# THE BLUE LETTER



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

September 23, 2022

Honorable Mayor & Esteemed City Councilmembers:

Thank you for the opportunity to attend the International City / County Management Association Conference this week in Columbus. This was an incredibly valuable experience as I

had the opportunity to learn from professional managers and to leverage their experience with redeveloping brownfields at an incredible mixed use publicprivate project; mapping out processes to improve customer service, efficiency and



effectiveness; learning about diversity, equity, and inclusion efforts; visiting several project sites relating to downtown revitalization in Columbus; building legislative relationships in the statehouse; negotiating collective bargaining agreements; navigating downtown redevelopment in small towns; and I participated in a facilitated discussion about governance and our democratic republic. ACM Holloway attended many useful trainings as well. In addition, Facility Manager Alicia McCracken and Recreation Coordinator John Myers volunteered at the conference over the weekend and took advantage of a complimentary daily registration. This was great for their professional growth at minimum cost to the taxpayers.

As a team, we are continually faced with tough policy decisions where there are multiple correct choices with full truths for every policy option. I love public service because it requires toggling day-to-day management against goal horizons that forecast several decades out. We are responsible for helping Vandalia reach its potential as a top-tier suburb with top-tier city services. I tell my team to *embrace the complexity*. This willingness and excitement for *digging deep* makes public service enriching and fun. This week, I encouraged staff to see farther and to see things before others. I encouraged them to ensure consistency, accountability,



sustainability, and patience. As a team, we will work to provide solutions to intractable problems because our residents deserve solutions that prioritize the needs of the community as a whole. It is a privilege to lead this team in pursuit of our <u>Citywide Policy Goals</u>.

Employee Appreciation Taco Bar: Thank you to everyone – especially PT Administrative Assistant Sherri Howard – for making the employee appreciation taco bar a great success today. It was great to catch up with our team, see Custodian Gabe Benning come for tacos on his day off, and hear that Parks Maintenance Technician Andrew Christian will be running a 12 hour race this weekend. Mr. Christian has a goal of running 100 kilometers in 12 hours. That is basically like running from the Municipal Building to Kentucky. I also learned some new names, talked deer hunting (opening day for archery is Saturday), and learned that Lonnie Hathaway at the age of 70+ years old ate his first crunchy taco today on September 23, 2022. This may have been a joke that I took seriously. I'm not sure. These things really happened, and I feel like we are a better team for it. As always, City Council is welcome to attend the employee appreciation events and I have enclosed the upcoming dates and times.

**Lieutenant Ben Walker – FBI National Academy:** Lt. Walker leaves this weekend for the FBI National Academy. It is a great honor to have a member of the Vandalia Police Division attend this world class training. I look forward to his development and success. This experience will bring myriad best practices back to Vandalia as we strive to provide top-tier services. Chief Althouse is also a graduate of the National Academy.

**Super 8 Motel / Hotel Permit Revocation Appeal:** The Board of Zoning Appeals will hold a hearing at 6 pm in Council Chambers on September 28 to consider the Super 8's appeal of my decision to shut down the motel's operation by revoking their operating permit. I will be at the meeting and plan to testify along with several staff members who will represent the City's case against the Super 8. The meeting will also be viewable by Zoom (A link is included in the packet.). I have enclosed the meeting packet for your reference.

**2023 Operating, Maintenance, and Capital Budget:** Director Leiter, Assistant Finance Director Carnes, ACM Holloway, and I have met with all of the departments. We are pouring through the capital and O&M proposals to ensure that they align with our citywide policy goals as we work to elevate quality of life in Vandalia. The budget is our most important document. It is a guide and roadmap for performance management that goes beyond accounting and accountability. I sincerely appreciate all of the extra time and effort that our finance team puts into crafting this policy document so that it aligns with Council's vision for Vandalia.

**Employee Two Person Golf Scramble:** The All-Employee Two Person Golf Scramble has been rescheduled for Monday, October 10 at Cassel Hills Golf Course. The deadline to register is Friday October 7. This may be the best flier that Communications Manager Rich Hopkins has ever produced. It is worth seeing the enclosure.



**Fire Division Open House – October 2:** The Division of Fire will be holding our annual Open House on the 1st Sunday in October. The community is encouraged to come meet the Firefighters, tour the firehouse along with other events and demonstrations.

**Facilities Infrastructure Project Update:** Four of the seven illuminated street sign intersections have been completed. Intersection controllers have arrived and will be scheduled for installation asap. MSD is working at the Park Garage installing new radiant heating units. Installation of units at the Senior Center were completed today. MSD is close to completing all tasks required prior to arrival and installation of the HVAC units. Many of the HVAC controls are beginning to be shipped.

**Art Park Restroom:** The Art Park restroom building is very close to being finished. Vancon is awaiting the arrival of toilets and once they are installed the building will be ready for usage. I hope the building is ready for the Fall Festival event scheduled for October 8. This project was funded through the monies received by the City from the American Rescue Plan Act.

**Art Park Exhibit Installation:** A new exhibit will be installed on Tuesday, October 11 beginning at 11 am. Maintenance staff poured four concrete slabs today in anticipation of installation.

**Utility Extension:** Outdoor Enterprise continues to work on the Dog Leg Utility extension project. They have completed the gravity sanitary sewer main extending from Fieldstone Way to the Airport Access Road. They have also made the connection to the watermain at Fieldstone way and extended it to the Access Road. Work should begin in the next week or so on the west side of Airport Access Road. Choice One Engineering is working on the design of phase two of the Dog Leg Road Utility Extension project. They have also begun the engineering work for the new Traffic Signal at Northwoods Boulevard and the I-75 SB ramps.

Flu Shots Available at the Municipal Building: Hock's Pharmacy will be at the Municipal Building on Thursday, October 13, 2022 from 7:00 a.m. until 9:00 a.m. to administer flu shots.

**Floor Refinishing:** The special events room floor at the VRC has been refinished by Custodial Supervisor Jack Marshall. He stripped the old wax from the floor and applied 4 coats of new floor wax. This project was much needed after a summer of the camp program using the room as home base.

**Dayton Mayors and Managers at CHCH:** Thank you to Mayor Richard Herbst for hosting the Dayton Area Mayors and Managers group at the Clubhouse on September 14. Dayton Development Coalition President / CEO Jeff Hoagland gave a great update on economic development in the region.

Cassel Hills Golf Course Cart Path Paving: This week, our Public Works Division paved cart paths on holes 5, 6, and 12. Crews installed 240 tons of asphalt as part of the annual project.

Montgomery Count Reestablishes Funding for Mobile Crisis Responder Program: Sheriff



Streck notified Chief Althouse that the Sheriff's Office will be funding \$80,000 in 2023 to support VPD's Mobile Crisis Responder Program in a collaboration with Butler Township PD. These funds will be utilized to cover the salary and benefits for a clinical counselor to respond to various calls for service with police involving a mental health crisis, addiction, homelessness, or social service concerns where resources and follow-up can be provided by the clinician. We partner with South Community, Inc. to provide this clinician as an additional resource to assist our residents and citizens and reduce the need for public safety services. A special thanks to our Montgomery County Commissioners and Administrator Michael Colbert for allocating these funds to support and to sustain this program.

**Art Students Paint Snowplow Blades:** VBCSD high school art students have created some excellent designs and are painting two of our City snowplow blades. Thank you to Parks & Recreation Advisory Board Chair (and teacher) Tara Landis for making this possible.

VPD Honors Fallen Richmond Police Officer Seara Burton: Honor Guard Officers Blackford and Wehner represented VPD during the escort of Richmond Police Officer Seara Burton from the Montgomery County Coroner's Office to the funeral home in Richmond on September 19. Officer Burton was shot in the line of duty on August 10th during a traffic stop. Officer Burton succumbed to her injuries on Sept 18th. VPD officers will wear mourning bands over their badges through September 26 in honor of Officer Burton and honor guard members will represent VPD at her funeral on September 26.

Another Grant or the Police Division! On September 21, Lieutenant Sucher was notified VPD received a \$6,201.65 grant through the United States Department of Justice. These funds will go towards the purchase of bulletproof vests for sworn personnel.

It is a privilege and honor to serve this community. I look forward to our upcoming budget workshops as we leverage resources to build livability in Vandalia.

Your Partner in Service,

Dan Wendt City Manager

CC:

Boards and Commissions Members All City Employees

#### Attachments:

- 1. Information Update ACM Holloway September 23, 2022;
- 2. Information Update Director Leiter September 23, 2022;
- 3. Information Update Chief Follick September 23, 2022;
- 4. Information Update HR Manager Pruszynski September 23, 2022;



- 5. Information Update Director Clark September 23,2022;
- 6. Information Update Chief Althouse September 23, 2022;
- 7. Information Update Director Cron September 23, 2022;
  8. Board of Zoning Appeals Meeting Packet;
- 9. Employee Two Person Golf Scramble Flier;
- 10. Employee Appreciation Event Flier;
- 11. Ohio Deferred Compensation Flier, and
- 12. Premier Community Health Employee Assistance Program.



To: Dan Wendt, City Manager

From: Amber Holloway, Assistant City Manager

Date: September 22, 2022 Subject: Information Update



# Monday August 12:

- o I met with several residents to discuss property maintenance concerns.
- Rich and I met with Angela Watson, a new reporter with the Dayton Business Journal, for an introductory meeting.
- Rob and I met with representatives from ODOT and our contract engineer for the National Road Safety Study project discussion.
- Missy, Bridgette, you and I attended a software demonstration for healthcare open enrollment software.
- We held our annual Business Appreciation Day Golf Outing on Tuesday September 13.
   We had 40 golfers and an additional 5 people join for lunch. I heard many positive comments from attendees.
- You and I along with Finance Director Leiter and Assistant Finance Director Carnes held department budget meetings on 9/12, 9/14, 9/15 and 9/16.
- I attended the ICMA Conference in Columbus from 9/17 9/21. It was a great conference and I look forward to putting things that I learned into action in here in Vandalia.
- I attended the Business First! Meeting at Central State University today. We heard from a local nonprofit on workforce development and Central State on their plans for growth.

# **Communications Update**

- Community Connection Newsletter will be in mailboxes next week.
- Annual report preparation is underway. A first draft has been distributed to department heads.
- The All-Employee Two Person Golf Scramble has been rescheduled for Monday, October 10 at Cassel Hills Golf Course. The deadline to register is Friday October 7.

# **Economic Development Project Updates**

Project/Business Name	Location	Status
AxoGen	913 Industrial Park Dr.	Construction nearing completion.
White Castle Expansion	1614 Capstone Way	Construction nearing completion.
Capstone Way Spec. Bldg.	1669 Capstone Way	Permit under review. Site work underway.
Deer Run Spec. Bldg.	710 Deer Run Road	Foundation in; full building permit issued 9/20.
True North	22 Ranchview Drive	Permits issued. Construction underway.



# Information Update

**To:** Daniel D. Wendt, City Manager

From: Bridgette Leiter, Director of Finance

Date: September 21, 2022

Re: Information Update - Period Ending September 23, 2022

1. Kristen Carnes and I attended a council study session and meeting.

- 2. Budget meetings for 2023 are underway and the process is moving along very smoothly.
- 3. I participated in OPBA negotiation meetings to discuss the contract renewal for Public Safety Specialist and Patrol officers.
- 4. I participated in several healthcare meetings in preparation of the plan renewal effective January 1, 2023.
- 5. Kristen and I met with representatives from PNC Bank to discuss the City's accounts and future cost saving programs and options available to the City.
- 6. I attended a NAWA Board meeting and presented the YTD August 2022 financial report and the following are the details:

Year to date (2022) Revenues for water service is up by 3.9% over 2021.

Year to date (2022) Expenses (which includes Operating & Maintenance, Capital and Debt service payments) are up 16.4% over 2021 due to timing and the explanations below.

Explanations for differences in expense amounts from 2022 vs 2021:

## Operating & Maintenance:

- 1. Utilities increase in 2022 expenses (Tipp City utilities)
- 2. Audit Fees & GAAP Report increase in Audit service expenses (Plattenburg & Assoc)

- 3. Special Legal Fees increase due to Buckley King legal services for Robinson Pipe Cleaning case
- 4. Operational Services increase in bank fees and plant operation costs paid to Tipp City
- 5. Facility Cleaning/Maintenance increase due to purchases of facility maintenance items and replacement heater parts
- 6. Equipment Maintenance increase due to purchases of various equipment maintenance items
- 7. Well maintenance decrease in purchases of well maintenance items
- 8. Insurance increase due to credit applied to 2021 insurance invoice from Miami Valley Risk Management Assoc
- 9. Technical Supplies decrease from 2021 purchases of miscellaneous hardware items and Netgear ethernet switch
- 10. Lab Supplies increase due to timing of various lab supply purchases

# Capital:

- Machinery & Service Equipment increase due to replacement operator computer
- 2. Motor Vehicle decrease from forklift in 2021
- 3. Water Treatment Plant- increase due to light switch replacement, control changes, and valve vault modifications
- 4. Well Improvements increase due to Well #2 cleaning and repairs, Well #10 repairs, and Well #3 rehab
- 5. Const-Sewer to RIV increase due to concentrate line rehab project costs
- 6. Well Construction increase due to additional funds for site location change Budget:

#### Revenues

YTD actual water service revenue collected was 65.8% of the budgeted amount, and YTD actual interest revenue collected was only 95% of the budgeted amount.

## **Expenses**

YTD actual expenses were 76.2% of the budgeted amount partly due to timing, and the explanations referenced above.



### DIVISION OF FIRE INFORMATION UPDATE

**TO:** DANIEL WENDT, CITY MANAGER

FROM: CHAD FOLLICK, FIRE CHIEF

**DATE:** 9/22/2022

SUBJECT: INFORMATION UPDATE - PERIOD ENDING SEPTEMBER 23, 2022

- Saturday September 21, crews spent the morning at the Rec Center's "Touch a Truck"
   event. It was a beautiful morning with good crowds for the Division of Fire to show off our
   equipment first hand to the community who came out.
- 2. On Sunday September 11<sup>th</sup>, crews responded to the 800 block of Waldsmith Way on an outside gas leak. A temporary shelter was established because several homes had to be evacuated due to the leak and repairs were anticipated to take a few hours. Crews remained on scene with AES for some time until the situation was made safe and residents could return to their homes.
- On Monday September 12<sup>th</sup> Command Staff members of the Division of Fire had their monthly meeting. Items discussed were, but not limited to, budget, staffing, grant updates, and training.
- 4. Administrative Assistant Jacobs and I met with Finance, The City Manager and the Assistant City Manager on Sept 15 to discuss the Division of Fire's 2023 Budget. We appreciate the time given to us bringing our budget and requests to review before going to council.
- 5. The Division of Fire was invited to the Vandalia Nazarene Church on Sunday September 18<sup>th</sup> for a Hog Roast and a First Responder Appreciation event. We were able to take equipment to show, alongside our Division of Police. It was a great day for the event and the crews appreciate the support from all who were there.

# DIVISION OF FIRE INFORMATION UPDATE

taken to a local hospital for non-life-threatening injuries.

- 6. On Sunday September 18<sup>th</sup> crews were called to the scene of a single car roll over accident on northbound I-75. The accident was just north of Northwoods Blvd. and one person was
- 7. The last large round of part-time newly hired employees had their first Orientation Day on Monday September 19<sup>th</sup>. This group will spend the next few days and weeks going through a small academy like training to become acclimated to the Division of Fire before being put on their regular shift and rotation. We would like to welcome this new group to the Division of Fire family.
- 8. The Division of Fire received the exciting news this reporting period that we were awarded an AFG Grant for the purchase of SCBA's (Self Contained Breathing Apparatus). This is one of the largest grants the Vandalia Division of Fire has received, and the award is for over \$200,000.00. The Division of Fire attended the Monday September 19<sup>th</sup> Council Meeting to announce the award and to request that council formally accept the grant and matching funds. This grant will be a large help to the Division of Fire and our need to replace important SCBA units that are at the end of their life and no longer able to be maintained.
- 9. Additionally, at the Monday September 19<sup>th</sup> Council Study Session, I along with the support of my Command Staff, presented the Division of Fire's current staffing issues. The presentation included the ask for front line supervision positions and additional fulltime firefighter paramedic positions. The ask in necessary in obtaining the Division of Fire's staffing goals, meeting the standards of service to the community and aligning us to function and staff like other comparable Fire Departments in the area.

CEF/clj Page 2 of 3

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# DIVISION OF FIRE INFORMATION UPDATE

10. Lastly, The Division of Fire will be holding our annual Open House the 1<sup>st</sup> Sunday in October. This year the date is October 2, 2022. Open house is the kick off to Fire Prevention Month during October and the community is encouraged to come meet the Firefighters, tour the firehouse along with other events and demonstrations. This is always a popular event and we are looking forward to meeting our community.

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# Memo

To: Daniel D. Wendt, City Manager

From: Melissa Pruszynski, Human Resources Manager

Date: September 22, 2022

Re: Information Update - Period Ending September 23, 2022

- 1. Mark your calendars! Ohio Deferred Compensation Account Representative Steven Schmittauer will be at the Municipal Building in the small conference room Thursday, September 29 from 9:00 a.m. until 2:00 p.m. If you have questions about your account or want to join the program, this is a great time to do it! You can schedule your appointment with Mr. Schmittauer at <a href="https://vandalia-oh.myretirementappt.com">https://vandalia-oh.myretirementappt.com</a>. Appointments are preferred, but walk-ins are welcome! A flier is attached to this update for your review.
- Flu shots anyone? Our good friends at Hock's Pharmacy will be here Thursday, October 13, 2022 from 7:00 a.m. until 9:00 a.m. in the Municipal Building large conference room. More details to come!
- 3. Today's Taco Bar **Employee Appreciation Event** was a great success! A BIG thank you to Senior Center Coordinator Toni Williams for hosting the location. The next event will be the Employee Donut Bar Wednesday, October 26 from 7:00 a.m. until 9:00 a.m. in the Justice Center Community Room. Please RSVP with Mrs. Sherri Howard by Monday, October 24. Included in this update is a complete listing of the remaining events.
- 4. During the last reporting period we met with McGohan Brabender and several health insurance carriers and open enrollment software representatives in order to determine which plans are best suited for our entire organization and which software platforms would be best suited for our upcoming open enrollment event.
- 5. Hiring update: Parks and Recreation Facilities Mechanic interviews were held today, and a corresponding Civil Service Meeting is currently being planned for next week. Public Works Technician ad closes today, City Planner first round interviews are tentatively scheduled for Wednesday, October 5; additionally, full-time Firefighter and City Engineer candidates continue through the process. Currently we are processing candidates for Part-Time Firefighter / Paramedic / Inspector. As well, we are preparing an ad for another Police Officer process. Watch your inbox for additional upcoming employment opportunities!

- 6. **New!** Boards and Commissions applications are now available online. Feel free to share the link with friends or family who may be interested in serving our community https://www.vandaliaohio.org/279/Boards-Commissions.
- 7. **New!** Seasonal and Part-Time applications are now available online. Feel free to share the link with friends or family who are looking for seasonal or part-time employment https://vandaliaohio.org/422/Employment-Opportunities.
- 8. **Remember,** EmployeeCare, our **free** employee assistance program, is available to you and those living under your roof, 24 hours a day, 7 days a week. You may contact the EmployeeCare staff **confidentially**, any time, at 937-208-6626. A flier is attached for your review.
- 9. Do you ever wish you had a personal health care assistant? Well...now you do! One of the top-tier services we now have access to is the McGohan Brabender Advocate Team! Feel free to reach out to the **advocate team** at <a href="mailto:mbadvocates@mbbenefits.com">mbadvocates@mbbenefits.com</a> Monday through Friday between 8:00 a.m. and 5:00 p.m.
- 10. Superior Dental has a **mobile app!** You can find it in the App Store. The app allows you to view plan details, access your mobile ID card, review claims, find a dentist and much more! Learn more at the SDC website https://superiordental.com/sdc-mobile.
  - Just a reminder that our **Superior Dental** plan has several convenient tools and resources to make it easy to manage our dental plan. For example, the Direct Connect tool provides easy access to ebills and the Find-A-Dentist tool allows us to find a NETWORK dentist in our area. There are many more features located at <a href="https://superiordental.com/employer-support">https://superiordental.com/employer-support</a>.
- 11. Amazing Care at our fingertips courtesy of TrueScripts! TrueScripts now offers TEXT & LIVE CHAT during normal business hours. Feel free to visit and register in the TrueScripts member portal at <a href="https://memberportal.truescripts.com/">https://memberportal.truescripts.com/</a>.
- 12. If you would like to browse City of Vandalia Employment Opportunities, the link is <a href="https://www.vandaliaohio.org/422/Employment-Opportunities">https://www.vandaliaohio.org/422/Employment-Opportunities</a>.



To: Dan Wendt, City Manager

From: Steve Clark, Director of Parks & Recreation

Date: 09/22/2022

Re: Information Update – Period ending September 22, 2022

# **RECREATION CENTER**

As we head into the fall season the Recreation Center will resume normal weekday hours beginning October 3. This means the VRC will be open on weekdays until 10pm. During the summer months the VRC closes at 9pm.

Vandalia Girl Scouts Day will be held at the VRC on Saturday, October 1. Scouts will participate in a class to earn a certificate and then get to swim and climb the rock wall as part of the experience.

Child Care at the VRC (Ricky's Tiny Tikes and Luther's Jungle) has 37 unlimited pass holders and 70 punch cards. Year to date entries into these areas totals 3,362 compared to 2,877 in 2021.

Alicia and Sharon have set up a demo for RecDesk software next week. They continue to research software options the VRC as the current vendor, Rec Trac by Vermont Systems has changed ownership and has been struggling with support of our system.

The online part-time/seasonal job application went live last week. Many thanks to Human Resources Manager Missy Pruszynski for getting this operational. Alicia produced a flyer for VRC front desk staff to give to interested applicants with a QR code and links to the online application.

Alicia and Sharon represented the Recreation Center at the Johnson Electric Health Fair on September 14. They distributed information about VRC memberships and programs.

The special events room floor at the VRC has been refinished by Custodial Supervisor Jack Marshall. He stripped the old wax from the floor and applied 4 coats of new floor wax. This project was much needed after a summer of the camp program using the room as home base.

# **GOLF DIVISION**

Cassel Hills Golf Course hosted the Annual Chuck Upthegrove 36 hole Classic on September 12. This event has been held at Cassel Hills since 1984. A total of 83 golfers participated in the event.

The Annual City of Vandalia Business Appreciation Day Golf Outing was held on September 13. A total of 40 pre-registered business representatives were treated to a great day of golf, food and fun.

The Clubhouse hosted the Dayton Area Mayors and Managers group for a dinner on September 14. This was the first time back to Cassel Hills for this group since pre Covid-19. It was great to see some familiar faces for this event.

The week of September 11-17 was very busy at the golf course with greens and cart fees of over \$31,000. This was awesome given we are into college and pro football season on the weekends.

Many thanks to the Public Works Department for paving cart paths this week. Cart paths on holes number 12 and 5/6 received a fresh coat of asphalt during this project.

The first ever live stream event was held at the golf course on September 22 as the Butler versus Tippecanoe high school boy's golf match was streamed by a local media company.

# SENIOR CITIZENS CENTER

Many thanks to Natalie Montgomery for her assistance in completing the paperwork to secure Van Tran funding from Montgomery County's Human Services Planning and Development Department. The paper work has been submitted that will allow us to continue to receive reimbursement for rides provided as part of the program.

Staff is discussing membership sales options that would allow the VRC to sell memberships to the Senior Center. Coordination of this option could be a challenge but we feel giving seniors' multiple ways to sign up would be very beneficial.

# <u>RECREATION/ATHLETICS DIVISION</u>

We conducted our second playground committee meeting on September 8. Penchura Playground Company, the Ohio dealer for Landscape Structures was in attendance to discuss design options for our playgrounds at the Sports Complex and Helke Park. He will be submitting some design options in the coming days for our review and discussion.

Our Annual Touch-a-Truck event was held on September 10 at the Sports Complex. There was a great turnout for the event with over 20 trucks for kids to engage with and there was Kona Ice and a food truck for attendees to enjoy.

# **FACILITY MAINTENANCE DIVISION**

**Facilities Infrastructure Project**: Four of the seven illuminated street sign intersections have been completed. The remaining three will be completed this week. Intersection controllers have arrived and will be scheduled for install asap. MSD is working at the Park Garage installing new radiant heating units. Install of units at the Senior Center will be completed as of today. Finalizing routing plan for the VRC administration area will take place next week. MSD is close to completing all tasks required prior to arrival and installation of the HVAC units. Many of the HVAC controls are beginning to be shipped. Installs will be scheduled accordingly.

The Art Park restroom building is very close to being finished. Vancon is awaiting the arrival of toilets and once they are installed the building will be ready for usage. We are very hopeful to have the building ready for the Fall Festival event scheduled for October 8.

Approximately 200 tons of raider mix infield material has been applied to fields 1-3 at the Sports Complex. This product will aid in improving field playability in the wet months of baseball/softball seasons.

Maintenance staff is in the process of winterizing Cassel Hills Swimming Pool. SwimSafe has completed their portion of closing the facility for the season.

Staff has applied over 80 cubic yards of mulch this year at city facilities and in parks. This includes landscape areas and around various park trees.

Staff is currently completing fence line pruning of overgrowth along the Sports Complex perimeter fencing. They are also sprayed for weeds in the pavers and sidewalks along the downtown streetscape.

Maintenance staff is pouring four concrete slabs for art work display at the Art Park today in anticipation of the arrival of the art pieces.

Completed the necessary landscape work along the new curb at the Justice Center IT parking area. This included fill dirt, top soil and grass seed.

# Information Update

To: Dan Wendt

City Manager

From: Kurt E. Althouse

Chief of Police

Date: September 22, 2022

Subject: Information Update Ending September 23, 2022



- 1. During the past two weeks, VPD officers made six traffic stops on commercial motor vehicles for traffic violations. These stops resulted in, five written warnings and one verbal warning while working twenty-four additional enforcement hours.
- Detectives charged a 26-year old Vandalia woman with assault for punching another woman in the face at Max's Sports Bar.
- 3. CPO Wehner and on-duty officers represented VPD during Touch-a-Truck at the Recreation Center on September 10<sup>th</sup>. The event had a large attendance and visitors had the opportunity to sit inside a patrol vehicle and view all the equipment. Officers distributed approximately 250 badge stickers to the youth in attendance. VPD looks forward to participating in this event next year.
- 4. Officers were assigned to work the Vandalia Sister Cities Oktoberfest on September 9 and 10. There were large crowds over the weekend with no issues or concerns.
- 5. On September 12, we learned that VPD was the recipient of a \$13,000 grant from the State of Ohio for our employee wellness program. This funding will be used to cover the CordicoShield Law Enforcement Wellness App that provides confidential support and online library wellness course. The Cordico law enforcement wellness solution enables agencies to provide customized, confidential, mobile wellness resources specifically for first responders covering such topics as managing stress, post-traumatic stress disorder, family and work relationships, and fitness and nutrition. VPD was one of 26 agencies that will receive \$1.67 million to help support the wellness needs of law enforcement officers, dispatchers, firefighters, paramedics, and emergency medical technicians (EMTs). Special thanks to Lieutenant Walker who researched and applied for this grant funding to meet one of our 2022 goals and objectives.
- 6. On September 13, Butler Township Police Chief John Porter and I met with Pastor Stan Thorpe from Christian Life Center and discussed the outpouring of community support during the recent tragedies on August 5 in Butler Township. CLC is planning to host a Public Safety Appreciation Day on October 22-23 as part of the Faith & Blue weekend celebration. Additionally, I met with Pastor David Emmons from Cassel Hills Church of Christ for coffee last Thursday and learned their church will be hosting a special presentation on October 9 for Faith & Blue weekend. Our staff is truly appreciative and blessed to have such strong community support from our faith leaders and their congregations.

- 7. Sheriff Streck notified me last week that the Sheriff's Office will be funding \$80,000 in 2023 to support VPD's Mobile Crisis Responder Program in a collaboration with Butler Township PD. These funds will be utilized to cover the salary and benefits for a clinical counselor to respond to various calls for service with police involving a mental health crisis, addiction, homelessness, or social service concerns where resources and follow-up can be provided by the clinician. We partner with South Community, Inc. to provide this clinician as an additional resource to assist our residents and citizens and reduce the need for public safety services. A special thanks to Montgomery County Administrator Michael Colbert for allocating these funds to support and sustain this program.
- 8. On September 15, Superintendent Rob O'Leary and Lisa Hildebrand from Vandalia-Butler Schools along with Shannon Todd from the Miami Valley Leadership Foundation attended our monthly administrative police staff meeting. They provided a presentation on a youth mentoring initiative being implemented at the schools where qualified adults will volunteer one hour a week to serve as mentors to students in need of adult support. The School District is seeking mentors from the faith community, public safety services, civic organizations, and local community groups to serve in this important role.
- 9. Detectives charged an 18-year old Vandalia man with felony Improper Handling a Firearm in a Motor Vehicle and a 22-year old New Lebanon man with Improperly Furnishing a Firearm to a Minor after an incident near 84 E. Van Lake where the 18-year old brandished an AR pistol and pointed it toward the apartments.
- 10. The Vandalia Church of the Nazarene hosted a Community Hog Roast lunch after their church services on Sunday, September 18 to honor local first responders. Pastor Mark Batton, a VPD chaplain, invited Vandalia & Butler Township public safety employees to show the community's appreciation after the homicides in Butler Township. This event was also the church's participation in the upcoming Faith & Blue Weekend.



- 11. September 18 was National "Thank a Police Officer" Day. VPD wants to express our appreciation and thanks to the residents and citizens who took time to drop off a card, note, words of encouragement and goodies for our staff.
- 12. On September 20, Lieutenant Walker, VFD, and Development and Engineering Services met with Super 8 representatives to discuss outstanding fire code violations and their plans for repairs. We also outlined the process they needed to follow which was laid out in the current court order.

- 13. On September 21, Lieutenants Walker & Sucher met with school representatives regarding Homecoming Parade planning. This year's Homecoming Parade is scheduled for September 29 at 6:00 pm and will begin on West National Road at the Helke Road entrance to airport property. The parade will travel east on National to south on Dixie Drive to the high school stadium and First Light Church parking lots. There will be temporary road closures during the parade.
- 14. A special thanks to Pastor Bob Hussong and Jake Wright from Northpoint Community Church for grilling food for VPD employees this past Wednesday. Pastor Hussong is a VPD chaplain and has been a great resource for emotional and spiritual support for our employees and Vandalia residents during community crises.



15. Honor Guard Officers Blackford and Wehner represented VPD during the escort of Richmond Police Officer Seara Burton from the Montgomery County Coroner's Office to the funeral home in Richmond on September 19. Officer Burton was shot in the line of duty on August 10<sup>th</sup> during a traffic stop. Officer Burton's injuries were determined to be unrecoverable and she was taken off life support on September 1<sup>st</sup>. Officer Burton was transferred to Hospice and succumbed to her injuries on Sept 18<sup>th</sup>. Our thoughts, prayers, and sincere condolences go out to the family of Officer Burton and Richmond PD. VPD officers will wear mourning bands over their badges through September 26 in honor of Officer Burton and honor guard members will represent VPD at her funeral on September 26.





- 16. On September 20, Lieutenant Sucher attended a Homeland Security briefing hosted by Dayton PD. Intelligence information was distributed covering current extremist threats in the U.S.
- 17. Christopher Herbst of Miami Township pled guilty to two counts of aggravated arson for the M-Power Gym fire in March. He will be sentenced in October. Kudos to Fire Marshall Jason Eckert for his diligent work on this case.
- 18. On September 21, Lieutenant Sucher was notified VPD received a \$6,201.65 grant through the United States Department of Justice. These funds will go towards the purchase of bulletproof vests for sworn personnel.
- 19. I hosted the OACP District 4 virtual meeting on September 21. Mick Yinger (retired Columbus Police officer) made a special presentation during the meeting about the First Responders Bridge Program offered to first responders and their family members who have experienced a traumatic event in the line-of-duty.
- 20. I met with Rich Hopkins on Wednesday to record a segment for Focus Vandalia on the upcoming Faith & Blue Weekend on October 7-11. The mission of National Faith and Blue Weekend is to facilitate safer and stronger communities by engaging law enforcement officers and local residents through the connections with faithbased organizations.
- 21. On Thursday, I met with Dayton Daily News Reporter Aimee Hancock who is now covering community news in the northern Miami Valley and share activities occurring at VPD.
- 22. Several VPD employees attended the Employee Taco Bar at the Senior Citizen Center today as part of the Employee Appreciation monthly events. Our staff appreciates these events which allow us to interact with other City employees and enjoy a lunch provided by the City.
- 23. Detective Krimm and CPO Wehner held a Police Explorer meeting on September 20 at the Montgomery County Sheriff's Office Range. Four Explorers attended and received firearms safety training prior to firing handguns and rifles. The Explorers enjoyed the shooting drills and had a friendly competition amongst themselves.







