit Contents. Wastewater discharge permits may contain, but not limited to, the following conditions:
- (1) Limits on specific pollutants;
 - (2) Limits on the average and minimum rate and time of discharge;
 - (3) Requirements for flow regulations and equalization;
 - (4) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 - (5) Compliance schedules;
 - (6) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.
- (h) Reports of Potential Problems.
- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
 - (2) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - (3) Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.
- (i) Slug Discharge Control Plan. The POTW shall evaluate the need for a plan, device or structure to control a potential sludge discharge at least once during the term of each significant industrial user's control mechanism. New significant industrial users shall be evaluated within one year of being identified as a significant user. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- (1) Description of discharge practices, including no-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW of slug discharges, including any discharges that would violate a prohibition under paragraph (B) of rule 375-3-04 of the Ohio Administrative Code, with procedures for follow-up written notification within five days;
 - (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of

storage areas, handling and transfer of materials, loading and unloading operations, control of wastewater discharge, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), or measures and equipment for emergency response.

(j) General Control Mechanisms.

- (1) General control mechanisms can be issued for groups of users, including both significant and non-significant industrial users, that:
 - A. Have the same or substantially similar types of operations;
 - B. Discharge the same types of wastes;
 - C. Require the same effluent limitations; and
 - D. Require the same or similar monitoring.
- (2) General control mechanisms are not available to industrial users that are:
 - A. Subject to production-based categorical pretreatment standards;
 - B. Categorical pretreatment standards expressed as mass of pollutant discharged per day; or
 - C. Industrial users whose limits are based on the combined waste stream formula or net/gross calculations.
- (3) To be covered by a general control mechanism, the significant industrial user is required to file a written request to the POTW for coverage that identifies:
 - A. Its contact information;
 - B. Its production processes;
 - C. The types of wastes generated;
 - D. The location for monitoring all wastes to be covered by the control mechanism;
 - E. Any requests for a monitoring waiver for any pollutants not present; and
 - F. Any other information the POTW deems appropriate.
- (4) The POTW shall retain a copy of the general control mechanism, documentation to support the POTW's determination that a specific significant industrial user meets the criteria listed above and a copy of the user's written request for coverage for three years after the expiration of the control mechanism.

(Ord. 92-19. Passed 9-21-92; Ord. 09-07. Passed 5-4-09.)

1044.12 REPORTING REQUIREMENTS.

- (a) Baseline Monitoring Report. Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the City a baseline monitoring report (BMR), on a form provided by the City, indicating A completed wastewater discharge permit application form may fulfill the requirement for a BMR if all conditions and time frames are met.

New sources and sources that become industrial users after promulgation of an applicable categorical standard, shall be required to submit the BMR to the City at least ninety days prior to commencement of discharge.

The BMR shall be signed by an authorized representative of the industrial user.

- (1) Users described above shall submit the information set forth below.
 - A. Identifying Information.
 1. The name and address of the facility, including the name of the operator and owner.
 2. Contact information, description of activities, facilities, and plant production processes on the premises;
 - B. Environmental Permits. A list of environmental control permits held by or for the facility
 - C. Description of Operations.

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 2. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 3. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 4. Type and amount of raw materials processed (average and maximum per day);
 5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- D. The nature and concentration of all pollutants in the discharge from the regulated processes which are limited by such pretreatment standards and requirements
- E. The average and maximum daily flow for these process units in the user's facility which are limited by such pretreatment standards or requirements.
- F. Time and duration of discharges;
- G. The location for monitoring all wastes covered by the permit;
- (b) Ninety-Day Compliance Report. Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the City a report, on a form provided by the City, indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements.
- The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what is necessary to bring the user into compliance with the applicable pretreatment standards or requirements.
- The ninety-day compliance report shall be signed by an authorized representative of the industrial user.
- (c) Periodic Compliance Reports. Any user subject to a pretreatment standard or requirement shall periodically submit to the City a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standard or requirement. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the POTW or the pretreatment standard necessary to determine the compliance status of the user. Such reports shall be submitted according to the frequency prescribed in the user's wastewater discharge permit. Periodic compliance reports shall be signed by an authorized representative of the industrial user.
- (1) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 1044.05 (j) of this ordinance, the results of this monitoring shall be included in the report.
- (d) Authorized Representative Defined. As used in this section, "authorized representative of the industrial user" means:
- (1) In the case of a corporation, a responsible corporate officer, i.e.:
- A. A president, secretary, treasurer or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision making functions for the corporation; or
 - B. The manager of one or more of the corporation's manufacturing, production or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty to make major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental law and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;
- (2) In the case of a partnership, a general partner;
- (3) In the case of a sole proprietorship, the proprietor; or

- (4) A duly authorized representative of the individual designated in paragraphs (d)(1) to (3) hereof, if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, superintendent or a position of equivalent responsibility, such as the position of environmental manager or engineer.
- (e) Certification. All reports and applications required to be signed by an authorized representative of the industrial user shall be signed under the following certification statement:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(Ord. 92-19. Passed 9-21-92; Ord. 09-07. Passed 5-4-09.)

1044.13 ACCIDENTAL DISCHARGES.

- (a) Each user shall, at his, her or its expense, provide protection from accidental discharges of prohibited materials or other wastewaters, subject to the provisions of this chapter.
- (b) Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employees who to call in the event of a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge of the emergency notification procedures.
- (c) Users shall notify the City immediately upon the occurrence of a slug load or accidental discharge of any materials or wastewaters in violation of this chapter or applicable wastewater discharge permit conditions.
- (d) Any user who or which experiences a failure of a pretreatment system which results in an unintentional or temporary state of noncompliance with this chapter, due to factors beyond reasonable control, shall inform the City as soon as possible, but not later than twenty-four hours after the beginning of the upset.
- (e) In the event of a slug load or upset, the user shall file a written report with the City within five days. The report shall include:
- (1) A description of the incident, its cause and its impact on the user's compliance status;
 - (2) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to be attained; and
 - (3) All steps taken or to be taken to reduce, eliminate or prevent recurrence of the conditions of noncompliance.
- (f) Bypasses of pretreatment facilities are prohibited and the City may pursue enforcement action unless the user receives prior written approval for bypass from the City.

(Ord. 92-19. Passed 9-21-92; Ord. 09-07. Passed 5-4-09.)

1044.14 CHANGES IN DISCHARGES.

All industrial users shall notify the City at least 30 days in advance of any significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater. This includes, but is not limited to the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(P).

(Ord. 92-19. Passed 9-21-92; Ord. 09-07. Passed 5-4-09.)

1044.15 COMPLIANCE SCHEDULES.

When, in the opinion of the City, it becomes necessary for industrial users to install technology or provide additional operation and maintenance (O & M) to meet any condition of this chapter, an applicable administrative order, or Pretreatment Standards, the City Engineer shall require the development of the shortest schedule by which the industrial user will provide this additional technology or O & M as follows:

- (a) The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- (b) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major

events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). In no case shall any increment of time exceed nine months.

- (c) Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the City including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken to return to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the City.

(Ord. 92-19. Passed 9-21-92.)

1044.16 RECORD RETENTION.

- (a) Any industrial user subject to the reporting requirements of this chapter shall retain, for a minimum of three years, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices and shall make such records available for inspection and copying by the control authority or the approval authority. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the control authority or the approval authority.
- (b) All records relating to compliance with pretreatment standards or requirements shall be made available to the public or other governmental agencies upon request.

(Ord. 92-19. Passed 9-21-92.)

1044.17 CONFIDENTIAL INFORMATION.

- (a) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agencies, without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production, entitled to protection as trade secrets of the user.
- (b) When requested by the person furnishing the report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to a governmental agency for uses related to this chapter. However, such portions of a report shall be available for use by the State, or any State agency, in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (c) Information accepted by the City as confidential shall not be transmitted to any other governmental agency or to the general public by the City until and unless ten-day notification is given to the user.

(Ord. 92-19. Passed 9-21-92.)

1044.18 SUSPENSION OF SERVICE AND PERMITS.

- (a) The City may suspend wastewater treatment service or a wastewater discharge permit of a discharger when suspension is necessary, in the opinion of the City, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, which causes interference to the POTW or which causes the POTW to violate any condition of its NPDES permit.
- (b) Any person notified of a suspension of wastewater treatment service or of a wastewater discharge permit shall immediately stop or eliminate the discharge. In the event a person fails to comply voluntarily with the suspension order, the City shall take such steps as are deemed necessary, including immediate severance or blockage of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the wastewater contribution permit or the wastewater treatment service only upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, shall be submitted to the City within fifteen days of the date of the occurrence.

- (c) The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

(Ord. 92-19. Passed 9-21-92.)

1044.19 PERMIT REVOCATION.

Any user who commits the following offenses, or violates any applicable State or Federal regulation, is subject to having his, her or its permit revoked:

- (a) Failure to factually report wastewater constituents and characteristics of his, her or its discharge;
- (b) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of access to his, her or its premises for the purpose of inspection or monitoring; or
- (d) Violation of any condition of the wastewater discharge permit.

(Ord. 92-19. Passed 9-21-92.)

1044.20 RULES AND REGULATIONS.

Council is hereby authorized to establish rules and regulations governing the terms and conditions upon which the owners of lots and lands and the users of the sewer system within or without the corporate limits of the City may connect to the Municipal storm and/or sanitary sewer system, which rules and regulations may be altered, amended or changed by Council from time to time.

(Ord. 92-19. Passed 9-21-92.)

1044.21 FALSIFYING INFORMATION.

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, a wastewater discharge permit or any order, rule or regulation of the City or a court of competent jurisdiction, or falsify, tamper with or knowingly render inaccurate any monitoring device or method.

(Ord. 92-19. Passed 9-21-92.)

1044.22 WRITTEN NOTICE OF VIOLATIONS.

Whoever violates or fails to comply with any of the provisions of this chapter shall be served by the City with a written notice stating the nature of the violation or noncompliance. A reasonable time limit shall be provided for the satisfactory correction thereof. The violator shall, within the time period provided, permanently cease such violation or noncompliance.

(Ord. 92-19. Passed 9-21-92.)

1044.23 RECOVERY OF COSTS.

In addition to the penalties provided in Section 1044.99, any discharger violating any provision of this chapter, his or her wastewater discharge permit, or any order, rule or regulation of the City or a court of competent jurisdiction, which results in damage or impairment to the POTW, or which results in excessive costs of treatment, shall be liable to the City for any expense, loss or damage caused by such violating discharge. The City shall bill the discharger for the costs incurred as a result of the discharge. Refusal to pay the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this section, other applicable sections of this chapter or applicable Ohio law.

(Ord. 92-19. Passed 9-21-92.)

1044.24 LEGAL AND EQUITABLE REMEDIES.

- (a) The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharge contrary to the provisions of this chapter.
- (b) The City may commence an action for appropriate legal and/or equitable relief with respect to the conduct of a discharger contrary to the provisions of this chapter.

- (c) Whenever an industrial user has violated or continues to violate this chapter, its wastewater discharge permit or any order, rule or regulation of the City or a court of competent jurisdiction, the City may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the industrial user.

(Ord. 92-19. Passed 9-21-92.)

1044.25 ADMINISTRATIVE FINES; APPEALS.

- (a) Notwithstanding any other provision of this chapter, any user who is found to have violated any provision of this chapter, or who has violated any permit, order, rule or regulation issued under the provisions of this chapter, shall be fined an amount not to exceed one thousand dollars (\$1,000) per violation. Each day on which a violation or noncompliance occurs or continues shall be deemed a separate and distinct offense.
- (b) In determining the amount of an administrative fine, the City Manager shall consider the magnitude and severity of the violation, the history of past violations, the economic advantage gained by the violator for causing or allowing the violation to occur and affirmative actions taken by the violator to comply with the provisions of this chapter.
- (c) Such fines may be added to the industrial user's sewer service bill. The City shall have the same collection remedies that are available to collect other service charges.
- (d) Any person assessed an administrative fine may appeal the action by filing a written notice of appeal within ten days of being notified of the fine. The notice of appeal shall include the name, address and telephone number of the applicant, the date and the pertinent documentation describing the basis for appeal.
- (e) The notice of appeal shall be filed at the office of the City Manager by certified mail. The City Manager shall consider the appeal and convene a hearing on the matter within thirty days of receiving the notice of appeal.
- (f) Any person who fails to file a notice of appeal within ten days of receipt of the notice of the fine shall be deemed to have agreed to the action taken.

(Ord. 92-19. Passed 9-21-92.)

1044.99 PENALTY.

- (a) Civil Penalties. A discharger who is found to have violated any provision of this chapter, his, her or its wastewater discharge permit, or an order, rule or regulation of the City or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to one thousand dollars (\$1,000) per violation. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. In addition to the penalties provided herein, the City may recover reasonable attorney fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the discharger.
- (b) Criminal Penalties. Any person who or which intentionally or willfully violates any provision of this chapter, his, her or its wastewater discharge permit, or any rule, regulation or order of the City or a court of competent jurisdiction, or any person who or which allows a violation to occur after becoming aware of said violation, shall be punishable, upon conviction, by a criminal penalty of up to one thousand dollars (\$1,000) per day per violation and not more than six months in jail.

(Ord. 92-19. Passed 9-21-92.)



To: Kurt E. Althouse, City Manager
From: Ben Borton, Director of Public Service
Date: July 16, 2025
Subject: Sanitary Sewer Use Ordinance Update

As part of a routine permit review by the Ohio Environmental Protection Agency (OEPA), updates to our Sewer Use Ordinance (Chapter 1044 – Sewers Generally) are required to align with state regulations and current permits through the Tri-Cities North Regional Wastewater Authority (TCA). Similar updates are being made by our TCA partners, Tipp City and Huber Heights. Most changes focus on enhancing and better documenting our industrial pre-treatment standards, including testing, reporting, and inspections. The attached document highlights the final revisions.

I recommend adopting this ordinance to maintain compliance with our wastewater permits.



Infrastructure
Protect infrastructure by investing in roads, utilities & parks.



Safe & Secure
Invest in traditional public safety and community outreach to meet needs.

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

ORDINANCE 25-18

AN ORDINANCE APPROVING A PUD MAJOR AMENDMENT AND REVISED PRELIMINARY PLAN FOR SUBAREA B OF THE REDWOOD VANDALIA DEVELOPMENT, OWNED BY REDWOOD VANDALIA, IN THE PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, Parcels 2 and 3 of the Redwood Vandalia Development, collectively known as “Subarea B”, are located in the Planned Unit Development Zoning District; and

WHEREAS, the applicant, Redwood Vandalia, has requested the addition of “Multi-Family Residential” as a permitted use and the approval of a revised preliminary plan for these parcels; and

WHEREAS, on July 8th, 2025, the Planning Commission held a public hearing on the application, following which they recommended approval of the proposed major amendment and the proposed revised preliminary development plan;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The proposed major amendment for Subarea B of the Redwood Vandalia Development allowing for the insertion of “Multi-Family Residential” into the list of uses, is hereby approved.

Section 2. The development standards for the Redwood Vandalia Development are hereby amended to insert the following use as a permitted use in Subarea B:

“Multi-Family Residential”

Section 3. All other development standards of the Redwood Vandalia Development not amended herein remain in full force and effect.

Section 4. The proposed Preliminary Development Plan for Parcel 3 of Subarea B, attached hereto and incorporated herein as Exhibit A, is hereby approved.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse
Clerk of Council

LITTLE YORK RD

LOTTERY COMMISSION

**REDWOOD NEIGHBORHOOD
SUBAREA C
PARCELS 4 AND 5**
± 45.6 AC
(PREVIOUSLY
APPROVED)

**SUBAREA A
OUTLOT 1**
± 6.9 AC

**SUBAREA B
OUTLOT 2**
± 9.3 AC

**PUBLIC ROAD - EXTENSION
OF PARK CENTER DR.
(50' ROW)**
± 1.1 AC

**REDWOOD NEIGHBORHOOD
SUBAREA B
OUTLOT 3**
± 18.3 AC

SITE DATA	
CURRENT ZONING:	OPD1 & RES-1
PROPOSED ZONING:	PUD
TOTAL ACRES:	± 81.2 AC
OUTLOT 1:	± 6.9 AC
OUTLOT 2:	± 9.3 AC
OUTLOT 3:	± 18.3 AC
PARCELS 4/5:	± 45.6 AC
ROW AC:	± 1.1 AC
TOTAL REDWOOD UNITS:	230 (EXISTING & PROPOSED)
PARCEL 4/5:	171 (PREVIOUSLY APPROVED)
OUTLOT 3:	59 (PROPOSED)
DENSITY:	± 3.59 DU/AC (EXISTING & PROPOSED)
OPEN SPACE:	± 38.7 AC (PARCELS 4/5)
	± 12.1 AC (OUTLOT 3)



LITTLE YORK PD

LOTTER COMMISSION

SUBAREA C
PARCEL 5
± 21.7 AC

SUBAREA C
PARCEL 4
± 23.9 AC

SUBAREA A
OUTLOT 1
± 6.9 AC

SUBAREA B
OUTLOT 2
± 9.3 AC

SUBAREA B
OUTLOT 3
± 18.3 AC

PUBLIC ROAD - EXTENSION
OF PARK CENTER DR.
(50' ROW)
± 1.1 AC

PUBLIC ROAD
FOR "BANDOUT"

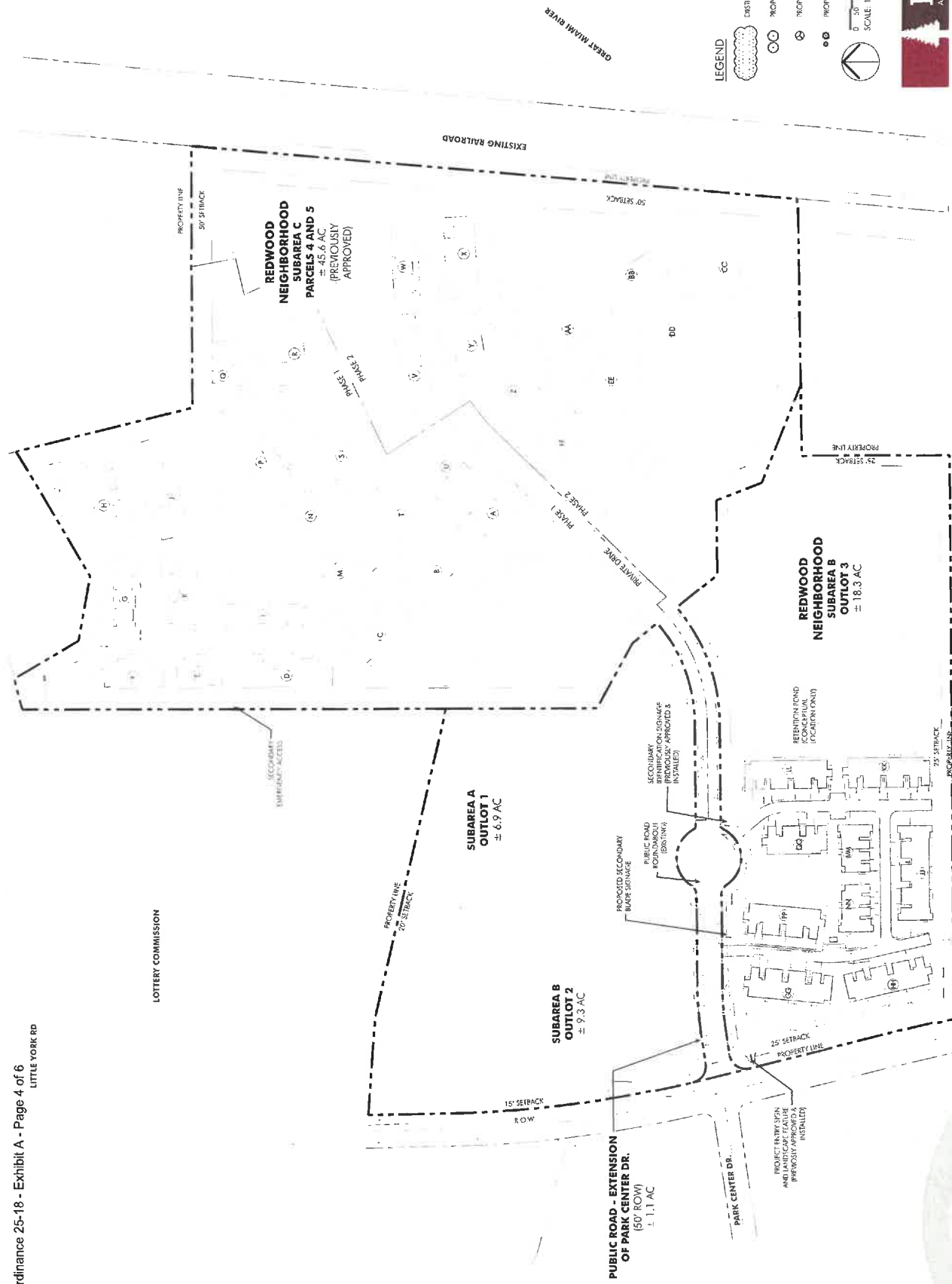
PERMITTED USES
SUBAREA A
OUTLOT 1: PERMITTED USES - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1218-1 FOR CUP USE ZONING

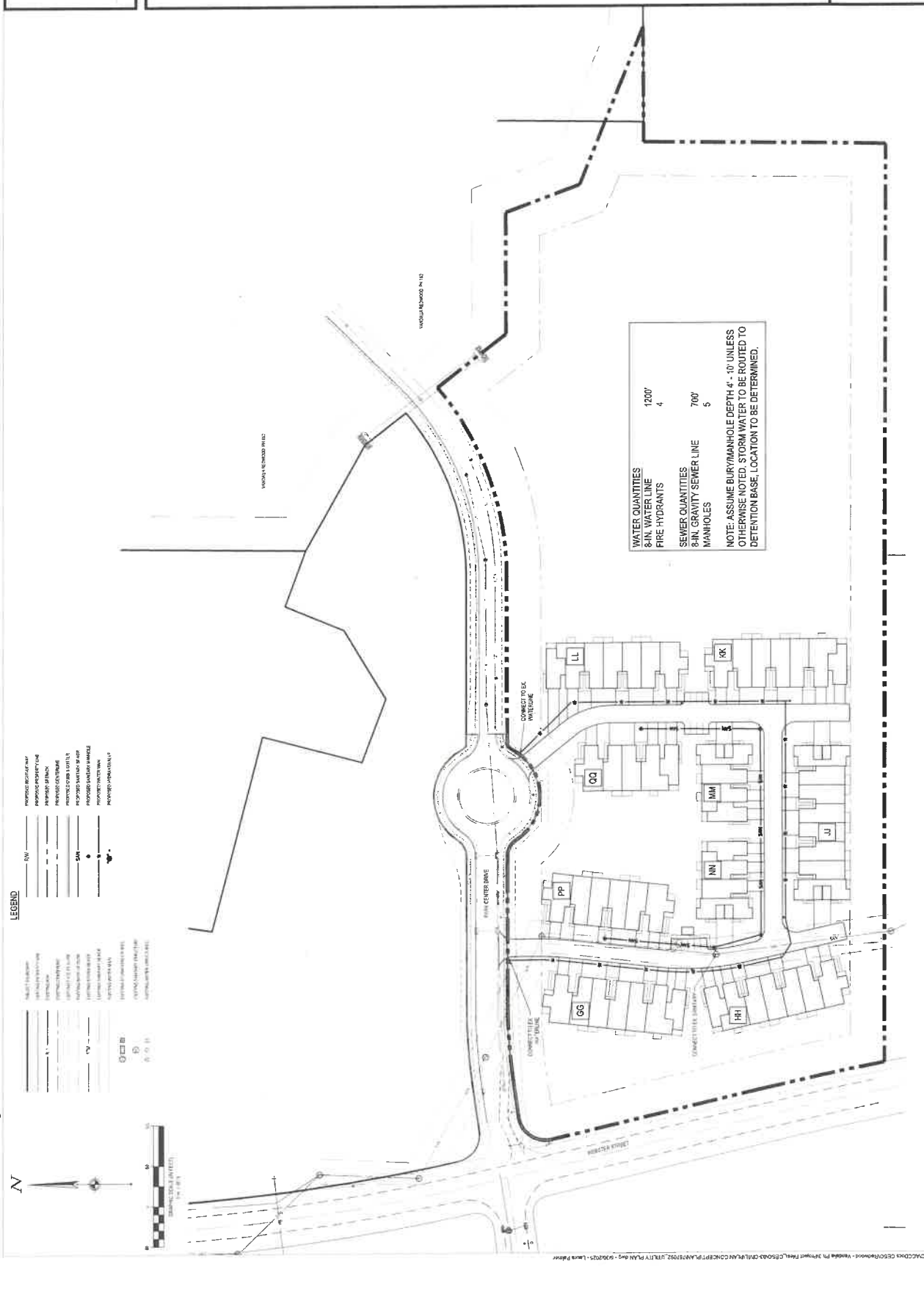
SUBAREA B
OUTLOT 2 AND 3: PERMITTED USES - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1218-1 FOR CUP USE ZONING AND FOUR FAMILY DWELLINGS AND RESIDENTIAL MULTIFAMILY

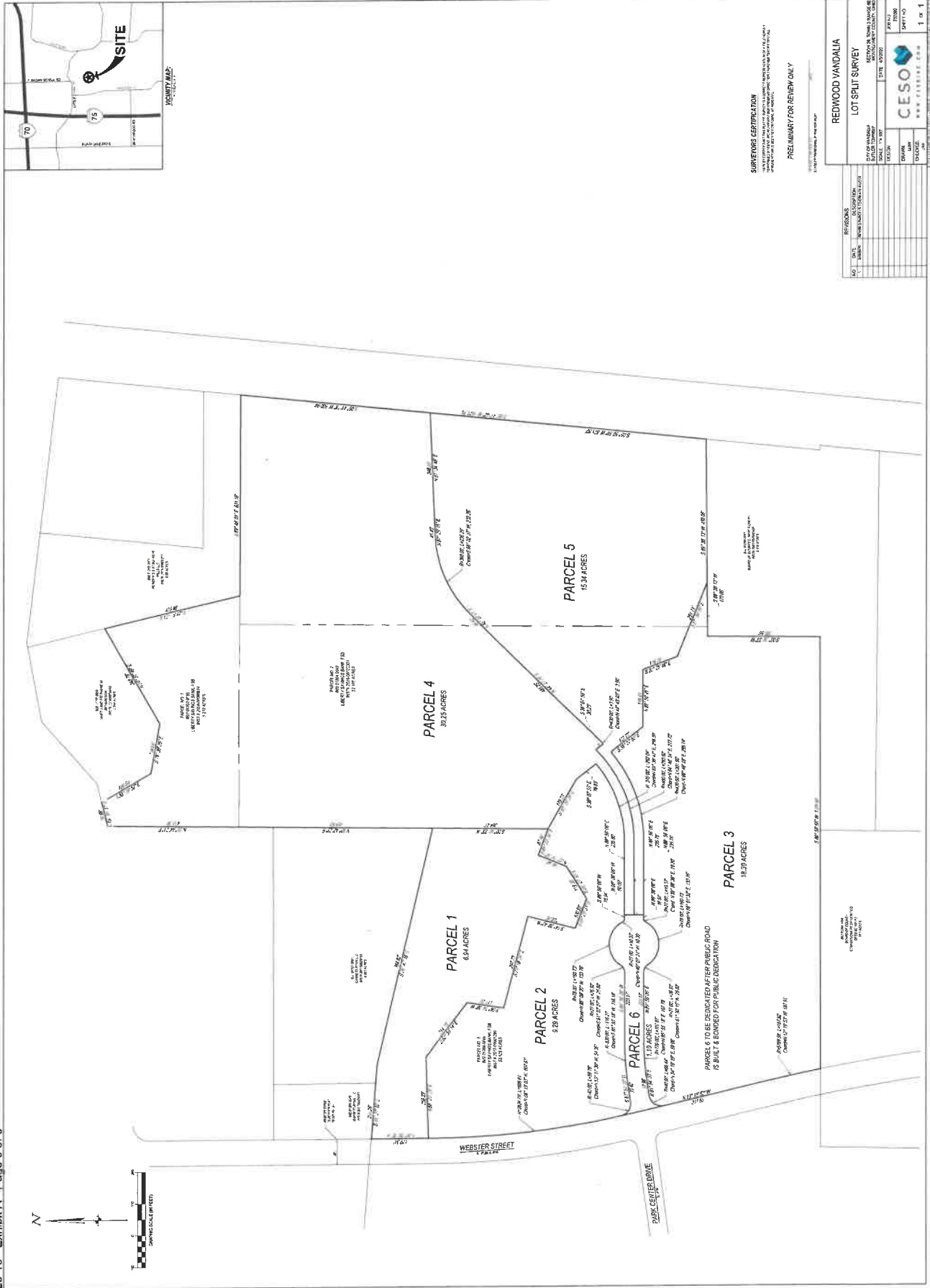
SUBAREA C
PARCELS 4/5: MULTI-FAMILY RESIDENTIAL - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1218-1 FOR NB BASE ZONING INCLUDING FOUR FAMILY DWELLINGS AND RESIDENTIAL MULTIFAMILY











NO.		DATE	REVISION
1	DATE	10/25/20	10/25/20
2	DATE	10/25/20	10/25/20
3	DATE	10/25/20	10/25/20
4	DATE	10/25/20	10/25/20
5	DATE	10/25/20	10/25/20
6	DATE	10/25/20	10/25/20
7	DATE	10/25/20	10/25/20
8	DATE	10/25/20	10/25/20
9	DATE	10/25/20	10/25/20
10	DATE	10/25/20	10/25/20
11	DATE	10/25/20	10/25/20
12	DATE	10/25/20	10/25/20
13	DATE	10/25/20	10/25/20
14	DATE	10/25/20	10/25/20
15	DATE	10/25/20	10/25/20
16	DATE	10/25/20	10/25/20
17	DATE	10/25/20	10/25/20
18	DATE	10/25/20	10/25/20
19	DATE	10/25/20	10/25/20
20	DATE	10/25/20	10/25/20
21	DATE	10/25/20	10/25/20
22	DATE	10/25/20	10/25/20
23	DATE	10/25/20	10/25/20
24	DATE	10/25/20	10/25/20
25	DATE	10/25/20	10/25/20
26	DATE	10/25/20	10/25/20
27	DATE	10/25/20	10/25/20
28	DATE	10/25/20	10/25/20
29	DATE	10/25/20	10/25/20
30	DATE	10/25/20	10/25/20
31	DATE	10/25/20	10/25/20
32	DATE	10/25/20	10/25/20
33	DATE	10/25/20	10/25/20
34	DATE	10/25/20	10/25/20
35	DATE	10/25/20	10/25/20
36	DATE	10/25/20	10/25/20
37	DATE	10/25/20	10/25/20
38	DATE	10/25/20	10/25/20
39	DATE	10/25/20	10/25/20
40	DATE	10/25/20	10/25/20
41	DATE	10/25/20	10/25/20
42	DATE	10/25/20	10/25/20
43	DATE	10/25/20	10/25/20
44	DATE	10/25/20	10/25/20
45	DATE	10/25/20	10/25/20
46	DATE	10/25/20	10/25/20
47	DATE	10/25/20	10/25/20
48	DATE	10/25/20	10/25/20
49	DATE	10/25/20	10/25/20
50	DATE	10/25/20	10/25/20
51	DATE	10/25/20	10/25/20
52	DATE	10/25/20	10/25/20
53	DATE	10/25/20	10/25/20
54	DATE	10/25/20	10/25/20
55	DATE	10/25/20	10/25/20
56	DATE	10/25/20	10/25/20
57	DATE	10/25/20	10/25/20
58	DATE	10/25/20	10/25/20
59	DATE	10/25/20	10/25/20
60	DATE	10/25/20	10/25/20
61	DATE	10/25/20	10/25/20
62	DATE	10/25/20	10/25/20
63	DATE	10/25/20	10/25/20
64	DATE	10/25/20	10/25/20
65	DATE	10/25/20	10/25/20
66	DATE	10/25/20	10/25/20
67	DATE	10/25/20	10/25/20
68	DATE	10/25/20	10/25/20
69	DATE	10/25/20	10/25/20
70	DATE	10/25/20	10/25/20
71	DATE	10/25/20	10/25/20
72	DATE	10/25/20	10/25/20
73	DATE	10/25/20	10/25/20
74	DATE	10/25/20	10/25/20
75	DATE	10/25/20	10/25/20
76	DATE	10/25/20	10/25/20
77	DATE	10/25/20	10/25/20
78	DATE	10/25/20	10/25/20
79	DATE	10/25/20	10/25/20
80	DATE	10/25/20	10/25/20
81	DATE	10/25/20	10/25/20
82	DATE	10/25/20	10/25/20
83	DATE	10/25/20	10/25/20
84	DATE	10/25/20	10/25/20
85	DATE	10/25/20	10/25/20
86	DATE	10/25/20	10/25/20
87	DATE	10/25/20	10/25/20
88	DATE	10/25/20	10/25/20
89	DATE	10/25/20	10/25/20
90	DATE	10/25/20	10/25/20
91	DATE	10/25/20	10/25/20
92	DATE	10/25/20	10/25/20
93	DATE	10/25/20	10/25/20
94	DATE	10/25/20	10/25/20
95	DATE	10/25/20	10/25/20
96	DATE	10/25/20	10/25/20
97	DATE	10/25/20	10/25/20
98	DATE	10/25/20	10/25/20
99	DATE	10/25/20	10/25/20
100	DATE	10/25/20	10/25/20

MEMORANDUM

TO: Kurt Althouse, City Manager
FROM: Michael Hammes, AICP, City Planner
DATE: July 14th, 2025
SUBJECT: PC 25-0007 – Planned Unit Development – Redwood Vandalia Phase III

General Information

Owner(s): Redwood Vandalia Little York Road OH P1 LLC
7007 E Pleasant Valley Road
Cleveland, Ohio 44131

Applicant: Todd Foley
POD Design
100 Northwoods Boulevard, Suite A
Columbus, Ohio 43235

Existing Zoning: Planned Unit Development (PUD)

Location: 7100 Park Center Drive

Parcel(s): B02 01204 0049 (Parcel 2)
B02 01204 0061 (Parcel 3)

Acreage: 27.59 acres +/-

Related Case(s): PC 19-11 (PUD Preliminary Plan)
PC 22-10 (Provision Living Final Plan)

Requested Action: Approval (PUD Amendment & Preliminary Plan)

Exhibits: 1 – Application Materials
2 – Revised Preliminary Plan (Parcel 3)
3 – Proposed Home Elevations
4 – Letters of Justification

Application Background

Todd Foley, of PUD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia.

The Redwood Vandalia Planned Unit Development, approved in November 2019¹, provided for a large multi-family residential development constructed and operated by Redwood Apartments. Phase I was completed in 2024, while Phase II is currently under construction. When complete, the first two phases will result in 171 rental units. Provision Living was slated to begin construction of an independent/assisted living facility on a third parcel, but that project was cancelled in mid-2024.² Two additional parcels were preserved for future development.

The original uses for the various parcels of the development were approved as follows:

Parcel	Use Profile	Permitted Uses
1	Future Commercial	NB (excluding Residential)
2	Future Commercial/Industrial	O/IP
3	Assisted Living	O/IP
4	Multi-Family Residential	NB + Multi-Family Residential
5	Multi-Family Residential	NB + Multi-Family Residential

With the cancellation of the Provision Living project, Redwood Vandalia seeks to instead use parcel 3 as an expansion of the existing multi-family residential development. This constitutes a Major Amendment to the current PUD standards for the site.³ The proposal also requires the approval of a revised preliminary plan.

The applicant seeks to amend the standards of the Redwood Vandalia PUD to add “Multi-Family Residential” to the list of permitted uses for Subarea B, consisting of Parcels 2 and 3. A revised Preliminary Plan encompassing Parcel 3 is submitted for approval as well.

¹ Ordinance 19-20.

² Final Plan approved via Ordinance 22-27, July 18th, 2022. The project was cancelled in 2024.

³ Among other requirements, a PUD amendment is considered major if it increases housing density or impacts more than 5 acres of the development area. This proposed amendment meets both of these requirements. See Section 1214.08(b)(2).

Surrounding Zoning / Uses

The vicinity is a blend of uses, in much the same way as this Planned Unit Development was originally envisioned as a blend of industrial and residential or semi-residential uses. Commercial and Industrial uses are found to the north and west. Vacant land to the south is preserved for future public use. Multi-Family Residential uses lie to the east, consisting of Phases I and II of the Redwood Vandalia development.

Surrounding zoning districts are as follows:

Direction	District
North	O/IP – Office / Industrial Park RSF-1 – Residential Single-Family
South	PF – Public Facilities District
East	PUD – Residential Planned Unit Development
West	O/IP – Office / Industrial Park

Proposed Structures

The applicant has provided sample elevations for the types of structures intended for this development. In general terms, Phase III would follow the successful template set by the first two phases, with multi-family structures built in a similar style and with similar design elements. The structures proposed for Phase III would vary in size, with a small number of one and three-bedroom units placed alongside the standard two-bedroom units.

Open space would be provided as shown, including an area between the two entrances to this section of the development. A retention pond would be installed to the east.

Additional signage would be installed along Park Center Drive denoting the entrances to the Phase III area of the development. Each such sign would be required to comply with the requirements of Chapter 1236 – Sign Standards. No blade signs would be permitted in this (or any) development.

Land Use Density

The proposed Land Use Density for the site is based on the number of dwelling units per acre. In this instance, with 59 units proposed on the 18.3 acres of parcel 3, we have a gross density of 3.22 Dwelling Units per acre.

Section 1226.06 of the Vandalia Zoning Code requires that Planned Unit Developments shall not exceed 12 Dwelling Units per acre for single-family developments.

Proposed Roadways

The development would be served by two roadways connecting to Park Center Drive. As with the first two phases of the Redwood Vandalia development, these roads would be privately owned and maintained.

The proposed road layout meets the standards of the Vandalia Fire Division for emergency access.

Comprehensive Plan

The 2020 Comprehensive Plan designates parcels 2 and 3 of this site as part of a Neighborhood Commercial area.⁴ This designation was applied to parcels in the NB – Neighborhood Business, OR – Office Residential, and O – Office zoning districts, as well as undeveloped PUD parcels (such as this one) with similar use profiles.

In contrast, the Comprehensive Plan lists parcels 4 and 5 as Medium Density Residential.

Typically, businesses in the Neighborhood Commercial area provide services to nearby neighborhoods and adjacent residential areas.⁵ The original proposal for an assisted living facility would have fit this designation, based on the permitted uses of the NB – Neighborhood Business district that formed the basis for that area of the PUD.

With the cancellation of the Provision Living project, those concerns no longer apply. Had Phase III of the Redwood Vandalia development been planned for this site from the beginning, it is our understanding that parcels 2 and 3 would have been designated Medium Density Residential.

In this instance, with this specific pattern of facts, Staff finds that the proposed development would be consistent with the overall goals of the Comprehensive Plan, despite the noted inconsistency with the current Neighborhood Commercial designation.

Covenants and Restrictions

Phase III is intended for development as an extension of the existing rental community. As such, Redwood Vandalia intends to maintain ownership of the entire site. Maintenance of common areas and green space, as well as all private roadways, will be the responsibility of Redwood Vandalia.

⁴ City of Vandalia Comprehensive Plan, Page 55.

⁵ City of Vandalia Comprehensive Plan, Page 57. In relevant part: "Neighborhood commercial is intended to serve residents in close proximity with a low intensity commercial product. Development should be small in scale and complement adjacent development patterns. These uses should serve the everyday needs of nearby residents and employees and can include boutique retail, convenience stores, pharmacies, and restaurants..."

Revised Development Standards

As proposed, the development standards of the Redwood Vandalia Planned Unit Development would be amended as follows:

1. “Multi-Family Residential” is inserted as a permitted use in Subarea B.

The proposed amendment would apply to parcels 2 and 3, though no development is proposed for parcel 2 at this time.

Phasing Plan

The beginning of construction for Phase III of the Redwood Vandalia development would commence following the completion of Phase II in the 3rd Quarter of 2026. Current estimates place the completion of Phase III in mid-2028.

Review and Recommendation

Planned Unit Development Major Amendment – Review Criteria

In the case of Major Amendments to a Planned Unit Development, the proposed amendments must meet either the preliminary or final plan criteria, as appropriate. In this case, the preliminary plan criteria will apply to both the proposed amendment and the revised preliminary plan.

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body finds that the preliminary plan does the following:⁶

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City’s goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

⁶ Vandalia Zoning Code, Section 1214.08(d) – Planned Unit Development Review Criteria

Preliminary Plan Review Criteria (cont'd)

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria (cont'd)

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria (cont'd)

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: While the proposed structures for this development are similar in style to the other homes built in Subarea C, Staff feels that the updated exteriors provide sufficient variety to comply with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

At its regular meeting of July 8th, 2025, the Planning Commission voted 3-0 to recommend **approval** of the proposed Major Amendment to the PUD standards of the Redwood Vandalia Planned Unit Development.

During the same meeting, the Planning Commission also voted 3-0 to recommend **approval** of the proposed Preliminary Plan.

The recommendation of the Planning Commission on both items is hereby forwarded to Council for their consideration.

Application Letter / Letter of Justification

The applicant is formally requesting a Planned Unit Development application to amend the Development Standards for Subarea B (Outlot 2 & 3) for approximately +/-27.6 acres of land on Webster Street, south and east of the I-70/I-75 corridor. The specific request is to allow the inclusion of Multi-Family Residential (and related uses) in the permitted PUD uses previously approved in Subarea B (Outlot 2 & 3). Phase 1 (constructed and occupied) and Phase 2 (currently under construction) have been extremely successful. The applicant is requesting an amendment to the development standards to permit additional dwellings to be constructed in Subarea B. Subarea A will remain as previously approved.

The project was previously rezoned and approved as a Planned Unit Development and presently is a combination of vacant undeveloped subareas in addition to a Redwood Neighborhood (Subarea C, 171 attached residential dwellings) with portions under tree cover, has varying terrain with several drainage corridors and natural features on site. The site is bound by railroad tracks to the east, industrial and commercial development to the west and north and undeveloped land to the south.

The previous request for a PUD designation over the entire project that was approved by the City has provided a more concise plan for how the future development of this property could & will occur. It allowed for a flexible development pattern while establishing controls on specific uses to be developed. It also provided for the preservation of open space/drainage corridors throughout the site that provide visual interest and maintain an overall 'green' feeling to the area.

The proposed PUD development amendment will continue to provide a quality mixed use project to the community's southern corridor. The residential component will provide an alternative housing stock that is not readily available within the community but is highly desired. The opportunity to rent by choice, in a housing product that provides the amenities of a home without the maintenance commitments that owning a home brings is significantly desired by empty nesters and young professionals. Redwood Living develops apartment neighborhoods centered around a combination of smart, single story designs, private attached garages and signature features to provide a maintenance free convenience of an apartment with a genuine feel of a home. A low-density community, with private streets and low impact on city services will be a benefit to the city. This residential use will not have impact on the local school district as Redwood communities are not generators of school aged children.

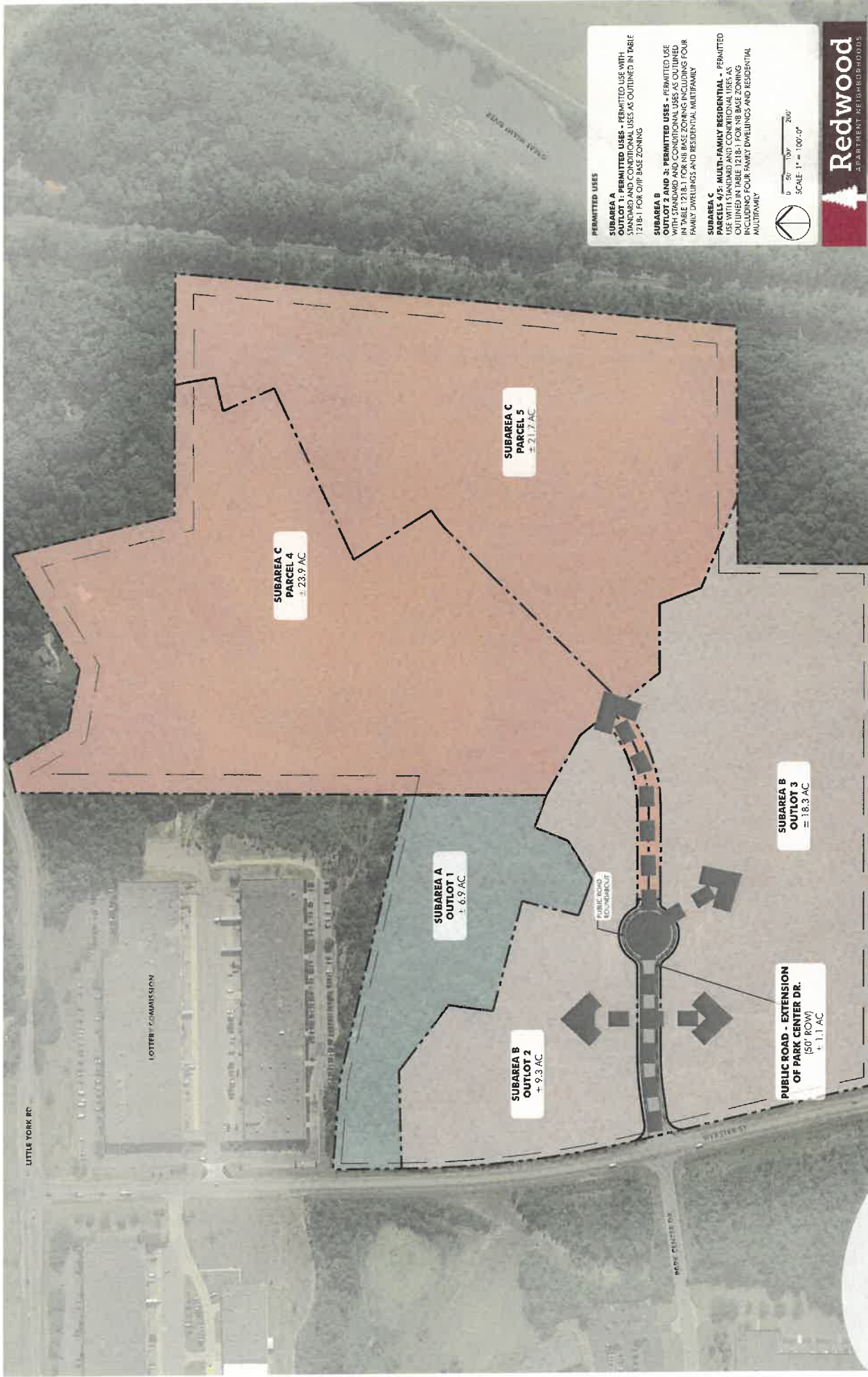
This proposed project will address several goals and recommendations from the comprehensive plan:

Allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. (Comprehensive Plan – Goal II)

Enhance the physical appearance and economic vitality of commercial districts within the community. (Comprehensive Plan – Goal III)

Promote desirable residential growth that enhances diversity of housing stock while targeting specific population groups (Recommendation - Housing Analysis)

Locate new housing as to minimize future expenses associated with utilities and services; encourage infill of vacant areas (Recommendation – Housing Analysis)



PERMITTED USES
SUBAREA A
OUTLOT 1: PERMITTED USES - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1.2(B) FOR C/P USE ZONING
SUBAREA B
OUTLOT 2 AND 3: PERMITTED USES - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1.2(B) FOR C/P USE ZONING INCLUDING FOUR FAMILY DWELLINGS AND RESIDENTIAL MULTIFAMILY
SUBAREA C
PARCELS 4/5: MULTI-FAMILY RESIDENTIAL - PERMITTED USE WITH STANDARD AND CONDITIONAL USES AS OUTLINED IN TABLE 1.2(B) FOR C/P USE ZONING INCLUDING FOUR FAMILY DWELLINGS AND RESIDENTIAL MULTIFAMILY





LITTLE YORK RD

LOTTERY COMMISSION

REDWOOD
NEIGHBORHOOD
SUBAREA C
PARCELS 4 AND 5
± 45.6 AC
(PREVIOUSLY
APPROVED)

SURAREA A
OUTLOT 1
± 6.9 AC

SURAREA B
OUTLOT 2
± 9.3 AC

PUBLIC ROAD - EXTENSION
OF PARK CENTER DR.
(50' ROW)
± 1.1 AC

REDWOOD
NEIGHBORHOOD
SUBAREA B
OUTLOT 3
± 18.3 AC

LEGEND



EXISTING TREES TO REMAIN



PROPOSED DECIDUOUS TREE



PROPOSED ORNAMENTAL TREE



PROPOSED EVERGREEN TREE



SCALE: 1" = 100'-0"



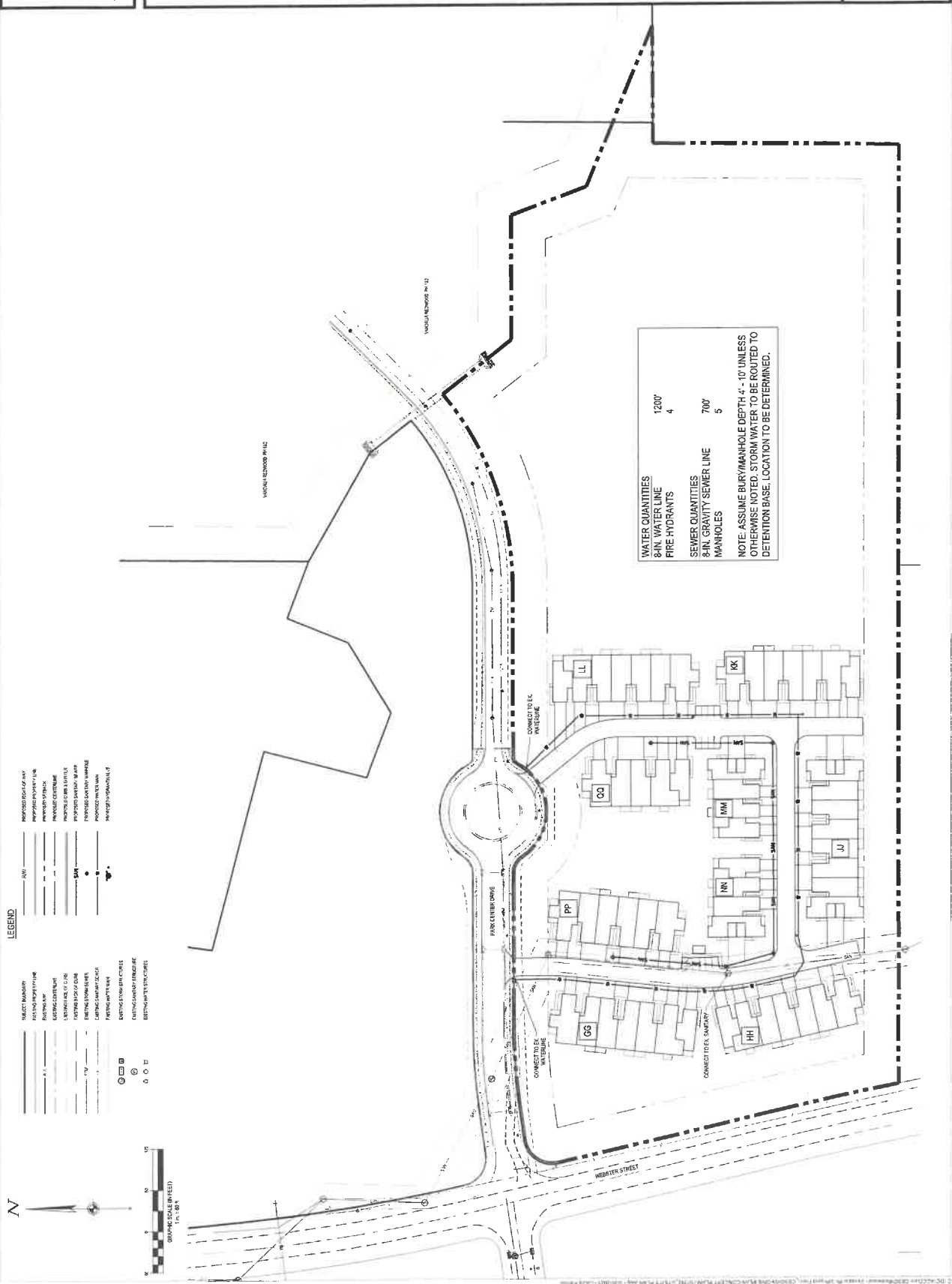
landscape architecture | planning | urban design

REDWOOD VANDALIA Preliminary Landscape Plan | 05.30.2025



Revisions / Submissions	Date
0	Revisions

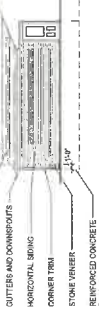
Drawing Title:



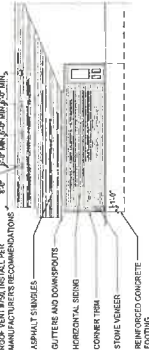
ITEM	MATERIAL/STYLE	EDGE
DECORATIVE COVER	WHT	WHT
ASPHLT BRIDGES	RESIN W/ YOUNG WOOD	WHTERED WOOD
GUTTERS AND DOWNSPOUTS	REFRIGERATED ALUMINUM	WHT
HORIZONTAL SIDING	WHT	VARIABLES
SHAKES	WHT	VARIABLES
CONCRETE	WHT	WHT
STONE VENEER	FLAT PSE	ONE SOUTHERN LIMESTONE
DOOR/DOOR GARAGE DOOR	ENRICH PANEL PIN STEEL	WHT
SINGLE HUNG	WHT	2X4 VENEER DOOR WITH COORDIN WITTEN FLAT GROSS
6-2 X 8" STUDING PARTS	WHT	WHT

ITEM	MATERIAL/STYLE	EDGE
DECORATIVE COVER	WHT	WHT
ASPHLT BRIDGES	RESIN W/ YOUNG WOOD	WHTERED WOOD
GUTTERS AND DOWNSPUTS	REFRIGERATED ALUMINUM	WHT
HORIZONTAL SIDING	WHT	VARIABLES
SHAKES	WHT	VARIABLES
CONCRETE	WHT	WHT
STONE VENEER	FLAT PSE	ONE SOUTHERN LIMESTONE
DOOR/DOOR GARAGE DOOR	ENRICH PANEL	WHT
	PAN STEEL	
SINGLE FLUNG	WHT	2X4 VENEER DOOR WITH COLORED WITTEN
6 X 6 " R " BUDING PASTO	WHT	FLAT GORDS
		WHT

ASPHALT SINGLES



ALUMINUM SLANT BACK



1
2
3
4
5



100

PROCHA	PROCHA	PROCHA	PROCHA



ASPHALT SHINGLES

LONG SLUNG WINDOW WITH 4" TYPICAL 4" SPACER



Decorative Louver - Typ.

Butters and Downspouts

12



SSN

Patrol 1111

PATRO

BOQUIA WASH



PROJECT #: 14125
REDWOOD VANDALIA P3
VANDALIA, OH

A2.01

EXTERIOR FINISH MATERIAL SELECTIONS

ITEM	MATERIAL/LATEL	EQ. USE
DECORATIVE LOUVER	WVNL	WHITE
ASPHALT SHINGLES	DIMENSIONAL 30 YEAR/LAMINATED	WEATHERED WOOD
GUTTERS AND DOWNSPOUTS	PREFINISHED ALUMINUM	WHITE
HORIZONTAL SIDING	WVNL	VARIABLES
SHAKES	WVNL	WVNL
CORNER TRIM	WVNL	WHITE
STONE VENEER	PRESTIGE	OWNERS/DESIGNER LIMESTONE
OVERHEAD GARAGE DOOR	FINISHED PANEL PNL STEEL	WHITE
SINGLE HANG DOOR	WVNL	STANDARD WHITE WITH FLAT GRND
6'X4' X 10'FT SLIDING PNL DOOR	WVNL	WHITE

NOTE: ADDRESS FOR EACH UNIT TO BE PLACED IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD.

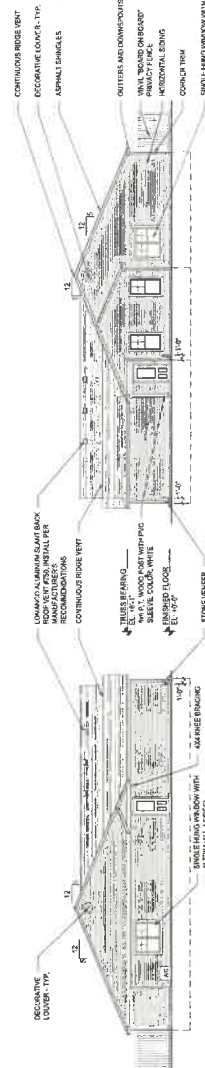
PRELIMINARY
NOTE: THIS DRAWING IS NOT FOR CONSTRUCTION

REVIEWS

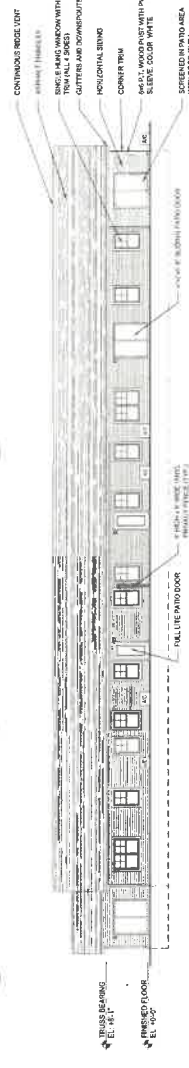


Redwood
BUILDING FLOOR PLAN AND ELEVATIONS
PROJECT #: 14125
DATE: MAY 28, 2025
VANDALIA, OH
REDWOOD VANDALIA P3

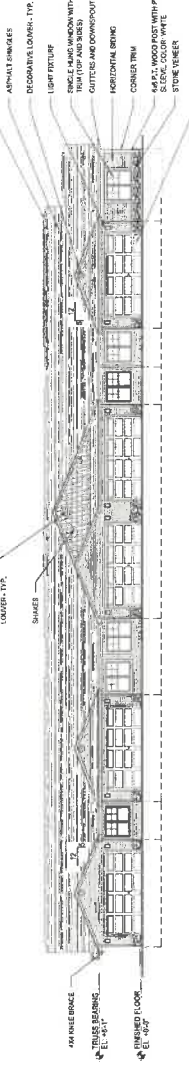
A2.03



LEGEND:
CONTINUOUS RIDGE VENT
DECORATIVE LOUVER - TYP.
ASPHALT SHINGLES
GUTTERS AND DOWNSPOUTS
HORIZONTAL SIDING
CORNER TRIM
STONE VENEER
OVERHEAD GARAGE DOOR
6'X4' X 10'FT SLIDING PNL DOOR
STANDARD WHITE WITH FLAT GRND
WVNL
WHITE



LEGEND:
CONTINUOUS RIDGE VENT
DECORATIVE LOUVER - TYP.
ASPHALT SHINGLES
GUTTERS AND DOWNSPOUTS
HORIZONTAL SIDING
CORNER TRIM
STONE VENEER
OVERHEAD GARAGE DOOR
6'X4' X 10'FT SLIDING PNL DOOR
STANDARD WHITE WITH FLAT GRND
WVNL
WHITE



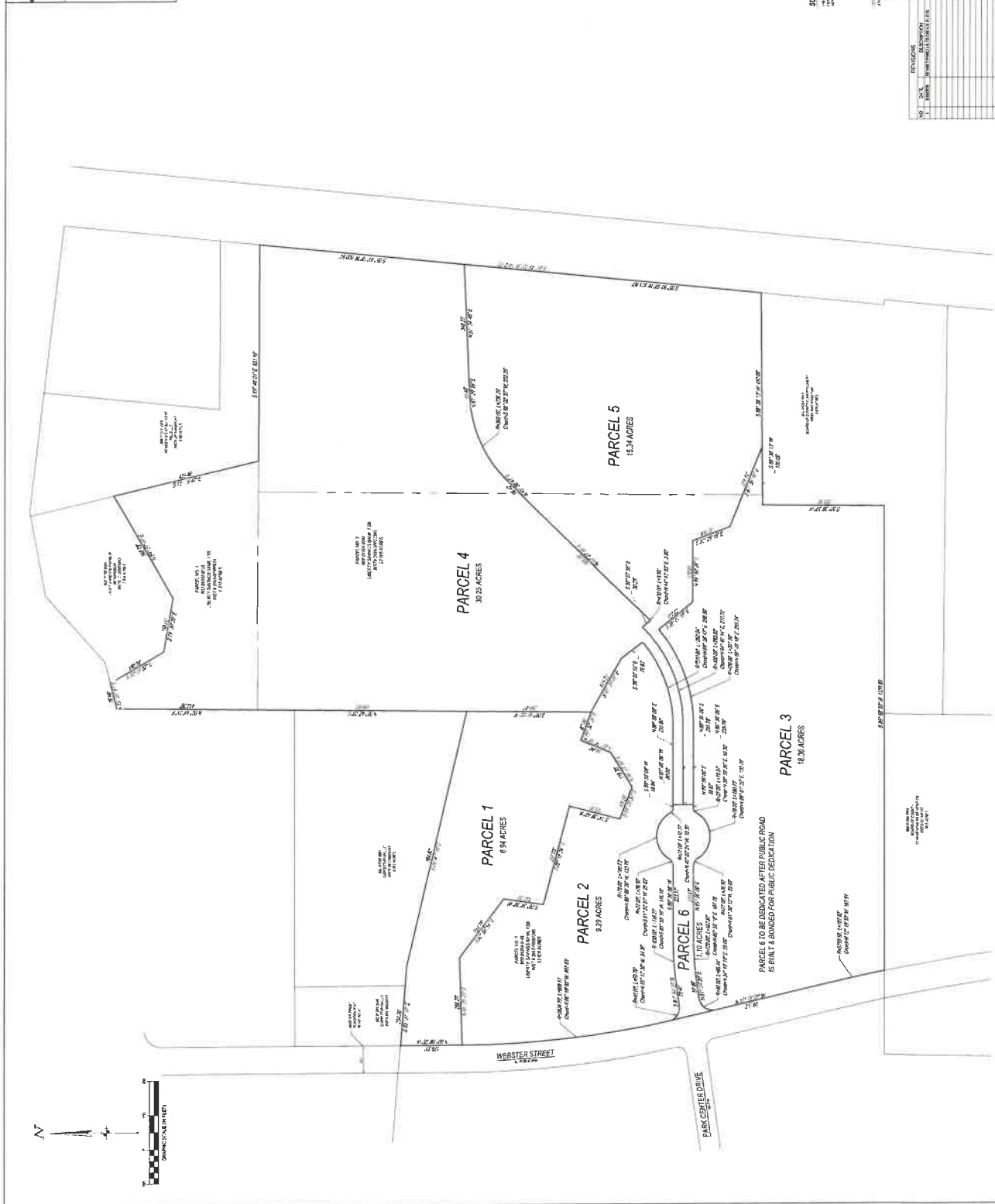
LEGEND:
CONTINUOUS RIDGE VENT
DECORATIVE LOUVER - TYP.
ASPHALT SHINGLES
GUTTERS AND DOWNSPOUTS
HORIZONTAL SIDING
CORNER TRIM
STONE VENEER
OVERHEAD GARAGE DOOR
6'X4' X 10'FT SLIDING PNL DOOR
STANDARD WHITE WITH FLAT GRND
WVNL
WHITE



LEGEND:
CONTINUOUS RIDGE VENT
DECORATIVE LOUVER - TYP.
ASPHALT SHINGLES
GUTTERS AND DOWNSPOUTS
HORIZONTAL SIDING
CORNER TRIM
STONE VENEER
OVERHEAD GARAGE DOOR
6'X4' X 10'FT SLIDING PNL DOOR
STANDARD WHITE WITH FLAT GRND
WVNL
WHITE



LEGEND:
CONTINUOUS RIDGE VENT
DECORATIVE LOUVER - TYP.
ASPHALT SHINGLES
GUTTERS AND DOWNSPOUTS
HORIZONTAL SIDING
CORNER TRIM
STONE VENEER
OVERHEAD GARAGE DOOR
6'X4' X 10'FT SLIDING PNL DOOR
STANDARD WHITE WITH FLAT GRND
WVNL
WHITE



SURVEYORS CERTIFICATION

PRELIMINARY FOR REVIEW ONLY

DATE: 05/05/2020

REDWOOD VANDALIA
LOT SPILT SURVEY

DATE: 05/05/2020
DRAWN BY: J. J. JENSEN
CHECKED BY: J. J. JENSEN
DATE: 05/05/2020
SCALE: 1" = 100'

CESIO
www.cesio.com

Minutes of the City of Vandalia Planning Commission
July 8, 2025

Members Present:	Ms. Kristin Cox, Mr. Lucious Plant, Mr. Bob Hussong
Members Absent:	Mr. Dave Arnold
Staff Present:	Michael Hammes, City Planner Ben Graham, Zoning & Planning Coordinator Ben Borton, Director of Public Service Rob Cron, Assistant City Manager
Others Present:	Greg Thurman, John Seagraves, Rick Drake, Jovi Takhar, Boydon Boston, Steve Ponscheck, Ron Miller, Brian Wertz, Aaron Horn, Rob Smith, Ryan Lefeld, Trisha Cortes, Orlando Cortes, Don Donathan, Ed Burke, Missi Demoss, Nelson Demoss, David Whitlock

Call to Order

Ms. Cox called the meeting to order at 6:08 p.m.

Attendance

Ms. Cox noted that three members were present. Mr. Plant made a motion to excuse Mr. Arnold. Mr. Hussong seconded. The motion carried 3-0.

Approval of Minutes of the Planning Commission

Mr. Hussong made a motion to approve the May 13th, 2025 minutes. Mr. Plant seconded the motion. The motion carried 5-0.

Swearing in of Attendees Wishing to Speak at Meeting

The attendees were sworn in.

Old Business

Mr. Hammes confirmed that there was no Old Business on the agenda.

New Business – PC 25-0007 – PUD Amendment and Preliminary Plan – Redwood Phase III

Mr. Hammes introduced Case PC 25-0007. Todd Foley, of POD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia.

Mr. Hammes described the history of the Redwood Vandalia PUD. He noted that the Redwood development was originally approved in 2019 as a mixed-use commercial and multi-family residential development. Phases I and II of the Redwood development feature 171 multi-family units. Phase I was completed in 2024, and Phase II is under construction.

Mr. Hammes explained that two additional parcels were set aside for commercial uses fitting the standards of the Office / Industrial Park district. Parcel 3, located south of Park Center Drive, was approved for an assisted living facility in 2022. That project was later cancelled. Redwood Vandalia now seeks to expand into a Phase III on this parcel.

Mr. Hammes discussed the proposed amendment to the Redwood Vandalia PUD. He explained that the applicant wished to add "Multi-Family Residential" as a permitted use on parcels 2 and 3. Because this change would increase the number of dwelling units in the development, it qualifies as a Major Amendment and requires Council approval. This change is the only change to the PUD standards proposed.

Mr. Hammes reviewed the revised Preliminary Plan for Phase III. He noted that the proposed residential buildings would be similar in architectural style and design to the homes built in Phases I and II. While the development would continue to primarily feature two-bedroom units, a limited number of one-bedroom and three-bedroom units are also included in the plan for Phase III. He also discussed signage along Park Center Drive, stating that a blade sign depicted in the proposal would be replaced by a permanent sign to comply with the City's signage regulations. Importantly, Mr. Hammes clarified that the current Preliminary Plan applies only to Parcel 3, and any future development of Parcel 2 would require a separate plan amendment.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as "Neighborhood Commercial", owing to the proposed uses available at the time the plan was drafted. Had Phase III been proposed initially, rather than the assisted living facility or some related use, the site would have been designated "Medium Density Residential" to match the first two phases of the Redwood development. As such, the proposed Phase III is consistent with the goals of the plan, if not the specific designation.

Mr. Hammes reported that the development would be managed by Redwood as a rental community, so there would be no covenants or homeowners' association.

Mr. Hammes noted that the standards that applied to the initial phases of the development would apply to residential development in this area, with the exception of a required buffer area at the southwest end of Phases I and II (since that buffer already exists).

Mr. Hammes reported that construction was expected in late 2026, following the completion of Phase II. The proposed phasing plan for this site would see construction completed in 2028.

Mr. Hussong asked about the density of Phase III, referencing the number of dwelling units and the different unit sizes. Mr. Hammes replied that the preliminary plan refers to dwelling units in the aggregate, with the calculation of density taking only the raw number of units into account. The Final Plan approval would be where the applicant would need to show specific utility capacities and designs.

Ms. Cox opened the public portion of the meeting, and invited the applicant forward.

Mr. Greg Thurman of Redwood Vandalia addressed the Commission on behalf of the applicant. He confirmed that the number of bedrooms in Phase III would be the equivalent of 59 two-bedroom units, and that the number of one-bedroom units would balance out the number of three-bedroom units.

Mr. Thurman reported that Phase I was 99% leased, with a waiting list for Phases I and II. With the decline of assisted living facilities following the COVID pandemic, the Provision Living agreement had been cancelled. With parcel 3 now available, the expansion of the Redwood development is now a viable option on this site.

Ms. Cox asked about parcel 2, which would also be approved for multi-family residential uses if the amendment is approved. Mr. Thurman replied that there were no plans for a Phase IV at this time, due to the topography of the site. If a small development is proposed for that site in the future, amending the PUD now would remove the need to seek a second amendment at that time.

Hearing no further public comment, Ms. Cox closed the public portion of the meeting.

Review Criteria

Ms. Cox explained that the Commission would discuss the Preliminary Plan review criteria. Major amendments rely on the criteria for either preliminary or final plans, depending on the amendment in question, so only one set of criteria would be reviewed.

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: While the proposed structures for this development are similar in style to the other homes built in Subarea C, Staff feels that the updated exteriors provide sufficient variety to comply with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Major Amendment to the Redwood Vandalia Planned Unit Development. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Major Amendment.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for Phase III of the Redwood Vandalia development. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

**New Business – PC 25-0008 – Planned Unit Development and Preliminary Plan
Towns at Cassel Grove (600 Corporate Center Drive)**

Mr. Hammes introduced Case PC 25-0008. Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development. The property is owned by the Hague Corporation.

Mr. Hammes described the proposed subdivision, noting that the 72 homes in this neighborhood would be a detached townhome design. This affords homeowners the advantages of a single-family lot, with rear and side yards, while still providing a unique townhome aesthetic.

Mr. Hammes discussed the history of the site, explaining that the parcel was one of the few parcels in the City with the O – Office zoning. The parcel had been zoned to O – Office several decades ago, with the intent of building an office building or office complex. No such development ever happened, and a large-scale office development is less likely in 2025 than it would have been in decades past. The owners of the property had identified this Medium-Density Residential development had been identified as a viable alternative use.

Mr. Hammes discussed the Airport Environs Overlay (AEO) as applied to this parcel. He noted that the parcel was south of the 70 DNL area, which would prevent the construction of Single-Family homes. The 65 DNL area, which encompasses almost the entire site, permits Single-Family Residential development of the type proposed. There are no issues with the AEO that would prevent the proposed development.

Mr. Hammes described the lot design. He reported that the proposed lots had a minimum width of 35 feet. This is larger than the lot width for attached townhomes (22'), but narrower than the typical width for single-family homes in the RSF-4 district (55').

Mr. Hammes noted that one lot at the northeast end of the site would be reserved for a model home.

Mr. Hammes described the proposed green space, noting that the entire site would have an open space buffer between this development and adjacent properties. There would also be a buffer between Phases I and II of the development. A small tot lot is reserved at the northwest end of the site. A 40-foot buffer would be preserved to the east, between this development and the homes on Damian Street.

Mr. Hammes discussed the density of the proposed development. He explained that the development would have 4.96 dwellings per acre. The Zoning Code requires single-family residential PUDs to have fewer than 6 dwellings per acre. Attached townhomes would need to meet the multi-family standard of 12 dwellings per acre, making this development less dense than the alternative.

Mr. Hammes described the roadways proposed for the development. The existing cul-de-sac at Corporate Center Drive would be removed in favor of two side streets with three cul-de-sacs. The Fire Division has reviewed the layout, and has no objections to the proposed design with regards to emergency access. All roads would be public right-of-way.

Mr. Hammes added that there would be no road connection to Pool Avenue. A pedestrian walkway would be provided at the north end of the site, connecting this development to the existing neighborhood to the east.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as "Neighborhood Commercial" due to the O – Office zoning, and that all O – Office parcels in the City were designated as Neighborhood Commercial. In this case, the parcel does not have the interconnectivity or access to fit the intent of the Neighborhood Commercial designation, and the business types intended for that designation would not be viable on this property. Further, the proposed Medium Density Residential use would be consistent with the Medium Density Residential neighborhood to the east. In closing, Mr. Hammes stated his view that the proposed development was consistent with the goals and intent of the Comprehensive Plan if not the specific designation.

Mr. Hammes listed the permitted uses for the site. Single-Family Residential homes would only be permitted on the numbered building lots. Passive open space uses would be permitted on all lots in the development, and accessory uses would be permitted as required by the code.

Mr. Hammes discussed the development standards for the development. He explained that the building lots would be 35 feet in width with 25-foot front and rear yards. Side yards would be set at a minimum of 5.5 feet, which would create at least 10 feet of distance between homes. Open Space lots would have different standards, locking them into at least 1 acre in size. The tot lot would be a 55-foot lot, as proposed.

Mr. Hammes explained that single-family residential PUDs generally include requirements for different home styles and colors, in order to encourage variety in designs and break up monotony. All garages would be required to accommodate two vehicles. Architectural Standards not set by the PUD would default to the standards of the RSF-2 district.

Mr. Hammes discussed the remaining standards for the development. Several corner lots would be oriented to match adjacent homes, and any lots on curves would have their frontage measured at the setback line as is standard for cul-de-sac lots. Other standards not set by the PUD (such as lot design) would default to the standards of the RMF district, owing to the size of the lots proposed here.

Mr. Hussong acknowledged that living near an airport is something that residents in this area are used to dealing with.

Mr. Hussong expressed concern over access within the development, given that there is only one path in and out of the development. In the event of an emergency, residents who need to leave might not be able to get past emergency equipment and first responders.

Mr. Hammes replied that the code did not require a second exit, based on the level of traffic expected from the development. Further, he noted that the vicinity did not lend itself to an additional exit. Mr. Hussong replied that the site does need to be developed, but that he wanted to make sure the issue with access to and from the site was being reviewed. Mr. Hammes confirmed that staff would review that issue and identify alternatives.

Mr. Plant asked about the target buyer for these homes. Ms. Cox invited the applicant to the podium.

Mr. Rob Smith, with DR Horton, addressed the Commission as applicant. He thanked the Commission for considering the application. He described DR Horton as “America’s Homebuilder”, and noted that the company was excited to expand into Southwest Ohio. The company has built communities in Clayton, Xenia, New Carlisle, Huber Heights, and new communities in Troy and Butler Township.

Mr. Smith added that the company had been in Ohio for five years. His office, based in Cincinnati, serves the Cincinnati and Dayton markets. The company staffs its offices with local employees who know the area and are familiar with the local community.

Mr. Smith explained that their initial proposal for this site involved traditional attached townhomes. The detached townhome product had seen some success in other markets, offering the best of both worlds, and the proposal was revised to offer this new type of home. The detached townhome offers the best of both worlds, with a townhome style of home and the private backyard.

Mr. Smith confirmed that his company would be willing to work with the City to expand the pedestrian walkway with bollards and other upgrades, so that the walkway could serve as an emergency access (or egress) if needed.

Mr. Aaron Horn, of DR Horton, added that the company had provided a packet of information about the development. He thanked staff for the detailed presentation.

Ms. Cox, echoing Mr. Plant’s earlier question, asked about the target audience for this type of home. Mr. Horn replied that these homes were targeted to buyers who want a smaller property to maintain and who may not want to share walls with their neighbors. Empty nesters and young urban professionals were mentioned as two target demographics. He added that families with dogs prefer having a fenced-in backyard (as opposed to a shared common backyard).

Mr. Smith added that some families may also take an interest in the site, noting that easy pedestrian access to nearby parks would benefit families with young children.

Mr. Plant asked about the idea of empty nesters buying homes with two stories. Mr. Smith replied that some empty nesters were comfortable with having a single staircase. He suggested that this unique product will find unique buyers who see that this product fits their lifestyle.

Ms. Cox asked about the location of the development and whether its isolated location or its proximity to the airport could cause problems. Mr. Smith replied that job growth in the area and proximity to the highway would highlight this as a safe, relatively affordable development in a strategic location.

Mr. Horn added that the neighborhood would be designed so as to set it apart from the adjacent properties. He discussed the green space provided in the plan and the pedestrian access to Pool Ave.

Mr. Hussong asked for clarification on the walkability. Mr. Horn replied that the Helke Park area, including recently upgraded pickleball courts, would be a major amenity for residents in this development.

Ms. Cox asked about buffering around the site. Mr. Horn referred to the Landscaping Plan, discussing the proposed plantings at the edges of the property. He noted that some areas were considered wetlands, which limited what they could plant. He pointed out that the plan called for preserving as much mature growth (including trees) as possible.

Mr. Smith added that a buffer area would be preserved along the east side of the development. His company's interest is in making every lot viable, so that they do not have unsold property.

Ms. Cox asked about the price point for the proposed homes. Mr. Smith replied that these homes in the current market would sell in the \$270,000 to \$310,000 price range. He reiterated his company's position that there is a market for homes in this price range.

Hearing no further questions from the Commission, Ms. Cox opened the public portion of the meeting.

Mr. John Seagraves of 3353 Hertlein Lane, addressed the Commission. He explained that he was one of several residents who negotiated the zoning to O-2 when the owner at the time wanted Industrial. There was work done at that time that was not allowed, and he and his neighbors have fought that for a long time. He added that he and his neighbors have septic systems.

Mr. Seagraves challenged the prices offered by the applicant. He argued that the property would be ideal for a medical office, and that medical companies in the region are eager to build new medical offices. He suggested that the owners of the property had not properly marketed the site, which is why it had not sold.

Mr. Seagraves argued that no empty nester would buy a home with a staircase.

Mr. Seagraves reported that he had not received a letter 40 years ago, and that he had not received a letter for this meeting. He thanked his neighbor for letting him know about the meeting. He added that his wife is in the hospital, and that he would be leaving once he concluded his remarks.

Mr. Seagraves stated that he had grown up in West Virginia, and that the proposed homes resembled "company homes".

Mr. Seagraves argued that the site had not been maintained, and that the City had not required them to properly maintain their land. When the current owner bought the property, they were aware that the land was zoned O-2.

Mr. Seagraves noted that he has emergency vehicles on his street every day.

Mr. Seagraves discussed water issues with the property. He said that the development of the site would send water into his backyard. As a real estate agent, he argued that the property would not be marketable.

Mr. Seagraves asked if the City had investigated the builder, arguing that the company has been involved in a number of lawsuits in other states.

Mr. Seagraves asked the Commission to turn down the application. He argued that the homes built on this site should match the homes on Damian Street. Any development on the site should match the current zoning.

Mr. Donnie Donathan of 515 Damian Street, addressed the Commission. He reminded the Commission that he had opposed a previous proposal for industrial zoning on this property, and that he opposes this rezoning. He displayed a petition of residents in the area who also opposed the development.

Mr. Donathan requested that Mr. Hammes stop receiving illegitimate proposals. He argued that the City should have rejected the application outright due to the number of homes proposed.

Mr. Donathan stepped away from the podium to refer to the displayed map of the proposed development. He argued that, if developed, the site would send a large amount of stormwater into his property and the properties of his neighbors. He reported that the area behind his home retained water due to poorly designed storm drains. He complained that the City had ignored his complaints about the issue.

Mr. Donathan argued that the current owners have not maintained the property, and that a new owner should be required to do so.

Mr. Donathan discussed drainage issues from 23 years ago along Pool Avenue and Damian Street.

Mr. Donathan argued that the stormwater for the development would flood his basement when the retention area overflows.

Mr. Donathan argued that Mr. Hammes should have rejected this proposal due to his stormwater concerns.

Mr. Donathan suggested that he could buy one of these homes for \$200,000 and rent it out as an Air BNB. He argued that no one would pay that much for homes near the airport and Tackett Trees.

Mr. Donathan stated that he wanted this development stopped. He stated that his petition featured over 30 signatures, and that he had prevented spouses and children from signing – one signature per address only.

Mr. Donathan argued that the Homeowners' Association would become bankrupt, and that kids could drown in the retention areas if no one maintains the site.

Mr. Donathan argued that he has an ownership interest in the fifty-foot area behind his house, because he had maintained it for fifty years.

Mr. Donathan asked for nice homes on the property, preferring homes that would sell for \$450,000.

Stepping away from the podium, Mr. Donathan encouraged the audience to sign the petition.

Hearing no further comments, Ms. Cox closed the public meeting.

Mr. Plant asked the applicant to address the stormwater concerns. Mr. Smith replied that he expected some concern from adjacent property owners about the stormwater. In general, his company intends to improve the site and the stormwater flow within the area. He introduced his engineer to address the details of their proposal.

Mr. Ryan Lefeld, with Choice One Engineering, addressed the Commission. The retention ponds proposed are there for stormwater management and treatment. The requirement is that stormwater is analyzed both before and after the proposed development, and that the development cannot release more stormwater than the current level of the site.

Mr. Lefeld reported that the development has to follow normal downstream flow for stormwater, and that no drainage can be directed into neighboring backyards or other properties.

Mr. Hussong asked about the Carriage Hills development in Huber Heights. Mr. Smith replied that his company had done a small part of that development.

Mr. Plant asked for clarification about the stormwater. Mr. Lefeld replied that stormwater may currently run over the ground into adjacent properties. Once the development is in place, water that comes from the development would be directed to the proposed ponds, which would then outlet into the storm sewer system. The storm water that normally goes into backyards would be intercepted before it reaches adjacent properties.

Ms. Cox asked if the roadway design would impact stormwater. Mr. Hammes replied that the roadways would be public roadways, and as such they would need to comply with City and Ohio EPA standards for stormwater. Mr. Lefeld added that the City has additional standards in their Stormwater Protection Plan that would govern the site.

Mr. Graham added that the roadways were designed to be wider than standard. Mr. Cron confirmed this, noting that the 37' width proposed is six feet wider than the usual 31' standard.

Mr. Plant expressed concern about the traffic flow within the development, noting that the design of the site may result in on-street parking that could restrict traffic flow.

Hearing no further comments, Ms. Cox moved on to the Review Criteria.

Planned Unit Development District Review Criteria

Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to accommodate the style of home intended for this site. The detached townhome-style structures proposed would not be feasible in a standard zoning district.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services.

Mr. Plant and Ms. Cox agreed with the staff comment. Mr. Hussong disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the location and nature of the proposed development, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

Mr. Hammes noted that the project is required to have no negative impact on the vicinity with regards to storm water management, and that the staff comment reflects that requirement.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Ms. Cox agreed with the staff comment. Mr. Hussong and Mr. Plant disagreed. The Planning Commission disagreed with the staff comment by a vote of 2-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

Mr. Hussong asked for clarification on review criterion K. Mr. Hammes replied that the review criteria apply to all PUD proposals, regardless of type. Mr. Hussong noted that a business use would create more stormwater issues than the proposed residential use. Mr. Hammes confirmed that the aggregate stormwater from the site must be maintained or improved by the new use, whatever that new use might be.

Mr. Hussong and Ms. Cox agreed with the staff comment. Mr. Plant disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply. Guest parking spaces provided along common areas meet the code's requirements for such parking spaces.

Mr. Hammes noted that the only additional parking proposed in this development would be street parking at the center of the development (near the cluster mailboxes), along the northwest cul-de-sac, and at the tot lot.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Planned Unit Development for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Planned Unit Development.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Mr. Donathan stepped to the podium and began to speak. Ms. Cox stated that the public portion of the meeting had closed. Mr. Donathan handed his petition to the chair, and reported that the City would be hearing from his attorney.

New Business – PC 25-0009 – Rezoning – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0009. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts.

Mr. Hammes explained that R&R Takhar Oil Company, a current Vandalia business, wished to consolidate its operations onto one property. They propose a new corporate office building, a fueling station with convenience retail, and a truck facility to maintain the company's fleet of fuel trucks.

Mr. Hammes added that the fueling station use would require Highway Business zoning, while the truck facility would require Industrial zoning.

Mr. Hammes described the surrounding zoning as a blend of I – Industrial and O/IP – Office / Industrial Park districts. The proposed Industrial zoning would fit well with the industrial parcels in the vicinity. Highway Business zoning is not present, but the location of the site near I-75 makes an HB zoning reasonable for this site.

Mr. Hussong asked about the volume of trucks stored at and serviced by the proposed truck facility. Mr. Hammes replied that the applicant was present and would be able to provide that information.

Mr. Hussong asked about access to the site. Mr. Hammes explained that there would be two curb cuts for the office parcel and one each for the truck facility and fueling station. An additional point of access may be established between the adjacent property and the fueling station, but that that arrangement would be negotiated between the two property owners.

Ms. Cox invited the applicant to the podium.

Mr. Richard Drake, of Drake Architecture, spoke on behalf of the applicant. In response to Mr. Hussong, Mr. Drake reported that Takhar Oil operates 50 vehicles servicing over 75 fueling stations. 8 to 10 trucks would be stored on this property at any one time.

Mr. Drake explained that the company needs additional office space to bring their entire operation together on one property. The fueling station would be a test store where they can showcase their operations and try new things.

Mr. Drake noted that he had lived in the area for years, and that he was surprised that this property had remained vacant for so long. This parcel is a natural fit for the proposed use, and a fueling station on this side of the highway would be successful.

Mr. Hussong asked if the flow of traffic at this site would be similar to the company's existing site. Mr. Drake confirmed that it would.

Ms. Cox asked if the area was already saturated with fuel stations. Mr. Drake replied that there were only three fueling stations in the vicinity, and none of them were on this side of the highway.

Hearing no further comments, Ms. Cox closed the public portion of the meeting.

Zoning Map Amendment Review Criteria

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.¹

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed rezoning furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

¹ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed rezoning is consistent with the City's goals and policies generally, and that it is not inconsistent with the Comprehensive Plan.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed rezoning is necessary due to changing conditions, namely the long-planned expansion of commercial uses along the Benchwood Road corridor.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed rezoning from the O/IP – Office / Industrial Park district to the HB – Highway Business and I – Industrial districts, respectively. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed rezoning.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

New Business – PC 25-0010 – Conditional Use (Truck Facility) – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0010. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

Mr. Hammes explained that the project involves a truck facility at the north end of the site. Truck facilities are conditional uses in the I – Industrial district. He noted that this particular truck facility would only service trucks owned by the company itself, and would not be open to the public as such.

Mr. Hammes added that there would be no amenities provided for truck drivers. The 9,000 square foot structure would be used for maintenance and repair of trucks.

Mr. Hammes pointed out that the applicant would need to improve Homestretch Road by widening the west side of the road to meet the requirements of the Thoroughfare Plan.

Mr. Hammes reported that Staff recommended three conditions. These were listed as follows:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Hammes explained that these conditions were not unusual for a facility of this type. Condition 1 requires that the site be rezoned to Industrial before the conditional use goes into effect. Condition 2 would require that the two parcels set aside for this use be combined. Condition 3 requires that all roadway improvements be installed according to the Director of Public Service's standards.

Mr. Richard Drake returned to the podium to speak on behalf of the applicant. He explained that the facility would have a small break room and restrooms for employees working on trucks, but will otherwise have no amenities for drivers.

Mr. Hammes pointed out that the plan included no provisions for large fuel tanks or equipment for loading fuel into the company's fuel tanker trucks. Mr. Drake confirmed that there would be no fuel products stored on-site. He added that any fuel trucks stored on-site would be stored empty.

Hearing no further questions, Ms. Cox closed the public portion of the meeting.

Ms. Cox noted that the current application is a much better use than previous proposals for this property.

Conditional Use Permit Criteria

Ms. Cox read the conditional use permit criteria into the record. The Planning Commission shall not recommend in favor of an application for a conditional use permit unless it finds the following:

- (1) The establishment, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, morals or general welfare;

Staff Comment: Given that this facility would not be open to the public, Staff feels that the use would meet this criterion as proposed.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Conditional Use Permit Criteria (Cont'd)

- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

Staff Comment: Staff feels that the conditional use would not be injurious to the use and enjoyment of other property in the vicinity, nor would property values be negatively impacted.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Staff Comment: The proposed conditional use does not appear likely to impede the development or improvement of any surrounding property.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Staff Comment: The proposal includes provisions for adequate utilities, drainage, roadway improvements, and other necessary facilities.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets;

Staff Comment: The design of the site provides appropriate access to and from Homestretch Road. The proposed conditional use is not expected to significantly impact traffic conditions on either roadway.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

Staff Comment: Staff feels the conditional use will be located in a district where such use is conditionally permitted, and all requirements set forth in the code applicable to this use have been or will be met.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended **approval** for the proposed conditional use of a Truck Facility in the I – Industrial district with the following conditions:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Plant made a motion to recommend approval of the proposed conditional use, with the conditions as laid out by Staff. Mr. Hussong seconded the motion.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed conditional use permit with three conditions.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Communications

Mr. Hammes noted that the reorganizational meeting would be held at the first meeting with all five members present - including a new member who would fill the current vacancy. Mr. Hammes also wished Mr. Arnold a speedy recovery.

Mr. Hammes confirmed that the July 22nd meeting had been cancelled for lack of an agenda. He added that he expected to have at least one application for the meeting on August 12th.

Mr. Hammes reminded the Commission of the joint Planning Commission / BZA training scheduled for July 29.

Mr. Hammes (belatedly) welcomed Mr. Hussong to the Planning Commission, and thanked him for volunteering to serve.

Adjournment

Ms. Cox asked for a motion to adjourn. Mr. Hussong made the motion. Mr. Plant seconded the motion. The vote passed 3-0.

Mr. Atkins adjourned the meeting at 8:40 p.m.

Acting Chairperson

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

ORDINANCE 25-19

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND ASSOCIATED ZONING MAP CHANGE FOR LAND GENERALLY LOCATED AT 600 CORPORATE CENTER DRIVE

WHEREAS, the proposed PUD Preliminary Plan for 600 Corporate Center Drive consists of approximately 14.514 acres +/- on one parcel of land being identified as parcel number B02 01018 0005 by the Montgomery County Auditor; and

WHEREAS, the parcel of land has the zoning classification of Office (O); and

WHEREAS, the Applicant, DR Horton on behalf of the Hague Corporation, has requested a Planned Unit Development Preliminary Plan to permit a single-family residential development with 72 new single-family residential structures, passive open space uses, and related amenities, said subdivision being referred to on a preliminary basis as The Towns at Cassel Grove, and;

WHEREAS, the Planning Commission held a public hearing on July 8th, 2025, following which they recommended approval of the Preliminary Development Plan and associated zoning map change;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The Preliminary Development Plan known as The Towns at Cassel Grove dated June 12th, 2025, attached hereto and incorporated herein as Exhibit A, is hereby approved.

Section 2. The Development Standards for The Towns at Cassel Grove, attached hereto and incorporated herein as Exhibit B, shall apply to all parcels of The Towns at Cassel Grove, unless amended by legislative action of the Vandalia City Council.

Section 3. Pursuant to Section 1214.08(f)(2) of the Vandalia Zoning Code, the Official Zoning Map of the City of Vandalia is hereby amended to identify the subject property as being zoned PUD.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This ordinance shall take full force and effect from and after the earliest period allowed by law.

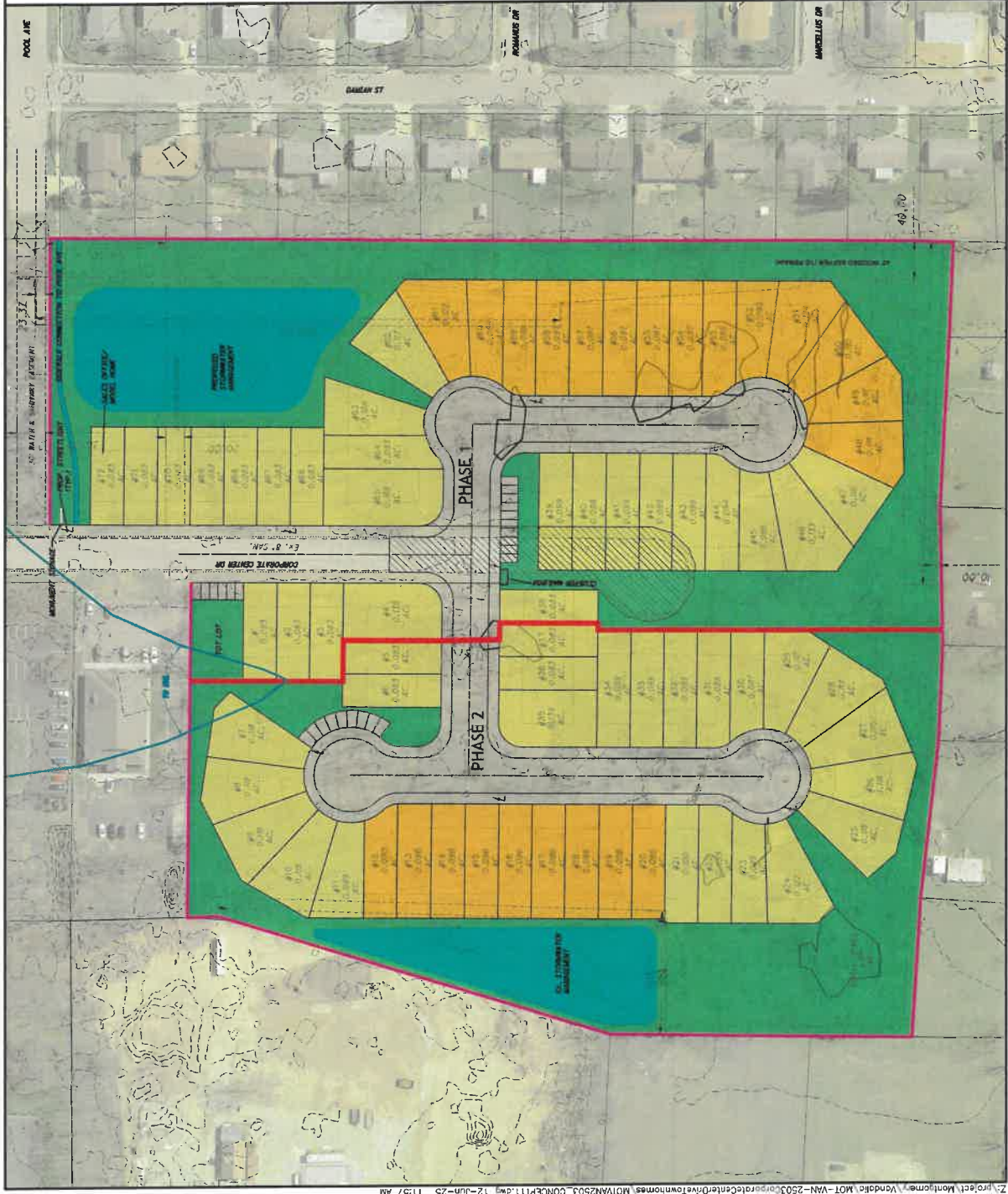
Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse
Clerk of Council



THE TOWNS AT CASSEL GROVE

CITY OF VANDALIA

SCHEMATIC PLAN

REVISIONS:

FILE NAME	001
DRAWN BY	AM
CHECKED BY	OSP
PROJECT NO.	MOTWAZ2503
DATE	05-12-2025
SHEET NUMBER	1 OF 3

NAME OF SUBDIVISION
THE TOWNS AT CASSEL GROVE

NAME OF OWNER
HAGE CORPORATION
9885 W STATE ROUTE 185
COVINGTON, OHIO 45318

NAME OF DEVELOPER
HAGE CORPORATION
4105 DUNE DRIVE, SUITE 250
MASON, OHIO 45040
(513) 565-6886

PARCEL ID: 802 0018 6095,
IN THE CITY OF VANDALIA,
MONTGOMERY CO., OHIO
TOWNSHIP: BUTLER
SECTION: 14
RANGE: 8

EXISTING ZONING: O - OFFICE
PROPOSED ZONING: RUD
3 GREEN/OPEN SPACE LOTS
72 TOTAL SINGLE FAMILY LOTS
7-276 AC. DEVELOPED LOTS
7-809 AC. PROPOSED RIGHT OF WAY
5-145 AC. TOTAL SITE
14.556 AC. TOTAL SITE

TYPICAL LOT LAYOUT

TYPICAL LOT LAYOUT

NUMBER OF PROPOSED LOTS:
PHASE 1: FAMILY LOTS
GREEN/OPEN SPACE LOTS
= 30 LOTS
= 2 LOTS

PHASE 2
SINGLE FAMILY LOTS
GREEN/OPEN SPACE LOT
= 33 LOTS
= 1 LOT

LEGEND

OPEN SPACE

STORM WATER MANAGEMENT BASIN

35x98' LOTS

35x103' LOTS

SCALE IN FEET
0 25 50 100

CHOICEONEENGINEERING.COM
LOVELAND, OHIO 45139-0354
SHMCK, OHIO 45227-0200

PLANTING SCHEDULE		SIZE	ROOT
QTY.	COMMON NAME	BOTANICAL NAME	
	TREES		
9	KATSURA TREE	CEDRYPATHOLUM AMONICUM	2" CAL.
9	WAXY CINCOCO	WAXY CINCOCO	2" CAL.
7	NORWAY SPRUCE	PICEA ABIES	7" NET.
10	WHITE FIR	ABIES CONCOLOR	7" NET.
5	AUTUMN BRILLIANCE SERVICEBERRY	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	2" CAL.
1	RED TWIG DOGWOOD	COREOPSIS FLORIBUNDA	2" CAL.
8	GREENSHIRE LINCOLN	TILIA G. 'GREENSHIRE'	2" CAL.
11	CELEBRATION MAPLE	ACER X FREEMANTLE 'CELEBRATION'	2" CAL.
12	AMERICAN HOPBURN	OSTRYA VIRGINICA	2" CAL.
9	MORINGA	MOINGA	2" CAL.
9	ADRIAN SPICE PLUM	PRUNUS SP.	2" CAL.
13	EASTERN WHITE PINE	PINUS STROBUS	7" NET.
6	WHITE FLOWERING DOGWOOD	CORNUS RUBRA	2" CAL.
10	PALEST PINK CHAB	CHAB	2" CAL.
4	RED FLOWERING DOGWOOD	COREOPSIS FLORIBUNDA	2" CAL.
4	EASTERN REDWOD	COREOPSIS FLORIBUNDA	2" CAL.

1. PRIOR TO INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL INSPECT THE GENERAL SITE CONDITIONS AND VERIFY THE SUBGRADE, ELEVATIONS, UTILITY LOCATIONS AND TOPSOIL PROVIDED BY GENERAL CONTRACTOR. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR OF ANY UNSATISFACTORY CONDITIONS PRIOR TO THE START OF THE LANDSCAPE CONTRACT. THERE HAVE BEEN NO CHANGES TO THE SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, CORRECTED AND ARE ACCEPTABLE TO THE LANDSCAPE CONTRACTOR. SUBSTITUTIONS SHALL BE PERMITTED WITH NOTIFICATION AND WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT. SUBSTITUTED MATERIAL SHALL BE EQUIVALENT TO THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL HAVE THE SAME ESSENTIAL CHARACTERISTICS AND GROWTH HABIT OF THE SPECIFIED PLANT.
3. CONFIRM LOCATION OF ALL UTILITIES AND SUBSURFACE DRAIN LINES PRIOR TO CONSTRUCTION. THE CONTRACTOR MAY SIGHTLY FIELD ADJUST PLANT LOCATIONS AS NECESSARY TO AVOID UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE.
4. THE CONTRACTOR SHALL REPAIR ALL LAWN AREAS DISTURBED DURING CONSTRUCTION WITH TOPSOIL AND SEED OR INERTIAL FILL, LIMIT FREE LAWN PRIOR TO PROJECT COMPLETION.
5. SEED ALL AREAS WITHIN CONTRACT LIMIT, THAT ARE NOT COVERED BY PAVING, BUILDINGS OR PLANTING BEDS UNLESS OTHERWISE NOTED. SEEDING SHALL NOT BE DONE IN WET WEATHER. SEED SHALL BE APPLIED AT THE RATE OF 1.0 LB PER 1000 SQ. YD. OF PLANTING BEDS WITH SWEETENED BROMUOL MUNCH OF UNIFORM DARK BROWN COLOR. IT SHALL BE FREE OF TWIGS, LEAVES, DISEASE, PEST OR OTHER MATERIAL UNDESIRABLE TO PLANTS. AVERAGE APPLIED THICKNESS SHALL BE 3" BED EDGE SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
6. PLANTING BEDS SHALL BE GRADED TO A MINIMUM SETBACK THICKNESS SHOWN ON PLAN.
7. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
8. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
9. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
10. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
11. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
12. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
13. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
14. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
15. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
16. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
17. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
18. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
19. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.
20. PLANTING BEDS SHALL BE SMOOTH, CONSISTENT, HAND TRENCHED 8" DEEP AND 1/2" SHAPED UNLESS OTHERWISE NOTED. ALL EXCAVATED MATERIAL SHALL BE REMOVED FROM THE BED EDGE AND PLANTING BED.

