

The Council of the City of Vandalia Meeting Minutes

May 3, 2021

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

OTHERS PRESENT: Jerry McDonald, Daniel Wendt, Missy Pruszynski, Amber Holloway, Darren Davey, Kristen Carnes, Bridgette Leiter, Holly Wiggins, Laura Wendt, Lisa Wendt, David Marlow, Chief Chad Follick, Olivia Follick, Chief Althouse, Rob Cron, Doug Rentz, Gina Hall, Dan Holdgreve, Marc Werner, Jamie Spencer, Larry Taylor, Kara Burkhardt, Jack Herbst,

Mayor Herbst called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:00 p.m. **Mayor Herbst** called for a moment of reflection followed by the Pledge of Allegiance.

Approval of Previous Minutes:

The Council Study Session Minutes of April 19, 2021 and the Council Meeting Minutes of April 19, 2021 were approved as presented.

Communications, Petitions and Awards: None

Public Hearing: None

Comments from Interested Citizens:

Ms. Holly Wiggins, 660 Cassel Creek, Dayton Power and Light Representative, shared with the community information on the RETREET campaign. This is a partnership program between AES Ohio, the Dayton Foundation, and MVRPC, which will raise funds, bring in arborists, buy trees, and replant trees in local areas devastated by the 2019 Memorial Day tornadoes. Vandalia, Trotwood, Brookville are just a couple cities being targeted. Mrs. Wiggins concluded by urging owners of residential

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properties in the Miami Valley that were impacted by the tornadoes to visit www.retreet.org/mvtc to complete a simple online form to request that free, native trees be planted for them.

Mr. Doug Rentz, 234 North American Boulevard, spoke to Council about his various concerns regarding the difficulty he is having in getting his business up and running at the Vandalia Shopping Center and concerns about the Hairless Haire's open patio in the parking lot. **Mr. Wendt** advised he will continue to work with staff and to help Mr. Rentz get through the ordinances as they are written with regard to building and fire codes. He concluded by assuring Council staff will continue to work with Mr. Rentz to navigate this process.

CITY MANAGER'S REPORT

Information Items:

Mr. Wendt advised the audience Mrs. Kristen Carnes has been appointed as the new Assistant Finance Director. He called upon Mrs. Leiter to introduce Mrs. Carnes and share Mrs. Carnes' background. Councilmembers congratulated and wished Mrs. Carnes the best in her new position.

Mr. Wendt advised Council they have been invited to the Butler High School Memorial Program Friday, May 21 and he noted details will be provided at a later date.

Action Items:

Ohio Department of Liquor Control:

Mr. Wendt advised the audience the Ohio Department of Liquor Control has notified the city of application for transfer of corporate stock ownership at Scene 75 Entertainment Center, LLC, 6196 Poe Avenue, Suite B. He advised Council that the Division of Police does not object to the request for a transfer of corporate stock ownership at Scene 75 Entertainment Center, LLC, 6196 Poe Avenue, Suite B. It was moved by Councilman Lewis, seconded by Councilwoman Farst, not to request an

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Ohio Department of Liquor Control hearing for Scene 75 Entertainment Center, LLC, 6196 Poe Avenue, Suite B. All members present voted yes. Motion passed 7-0.

Old Business: None

Resolutions:

21-R-30 A Resolution Awarding The Bid For Removal And Replacement Of Certain Curbs And Sidewalks Requested By Development And Engineering Services, To Coate Construction LLC At The Lowest And Best Bid Price Of \$246,081.00. **Mr. McDonald** read Resolution 21-R-30 by title. **Mr. Wendt** advised bids were opened last Tuesday for the 2021 Curb & Sidewalk Program. Three bids were received for this project. Bids ranged from \$246,081.00 to \$257,625.50. Coate Construction was the lowest and best bidder at \$246,081.00. Our engineer's estimate for the project was \$265,000. This project includes the installation of a median on West National Road just west of Joseph Hyundai. It was moved by Councilman Follick, seconded by Councilman Blakesly, to approve Resolution 21-R-30. All members present voted yes. Resolution 21-R-30 approved 7-0.

21-R-31 A Resolution Accepting The Dedication Of Public Right-Of-Way. **Mr. McDonald** read Resolution 21-R-31 by title. **Mr. Wendt** advised NorthPoint Development, has submitted a record plan for the purposes of dedicating 0.8629-acres of land as City of Vandalia public right-of-way. The proposed public right-of-way line would coincide with the City of Dayton and City of Vandalia corporate boundary line. The proposed dedication would result in an 85-foot wide right-of-way that is in compliance with the City of Vandalia Thoroughfare Plan. Planning Commission voted 4-0 to recommend approval. It was moved by Councilwoman Farst, seconded by Councilman Blakesly, to approve Resolution 21-R-31. All members present voted yes. Resolution 21-R-31 approved 7-0.