- 24. Lieutenant Walker is scheduled to attend the FBI National Academy September 26 through December 8. The academy is a professional course of study for U.S. and international law enforcement executives who have demonstrated leadership qualities. The 10-week program serves to improve the administration of justice in police departments and agencies at home and abroad. The goal is to raise law enforcement standards, knowledge, and cooperation worldwide.
- 25. Detectives with the Miami Valley Bulk Smuggling Task Force conducted surveillance of two individuals at a local hotel and subsequently seized approximately \$40,000 in currency after conducting an investigation into their activities prior to boarding a flight from Dayton to California.



# **Public Works & DES Information Update**

To: Dan Wendt, City Manager

From: Rob Cron, Director of Public Service

**Date:** September 22, 2022

**Re:** Information Update for September 10-23, 2022

# <u>Development & Engineering Services</u>

Outdoor Enterprise continues to work on the Dog Leg Utility extension project. They have completed the gravity sanitary sewer main extending from Fieldstone Way to the Airport Access Road. They have also made the connection to the watermain at Fieldstone way and extended it to the Access Road. Work should begin in the next week or so on the west side of Airport Access Road.

Choice One Engineering is still working on two projects for the City. They are working on the design of phase two of the Dog Leg Road Utility Extension project. They have also begun the engineering work for the new Traffic Signal at Northwoods Boulevard and the I-75 SB ramps.

We opened bids for the Foley/Enola Drive Reconstruction project. Seven contractors submitted bids for this project. This item will be on the October 3<sup>rd</sup> Council Meeting agenda for award. Double Jay Construction, from Englewood, was the low bidder on the project. They have previously performed work for the City on our Streetscape projects.

Work continues on the development at 710 Deer Run Drive. They have poured the slab for the building and are now forming and pouring up the tile walls. We have issued their full building permit. They had previously been working under the footer & foundation permit.

Much of the slab has been poured for the building at 1669 Capstone Way. They continue to perform site work including the construction of the detention ponds.

A final Certificate of Occupancy has been issued for the New Life Worship Center at 3350 Benchwood Road.

The final inspection was approved for the new restroom facility at Cassel Hills Golf Course.

I attended the MVRPC Technical Advisory Committee meeting on September 15th.

# **Public Works**

We have completed the restoration work from the storm sewer replacement on the Crown Lift Truck property at 750 Center Drive.

This week our crews were resurfacing cart paths at Cassel Hills Golf Course. We installed approximately 240 tons of asphalt.

We have completed the repair of a collapsed sanitary sewer main on Blue Jay Drive that was under a catch basin.

We performed water shutoffs for delinquent customers. There were 40 customers on the list this month.

Crews cleared brush and debris along the west side of Johnson Station with our boom mower so that we could perform drainage ditch maintenance.

We replaced a deteriorated catch basin in the alley on the east side of Dominos Pizza.

We performed one burial at Poplar Hill Cemetery during this period.

We performed quarterly EPA required Sanitary Sewer Industrial Pretreatment Program inspections at multiple businesses around the City.

We performed 121 utility locates during this period.

Crews put up the Vandalia Aviator banners along National Road this week in support of Butler High School homecoming.

The Vandalia Butler High School Art class has volunteered to decoratively paint two of our snow plows as a project this year. We dropped the plows off this week to them.

Staff from both divisions attended the Employee Appreciation Taco Bar this week.



# **City of Vandalia Board of Zoning Appeals**

Regular Meeting Agenda September 28, 2022 Council Chambers

https://us02web.zoom.us/j/85664635427 **6:00 p.m.** 

- 1. Call to Order
- 2. Attendance
- 3. New Business
  - a. Hotel/Motel Permit Revocation Appeal 550 E. National Road
  - b. BZA 22-18 Variance for Outdoor Storage 3345 Stop Eight Road
- 4. Approval of BZA Minutes of September 14, 2022
- 5. Communications
- 6. Adjournment

## **CITY OF VANDALIA**

# **MONTGOMERY COUNTY, OHIO**

## **ORDINANCE NO 21-23**

# AN ORDINANCE CREATING CHAPTER 878. HOTEL/MOTEL OPERATION REGISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF VANDALIA

WHEREAS, City staff, including the police chief, fire chief, building officials, city attorney and city Manager, have had ongoing discussion regarding hotel/motel operations; and

WHEREAS, after reviewing best practices from around the State, it was determined that requiring a permit process which allows the City to revoke the permit of an owner who refuses to take responsibility for their property is an effective tool in obtaining compliance with local regulations and helps promote safety and economic development in the City; and

WHEREAS, existing abatement processes for problem hotels/motels can often take years before problem buildings are closed and this legislation will allow the City to move faster to clean problem sites while still affording the property owner an appeals process before the permit is revoked; and

WHEREAS Council believes this type of regulation is in the best interest of the City of Vandalia;

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

<u>Section 1.</u> Chapter 878, Hotel/Motel Operations Registration is hereby added to Title Two Business Regulations of Part Eight Business Regulation and Taxation Code, of the Codified Ordinances of the City of Vandalia as follows:

#### 878 HOTEL/MOTEL OPERATIONS REGISTRATION

# 878.01 DEFINITIONS.

As used in this chapter:

- (a) "Hotel/motel" means any structure consisting of one or more buildings, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to guests, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.
- (b) "Hotel/motel operation" means the occupancy of any guestroom or use of any hotel/motel facility.
  - (c) "Guest" means any person that occupies a guestroom.
- (d) "Guestroom" means a room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

- (e) "Owner" means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.
- (f) "Operator" means any person who works at a hotel/motel in a capacity to facilitate the offering of guestrooms to guests, including, but not limited to, front desk workers.
- (g) "Manager" means the general manager, shift manager, or any person in any supervisory position at the hotel/motel.
- (h) "Employee" means any person who earns qualifying wages, commissions or other type of compensation from the hotel/motel.
- (i) "Calls for service" means any and all calls, including but not limited to those to law enforcement or the Fire Division that result in a request that a representative be dispatched or directed to the hotel/motel, when those responses:
  - (1) Allege evidence of criminal activity:
  - (2) Result in an arrest, charge or citation; or
  - (3) Find an imminent threat to safety of persons or property.
- (j) "Calls for service ratio" means the number of calls for service divided by the number of rooms in service at the hotel/motel.
  - (k) "Director" means the City Manager or his/her authorized designee.

#### 878.02 PERMIT REQUIRED.

- (a) No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises in the City, the operation of a hotel/motel without obtaining a permit in accordance with this chapter.
- (b) An application for a new permit may be submitted at any time to the Director. If the application is approved and a permit is issued, the permit shall take effect on the day of issuance, and shall expire on December 31st of the year in which it was issued.
- (c) A permit to operate a hotel/motel shall be renewed by the applicant at the end of each calendar year. The deadline for submitting an application for renewal shall be the first Monday of November of the year in which the permit is set to expire. Failure to renew shall result in expiration on December 31st. If a permit is successfully renewed, it shall be in effect for one calendar year, beginning on January 1st and expiring on December 31st of the same year.

# 878.03 APPLICATION FOR HOTEL/MOTEL PERMIT, NEW AND RENEWAL.

- (a) An application for a new permit, and/or for renewal of a permit, shall be made to the Director, upon approved forms, for a permit fee of one hundred dollars (\$100.00).
- (b) The application for a permit to operate a hotel/motel shall contain the following information:
- (1) Name of the applicant, including mailing address, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation or organization, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;
- (2) Name of the hotel/motel, including address, telephone number, and email address;
- (3) The legal owner or owners of the property, including mailing address, telephone number, and email address. If the property owner is a corporation, firm, partnership,

association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on its articles of incorporation or organization, as well as the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

- (4) If an owner of the property has executed a land contract, lease agreement, management agreement, or any other agreement separating the owner from control over the property and/or the hotel/motel, the applicant shall include a copy of said agreement along with the application;
- (5) The names and addresses of any other hotel/motels located in City that the applicant or property owner has any interest in, including, but not limited to, ownership, licensure, or management;
- (6) Name of the hotel/motel operator, including mailing address, telephone number, and email address;
  - (7) The number of guestrooms in service in the hotel/motel; and
  - (8) A letter of good standing from the City Tax Division.
- (c) The applicant must notify the Director of any change in information contained in the permit application within ten days of the change.
- (d) Any change in ownership of the hotel/motel, the building, or the business, change in operator, or change in name of the hotel/motel, shall void the current permit and shall require submission of a new application and the issuance of a new permit.

### 878.04 GROUNDS FOR DENIAL.

- (a) The Director shall issue a new permit, or grant the renewal of an existing permit, except as provided in divisions (b) or (c) of this section.
- (b) The Director shall deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the hotel/motel property:
  - (1) The applicant makes a material misrepresentation of fact on the application;
- (2) Any owner, applicant, operator, or manager of the hotel/motel is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio R.C. Chapters 2925 or 3719, on the premises of the hotel/motel in question, or any hotel/motel in which that individual has any interest in, including, but not limited to, ownership, licensure, or management;
- (3) The applicant or owner of the hotel/motel does not have a valid State of Ohio license as defined in Ohio R.C. 3731.03; and/or
- (4) The property on which the hotel/motel is located is not in good standing with the City Tax Division.
- (c) The Director may deny any application for a new permit, or renewal of permit, if any of the following are shown to have occurred at the hotel/motel property:
- (1) The hotel/motel has outstanding orders from the City Fire Division that have not been corrected;
- (2) The hotel/motel has been designated a chronic nuisance under Vandalia Code section 642.16.
- (3) The annual calls for service ratio for the hotel/motel is equal to or greater than 1.2 per room during the past twelve month period;
- (4) The owner, applicant, operator, or manager has not made a good faith effort to correct violations of Sections 878.04 and 878.09, or has obstructed or interfered with correction of the violations;
- (5) Any owner, applicant, operator, or manager of the hotel/motel is shown to have engaged in the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the Ohio R.C. Chapters 2925 or 3719, on the hotel/motel

premises in question, or any hotel/motel in which that individual has any interest in, including, but not limited to, ownership, licensure, or management; and/or

- (6) The hotel motel has been cited for violations of Ohio hotel extended stay laws more than three times in a twelve-month period.
- (d) Evidence of conduct under divisions (b) and (c) of this section need only be that of de facto violation of law. Evidence of conviction is not a prerequisite for denial unless specifically indicated.

# 878.05 OBJECTION, REVOCATION AND SUSPENSION OF HOTEL/MOTEL PERMIT.

- (a) The Director may object to a new permit application or a renewal application if it is determined that activities set forth in Section 878.04(b) or (c) are shown to have occurred at the hotel/motel.
- (b) At any time during the calendar year, the Director may revoke and/or suspend a hotel/motel permit if it is determined that activities set forth in Section 878.04(b) or (c) are shown to have occurred at the hotel/motel.

