

The Council of the City of Vandalia Meeting Minutes

**November 2, 2020**

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, Chief Althouse, Missy Pruszynski, Bridgette Leiter, Harry Hicks, Rob Cron, Amber Holloway, David Marlow, Steve Clark, Bob Krohngold, Marc Werner, James Richardson, Todd Foley, Kimberly Bish, Michael Bish, Holly Wiggins, Greg Berling, Darren Davey, Chief Chad Follick, Bob Gehman, Alex Gonter-Dray, Tim Holliday, Ken Bedel and David Arnold

**Mayor Herbst** called the regularly scheduled meeting of the Council of the City of Vandalia to order at 7:09 p.m. **Mayor Herbst** called for a moment of reflection followed by the Pledge of Allegiance. The Council Meeting Minutes of September 8, 2020, the Council Study Session Minutes of September 28, 2020, the Council Meeting Minutes of September 28, 2020, the Council Study Session Minutes of October 5, 2020 with corrections discussed in this evening's Study Session, Council Budget Workshop Meeting Minutes of October 20, 2020 and the Council Budget Workshop Meeting Minutes of October 21, 2020 were approved as presented.

Communications, Petitions and Awards: None

Public Hearing:

**Mayor Herbst** advised the audience Council is required by the City Charter to hold a public hearing for all emergency ordinances and variances. He noted that there is one ordinance in an emergency reading, which is Ordinance 20-29, An Ordinance To Revise Appropriations For Current Expenses And Other Expenditures Of The City Of Vandalia, Montgomery County, Ohio During The Calendar Year Ending December 31, 2020, And Amending Ordinance 19-24 And Declaring An

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Emergency. **Mayor Herbst** opened up a public hearing. He asked any individual wishing to speak or give testimony regarding Ordinance 20-29 to please come forward, state your name, address, and make a comment. No one came forward and no one on council had any questions or comments. The public hearing was closed.

Comments from Interested Citizens:

**Holly Wiggins**, 660 Cassel Creek, spoke as the DP&L Community liason. She reminded the audience Montgomery County, DP&L and Vectren are working together to get utility assistance to those in need utilizing CARES Act funds. **Mrs. Wiggins** advised the are still funds available if you live in Montgomery County and have been impacted by COVID. She urged the public to go to mcohiocares.org and apply prior to the November 13 deadline.

CITY MANAGER'S REPORT

Information Items: None

Action Items:

**Ohio Department of Liquor Control:**

**Chief Althouse** advised the Ohio Department of Liquor Control recently notified the City of Vandalia that they received a request to transfer a liquor license at Scene 75, 6196 Poe Avenue. It was moved by Councilman Blakesly, seconded by Councilman Lewis, to approve the liquor license transfer request and not to request a hearing. All members present voted yes. Motion passed 7-0.

Old Business: None

Resolutions:

**20-R-65** Declaring Certain Expenditures Of The City As Necessary Due To The Public Health Emergency With Respect To The COVID-19 Pandemic In Compliance With The Provisions Of Section 5001 Of The Federal Coronavirus Aid, Relief, And Economic Security Act ("CARES Act"). **Mr. McDonald**, read Resolution 20-R-65 by title. **Chief Althouse** explained the City of Vandalia has received \$540,428.06 in

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CARES Act funding from Montgomery County for city expenses related to the COVID-19 pandemic. This resolution acknowledges that all expenditures are necessary due to the current public health emergency with respect to COVID-19 and comply with Section 5001 of the Federal Coronavirus Relief and Economic Security Act (CARES Act). It was moved by Councilwoman Farst, seconded by Vice Mayor Ahlers to approve Resolution 20-R-65. All members present voted yes. Resolution 20-R-65 approved 7-0.

Ordinances – First Reading:

**20-30** An Ordinance Rezoning 15 Acres Of Vacant Land In The Northwest Portion Of The Foxfire Subdivision From Residential Single-Family 2 (RSF-2) To Residential Single-Family 4 (RSF-4) And Amending The Zoning Map Of The City. **Mr. McDonald** read Ordinance 20-30 by title in the first reading. **Chief Althouse** explained Landzone Limited is requesting to rezone approximately 15 acres of vacant land in the Foxfire Subdivision from Residential Single Family 2 (RSF-2) to Residential Single Family 4 (RSF-4). The RSF-4 zoning district is the highest density for single-family detached housing units. The primary difference between the two zoning districts is the minimum required lot size and frontage; the RSF-4 district allows for smaller, more narrow lots. The rezoning request is consistent with the 2020 Future Land Use Map designation of “Low Density Residential.” The Planning Commission reviewed this request at its October 13 meeting and voted 3-0 to recommend approval subject to the following condition:

1. The accompanying preliminary plat is approved

It was moved by Vice Mayor Ahlers, seconded by Councilman Lewis to approve Ordinance 20-30 as read. Vice Mayor Ahlers commented that there has been quite a bit of discussion over this whole issue. He advised the audience that passing this item tonight simply moves this item to the November 16 meeting at which time Council will

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vote. He added tonight's vote does not give any indication as to what the outcome will be. Councilwoman Farst advised the audience at the November 16 meeting a Public Hearing will be held on this item at which time the residents will have an opportunity to comment. Councilman Lewis added this procedure allows both the Applicant and the community ample time to formulate due consideration related to this issue; therefore, giving all parties the opportunity to voice concerns or considerations about the development. All members present voted yes. Ordinance 20-30 approved 7-0 in the first reading.