Ordinances – First Reading:

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21-10 An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And A Resolution As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith. **Mr. McDonald** read Ordinance 21-10 by title in an the first reading. It was moved by Councilman Blakesly, seconded by Councilman Follick, to approve Ordinance 21-10 in the first reading. All members present voted yes. Ordinance 21-10 was approved 7-0 in the first reading.

Ordinances – Second Reading: None

Ordinances – Emergency: None

Reports from Boards and Commissions:

Variance: Wheel Stop Devices - 1090 W National Road

Mr. Wendt explained Van Con General Contractor, is requesting a variance to allow the construction of a new 16,000 SF vehicle sales office and service facility without installing wheel stop devices for 54 existing parking spaces. The Code requires that wheel stops be installed to prevent any part of a parked vehicle from extending beyond the edge of the parking area. The Board of Zoning Appeals voted 5-0 to recommend approval of this request. It was moved by Councilman Lewis, seconded by Vice Mayor Ahlers, to approve the variance regarding wheel stop devices at 1090 W. National Road. All members present voted yes. The variance request was approved 7-0.

Variance: Perimeter Landscaping - 1090 W National Road

Mr. Wendt explained Van Con General Contractor, is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without installing landscaping around the perimeter of the vehicular use area in the rear yard. The Applicant is proposing to install perimeter landscaping along the front and side

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parking areas as required, however is requesting the variance to eliminate the requirement for 159 shrubs to be planted in the rear yard. The Board of Zoning Appeals voted 5-0 to recommend approval of this request. It was moved by Vice Mayor Ahlers, seconded by Councilwoman Farst, to approve the variance regarding Perimeter Landscaping at 1090 W. National Road. Councilman Follick commented the site plan shows landscaping all the way to the rear of the building is that still the correct site plan. Ms. Burkhardt responded in the affirmative by nodding her head. All members present voted yes. The variance request was approved 7-0.

Variance: Right-of-Way Screening - 1090 W National Road

Mr. Wendt advised Van Con General Contractor, is requesting a variance to allow a 5.5-foot wide setback, with no landscape screening, between the public right-of-way and an adjacent vehicular use area. The Code requires a 10-foot-wide landscape buffer area with a 3-foot continuous evergreen hedge. The Board of Zoning Appeals voted 3-1-1 to recommend approval of the request with one abstention. It was moved by Council Follick, seconded by Vice Mayor Ahlers, with the condition that the Applicants new landscape proposal, dated April 16, 2021, providing for a continuous hedge and ornamental tree at the two driveway entrances will be installed. All members present voted yes. The variance request was approved 7-0.

Variance: Curb Opening - 1090 W National Road

Mr. Wendt explained Van Con General Contractor, is requesting a variance to allow two curb openings on an interior lot. The Code limits each interior lot to one curb opening. The Applicant is proposing to construct two 30-foot wide curb cuts with a separation of approximately 90-feet. The property has an existing curb opening that would be removed as part of this development. The Board of Zoning Appeals voted 4-1 to recommend approval of this request. It was moved by Councilman Blakesly,

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seconded by Councilman Lewis, to approve the variance for two curb openings at 1090 W. National Road. Councilman Follick indicated he was originally opposed to this variance request, but in review of the BZA minutes the Applicant has explained there is an on-going problem at the three businesses with semi-truck deliveries, which is the key exception by designating the west drive as the Applicant has explained is their intention for semi-truck, trash truck hauling, and that sort of thing it will eliminate an on-going safety issue at the three adjoining businesses. Councilman Blakesly concurred with Councilman Follick by indicating he has been driving by the businesses and has also noticed said safety concerns. All members present voted yes. The variance request was approved 7-0.

Variance: Parapet Wall - 1090 W National Road

Mr. Wendt advised Van Con General Contractor, is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without providing a parapet wall on the east, west, and south facing building facades of the proposed flat roof building. The Code requires that all sides of a building that are visible from the public street or an adjacent residential district incorporate architectural detailing on all facades in a manner consistent with the front facing façade. Additionally, the Code requires that flat roofs be concealed by a three dimensional cornice. The Applicant is proposing to construct a parapet wall only on the north facing façade but without the necessary three-dimensional cornice treatment. The Board of Zoning Appeals voted 5-0 to recommend approval with one condition being that a parapet wall is provided on the north facing building façade and the ACM panels project 8-inches out from the building façade. It was moved by Vice Mayor Ahlers, seconded by Councilman Blakesly, to approve the variance related to a parapet wall at 1090 W. National Road with the condition that a parapet wall is provided on the north facing building façade

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and the ACM panels project 8-inches out from the building façade. All members present voted yes. The variance request was approved 7-0.