## 878.06 APPEALS, HEARING, AND REMEDY PROCESS.

- (a) Any person aggrieved by a decision of the Director with respect to denying the issuance or renewal of a permit, or revoking or suspending a permit, may appeal from such order to the Board of Zoning Appeals ("Board"). All appeals shall be perfected in the following manner:
- (1) The appellant must file a written notice of appeal with the Board, on a form approved by the Board, within ten days after receipt by him/her of the decision from which he/she appeals. The notice of appeal must have the name of the appellant and the address to which a copy of the final decision should be delivered. Appeals should be addressed to the Vandalia City Manager, Hotel Appeal, 333 James E. Bohanan Dr. Vandalia Ohio 45377.
- (2) The appellant must deposit with the Board a fee of two hundred fifty dollars (\$250.00), which sum shall be nonrefundable. Otherwise, the deposit shall be forfeited and placed into the general fund of the City.
- (3) Within five days after receipt by the Board of the notice of appeal, the Board shall cause a true copy of the notice of appeal to be docketed with the Chairperson of the Board.
- (4) Within thirty days after receipt by the Board Chairperson of the notice of appeal the Chairperson shall cause a meeting of the Board to be convened for the purpose of reviewing the decision being appealed. The Board may, or may not at its discretion, request additional evidence to be presented. The appellant and his/her designated counsel if applicable will be provided with at least fourteen days' prior, written notice of the date, time, and location of the hearing, which notice shall be served personally, by posting on the hotel/motel premises, by nationally recognized overnight mail carrier, or by certified mail to the address indicated in the notice of appeal. At the hearing the appellant shall be provided the opportunity to be heard in his/her defense either in person or by counsel and is allowed to produce witnesses and testify on his/her own behalf. A stenographic record of the hearing may be taken upon request. The hearing may be adjourned from time to time. For purposes of this section, the Board may administer oaths, take testimony, subpoena witnesses, and compel the production of books, papers, records and documents deemed pertinent to the subject of the appeal. The Board may affirm, reverse, or revise the decision being appealed in a written order. The Board shall serve a copy of its order to the appellant personally, by posting on the

hotel/motel premises, by nationally recognized overnight mail carrier, or by certified mail to the address indicated in the notice of appeal within ten days after the Board's hearing.

- (5) A ruling by the Board may be appealed by the appellant to the Montgomery County Common Pleas Court. The appeal must be filed within thirty days of the date of the Board's order.
- (b) An action to issue, deny, revoke, suspend or renew a permit may be stayed at the discretion of the Director should the affected party take specific steps to remediate problems outlined in the notice of denial, revocation and suspension that include but are not limited to some or all of the following actions as determined by the Director:
- (1) Completion of approved safety and security training, and/or training to identify criminal activity such as human trafficking;
- (2) Twenty-four-hour presence of special duty uniformed police or qualified security;
- (3) Voluntary providing a list of individuals who have been trespassed off the business property to the Police Division and agreeing that room(s) will not be rented to anyone whose name appears on the Master Trespass List maintained by the Police Division:
- (4) Installing functional access control doors and entryways where practicable with exterior building doors remaining locked or latched at all times and only accessible by guests and employees with a key card or other electronic means;
- (5) Owner/operator engaging in routine (hourly or as time permits) inspection of exterior doors to ensure they are not propped opened;
- (6) Providing hotel/motel staff with a designated hotel uniform or attire or other form of insignia such as a name plate, so they are readily identified as employees;
- (7) Installing and monitoring a Closed-Circuit Security Video (CCSV) system that is controlled by management and viewable by front desk personnel with recording capabilities to monitor strategic locations such as exterior entry/exit doors, parking lot areas, and common areas accessible to guests. Training all management and front desk employees in the operation and functionality of the CCSV system;
- (8) Routinely inspecting and testing all door locking mechanisms to ensure they are functional;
- (9) Installing and maintaining adequate lighting in all parking areas to illuminate guests' vehicles;
- (10) Having registered guests provide a government-issued photo identification card or other verifiable form of identification and document personal information on hotel registration records;
- (11) Recording registered guest's vehicle description and license plate and the number of total guests staying in a room;
- (12) Posting of visible signage in parking areas and exterior entry/exit doorways that prohibits loitering and require staff to routinely inspect these areas to enforce the "No Loitering" rules;
- (13) Maintaining operational telephones in each guest room to ensure the telephone is functional and can connect with an outside line;
- (14) Implementation of minimum age of twenty-one for check-in for lodging properties;
  - (15) Requirement of use of valid credit card at check in;
- (16) Installing and maintaining adequate working smoke detectors in all rooms and common areas;
- (17) Routinely inspecting and testing all smoke detectors to ensure they are functional:
  - (18) Routinely inspecting and confirming occupancy limits for rooms; and/or

- (19) Routinely inspecting and confirming compliance with applicable provisions regulating or prohibiting extended stays in hotels.
- (c) All potential remedies outlined in division (b) of this section must be approved by the Director.

#### 878.07 AUTHORITY TO CONDUCT INSPECTIONS.

- (a) Upon display of the proper credentials, the City Manager or any officer or employee of the City of Vandalia police or fire division, building inspector, code enforcement officer, or County Department of Health shall be permitted to inspect the hotel/motel premises to ensure compliance with this chapter.
- (b) If the request for inspection described in division (a) of this section is denied, the City Manager or any officer or employee of the City of Vandalia police or fire division, building inspector, code enforcement officer, or County Department of Health may seek an administrative search warrant from a court of competent jurisdiction authorizing said inspection.

# 878.08 TRANSFER OF HOTEL/MOTEL PERMIT NOT PERMITTED.

- (a) No permit under this chapter shall be transferable to another person, corporation, firm, partnership, association, organization or other group acting as a unit.
- (b) No permit under this chapter shall be transferable to another hotel/motel name or franchise, or hotel/motel location or building.

#### 878.09 HOTEL/MOTEL PERMIT.

The hotel/motel shall maintain the permit on the premises and shall display it in a prominent area that can be seen from the front desk.

# 878.10 SEVERABILITY.

In the event any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

#### 878.99 PENALTY.

- (a) Whoever violates Section 878.02(a) shall be guilty of a misdemeanor of the first degree. Anyone who has previously been convicted of or pleaded guilty to an offense under this section shall be guilty of a misdemeanor of the first degree, and shall serve no less than thirty days in jail.
  - (b) Whoever violates Section 878.09(a) shall be guilty of a minor misdemeanor.
- (c) Violations of this Chapter shall be deemed a public nuisance. In addition, or in lieu of the above, the City may institute an appropriate action or proceeding at law or equity against the person responsible for the violation for the purpose of ordering that person:
  - (1) To restrain, correct or remove the violation; or
- (2) To prevent the occupancy of the structure that is not in compliance with the provisions of this Section.

<u>Section 2.</u> 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.

<u>Section 3.</u> This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 7th day of September, 2021.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Darlier D. Werldt, Clerk of Courier





call 937.898.5891 fax 937.898.6117

August 19, 2022

# Via HAND DELIVERY

NAVED CHEEMA Vandalia Hospitality, Inc. Super 8 Motel 550 E. National Rd. Vandalia, OH 45377

RE: REVOCATION OF HOTEL/MOTEL PERMIT SUPER 8

Mr. Cheema,

This notice is to advise you that the Hotel/Motel permit that was issued for the Super 8 Motel at 550 E. National Rad, Vandalia Ohio effective January 1, 2022 is hereby REVOKED and you must vacate all persons from the rooms and cease utilizing the hotel until such time as a proper permit is in place.

The revocation is for the following reason:

(1) The hotel/motel has outstanding orders from the City Fire Division that have not been corrected as required under Vandalia Ordinance 21-23 codified as 878.04(c)(1); 878.05(b) to wit:

2017 Ohio Fire Code 901.7 failure to keep fire protection systems in service.

2017 Ohio Fire Code 901.4.1; 901.4.5 Continuing instances of failure to maintain fire protection system non-functional and intentionally disabled smoke alarms.

2017 Ohio Fire Code 703.2; 1003.6 Continuing instances of stairwell fire doors being blocked and/or not working properly.









2017 Ohio Fire Code 703.3.7.1; 509.2 Continuing instances of improper or missing required fire related signage.

2017 Ohio Fire Code 605.5 Continuing instances of use of extension cords in lieu of permanent wiring in multiple rooms.

2017 Ohio Fire Code 605.6 Continuing electrical violations; open junction box.

2017 Ohio Fire Code 304.12017; 118.4.3 Continuing use of cooking appliances in rooms.

2017 Ohio Fire Code 110.1.2 and 1101.1 Continuing deterioration of exit balconies requiring structural evaluation.

2017 Ohio Fire Code 102.3.1(ii)(b) and 118.4 and 110.1.1 for the item "Continuing change of use without permits - multiple rooms found long term residents

(2) Under Vandalia Ordinance 21-23; Codified as 878.04(b)(1), the applicant for the permit made a material representation on the permit application by indicating that the owner of the premises is KC & NC Inc.

Pursuant to Vandalia ordinances, any person aggrieved by a decision of the City Manager or his authorized designee with respect to revoking a permit may appeal from such order to the Board of Zoning Appeals ("Board"). All appeals shall be perfected in the following manner:

- (1) The appellant must file a written notice of appeal with the Board, on a form approved by the Board, within ten (10) days after receipt by him/her of the decision from which he/she appeals. The notice of appeal must have the name of the appellant and the address to which a copy of the final decision should be delivered. Appeals should be addressed to the Vandalia City Manager, Hotel Appeal, 333 James E. Bohanan Dr. Vandalia Ohio 45377.
- (2) The appellant must deposit with the Board a fee of two hundred fifty dollars (\$250.00), which sum shall be nonrefundable.
- (3) Within five days after receipt by the Board of the notice of appeal, the Board shall cause a true copy of the notice of appeal to be docketed with the Chairperson of the Board.
- (4) Within thirty days after receipt by the Board Chairperson of the notice of appeal the Chairperson shall cause a meeting of the Board to be convened for the purpose of reviewing the decision being appealed. The Board may, or may not at its discretion, request additional evidence to be presented. The appellant and his/her designated counsel if applicable will be provided with at least fourteen days prior, written notice of the date, time, and location of the hearing, which notice shall be served personally, by posting on the hotel/motel premises, by nationally recognized overnight mail carrier, or by certified mail to the

address indicated in the notice of appeal. At the hearing the appellant shall be provided the opportunity to be heard in his/her defense either in person or by counsel and is allowed to produce witnesses and testify on his/her own behalf. A stenographic record of the hearing may be taken upon request. The hearing may be adjourned from time to time. For purposes of this section, the Board may administer oaths, take testimony, subpoena witnesses, and compel the production of books, papers, records and documents deemed pertinent to the subject of the appeal. The Board may affirm, reverse, or revise the decision being appealed in a written order. The Board shall serve a copy of its order to the appellant personally, by posting on the hotel/motel premises, by nationally recognized overnight mail carrier, or by certified mail to the address indicated in the notice of appeal within ten days after the Board's hearing.

(5) A ruling by the Board may be appealed by the appellant to the Montgomery County Common Pleas Court. The appeal must be filed within thirty days of the date of the Board's order.

