



**CITY OF HUBER HEIGHTS
STATE OF OHIO
City Council Meeting
Regular Session
January 10, 2022
6:00 P.M.**

City Hall - Council Chambers - 6131 Taylorsville Road

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Pastor Louise Wilson Of The Lifepointe Church At 4555 Marshall Road, Kettering, Ohio**
3. **Pledge Of Allegiance**
4. **Roll Call**
5. **Approval Of Minutes**
 - A. City Council Meeting Minutes - December 13, 2021
6. **Special Presentations/Announcements**
 - A. Swearing In And Oath Ceremony For Mayor Jeff Gore – Mrs. Toni Gore
 - B. Swearing In And Oath Ceremony For Mr. Mark Campbell, Ward 5 Councilmember – Mayor Jeff Gore

- C. Swearing In And Oath Ceremony For Mrs. Nancy Byrge, At Large Councilmember – Mayor Jeff Gore
- D. Swearing In And Oath Ceremony For Ms. Kathleen Baker, Ward 3 Councilmember – Ms. Cayley Baker
- E. Swearing In And Oath Ceremony For Mrs. Anita Kitchen, Ward 4 Councilmember – Mr. Joe Braden
- F. Huber Heights Military And Veterans Commission Outstanding Veterans Service Award Presentation To Mr. Brandon McClain - Mr. Albert Griggs, Jr., Chair Of The Huber Heights Military And Veterans Commission, And Mayor Jeff Gore

7. **Citizens Comments**

8. **Citizens Registered to Speak on Agenda Items**

9. **City Manager Report**

10. **Pending Business**

11. **New Business**

CITY COUNCIL
Anthony Rodgers, Clerk of Council

- A. A Motion To Appoint The City of Huber Heights Vice Mayor For 2022.
- B. A Motion To Approve The 2022 Huber Heights Rules Of Council Effective January 10, 2022.
- C. A Motion To Appoint Anthony Windsor To The Military And Veterans Commission For A Term Ending December 31, 2024.
- D. A Resolution Appointing The Public Records Training Designee For Members Of The City Council Of Huber Heights, Ohio Under Ohio Revised Code Sections 149.43 And 109.43.
(first reading)

- E. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 8; And Repealing Ordinances And Resolutions In Conflict Therewith.
(first reading)
- F. A Public Hearing Scheduled For January 10, 2022 By The Huber Heights City Council For Zoning Case 21-47. The Applicant Is Campbell Berling. The Applicant Is Requesting Approval Of A Rezoning From AG (Agricultural) To PR (Planned Residential) And A Basic Development Plan For Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70 03908 0126 On The Montgomery County Auditor's Map.

ADMINISTRATION

Bryan Chodkowski, Interim City Manager

- G. An Ordinance To Approve A Rezoning From Agricultural To Planned Residential And A Basic Development Plan For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-47).
(first reading)
- H. A Resolution Authorizing The City Manager To Execute An Agreement With Yard & Company To Update The City's Comprehensive Development Plan.
(first reading)
- I. A Resolution Authorizing The City Manager To Execute An Agreement With Community Planning Insights, LLC.
(first reading)
- J. An Ordinance Authorizing The Vacation Of Huber Road, And Declaring An Emergency.
(first reading)
- K. A Resolution Authorizing The 2021 Spending Limits With Vendor Landscape Structures For The Purpose Of Purchasing And Installing Playground Equipment For The City Of Huber Heights.
(first reading)
- L. A Resolution Authorizing The City Manager To Award The Purchase Of An Aerial Truck With Sutphen Towers And Waiving The Competitive Bidding Requirements.
(first reading)
- M. A Resolution Authorizing The City Manager To Enter Into A Contract Modification With The Aero-Mark Company For The Pavement Markings At Different Locations.
(first reading)

- N. A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Qualified Consulting Engineering Firms To Provide A Water Distribution System Integrity Study.
(first reading)

- O. A Resolution Authorizing The City Manager To Award A Contract To RA Consultants, LLC For The Water Survey – Phase II And Waiving The Competitive Bidding Requirements.
(first reading)

12. **City Official Reports and Comments**

13. **Executive Session**

14. **Adjournment**

AI-8085

Minutes A.

City Council Meeting

Meeting Date: 01/10/2022

Approval of Minutes - 12/13/21

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

City Council Meeting Minutes - December 13, 2021

Purpose and Background

Approval of the minutes from the December 13, 2021 City Council Meeting.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

There are no financial implications to this agenda item.

Attachments

Minutes

1. Call The Meeting To Order - Mayor Jeff Gore

The Huber Heights City Council met in a Regular Session on December 13, 2021.
Mayor Jeff Gore called the meeting to order at 7:00 p.m.

2. Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio

3. Flag Ceremony - Wayne High School Junior ROTC Honor Guard

4. Pledge Of Allegiance

5. Roll Call

Present: Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge,
Glenn Otto, Ed Lyons, Andy Hill, Don Webb, Jeff Gore

6. Approval Of Minutes

- A. City Council Meeting Minutes - November 8, 2021
- B. City Council Meeting Minutes - November 22, 2021

7. Special Presentations/Announcements

- A. Presentation Of Newly Promoted Officer Within The Police Division - Police Chief Mark Lightner And Mayor Jeff Gore

Police Chief Mark Lightner introduced Officer Ben Holbrook. He said Officer Holbrook has been a dedicated and informal leader of the Police Division for 17 years. He said he has an Associates Degree in Criminal Justice, graduated from the Sinclair Police Academy in 2003, began as an auxiliary police officer in Perry Township, and was hired full time as a Huber Heights Police Officer in 2004. He said Officer Holbrook has served as a bike patrol officer, is a certified evidence technician and field training officer, and a member of the range staff as a pistol and rifle instructor. He said Officer Holbrook has been member of the Regional Emergency Response Team for the last ten years and has served as the training coordinator for the past two years.

Police Chief Lightner swore in Officer Holbrook as a Sergeant in the Police Division.

- B. Mayoral Proclamation And Presentation To Ward 4 Councilmember Andy Hill - Mayor Jeff Gore

Mayor Jeff Gore said Mr. Hill has served as the Ward 4 Councilmember for the last four years. He said he appreciates Mr. Hill's guidance over the years, and he said Mr. Hill decided not to run for re-election and his term is up on December 31, 2021. He read the proclamation and presented Mr. Hill with a Key to the City and a plaque.

Andy Hill said it was an honor to serve and to be elected to serve. He said he made the decision with his family to spend more time with them, and he wished the new Ward 4 Councilmember, Anita Kitchen, good luck.

C. Montgomery County Board Of Elections Presentation - Mr. Jeff Rezabek,
Director, Montgomery County Board Of Elections

Mr. Jeff Rezabek said he recently learned of the upcoming actions regarding the redistricting of the City's ward boundaries, and he wanted to make himself available to any members of Council who may have questions. He discussed his work history and the roles of the Montgomery County Board of Elections. He discussed the Safe at Home Program which allows people to vote without making their addresses public. He provided an information packet to Council and said Montgomery County is going through a similar redistricting process for its precincts. He said the Montgomery County Board of Elections is required to keep voting precincts within the boundaries the City draws. He said precinct boundaries are determined by the number of registered voters within the selected census block, not by general population. He said with the City's rapid growth, the Board of Elections anticipates many new precincts. He asked Council to contact his office with recommendations of better or more polling locations.

Mayor Gore said one of the issues that came up in discussions was there are a couple of polling precincts far outside the City. He said from a Council perspective, the Council would like to see the idea of bringing polling locations in closer; and he said Mr. Rodgers could draft a letter to the Board of Elections with that request.

Mr. Rezabek said there is new energy at the Montgomery County Board of Elections, and one of the goals he is trying to accomplish is redistricting. He said it is evident that within a number of jurisdictions, people are not voting in their jurisdiction. He said the number one focus is to keep voting poll locations within jurisdictions. He asked Council to help find some of those polling locations and he listed the requirements for polling locations.

The Huber Heights YMCA was discussed as a potential polling location.

Mr. Shaw asked about the estimated time to have the boundaries adopted and new precincts established.

Mr. Rezabek said the team will begin working on this issue tomorrow morning after tonight's vote on the City's ward boundaries. He discussed the procedure, and he stated the Board of Elections has to approve any new changes by December 31, 2021 to be valid for the May, 2022 primary election.

8. Citizens Comments

There were no Citizens Comments.

9. Citizens Registered to Speak on Agenda Items

There were two citizens for Citizens Registered to Speak on Agenda Items, one on Item 11-B and one on Item 12-V.

10. City Manager Report

Interim City Manager Bryan Chodkowski said today the City was notified it would be receiving a \$400,000 grant for the Well #7 Project, and he said that item is included in the 2022 City Budget with a total budget of \$700,000, so this grant will be over 50 percent of the cost of the project. He said there is a request to amend the agenda tonight to include a resolution which has been distributed to Council. He said this resolution would authorize City Staff to initiate the procurement of engineering services for the identified water main replacements that have been plaguing the neighborhood northeast of the intersection at Old Troy Pike and Chambersburg Road. He said this is an area where water main lining would not be appropriate based on the information discovered from the last project. He said based on conversations with the

City Engineer, City Staff believe this resolution could shorten the process to get equipment out into the field by about two weeks. He said based on conversations with Council, anytime City Staff can trim time from this process to get equipment out there and demonstrate this work is an important matter to the City, it should. He said his request is for Council to amend the agenda and add this item to the agenda for discussion.

Clerk of Council Anthony Rodgers read the motion, A Motion To Add Item 12-W To The Agenda, which is A Resolution Authorizing The City Manager To Solicit A Request For Proposals (RFP) From Engineering Qualified Consulting Firms To Provide Engineering Design For The 2022 Water Main Replacement Project.

Mr. Webb moved to amend the agenda as stated above; Mr. Hill seconded the motion.

Mr. Shaw stated his only concern is with Section 2 of the resolution giving the City Manager full authorization to award the contract. He said this practice is something he has questioned before on these resolutions, and he said he prefers that those awards come back to City Council for approval.

Mayor Gore said it would be up to Council's discretion to make sure this contract comes back to Council, and he asked Bryan Chodkowski if this defeats the purpose of trying to shorten this process.

Mr. Chodkowski said in this particular instance, City Staff is anticipating bringing the contracts back for the actual construction work. He said these would be the contracts specific only to the engineering design work. He said the collective value of these contracts would not exceed \$260,000 which represents 15 percent of the budgeted price for the actual construction itself. He said there could be as few as two contracts or as many as four or five contracts. He said the City Engineer has shared the opinion that if each project is awarded to a different engineering firm, that is the quickest way to get these projects to bid. He said this award will not be one massive engineering contract for \$250,000 and then the City awards \$1.6 million worth of work; this resolution is only for the engineering design work and City Staff would bring the actual construction contracts back to Council for approval.

On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

11. Pending Business

- A. An Ordinance Amending Certain Sections Of Part Thirteen, Building Code, Of The City Code Of Huber Heights.
(second reading)

Mr. Rodgers said this was discussed in a previous Council Work Session, and he said this item is at the second reading. He said these are changes to Part 13 - Building Code of the City Code and were recommended by the City's Ordinance Review Commission.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Campbell moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

- B. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34).
(second reading)

Mayor Gore said the Council Work Session recommendation was to table this item.

Mr. Chodkowski said City Staff recommend that Council table this item until the City Council Meeting on January 24, 2022, to give City Staff time to discuss and negotiate the terms and conditions of PILOT payments for this particular project.

Mrs. Anita Kitchen said if this legislation is being tabled, she is fine. She said there were a number of citizens in Ward 4 who thought this issue was being discussed at this meeting as it was on the agenda. She said she had no further comments.

Mr. Rodgers said there is A Motion To Lay On The Table Item 11-B For Zoning Case 21-34 Until January 24, 2022.

Mrs. Byrge moved to adopt the above stated motion; Mr. Campbell seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

- C. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At Chambersburg Road And Further Identified As Parcel Numbers P70 04008 0004 And P70 04008 0006 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-35).
(second reading)

Mr. Chodkowski said pursuant to Council's request, City Staff request this ordinance be adopted as amended and presented in the meeting packet.

Mayor Gore said the Council Work Session recommendation was to amend this item and then adopt this item.

Mr. Hill moved to amend this legislation with the amended ordinance; Mr. Campbell seconded the motion.

Mrs. Byrge asked what was decided about the access road.

Mr. Rodgers said the amendment has language that states the access road would no longer exist on the plan and that any pass through that is there would be dedicated as green space to the City.

On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

Mrs. Byrge moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

- D. An Ordinance To Approve A Rezoning To Planned Mixed Use And A Combined Basic And Detailed Development Plan For The Property Located At 6119 Brandt Pike And Further Identified As Parcel Number P70 03912 0088 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-37).
(second reading)

Mr. Chodkowski said this ordinance represents the Dogtown project which is a partnership with the City and the developer.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Hill moved to adopt: Ms. Baker seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr.

Lyons voted yea; none voted nay. The motion passes 8-0.

- E. An Ordinance To Approve A Rezoning From B-1 (Commercial) To PR (Planned Residential District) For The Property Located At 4270 Murdock Avenue And Further Identified As Parcel Number P70 00201 0063 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-40).
(second reading)

Mr. Chodkowski said this ordinance consolidates multiple smaller lots and rezones these lots for residential use which is the use active on those parcels.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Otto moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 8-0.

- F. An Ordinance Authorizing Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2020-O-2453 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2021 And Ending December 31, 2021.
(second reading)

Mr. Chodkowski said this ordinance is the final supplemental appropriations legislation for 2021 and it ensures that all revenue and expenses associated with this operational year are correctly recorded.

Mayor Gore said the Council Work Session recommendation was to amend this item and then adopt this item.

Mr. Webb moved to amend this ordinance with the amended ordinance; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

- G. A Resolution Authorizing The City Manager To Enter Into Necessary Agreements And Make Necessary Purchases Of Goods And Services With Certain Vendors And Suppliers For The Purchase, Maintenance And Service Of Equipment, Professional Services, And Miscellaneous Operating Expenses By Various Departments And Divisions Of The City Of Huber Heights For Fiscal Year 2022 And Waiving The Competitive Bidding Requirements.
(second reading)

Mayor Gore said the Council Work Session recommendation was to amend this item and then adopt this item evening.

Ms. Baker moved to amend this ordinance with the amended ordinance; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

- H. An Ordinance For Making Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.
(third reading)

Mr. Chodkowski said he had no additional comments on this item.

Mayor Gore said the Council Work Session recommendation was to amend this item and then adopt this item.

Mr. Shaw moved to amend this ordinance with the amended ordinance; Mr. Hill seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

Mr. Hill moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

12. New Business

CITY COUNCIL

Anthony Rodgers, Clerk of Council

- A. A Motion To Reappoint Eva Newby To The Board Of Zoning Appeals For A Term Ending January 31, 2027.

Clerk of Council Anthony Rodgers made comments regarding Items 12-A, 12-B, and 12-C. He said these are reappointments to City boards and commissions for the identified terms. He said, where appropriate, background checks have been conducted and verified by Human Resources on the reappointees. He asked for approval of all three motions.

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- B. A Motion To Reappoint Cheryl Thomas To The Planning Commission For A Term Ending January 31, 2027.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 8-0.

- C. A Motion To Reappoint Diana Steck To The Tax Review Board For A Term Ending December 31, 2023.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

- D. A Motion To Designate Nancy Byrge As The City Representative And Don Webb As The Alternate City Representative To The Miami Valley Regional Planning Commission (MVRPC) And To Designate Russ Bergman As The City Representative And Bryan Chodkowski As The Alternate City Representative To The Miami Valley Regional Planning Commission (MVRPC) Technical Advisory Committee For 2022.

Mr. Rodgers said as stated this motion is an annual appointment of representatives to this body.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Otto moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

- E. A Motion To Designate Anita Kitchen As A City Representative And Richard Shaw As The Alternate City Representative To The First Tier Suburbs Consortium For 2022.

Mr. Rodgers said this item is to approve standard annual appointments to this body on behalf of the City. He said there is another City Representative position which is vacant, and if someone decides they want to volunteer for that position, it can be scheduled for a future appointment.

Mr. Campbell moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

- F. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To The Applications For Change Of LLC Membership Interests For Speedway, LLC Locations At 6000 Brandt Pike, 6385 Chambersburg Road, 6498 Old Troy Pike, And 8134 Old Troy Pike In Huber Heights, Ohio 45424.

Mr. Rodgers said these are four applications for Change of LLC Membership Interests for Speedway's four locations in Huber Heights. He asked for approval of this motion.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Ms. Baker seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

- G. A Resolution Approving An Agreement With Bryan Chodkowski Regarding The Position Of Interim City Manager Of The City Of Huber Heights.
(first reading)

Mr. Rodgers said this item was discussed by Council, and there is a resolution and agreement in the packet for Council's consideration.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Campbell moved to adopt; Ms. Baker seconded the motion.

Mr. Otto said he will not be supporting this item, not because he does not believe Bryan Chodkowski will do a spectacular job because he does believe Mr. Chodkowski will, he just thinks the numbers are out of line.

On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; Mr. Otto and Mr. Shaw voted nay. The motion passes 6-2.

- H. An Ordinance Amending Certain Sections Of Part One, Administrative Code, Of The City Code Of Huber Heights.
(first reading)

Mr. Rodgers said this item is another section of proposed amendments to the City Code from the Ordinance Review Commission for the final section, Part One - Administrative Code of the City Code. He said the request would be to waive the second reading and adopt this ordinance, so all of these amendments to the City Code can be in place by the end of the year in order to update the City Code to reflect all of the changes.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Hill moved to waive the second reading; Mr. Otto seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

Mr. Otto moved to adopt; Mr. Webb seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- I. An Ordinance Amending Certain Provision Of Part One – Administrative Code, Title One – General Provisions, Chapter 105 – Wards, Section 105.01 – Redivision Into Six Wards, Of The Huber Heights Codified Ordinances, And Declaring An Emergency.
(first reading)

Mr. Rodgers said this item is the ward boundaries legislation discussed earlier during Mr. Rezabek's presentation. He said this item is the ordinance that would amend this section of the City Code and adopt the revised City ward map as discussed in previous Council Work Sessions. He said this ordinance is emergency legislation as it needs to be in effect before December 31, 2021.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mrs. Byrge moved to waive the second reading; Mr. Campbell seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 8-0.

Mr. Hill moved to adopt; Mr. Otto seconded the motion.

Mr. Shaw thanked all of his colleagues and said the process was seamless. He thanked the Clerk of Council and the Law Director for their part in the process. He said Council came together quickly and made the process known to the community.

On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

- J. A Public Hearing Scheduled For December 13, 2021 By The Huber Heights City Council For Zoning Case 21-42. The Applicant Is Parveen Wadhwa. The Applicant Is Requesting Approval Of A Rezoning From R-4 (Residence) To PC (Planned Commercial) And A Basic Development Plan For Property Located At 6025 Taylorsville Road Further Identified As Parcel Number P70 04005 0006 On The Montgomery County Auditor's Map.

Economic Development Coordinator Jason Foster said this site currently has a residential structure on it. He said the proposal is to raise that structure and construct a new 7,200 square foot commercial building. He said the proposal requests the property be rezoned to Planned Commercial for use as a convenience store and laundromat which will be complementary to the surrounding neighborhoods. He said water and sanitary sewer will connect to existing public systems. He said water is located along Mount Hood Drive and the sanitary sewer is located on the eastern boundary of the property. He said storm water will be handled through a proposed underground storm management system, all of which comply with City Code. He said a traffic analysis was completed by Choice One Engineering, and no major roadway changes were recommended. He said the building itself is proposed to be 100 percent masonry, and 31 compliant parking spots are proposed. He said a landscape buffer is proposed on all sides of the property, and all lighting will follow the City Code. He said the Planning Commission recommended approval of the applicant's request unanimously. He said the applicant is present for questions and comments.

Mayor Gore asked if anyone has any questions for Mr. Foster.

Mrs. Byrge said when sites are redeveloped that were previously dry cleaning businesses, there are remediation activities in that area. She asked if there are any similar issues with laundromat type facilities at this site.

Mr. Chodkowski asked if the question Mrs. Byrge is asking is when working with sites that may have some type of contaminant issues, does the City perform diligence or work with the applicant to perform diligence?

Mrs. Byrge said that type of site has to be cleaned up before it is redeveloped. She asked, looking to the future, if there are similar issues with laundromat type businesses.

Mr. Chodkowski said there are instances where the City works with the developer or the City as the developer works to remediate issues. He said the Law Director has comments to offer.

Law Director Gerald McDonald said with dry cleaning, the substance term is called PERC, which was used by dry cleaners in the 1950's and 1960's until it was found to be bad and goes into the ground and stays for a very long time. He said with laundromats, most new cleaners are all green anyway. He said there would be no real remediation with laundromats per se, only with traditional dry cleaners and only those in existence in the 1970's and earlier.

Mayor Gore asked if the applicant, Parveen Wadhwa, had any comments.

Seeing none, Mayor Gore asked Law Director Gerald McDonald to make any comments or provide any additional information.

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make any comments or provide any additional information.

Seeing none, Mayor Gore asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Mayor Gore asked if there was anyone present to speak against the approval of this issue.

Seeing none, Mayor Gore asked if there was any member of City Council to make comments or provide additional information.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this zoning case.

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-42 is hereby closed.

- K. A Public Hearing Scheduled For December 13, 2021 By The Huber Heights City Council For Zoning Case 21-43. The Applicant Is Larkspur. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plans In A PC (Planned Commercial) District For 7.234 Acres Of Property Located At 7650 Waynetowne Boulevard And Further Described As Parcel Number P70 04005 0100 On The Montgomery County Auditor's Map.

Mr. Foster said the applicant previously received approval of a Detailed Development Plan that would allow for the demolition of the current movie theater and the construction of five individual storage buildings in its place. He said that approval has been replaced by the proposal of one large indoor storage facility. He said the proposed building is made up of pre-engineered metal, EIFS, glass, and brick. He said the building facade along Waynetowne Boulevard was recommended to be full masonry except for the glass window walls, and he showed a sample of that masonry. He said also recommended was masonry along the north face of the building up to the water table elevation, and the dumpster enclosure was recommended to be full masonry with gates. He said the proposal calls for one curb cut to the facility off Waynetowne Boulevard, and the current two curb cuts would be removed. He said the parking requirement for the office is one space for every 300 square feet of gross area, which accounts for four spaces with one of those spaces being accessible. He said the building would connect to public water and the office would connect to public sanitary sewer. He said drainage would be collected through catch basins and routing of that storm water to the detention basin on site. He said the existing basin is being upgraded to meet the current City Code requirements. He said lighting meets the City Code. He said the ground sign was recommended to be a maximum of six feet in height and a maximum of 75 square feet total area with the base materials matching that of the building front. He said landscaping is being proposed to include street trees and buffering around the perimeter of the site, including several types of trees, shrubs, and grasses which also complies with the City Code. He said the Planning Commission recommended approval of the applicant's request unanimously. He said the applicant is available to answer any questions.

Mayor Gore asked if any representatives from Larkspur had any comments.

Seeing none, Mayor Gore asked Law Director Gerald McDonald to make any comments or provide any additional information.

Seeing none, Mayor Gore asked if there were any other representatives of the City of Huber Heights to make any comments or provide any additional information.

Seeing none, Mayor Gore asked if there was anyone present to speak in favor of the approval of this issue.

Seeing none, Mayor Gore asked if there was anyone present to speak against the approval of this issue.

Mayor Gore asked if there were any other representatives of the City of Huber Heights to make any additional comments.

Seeing none, Mayor Gore asked if there was any member of City Council to make comments or provide additional information.

Seeing none, Mayor Gore asked one last time if there was anyone to speak in favor of or against the approval of this zoning case.

Mayor Gore said, barring further comments, this Public Hearing of the City Council for Planning Commission Case ZC 21-43 is hereby closed.

ADMINISTRATION

Bryan Chodkowski, Acting City Manager

- L. An Ordinance To Approve A Rezoning And Basic Development Plan For The Property Located At 6025 Taylorsville Road And Further Identified As Parcel Number P70 04005 0006 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-42).
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Otto moved to waive the second reading; Mr. Webb seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw voted yea; Ms. Baker voted nay. The motion passes 7-1.

Mr. Campbell moved to adopt; Mr. Shaw seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; Ms. Baker voted nay. The motion passes 7-1.

- M. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plans For The Property Located At 7650 Waynetowne Boulevard And Further Identified As Parcel Number P70 04005 0100 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-43).
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Shaw moved to waive the second reading; Mr. Hill seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

Mr. Otto moved to adopt; Mr. Webb seconded the motion.

Mr. Webb said this project has been a long time coming, and in speaking with other Councilmembers, he said they are all very pleased with the design.

On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

- N. A Resolution Authorizing The Execution Of A Development Agreement With CAP 5 Development, LLC.
(first reading)

Mr. Chodkowski said this document has an exhibit which will reflect Council's earlier action with respect to amending the plan and connectivity.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Shaw moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

- O. A Resolution Authorizing The City Manager To Execute Certain Leases.
(first reading)

Mr. Chodkowski said this legislation authorizes City Staff to execute leases with tenants at the CR Dayton property.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Otto moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- P. An Ordinance Approving Individual Assessments Amounts And Directing The Finance Director Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mrs. Byrge moved to waive the second reading; Mr. Hill seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 8-0.

Mr. Webb moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

- Q. An Ordinance Authorizing A One-Time Transfer Of Monies From The Gasoline Tax Fund To Document An Advance Previously Made To The Issue 2 Fund, And Declaring An Emergency.
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to waive the second reading and adopt this item.

Mr. Webb moved to waive the second reading; Mr. Otto seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

Mrs. Byrge moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

- R. A Resolution Authorizing The City Manager To Pay For A Contract For Painting The Pool At The Kroger Aquatic Center.
(first reading)

Mr. Chodkowski said this item is to authorize a reimbursement to the YMCA for work already performed at the Kroger Aquatic Center.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Hill moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

- S. A Resolution Declaring Certain City Property In The Police Division As No Longer Required For Municipal Purposes As Surplus And Authorizing Disposal Of Said Property.
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Shaw moved to adopt; Mrs. Byrge seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

- T. A Resolution Authorizing The Spending Limits With Vendor Change Healthcare For The Purpose Of EMS Billing Services For The City Of Huber Heights In 2021.
(first reading)

Mr. Chodkowski said this resolution is necessary to increase the City's ability to pay this expense as there has been an increase in revenue related to EMS billing.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Webb moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Lyons, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

- U. A Resolution Authorizing The City Manager To Enter Into A Contract For The Old Troy Pike (State Route 202) North Bound Widening Project From Huber Road To I-70 And Waiving The Formal Bidding Requirements.
(first reading)

Mr. Chodkowski said this resolution represents the City's partnership with Broad Reach Development to improve traffic flow from Taylorsville Road north to I-70.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Hill seconded the motion. On a call of the vote, Mr. Hill, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- V. An Ordinance To Amend Chapter 509 – Disorderly Conduct And Peace Disturbance Of Part Five - General Offenses Code Of The Codified Ordinances Of The City Of Huber Heights By Amending Section 509.08 – Disturbing The Peace In Subsection (b)(10).
(first reading)

Mr. Chodkowski said he had no additional comments.

Mayor Gore said the Council Work Session recommendation was to pass this item to a second reading. He said there is one citizen registered to speak on this agenda item.

Mr. Kyle Austin said he was at the City Council Meeting on September 13, 2021, to address his concern with construction that has been happening behind his house for the past two years. He said the contractors start at 6:00 a.m. every day, on Saturdays, and are now starting to work on Sundays. He said he was instructed by Council to reach out to the Police Division with any concerns, and he has done so five times since September 13, 2021. He said the police officers have told him they are not authorized by their superiors to cite anyone in the construction zone for noise ordinance problems. He said on December 4, 2021, when he called the police, he was informed by the police officer who responded that the contractors are allowed to be back there on Sundays as long as they are not there before 9:00 a.m. He said the contractors start at 7:00 a.m., and when he calls the police he is told the officers have

been told by the Police Chief that they cannot do anything about it. He said in the Council Work Session on December 7, 2021, he saw that there had been so many police complaints that the thought was to go ahead and make Saturday a regular workday and that will eliminate the police complaints. He said he does not understand how Council tells the people if there is a problem with the ordinance and construction crews are not following the rules to contact the police, then when too many people call the police. He said Council just says let's go ahead and make it legal. He said at 7:00 a.m. on Saturday, contractors were putting trusses up on a house and that is not a quiet project. He said he was told the last time he attended a meeting it seemed like he would get some relief. He said there are more hours in the day and week that the contractors have to disturb residents' peace than residents have to have their peace. He asked Council to reconsider making Saturday a working day and to say something to the Police Chief so when people call regarding a violation of any ordinance that there is not someone behind the scenes telling the police officers not to cite those people. He asked Council to reconsider and to give law enforcement more teeth in enforcing City ordinances.

Mayor Gore said when this issue was brought up it was to have an ordinance with more teeth. He said Mr. Otto had brought up multiple times the idea of not having any type of consequence if the contractor was there. He said Sundays were not on the table as part of this change. He said there were issues with work starting too early and there was an agreement that 6:00 a.m. was too early. He said 7:00 a.m. did not mean contractors could show up earlier and warm up equipment. He said the City Manager made it clear to the Police Chief that under this new ordinance that there will be citations issued if that is the case. He said when you look at the broad ordinance change, it does not just deal with new construction and new development. He said it deals with anyone who is working Monday through Friday and does not have time to work on a project at home until the weekend. He said if Council made a broad ordinance that would eliminate any kind of work or construction that could be loud or that might disturb a neighbor on a Saturday, then Council has eliminated the time when anyone could do work on their house if they chose to do it themselves. He said that was a determining factor, and Council was very close to eliminating Saturdays altogether. He said that restriction does not help someone who is a DIYer. He said he expects calls will go to Mr. Webb, and he hopes calls will come to him if anyone is onsite working before 7:00 a.m. He said a lot of discussion went into this ordinance.

Mr. Austin said he understands the justification for a DIYer, but a DIYer will not have a bulldozer behind your house at 7:00 a.m. and cranes lifting trusses. He said he understands trying to find something that suits every situation is difficult. He said in his opinion it is a big difference in what noise a DIYer will make compared to 15 guys on a construction site.

Mark Campbell asked what date and time of day that Mr. Austin is contacting the police.

Mr. Austin stated he is calling on Saturdays when construction starts, usually 7:00 a.m. or 8:00 a.m. and he stated when work is disallowed based on the ordinances posted on the City's website.

Mayor Gore confirmed for Mr. Campbell that the new ordinance would add Saturdays and change the permitted work times to 7:00 a.m. to 7:00 p.m. He said the big issue is that a resident spoke about home projects and was afraid if Saturdays were not added to the ordinance, if someone was going to call, the City was going to start enforcing it. He said the proposed change now adds Saturdays and changes the time to 7:00 a.m. He said the City Manager has been notified that Council expects this ordinance to be enforced and citations written.

Mrs. Byrge said this legislation has not been passed yet.

Mayor Gore said the City should be citing. He said the only question he can remember is who is to be cited, the contractor or subcontractor, but he would expect the subcontractor should be cited. He said the Police Division has had the ability to cite since the ordinance was passed the first time. He said Saturdays were never an approved day. He said the City has not been citing anyone on Saturdays.

Mr. Campbell asked Mr. Chodkowski if he understands his confusion on this matter.

Mr. