

RECORD OF PROCEEDINGS

Minutes of City Council

Held July 10, 2025

Regular Meeting Call to Order

Meeting called to order 6:00 PM.

Roll Call

Teri Murphy	Mayor	Absent
Donald Burchett	At-Large	Present
Ora Allen	At-Large	Present
Mike Daugherty	Ward 1	Present
Dave Miller	Ward 2	Present
Shirley Whitt	Ward 3	Present
Jeanette Marcus	Ward 4	Present

Staff Attendance:

Acting City Manager - Parks and Recreation	Law Director Martina Dillon
Director Brent Shane	Fire Chief Traci Kuzminski
Deputy Police Chief Jason Neubauer	City Engineer Lauren Alvarado
Finance Director Annetta Williams	Build. & Zoning Admin. Brent Carpenter
Build. Maint. Superintendent Rocky Bangert	Clerk of Council Karen Powell
City Planner Nick Sorice	

Deputy Mayor Shirley Whitt moved to excuse Mayor Murphy's absence.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Shirley Whitt
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Pledge of Allegiance

Deputy Mayor Whitt led the Pledge of Allegiance.

Approval of Minutes

Regular City Council Meeting Minutes - June 26, 2025

Deputy Mayor Whitt asked if there were any changes or corrections to the June 26, 2025, Regular Council meeting minutes. Hearing none, the minutes were approved as submitted.

Special Presentations - None

Public Hearing - R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1

Open Public Hearing

Deputy Mayor Whitt opened the Public Hearing concerning Case R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1 at 6:02 p.m.

Law Director Martina Dillon administered an Oath to attendees providing testimony in the

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Public Hearing.

Staff Report

City Planner Nick Sorice said this Public Hearing is a formality of the Moraine Codified Ordinances Chapter 1127. He stated a thirty-day public notice was placed in the Dayton Daily News, public televisions within the City buildings, and on the City website on May 30, 2025. He said he received one email regarding today's Public Hearing from Jim Stubli, and he read the email. Mr. Stubli's email stated his concern is that the park is located across the street from where the store/gas station wants to build. Mr. Sorice said the Planning Commission meeting was held on May 20, 2025, and all five Planning Commission members voted in favor of the Zoning District Change from R-4 to B-1. He stated the application was received on April 29, 2025, from Jeffrey R. Anderson Real Estate, Inc. proposing the Zoning District change. The change would allow a lot combination to occur in the future to combine with the parcel that the vacant Frisch's property sits on at 4830 South Dixie Drive. He noted the requested zoning change and lot combination is for the development of a Wawa store which specializes in prepared food and beverage sales and also sells gas. He stated the Public Hearing's focus is solely on the rezoning of 2705 Lehigh Place to a B-1 District. He said a plat map is in the packet. He outlined the procedures for the Public Hearing. Mr. Sorice introduced Mr. Casey Abney of Jeffrey R. Anderson Real Estate, Inc.

Mr. Abney said he is requesting the rezoning of a 0.54 acre parcel at 2705 Lehigh Place to build a new Wawa convenience store, restaurant, and gas station. He said the project site currently consists of the Lehigh parcel and the Frisch's property parcel. He noted together the parcels are surrounded by five public roads and have six access points. He reported that Wawa's use is already permitted on the Frisch's parcel, and because of the irregular shape of the property, placing the building there would compromise the functionality and aesthetics of the Wawa project. He said rezoning the smaller parcel to B-1 allows the Wawa to be properly placed on the site. He said since meeting with the Planning Commission, significant changes have been made to the site plan to include sidewalk upgrades to Manistee Place, Pensacola Drive, and Lehigh Place. He said a landscape plan has been made and there is a calculated lighting improvement plan. He said the rezoning would allow delivery of a better project that fits the site, enhances the streetscape, incorporates public input, and meets Wawa standards without forcing a suboptimal design. He introduced Patrick Warnement of Wawa.

Mr. Warnement stated he works for Wawa. He reviewed photos and plans for the proposed Wawa. He said Wawa typically invests \$7.5 million in each project due to kitchen equipment and nicer building materials. He reviewed the company history and future goals. He said Wawa has a community foundation that donates to charities each year. He said employees normally stay with Wawa seven plus years due to health insurance, promotion opportunities, and employees owning stock in the company. He said Wawa does not franchise and all stores are owned by Wawa. He discussed the restaurant menu and premade food items. He said Wawa is the largest Tesla charging partner in the United States. Mr. Warnement said there are challenges with the site such as overhead electric, sewer, and no landscaping.