Sincerely,

Dan Wendt City Manger

Cc: Gerald McDonald, Law Director Chad Follick, Fire Chief Kurt Althouse, Police Chief



Jonas J. Gruenberg Merle F. Wilberding J. Stephen Herbert R. Scott Blackburn Sam Warwar Terence L. Fague Richard A. Talda David C. Korte Stephen M. McHugh Douglas M. Ventura Kristin A. Finch David P. Pierce Shannon L. Costello Christopher R. Conard Marc L. Fleischauer Michelle D. Bach Gregory M. Ewers Daniel J. Gentry Chad D. Hansen R Michael Osborn Patricia J. Friesinger Joshua R. Lounsbury Michael G. Leesman W. Chip Herin III Jeffrey A. Winwood Lu Ann Stanley Tino M. Monaldo Edie E. Crump Erica L. Glass Patrick Martin Benjamin A. Mazer

J. Bradford Coolidge 1886-1965

Rodrigo E. Horna Sarah J. Sparks

Robert D. Ballinger Zachary B. White Ashley E. Warwar Elliott V. Haller\* Kara T. Ruffolo David R. McNeely

Hugh E. Wall, Jr. 1912-2001

Ronald S. Pretekin 1942-2011

C. Mark Kingseed 1954-2018

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E-mail Address: conard@coollaw.com

August 29, 2022

City of Vandalia, Ohio Attention: Dan Wendt, Vandalia City Manager / Hotel Appeal 333 James E. Bohanan Drive Vandalia, Ohio 45377

Re: Appeal of Revocation of Hotel/Motel Permit Super 8

Appellant Name: Naved Cheema / Vandalia Hospitality, Inc. / Super 8 Motel

Dear Mr. Wendt:

Please be advised that I have been retained to represent Vandalia Hospitality, Inc./Super 8 Motel in connection with the August 19, 2022, Revocation of Hotel/Motel Permit issued by the City, a copy of which is attached. Please accept this letter as a formal notice of appeal. A check made payable to the City of Vandalia for the requisite \$250.00 appeal fee is attached.

Please submit the final decision rendered by the Board of Zoning Appeals to the following:

Vandalia Hospitality, Inc. / Super 8 Motel 550 E. National Road Vandalia, Ohio 45377

and

Christopher R. Conard, Esq. Attorney for Appellant 33 W. First Street, Suite 200 Dayton, Ohio 45402 conard@coollaw.com



City of Vandalia Attn: Dan Wendt, City Manager August 29, 2022 Page 2

If you have questions, or if you would like to discuss this matter further, please contact me directly.

Very truly yours,

Christopher R. Conard Enclosure

CRC/aw

cc: Vandalia Hospitality, Inc.

w:\wdox\client\018911\00376\01316946.docx



333 James E. Bohanan Memorial Drive Vandalia, OH 45377

call 937.898.5891 fax 937.898.6117

September 12, 2022

Vandalia Hospitality Inc./Super 8 Motel 550 E. National Road Vandalia, OH 45377

Christopher R. Conard, Esq. 33 W. First Street Suite 200 Dayton Ohio 45402

Re:

**Hotel/Motel Permit Revocation Appeal** 

**Board of Zoning Meeting** 

To whom it may concern:

The City of Vandalia Board of Zoning Appeals will meet on **Wednesday, September 28, 2022 at 6:00 p.m. in the Council Chambers at 333 James E. Bohanan Memorial Drive Vandalia Ohio** to consider your appeal of the August 19, 2022 hotel/motel permit revocation for the Super 8 Motel at 550 E. National Road in the City of Vandalia, Ohio. Christopher Conard of Coolidge Wall submitted the request for this appeal On August 29, 2022.

At the hearing you shall be provided the opportunity to be heard, produce witnesses and evidence you wish for the Board to consider. If you desire a stenographic record of the hearing be taken, please advise no later than 10 days prior to the meeting so that proper arrangements can be made.

Sincerely,

Ben Graham

Zoning and Planning Coordinator









## **MEMORANDUM**

**TO**: Board of Zoning Appeals

**FROM**: Ben Graham, Zoning and Planning Coordinator

**DATE**: September 23, 2022

**SUBJECT: BZA22-18** – 3345 Stop Eight Rd – Variance to City Code Section

1224.01(e)(14)(E) "Outdoor Storage"

#### **General Information**

Applicant: Stop Eight Vandalia

4020 Kinross Lakes Parkway, Suite 200

Richfield, OH 44286

Existing Zoning: Industrial (I)

Location: 3345 Stop Eight Road

Vandalia, OH 45377

Requested Action: Recommendation to City Council

Exhibits: 1- Application

2- Letter of Justification

3- Site Plan4- Aerial View5- Site Pictures

#### **Background**

The Applicant, Stop Eight Vandalia, has requested a variance to allow an outdoor storage area to occupy 118% of a principal building's footprint at 3345 Stop Eight Road. Pursuant to City Code Section 1224.01(e)(14)(E) provides outdoor storage areas shall not occupy an area larger than 25% of the principal building's footprint. This property is zoned Industrial. The building is 95,423 square feet, and as such 25% would be 23,856 square feet of the allowable outdoor storage area.

This property was damaged in the Memorial Day tornado in 2019. The back portion of this industrial building was subsequently torn down. The area in which the Applicant wishes to store product is on the exposed building foundation. The 112,807 square foot exposed foundation is equal to 118% of the principal building's floor area. This area is currently fenced on three sides and the Applicant has proposed to install a gate to fully enclose the area. The area is proposed to be screened from view with privacy slats.

#### Variance Criteria

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

**Applicant Response:** The site is the foundation (slab on grade) that remained after the 2019 Tornado. (See Photo #1) The slab provides an excellent opportunity to meet the Occupant's storage needs.

**Staff Comment**: Staff feels the property in question will yield a reasonable return and the property has a beneficial use without granting of the variance.

(2) Whether the variance is substantial;

**Applicant Response:** The variance represents an increase from 25% to 118% and is 4 ½ times the maximum allowed.

**Staff Comment**: Staff does not feel the variance is substantial, given this area will be screened.

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

**Applicant Response:** Similar outdoor storage can be found on adjacent properties to the East. The extension of the existing Outdoor Storage will not adversely affect adjacent properties. An 8-foot chain link fence will be erected which will connect to the existing fence and totally enclose the proposed Storage. All fencing will be covered with vinyl slats and provide a visual screen. (See Photo #2) Substantial tree growth exist around much of the Site.

**Staff Comment**: Staff does not feel it is likely that granting the variance would substantially alter the character of the neighborhood, nor likely that adjoining properties would suffer a substantial detriment.

(4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

**Applicant Response:** No modifications to existing public utilities will result from this proposed use.

**Staff Comment:** Staff does not feel the variance would adversely affect the delivery of government services.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

**Applicant Response:** The owner was not aware of this requirement at the time of purchase.

**Staff Comment:** Staff feels the property owner did not knowledge of the zoning restriction before purchasing the property, however the applicant is aware of this restriction.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

**Applicant Response:** It is expected that the storage will use the entire 112,807 SF. The amount of storage anticipated is based on the Occupant's similar facilities. (See Photo #3) Opportunities to expand the site at this location do not currently exist.

**Staff Comment:** Staff does not feel the owner's predicament can be obviated without a variance given the current use of the property.

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

**Applicant Response:** Article 1224.01 Accessory Uses and Structures states:

(a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

The proposed Storage is accessory to the sale of building supplies to the construction industry and will facilitate the on-site delivery of material directly onto vehicles.

**Staff Comment:** Staff does feel the spirit and intent behind the zoning requirement would be observed or substantial justice done by granting the variance.

(8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

**Applicant Response:** This extension would not have an adverse effect on, and is similar to surrounding, adjacent properties.

**Staff Comment:** Staff does not feel there are any other relevant factors.

#### Recommendation

Staff recommends the Board of Zoning Appeals recommend **approval** of the requested variance from City Code Section 1224.01(e)(14)(E) for the purposes of allowing an outdoor storage area of 118% of the principal building's footprint on 3345 Stop Eight Road with one condition:

1.	. Storage will occur just on the foundation.				



## **Development & Engineering Services**

Board of Zoning Appeals Application

Complete this page and follow the directions on page 2

Applicant Name:	Stop Eight Vandalia, LLC		OFFICE USE ONLY Filing Date 4/6/22				
	4020 Kinross Lakes Parkway, Suit	200	Hearing Date 4/38/33				
Mailing Address.		.e 200	Case No. B2A 33-13				
Dhana Mumbau	Richfield, OH 44286		0000 NO. 32/1 00 18				
Phone Number: E-mail Address:	kkirkland@icpllc.com						
Owner Name**:	Kehl Kirkland Stop Eight Vandalia,	LLC	** If Applicant is other than				
Mailing Address:	3123 Research Blvd.		owner, written consent of owner is required for				
	Deuten Oll 45400		variance.				
Dhana Namahan	Dayton, OH 45420						
	Phone Number: (937) 489-0135						
Location of Pr	operty						
Street Address: _	3345 Stop Eight Rd						
(north, south, east	t, <del>wes</del> t) side of <u>Stop Eight Rd.</u>		, <u>1,400</u> feet				
( <del>north, south, ea</del> s	<del>t,</del> west) from the intersection of	Stop Eight Rd and Web	ster				
Attach copy of leg	gal description of the property as rec	orded in the County Re	corder's office.				
<b>Case Descript</b>	ion.	San Burney	of hydron, driver, my				
Present Zoning D	istrict: Industrial		Total Acres: 9.4507				
Description of the	existing use of property: Office,	actory, storage	-				
·							
-							
Description of proposed use of property: Storage							
Specific Zoning Code provision that applicant is seeking variance from: Chapter 1224 (14) E							
Variance Requested: Relief from 25% Outdoor Storage restriction to permit 118%							
Request for zoning certificate was refused on August 30, 2022							
Applicant must also attach a letter justifying the variance, see page 2, Section C for directions.							
Dean Willer	Applicant/Owner Septem	ber 2nd, 2022 <i>Date</i>					
Senior Vice President		<del></del>					
Bendh Zoning Admin . 9/6/22 Date							
FILING FEES (office	e use only): Variance (\$75.00)	200-0					
RECEIPT NO.: TOTAL AMOUNT: 300 00 DATE							



135 north main street dayton, oh 45402-1730 tel 937.223.2500 fax 937.223.0888 www.taguit.com

September 1, 2022

Ben Graham Zoning and Planning Coordinator City of Vandalia 333 James E. Bonham Dr. Vandalia, OH 45377

RE: Variance Request

L & W Supply a subsidiary of ABC Supply Co., Inc.

3345 Stop Eight Road

Dear Ben.

I am writing on behalf of L & W Supply and as their Architect. The purpose of this letter is to provide justification of their variance request to utilize the site in excess of the restriction of Chapter 1224 (14) E of the Vandalia Zoning Code. This Section limits the Outdoor Storage area to 25% of the principal building footprint. In this case, the principal building is 95,425 SF. 25% = 23,856 SF. The proposed outdoor storage is 112,807 SF or 118%.

Our justification is based on the "Variance Review Criteria" included in the BZA Application.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

The site is the foundation (slab on grade) that remained after the 2019 Tornado. (See Photo #1) The slab provides an excellent opportunity to meet the Occupant's storage needs.