Variance: Windows - 1090 W National Road

Mr. Wendt explained Van Con General Contractor, is requesting a variance to allow the construction of a 16,000 SF vehicle sales office and service facility without installing windows on the east and west building facades that occupy at least 25% of the total wall area. The Code requires that building elevations which are visible from a public street contain windows occupying at least 25% of the wall area, however the Applicant is proposing to install windows that comprise 4.5% of the east and west facing facades. The Applicant will comply with the 25% window requirement on the front facing façade. The Board of Zoning Appeals voted 5-0 to recommend approval subject to one condition being the east and west facing building elevations shall contain windows that occupy 25 percent of the total wall surface area that is occupied by office space. It was moved by Councilwoman Farst, seconded by Councilman Lewis, to approve the variance request related to windows at 1090 W. National Road with the condition that the east and west facing building elevations shall contain windows that occupy 25 percent of the total wall surface area that is occupied by office space. All members present voted yes. The variance request was approved 7-0.

Variance: Residential Screening - 1090 W National Road

Mr. Wendt explained, the Applicant, Van Con General Contractor, is requesting a variance to allow an outdoor display, storage, and sales facility without providing full screening of the facility from an adjacent residential district. The Code requires that all outdoor display, storage, and sales facilities be screened to their full height from view when adjacent to residential districts. The Applicant is proposing a 60-foot-wide green space buffer and maintains a 6-foot-tall privacy fence between the vehicular

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use area and the rear property line, however the outdoor display will still be visible to the adjacent residential district. The Board of Zoning Appeals voted 5-0 to recommend approval of this request with one condition. It was moved by Councilman Blakesly, seconded by Councilwoman Farst, to approve the variance related to residential screening at 1090 W. National Road. Councilman Follick asked to modify the motion by amending the condition to replace or extend the fence to an eight foot tall fence. He explained he spoke to Staff today and noted the Nissan property already has an eight foot high privacy fence, and for consistency purposes and to provide the same level of screening for the residents behind 1090 W. National Road property it would make sense for the fence to continue at a consistent height across both property lines. Vice Mayor Ahlers commented that he spoke with Mr. Taylor after the April 19 Council Study Session and Mr. Taylor has no problem with doing this. Councilman Blakesly moved to amend his motion to approve the variance with the condition that the existing six foot in height privacy fence is replaced with an eight foot in height privacy fence at 1090 W. National Road. Councilwoman Farst seconded Councilman Blakesly's amended motion. All members present voted yes. Motion passed 7-0.

Planning Commission Minutes: March 23, 2021

Council Comments:

Mr. McDonald referenced Ordinance 21-10 that was on tonight's Council Meeting agenda in the first reading. He explained, this evening, the title contained a typo and the title will be amended for the second reading as follows, "*An Ordinance Approving The Editing And Inclusion Of Certain Ordinances As Parts Of The Various Component Codes Of The Codified Ordinances; Providing For The Adoption And Publication Of New Matter In The Updated And Revised Codified Ordinances; And Repealing Ordinances And Resolutions In Conflict Therewith.*" He continued by noting over the

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years he has had the opportunity to work with Mrs. Carnes and has always found her to be very knowledgeable and congratulated her on her promotion.

Mr. Wendt advised the audience that he and Mayor Herbst had a very positive meeting with Senator Antani today. Discussion included many items pertaining to the community including commercial truck traffic. He commented that he looks forward to continuing the dialogue in pursuit of alleviating the negative externalities resulting from the developments happening west of the airport.

Councilman Blakesly advised the audience Thursday, May 6 will be the 70th Anniversary of National Day of Prayer. He urged the audience to attend either in-person at First Light Church from 9:30 a.m. until 10:30 a.m. in the main sanctuary or online at www.firstlightchurch.com. **Councilman Blakesly** recognized Lieutenant Swafford's thirteen years of dedication to the Division of Police and noted some of the Division's programs that Lt. Swafford established; **Councilman Blakesly** congratulated Lt. Swafford on his upcoming retirement. He recognized Mr. Wendt for our Arbor Day Celebration and how we incorporate that into being a Tree City and he appreciates the Dr. Suess reference associated with the promotion of the event. **Councilman Blakesly** also recognized Officer A. Wehner for celebrating the event along side other staff members. He concluded by congratulating Mrs. Carnes on her well deserved promotion.

