

The Council of the City of Vandalia Meeting Minutes

January 3, 2022

MEMBERS PRESENT: Mayor Richard Herbst, Vice Mayor David Lewis, Councilman Robert Ahlers, Councilman Michael Blakesly, Councilman Corey M. Follick, Councilwoman Constance Woods

MEMBERS ABSENT: Councilwoman Candice Farst

OTHERS PRESENT: Jerry McDonald, Daniel Wendt, Missy Pruszynski, Amber Holloway, Darren Davey, Bridgette Leiter, Zak Karto, Rick Turner, Amber Weaver, Captain Steve Milliken, Jeffrey R. Trick, Ben Redick, Tom Herlein, Craig Sweeney, Chief Althouse, Lt. Brandon Sucher, Lt. Ben Walker, Bill McIntire, Mike Koehl

REMOTE AUDIENCE: Lisa Wendt, Laura Wendt and Amber Holloway

Mayor Herbst called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:00 p.m. **Mayor Herbst** advised at tonight's Organizational Meeting council held a moment of reflection followed by the Pledge of Allegiance; therefore, the next item on the agenda is Approval of Previous Minutes of which there are none.

Approval of Previous Minutes: None

Communications, Petitions and Awards: None

Public Hearing: None

Comments from Interested Citizens:

Mayor Herbst addressed the audience, specifically the remote attendees, and explained per the advice of the City Attorney, anyone wishing to comment needs to personally be at the meeting; he noted Council will not be able to take comments from

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those participating electronically through Zoom. **Mayor Herbst** prompted anyone in the room who wished to speak on a topic to step forward.

Ms. Amber Weaver, 1031 Bailey Avenue, shared accolades for Lt. Ben Walker who recently gave her niece a tour of the police department.

CITY MANAGER'S REPORT

Information Items:

Mr. Wendt advised Council staff members will hold the first round of interviews for the Public Works Superintendent. He noted that position was vacated by Mr. Steve Nickels on December 31 and staff will be interviewing seven people. Next, **Mr. Wendt** thanked the city's first responders – police, fire, and public works crews for their work over the holidays. He shared that Chief Althouse, Chief Follick and Public Service Director Cron recently conducted recent inspections of all hotels in the city. Reports were issued on the investigations that yielded a reduction in calls for service.

City Offices Closed

Mr. Wendt began by sharing that City offices will be closed **Monday, January 17** in observance of Martin Luther King, Jr. Day. The second meeting in January will be held on **Tuesday**, January 18 at 7:00 p.m.

Christmas Tree Recycling

Mr. Wendt reminded the audience that the Parks and Recreation and Public Works Departments are offering Vandalia residents free recycling of their Christmas trees. Residents can drop off their trees at the Sports Complex until **January 31**. Beginning the first week of January, residents can also dispose of Christmas trees by placing them at the curb for pickup by Rumpke on your regular trash day.

Action Items:

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Appointment of Representatives – 2022 MVRPC/TC

Mr. Wendt announced that Vandalia is required annually to appoint a representative and an alternate representative to the Miami Valley Regional Planning Commission and the Transportation Coordinating Committee. An individual must also be designated to serve as the Technical Committee member. He continued by noting, currently, Mayor Herbst is representative, Miss Amber Holloway is the alternate, and Mr. Rob Cron is the current delegate to the Technical Committee. It was moved by Vice Mayor Lewis, seconded by Councilman Follick, to re-appoint Mayor Herbst as the representative, Miss Amber Holloway as the alternate, and Mr. Rob Cron as the delegate to the Technical Committee. All members present voted yes. Motion passed 6-0.

Appointment of Representatives – 2021 First Suburbs Consortium

Mr. Wendt explained the City of Vandalia is required annually to appoint two representatives and one alternate to the First Suburbs Consortium. He noted the current representatives are Mayor Herbst and Councilman Ahlers; Vice Mayor Lewis is the current alternate member. It was moved by Councilman Follick, seconded by Councilman Blakesly, to appoint members as presented. All members present voted yes. Motion passed 6-0.