2. Whether the variance is substantial;

The variance represents an increase from 25% to 118% and is 4  $\frac{1}{2}$  times the maximum allowed.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer detriment as a result of the variance;

Similar outdoor storage can be found on adjacent properties to the East. The extension of the existing Outdoor Storage will not adversely affect adjacent properties. An 8 foot chain link fence will be erected which will connect to the existing fence and totally enclose the proposed Storage. All fencing will be covered with vinyl slats and provide a visual screen. (See Photo #2) Substantial tree growth exist around much of the Site.

4. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage);

No modifications to existing public utilities will result from this proposed use.

5. Whether the property owner purchased the property with knowledge of the zoning restriction;

The Owner was not aware of this requirement at the time of purchase.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance

It is expected that the storage will use the entire 112,807 SF. The amount of storage anticipated is based on the Occupant's similar facilities. (See Photo #3) Opportunities to expand the site at this location do not currently exist.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

#### **Article 1224.01 Accessory Uses and Structures states:**

(a) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

The proposed Storage is accessory to the sale of building supplies to the construction industry.and will facilitate the on-site delivery of material directly onto vehicles.

8. Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

This extension would not have an adverse effect on, and is similar to surrounding, adjacent properties.

I have attached a Site/Aerial Photo Plan which indicates the area of outdoor storage proposed.

Please feel free to contact me if you would like to discuss.

Respectfully,

Richard E. Holmes, AIA

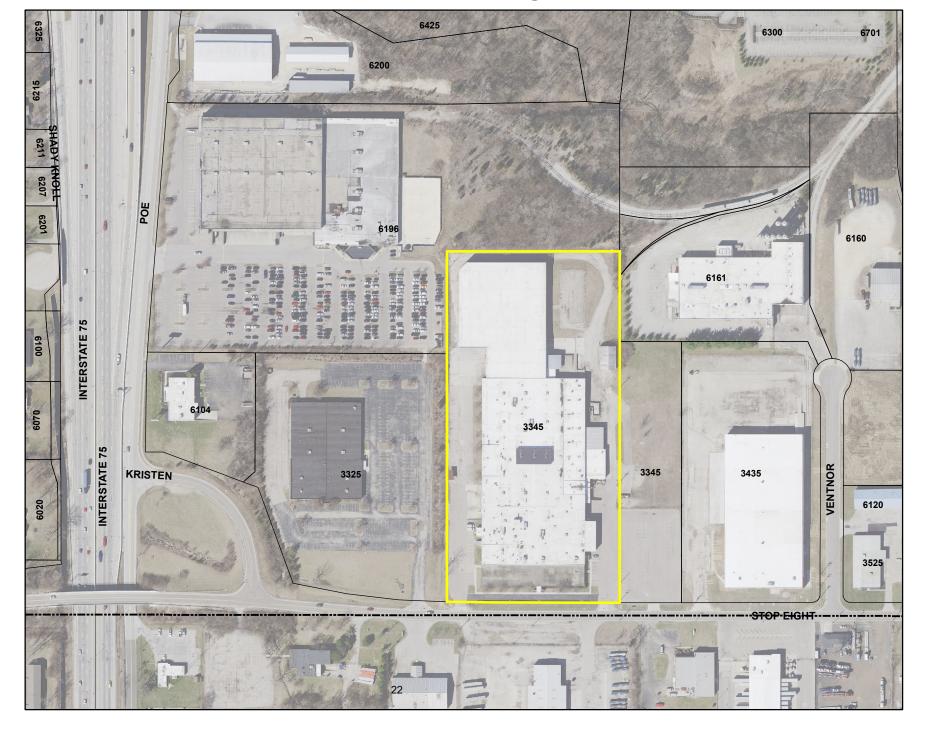
Principal

cc: Amber Holloway, Jack Gackstetter, Kohl Kirkland

P:\2228 ABC SUPPLY\2228 Variance request B GRAHAM 083022.docx

1 inch = 250 feet

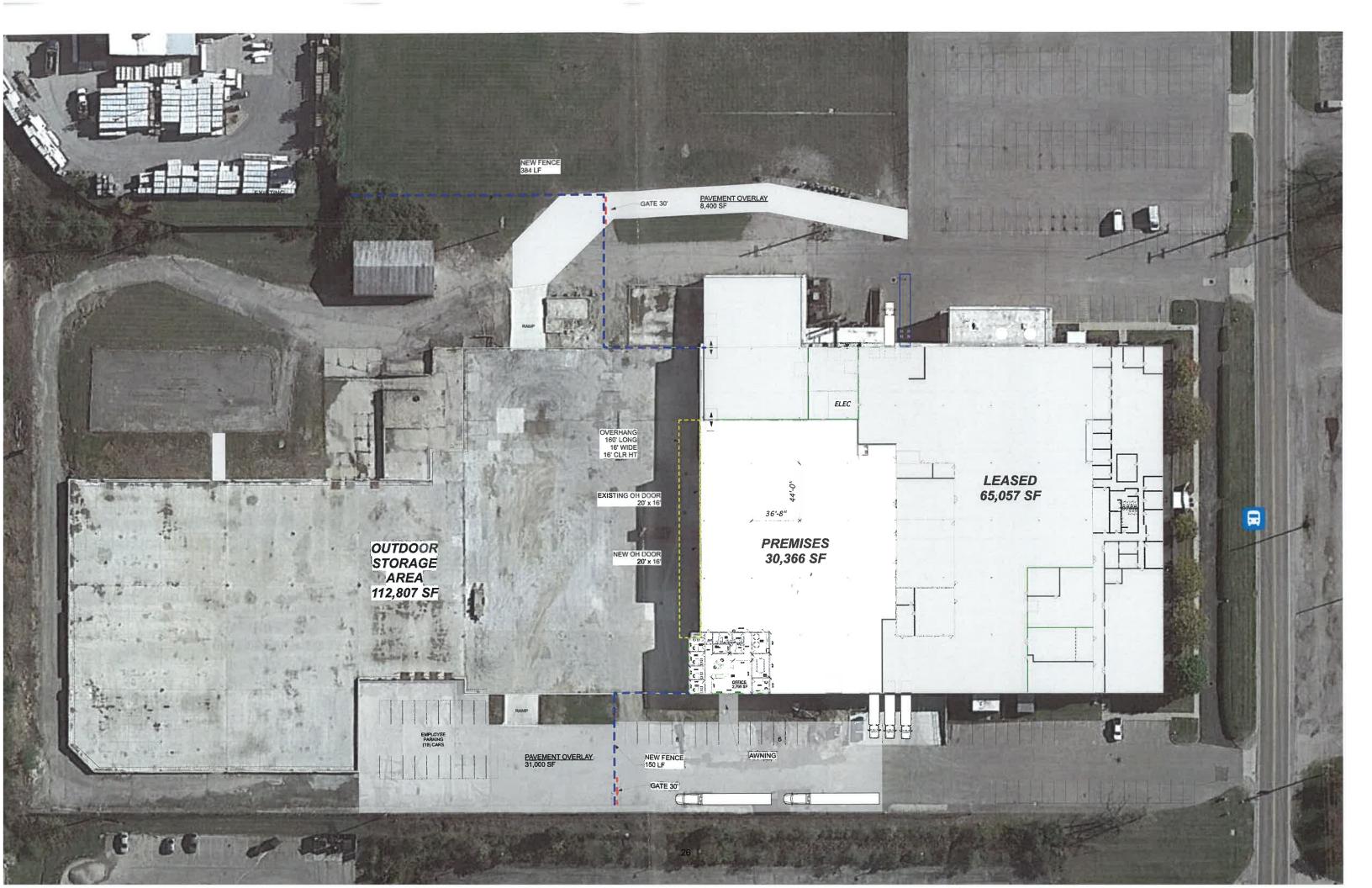
# City of Vandalia Board of Zoning Appeals 3345 Stop Eight Road



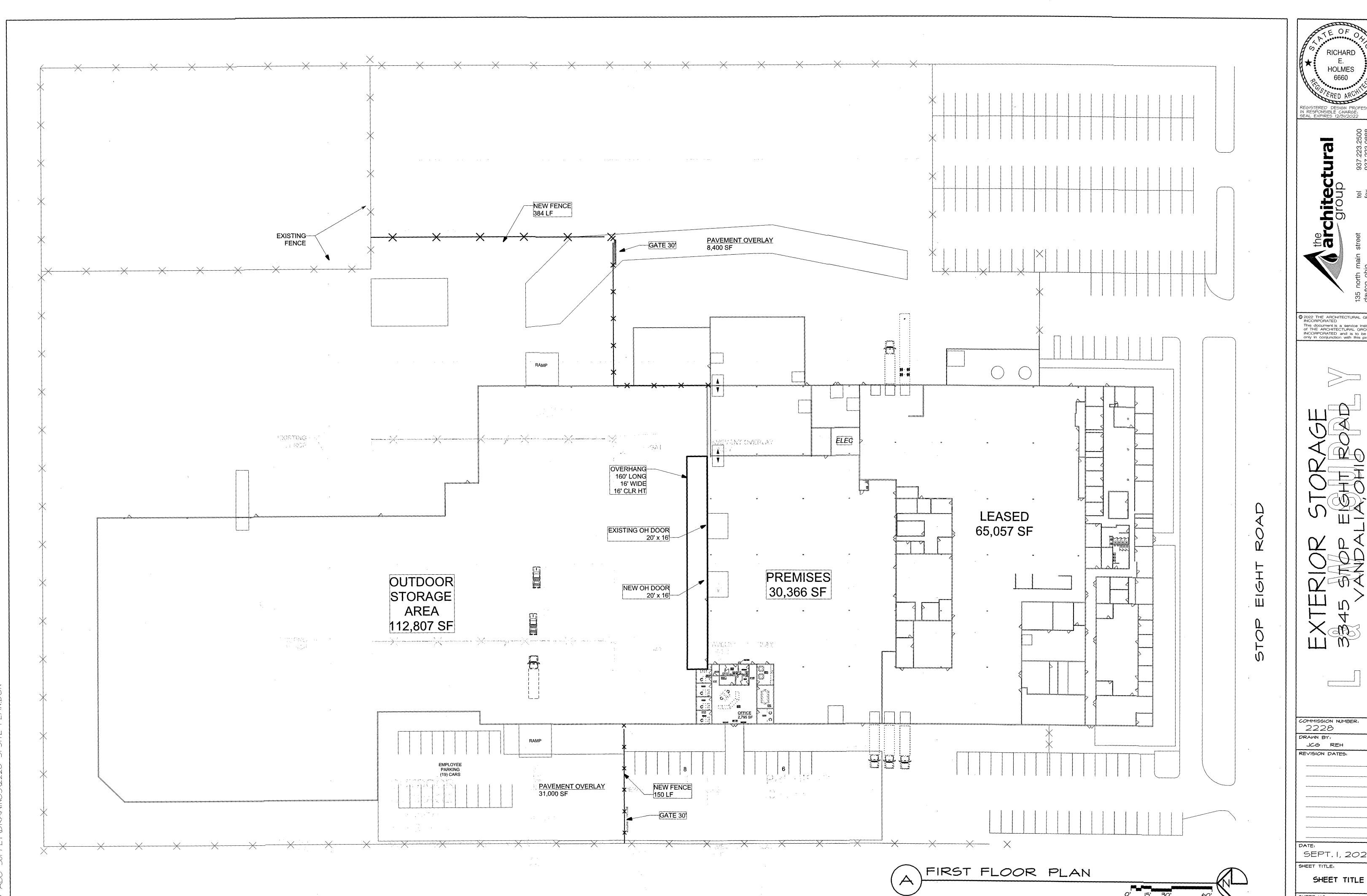












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SEPT. I, 2022

SHEET NO:

## <u>Minutes of the City of Vandalia Board of Zoning Appeals</u> September 14, 2022

#### **Agenda Items**

- 1. Call to Order
- 2. Attendance
- 3. New Business
  - a. Board Training Law Director Jerry McDonald
  - b. BZA22-17 Drive Thru 3324 Benchwood Dr.
- 4. Approval of BZA Minutes of August 24, 2022
- Communications
- 6. Adjournment

Members Present:	Mr. Michael Flannery, Ms. Amber Aivalotis-Weaver, Ms. Arlene Setzer, Mr. Dan Faulkner, and Mr. Mike Johnston.
Members Absent:	
Others Present:	Tony Killian, Joe Youst, Jerry McDonald, Amber Holloway and Ben Graham

#### 1. Call to Order

Mr. Flannery called the meeting to order at 6:03 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. He noted that City Council would hear the request at the meeting on September 19, 2022 at 7:00 p.m.