**20-31** An Ordinance Amending Certain Sections Within The Vandalia Zoning Code Chapters 1212, 1214, 1216, 1218, 1220, 1224, 1226, 1232, 1234, 1236, 1240, And 1244. **Mr. McDonald** read Ordinance 20-31 by title in the first reading. **Chief Althouse** explained through application, Staff has identified a number of scrivener's errors and other necessary amendments to the City's Planning & Zoning Code since its adoption in 2019. Staff believes these proposed amendments would benefit all users including property owners, businesses and City staff. He advised a full listing of these proposed amendments is provided in your packet. The Planning Commission reviewed these proposed amendments in a special meeting on October 6th and voted 5-0 to recommend approval. It was moved by Councilman Follick, seconded by Councilman Blakesly, to pass Ordinance 20-31 to a second reading upon amending Section 4 to provide for the changes in Table 1218-1, excluding changes to warehouse uses and amending Section 10 to remove the reference to Section 1236.08(n)(5)(E) relating to timing on electronic signs. All members present voted yes. Ordinance 20-31 approved 7-0 in the first reading.

**20-32** An Ordinance Rezoning 14 Parcels Of Land In The City Of Vandalia From Planned Unit Development (PUD) To Office-Residential (OR), Office Service (OS), And Highway Business (HB) And Amending The Zoning Map Of The City. **Mr. McDonald** read Ordinance 20-32 by title in the first reading. **Chief Althouse** explained as part of the recent Zoning Code rewrite, adopted in 2019, the City

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removed Planned Unit Development (PUD) overlays from properties without a PUD plan. Fourteen parcels were inadvertently rezoned to PUD despite having no PUD plan. Staff is proposing to rezone these fourteen parcels back to their original base zoning district of Office-Residential (OR), Office-Service (OS), and Highway Business (HB). The Planning Commission reviewed this proposal in a special meeting on October 6 and voted 5-0 to recommend approval. It was moved by Councilman Lewis, seconded by Councilman Follick to approve Ordinance 20-32 as read. All members present voted yes. Ordinance 20-32 approved 7-0 in the first reading reading.

Ordinances – Second Reading: None

Ordinances – Emergency:

**20-29** An Ordinance To Revise Appropriations For Current Expenses And Other Expenditures Of The City Of Vandalia, Montgomery County, Ohio During The Calendar Year Ending December 31, 2020, And Amending Ordinance 19-24 And Declaring An Emergency. **Mr. McDonald** read Ordinance 20-29 by title in an emergency reading. **Chief Althouse** explained this emergency ordinance would amend 2020 appropriations as follows:

**Police-Street-Fire Fund:**

- **\$7,125.00** – Increase of 2020 budget appropriations for the unexpected additional costs associated with a change order for the new emergency generator project located at fire station 2. It was determined that the pad mounted transformer was too close to the building; therefore, the transformer needs to be relocated as part of this project.

**Local Coronavirus Relief Fund:**

- **\$540,428.06** - Increase of 2020 budget appropriations for the third reimbursement of expenses to replace lost revenue and assist with unexpected additional expenses associated with COVID-19. The City received a second

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distribution payment from the County to be expended only to cover costs consistent with CARES Act and the guidelines previously set in place

It was moved by Councilman Blakesly, seconded by Vice Mayor Ahlers to approve Ordinance 20-28 as read. All members present voted yes. Ordinance 20-28 approved 7-0 in an emergency reading.

**Reports from Boards and Commissions:**

Board of Zoning Appeals Minutes: September 23, 2020

Vandalia Cultural Arts Committee & Public Art in Vandalia Minutes: October 15, 2019

Vandalia Cultural Arts Committee & Public Art in Vandalia Minutes: November 19, 2019

Vandalia Cultural Arts Committee & Public Art in Vandalia Minutes: December 17, 2019

Vandalia Cultural Arts Committee & Public Art in Vandalia Minutes: January 21, 2020

Vandalia Cultural Arts Committee Minutes: April 21, 2020

Vandalia Cultural Arts Committee Minutes: May 19, 2020

Vandalia Cultural Arts Committee & Public Art in Vandalia Minutes: June 16, 2020

Vandalia Arts Council Minutes: August 18, 2020

Vandalia Arts Council Minutes: September 15, 2020

Vandalia Arts Council Minutes: October 20, 2020

Planning Commission Minutes: October 6, 2020

**Mayor Herbst** reviewed the September Bill Listing in the amount of \$4,573,638.95 and September Purchasing Card Detail in the amount of \$29,334.50.

Council Comments:

**Chief Althouse** reminded the audience city offices will be closed Thursday, November 26 and Friday, November 27 in observance of the Thanksgiving Holiday.

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**Councilman Follick** congratulated Butler High School and the Athletic Department for being selected to host the state volleyball tournament. He added this is a huge honor for our school district and our community to host this event. **Councilman Follick** thanked staff for their follow-up efforts at 1 East National Road with the installation of landscaping and is happy to hear the situation has been resolved.

**Vice Mayor Ahlers** commented on Beggars Night, which was last Saturday. He said he hoped that everyone had a good time as the weather was good, and it appeared that everyone was following the health department guidelines.

The regular Council Meeting was then adjourned at 7:27 p.m.

APPROVED:

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Richard Herbst, Mayor

ATTEST:

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Missy Pruszynski, Deputy Clerk of Council

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