Appointment to the Montgomery County Community Improvement Corporation

Mr. Wendt advised this committee requires the Mayor of the City of Vandalia to be appointed annually. It was moved by Vice Mayor Lewis, seconded by Councilman Blakesly, to appoint Mayor Herbst to the Montgomery County Community Improvement Corporation. All members present voted yes. Motion passed 6-0.

Reappointment of A Council Representative - Vandalia Development Corporation

Mr. Wendt advised this item was voted on during this evening's Organizational Meeting.

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Old Business: None

Resolutions:

22-R-01 A Resolution Approving the Re-Plat of Cassel Hills Section 4. **Mr. McDonald** read Resolution 22-R-01 by title. **Mr. Wendt** explained the Applicant, Stoneridge Condo Association, has submitted an application requesting approval of a re-plat of 1.130 acres of lot 28, specifically Phase 3 of the Stoneridge Condominium Plat which contains a 4-unit condo building. The condo association is seeking to sell an unused portion of lot 28 of Cassel Hills Section 4 totaling 0.2529 acres in three separate pieces to 3 single-family residences, being lots 10, 11, and 12 of Cassel Hills Section 3 on Mystic Lane which directly border Lot 28. The Planning Commission voted 4-0 to recommend approval of the request to re-plat. It was moved by Vice Mayor Lewis, seconded by Councilman Ahlers, to approve Resolution 22-R-01. Motion passed 6-0.

22-R-02 A Resolution Approving the Cassel Hills Extension Plat. **Mr. McDonald** read Resolution 22-R-02 by title. **Mr. Wendt** explained the Applicant, Stoneridge Condo Association, has submitted an application requesting approval of a re-plat of lots 10, 11, and 12 of Cassel Hills Section 3. The re-plat is being requested for the addition of 0.1116 acres to lot 12, 0.1144 acres to lot 11, and 0.0269 acres to lot 10 for a total of 0.2529 acres being added to Cassel Hills Section 3 from Cassel Hills Section 4. The Planning Commission voted 4-0 to recommend approval of the request to re-plat. It was moved by Councilman Follick, seconded by Vice Mayor Lewis, to approve Resolution 22-R-02. Motion passed 6-0.

Ordinances – First Reading:

22-01 An Ordinance Vacating Unnecessary Right Of Way To The Abutting Land Owner And Maintaining All Easements Therein. **Mr. McDonald** read Ordinance 22-01 by title in the first reading. **Mr. Wendt** explained Contegra Construction has submitted a petition and Vacation Plat to vacate the Right of Way of Top Notch Court in the Northwoods Business Park. The vacation of this right of way would

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accommodate the proposed development of this 35-acre site. The developer would be responsible to abandon or have relocated any and all utilities within the existing right of way before developing the property. It was moved by Councilman Ahlers, seconded by Councilman Blakesly, to approved Ordinance 22-01 in the first reading. All members present voted yes. Motion passed 6-0.

Ordinances – Second Reading:

21-37 An Ordinance Approving A PUD Major Amendment For The Stoneridge Condominiums In The Planned Unit Development District **Mr. McDonald** read Ordinance 21-37 by title in the second reading. **Mr. Wendt** explained the Applicant, Stoneridge Condo Association, has requested approval of a PUD Major Amendment portion of Lot 28, Cassel Hills Section 4, to 3 single-family residences on lots 10, 11, and 12 of Cassel Hills Section 3 on Mystic Lane which directly borders lot 28. The Applicant includes letters from each of the 3 property owners in favor of the PUD Major Amendment and expresses their desire to purchase the property. The Planning Commission voted 4-0 to recommend approval of the requested PUD Major Amendment with one condition, that a 45' setback is applied instead of the full extinguishment of the setback requirement. There were no comments or questions during the Public Hearing. It was moved by Councilman Follick, seconded by Councilman Ahlers, to approve Ordinance 21-37. Motion passed 6-0 in the second reading.