- a. IF NOT REGULARLY APPARENT, LOCATE ROOT FLARE BY REMOVING THIN, BURLAP, AND EXCESS SOIL.
- b. LOCATE TREE HOLE AT LEAST TWO TIMES DEEPER THAN THE TREE BALL, WITH SIDES OF TREE BALL VERTICALLY ALIGNED WITH THE CENTER OF THE TREE HOLE. LOCATE ROOT FLARE, AT THE FIRST GROSS LATERAL ROOT, WILL BE AT FINISHED GRADE.
- c. THE BOTTOM OF THE ROOT BALL POSITION THREE OR FOUR PAD INCHES ABOVE THE BOTTOM OF THE TREE HOLE. THE TOP OF ROOT FLARE IS LEVEL WITH THE SURROUNDING SOIL.
- d. REMOVE ALL THINNE FROM THE ROOT BALL. IF PRESENT, REMOVE AND DISCARD FROM THE TOP TO A POINT HALFWAY DOWN THE ROOT BALL AND DISCARDED WITH CLEAN, SHARP PRUNING TOOLS. PRUNE OFF ANY SECONDARY/ADVENTITIOUS, DAMAGED OR BROKEN BRANCHES, BROKEN BALL AND LODGE TOP BALL ANCH.
- e. MATCH THE ENTIRE PLANTING SURFACE WITH MULCH APPLIED NO LESS THAN TWO INCHES DEEP AND NO MORE THAN THREE INCHES DEEP, LEAVING THREE INCHES CONDITIONS AND SIZE IDENTIFIED IN PLANT SCHEDULE, GROWN IN CLIMATIC SPECIFICATIONS SIMILAR TO THOSE IN LOCALITY OF THE WORK.
- f. LOCATE PLANTING HOLE WITH THE PLANTING HOLE DEEPER THAN PLANTING HOLE DUE TO NARROW, HEALTHY, WELL-DEVELOPED ROOT SYSTEMS, FRESHLY DISEASED, INSPECTY GROWN, WELL-BRANCHED, DENSELY FOLIATED WHEN IN LEAF AND WELL-PROPORTIONED, PARTICULARLY WITH RESPECT TO THE WIDTH-HEIGHT DAMAGED OR BROKEN BRANCHES, BROKEN BALL AND LODGE TOP BALL ANCH.
- g. SET PLANTS IN CENTER OF HOLE, PLUMB AND STRAIGHT. REMOVE 5 TOP OF SATURATED SOIL WITH WATER WHEN THE HOLE IS HALF FULL OF TOPSOIL, AND AGAIN WHEN FULL.
- h. DO NOT OVERWATER PLANT LIFE WHEN AMBIENT TEMPERATURES MAY DROP BELOW 35 DEGREES F. DO NOT FERTILIZE PLANT LIFE WHEN AMBIENT TEMPERATURES MAY DROP BELOW 35 DEGREES F.

TREE PLANTING DETAIL



MONUMENT SIGNAGE EXAMPLE

Ordinance 25-19 – Exhibit B

Development Standards

The following development standards will apply to the Towns at Cassel Grove Subdivision:¹

1. Permitted Uses

Permitted Uses shall be limited to the following:

- a. Single-Family Residential Housing (Lots 1-72 only)
- b. Passive Parks, Open Space, Outdoor Recreation, and Natural Areas
- c. Accessory Uses as permitted in the RSF-1 District²

2. Site Development Standards

SITE DEVELOPMENT STANDARDS – PC 25-0008							
Lots	Minimum Lot Area (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Minimum Setbacks (Feet)			Maximum Building Height (Feet)
				Front Yard	Side Yard (Each Side)	Rear Yard	
1-72	3,465	35	65%	25	5.5	25	35
Reserve Lot A (Tot Lot)	5,000	55	N/A	25	10	N/A	N/A
Reserve Lots B-C (Open Space)	43,560	100	N/A	N/A	N/A	N/A	N/A

3. Site Development Standards

The following architectural standards shall apply to all residential dwellings constructed on Lots 1 through 72, inclusive, except as otherwise noted herein.

- a. Garages shall be designed to accommodate no fewer than two passenger vehicles.
- b. No two Dwelling Units with the same elevation and exterior color package shall be permitted on either side of each other and directly across the street for each other.
- c. In all other instances, and for all other aspects relating to architectural standards, the requirements of the RSF-2 district shall apply.

¹ All Lot Numbers and Designations (i.e. Lot 42, Reserve Lot A, etc.), as well as any preliminary road designations (i.e. Proposed Road A, etc.) shall refer to the approved Preliminary Development Plan for the Towns at Cassel Grove Subdivision, unless otherwise noted.

² Vandalia Zoning Code, Section 1224.01(d)(8)A.

4. Other Standards

- a. Lots 4 and 65 shall be oriented so that the driveway and primary façade of any residential dwelling faces to the south.
- b. Lot 35 shall be oriented so that the driveway and primary façade of any residential dwelling faces to the north.
- c. Lots 7-10, 24-29, 45-51, and 61-63, inclusive, being located along curves, knuckles, and/or cul-de-sacs, shall have frontage measured at a setback of 25' due to the curvature of the front property line.
- d. Standards not otherwise listed as part of the Development Standards for this Planned Unit Development shall conform to the standards of the RMF Residential Multi-Family district.
- e. Patios, porches, and decks may extend up to 12 feet into the required rear yard building setback.

MEMORANDUM

TO: Kurt Althouse, City Manager
FROM: Michael Hammes, AICP, City Planner
DATE: July 14th, 2025
SUBJECT: PC 25-0008 – Planned Unit Development – 600 Corporate Center Drive

General Information

Owner(s): Hague Corporation
PO Box 218
Covington, Ohio 45318

Applicant: DR Horton
4705 Duke Drive, Suite 250
Mason, Ohio 45040
Jeff Puthoff, P.E.
Choice One Engineering

Existing Zoning: Office (O)
Airport Environs Overlay (AEO)¹

Proposed Zoning: Planned Unit Development (PUD)
Airport Environs Overlay (AEO)

Location: 600 Corporate Center Drive

Parcel(s): B02 01018 0005

Acreage: 14.494 acres +/-

Related Case(s): None

Requested Action: Approval

Exhibits: 1 – Application Materials
2 – Proposed Preliminary Plan
3 – Proposed Home Elevations
4 – Letters of Justification

¹ Portions of Proposed Lots 1, 2, and 7, as well as the proposed Tot Lot and the northwestern parcel of open space, are all in the 70 DNL area of the Airport Environs Overlay. The remainder of the site is in the 65 DNL area.

Application Background

Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development. The property is owned by the Hague Corporation.

DR Horton seeks to develop the site as a residential subdivision. As proposed, the development would feature 72 single-family residential lots.

The applicant has proposed a Planned Unit Development for the site. A letter of justification has been submitted detailing their rationale for the proposed PUD. The approval of a PUD for this development would lock the site into the proposed layout, forcing the applicant (or their successor) to comply with the plan as approved by Council.²

The applicant seeks approval of both the Planned Unit Development itself, with development standards set forth herein, and a preliminary plan.

Current Zoning / Use

The site is in the O – Office zoning district, and was originally intended to facilitate new office structures or similar uses.

The property is currently vacant. As part of the proposed development, the current cul-de-sac of Corporate Center Drive would be vacated in favor of new public streets, as shown on the preliminary plan.

Staff notes that a small portion of the north end of the site is in the 70 DNL area of the Airport Environs Overlay. Among other restrictions, the 70 DNL area does not permit new single-family housing. The proposed development is designed to keep the building pads for all residential structures in the less restrictive 65 DNL area, where new single-family homes are permitted.³

The boundaries of the Airport Environs Overlay are determined using technical data and measurements of noise generated by and related to flight operations at the Dayton International Airport. Nothing in this proposed Planned Unit Development would result in a change to those boundaries.

² See also Zoning Code Section 1214.08. No development can commence unless and until a Final Plan is approved by Council, with said Final Plan conforming to the Preliminary Plan approved as part of this application.

³ With regard to the standards of the Airport Environs Overlay, the applicant's proposed preliminary plan and supplemental data constitutes an appropriate development plan compliant with Section 1220.02(i).

Surrounding Zoning / Uses

The surrounding area is a blend of business and residential uses. Several commercial businesses lay to the north, followed by Dayton International Airport. Residential properties along Peters Pike, Hertlein Lane, and Damian Street back up to the site on the other three sides.

Surrounding zoning districts are as follows:

Direction	District
North	O – Office, O/IP – Office / Industrial Park, HB – Highway Business
South	RSF-3 – Residential Single-Family Butler Twp R-3 – Single Family Residential
East	RSF-3 – Residential Single-Family
West	RSF-2 – Residential Single-Family Butler Twp R-3 – Single Family Residential

Proposed Structures

The applicant has provided sample elevations for the types of homes intended for this development, with DR Horton slated to be the homebuilder.

Homes proposed for the development would be a narrower townhome-style design, as shown in the attached elevations. In their letter of justification, the applicant describes the neighborhood as “...an urban ‘village’, with homes that offer attached townhome-like functionality but in a detached format...”⁴

The detached format described results in narrower lots with minimal side yards. The homes would be separate structures with their own individual lots and would be governed as single-family detached homes under the requirements of the zoning code (despite their similarity to attached townhome-style multi-family developments).

One such home, on proposed Lot 72, would be set aside as a model home and sales office.

One monument sign is proposed at the north end of the development, as shown. The sign would be required to meet the requirements of Chapter 1236 – Sign Standards.

The proposed plan calls for open space around the perimeter of the site and between Phases 1 and 2. A 40’ buffer area would be preserved along the eastern edge of the site, between this development and the neighboring homes on Damien Street. A small tot lot is also proposed at the north end of the development.

⁴ Applicant’s Letter of Intent

Land Use Density

The proposed Land Use Density for the site is based on the number of dwelling units per acre. In this instance, with 72 homes proposed on 14.494 acres, we have a gross density of 4.96 Dwelling Units per acre.

Section 1226.06 of the Vandalia Zoning Code requires that Planned Unit Developments shall not exceed 6 Dwelling Units per acre for single-family developments.

Proposed Roadways

The development would be served by three new cul-de-sacs, as shown. These roadways would connect to Corporate Center Drive. All proposed roadways will meet the City's standards for roadway design and construction.

While this development will not be connected to the adjacent neighborhood along Damian Street and Pool Avenue, there will be a pedestrian walkway to provide some level of connectivity.

Comprehensive Plan

The 2020 Comprehensive Plan designates this site as part of a Neighborhood Commercial area matching the east side of Corporate Center Drive.⁵ This designation was applied to parcels in the NB – Neighborhood Business, OR – Office Residential, and O – Office zoning districts, as well as undeveloped PUD parcels with similar use profiles.

Typically, businesses in the Neighborhood Commercial area provide services to nearby neighborhoods and adjacent residential areas.⁶ With no interconnectivity between Corporate Center and Pool Avenue, the potential for development that meets this standard is low. Further, the site has been vacant for more than 40 years, which also suggests a reduced potential for commercial development.

Due to the O – Office zoning, a multi-tenant office building might be suitable on this site. Recent market trends, both within the Miami Valley generally and in Vandalia specifically, have moved away from this type of development. While the O – Office zoning (and the Neighborhood Commercial designation) may have been more viable in decades past, they do not appear to represent the most appropriate use at present.

In this instance, with this specific pattern of facts, Staff finds that the proposed development would be consistent with the overall goals of the Comprehensive Plan, despite the noted inconsistency with the Neighborhood Commercial designation.

⁵ City of Vandalia Comprehensive Plan, Page 55.

⁶ City of Vandalia Comprehensive Plan, Page 57. In relevant part: "Neighborhood commercial is intended to serve residents in close proximity with a low intensity commercial product. Development should be small in scale and complement adjacent development patterns. These uses should serve the everyday needs of nearby residents and employees and can include boutique retail, convenience stores, pharmacies, and restaurants..."

Covenants and Restrictions

The development will be served by a Homeowner's Association operating under a set of covenants and restrictions. The reserve lots and other common areas will be maintained by this Homeowner's Association.

Development Standards⁷

The Planned Unit Development district is intended to allow for a flexible development that does not strictly adhere to the standards of one district. In this instance, the applicant proposes a development with narrow lots favoring a townhome-style structure.

The proposed site is divided into 72 buildable lots, each of which is intended for a single-family residential structure. Three additional areas are reserved for passive open space, outdoor recreation, or stormwater detention.

The following development standards will apply to the proposed PUD:

1. Permitted Uses

Permitted Uses shall be limited to the following:

- a. Single-Family Residential Housing (Lots 1-72 only)
- b. Passive Parks, Open Space, Outdoor Recreation, and Natural Areas
- c. Accessory Uses as permitted in the RSF-1 District⁸

2. Site Development Standards

SITE DEVELOPMENT STANDARDS – PC 25-0008							
Lots	Minimum Lot Area (Square Feet)	Minimum Lot Frontage (Feet)	Maximum Impervious Surface Coverage	Minimum Setbacks (Feet)			Maximum Building Height (Feet)
				Front Yard	Side Yard (Each Side)	Rear Yard	
1-72	3,465	35	65%	25	5.5	25	35
Reserve Lot A (Tot Lot)	5,000	55	N/A	25	10	N/A	N/A
Reserve Lots B-C (Open Space)	43,560	100	N/A	N/A	N/A	N/A	N/A

⁷ All Lot Numbers and Designations (i.e. Lot 42, Reserve Lot A, etc.), as well as preliminary road designations (i.e. Proposed Road A, etc.) shall refer to the approved Preliminary Development Plan for the Towns at Cassel Grove Subdivision, unless otherwise noted.

⁸ Vandalia Zoning Code, Section 1224.01(d)(8)A.

Development Standards (cont'd)

3. Architectural Standards

The following architectural standards shall apply to all residential dwellings constructed on Lots 1 through 72, inclusive, except as otherwise noted herein.

- (a) Garages shall be designed to accommodate no fewer than two passenger vehicles.
- (b) No two Dwelling Units with the same elevation and exterior color package shall be permitted on either side of each other and directly across the street for each other.
- (c) In all other instances, and for all other aspects relating to architectural standards, the requirements of the RSF-2 district shall apply.

4. Other Standards

- a. Lots 4 and 65 shall be oriented so that the driveway and primary façade of any residential dwelling faces to the south.
- b. Lot 35 shall be oriented so that the driveway and primary façade of any residential dwelling faces to the north.
- c. Lots 7-10, 24-29, 45-51, and 61-63, inclusive, being located along curves, knuckles, and/or cul-de-sacs, shall have frontage measured at a setback of 25' due to the curvature of the front property line.
- d. Standards not otherwise listed as part of the Development Standards for this Planned Unit Development shall conform to the standards of the RMF Residential Multi-Family district.

Phasing Plan

If approved, the applicant intends to construct this development in two phases. Development of Phase I would be anticipated in spring 2026, with homes beginning construction in fall 2026. The pace of sales would dictate the beginning of Phase II, but development is expected to start in mid-2027. Completion of both phases of the project is anticipated before the end of 2028.

Review and Recommendation

Planned Unit Development District Review Criteria

Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.⁹

1. The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

2. The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to accommodate the style of home intended for this site. The detached townhome-style structures proposed would not be feasible in a standard zoning district.

The Planning Commission agreed with the staff comment by a vote of 3-0.

4. The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services.

Mr. Plant and Ms. Cox agreed with the staff comment. Mr. Hussong disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

⁹ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

Planned Unit Development District Review Criteria (Cont'd)

5. The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the location and nature of the proposed development, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

6. The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

7. The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

8. The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:¹⁰

¹⁰ Vandalia Zoning Code, Section 1214.08(d) – Planned Unit Development Review Criteria

Preliminary Plan Review Criteria (cont'd)

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Ms. Cox agreed with the staff comment. Mr. Hussong and Mr. Plant disagreed. The Planning Commission disagreed with the staff comment by a vote of 2-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria (cont'd)

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply. Guest parking spaces provided along common areas meet the code's requirements for such parking spaces.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

At its regular meeting of July 8th, 2025, the Planning Commission voted 3-0 to recommend **approval** of the proposed Planned Unit Development of the Towns at Cassel Grove.

During the same meeting, the Planning Commission also voted 3-0 to recommend **approval** of the proposed Preliminary Plan.

The recommendation of the Planning Commission on both items is hereby forwarded to Council for their consideration.

Proposed Condition:

1. Patios, porches, and decks may extend up to 12 feet into the required rear yard building setback.



Date: June 13, 2025

City of Vandalia Planning Commission
333 James E. Bohanan Memorial Dr.
Vandalia, OH 45377

Re: Rezoning Application – Parcel ID #B02 01018 0005 (Address: Corporate Center Drive)

Dear Members of the Planning Commission,

On behalf of D.R. Horton, I respectfully submit this application for the rezoning of Parcel #B02 01018 0005 from O - Office to PUD - Planned Unit Development. The proposed development thoughtfully transforms this long vacant 14.515-acre office site into a vibrant, high-quality residential neighborhood aligned with the goals outlined in the *Vision Vandalia Comprehensive Plan*.

Project Summary

The proposed community, The Towns at Cassel Grove, is designed to feature 72 single-family detached homes (4.96 lots per acre), creating a livable neighborhood while preserving 5.431 acres (37.4%) as open space. The site layout includes new public streets, greenspaces, and pedestrian connections to the adjacent subdivision, enhancing walkability with the nearby elementary school and city parks.

Our proposed homes, detailed in the attached presentation, fit on a 35' x 99' and 35' x 103' typical lot size. The homes will feature fee simple ownership, and the common spaces will be owned and managed by the Homeowner's Association (HOA). The single-family detached product for this location targets an empty nester or young urban professional seeking an alternative to the current housing options offered in the north Dayton marketplace. The lots have a 25' front yard setback, a 25' rear yard setback, and a 5.5' side yard setback. The proposed adjustment of the side yard setback from 7.5', as identified in the PUD code, to 5.5' is to support the creation of an urban 'village', with homes that offer attached townhome-like functionality but in a detached format – providing modern, walkable, community-oriented living.

Additionally, the proposed development includes maintaining a minimum 40-foot buffer with the existing woods along the eastern property line to provide a natural separation from the existing homes along Damian Street and Pool Avenue. This preserved greenspace will help maintain privacy, minimize visual impact and protect the character of the surrounding neighborhood. The current proposal includes sidewalk pedestrian connectivity to Pool Avenue but not a vehicular connection. All traffic from the neighborhood would be routed to Peters Pike or National Road from the existing Corporate Center Drive entrance.

Alignment with Vision Vandalia

The proposed rezoning directly supports several key policies and values articulated in the *Vision Vandalia Comprehensive Plan*:

- **Housing Choice and Diversity:** The plan identifies a growing need for “quality, affordable housing options for senior and young adult populations” (page 83). DR Horton proposes to offer single-family detached homes that fill the gap between larger traditional homes and higher-density multifamily units, making it ideal for both young professionals and empty nesters.
- **Efficient Land Use & Infill Development:** By redeveloping an underutilized parcel with existing infrastructure in place, the project addresses the Plan's call to “make more efficient use of land” and “align with the aspirations of the community” (page 40).



- **Open Space and Connectivity:** With over 37% of the site preserved as open space and integrated sidewalk access to neighboring residential areas, this development embodies the Plan's values of connected, green, and pedestrian-friendly neighborhoods (pages 34, 71, and 98-99).
- **Character and Identity:** The architectural design of the homes (see attached renderings) reflects the community's desire for neighborhoods with a distinct sense of place and cohesive aesthetic (pages 26–28). Streetscape treatments and open areas reinforce a welcoming, walkable identity in line with the Plan's broader city branding goals. These qualities reflect the City's aspiration to create "welcoming, family-oriented" communities (page 28).

Compatibility and Community Enhancement

This request recognizes that the market for office development on this parcel has diminished and that high-quality residential infill is a more viable and community-oriented use. Our project will strengthen nearby property values, provide diversified housing stock, and activate the corridor with attractive homes and thoughtful site design.

We believe this rezoning represents a responsible and forward-looking step for the City of Vandalia and look forward to the opportunity to collaborate with the city to realize this vision.

Thank you for your consideration.

Sincerely,

Aaron M. Horn

Aaron Horn

Land Acquisition

D.R. Horton | Cincinnati & Dayton Division

Attachments:

- Conceptual Site Plan
- DRH Presentation

NAME OF SUBDIVISION
THE TOWNS AT CASSEL GROVE

NAME OF DEVELOPER	NAME OF OWNER
D.R. HORTON 4705 DUKE DRIVE, SUITE 250 MASON, OHIO 45040 (937) 903-8010	HAGUE CORPORATION 9665 W STATE ROUTE 185 COVINGTON, OHIO 45318

NAME OF OWNER
HAGUE CORPORATION
9665 W STATE ROUTE 185
COVINGTON, OHIO 45318

LEGEND

- PROP. FIRE HYDRANT
PROP. WATER MAIN
PROP. STORM MANHOLE
PROP. CATCH BASIN
PROP. STORM MAIN
PROP. SANITARY MANHOLE
PROP. SANITARY MAIN

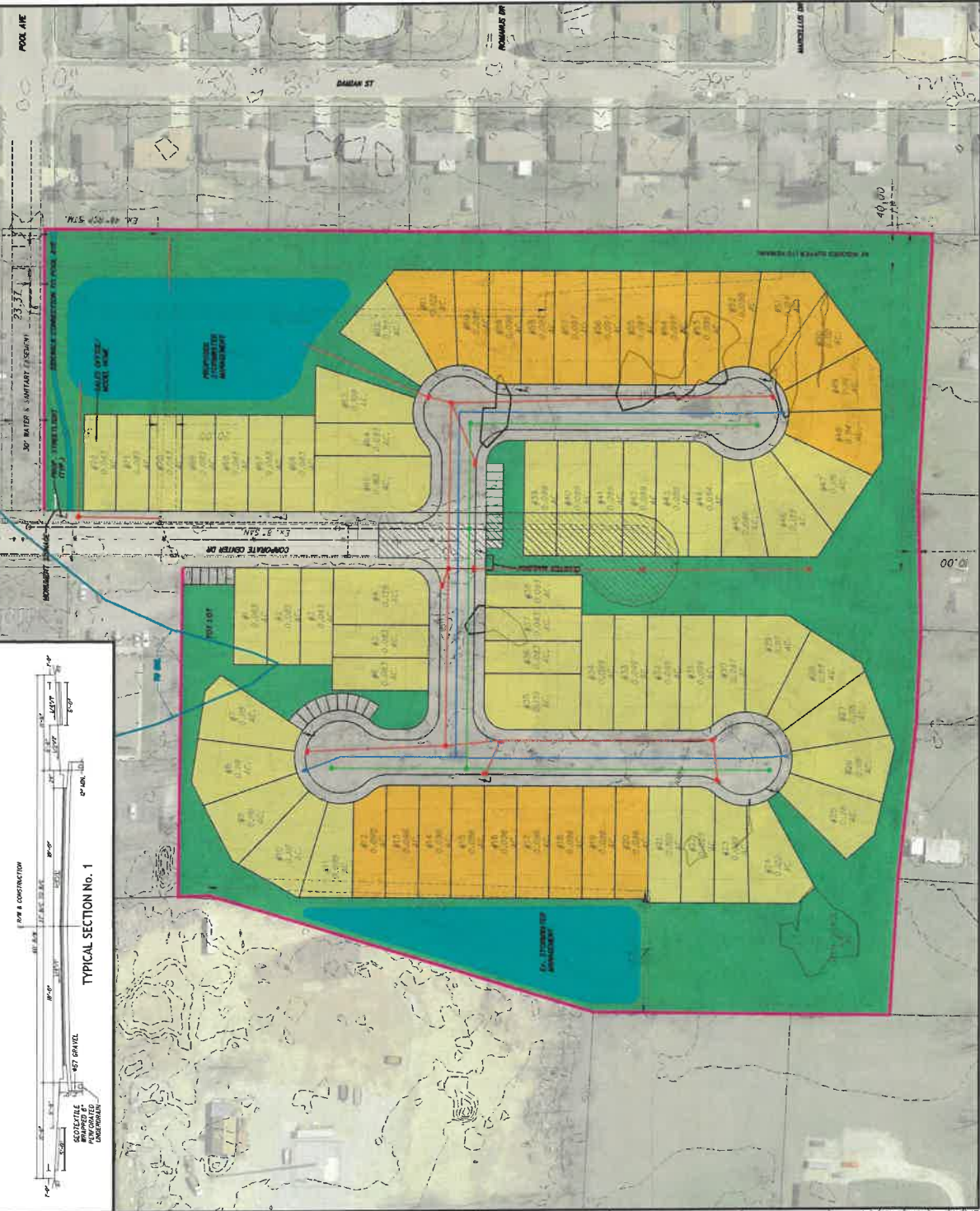
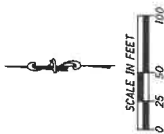
7135

- EXISTING OVERHEAD ELECTRIC
EXISTING GASLINE
EXISTING WATERLINE
EXISTING SAN. SEWERLINE
PROP. SIDEWALK CONNECTION

- OPEN SPACE

- STORM WATER**

-
- PAVEMENT REMOVAL AREA

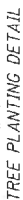


TYPICAL SECTION No. 1

RAW & CONSTRUCTION

GEOTEXTILE
WRAPPED 6"
ENFORCED
CONCRETE

DEGREES F OR RISE ABOVE 90 DEGREES F -



PLANTING SCHEDULE			ROOT
PLANT COMMON NAME	BOTANICAL NAME	SIZE	
1 TREES			
9. AUTUMN RED	CORDOPHYLLUM JAPONICUM	2" CAL.	9B8
9. AUTUMN GOLD GINKGO	GINKGO BILBOA 'MALE ONLY'	2" CAL.	9B8
7. NORPAT SPRUCE	PICEA ABIES	7" HOT.	9B8
10 WHITE FIR	ABIES CONCOLOR	7" HOT.	9B8
9. SKYLINE HONEY LOCUST	GLADISTIA 'SYLVINE'	2" CAL.	9B8
10 GREENSPICE LINDEN	TILIA C. 'GREENSPICE'	2" CAL.	9B8
8. CELEBRATION MAPLE	ACER X 'FREMANTLE' 'CELAN'	2" CAL.	9B8
9. PINK OAK	QUERCUS PALUSTRIS	2" CAL.	9B8
9. MORRIS SPICEWOOD	LIQUIDAMBAR STYRACIFLUA	2" CAL.	9B8
13 EASTERN WHITE PINE	PINUS STROBUS	7" HOT.	9B8
6 WHITE FLOWERING DOGWOOD	CORNUS FLORIDA	2" CAL.	9B8
6. EASTERN REDBUD	GLADISTIA 'ST. PIERRE'	2" CAL.	9B8
6. AMERICAN YELLOWWOOD	GLADISTIA FENTIMIA	2" CAL.	9B8
4. EASTERN REDBUD	CEPIS CANADENSIS	2" CAL.	9B8



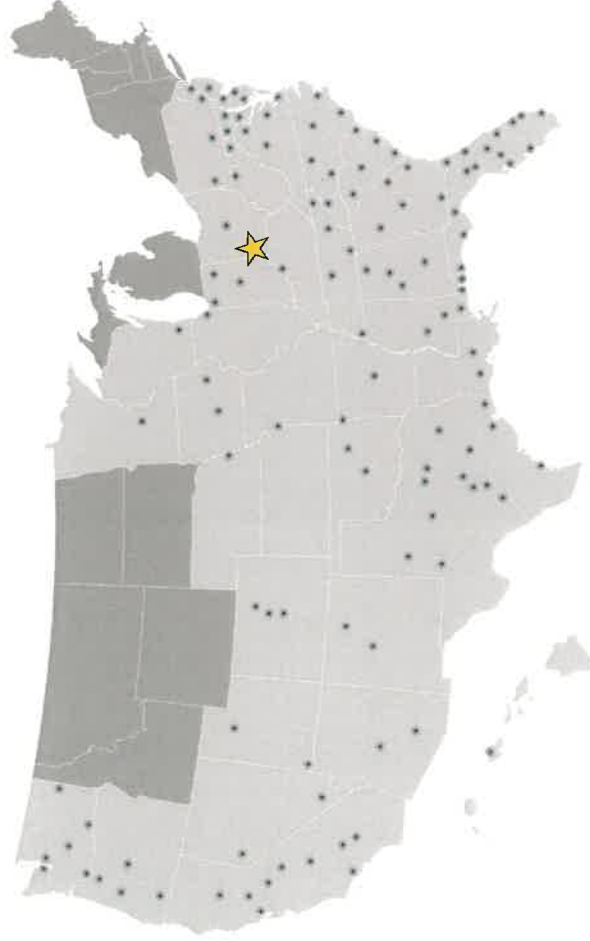


36

states

126

markets



23

AMERICA'S BUILDER

years as America's largest volume homebuilder

>1.1M

DELIVERED

homes since our inception in 1978

60%

% FIRST TIME HOME BUYERS

who used DHI Mortgage

85%

HOME SALES REVENUE

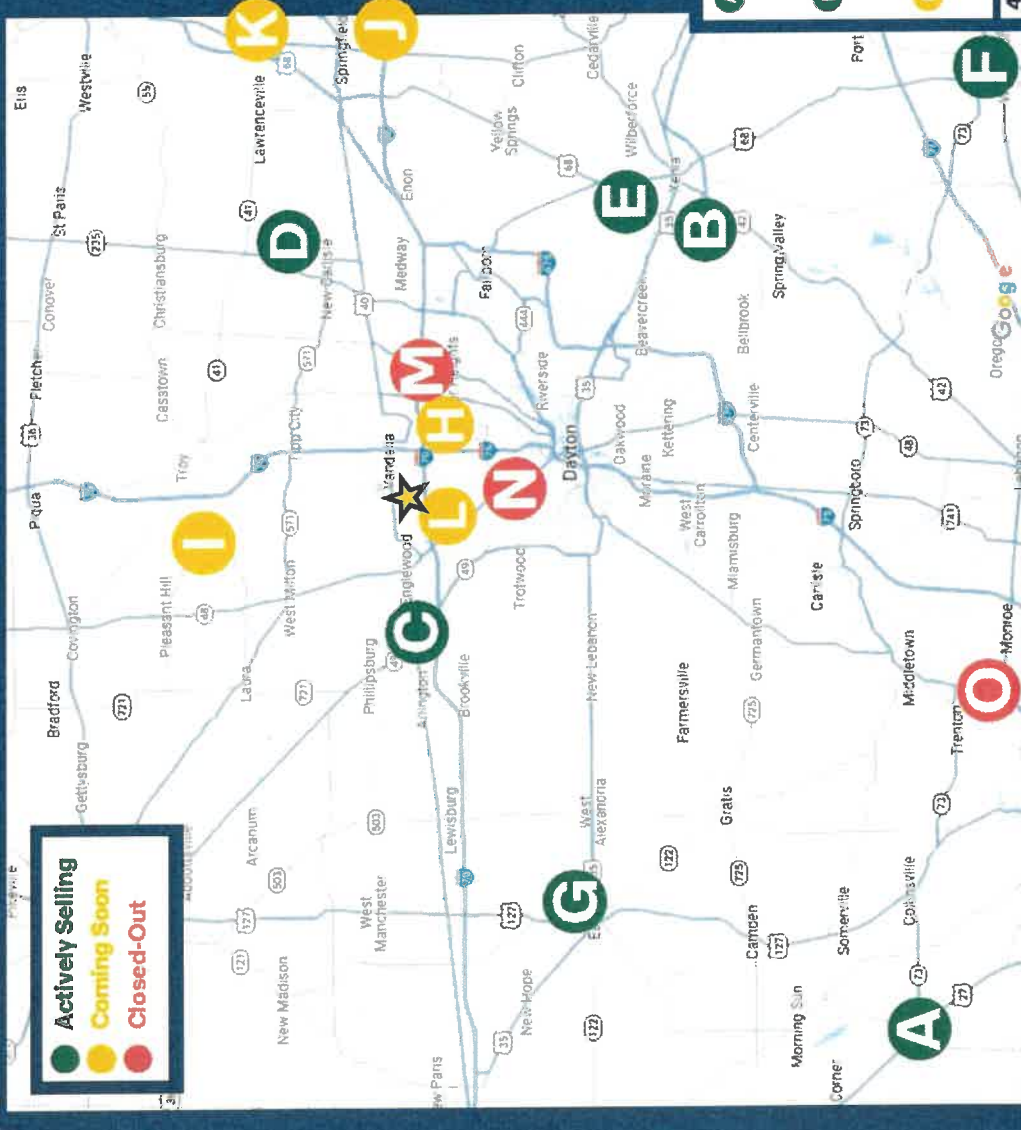
from the sale of single-family detached homes

\$372.5K

AVERAGE SALES PRICE

of homes closed during the quarter





A	Owls' Landing	Oxford, OH	B	Edenbridge	Xenia, OH	C	Wenger Village	Clayton, OH	D	Reserve at Honey Creek	New Carlisle, OH	E	Grandstone Trace	Xenia, OH
F	Creekview	Wilmington, OH	G	Georgetown Village	Eaton, OH	H	Canal Heights	Huber Heights, OH	I	Reserve at Cliff Oaks	Troy, OH	J	Sycamore Ridge	Springfield, OH
K	Liberty Place	Moorefield Twp, OH	L	Yorkshire Reserve	Burlet Twp, OH	M	Carriage Trails	Huber Heights, OH	N	Bartley Woods	Dayton, OH	O	Elk Creek	Tranton, OH

4705 Duke Drive Suite 250, Mason, OH 45040

See photos

See outside

Wenger Village by D.R.
Horton

4.9
★★★★★
45 Google reviews
:

See photos

See outside

Owls' Landing by D.R.
Horton

5.0
★★★★★
13 Google reviews
:

See photos

See outside

Creekview by D.R. Horton

4.7
★★★★★
13 Google reviews
Home builder in Wilmington, Ohio

See photos

See outside

Edenbridge by D.R. Horton

5.0
★★★★★
84 Google reviews
:
Home builder in Xenia, Ohio

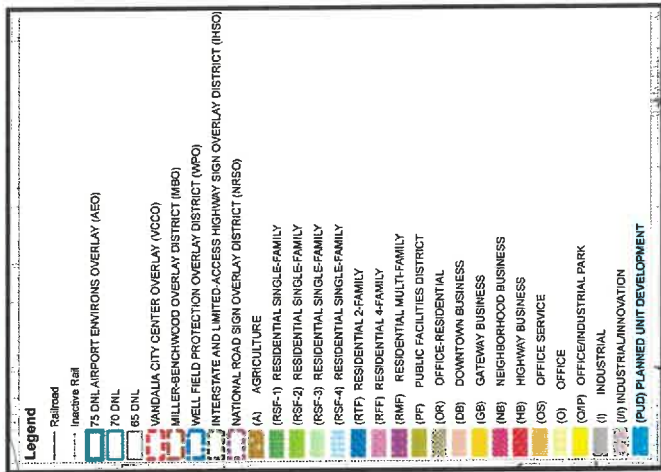
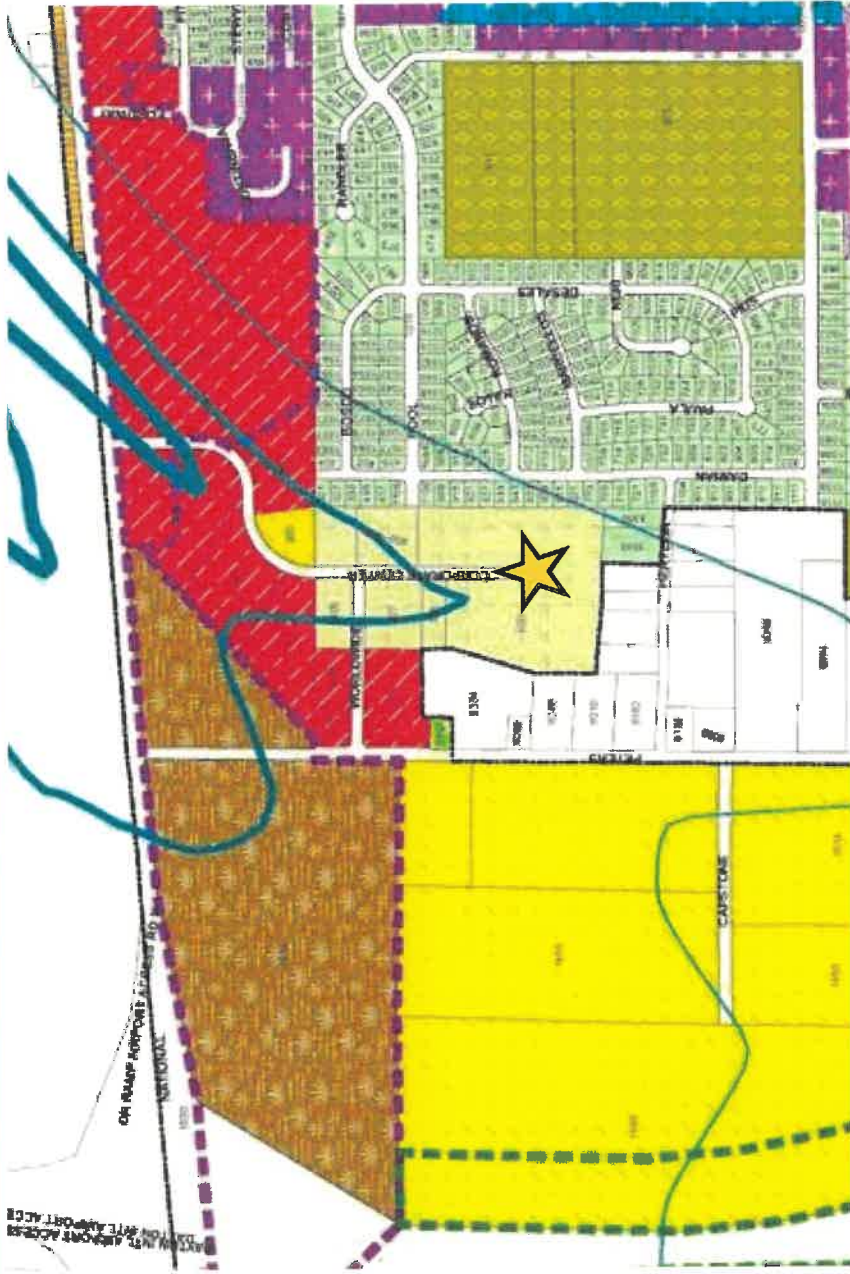


**Parcel ID #
B02 01018 0005**

**Address:
Corporate Center Drive**



LAND USE



Existing Zoning - Surrounding Properties

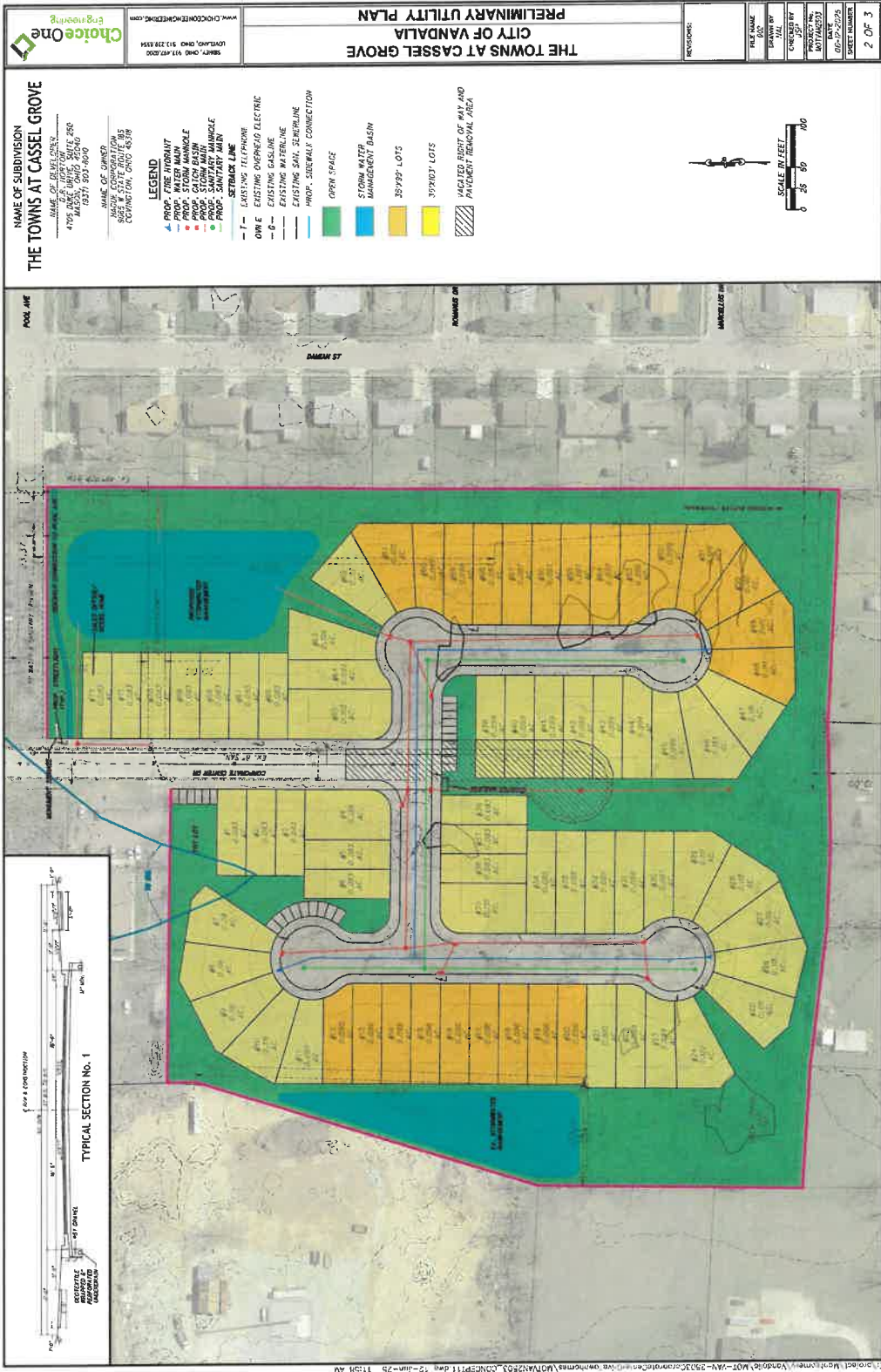
Subject Property: Office (O)

North: Office (O)

South: Residential Single-Family (RSF-3)

East: Residential Single-Family (RSF-3)

West: Butler Township - R-3 Single-Family Residential District



1994-1995 SIGNAGE E (20%)

Efficient Land Use & Infill Development:

By redeveloping an underutilized parcel with existing infrastructure in place, the project addresses the Plan's call to "make more efficient use of land" and "align with the aspirations of the community" (page 40).

Open Space and Connectivity:

With over 37% of the site preserved as open space and integrated sidewalk access to neighboring residential areas, this development embodies the Plan's values of connected, green, and pedestrian-friendly neighborhoods (pages 34, 71, and 98-99).



Character and Identity:

The architectural design of the homes reflects the community's desire for neighborhoods with a distinct sense of place and cohesive aesthetic (pages 26–28).

Streetscape treatments and open areas reinforce a welcoming, walkable identity in line with the Plan's broader city branding goals. These qualities reflect the City's aspiration to create "welcoming, family-oriented" communities (page 28).



PRODUCT IMAGES



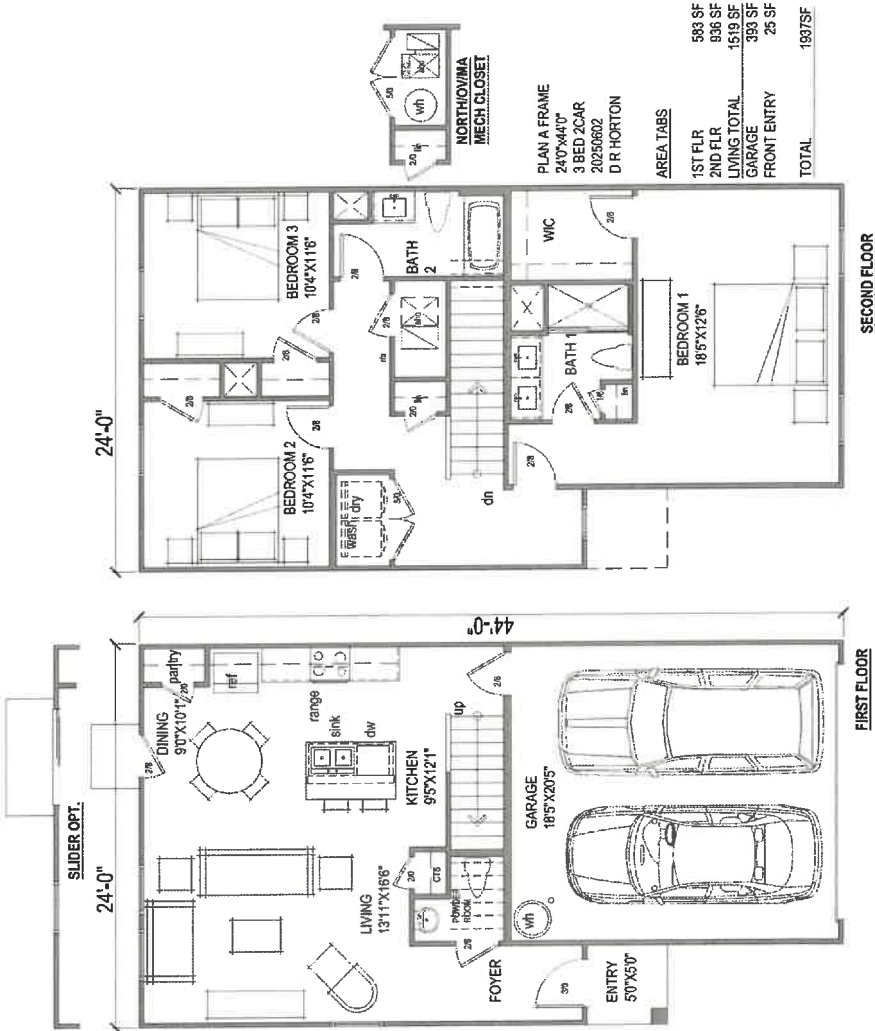
*Example renderings and images of single-family detached homes

PRODUCT IMAGES

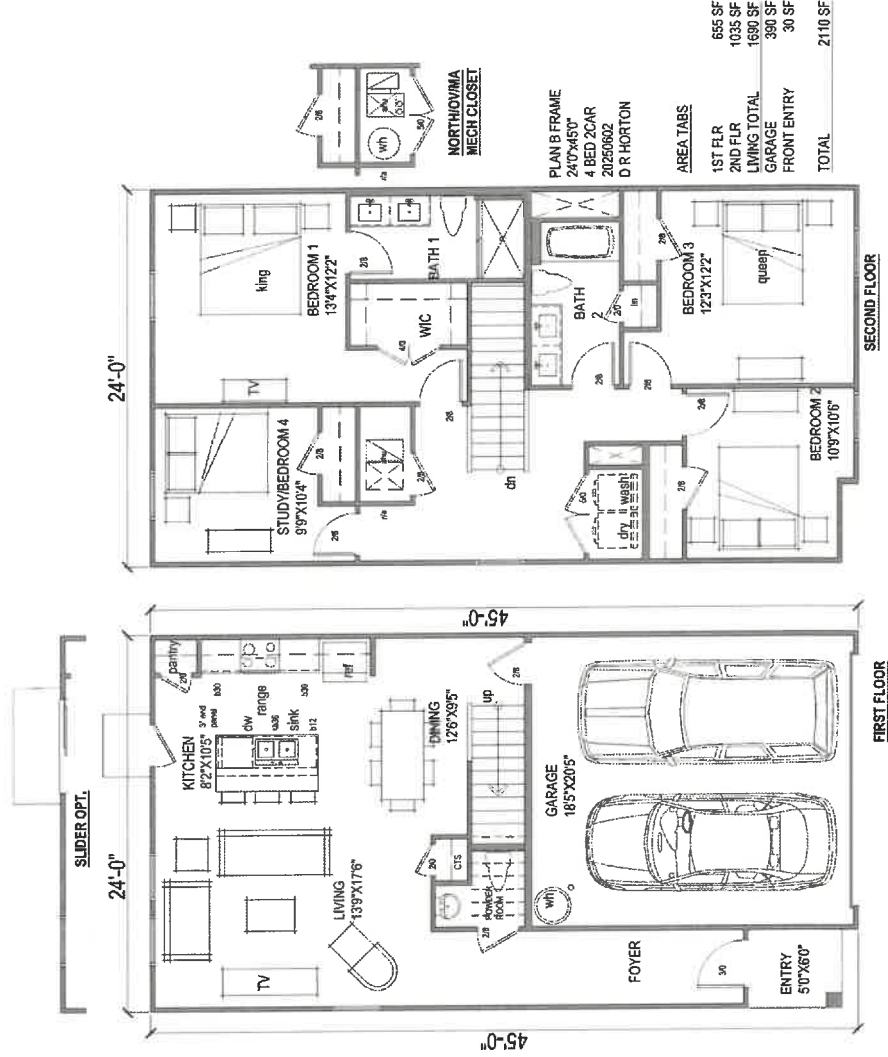


*Example renderings and images of single-family detached homes

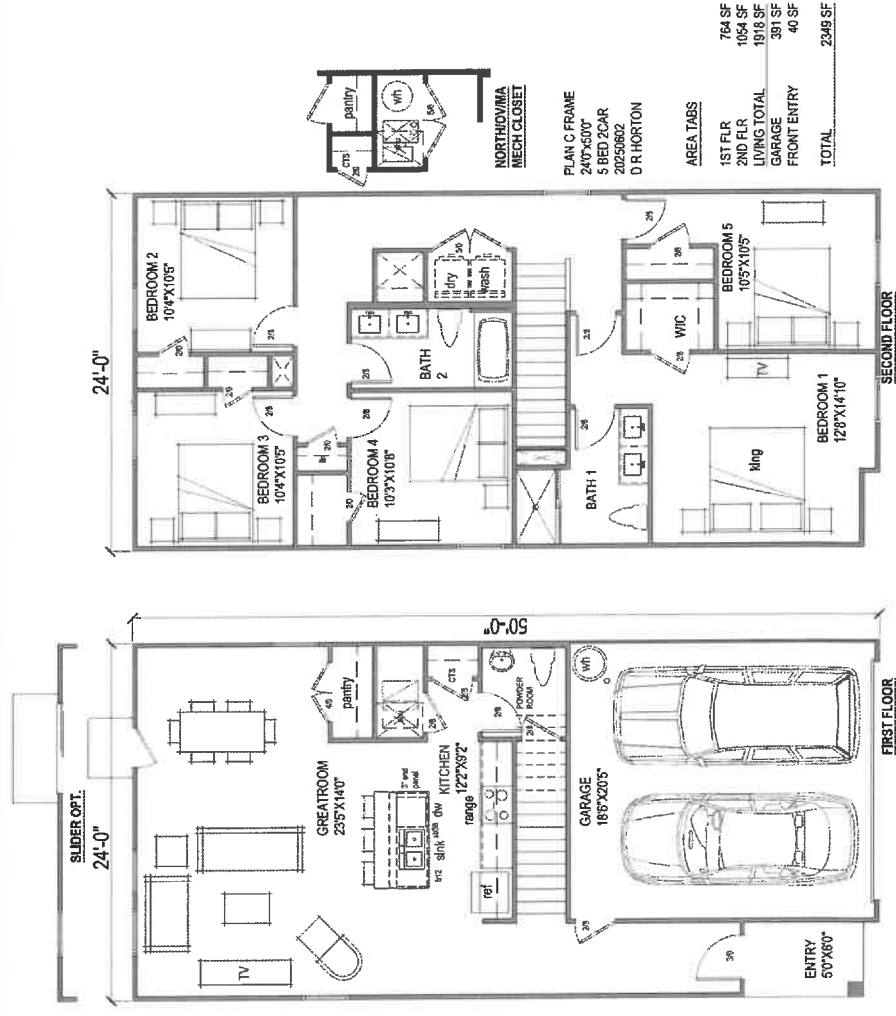
FLOORPLAN - A
1,519 SQUARE FEET | 3 BED, 2.5 BATH

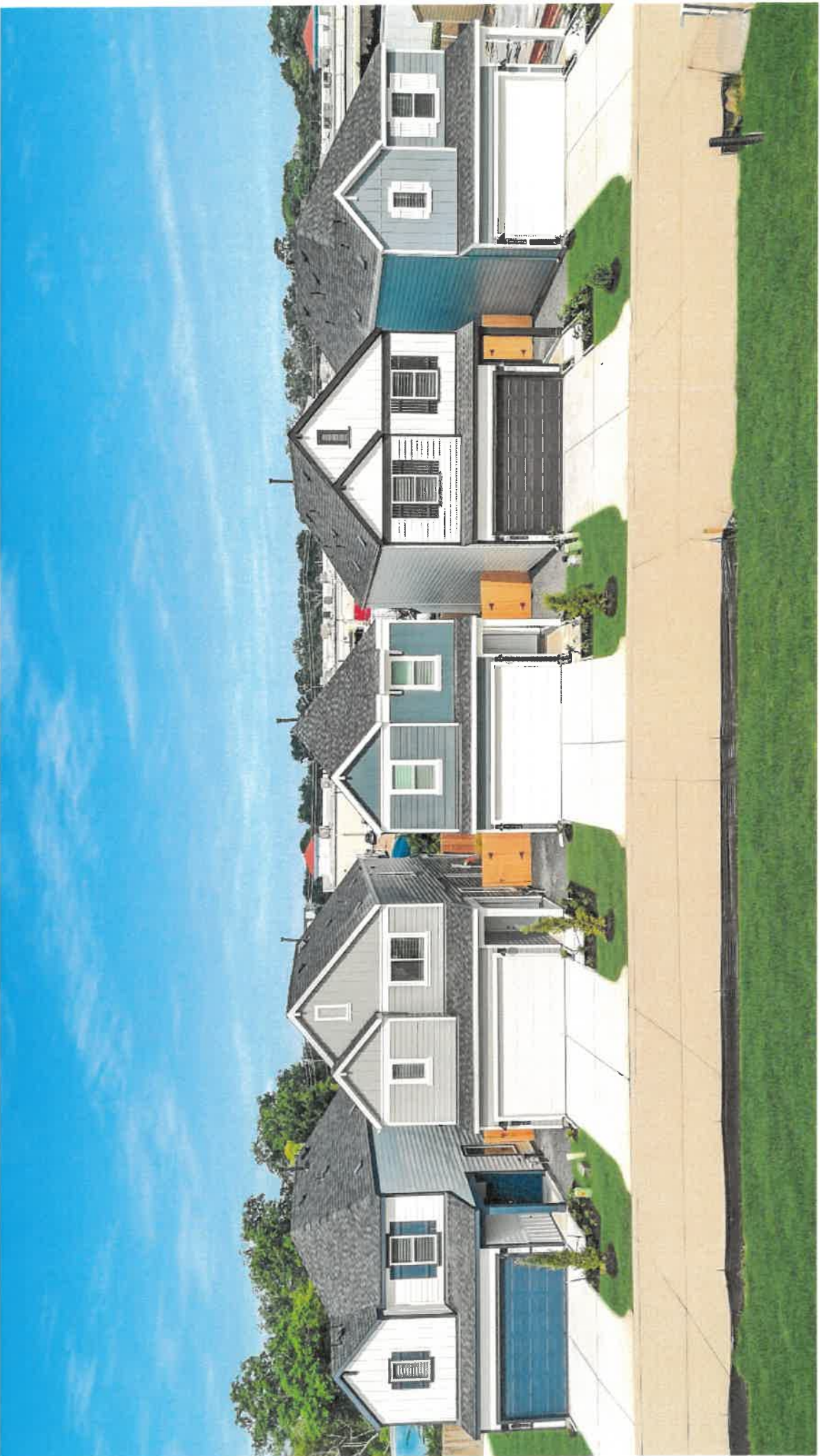


FLOORPLAN - B
1,690 SQUARE FEET | 4 BED, 2.5 BATH



FLOORPLAN - C
1,918 SQUARE FEET | 5 BED, 2.5 BATH











The attached petition was hand-delivered to Chairwoman Kristin Cox during the July 8th, 2025 meeting of the Vandalia Planning Commission.

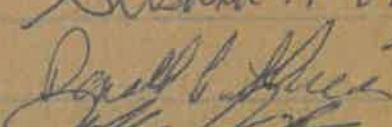
The petition consisted of three pages and is included in its entirety.

Michael Hammes, AICP
City Planner

Petition
The following Residence signatures "oppose"
The "Rezoning of 600 Corporate Center Drive,
Vandalia, Ohio 45377". Case PC 25-0008

From "Business District with restrictions" to
a "Townhouse Complex" of two (2) story single
homes. They will be made of wood siding. If
they are not sold, they will be used as "Rentals".
The plan calls for 72 units as well as a
retention pond. All of that to be built on
~~Eleven~~ ^{fourteen} acres. Currently "24" homes and "3"
businesses are on approximately "30" acres
adjoining this "opposed plan". Lots for the
units will be so small, on "1/4" (one quarter)
acres. Or less!

We the undersigned request the "Planning
Commission" to vote "NO" on the rezoning
of 600 Corporate Center Drive."

Name	Address	Signature
Jenna Lewis	533 Damian	Jenna Lewis
Jeff Zimmerman	609 Damian St	
Mark 	703 Damian St	
Suzanne McCray	709 Damian St	Suzanne McCray
Donald P. Schreier	721 Damian St	
John Braten	3315 Hertlein Lane	
Brian Wert	3343 Hertlein Ln	

(M) Name	Address	Signature
Barbara Gentry	1106 Pool Ave Vandalia Oh	Barbara Gentry
Douglas Ray Pymman	621 Damian St	Douglas Pymman
C (Enchic Cash)	527 Damian St.	C
GREG MARSHALL	603 DAMIAN ST	Greg Marshall
Bradley Arnold	1105 Pool Ave	NO
Michah S. Mullinix	521 Damian St	Michah Mullinix
Michah I Starks	3271 Hertford Lane	Michah Starks
Corey Main	9248 Peters Pike	Corey Main
Steve Baughman	508 Damian St.	Steve Baughman
TRISHA CORTES	1084 Pool Ave	Trisha Cortes
DONNA BUCKNER	574 DAMIAN ST	Donna Buckner
Jiles Lovedah	1077 Pool Ave	Jiles Lovedah
KELLY MADDUX	1072 POOL AVE	Kelly Maddux
JEFF HEINRICH	1064 POOL AVE	Jeff Heinrich
MICHELLE ARBA	1053 POOL AVE	Michelle Arba
Melissa Rambo	1061 POOL AVE	Melissa Rambo
DALE W. LUKENS	808 DAMIAN ST.	Dale W. Lukens
Luis & Kelly Bolivar	520 Damian St	Kelly Bolivar
Mitchell N Jackson	526 Damian	Mitchell N Jackson
Cathy Donathan	515 Damian St	Cathy Donathan
SED HATHORN	1072 ROMANUS DR.	SED HATHORN
Sharon King	802 Damiond	Sharon King

Petition

N Additional signatures of residences who oppose
rezoning of 600 Corporate Center Drive.
Case Number PC 25-0008

Name	Address	Signature
John Avul	1072 MALCOLM DR	John Avul
ED BURKE	2337 UPPER TRENT	Ed Burke

Minutes of the City of Vandalia Planning Commission
July 8, 2025

Members Present:	Ms. Kristin Cox, Mr. Lucious Plant, Mr. Bob Hussong
Members Absent:	Mr. Dave Arnold
Staff Present:	Michael Hammes, City Planner Ben Graham, Zoning & Planning Coordinator Ben Borton, Director of Public Service Rob Cron, Assistant City Manager
Others Present:	Greg Thurman, John Seagraves, Rick Drake, Jovi Takhar, Boydon Boston, Steve Ponscheck, Ron Miller, Brian Wertz, Aaron Horn, Rob Smith, Ryan Lefeld, Trisha Cortes, Orlando Cortes, Don Donathan, Ed Burke, Missi Demoss, Nelson Demoss, David Whitlock

Call to Order

Ms. Cox called the meeting to order at 6:08 p.m.

Attendance

Ms. Cox noted that three members were present. Mr. Plant made a motion to excuse Mr. Arnold. Mr. Hussong seconded. The motion carried 3-0.

Approval of Minutes of the Planning Commission

Mr. Hussong made a motion to approve the May 13th, 2025 minutes. Mr. Plant seconded the motion. The motion carried 5-0.

Swearing in of Attendees Wishing to Speak at Meeting

The attendees were sworn in.

Old Business

Mr. Hammes confirmed that there was no Old Business on the agenda.

New Business – PC 25-0007 – PUD Amendment and Preliminary Plan – Redwood Phase III

Mr. Hammes introduced Case PC 25-0007. Todd Foley, of POD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia.

Mr. Hammes described the history of the Redwood Vandalia PUD. He noted that the Redwood development was originally approved in 2019 as a mixed-use commercial and multi-family residential development. Phases I and II of the Redwood development feature 171 multi-family units. Phase I was completed in 2024, and Phase II is under construction.

Mr. Hammes explained that two additional parcels were set aside for commercial uses fitting the standards of the Office / Industrial Park district. Parcel 3, located south of Park Center Drive, was approved for an assisted living facility in 2022. That project was later cancelled. Redwood Vandalia now seeks to expand into a Phase III on this parcel.

Mr. Hammes discussed the proposed amendment to the Redwood Vandalia PUD. He explained that the applicant wished to add “Multi-Family Residential” as a permitted use on parcels 2 and 3. Because this change would increase the number of dwelling units in the development, it qualifies as a Major Amendment and requires Council approval. This change is the only change to the PUD standards proposed.

Mr. Hammes reviewed the revised Preliminary Plan for Phase III. He noted that the proposed residential buildings would be similar in architectural style and design to the homes built in Phases I and II. While the development would continue to primarily feature two-bedroom units, a limited number of one-bedroom and three-bedroom units are also included in the plan for Phase III. He also discussed signage along Park Center Drive, stating that a blade sign depicted in the proposal would be replaced by a permanent sign to comply with the City’s signage regulations. Importantly, Mr. Hammes clarified that the current Preliminary Plan applies only to Parcel 3, and any future development of Parcel 2 would require a separate plan amendment.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as “Neighborhood Commercial”, owing to the proposed uses available at the time the plan was drafted. Had Phase III been proposed initially, rather than the assisted living facility or some related use, the site would have been designated “Medium Density Residential” to match the first two phases of the Redwood development. As such, the proposed Phase III is consistent with the goals of the plan, if not the specific designation.

Mr. Hammes reported that the development would be managed by Redwood as a rental community, so there would be no covenants or homeowners’ association.

Mr. Hammes noted that the standards that applied to the initial phases of the development would apply to residential development in this area, with the exception of a required buffer area at the southwest end of Phases I and II (since that buffer already exists).

Mr. Hammes reported that construction was expected in late 2026, following the completion of Phase II. The proposed phasing plan for this site would see construction completed in 2028.

Mr. Hussong asked about the density of Phase III, referencing the number of dwelling units and the different unit sizes. Mr. Hammes replied that the preliminary plan refers to dwelling units in the aggregate, with the calculation of density taking only the raw number of units into account. The Final Plan approval would be where the applicant would need to show specific utility capacities and designs.

Ms. Cox opened the public portion of the meeting, and invited the applicant forward.

Mr. Greg Thurman of Redwood Vandalia addressed the Commission on behalf of the applicant. He confirmed that the number of bedrooms in Phase III would be the equivalent of 59 two-bedroom units, and that the number of one-bedroom units would balance out the number of three-bedroom units.

Mr. Thurman reported that Phase I was 99% leased, with a waiting list for Phases I and II. With the decline of assisted living facilities following the COVID pandemic, the Provision Living agreement had been cancelled. With parcel 3 now available, the expansion of the Redwood development is now a viable option on this site.

Ms. Cox asked about parcel 2, which would also be approved for multi-family residential uses if the amendment is approved. Mr. Thurman replied that there were no plans for a Phase IV at this time, due to the topography of the site. If a small development is proposed for that site in the future, amending the PUD now would remove the need to seek a second amendment at that time.

Hearing no further public comment, Ms. Cox closed the public portion of the meeting.

Review Criteria

Ms. Cox explained that the Commission would discuss the Preliminary Plan review criteria. Major amendments rely on the criteria for either preliminary or final plans, depending on the amendment in question, so only one set of criteria would be reviewed.

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: While the proposed structures for this development are similar in style to the other homes built in Subarea C, Staff feels that the updated exteriors provide sufficient variety to comply with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Major Amendment to the Redwood Vandalia Planned Unit Development. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Major Amendment.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for Phase III of the Redwood Vandalia development. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

**New Business – PC 25-0008 – Planned Unit Development and Preliminary Plan
Towns at Cassel Grove (600 Corporate Center Drive)**

Mr. Hammes introduced Case PC 25-0008. Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development. The property is owned by the Hague Corporation.

Mr. Hammes described the proposed subdivision, noting that the 72 homes in this neighborhood would be a detached townhome design. This affords homeowners the advantages of a single-family lot, with rear and side yards, while still providing a unique townhome aesthetic.

Mr. Hammes discussed the history of the site, explaining that the parcel was one of the few parcels in the City with the O – Office zoning. The parcel had been zoned to O – Office several decades ago, with the intent of building an office building or office complex. No such development ever happened, and a large-scale office development is less likely in 2025 than it would have been in decades past. The owners of the property had identified this Medium-Density Residential development had been identified as a viable alternative use.

Mr. Hammes discussed the Airport Environs Overlay (AEO) as applied to this parcel. He noted that the parcel was south of the 70 DNL area, which would prevent the construction of Single-Family homes. The 65 DNL area, which encompasses almost the entire site, permits Single-Family Residential development of the type proposed. There are no issues with the AEO that would prevent the proposed development.

Mr. Hammes described the lot design. He reported that the proposed lots had a minimum width of 35 feet. This is larger than the lot width for attached townhomes (22'), but narrower than the typical width for single-family homes in the RSF-4 district (55').

Mr. Hammes noted that one lot at the northeast end of the site would be reserved for a model home.

Mr. Hammes described the proposed green space, noting that the entire site would have an open space buffer between this development and adjacent properties. There would also be a buffer between Phases I and II of the development. A small tot lot is reserved at the northwest end of the site. A 40-foot buffer would be preserved to the east, between this development and the homes on Damian Street.

Mr. Hammes discussed the density of the proposed development. He explained that the development would have 4.96 dwellings per acre. The Zoning Code requires single-family residential PUDs to have fewer than 6 dwellings per acre. Attached townhomes would need to meet the multi-family standard of 12 dwellings per acre, making this development less dense than the alternative.

Mr. Hammes described the roadways proposed for the development. The existing cul-de-sac at Corporate Center Drive would be removed in favor of two side streets with three cul-de-sacs. The Fire Division has reviewed the layout, and has no objections to the proposed design with regards to emergency access. All roads would be public right-of-way.

Mr. Hammes added that there would be no road connection to Pool Avenue. A pedestrian walkway would be provided at the north end of the site, connecting this development to the existing neighborhood to the east.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as "Neighborhood Commercial" due to the O – Office zoning, and that all O – Office parcels in the City were designated as Neighborhood Commercial. In this case, the parcel does not have the interconnectivity or access to fit the intent of the Neighborhood Commercial designation, and the business types intended for that designation would not be viable on this property. Further, the proposed Medium Density Residential use would be consistent with the Medium Density Residential neighborhood to the east. In closing, Mr. Hammes stated his view that the proposed development was consistent with the goals and intent of the Comprehensive Plan if not the specific designation.

Mr. Hammes listed the permitted uses for the site. Single-Family Residential homes would only be permitted on the numbered building lots. Passive open space uses would be permitted on all lots in the development, and accessory uses would be permitted as required by the code.