#### 2. Attendance

It was noted that all members were present.

#### 3. New Business

#### a. Board Training - Law Director Jerry McDonald

Mr. McDonald introduced himself as the City Attorney and thanked the board for serving.

Mr. McDonald then conducted a training for the Board of Zoning Appeals. He touched on topics including the meaning of being a charter city, public records laws, open meetings laws, conflicts of interest, and the functions of the Board of Zoning Appeals.

#### b. BZA22-17 - Drive Thru 3324 Benchwood Drive

Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. He noted that City Council would hear the request at the meeting on October 3, 2022 at 7:00 p.m. Mr. Flannery then swore in those who intended to speak during the public hearing.

Mr. Graham gave the report from Staff stating that the Applicant, Joe Youst, had requested a variance to allow a drive-through on the east side of the building on 3324 Benchwood Rd. He stated that the applicant intended to convert the former restaurant building into a financial institution. Pursuant to City Code Section 1224.01(e)(8) audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 150 feet of any residential dwelling unit. He said the property is zoned Gateway Business and is adjacent to a residential dwelling. He stated the proposed location of the drive-through is roughly 110 feet away from the residential dwelling. The applicant stated, in their letter of justification, there is no spot on the property to put the drive-through that would meet the 150-foot requirement. He stated the applicant is proposing to put up a fence to help buffer and mitigate the noise to the residential dwelling.

Mr. Graham stated that staff recommended the Board of Zoning Appeals recommend approval of the requested variance from City Code Section 1224.01(e)(8)(A) for the purposes of allowing a drive through facility with audible device to be located on the east side of 3324 Benchwood Rd with the following condition:

1) The applicant erects a fence along the west property no further than the front building line of the principle building in accordance with code

Mr. Flannery then opened the public meeting and invited any interested party to speak on the matter.

Mr. Joe Youst introduced himself as the architect of the project representing Wright-Patt Credit Union. He explained the drive-through would be on the west side of the property, and the building and six-foot privacy fence on the west side of the property would help buffer the noise. Mr. Youst further explained the audible tellers would be operating during business hours.

Mr. Flannery asked if Mr. Youst would have any issue with the fence not extending past the building line on the west side of the property in accordance to code.

Mr. Youst stated no, and mentioned that he spoke with a gentleman from Wright-Patt who wanted a fence to be put on the west and backside of the property.

Mr. Faulkner asked Mr. Youst what type of fence he plans to use.Mr. Youst stated the fence would be vinyl.

Ms. Holloway stated it is unclear if anyone is occupying the adjacent residence. She further explained code allows the fence to go the edge of the building, however, the proposed drawing has the fence going to the property line.

Mr. Youst stated the fence would hide half the adjacent house and has no issue extending the fence to hide the whole house.

Ms. Setzer asked for clarification if the property owner did not have knowledge of the zoning restriction.

Mr. Youst explained the owner found out the zoning restriction through due diligence while working with the Vandalia Team.

Mr. Flannery asked why Mr. Youst had the fence run down to the property line.

Mr. Youst stated he wanted the fence to cover the house and stated there is a pump station he wants to screen from the neighboring property.

Ms. Aivalotis-Weaver asked if anyone has reached out to the neighboring property owner.

Ms. Holloway stated the staff had mailed notices to the adjacent property owners.

Ms. Setzer asked to see a comparison of the properties.

Ms. Holloway showed where the edge of the building meets the adjacent house.

Mr. Youst stated he wants to run a fence to the front of the adjacent house

Mr. Flannery asked if anyone else would like to speak before closing the public hearing.

Mr. Flannery then proceeded through the variance review criteria.

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

**BZA Comment**: The Board of Zoning Appeals felt the property in question would yield a reasonable return and the property would have a beneficial use without granting of the variance.

- (2) Whether the variance is substantial;
- **BZA Comment**: The Board agreed that the variance is not substantial given the audible devices would be located on the east side of the building, furthest away from the dwelling which should serve to significantly limit noise. Further, financial institutions generally only operate daytime hours.
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance:
- **BZA Comment**: The Board of Zoning Appeals did not feel drive-through would substantially alter the character of the neighborhood.
- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);
- **BZA Comment:** The Board of Zoning Appeals did not feel the variance would adversely affect the delivery of government services. The Division of Fire will be involved in reviewing the final layout of the site.
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- **BZA Comment:** The Board of Zoning Appeals feels the owner may not have had knowledge of the zoning restriction before purchasing the property, however would note that the Applicant and present buyer are aware of this restriction.
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance:
- **BZA Comment:** The Board of Zoning Appeals did not feel the owner's predicament can be obviated without a variance given the current use of the property.
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
- **BZA Comment:** The Board agreed that the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance under today's code requirements. The Applicant has proposed the drive-through to be located in the furthest location from the adjacent dwelling.

(8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

**BZA Comment:** The Board of Zoning Appeals agreed that there were no other relevant factors.

Mr. Flannery asked if any board member had questions and if not, he would be interested in a motion.

Ms. Faulkner made the motion to recommend approval of the requested variance to allow a drive through facility with audible devices to be located on the east side of 3324 Benchwood Rd with the following condition:

1) The applicant erects a fence along the west property no further than the front building line of the adjacent house

Mr. Johnston seconded the motion.

The motion carried 5-0.

#### 4. Approval of BZA Meeting Minutes

Ms. Setzer made a motion to approve the August 24, 2022 Meeting Minutes.

Ms. Aivalotis-Weaver seconded the motion.

The motion passed 5-0.

#### 5. Communications

Ms. Holloway invited the Board of Zoning appeals to come to the 2022 Miami Valley Planning and Zoning workshop on Friday, December 2, 2022 from 7:30a.m. – 3:30p.m.

#### 6. Adjournment

The meeting was adjourned at 7:29p.m.

Michael Flannery	
Chairman	



Monday, October 10 4:00 p.m.

Cassel Hills
Golf Course

Let's celebrate Columbus Day the way it was MEANT to be celebrated... with an All Employee Two-Person Golf Scramble... Just like they used to do on the Nina, the Pinta and the Santa Maria!

SPECIAL COLUMBUS DAY COLUMBUS DAY EDITION





Register your team with Rich Hopkins rhopkins@vandaliaohio.org

Deadline to Register is Friday, October 7.



# The Year of Employee Appreciation

THE SEQUEL

Wednesday, June 15

Ice Cream Social

1:00 p.m. to 2:00 p.m. Vandalia Sports Complex



Friday, July 22

Pizza in the Park

11:30 a.m. to 1:00 p.m.

Helke Park



Wednesday, August 10

Picnic in the Park

11:30 a.m. to 1:00 p.m. Vandalia Sports Complex



Friday, September 23

Employee Taco Bar

11:30 p.m. to 1:00 p.m.

Senior Center



Wednesday, October 26

Employee Donut Bar 7:00 a.m. to 9:00 a.m. Vandalia Justice Center



Wednesday, November 16

Employee Pancake Breakfast

8:00 a.m. to 9:30 a.m.

Cassel Hills Golf Course Clubhouse



Monday, December 19

City Council Employee Appreciation Day

8:00 a.m. to 5:00 p.m.

Everywhere!







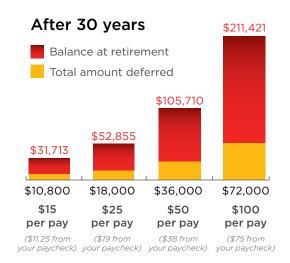
You Make a Difference

# You make a difference in lives every day.

# Let us help you make a difference in your future.

## Take advantage of Ohio Deferred Compensation today:

- A program designed to help you supplement your pension. Pensions are not designed to replace 100% of your pre-retirement income.
- Your pension might provide only half of the retirement income you'll need.
- It's easy and flexible. Contributions are payroll deducted and can be changed throughout the year. Pre-tax and post-tax contributions are allowable.



This hypothetical illustration shows how much different deferral amounts per biweekly paycheck for 30 years could accumulate, given a 6% annual rate of return. If fees, taxes and expenses were reflected, the return would be less. Withdrawals are taxed as ordinary income.

Learn more about planning for your retirement with Ohio Deferred Compensation.



877-644-6457



Ohio457.org

NRM-7298OH-OH.7 (02/20)

Ask Questions, Review Your Account or Join
City of Vandalia Deferred Compensation Appointments
Thursday, September 29, 2022
Municipal Building Small Conference Room (9 AM to 2 PM)



For more information, contact Steve Schmittauer at 937-284-1212

Please Sign Up by clicking https://vandalia-oh.myretirementappt.com

Investing involves market risk, including possible loss of principal. Actual investment results will vary depending on your investment and market experience, and there is no guarantee that fund objectives will be met.

Account Executives are registered representatives of Nationwide Investment Services Corporation, member FINRA, Columbus, Ohio. Account Executives cannot offer investment, tax or legal advice. You should consult your own counsel before making decisions about participation in the Ohio Deferred Compensation Plan.

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### 2022 Citywide Policy Goals

Approved November 15, 2021

#### Live



**Small City Big Opportunity:** Be known regionally as a top-tier suburb through top- tier City services. Enhance social and economic investment by promoting the City's high-quality services, well-performing schools, available workforce, escalating quality- of-life, and growing sense of place. Incentivize developments that improve life in Vandalia.



**Safe and 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.



**Enhance Infrastructure:** Protect public assets and infrastructure by making calculated and deliberate investments in roadways, utilities, park spaces.

#### Work



**Fiscal Sustainability:** Leverage the operating position of the City to seize strategic opportunities for improving quality of life, while maintaining sustainable fiscal practices.



**Trust and Confidence:** Promote an open approach to government through coordinated, transparent, and evidence-based engagement practices. Empower residents, business owners and community stakeholders to partner in City programs.



**Sharpen the Saw:** Commit to process improvements by purposefully refining practices and leveraging technology to improve internal and external customer service.

## Play



**Vibrant:** Be a vibrant community that uses its amenities and growth mindset to create a warm and welcoming environment in which to live, work, and play.