Deputy Mayor Whitt asked how much seating will be inside the building?

Mr. Warnement said there is no seating.

Mrs. Allen asked how many pumping stations would be installed?

Mr. Warnement replied there would be eight double-sided pumps for a total of sixteen pumps.

Ms. Marcus asked if there would be a drive-up window?

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Mr. Warnement responded that there would be a fly-through window where a person who has already placed an order by phone can drive to the window for pickup.

Mr. Miller asked if there is any flexibility in tanker truck delivery times?

Mr. Warnement said Wawa does not have any control over that. He said he does not believe deliveries are made in the wee hours of the night.

Mr. Daugherty asked if it is safe to assume that without the rezoning of the additional parcel, Wawa would not be capable of building in that location?

Mr. Warnement answered that a Wawa store would not fit without the additional parcel. He said the typical sites are about 2 acres. Mr. Abney confirmed the proposed site is 1.7 acres. Mr. Warnement stated that the configuration works.

Mrs. Allen asked what caused Wawa to show an interest in Moraine?

Mr. Warnement stated Wawa is focused on Cincinnati, Dayton, and the I-75 corridor. He said the intersection is very busy. He said development partners located the site.

Mr. Abney said the Frisch's property has a for lease sign on the building, and he reached out to the broker. He said the property they are trying to rezone is not technically for sale, but he reached out to the owner of the property, Mr. Brand, and Mr. Brand allowed his company to place the property under contract.

Mrs. Allen asked if Wawa intends to sell alcoholic beverages at this location? Mrs. Allen and Ms. Marcus explained that alcoholic beverages cannot be sold within 500 feet of a park.

Mr. Warnement stated he has not put any thought into that because liquor licensing occurs later in the process. He said that is a bridge they will cross later.

Ms. Marcus asked why the traffic study included the intersection of Jomar Avenue and S.R. 741?

Mr. Mihail Sevastakis from Bayer Becker said Jomar was included because both exits are right turn only and the City Engineer wanted Bayer Becker to study the intersection to make sure too much traffic was not going to the intersection of Jomar and S.R. 741. He said the City Engineer does not believe this is a concern, but she wanted to see how much traffic is going to that intersection.

Ms. Marcus explained the difficulty of navigating Manistee Place, Pensacola Drive, and Lehigh Place. She said Jomar Avenue, Lauderdale Drive and the other part of Pensacola Drive may have to be utilized, and there are a lot of private homes on those streets.

Mr. Sevastakis stated that could definitely happen. He said he thinks the engineer understood there would be cut through traffic, but she was more concerned about the access points and making sure there were no traffic issues at those points.

Ms. Marcus discussed the issue of children playing in the park and riding bikes in the area. She also discussed the residences facing the proposed business.

Mr. Warnement stated the majority of the site is zoned Business, and Frisch's had trucks delivering there for years. He said the tiny corner they are asking to rezone is not out of character from the rest of the site. He said they have done everything they were asked to do.

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Opponents/Proponents

Erica Watts was sworn in prior to speaking. She suggested that people visit the Wawa in Liberty Center. She stated she was amazed at the amount of cars in and out at that busy intersection with no issues. She said she believes the representatives in attendance at this Public Hearing are smart enough to not place any residents in jeopardy.

Mr. Sorice said from a Planning standpoint, in order for a sit down restaurant or any business to move in, this area would have to be rezoned to B-1 regardless. He said this is how that corner gets changed. He said Shearer's is about to open with 250 jobs, traffic will be off the rails and that business is right next to a residential area, yet that has never been brought up. He confirmed for Mrs. Whitt that Frisch's has been empty since 2022-2023. He agreed it could sit empty for years.

Mrs. Vicki Myers said the traffic will cause a lot of problems for Mays Drive, Orange Drive, Pensacola Drive and Lauderdale Drive. She said her two concerns are that the neighborhood is a residential neighborhood and she is concerned about the park. She said a lot of people are being brought into the neighborhood and that is concerning.

Mrs. Gina Delph addressed Mrs. Myers and asked if Mrs. Myers sees what all needs to be done to the park. She said with the things that go on in the park she would not allow her kids to play there. She said Wawa is going to improve the corner, it will be lit, and officers will be patrolling. She said there have been homeless people living in the Frisch's building.

Close Public Hearing - R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1

Deputy Mayor Whitt closed the Public Hearing concerning Case R-01-2025: Zoning District Change of 2705 Lehigh Place from R-4 to B-1 at 6:33 PM.

Reports from the Following

Finance Committee

No report.

Finance Director

No report.

Committee of the Whole

Ms. Marcus noted the last Committee of the Whole meeting was on June 26, 2025. She reported there would be a meeting this evening.

City Manager

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No report.

Law Director

No report.

Mayor

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Mayor's Court Monthly Report - May 2025

Deputy Mayor Whitt reported for the month of May 2025 Mayor’s Court received \$17,816.62. She noted after various expenses and disbursements, a total of \$13,392.00 was deposited into the General Fund.

Guest Speakers - None

Business

Ordinances

2191-25 An Ordinance to amend Moraine Codified Ordinance Section 159.01 entitled “Competitive Bidding” .

Mrs. Allen said this legislation approves proposed changes to the Competitive Bidding section of the Moraine Codified Ordinances. She noted this is the second reading of the Ordinance. Mrs. Allen moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Ora Allen
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Resolutions

8165-25 A Resolution approving the Plan of Operation and Governance for the Miami Valley Communications Council Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a natural gas program.

Mr. Miller reported that two public hearings were held which met the necessary notice requirements for a Natural Gas Aggregation Program. He said the legislation authorizes the City of Moraine to approve the Plan of Operation and Governance and establish a Natural Gas Aggregation Program through the Miami Valley Communications Council. Mr. Miller moved to approve.

RESULT: Passed (*Yes 6, No 0, Abstained 0*)
MOVER: Dave Miller
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

8166-25 A Resolution to repeal prior Resolution No. 7880-22 and hereby approve a revised fee schedule for Ellerton Cemetery.

Mr. Burchett said a revised Cemetery Fee Schedule is necessary with the rise in burial fees, addition of new cemetery software, and to make needed improvements to Ellerton Cemetery. He stated that this Resolution repeals Resolution No. 7880-22 and approves the proposed revised fee schedule. Mr. Burchett moved to approve.

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MOVER: Donald Burchett
AYES: Ora Allen, Mike Daugherty, Dave Miller, Shirley Whitt, Jeanette Marcus, Donald Burchett
NAYS: None
ABSTAIN: None

Voice Vote - None

Persons Appearing Before Council

Deputy Mayor Whitt invited any citizens or staff members to address Council at this time.

Parks and Recreation Director Brent Shane said the 4th of July event was last Friday. He thanked all who came out or participated in the event. He said the band, Stranger and Jeff Stephens, are great to work with. He stated the event is a team effort and thanked City departments for their assistance.

City Planner Nick Sorice thanked Wilfab and Insignia for the design and installation of the new City signs. He said a total of 33 signs were installed, and now there is a fresh new look throughout the City. He said it is nice to have all the signs completed in the same year.

City Manager – No report.

Law Director – No report.

Finance Director – No report.

Clerk of Council – No report

Mrs. Allen congratulated the Parks and Recreation Department on another successful 4th of July celebration. She said the event gets better every year.

Ms. Marcus asked Deputy Police Chief Neubauer for any updates on the accident at Ned Drive and Lehigh Place.

Deputy Chief Neubauer replied neither the driver nor the car was located.

Mr. Miller thanked Parks and Recreation and all departments for the 4th of July celebration. He said he wanted to plant the seed to consider that the next July 4 is the 250th anniversary of the nation. He said a lot of planning is going on at the Federal level, and the states and cities are getting involved. He said in the Parks and Recreation Master Vision Plan, residents wanted more festivals and community events. He said there could be several events leading up to the July 4 celebration. He said there are several months before the 2026 budget is prepared.

Mr. Daugherty thanked everyone for showing up July 4. He said it is the best fireworks display in the county.

Deputy Mayor Whitt said on behalf of herself and Mayor Murphy, they appreciate all the work done by City staff and Parks and Recreation. She said Council could not do their jobs without the staff. She sent well-wishes out to Mayor Murphy.

Mr. Burchett had no report.

Any Other Business

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Deputy Mayor Whitt thanked the Miami Valley Communications Council for broadcasting this meeting live as well as any future rebroadcasts.

Executive Session - None

Adjournment

Meeting adjourned at 6:44 PM.



Deputy Mayor Shirley Whitt



ATTEST: Clerk of Council, Karen Powell