Mr. Hammes discussed the development standards for the development. He explained that the building lots would be 35 feet in width with 25-foot front and rear yards. Side yards would be set at a minimum of 5.5 feet, which would create at least 10 feet of distance between homes. Open Space lots would have different standards, locking them into at least 1 acre in size. The tot lot would be a 55-foot lot, as proposed.

Mr. Hammes explained that single-family residential PUDs generally include requirements for different home styles and colors, in order to encourage variety in designs and break up monotony. All garages would be required to accommodate two vehicles. Architectural Standards not set by the PUD would default to the standards of the RSF-2 district.

Mr. Hammes discussed the remaining standards for the development. Several corner lots would be oriented to match adjacent homes, and any lots on curves would have their frontage measured at the setback line as is standard for cul-de-sac lots. Other standards not set by the PUD (such as lot design) would default to the standards of the RMF district, owing to the size of the lots proposed here.

Mr. Hussong acknowledged that living near an airport is something that residents in this area are used to dealing with.

Mr. Hussong expressed concern over access within the development, given that there is only one path in and out of the development. In the event of an emergency, residents who need to leave might not be able to get past emergency equipment and first responders.

Mr. Hammes replied that the code did not require a second exit, based on the level of traffic expected from the development. Further, he noted that the vicinity did not lend itself to an additional exit. Mr. Hussong replied that the site does need to be developed, but that he wanted to make sure the issue with access to and from the site was being reviewed. Mr. Hammes confirmed that staff would review that issue and identify alternatives.

Mr. Plant asked about the target buyer for these homes. Ms. Cox invited the applicant to the podium.

Mr. Rob Smith, with DR Horton, addressed the Commission as applicant. He thanked the Commission for considering the application. He described DR Horton as “America’s Homebuilder”, and noted that the company was excited to expand into Southwest Ohio. The company has built communities in Clayton, Xenia, New Carlisle, Huber Heights, and new communities in Troy and Butler Township.

Mr. Smith added that the company had been in Ohio for five years. His office, based in Cincinnati, serves the Cincinnati and Dayton markets. The company staffs its offices with local employees who know the area and are familiar with the local community.

Mr. Smith explained that their initial proposal for this site involved traditional attached townhomes. The detached townhome product had seen some success in other markets, offering the best of both worlds, and the proposal was revised to offer this new type of home. The detached townhome offers the best of both worlds, with a townhome style of home and the private backyard.

Mr. Smith confirmed that his company would be willing to work with the City to expand the pedestrian walkway with bollards and other upgrades, so that the walkway could serve as an emergency access (or egress) if needed.

Mr. Aaron Horn, of DR Horton, added that the company had provided a packet of information about the development. He thanked staff for the detailed presentation.

Ms. Cox, echoing Mr. Plant’s earlier question, asked about the target audience for this type of home. Mr. Horn replied that these homes were targeted to buyers who want a smaller property to maintain and who may not want to share walls with their neighbors. Empty nesters and young urban professionals were mentioned as two target demographics. He added that families with dogs prefer having a fenced-in backyard (as opposed to a shared common backyard).

Mr. Smith added that some families may also take an interest in the site, noting that easy pedestrian access to nearby parks would benefit families with young children.

Mr. Plant asked about the idea of empty nesters buying homes with two stories. Mr. Smith replied that some empty nesters were comfortable with having a single staircase. He suggested that this unique product will find unique buyers who see that this product fits their lifestyle.

Ms. Cox asked about the location of the development and whether its isolated location or its proximity to the airport could cause problems. Mr. Smith replied that job growth in the area and proximity to the highway would highlight this as a safe, relatively affordable development in a strategic location.

Mr. Horn added that the neighborhood would be designed so as to set it apart from the adjacent properties. He discussed the green space provided in the plan and the pedestrian access to Pool Ave.

Mr. Hussong asked for clarification on the walkability. Mr. Horn replied that the Helke Park area, including recently upgraded pickleball courts, would be a major amenity for residents in this development.

Ms. Cox asked about buffering around the site. Mr. Horn referred to the Landscaping Plan, discussing the proposed plantings at the edges of the property. He noted that some areas were considered wetlands, which limited what they could plant. He pointed out that the plan called for preserving as much mature growth (including trees) as possible.

Mr. Smith added that a buffer area would be preserved along the east side of the development. His company's interest is in making every lot viable, so that they do not have unsold property.

Ms. Cox asked about the price point for the proposed homes. Mr. Smith replied that these homes in the current market would sell in the \$270,000 to \$310,000 price range. He reiterated his company's position that there is a market for homes in this price range.

Hearing no further questions from the Commission, Ms. Cox opened the public portion of the meeting.

Mr. John Seagraves of 3353 Hertlein Lane, addressed the Commission. He explained that he was one of several residents who negotiated the zoning to O-2 when the owner at the time wanted Industrial. There was work done at that time that was not allowed, and he and his neighbors have fought that for a long time. He added that he and his neighbors have septic systems.

Mr. Seagraves challenged the prices offered by the applicant. He argued that the property would be ideal for a medical office, and that medical companies in the region are eager to build new medical offices. He suggested that the owners of the property had not properly marketed the site, which is why it had not sold.

Mr. Seagraves argued that no empty nester would buy a home with a staircase.

Mr. Seagraves reported that he had not received a letter 40 years ago, and that he had not received a letter for this meeting. He thanked his neighbor for letting him know about the meeting. He added that his wife is in the hospital, and that he would be leaving once he concluded his remarks.

Mr. Seagraves stated that he had grown up in West Virginia, and that the proposed homes resembled "company homes".

Mr. Seagraves argued that the site had not been maintained, and that the City had not required them to properly maintain their land. When the current owner bought the property, they were aware that the land was zoned O-2.

Mr. Seagraves noted that he has emergency vehicles on his street every day.

Mr. Seagraves discussed water issues with the property. He said that the development of the site would send water into his backyard. As a real estate agent, he argued that the property would not be marketable.

Mr. Seagraves asked if the City had investigated the builder, arguing that the company has been involved in a number of lawsuits in other states.

Mr. Seagraves asked the Commission to turn down the application. He argued that the homes built on this site should match the homes on Damian Street. Any development on the site should match the current zoning.

Mr. Donnie Donathan of 515 Damian Street, addressed the Commission. He reminded the Commission that he had opposed a previous proposal for industrial zoning on this property, and that he opposes this rezoning. He displayed a petition of residents in the area who also opposed the development.

Mr. Donathan requested that Mr. Hammes stop receiving illegitimate proposals. He argued that the City should have rejected the application outright due to the number of homes proposed.

Mr. Donathan stepped away from the podium to refer to the displayed map of the proposed development. He argued that, if developed, the site would send a large amount of stormwater into his property and the properties of his neighbors. He reported that the area behind his home retained water due to poorly designed storm drains. He complained that the City had ignored his complaints about the issue.

Mr. Donathan argued that the current owners have not maintained the property, and that a new owner should be required to do so.

Mr. Donathan discussed drainage issues from 23 years ago along Pool Avenue and Damian Street.

Mr. Donathan argued that the stormwater for the development would flood his basement when the retention area overflows.

Mr. Donathan argued that Mr. Hammes should have rejected this proposal due to his stormwater concerns.

Mr. Donathan suggested that he could buy one of these homes for \$200,000 and rent it out as an Air BNB. He argued that no one would pay that much for homes near the airport and Tackett Trees.

Mr. Donathan stated that he wanted this development stopped. He stated that his petition featured over 30 signatures, and that he had prevented spouses and children from signing – one signature per address only.

Mr. Donathan argued that the Homeowners' Association would become bankrupt, and that kids could drown in the retention areas if no one maintains the site.

Mr. Donathan argued that he has an ownership interest in the fifty-foot area behind his house, because he had maintained it for fifty years.

Mr. Donathan asked for nice homes on the property, preferring homes that would sell for \$450,000.

Stepping away from the podium, Mr. Donathan encouraged the audience to sign the petition.

Hearing no further comments, Ms. Cox closed the public meeting.

Mr. Plant asked the applicant to address the stormwater concerns. Mr. Smith replied that he expected some concern from adjacent property owners about the stormwater. In general, his company intends to improve the site and the stormwater flow within the area. He introduced his engineer to address the details of their proposal.

Mr. Ryan Lefeld, with Choice One Engineering, addressed the Commission. The retention ponds proposed are there for stormwater management and treatment. The requirement is that stormwater is analyzed both before and after the proposed development, and that the development cannot release more stormwater than the current level of the site.

Mr. Lefeld reported that the development has to follow normal downstream flow for stormwater, and that no drainage can be directed into neighboring backyards or other properties.

Mr. Hussong asked about the Carriage Hills development in Huber Heights. Mr. Smith replied that his company had done a small part of that development.

Mr. Plant asked for clarification about the stormwater. Mr. Lefeld replied that stormwater may currently run over the ground into adjacent properties. Once the development is in place, water that comes from the development would be directed to the proposed ponds, which would then outlet into the storm sewer system. The storm water that normally goes into backyards would be intercepted before it reaches adjacent properties.

Ms. Cox asked if the roadway design would impact stormwater. Mr. Hammes replied that the roadways would be public roadways, and as such they would need to comply with City and Ohio EPA standards for stormwater. Mr. Lefeld added that the City has additional standards in their Stormwater Protection Plan that would govern the site.

Mr. Graham added that the roadways were designed to be wider than standard. Mr. Cron confirmed this, noting that the 37' width proposed is six feet wider than the usual 31' standard.

Mr. Plant expressed concern about the traffic flow within the development, noting that the design of the site may result in on-street parking that could restrict traffic flow.

Hearing no further comments, Ms. Cox moved on to the Review Criteria.

Planned Unit Development District Review Criteria

Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to accommodate the style of home intended for this site. The detached townhome-style structures proposed would not be feasible in a standard zoning district.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services.

Mr. Plant and Ms. Cox agreed with the staff comment. Mr. Hussong disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the location and nature of the proposed development, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

Mr. Hammes noted that the project is required to have no negative impact on the vicinity with regards to storm water management, and that the staff comment reflects that requirement.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Ms. Cox agreed with the staff comment. Mr. Hussong and Mr. Plant disagreed. The Planning Commission disagreed with the staff comment by a vote of 2-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

Mr. Hussong asked for clarification on review criterion K. Mr. Hammes replied that the review criteria apply to all PUD proposals, regardless of type. Mr. Hussong noted that a business use would create more stormwater issues than the proposed residential use. Mr. Hammes confirmed that the aggregate stormwater from the site must be maintained or improved by the new use, whatever that new use might be.

Mr. Hussong and Ms. Cox agreed with the staff comment. Mr. Plant disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply. Guest parking spaces provided along common areas meet the code's requirements for such parking spaces.

Mr. Hammes noted that the only additional parking proposed in this development would be street parking at the center of the development (near the cluster mailboxes), along the northwest cul-de-sac, and at the tot lot.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Planned Unit Development for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Planned Unit Development.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Mr. Donathan stepped to the podium and began to speak. Ms. Cox stated that the public portion of the meeting had closed. Mr. Donathan handed his petition to the chair, and reported that the City would be hearing from his attorney.

New Business – PC 25-0009 – Rezoning – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0009. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts.

Mr. Hammes explained that R&R Takhar Oil Company, a current Vandalia business, wished to consolidate its operations onto one property. They propose a new corporate office building, a fueling station with convenience retail, and a truck facility to maintain the company's fleet of fuel trucks.

Mr. Hammes added that the fueling station use would require Highway Business zoning, while the truck facility would require Industrial zoning.

Mr. Hammes described the surrounding zoning as a blend of I – Industrial and O/IP – Office / Industrial Park districts. The proposed Industrial zoning would fit well with the industrial parcels in the vicinity. Highway Business zoning is not present, but the location of the site near I-75 makes an HB zoning reasonable for this site.

Mr. Hussong asked about the volume of trucks stored at and serviced by the proposed truck facility. Mr. Hammes replied that the applicant was present and would be able to provide that information.

Mr. Hussong asked about access to the site. Mr. Hammes explained that there would be two curb cuts for the office parcel and one each for the truck facility and fueling station. An additional point of access may be established between the adjacent property and the fueling station, but that that arrangement would be negotiated between the two property owners.

Ms. Cox invited the applicant to the podium.

Mr. Richard Drake, of Drake Architecture, spoke on behalf of the applicant. In response to Mr. Hussong, Mr. Drake reported that Takhar Oil operates 50 vehicles servicing over 75 fueling stations. 8 to 10 trucks would be stored on this property at any one time.

Mr. Drake explained that the company needs additional office space to bring their entire operation together on one property. The fueling station would be a test store where they can showcase their operations and try new things.

Mr. Drake noted that he had lived in the area for years, and that he was surprised that this property had remained vacant for so long. This parcel is a natural fit for the proposed use, and a fueling station on this side of the highway would be successful.

Mr. Hussong asked if the flow of traffic at this site would be similar to the company's existing site. Mr. Drake confirmed that it would.

Ms. Cox asked if the area was already saturated with fuel stations. Mr. Drake replied that there were only three fueling stations in the vicinity, and none of them were on this side of the highway.

Hearing no further comments, Ms. Cox closed the public portion of the meeting.

Zoning Map Amendment Review Criteria

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.¹

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed rezoning furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

¹ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed rezoning is consistent with the City's goals and policies generally, and that it is not inconsistent with the Comprehensive Plan.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed rezoning is necessary due to changing conditions, namely the long-planned expansion of commercial uses along the Benchwood Road corridor.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed rezoning from the O/IP – Office / Industrial Park district to the HB – Highway Business and I – Industrial districts, respectively. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed rezoning.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

New Business – PC 25-0010 – Conditional Use (Truck Facility) – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0010. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

Mr. Hammes explained that the project involves a truck facility at the north end of the site. Truck facilities are conditional uses in the I – Industrial district. He noted that this particular truck facility would only service trucks owned by the company itself, and would not be open to the public as such.

Mr. Hammes added that there would be no amenities provided for truck drivers. The 9,000 square foot structure would be used for maintenance and repair of trucks.

Mr. Hammes pointed out that the applicant would need to improve Homestretch Road by widening the west side of the road to meet the requirements of the Thoroughfare Plan.

Mr. Hammes reported that Staff recommended three conditions. These were listed as follows:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Hammes explained that these conditions were not unusual for a facility of this type. Condition 1 requires that the site be rezoned to Industrial before the conditional use goes into effect. Condition 2 would require that the two parcels set aside for this use be combined. Condition 3 requires that all roadway improvements be installed according to the Director of Public Service's standards.

Mr. Richard Drake returned to the podium to speak on behalf of the applicant. He explained that the facility would have a small break room and restrooms for employees working on trucks, but will otherwise have no amenities for drivers.

Mr. Hammes pointed out that the plan included no provisions for large fuel tanks or equipment for loading fuel into the company's fuel tanker trucks. Mr. Drake confirmed that there would be no fuel products stored on-site. He added that any fuel trucks stored on-site would be stored empty.

Hearing no further questions, Ms. Cox closed the public portion of the meeting.

Ms. Cox noted that the current application is a much better use than previous proposals for this property.

Conditional Use Permit Criteria

Ms. Cox read the conditional use permit criteria into the record. The Planning Commission shall not recommend in favor of an application for a conditional use permit unless it finds the following:

- (1) The establishment, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, morals or general welfare;

Staff Comment: Given that this facility would not be open to the public, Staff feels that the use would meet this criterion as proposed.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Conditional Use Permit Criteria (Cont'd)

- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

Staff Comment: Staff feels that the conditional use would not be injurious to the use and enjoyment of other property in the vicinity, nor would property values be negatively impacted.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Staff Comment: The proposed conditional use does not appear likely to impede the development or improvement of any surrounding property.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Staff Comment: The proposal includes provisions for adequate utilities, drainage, roadway improvements, and other necessary facilities.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets;

Staff Comment: The design of the site provides appropriate access to and from Homestretch Road. The proposed conditional use is not expected to significantly impact traffic conditions on either roadway.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

Staff Comment: Staff feels the conditional use will be located in a district where such use is conditionally permitted, and all requirements set forth in the code applicable to this use have been or will be met.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended **approval** for the proposed conditional use of a Truck Facility in the I – Industrial district with the following conditions:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Plant made a motion to recommend approval of the proposed conditional use, with the conditions as laid out by Staff. Mr. Hussong seconded the motion.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed conditional use permit with three conditions.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Communications

Mr. Hammes noted that the reorganizational meeting would be held at the first meeting with all five members present - including a new member who would fill the current vacancy. Mr. Hammes also wished Mr. Arnold a speedy recovery.

Mr. Hammes confirmed that the July 22nd meeting had been cancelled for lack of an agenda. He added that he expected to have at least one application for the meeting on August 12th.

Mr. Hammes reminded the Commission of the joint Planning Commission / BZA training scheduled for July 29.

Mr. Hammes (belatedly) welcomed Mr. Hussong to the Planning Commission, and thanked him for volunteering to serve.

Adjournment

Ms. Cox asked for a motion to adjourn. Mr. Hussong made the motion. Mr. Plant seconded the motion. The vote passed 3-0.

Mr. Atkins adjourned the meeting at 8:40 p.m.

Acting Chairperson

CITY OF VANDALIA

MONTGOMERY COUNTY, OHIO

ORDINANCE 25-20

AN ORDINANCE REZONING 5.219 ACRES OF LAND LOCATED AT 3675 WYSE ROAD FROM OFFICE / INDUSTRIAL PARK (O/IP) TO HIGHWAY BUSINESS (HB) AND INDUSTRIAL (I) AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS, Ministry Partners Investment Company, LLC, owns certain property totaling 5.219 acres located at 3675 Wyse Road and described by the Montgomery County Auditor by parcel numbers B02 01205 0012, 0013, and 0014 (The Property); and

WHEREAS, the Property is zoned Office / Industrial Park (O/IP); and

WHEREAS, The Applicant, R&R Takhar Oil Company, wishes to establish a fueling station and corporate office at the south end of the site, requiring Highway Business zoning, and a truck repair facility at the north end which would require the Industrial zoning; and

WHEREAS, On July 8th, 2025, the Planning Commission held a public hearing to review the proposal, after which they voted 3-0 to recommend approval of the rezoning of 5.219 acres of property from Office / Industrial Park to Highway Business (HB) and Industrial (I); and

WHEREAS, Council has given due consideration of the Planning Commission recommendation, the comprehensive plan, and ordinances of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The request to rezone 5.219 acres of property from Office / Industrial Park to Highway Business (HB) and Industrial (I) is hereby approved, and the City's Zoning Map shall be amended to reflect such change as follows:

Parcel B02 01205 0012 (0.914 Acres) – Rezoned from O/IP to Industrial (I)

Parcel B02 01205 0013 (0.900 Acres) – Rezoned from O/IP to Industrial (I)

Parcel B02 01205 0014 (3.523 Acres) – Rezoned from O/IP to Highway Business (HB)

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E. Althouse
Clerk of Council

MEMORANDUM

TO: Kurt Althouse, City Manager
FROM: Michael Hammes, AICP, City Planner
DATE: July 14th, 2025
SUBJECT: PC 25-0009 – Rezoning – 3675 Wyse Road

General Information

Applicant: Richard Drake
Drake Architecture
189 Preakness Ct.
Vandalia, Ohio 45377

Owner: Ministry Partners Investment Company, LLC
915 W Imperial Highway, Suite 200
Brea, CA 92821

Existing Zoning: Office / Industrial Park (O/IP)

Proposed Zoning: Industrial (I) – Parcels 0012 and 0013
Highway Business (HB) – Parcel 0014

Location: 3675 Wyse Road

Parcels: B02 01205 0012
B02 01205 0013
B02 01205 0014

Previous Case(s): None¹

Requested Action: Recommendation to City Council

Exhibits: 1 - Application / Owner Letter
2 - Site / Landscape Plan

¹ A previous conditional use was approved for this property on May 21, 2018 (via Case PC 18-12) for a warehouse. When the initial approval expired, a new conditional use was approved on March 4, 2019 (via Case PC 19-04) for a truck facility. Both conditional uses, for a truck facility and warehouse, have since lapsed. A later proposal seeking conditional use approval for a hotel (PC 24-01) was denied. This application is unrelated to any previous approval.

Application Background

Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts.

3675 Wyse Road is a vacant property at the corner of Wyse and Homestretch Roads. The applicant, a current Vandalia business with operations on Poe Avenue, wishes to consolidate their operations onto one property.

As proposed, this property would be developed for three distinct but complimentary uses. Parcel 0014, at the south end of the site, would be divided into two parcels. The western parcel would be a fueling station with convenience retail, while the eastern parcel would house a new corporate office. Parcels 0012 and 0013, at the north end of the site, would be combined to house a newly built Truck Facility. This facility would service the company's own vehicles and would not be open to the public.

The fueling station use is not permitted in the current O/IP zoning district, so the applicant requests a rezoning to HB – Highway Business for Parcel 0014. For Parcels 0012 and 0013, the applicant requests a rezoning to I – Industrial to allow for the approval of a truck facility.²

Surrounding Zoning / Uses

3675 Wyse Road is located along the Benchwood Road / Wyse Road corridor. The surrounding businesses are primary commercial in character. Notable businesses in the vicinity include Sunbelt Rentals to the east, Pratt Industries to the north, and various businesses along the Poe-Wyse Connector to the south.

Direction	Existing Use Type
North	Commercial, Industrial
South	Commercial
East	Industrial
West	Commercial

Surrounding zoning districts are as follows:

Direction	District
North	Office / Industrial Park (O/IP), Industrial (I)
South	Office / Industrial Park (O/IP), Industrial (I)
East	Industrial (I)
West	Office / Industrial Park (O/IP)

² The applicant has filed a concurrent application for Conditional Use approval. See PC 25-0010.

Comprehensive Plan

The 2020 Comprehensive Plan lists this area as “Community Commercial”.³ Given the proximity to the highway and the Poe-Wyse corridor, the proposed HB zoning would be consistent with that designation.

The proposed Industrial zoning would be consistent with the Industrial Innovation areas to the north and east. Given the proximity of this parcel to those areas, and the surrounding profile of industrial districts, an Industrial parcel at this location is reasonable.

Other Considerations

Fueling stations are not permitted unless the roadway serving the site is classified as an arterial or higher in the Vandalia Thoroughfare Plan. In this instance, Wyse Road east of Interstate 75 is listed as a collector. This designation is currently under review (unrelated to this application), and several sources already list Wyse Road as an arterial roadway.

Given those designations, and the fact that Wyse Road is a six-lane road that meets the design standard of an Arterial roadway, this review treats it as such.

Review and Recommendation

Zoning Map Amendment Review Criteria

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.⁴

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed rezoning furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (2) The proposed amendment and proposed uses are consistent with the City’s adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed rezoning is consistent with the City’s goals and policies generally, and that it is not inconsistent with the Comprehensive Plan.

³ City of Vandalia Comprehensive Plan, Page 55.

⁴ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

The Planning Commission agreed with the staff comment by a vote of 3-0.

Review Criteria (Cont'd)

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed rezoning is necessary due to changing conditions, namely the long-planned expansion of commercial uses along the Benchwood Road corridor.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

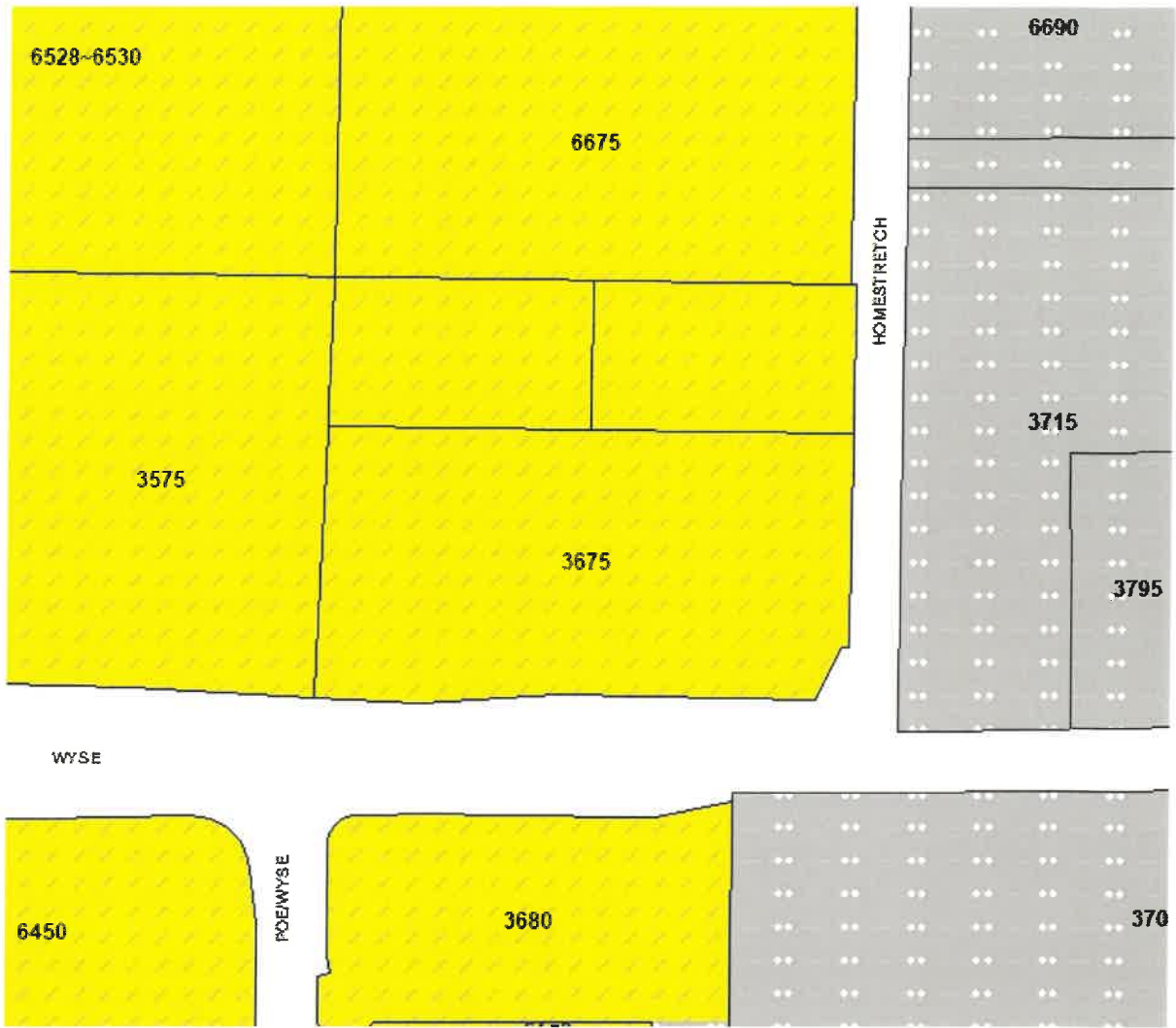
Recommendation

At its regular meeting of July 8th, 2025, the Planning Commission voted 3-0 to recommend **approval** of the proposed rezoning from the O/IP – Office / Industrial Park district to the HB – Highway Business and I – Industrial districts.

The recommendation of the Planning Commission on both items is hereby forwarded to Council for their consideration.



Vicinity Map – 3675 Wyse Road



Zoning Map – 3675 Wyse Road

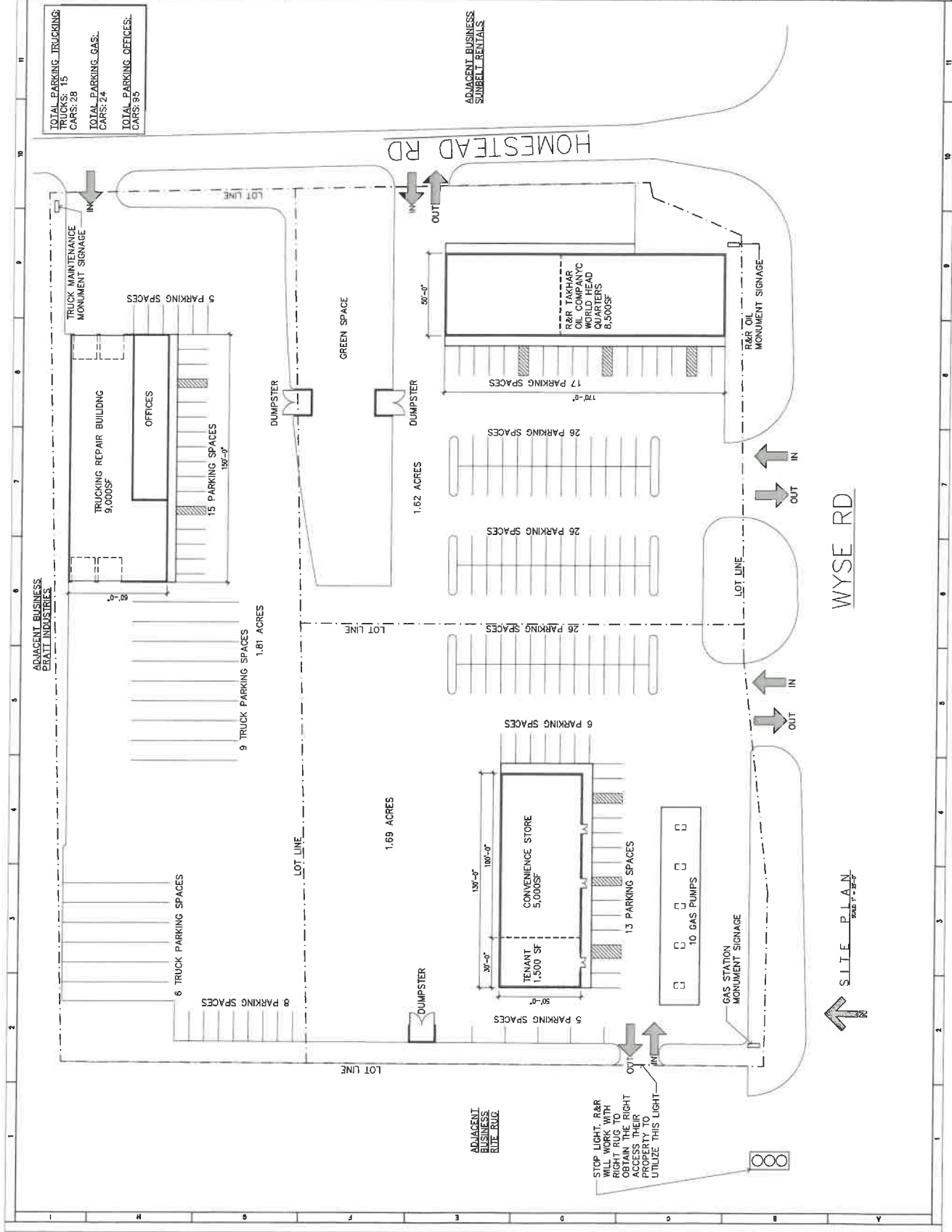
3669 WYSE RD
VANDALIA, OH

ARCHITECTURE | DESIGN
188 Prescience Ct | Vardale OH 45377

Drawing Title

SITE PLAN

© 2020 DRAKE ARCHITECTURE LLC





① OVERALL SITE PLAN

R&R
HEAD
QUARTERS

5665 WYSE RD
WINDSOR, ON



--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

R&R
HEAD
QUARTERS

3669 WYSE RD
VANDALIA, OH



① R&R TAKHAR OIL COMPANY HEADQUARTERS

[illegible]

DRAKE
architecture
ARCHITECTURE | DESIGN

100 Pleasant Ct. | Vandalia, OH 45377

Drawing Title

RENDERINGS

Drawn	RRD	Checked	RRD	Project	
					

© 2025 DRUKE ARCHITECTURE LLC

3868 WYSE RD
VANDALIA, OH

DRAKE
architecture
ARCHITECTURE | DESIGN
1118 Pennsylvania Ct. | Yorba Linda, OH 43177

Drawing Title

RENDERINGS



Checked: RRD
Project: A3

© 2025 DRACE ARCHITECTURE LLC

3689 WYSE RD
VANDALIA, OH



ARCHITECTURE | DESIGN
180 Pleasanton Ct | Vandalia OH 45377

Drawing No.	Drawn	Drawn by

© 2008 TRIMTECH INC.

① R&R TAKHAR OIL COMPANY HEADQUARTERS



① GAS PUMPS AND CONVENIENCE STORE

**R&R
HEAD
QUARTERS**

3605 WYSE RD
VANCOUVER, BC

Takhar Oil Co.

NO.	DATE	DESCRIPTION

DRAKE
architecture

ARCHITECTURE | DESIGN

100 PRINCE OF WALES DR. #207

RENDERINGS

Scale: 1/8" = 1'-0"

Project: A6

Client: TAKHAR OIL CO.

Architect: DRAKE ARCHITECTURE LTD.

Sheet: A6

Project: A6

Client: TAKHAR OIL CO.

Architect: DRAKE ARCHITECTURE LTD.

3659 WYSE RD
VANDALIA, OH



DRAKE
architecture
ARCHITECTURE | DESIGN
188 Princeton Ct. | Yorba Linda, CA 95777

RENDERINGS



①

3860 WYSE RD
VANDALIA, OH



DRAKE
architecture
ARCHITECTURE | DESIGN
180 Boulevard 21 | Montreal, QC H5C1T7

RENDERINGS



9A

© 2024 DRANE ARCHITECTS

A photograph of a gas station with a red and white canopy and a blue sign that reads "Pump & Go". The station is located on a paved area with some trees in the background. The sky is blue with some clouds.

① RECENT FUELING STATION PROJECTS

0	ZONING SUBMITTAL	01/13/2025
REVISIONS:	Revisions/Submissions	Date

DRAKE
architecture
ARCHITECTURE | DESIGN

180 Probus Ave. | Vandalia, OH 45377

Drawing Title

PROJECT PICTURES

Serial	Drawn	Drawing No.
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

STATE OF OHIO
 COUNTY OF CUYAHOGA
 I, the undersigned, Clerk of the Court of Common Pleas for the County of Cuyahoga, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of said Court.

WITNESSED my hand and the seal of said Court at Cleveland, Ohio, this 12th day of June, 1904.

CLERK OF COURT

RECORDED

INDEXED

REG
RICHARD
DANIEL
CT
RRO
A
O

1964
CHITTE
ISTER

© 2023 DRAME ARCHITECTURE LLC

Minutes of the City of Vandalia Planning Commission
July 8, 2025

Members Present:	Ms. Kristin Cox, Mr. Lucious Plant, Mr. Bob Hussong
Members Absent:	Mr. Dave Arnold
Staff Present:	Michael Hammes, City Planner Ben Graham, Zoning & Planning Coordinator Ben Borton, Director of Public Service Rob Cron, Assistant City Manager
Others Present:	Greg Thurman, John Seagraves, Rick Drake, Jovi Takhar, Boydon Boston, Steve Ponscheck, Ron Miller, Brian Wertz, Aaron Horn, Rob Smith, Ryan Lefeld, Trisha Cortes, Orlando Cortes, Don Donathan, Ed Burke, Missi Demoss, Nelson Demoss, David Whitlock

Call to Order

Ms. Cox called the meeting to order at 6:08 p.m.

Attendance

Ms. Cox noted that three members were present. Mr. Plant made a motion to excuse Mr. Arnold. Mr. Hussong seconded. The motion carried 3-0.

Approval of Minutes of the Planning Commission

Mr. Hussong made a motion to approve the May 13th, 2025 minutes. Mr. Plant seconded the motion. The motion carried 5-0.

Swearing in of Attendees Wishing to Speak at Meeting

The attendees were sworn in.

Old Business

Mr. Hammes confirmed that there was no Old Business on the agenda.

New Business – PC 25-0007 – PUD Amendment and Preliminary Plan – Redwood Phase III

Mr. Hammes introduced Case PC 25-0007. Todd Foley, of POD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia.

Mr. Hammes described the history of the Redwood Vandalia PUD. He noted that the Redwood development was originally approved in 2019 as a mixed-use commercial and multi-family residential development. Phases I and II of the Redwood development feature 171 multi-family units. Phase I was completed in 2024, and Phase II is under construction.

Mr. Hammes explained that two additional parcels were set aside for commercial uses fitting the standards of the Office / Industrial Park district. Parcel 3, located south of Park Center Drive, was approved for an assisted living facility in 2022. That project was later cancelled. Redwood Vandalia now seeks to expand into a Phase III on this parcel.

Mr. Hammes discussed the proposed amendment to the Redwood Vandalia PUD. He explained that the applicant wished to add “Multi-Family Residential” as a permitted use on parcels 2 and 3. Because this change would increase the number of dwelling units in the development, it qualifies as a Major Amendment and requires Council approval. This change is the only change to the PUD standards proposed.

Mr. Hammes reviewed the revised Preliminary Plan for Phase III. He noted that the proposed residential buildings would be similar in architectural style and design to the homes built in Phases I and II. While the development would continue to primarily feature two-bedroom units, a limited number of one-bedroom and three-bedroom units are also included in the plan for Phase III. He also discussed signage along Park Center Drive, stating that a blade sign depicted in the proposal would be replaced by a permanent sign to comply with the City’s signage regulations. Importantly, Mr. Hammes clarified that the current Preliminary Plan applies only to Parcel 3, and any future development of Parcel 2 would require a separate plan amendment.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as “Neighborhood Commercial”, owing to the proposed uses available at the time the plan was drafted. Had Phase III been proposed initially, rather than the assisted living facility or some related use, the site would have been designated “Medium Density Residential” to match the first two phases of the Redwood development. As such, the proposed Phase III is consistent with the goals of the plan, if not the specific designation.

Mr. Hammes reported that the development would be managed by Redwood as a rental community, so there would be no covenants or homeowners’ association.

Mr. Hammes noted that the standards that applied to the initial phases of the development would apply to residential development in this area, with the exception of a required buffer area at the southwest end of Phases I and II (since that buffer already exists).

Mr. Hammes reported that construction was expected in late 2026, following the completion of Phase II. The proposed phasing plan for this site would see construction completed in 2028.

Mr. Hussong asked about the density of Phase III, referencing the number of dwelling units and the different unit sizes. Mr. Hammes replied that the preliminary plan refers to dwelling units in the aggregate, with the calculation of density taking only the raw number of units into account. The Final Plan approval would be where the applicant would need to show specific utility capacities and designs.

Ms. Cox opened the public portion of the meeting, and invited the applicant forward.

Mr. Greg Thurman of Redwood Vandalia addressed the Commission on behalf of the applicant. He confirmed that the number of bedrooms in Phase III would be the equivalent of 59 two-bedroom units, and that the number of one-bedroom units would balance out the number of three-bedroom units.

Mr. Thurman reported that Phase I was 99% leased, with a waiting list for Phases I and II. With the decline of assisted living facilities following the COVID pandemic, the Provision Living agreement had been cancelled. With parcel 3 now available, the expansion of the Redwood development is now a viable option on this site.

Ms. Cox asked about parcel 2, which would also be approved for multi-family residential uses if the amendment is approved. Mr. Thurman replied that there were no plans for a Phase IV at this time, due to the topography of the site. If a small development is proposed for that site in the future, amending the PUD now would remove the need to seek a second amendment at that time.

Hearing no further public comment, Ms. Cox closed the public portion of the meeting.

Review Criteria

Ms. Cox explained that the Commission would discuss the Preliminary Plan review criteria. Major amendments rely on the criteria for either preliminary or final plans, depending on the amendment in question, so only one set of criteria would be reviewed.

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: While the proposed structures for this development are similar in style to the other homes built in Subarea C, Staff feels that the updated exteriors provide sufficient variety to comply with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Major Amendment to the Redwood Vandalia Planned Unit Development. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Major Amendment.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for Phase III of the Redwood Vandalia development. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

**New Business – PC 25-0008 – Planned Unit Development and Preliminary Plan
Towns at Cassel Grove (600 Corporate Center Drive)**

Mr. Hammes introduced Case PC 25-0008. Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development. The property is owned by the Hague Corporation.

Mr. Hammes described the proposed subdivision, noting that the 72 homes in this neighborhood would be a detached townhome design. This affords homeowners the advantages of a single-family lot, with rear and side yards, while still providing a unique townhome aesthetic.

Mr. Hammes discussed the history of the site, explaining that the parcel was one of the few parcels in the City with the O – Office zoning. The parcel had been zoned to O – Office several decades ago, with the intent of building an office building or office complex. No such development ever happened, and a large-scale office development is less likely in 2025 than it would have been in decades past. The owners of the property had identified this Medium-Density Residential development had been identified as a viable alternative use.

Mr. Hammes discussed the Airport Environs Overlay (AEO) as applied to this parcel. He noted that the parcel was south of the 70 DNL area, which would prevent the construction of Single-Family homes. The 65 DNL area, which encompasses almost the entire site, permits Single-Family Residential development of the type proposed. There are no issues with the AEO that would prevent the proposed development.

Mr. Hammes described the lot design. He reported that the proposed lots had a minimum width of 35 feet. This is larger than the lot width for attached townhomes (22'), but narrower than the typical width for single-family homes in the RSF-4 district (55').

Mr. Hammes noted that one lot at the northeast end of the site would be reserved for a model home.

Mr. Hammes described the proposed green space, noting that the entire site would have an open space buffer between this development and adjacent properties. There would also be a buffer between Phases I and II of the development. A small tot lot is reserved at the northwest end of the site. A 40-foot buffer would be preserved to the east, between this development and the homes on Damian Street.

Mr. Hammes discussed the density of the proposed development. He explained that the development would have 4.96 dwellings per acre. The Zoning Code requires single-family residential PUDs to have fewer than 6 dwellings per acre. Attached townhomes would need to meet the multi-family standard of 12 dwellings per acre, making this development less dense than the alternative.

Mr. Hammes described the roadways proposed for the development. The existing cul-de-sac at Corporate Center Drive would be removed in favor of two side streets with three cul-de-sacs. The Fire Division has reviewed the layout, and has no objections to the proposed design with regards to emergency access. All roads would be public right-of-way.

Mr. Hammes added that there would be no road connection to Pool Avenue. A pedestrian walkway would be provided at the north end of the site, connecting this development to the existing neighborhood to the east.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as "Neighborhood Commercial" due to the O – Office zoning, and that all O – Office parcels in the City were designated as Neighborhood Commercial. In this case, the parcel does not have the interconnectivity or access to fit the intent of the Neighborhood Commercial designation, and the business types intended for that designation would not be viable on this property. Further, the proposed Medium Density Residential use would be consistent with the Medium Density Residential neighborhood to the east. In closing, Mr. Hammes stated his view that the proposed development was consistent with the goals and intent of the Comprehensive Plan if not the specific designation.

Mr. Hammes listed the permitted uses for the site. Single-Family Residential homes would only be permitted on the numbered building lots. Passive open space uses would be permitted on all lots in the development, and accessory uses would be permitted as required by the code.

Mr. Hammes discussed the development standards for the development. He explained that the building lots would be 35 feet in width with 25-foot front and rear yards. Side yards would be set at a minimum of 5.5 feet, which would create at least 10 feet of distance between homes. Open Space lots would have different standards, locking them into at least 1 acre in size. The tot lot would be a 55-foot lot, as proposed.

Mr. Hammes explained that single-family residential PUDs generally include requirements for different home styles and colors, in order to encourage variety in designs and break up monotony. All garages would be required to accommodate two vehicles. Architectural Standards not set by the PUD would default to the standards of the RSF-2 district.

Mr. Hammes discussed the remaining standards for the development. Several corner lots would be oriented to match adjacent homes, and any lots on curves would have their frontage measured at the setback line as is standard for cul-de-sac lots. Other standards not set by the PUD (such as lot design) would default to the standards of the RMF district, owing to the size of the lots proposed here.

Mr. Hussong acknowledged that living near an airport is something that residents in this area are used to dealing with.

Mr. Hussong expressed concern over access within the development, given that there is only one path in and out of the development. In the event of an emergency, residents who need to leave might not be able to get past emergency equipment and first responders.

Mr. Hammes replied that the code did not require a second exit, based on the level of traffic expected from the development. Further, he noted that the vicinity did not lend itself to an additional exit. Mr. Hussong replied that the site does need to be developed, but that he wanted to make sure the issue with access to and from the site was being reviewed. Mr. Hammes confirmed that staff would review that issue and identify alternatives.

Mr. Plant asked about the target buyer for these homes. Ms. Cox invited the applicant to the podium.

Mr. Rob Smith, with DR Horton, addressed the Commission as applicant. He thanked the Commission for considering the application. He described DR Horton as “America’s Homebuilder”, and noted that the company was excited to expand into Southwest Ohio. The company has built communities in Clayton, Xenia, New Carlisle, Huber Heights, and new communities in Troy and Butler Township.

Mr. Smith added that the company had been in Ohio for five years. His office, based in Cincinnati, serves the Cincinnati and Dayton markets. The company staffs its offices with local employees who know the area and are familiar with the local community.

Mr. Smith explained that their initial proposal for this site involved traditional attached townhomes. The detached townhome product had seen some success in other markets, offering the best of both worlds, and the proposal was revised to offer this new type of home. The detached townhome offers the best of both worlds, with a townhome style of home and the private backyard.

Mr. Smith confirmed that his company would be willing to work with the City to expand the pedestrian walkway with bollards and other upgrades, so that the walkway could serve as an emergency access (or egress) if needed.

Mr. Aaron Horn, of DR Horton, added that the company had provided a packet of information about the development. He thanked staff for the detailed presentation.

Ms. Cox, echoing Mr. Plant’s earlier question, asked about the target audience for this type of home. Mr. Horn replied that these homes were targeted to buyers who want a smaller property to maintain and who may not want to share walls with their neighbors. Empty nesters and young urban professionals were mentioned as two target demographics. He added that families with dogs prefer having a fenced-in backyard (as opposed to a shared common backyard).

Mr. Smith added that some families may also take an interest in the site, noting that easy pedestrian access to nearby parks would benefit families with young children.

Mr. Plant asked about the idea of empty nesters buying homes with two stories. Mr. Smith replied that some empty nesters were comfortable with having a single staircase. He suggested that this unique product will find unique buyers who see that this product fits their lifestyle.

Ms. Cox asked about the location of the development and whether its isolated location or its proximity to the airport could cause problems. Mr. Smith replied that job growth in the area and proximity to the highway would highlight this as a safe, relatively affordable development in a strategic location.

Mr. Horn added that the neighborhood would be designed so as to set it apart from the adjacent properties. He discussed the green space provided in the plan and the pedestrian access to Pool Ave.

Mr. Hussong asked for clarification on the walkability. Mr. Horn replied that the Helke Park area, including recently upgraded pickleball courts, would be a major amenity for residents in this development.

Ms. Cox asked about buffering around the site. Mr. Horn referred to the Landscaping Plan, discussing the proposed plantings at the edges of the property. He noted that some areas were considered wetlands, which limited what they could plant. He pointed out that the plan called for preserving as much mature growth (including trees) as possible.

Mr. Smith added that a buffer area would be preserved along the east side of the development. His company's interest is in making every lot viable, so that they do not have unsold property.

Ms. Cox asked about the price point for the proposed homes. Mr. Smith replied that these homes in the current market would sell in the \$270,000 to \$310,000 price range. He reiterated his company's position that there is a market for homes in this price range.

Hearing no further questions from the Commission, Ms. Cox opened the public portion of the meeting.

Mr. John Seagraves of 3353 Hertlein Lane, addressed the Commission. He explained that he was one of several residents who negotiated the zoning to O-2 when the owner at the time wanted Industrial. There was work done at that time that was not allowed, and he and his neighbors have fought that for a long time. He added that he and his neighbors have septic systems.

Mr. Seagraves challenged the prices offered by the applicant. He argued that the property would be ideal for a medical office, and that medical companies in the region are eager to build new medical offices. He suggested that the owners of the property had not properly marketed the site, which is why it had not sold.

Mr. Seagraves argued that no empty nester would buy a home with a staircase.

Mr. Seagraves reported that he had not received a letter 40 years ago, and that he had not received a letter for this meeting. He thanked his neighbor for letting him know about the meeting. He added that his wife is in the hospital, and that he would be leaving once he concluded his remarks.

Mr. Seagraves stated that he had grown up in West Virginia, and that the proposed homes resembled "company homes".

Mr. Seagraves argued that the site had not been maintained, and that the City had not required them to properly maintain their land. When the current owner bought the property, they were aware that the land was zoned O-2.

Mr. Seagraves noted that he has emergency vehicles on his street every day.

Mr. Seagraves discussed water issues with the property. He said that the development of the site would send water into his backyard. As a real estate agent, he argued that the property would not be marketable.

Mr. Seagraves asked if the City had investigated the builder, arguing that the company has been involved in a number of lawsuits in other states.

Mr. Seagraves asked the Commission to turn down the application. He argued that the homes built on this site should match the homes on Damian Street. Any development on the site should match the current zoning.

Mr. Donnie Donathan of 515 Damian Street, addressed the Commission. He reminded the Commission that he had opposed a previous proposal for industrial zoning on this property, and that he opposes this rezoning. He displayed a petition of residents in the area who also opposed the development.

Mr. Donathan requested that Mr. Hammes stop receiving illegitimate proposals. He argued that the City should have rejected the application outright due to the number of homes proposed.

Mr. Donathan stepped away from the podium to refer to the displayed map of the proposed development. He argued that, if developed, the site would send a large amount of stormwater into his property and the properties of his neighbors. He reported that the area behind his home retained water due to poorly designed storm drains. He complained that the City had ignored his complaints about the issue.

Mr. Donathan argued that the current owners have not maintained the property, and that a new owner should be required to do so.

Mr. Donathan discussed drainage issues from 23 years ago along Pool Avenue and Damian Street.

Mr. Donathan argued that the stormwater for the development would flood his basement when the retention area overflows.

Mr. Donathan argued that Mr. Hammes should have rejected this proposal due to his stormwater concerns.

Mr. Donathan suggested that he could buy one of these homes for \$200,000 and rent it out as an Air BNB. He argued that no one would pay that much for homes near the airport and Tackett Trees.

Mr. Donathan stated that he wanted this development stopped. He stated that his petition featured over 30 signatures, and that he had prevented spouses and children from signing – one signature per address only.

Mr. Donathan argued that the Homeowners' Association would become bankrupt, and that kids could drown in the retention areas if no one maintains the site.

Mr. Donathan argued that he has an ownership interest in the fifty-foot area behind his house, because he had maintained it for fifty years.

Mr. Donathan asked for nice homes on the property, preferring homes that would sell for \$450,000.

Stepping away from the podium, Mr. Donathan encouraged the audience to sign the petition.

Hearing no further comments, Ms. Cox closed the public meeting.

Mr. Plant asked the applicant to address the stormwater concerns. Mr. Smith replied that he expected some concern from adjacent property owners about the stormwater. In general, his company intends to improve the site and the stormwater flow within the area. He introduced his engineer to address the details of their proposal.

Mr. Ryan Lefeld, with Choice One Engineering, addressed the Commission. The retention ponds proposed are there for stormwater management and treatment. The requirement is that stormwater is analyzed both before and after the proposed development, and that the development cannot release more stormwater than the current level of the site.

Mr. Lefeld reported that the development has to follow normal downstream flow for stormwater, and that no drainage can be directed into neighboring backyards or other properties.

Mr. Hussong asked about the Carriage Hills development in Huber Heights. Mr. Smith replied that his company had done a small part of that development.

Mr. Plant asked for clarification about the stormwater. Mr. Lefeld replied that stormwater may currently run over the ground into adjacent properties. Once the development is in place, water that comes from the development would be directed to the proposed ponds, which would then outlet into the storm sewer system. The storm water that normally goes into backyards would be intercepted before it reaches adjacent properties.

Ms. Cox asked if the roadway design would impact stormwater. Mr. Hammes replied that the roadways would be public roadways, and as such they would need to comply with City and Ohio EPA standards for stormwater. Mr. Lefeld added that the City has additional standards in their Stormwater Protection Plan that would govern the site.

Mr. Graham added that the roadways were designed to be wider than standard. Mr. Cron confirmed this, noting that the 37' width proposed is six feet wider than the usual 31' standard.

Mr. Plant expressed concern about the traffic flow within the development, noting that the design of the site may result in on-street parking that could restrict traffic flow.

Hearing no further comments, Ms. Cox moved on to the Review Criteria.

Planned Unit Development District Review Criteria

Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to accommodate the style of home intended for this site. The detached townhome-style structures proposed would not be feasible in a standard zoning district.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services.

Mr. Plant and Ms. Cox agreed with the staff comment. Mr. Hussong disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the location and nature of the proposed development, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

Mr. Hammes noted that the project is required to have no negative impact on the vicinity with regards to storm water management, and that the staff comment reflects that requirement.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Ms. Cox agreed with the staff comment. Mr. Hussong and Mr. Plant disagreed. The Planning Commission disagreed with the staff comment by a vote of 2-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

Mr. Hussong asked for clarification on review criterion K. Mr. Hammes replied that the review criteria apply to all PUD proposals, regardless of type. Mr. Hussong noted that a business use would create more stormwater issues than the proposed residential use. Mr. Hammes confirmed that the aggregate stormwater from the site must be maintained or improved by the new use, whatever that new use might be.

Mr. Hussong and Ms. Cox agreed with the staff comment. Mr. Plant disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply. Guest parking spaces provided along common areas meet the code's requirements for such parking spaces.

Mr. Hammes noted that the only additional parking proposed in this development would be street parking at the center of the development (near the cluster mailboxes), along the northwest cul-de-sac, and at the tot lot.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Planned Unit Development for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Planned Unit Development.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Mr. Donathan stepped to the podium and began to speak. Ms. Cox stated that the public portion of the meeting had closed. Mr. Donathan handed his petition to the chair, and reported that the City would be hearing from his attorney.

New Business – PC 25-0009 – Rezoning – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0009. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts.

Mr. Hammes explained that R&R Takhar Oil Company, a current Vandalia business, wished to consolidate its operations onto one property. They propose a new corporate office building, a fueling station with convenience retail, and a truck facility to maintain the company's fleet of fuel trucks.

Mr. Hammes added that the fueling station use would require Highway Business zoning, while the truck facility would require Industrial zoning.

Mr. Hammes described the surrounding zoning as a blend of I – Industrial and O/IP – Office / Industrial Park districts. The proposed Industrial zoning would fit well with the industrial parcels in the vicinity. Highway Business zoning is not present, but the location of the site near I-75 makes an HB zoning reasonable for this site.

Mr. Hussong asked about the volume of trucks stored at and serviced by the proposed truck facility. Mr. Hammes replied that the applicant was present and would be able to provide that information.

Mr. Hussong asked about access to the site. Mr. Hammes explained that there would be two curb cuts for the office parcel and one each for the truck facility and fueling station. An additional point of access may be established between the adjacent property and the fueling station, but that that arrangement would be negotiated between the two property owners.

Ms. Cox invited the applicant to the podium.

Mr. Richard Drake, of Drake Architecture, spoke on behalf of the applicant. In response to Mr. Hussong, Mr. Drake reported that Takhar Oil operates 50 vehicles servicing over 75 fueling stations. 8 to 10 trucks would be stored on this property at any one time.

Mr. Drake explained that the company needs additional office space to bring their entire operation together on one property. The fueling station would be a test store where they can showcase their operations and try new things.

Mr. Drake noted that he had lived in the area for years, and that he was surprised that this property had remained vacant for so long. This parcel is a natural fit for the proposed use, and a fueling station on this side of the highway would be successful.

Mr. Hussong asked if the flow of traffic at this site would be similar to the company's existing site. Mr. Drake confirmed that it would.

Ms. Cox asked if the area was already saturated with fuel stations. Mr. Drake replied that there were only three fueling stations in the vicinity, and none of them were on this side of the highway.

Hearing no further comments, Ms. Cox closed the public portion of the meeting.

Zoning Map Amendment Review Criteria

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.¹

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed rezoning furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

¹ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed rezoning is consistent with the City's goals and policies generally, and that it is not inconsistent with the Comprehensive Plan.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed rezoning is necessary due to changing conditions, namely the long-planned expansion of commercial uses along the Benchwood Road corridor.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed rezoning from the O/IP – Office / Industrial Park district to the HB – Highway Business and I – Industrial districts, respectively. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed rezoning.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

New Business – PC 25-0010 – Conditional Use (Truck Facility) – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0010. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

Mr. Hammes explained that the project involves a truck facility at the north end of the site. Truck facilities are conditional uses in the I – Industrial district. He noted that this particular truck facility would only service trucks owned by the company itself, and would not be open to the public as such.

Mr. Hammes added that there would be no amenities provided for truck drivers. The 9,000 square foot structure would be used for maintenance and repair of trucks.

Mr. Hammes pointed out that the applicant would need to improve Homestretch Road by widening the west side of the road to meet the requirements of the Thoroughfare Plan.

Mr. Hammes reported that Staff recommended three conditions. These were listed as follows:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Hammes explained that these conditions were not unusual for a facility of this type. Condition 1 requires that the site be rezoned to Industrial before the conditional use goes into effect. Condition 2 would require that the two parcels set aside for this use be combined. Condition 3 requires that all roadway improvements be installed according to the Director of Public Service's standards.

Mr. Richard Drake returned to the podium to speak on behalf of the applicant. He explained that the facility would have a small break room and restrooms for employees working on trucks, but will otherwise have no amenities for drivers.

Mr. Hammes pointed out that the plan included no provisions for large fuel tanks or equipment for loading fuel into the company's fuel tanker trucks. Mr. Drake confirmed that there would be no fuel products stored on-site. He added that any fuel trucks stored on-site would be stored empty.

Hearing no further questions, Ms. Cox closed the public portion of the meeting.

Ms. Cox noted that the current application is a much better use than previous proposals for this property.

Conditional Use Permit Criteria

Ms. Cox read the conditional use permit criteria into the record. The Planning Commission shall not recommend in favor of an application for a conditional use permit unless it finds the following:

- (1) The establishment, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, morals or general welfare;

Staff Comment: Given that this facility would not be open to the public, Staff feels that the use would meet this criterion as proposed.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Conditional Use Permit Criteria (Cont'd)

- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

Staff Comment: Staff feels that the conditional use would not be injurious to the use and enjoyment of other property in the vicinity, nor would property values be negatively impacted.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Staff Comment: The proposed conditional use does not appear likely to impede the development or improvement of any surrounding property.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Staff Comment: The proposal includes provisions for adequate utilities, drainage, roadway improvements, and other necessary facilities.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets;

Staff Comment: The design of the site provides appropriate access to and from Homestretch Road. The proposed conditional use is not expected to significantly impact traffic conditions on either roadway.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

Staff Comment: Staff feels the conditional use will be located in a district where such use is conditionally permitted, and all requirements set forth in the code applicable to this use have been or will be met.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended **approval** for the proposed conditional use of a Truck Facility in the I – Industrial district with the following conditions:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Plant made a motion to recommend approval of the proposed conditional use, with the conditions as laid out by Staff. Mr. Hussong seconded the motion.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed conditional use permit with three conditions.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Communications

Mr. Hammes noted that the reorganizational meeting would be held at the first meeting with all five members present - including a new member who would fill the current vacancy. Mr. Hammes also wished Mr. Arnold a speedy recovery.

Mr. Hammes confirmed that the July 22nd meeting had been cancelled for lack of an agenda. He added that he expected to have at least one application for the meeting on August 12th.

Mr. Hammes reminded the Commission of the joint Planning Commission / BZA training scheduled for July 29.

Mr. Hammes (belatedly) welcomed Mr. Hussong to the Planning Commission, and thanked him for volunteering to serve.

Adjournment

Ms. Cox asked for a motion to adjourn. Mr. Hussong made the motion. Mr. Plant seconded the motion. The vote passed 3-0.

Mr. Atkins adjourned the meeting at 8:40 p.m.

Acting Chairperson

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO
ORDINANCE 25-21

AN ORDINANCE TO REVISE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2025, AND AMENDING ORDINANCE 24-24 AND DECLARING AN EMERGENCY

WHEREAS, City Council has determined it is in the best interest of the City to revise appropriations for current expenses and expenditures;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The sums set forth in Appendix A which is attached hereto and incorporate herein by this reference, be and are hereby increased or (reduced) as set forth on Appendix A.

Section 2. The Director of Finance for the City is authorized to draw warrants on the City Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers, provided that no warrants shall be drawn or paid for salaries or wages except the person employed by authority of and in accordance with law or ordinance.

Section 3. Ordinance 24-24 providing for annual appropriations being inconsistent with the provisions of this Ordinance, the same is hereby amended.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This legislation involves appropriating money and is hereby passed as an emergency measure pursuant to Charter Section 4-7 as being necessary in order to provide for the continued protection of the public peace, health, safety and welfare and for the further reason that it is necessary to keep the city's financial records complete and accurate.

Section 6. This ordinance shall go into effect immediately upon passage as provided by law.

Passed this 2nd day of September, 2025.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Kurt E Althouse, Clerk of Council

Appendix A

Fund	Description	Subtotals	Division Total	Fund Total
110 General Fund				
	Court			
	Other Expenditures	15,000		
	Police - Operations			
	Other Expenditures	5,000		
	Police - Support Services			
	Other Expenditures	6,415		
	Total General Fund		26,415	26,415
641 Golf Fund				
	Course Maintenance			
	Other Expenditures	180,000		
	Total Golf Fund		180,000	180,000
651 Water Fund				
	Water			
	Other Expenditures	(1,125,000)		
	OPWC			
	Other Expenditures	1,125,000		
	Total Water Fund			-
	Grand Total			206,415

Memo

To: Kurt Althouse, Interim City Manager

From: Bridgette Leiter, Director of Finance

Date: August 20, 2025

Re: Supplemental Appropriation Ordinance

Finance is requesting the approval of the following supplemental appropriation Ordinance for the following reasons:

General Fund:

Court

- **\$15,000** – increase appropriations to cover the unexpected increase in postage costs related to new court legislation passed requiring all payable citations to receive 30 days continuance notice if they fail to appear.

Police - Operations

- **\$5,000** – increase appropriations to cover the unexpected increase in vehicle repair and maintenance costs of police vehicles.

Police – Support Services

- **\$6,415** – increase appropriations to cover the unexpected increase in costs related to the Humane Society Community Cat Program.

Golf Fund:

Course Maintenance

- **\$180,000** – increase appropriations to cover the unexpected additional costs (rock removal, etc.) related to the golf course irrigation system project. This amount is 10% of the original bid and was included as a contingency and will only be used as needed.

Water Fund:

Water

- **(\$1,125,000)** – transfer and reduction of appropriations related to the Damian, Soter, Romanus and Desales (N) Watermain Replacement & Resurfacing project. The project was budgeted in the general water department account (water - department 350), and because the project was subsequently awarded OPWC funding, a transfer is necessary to reclassify the expense in the correct account (OPWC – department 332).

OPWC

- **\$1,125,000** – transfer and increase of appropriations related to the Damian, Soter, Romanus and Desales (N) Watermain Replacement & Resurfacing project. The project was budgeted in the general water department account (water - department 350), and because the project was subsequently awarded OPWC funding, a transfer is necessary to reclassify the expense in the correct account (OPWC – department 332).

MEMORANDUM

TO: Kurt Althouse, City Manager
FROM: Michael Hammes, AICP, City Planner
DATE: July 14th, 2025
SUBJECT: PC 25-0010 – Conditional Use – 3675 Wyse Road

General Information

Applicant: Richard Drake
Drake Architecture
189 Preakness Ct.
Vandalia, Ohio 45377

Owner: Ministry Partners Investment Company, LLC
915 W Imperial Highway, Suite 200
Brea, CA 92821

Existing Zoning: Office / Industrial Park (O/IP)¹

Location: 3675 Wyse Road

Parcels: B02 01205 0012
B02 01205 0013

Related Case(s): PC 25-0009

Previous Case(s): None²

Requested Action: Approval

Exhibits: 1 - Application / Owner Letter
2 - Site / Landscape Plan

¹ The applicant has filed for a rezoning to I – Industrial for the parcels involved in this application. See also PC 25-0009. For the purposes of this application, we review the request as if the appropriate zoning were approved and in place.

² A previous conditional use was approved for this property on May 21, 2018 (via Case PC 18-12) for a warehouse. When the initial approval expired, a new conditional use was approved on March 4, 2019 (via Case PC 19-04) for a truck facility. Both conditional uses, for a truck facility and warehouse, have since lapsed. A later proposal seeking conditional use approval for a hotel (PC 24-01) was denied. This application is unrelated to any previous approval.

Application Background

Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

3675 Wyse Road is a vacant property at the corner of Wyse and Homestretch Roads. The applicant, a current Vandalia business with operations on Poe Avenue, wishes to consolidate their operations onto one property.

As proposed, this property would be developed for three distinct but complimentary uses. Parcel 0014, at the south end of the site, would be divided into two parcels. The western parcel would be a fueling station with convenience retail, while the eastern parcel would house a new corporate office. Parcels 0012 and 0013, at the north end of the site, would be combined to house a newly built Truck Facility. This facility would service the company's own vehicles and would not be open to the public.

In order to operate a truck facility in the I – Industrial district, Conditional Use approval is required.

Surrounding Zoning / Uses

3675 Wyse Road is located along the Benchwood Road / Wyse Road corridor. The surrounding businesses are primary commercial in character. Notable businesses in the vicinity include Sunbelt Rentals to the east, Pratt Industries to the north, and various businesses along the Poe-Wyse Connector to the south.

Direction	Existing Use Type
North	Commercial, Industrial
South	Commercial
East	Industrial
West	Commercial

Surrounding zoning districts are as follows:

Direction	District
North	Office / Industrial Park (O/IP), Industrial (I)
South	Office / Industrial Park (O/IP), Industrial (I)
East	Industrial (I)
West	Office / Industrial Park (O/IP)

Site Design

A copy of the proposed site plan is attached. The applicant intends to construct a 9,000 square foot truck facility at the north end of the site. This facility would service the truck fleet of Takhar Oil Co., and would not be open to the public or other companies. Further to the west, a parking area would be provided for storage of unused trucks and trailers.

No amenities for drivers are included in or provided for as part of this facility.

The applicant would need to complete a record plan before the issuance of a building permit for this site.

Traffic Flow / Access

The site would have a primary access onto Homestretch Road. Additional access would be provided through a shared parking area to the south.

As part of this proposed development, the applicant is required to upgrade and expand Homestretch Road to match the Thoroughfare Plan Right-of-Way. These upgrades are included as part of the site plan.

Review and Recommendation

The Planning Commission shall not recommend in favor of an application for a conditional use permit unless it finds the following:

Conditional Use Permit Criteria³

- (1) The establishment, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, morals or general welfare;

Staff Comment: Given that this facility would not be open to the public, Staff feels that the use would meet this criterion as proposed.

The Planning Commission agreed with the staff comment by a vote of 3-0.

³ Vandalia Zoning Code, Section 1214.05(e) "New Conditional Uses and Major Changes to an Existing Conditional Use Review Criteria"

Conditional Use Permit Criteria (Cont'd)

- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

Staff Comment: Staff feels that the conditional use would not be injurious to the use and enjoyment of other property in the vicinity, nor would property values be negatively impacted.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Staff Comment: The proposed conditional use does not appear likely to impede the development or improvement of any surrounding property.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Staff Comment: The proposal includes provisions for adequate utilities, drainage, roadway improvements, and other necessary facilities.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets;

Staff Comment: The design of the site provides appropriate access to and from Homestretch Road. The proposed conditional use is not expected to significantly impact traffic conditions on either roadway.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

Staff Comment: Staff feels the conditional use will be located in a district where such use is conditionally permitted, and all requirements set forth in the code applicable to this use have been or will be met.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

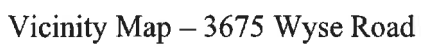
The Planning Commission voted 3-0 to issue a recommendation of **approval** for the proposed conditional use of a Truck Facility in the I – Industrial district with the following conditions:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

The recommendation of the Planning Commission is hereby forwarded to Council for their review.