21-38 An Ordinance Amending Vandalia Code Section 452.03(a)(14) Dealing With Parking. **Mr. McDonald** read Ordinance 21-38 by title in the second reading. **Mr. Wendt** advised the Vandalia Division of Police in conjunction with City of Vandalia Prosecutor David Caldwell are recommending a City Code Amendment to 452.03(a)(14) to increase driver safety related to the enforcement of commercial vehicle traffic and parking violations along interstate ramps. The code currently reads, "No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions

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of a police officer or a traffic-control device, in any of the following places: at any place where signs prohibit stopping.” The Prosecutor is recommending the code be amended as such, “...any place where signs prohibit stopping and/or parking.” There were no comments or questions during the Public Hearing. It was moved by Councilman Blakesly, seconded by Councilman Follick, to approve Ordinance 21-38. Motion passed 6-0 in the second reading.

Ordinances – Emergency: None

Reports from Boards and Commissions:

Conditional Use – 9105 Peters Pike

Mr. Wendt explained the Applicant, Taft Stettinius & Hollister LLP, has submitted an application requesting a conditional use permit to allow the use of warehouse on the property located at 9105 Peters Pike in the Office/Industrial Park (O/IP) Zoning District. The proposal is to construct a 728,000 SF warehouse facility with ancillary offices with 162 loading docks, 199 trailer spaces, and 594 parking spaces. The Planning Commission voted 3-0-1 to recommend approval. It was moved by Vice Mayor Lewis to deny. The motion failed for lack of a second. Then it was moved by Councilman Follick, seconded by Councilman Ahlers, to approve the Conditional Use at 9105 Peters Pike. **Vice Mayor Lewis** spoke strongly against this conditional use specifically as it relates to our efforts to reduce truck traffic and increase citizen safety and the quality of life in the City of Vandalia. He concluded his dialogue by urging Councilmembers to vote against said conditional use. Councilman Follick spoke in favor of the conditional use noting that as a city we need to change our perspective on development because this region of Montgomery County is benefiting from warehousing, logistics and distribution. Furthermore, he noted this type of development has the full support of everyone in the county – other elected officials, the Dayton Development Coalition, state and local officials with the exception of this body. **Councilman Follick** explained development around the city is inevitable and its time to change our perspective on surrounding development and start receiving

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some of the benefits from the proliferation of development surrounding Vandalia. Councilman Follick strongly noted the importance of revenue from local development in Vandalia to mitigate rising and future operating expenses. He concluded his dialogue by indicating all the reasons he will be voting in favor of the conditional use. **Mr. Ben Redick**, 214 South Ridge Avenue, Troy, Ohio, advised he represents the property owners. He gave a brief history of the conditional use noting that community support for this project is important and he made it clear that this developer will be completely cooperative with the city including promoting truck traffic to use the Airport Access Road. **Mr. Redick** explained the developer is well aware of the City's expectations and concerns with truck traffic and the developer plans to be fully cooperative and supportive of the city's efforts. **Mayor Herbst** called for additional comments. There were none. Councilman Blakesly voted yes, Councilman Follick voted yes, Councilwoman Woods voted yes, Councilman Ahlers voted yes, Vice Mayor Lewis voted no, Mayor Herbst voted yes. Motion passed 5-1.

Variance: Perimeter Landscaping – 9105 Peters Pike

Mr. Wendt explained the Applicant, Taft Stettinius & Hollister LLP, on behalf of Pinchal & Company, LLC, potential purchaser, has requested a variance for substantial compliance on the perimeter landscaping of vehicular use area requirement over a three-year period, beginning on the date the facility is operational. The Board of Zoning Appeals voted 4-0 to recommend denial. It was moved by Councilman Follick, seconded by Councilman Blakesly, to deny the variance. All members voted to deny the variance. Motion passed 6-0.

Variance: Screening – 9105 Peters Pike

Mr. Wendt advised the Applicant, Taft Stettinius & Hollister LLP, on behalf of Pinchal & Company, LLC, potential purchaser has requested a variance for substantial compliance on screening of vehicular use areas from rights-of-way over a three-year period, beginning on the date the facility is operational. The Board of Zoning Appeals voted 4-0 to recommend denial. It was moved by Councilman Ahlers, seconded by

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Councilman Follick, to deny the variance. All members present voted to deny the variance. Motion passed 6-0.

Variance: Loading Docks in Front Yard – 9105 Peters Pike

Mr. Wendt explained the Applicant, Taft Stettinius & Hollister LLP, on behalf of Pinchal & Company, LLC, potential purchaser, has requested a variance to allow for loading docks within the front yard. The Board of Zoning Appeals voted 4-0 to recommend approval. It was moved by Councilman Follick, seconded by Councilman Blakesly, to approve the variance. Councilman Ahlers voted yes, Councilman Blakesly voted yes, Councilman Follick voted yes, Councilwoman Woods voted yes, Vice Mayor Lewis voted no, Mayor Herbst voted yes. Motion passed 5-1.

Variance: Increased Maximum Impervious Area – 1140 W. National Road

Mr. Wendt advised the Applicant, Park-N-Go Inc., has requested a variance to allow for an increase in the maximum allowable impervious area beyond 80% within the Highway Business (HB) zoning district. Per City Code Section 1226.05(a) Table 1226-3 “Other Site Development Requirements for Nonresidential Districts”, properties within the Highway Business (HB) zoning district may have a maximum impervious surface coverage of 80%. The Applicant has requested to pave an area of land on the eastern portion of their property which is currently a stormwater detention pond, and this would increase the impervious area above 80%. The Applicant also has indicated in their application that they would like to convert their detention pond to an underground water retention facility and City Staff suggested the Applicant wait until after the variance process was complete to seeking engineering designs to avoid potentially unnecessary costs. At its meeting on December 8, 2021, the Board of Zoning Appeals voted 5-0 to recommend approval of the requested variance to City Code Section 1226.05(a) Table 1226-3 “Other Site Development Requirements for Nonresidential Districts”, to allow for an increase in the maximum allowable impervious area beyond 80%. It was moved by Councilman Blakesly, seconded by

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Councilman Follick, to approve variance request. All members present voted yes. Motion passed 6-0.

Variance: Roof Top Sign – 318 E. National Road

Mr. Wendt explained the Applicant, Signarama, on behalf of the *Subway* Franchisee has requested a variance to allow for a roof top sign replacement. Per City Code Section, roof top signs are listed as prohibited within the City. The current “Subway” roof top sign is a legal non-conforming sign, so reconstruction would require either compliance with the Code or a variance. At its meeting on December 8, 2021, the Board of Zoning Appeals voted 5-0 to recommend approval of the requested variance to City Code Section 1236.06(a)(16) “Prohibited Signs” to allow for a roof top sign replacement. It was moved by Councilman Ahlers, seconded by Councilman Blakesly, to approve the variance. All members present voted yes. Motion passed 6-0.

Conditional Use – 6520 Poe Ave

Mr. Wendt advised the Applicant, Hondros College of Nursing, has applied requesting a conditional use permit to allow the use of Educational Institution (Higher Education) on the property located at 6520 Poe Ave in the Office/ Industrial Park (O/IP) Zoning District. The Educational Institutions (Higher Education) use is a Conditionally Permitted Use in the O/IP Zoning District pursuant to Table 1218-1: Principally Permitted Uses in Base Zoning Districts. Planning Commission voted to recommend the conditional use permit 4-0. It was moved by Councilman Follick, seconded by Councilman Blakesly, to approve the conditional use. All members present voted yes. Motion passed 6-0.

Council Comments:

Mr. McDonald commented that very respectful debate was held this evening.

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Councilman Blakesly moved to excuse Councilwoman Farst from all tonight's meetings. Councilman Ahlers seconded the motion. All members present voted yes. Motion passed 6-0.

Vice Mayor Lewis commented that he has no ill will. He shared that the Peters Pike items were something that he wanted to be consistent on and tried his best, and he will certainly support efforts moving forward. He has the utmost respect for the Applicant, staff and Councilmembers. **Vice Mayor Lewis** apologized for his absence in December.

Mayor Herbst thanked Vice Mayor Lewis and Councilman Follick for their dialoge this evening and concluded by noting we all want what is best for Vandalia.

No Executive Session was held.

The regular Council Meeting was then adjourned at 7:47 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Missy Pruszynski, Deputy Clerk of Council

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