Councilwoman Woods recognized staff and councilmembers who worked in connection with the Wright State University MPA students and Kolar Design. She continued by noting these projects took a lot of time and effort. **Councilwoman Woods** thanked them for the work they did and expressed her appreciation. She shared a story from a couple weeks ago wherein she and Mr. Wendt helped save a

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tree on the west side on N. Dixie just north of Skyview wherein a construction company was getting ready to tear down the tree. **Councilwoman Woods** concluded by advising that the tree is still standing and that this is just another example of the City's dedication to the Tree City U.S.A. designation.

Councilman Lewis referenced the re-branding item during tonight's Council Study Session. He specifically noted the implementation is scheduled to occur over a number of years for the purpose of continuity and to save money; however, his limited knowledge of marketing is that in order to make impact, generally you try to do as much as you can at once and to continue to reinforce it. **Councilman Lewis** suggested staff contemplate accelerating said implementation in order to get more bang for our buck.

Councilman Follick congratulated Mrs. Carnes on her promotion and wished her well in her new position. He commented it is great when we can promote from within the organization and advance careers for our staff. **Councilman Follick** echoed Councilman Blakesly's comments in reference to Arbor Day. He shared he attended the event last Friday and complimented Mr. Rudy Wells and the Parks and Recreation staff for their successful event especially after not being able to hold the event in 2020. He concluded by recognizing and expressing appreciation to Mr. Marlow for all his efforts during his career with the City of Vandalia and wished him well and added that Mr. Marlow will be missed.

Councilwoman Farst referenced all the variances on tonight's Council Meeting Agenda. She explained it is very unusual to have so many variances on a project; however, the team that appeared at the April 19 Council Study Session, spelled out the necessity for said variances, which were well warranted in this particular occasion.

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Councilman Lewis added the variances didn't prejudice the public. **Councilwoman Farst** shared that she was unable to attend the Arbor Day event and reminded the audience the City does have a Commemorative Tree program open to the public. The information can be found on the City website or pamphlets can be found at any of the City buildings. The program allows the public to purchase a plaque that either hangs on the tree or inserted into the ground in front of the tree. It is very easy to do and if you need help selecting a tree, Mr. Rudy Wells would be willing to help. She concluded by congratulating Lt. Swafford on his upcoming retirement.

Mayor Herbst congratulated Mrs. Carnes on her promotion. He echoed Councilman Follick's comments in that it is always good to promote from within. This is a testament to Mrs. Leiter and the bench that she has built in her department. He also recognized Lt. Swafford for his dedication and congratulated him on his upcoming retirement. **Mayor Herbst** recognized and congratulated Mr. Marlow and his decision to move out west. He sincerely expressed his appreciation for the dedication he has shown the City and that Council has learned a lot from him, and he knows Mr. Marlow will do well. **Mayor Herbst** concluded by telling Mr. Marlow he will be missed.

Executive Session

At 7:42 p.m., during the regular council meeting, **Mayor Herbst** recommended that Council adjourn to Executive Session to hold discussions with the City Attorney concerning disputes that are the subject of pending court action. It was moved by Councilman Follick, seconded by Councilwoman Farst, to adjourn to Executive Session. Councilmember Blakesly voted yes, Councilmember Woods vote yes, Councilmember Lewis voted yes, Councilmember Follick voted yes, Councilmember Farst voted yes, Vice Mayor Ahlers voted yes, and Mayor Herbst voted yes. Motion passed 7-0. **Mayor Herbst** advised council will readjourn to the regular council

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meeting at the conclusion of the Executive Session. Council adjourned into executive session at 7:42 p.m.

Re-Convene to Council Meeting

It was moved by Councilman Lewis, seconded by Councilman Blakesly, to end the executive session and reconvene to the council meeting at 8:00 p.m. All members present voted yes. Motion passed 7-0.

Mayor Herbst asked for a motion to authorize the City Manager to enter into a mutual settlement agreement and release with Shivaay LLC regarding the Knights Inn Nuisance case. It was moved by Councilman Lewis, seconded by Councilman Blakesly to authorize the settlement and release. All members present voted yes. Motion passed 7-0.

The regular Council Meeting was then adjourned at 8:02 p.m.

APPROVED:

Richard Herbst, Mayor

ATTEST:

Missy Pruszynski, Deputy Clerk of Council

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