Following discussion at the Study Session of July 21, 2025, Staff proposes an additional condition:

4. The facility shall not be constructed or operated in a manner that facilitates overnight stays for drivers, employees, or others. Lodging in or about the premises or sleeping in trucks is prohibited.



3869 WYSE RD
VANDALIA, OH



① OVERALL SITE PLAN

[illegible]

DRAKE
architecture
ARCHITECTURE | DESIGN

ARCHITECTURE | DESIGN
150 Provenza Ct | Vancouver, ON M5S 1A7

Drawing Title

RENDERINGS



Drawn	Draining Hrs.

16927
IMAGE
REMOVED
+ 104
Checked
PRD
A1

© 2023 DRANE ARCHITECTURE LLC



1

3569 WYSE RD
WANDALIA, OH

0	ZONING SUBMITTAL	08/13/2025
No.	Revisions/Submissions	Date

29 Presidents Ct. | Vancouver, BC V6S 1K7

RENDERINGS

Drawing No.		A2	
Sheet	RRO	Classified	RRO
Project		14673	

RECEIVED
JUN 10 1964
U.S. AIR FORCE
OFFICE OF THE
SECRETARY
WASHINGTON, D.C.



DRAKE
architecture
ARCHITECTURE | DESIGN
100 Parkstone Ct. | Vero Beach, FL 33577

RENDERINGS



© 2026 DWAI ARCHITECTURE LLC





① TRUCKING MAINTENANCE BUILDING/OFFICES

R&R
HEAD
QUARTERS
2855 LANSIE RD
VANALAE, OH



0	DRAKE ARCHITECTURE	06/11/2025
1	REVISIONS	DATE
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

DRAKE
architecture
ARCHITECTURE | DESIGN
188 PROGRESS C | VANALAE, OH 43177

RENDERINGS

DRAKE ARCHITECTURE, INC.
16973
STATE OF OHIO
REGISTERED PROFESSIONAL ENGINEER

Drawn	RRD
Checked	RRD
Project No.	A9

© 2025 DRAKE ARCHITECTURE, LLC

Minutes of the City of Vandalia Planning Commission
July 8, 2025

Members Present:	Ms. Kristin Cox, Mr. Lucious Plant, Mr. Bob Hussong
Members Absent:	Mr. Dave Arnold
Staff Present:	Michael Hammes, City Planner Ben Graham, Zoning & Planning Coordinator Ben Borton, Director of Public Service Rob Cron, Assistant City Manager
Others Present:	Greg Thurman, John Seagraves, Rick Drake, Jovi Takhar, Boydon Boston, Steve Ponscheck, Ron Miller, Brian Wertz, Aaron Horn, Rob Smith, Ryan Lefeld, Trisha Cortes, Orlando Cortes, Don Donathan, Ed Burke, Missi Demoss, Nelson Demoss, David Whitlock

Call to Order

Ms. Cox called the meeting to order at 6:08 p.m.

Attendance

Ms. Cox noted that three members were present. Mr. Plant made a motion to excuse Mr. Arnold. Mr. Hussong seconded. The motion carried 3-0.

Approval of Minutes of the Planning Commission

Mr. Hussong made a motion to approve the May 13th, 2025 minutes. Mr. Plant seconded the motion. The motion carried 5-0.

Swearing in of Attendees Wishing to Speak at Meeting

The attendees were sworn in.

Old Business

Mr. Hammes confirmed that there was no Old Business on the agenda.

New Business – PC 25-0007 – PUD Amendment and Preliminary Plan – Redwood Phase III

Mr. Hammes introduced Case PC 25-0007. Todd Foley, of POD Design, and on behalf of Redwood Vandalia, requests a Major Amendment to an existing Planned Unit Development and approval of a revised PUD Preliminary Plan. The request involves two parcels totaling 27.59 acres +/-, located along the east side of Webster Street at Park Center Drive in the City of Vandalia. If approved, the proposed amendment would facilitate the construction of 59 multi-family residential units as part of Phase III of the Redwood Vandalia development. The property is owned by Redwood Vandalia.

Mr. Hammes described the history of the Redwood Vandalia PUD. He noted that the Redwood development was originally approved in 2019 as a mixed-use commercial and multi-family residential development. Phases I and II of the Redwood development feature 171 multi-family units. Phase I was completed in 2024, and Phase II is under construction.

Mr. Hammes explained that two additional parcels were set aside for commercial uses fitting the standards of the Office / Industrial Park district. Parcel 3, located south of Park Center Drive, was approved for an assisted living facility in 2022. That project was later cancelled. Redwood Vandalia now seeks to expand into a Phase III on this parcel.

Mr. Hammes discussed the proposed amendment to the Redwood Vandalia PUD. He explained that the applicant wished to add “Multi-Family Residential” as a permitted use on parcels 2 and 3. Because this change would increase the number of dwelling units in the development, it qualifies as a Major Amendment and requires Council approval. This change is the only change to the PUD standards proposed.

Mr. Hammes reviewed the revised Preliminary Plan for Phase III. He noted that the proposed residential buildings would be similar in architectural style and design to the homes built in Phases I and II. While the development would continue to primarily feature two-bedroom units, a limited number of one-bedroom and three-bedroom units are also included in the plan for Phase III. He also discussed signage along Park Center Drive, stating that a blade sign depicted in the proposal would be replaced by a permanent sign to comply with the City’s signage regulations. Importantly, Mr. Hammes clarified that the current Preliminary Plan applies only to Parcel 3, and any future development of Parcel 2 would require a separate plan amendment.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as “Neighborhood Commercial”, owing to the proposed uses available at the time the plan was drafted. Had Phase III been proposed initially, rather than the assisted living facility or some related use, the site would have been designated “Medium Density Residential” to match the first two phases of the Redwood development. As such, the proposed Phase III is consistent with the goals of the plan, if not the specific designation.

Mr. Hammes reported that the development would be managed by Redwood as a rental community, so there would be no covenants or homeowners’ association.

Mr. Hammes noted that the standards that applied to the initial phases of the development would apply to residential development in this area, with the exception of a required buffer area at the southwest end of Phases I and II (since that buffer already exists).

Mr. Hammes reported that construction was expected in late 2026, following the completion of Phase II. The proposed phasing plan for this site would see construction completed in 2028.

Mr. Hussong asked about the density of Phase III, referencing the number of dwelling units and the different unit sizes. Mr. Hammes replied that the preliminary plan refers to dwelling units in the aggregate, with the calculation of density taking only the raw number of units into account. The Final Plan approval would be where the applicant would need to show specific utility capacities and designs.

Ms. Cox opened the public portion of the meeting, and invited the applicant forward.

Mr. Greg Thurman of Redwood Vandalia addressed the Commission on behalf of the applicant. He confirmed that the number of bedrooms in Phase III would be the equivalent of 59 two-bedroom units, and that the number of one-bedroom units would balance out the number of three-bedroom units.

Mr. Thurman reported that Phase I was 99% leased, with a waiting list for Phases I and II. With the decline of assisted living facilities following the COVID pandemic, the Provision Living agreement had been cancelled. With parcel 3 now available, the expansion of the Redwood development is now a viable option on this site.

Ms. Cox asked about parcel 2, which would also be approved for multi-family residential uses if the amendment is approved. Mr. Thurman replied that there were no plans for a Phase IV at this time, due to the topography of the site. If a small development is proposed for that site in the future, amending the PUD now would remove the need to seek a second amendment at that time.

Hearing no further public comment, Ms. Cox closed the public portion of the meeting.

Review Criteria

Ms. Cox explained that the Commission would discuss the Preliminary Plan review criteria. Major amendments rely on the criteria for either preliminary or final plans, depending on the amendment in question, so only one set of criteria would be reviewed.

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: While the proposed structures for this development are similar in style to the other homes built in Subarea C, Staff feels that the updated exteriors provide sufficient variety to comply with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Major Amendment to the Redwood Vandalia Planned Unit Development. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Major Amendment.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for Phase III of the Redwood Vandalia development. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

**New Business – PC 25-0008 – Planned Unit Development and Preliminary Plan
Towns at Cassel Grove (600 Corporate Center Drive)**

Mr. Hammes introduced Case PC 25-0008. Jeff Puthoff, P.E., of Choice One Engineering, on behalf of DR Horton, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves one parcel totaling 14.494 acres +/- located at the south end of Corporate Center Drive in the City of Vandalia. As proposed, the subject property would be rezoned from the O - Office district to a Residential Planned Unit Development. The property is owned by the Hague Corporation.

Mr. Hammes described the proposed subdivision, noting that the 72 homes in this neighborhood would be a detached townhome design. This affords homeowners the advantages of a single-family lot, with rear and side yards, while still providing a unique townhome aesthetic.

Mr. Hammes discussed the history of the site, explaining that the parcel was one of the few parcels in the City with the O – Office zoning. The parcel had been zoned to O – Office several decades ago, with the intent of building an office building or office complex. No such development ever happened, and a large-scale office development is less likely in 2025 than it would have been in decades past. The owners of the property had identified this Medium-Density Residential development had been identified as a viable alternative use.

Mr. Hammes discussed the Airport Environs Overlay (AEO) as applied to this parcel. He noted that the parcel was south of the 70 DNL area, which would prevent the construction of Single-Family homes. The 65 DNL area, which encompasses almost the entire site, permits Single-Family Residential development of the type proposed. There are no issues with the AEO that would prevent the proposed development.

Mr. Hammes described the lot design. He reported that the proposed lots had a minimum width of 35 feet. This is larger than the lot width for attached townhomes (22'), but narrower than the typical width for single-family homes in the RSF-4 district (55').

Mr. Hammes noted that one lot at the northeast end of the site would be reserved for a model home.

Mr. Hammes described the proposed green space, noting that the entire site would have an open space buffer between this development and adjacent properties. There would also be a buffer between Phases I and II of the development. A small tot lot is reserved at the northwest end of the site. A 40-foot buffer would be preserved to the east, between this development and the homes on Damian Street.

Mr. Hammes discussed the density of the proposed development. He explained that the development would have 4.96 dwellings per acre. The Zoning Code requires single-family residential PUDs to have fewer than 6 dwellings per acre. Attached townhomes would need to meet the multi-family standard of 12 dwellings per acre, making this development less dense than the alternative.

Mr. Hammes described the roadways proposed for the development. The existing cul-de-sac at Corporate Center Drive would be removed in favor of two side streets with three cul-de-sacs. The Fire Division has reviewed the layout, and has no objections to the proposed design with regards to emergency access. All roads would be public right-of-way.

Mr. Hammes added that there would be no road connection to Pool Avenue. A pedestrian walkway would be provided at the north end of the site, connecting this development to the existing neighborhood to the east.

Mr. Hammes discussed the Comprehensive Plan. He explained that the area was designated as "Neighborhood Commercial" due to the O – Office zoning, and that all O – Office parcels in the City were designated as Neighborhood Commercial. In this case, the parcel does not have the interconnectivity or access to fit the intent of the Neighborhood Commercial designation, and the business types intended for that designation would not be viable on this property. Further, the proposed Medium Density Residential use would be consistent with the Medium Density Residential neighborhood to the east. In closing, Mr. Hammes stated his view that the proposed development was consistent with the goals and intent of the Comprehensive Plan if not the specific designation.

Mr. Hammes listed the permitted uses for the site. Single-Family Residential homes would only be permitted on the numbered building lots. Passive open space uses would be permitted on all lots in the development, and accessory uses would be permitted as required by the code.

Mr. Hammes discussed the development standards for the development. He explained that the building lots would be 35 feet in width with 25-foot front and rear yards. Side yards would be set at a minimum of 5.5 feet, which would create at least 10 feet of distance between homes. Open Space lots would have different standards, locking them into at least 1 acre in size. The tot lot would be a 55-foot lot, as proposed.

Mr. Hammes explained that single-family residential PUDs generally include requirements for different home styles and colors, in order to encourage variety in designs and break up monotony. All garages would be required to accommodate two vehicles. Architectural Standards not set by the PUD would default to the standards of the RSF-2 district.

Mr. Hammes discussed the remaining standards for the development. Several corner lots would be oriented to match adjacent homes, and any lots on curves would have their frontage measured at the setback line as is standard for cul-de-sac lots. Other standards not set by the PUD (such as lot design) would default to the standards of the RMF district, owing to the size of the lots proposed here.

Mr. Hussong acknowledged that living near an airport is something that residents in this area are used to dealing with.

Mr. Hussong expressed concern over access within the development, given that there is only one path in and out of the development. In the event of an emergency, residents who need to leave might not be able to get past emergency equipment and first responders.

Mr. Hammes replied that the code did not require a second exit, based on the level of traffic expected from the development. Further, he noted that the vicinity did not lend itself to an additional exit. Mr. Hussong replied that the site does need to be developed, but that he wanted to make sure the issue with access to and from the site was being reviewed. Mr. Hammes confirmed that staff would review that issue and identify alternatives.

Mr. Plant asked about the target buyer for these homes. Ms. Cox invited the applicant to the podium.

Mr. Rob Smith, with DR Horton, addressed the Commission as applicant. He thanked the Commission for considering the application. He described DR Horton as “America’s Homebuilder”, and noted that the company was excited to expand into Southwest Ohio. The company has built communities in Clayton, Xenia, New Carlisle, Huber Heights, and new communities in Troy and Butler Township.

Mr. Smith added that the company had been in Ohio for five years. His office, based in Cincinnati, serves the Cincinnati and Dayton markets. The company staffs its offices with local employees who know the area and are familiar with the local community.

Mr. Smith explained that their initial proposal for this site involved traditional attached townhomes. The detached townhome product had seen some success in other markets, offering the best of both worlds, and the proposal was revised to offer this new type of home. The detached townhome offers the best of both worlds, with a townhome style of home and the private backyard.

Mr. Smith confirmed that his company would be willing to work with the City to expand the pedestrian walkway with bollards and other upgrades, so that the walkway could serve as an emergency access (or egress) if needed.

Mr. Aaron Horn, of DR Horton, added that the company had provided a packet of information about the development. He thanked staff for the detailed presentation.

Ms. Cox, echoing Mr. Plant’s earlier question, asked about the target audience for this type of home. Mr. Horn replied that these homes were targeted to buyers who want a smaller property to maintain and who may not want to share walls with their neighbors. Empty nesters and young urban professionals were mentioned as two target demographics. He added that families with dogs prefer having a fenced-in backyard (as opposed to a shared common backyard).

Mr. Smith added that some families may also take an interest in the site, noting that easy pedestrian access to nearby parks would benefit families with young children.

Mr. Plant asked about the idea of empty nesters buying homes with two stories. Mr. Smith replied that some empty nesters were comfortable with having a single staircase. He suggested that this unique product will find unique buyers who see that this product fits their lifestyle.

Ms. Cox asked about the location of the development and whether its isolated location or its proximity to the airport could cause problems. Mr. Smith replied that job growth in the area and proximity to the highway would highlight this as a safe, relatively affordable development in a strategic location.

Mr. Horn added that the neighborhood would be designed so as to set it apart from the adjacent properties. He discussed the green space provided in the plan and the pedestrian access to Pool Ave.

Mr. Hussong asked for clarification on the walkability. Mr. Horn replied that the Helke Park area, including recently upgraded pickleball courts, would be a major amenity for residents in this development.

Ms. Cox asked about buffering around the site. Mr. Horn referred to the Landscaping Plan, discussing the proposed plantings at the edges of the property. He noted that some areas were considered wetlands, which limited what they could plant. He pointed out that the plan called for preserving as much mature growth (including trees) as possible.

Mr. Smith added that a buffer area would be preserved along the east side of the development. His company's interest is in making every lot viable, so that they do not have unsold property.

Ms. Cox asked about the price point for the proposed homes. Mr. Smith replied that these homes in the current market would sell in the \$270,000 to \$310,000 price range. He reiterated his company's position that there is a market for homes in this price range.

Hearing no further questions from the Commission, Ms. Cox opened the public portion of the meeting.

Mr. John Seagraves of 3353 Hertlein Lane, addressed the Commission. He explained that he was one of several residents who negotiated the zoning to O-2 when the owner at the time wanted Industrial. There was work done at that time that was not allowed, and he and his neighbors have fought that for a long time. He added that he and his neighbors have septic systems.

Mr. Seagraves challenged the prices offered by the applicant. He argued that the property would be ideal for a medical office, and that medical companies in the region are eager to build new medical offices. He suggested that the owners of the property had not properly marketed the site, which is why it had not sold.

Mr. Seagraves argued that no empty nester would buy a home with a staircase.

Mr. Seagraves reported that he had not received a letter 40 years ago, and that he had not received a letter for this meeting. He thanked his neighbor for letting him know about the meeting. He added that his wife is in the hospital, and that he would be leaving once he concluded his remarks.

Mr. Seagraves stated that he had grown up in West Virginia, and that the proposed homes resembled "company homes".

Mr. Seagraves argued that the site had not been maintained, and that the City had not required them to properly maintain their land. When the current owner bought the property, they were aware that the land was zoned O-2.

Mr. Seagraves noted that he has emergency vehicles on his street every day.

Mr. Seagraves discussed water issues with the property. He said that the development of the site would send water into his backyard. As a real estate agent, he argued that the property would not be marketable.

Mr. Seagraves asked if the City had investigated the builder, arguing that the company has been involved in a number of lawsuits in other states.

Mr. Seagraves asked the Commission to turn down the application. He argued that the homes built on this site should match the homes on Damian Street. Any development on the site should match the current zoning.

Mr. Donnie Donathan of 515 Damian Street, addressed the Commission. He reminded the Commission that he had opposed a previous proposal for industrial zoning on this property, and that he opposes this rezoning. He displayed a petition of residents in the area who also opposed the development.

Mr. Donathan requested that Mr. Hammes stop receiving illegitimate proposals. He argued that the City should have rejected the application outright due to the number of homes proposed.

Mr. Donathan stepped away from the podium to refer to the displayed map of the proposed development. He argued that, if developed, the site would send a large amount of stormwater into his property and the properties of his neighbors. He reported that the area behind his home retained water due to poorly designed storm drains. He complained that the City had ignored his complaints about the issue.

Mr. Donathan argued that the current owners have not maintained the property, and that a new owner should be required to do so.

Mr. Donathan discussed drainage issues from 23 years ago along Pool Avenue and Damian Street.

Mr. Donathan argued that the stormwater for the development would flood his basement when the retention area overflows.

Mr. Donathan argued that Mr. Hammes should have rejected this proposal due to his stormwater concerns.

Mr. Donathan suggested that he could buy one of these homes for \$200,000 and rent it out as an Air BNB. He argued that no one would pay that much for homes near the airport and Tackett Trees.

Mr. Donathan stated that he wanted this development stopped. He stated that his petition featured over 30 signatures, and that he had prevented spouses and children from signing – one signature per address only.

Mr. Donathan argued that the Homeowners' Association would become bankrupt, and that kids could drown in the retention areas if no one maintains the site.

Mr. Donathan argued that he has an ownership interest in the fifty-foot area behind his house, because he had maintained it for fifty years.

Mr. Donathan asked for nice homes on the property, preferring homes that would sell for \$450,000.

Stepping away from the podium, Mr. Donathan encouraged the audience to sign the petition.

Hearing no further comments, Ms. Cox closed the public meeting.

Mr. Plant asked the applicant to address the stormwater concerns. Mr. Smith replied that he expected some concern from adjacent property owners about the stormwater. In general, his company intends to improve the site and the stormwater flow within the area. He introduced his engineer to address the details of their proposal.

Mr. Ryan Lefeld, with Choice One Engineering, addressed the Commission. The retention ponds proposed are there for stormwater management and treatment. The requirement is that stormwater is analyzed both before and after the proposed development, and that the development cannot release more stormwater than the current level of the site.

Mr. Lefeld reported that the development has to follow normal downstream flow for stormwater, and that no drainage can be directed into neighboring backyards or other properties.

Mr. Hussong asked about the Carriage Hills development in Huber Heights. Mr. Smith replied that his company had done a small part of that development.

Mr. Plant asked for clarification about the stormwater. Mr. Lefeld replied that stormwater may currently run over the ground into adjacent properties. Once the development is in place, water that comes from the development would be directed to the proposed ponds, which would then outlet into the storm sewer system. The storm water that normally goes into backyards would be intercepted before it reaches adjacent properties.

Ms. Cox asked if the roadway design would impact stormwater. Mr. Hammes replied that the roadways would be public roadways, and as such they would need to comply with City and Ohio EPA standards for stormwater. Mr. Lefeld added that the City has additional standards in their Stormwater Protection Plan that would govern the site.

Mr. Graham added that the roadways were designed to be wider than standard. Mr. Cron confirmed this, noting that the 37' width proposed is six feet wider than the usual 31' standard.

Mr. Plant expressed concern about the traffic flow within the development, noting that the design of the site may result in on-street parking that could restrict traffic flow.

Hearing no further comments, Ms. Cox moved on to the Review Criteria.

Planned Unit Development District Review Criteria

Recommendations and decisions on Planned Unit Development applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed Planned Unit Development furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed Planned Unit Development is necessary to accommodate the style of home intended for this site. The detached townhome-style structures proposed would not be feasible in a standard zoning district.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the site has adequate access to transportation, utilities, and other required public services.

Mr. Plant and Ms. Cox agreed with the staff comment. Mr. Hussong disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Given the location and nature of the proposed development, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Given the proposed preservation of green space as part of this development, Staff feels that the proposed Planned Unit Development complies with this review criteria.

Mr. Hammes noted that the project is required to have no negative impact on the vicinity with regards to storm water management, and that the staff comment reflects that requirement.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Preliminary Plan Review Criteria

The Planning Commission shall not recommend in favor of, and City Council shall not approve, a preliminary plan for a planned unit development unless each body respectively finds that the preliminary plan does the following:

- A. The proposed development is consistent with the Official Thoroughfare Plan, the Comprehensive Plan and other applicable plans and policies of the City of Vandalia;

Staff Comment: Staff feels that the proposed Planned Unit Development, in its current form, is consistent with the City's goals and policies. Staff notes that any inconsistencies with the Comprehensive Plan are justified given current conditions in the vicinity.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- B. The proposed development could be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

Staff Comment: Staff feels that the proposed schedule of development is reasonable and achievable.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- C. The proposed development provides accessibility to public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development; that the number of vehicular access points to public roads from high traffic generating uses are minimized to limit the number traffic conflict points; and that the streets and driveways on the site of the proposed development shall be adequate to serve the users of the proposed development;

Staff Comment: Staff feels that the design of the proposed development meets this criterion.

Ms. Cox agreed with the staff comment. Mr. Hussong and Mr. Plant disagreed. The Planning Commission disagreed with the staff comment by a vote of 2-1.

- D. The proposed development shall not impose an undue burden on public services such as utilities, fire, school and police protection;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- E. The proposed development contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably may be required for the public health, safety and welfare;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- F. The proposed development shall include adequate open space, landscaping, screening and other improvements;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- G. The location and arrangement of signs, structures, parking and loading areas, material/waste storage, walks, lighting and related facilities shall be compatible with existing and future uses both within and adjoining the proposed development;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- H. The proposed development shall preserve natural features such as watercourses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

Staff Comment: Noting the areas designated as open space and the preservation of natural vegetation in those areas, particularly to the east, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- I. The proposed development is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- J. The proposed development shall not create excessive additional requirements for public facilities and services at public cost;

Staff Comment: Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- K. The proposed development shall not involve uses, activities, layout and building designs that are detrimental to the use of both the proposed facilities and/or nearby properties by reason of excessive traffic, noise or vibration, storm water flooding, air or water emissions, objectionable glare or lack of proper regard for privacy;

Staff Comment: Noting that the only proposed uses are residential in character or passive open space uses, Staff feels that the proposed development complies with this review criterion.

Mr. Hussong asked for clarification on review criterion K. Mr. Hammes replied that the review criteria apply to all PUD proposals, regardless of type. Mr. Hussong noted that a business use would create more stormwater issues than the proposed residential use. Mr. Hammes confirmed that the aggregate stormwater from the site must be maintained or improved by the new use, whatever that new use might be.

Mr. Hussong and Ms. Cox agreed with the staff comment. Mr. Plant disagreed. The Planning Commission agreed with the staff comment by a vote of 2-1.

- L. The proposed development has buildings designed with sufficient architectural variety and exterior surface complexity but including elements which serve to visually unify the development;

Staff Comment: Given the variety of home designs and their thematic similarities, Staff feels that the proposed development complies with this review criterion.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- M. The proposed development has minimized the size of paved areas or provided adequate visual relief through the use of landscaped islands while providing adequate parking.

Staff Comment: As no standalone parking lots or vehicular use areas are proposed, Staff feels that this review criterion does not apply. Guest parking spaces provided along common areas meet the code's requirements for such parking spaces.

Mr. Hammes noted that the only additional parking proposed in this development would be street parking at the center of the development (near the cluster mailboxes), along the northwest cul-de-sac, and at the tot lot.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed Planned Unit Development for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Planned Unit Development.

Ms. Cox reported that Staff recommended Approval of the proposed Preliminary Plan for the Towns at Cassel Grove. Mr. Hussong made a motion to recommend approval. Mr. Plant seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed Preliminary Plan.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Mr. Donathan stepped to the podium and began to speak. Ms. Cox stated that the public portion of the meeting had closed. Mr. Donathan handed his petition to the chair, and reported that the City would be hearing from his attorney.

New Business – PC 25-0009 – Rezoning – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0009. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests a change of zoning as previously established by the Zoning Ordinance of the City of Vandalia. The request involves three parcels totaling 5.219 acres +/-, located at 3675 Wyse Road in the City of Vandalia. As proposed, the subject properties would be rezoned from the O/IP - Office / Industrial Park district to the I – Industrial and HB – Highway Business districts.

Mr. Hammes explained that R&R Takhar Oil Company, a current Vandalia business, wished to consolidate its operations onto one property. They propose a new corporate office building, a fueling station with convenience retail, and a truck facility to maintain the company's fleet of fuel trucks.

Mr. Hammes added that the fueling station use would require Highway Business zoning, while the truck facility would require Industrial zoning.

Mr. Hammes described the surrounding zoning as a blend of I – Industrial and O/IP – Office / Industrial Park districts. The proposed Industrial zoning would fit well with the industrial parcels in the vicinity. Highway Business zoning is not present, but the location of the site near I-75 makes an HB zoning reasonable for this site.

Mr. Hussong asked about the volume of trucks stored at and serviced by the proposed truck facility. Mr. Hammes replied that the applicant was present and would be able to provide that information.

Mr. Hussong asked about access to the site. Mr. Hammes explained that there would be two curb cuts for the office parcel and one each for the truck facility and fueling station. An additional point of access may be established between the adjacent property and the fueling station, but that that arrangement would be negotiated between the two property owners.

Ms. Cox invited the applicant to the podium.

Mr. Richard Drake, of Drake Architecture, spoke on behalf of the applicant. In response to Mr. Hussong, Mr. Drake reported that Takhar Oil operates 50 vehicles servicing over 75 fueling stations. 8 to 10 trucks would be stored on this property at any one time.

Mr. Drake explained that the company needs additional office space to bring their entire operation together on one property. The fueling station would be a test store where they can showcase their operations and try new things.

Mr. Drake noted that he had lived in the area for years, and that he was surprised that this property had remained vacant for so long. This parcel is a natural fit for the proposed use, and a fueling station on this side of the highway would be successful.

Mr. Hussong asked if the flow of traffic at this site would be similar to the company's existing site. Mr. Drake confirmed that it would.

Ms. Cox asked if the area was already saturated with fuel stations. Mr. Drake replied that there were only three fueling stations in the vicinity, and none of them were on this side of the highway.

Hearing no further comments, Ms. Cox closed the public portion of the meeting.

Zoning Map Amendment Review Criteria

Recommendations and decisions on zoning map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.¹

- (1) The proposed amendment will further the purposes of this overall code;

Staff Comment: Staff feels that the proposed rezoning furthers the purposes of the code.

The Planning Commission agreed with the staff comment by a vote of 3-0.

¹ Vandalia Zoning Code, Section 1214.07(d) – Zoning Map Amendment Review Criteria

- (2) The proposed amendment and proposed uses are consistent with the City's adopted plans, goals and policies;

Staff Comment: Staff feels that the proposed rezoning is consistent with the City's goals and policies generally, and that it is not inconsistent with the Comprehensive Plan.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;

Staff Comment: Staff feels that the proposed rezoning is necessary due to changing conditions, namely the long-planned expansion of commercial uses along the Benchwood Road corridor.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) The public facilities such as transportation, utilities, and other required public services will be adequate to serve the proposed use;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) The proposed rezoning will not adversely affect the economic viability of existing developed and vacant land within the City;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

Staff Comment: Staff feels that the proposed rezoning complies with this review criteria.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (7) The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances;

Staff Comment: Staff feels that the proposed zoning is justified on the merits, and does not constitute special treatment.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (8) The proposed amendment would correct an error in the application of this Planning and Zoning Code as applied to the subject property.

Staff Comment: Staff feels that this criterion does not apply.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended Approval of the proposed rezoning from the O/IP – Office / Industrial Park district to the HB – Highway Business and I – Industrial districts, respectively. Mr. Plant made a motion to recommend approval. Mr. Hussong seconded.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed rezoning.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

New Business – PC 25-0010 – Conditional Use (Truck Facility) – 3675 Wyse Road

Mr. Hammes introduced Case PC 25-0010. Richard Drake, of Drake Architecture, on behalf of R&R Takhar Oil Company, requests Conditional Use approval for a Truck Facility in the I – Industrial district. The request involves two parcels totaling 1.814 acres +/-, located at 3675 Wyse Road in the City of Vandalia.

Mr. Hammes explained that the project involves a truck facility at the north end of the site. Truck facilities are conditional uses in the I – Industrial district. He noted that this particular truck facility would only service trucks owned by the company itself, and would not be open to the public as such.

Mr. Hammes added that there would be no amenities provided for truck drivers. The 9,000 square foot structure would be used for maintenance and repair of trucks.

Mr. Hammes pointed out that the applicant would need to improve Homestretch Road by widening the west side of the road to meet the requirements of the Thoroughfare Plan.

Mr. Hammes reported that Staff recommended three conditions. These were listed as follows:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Hammes explained that these conditions were not unusual for a facility of this type. Condition 1 requires that the site be rezoned to Industrial before the conditional use goes into effect. Condition 2 would require that the two parcels set aside for this use be combined. Condition 3 requires that all roadway improvements be installed according to the Director of Public Service's standards.

Mr. Richard Drake returned to the podium to speak on behalf of the applicant. He explained that the facility would have a small break room and restrooms for employees working on trucks, but will otherwise have no amenities for drivers.

Mr. Hammes pointed out that the plan included no provisions for large fuel tanks or equipment for loading fuel into the company's fuel tanker trucks. Mr. Drake confirmed that there would be no fuel products stored on-site. He added that any fuel trucks stored on-site would be stored empty.

Hearing no further questions, Ms. Cox closed the public portion of the meeting.

Ms. Cox noted that the current application is a much better use than previous proposals for this property.

Conditional Use Permit Criteria

Ms. Cox read the conditional use permit criteria into the record. The Planning Commission shall not recommend in favor of an application for a conditional use permit unless it finds the following:

- (1) The establishment, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, morals or general welfare;

Staff Comment: Given that this facility would not be open to the public, Staff feels that the use would meet this criterion as proposed.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Conditional Use Permit Criteria (Cont'd)

- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or will not substantially diminish and impair property value within the neighborhood;

Staff Comment: Staff feels that the conditional use would not be injurious to the use and enjoyment of other property in the vicinity, nor would property values be negatively impacted.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Staff Comment: The proposed conditional use does not appear likely to impede the development or improvement of any surrounding property.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (4) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

Staff Comment: The proposal includes provisions for adequate utilities, drainage, roadway improvements, and other necessary facilities.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets;

Staff Comment: The design of the site provides appropriate access to and from Homestretch Road. The proposed conditional use is not expected to significantly impact traffic conditions on either roadway.

The Planning Commission agreed with the staff comment by a vote of 3-0.

- (6) The conditional use will be located in a district where such use is permitted and that all requirements set forth in this code and applicable to such conditional use will be met.

Staff Comment: Staff feels the conditional use will be located in a district where such use is conditionally permitted, and all requirements set forth in the code applicable to this use have been or will be met.

The Planning Commission agreed with the staff comment by a vote of 3-0.

Recommendation

Ms. Cox reported that Staff recommended **approval** for the proposed conditional use of a Truck Facility in the I – Industrial district with the following conditions:

1. No conditional use approval shall be effective for this site until the effective date of legislation approving the rezoning of this site to the I – Industrial district.
2. All parcels upon which the proposed conditional use shall be conducted must be consolidated before any building permit is issued for this site.
3. All required roadway improvements shall be completed to the standards of, and under the supervision of, the Director of Public Service.

Mr. Plant made a motion to recommend approval of the proposed conditional use, with the conditions as laid out by Staff. Mr. Hussong seconded the motion.

By a vote of 3-0, the Planning Commission recommended **Approval** of the proposed conditional use permit with three conditions.

Ms. Cox noted that the recommendations of the Commission would next be reviewed at the Council Study Session on Monday, July 21st, 2025.

Communications

Mr. Hammes noted that the reorganizational meeting would be held at the first meeting with all five members present - including a new member who would fill the current vacancy. Mr. Hammes also wished Mr. Arnold a speedy recovery.

Mr. Hammes confirmed that the July 22nd meeting had been cancelled for lack of an agenda. He added that he expected to have at least one application for the meeting on August 12th.

Mr. Hammes reminded the Commission of the joint Planning Commission / BZA training scheduled for July 29.

Mr. Hammes (belatedly) welcomed Mr. Hussong to the Planning Commission, and thanked him for volunteering to serve.

Adjournment

Ms. Cox asked for a motion to adjourn. Mr. Hussong made the motion. Mr. Plant seconded the motion. The vote passed 3-0.

Mr. Atkins adjourned the meeting at 8:40 p.m.

Acting Chairperson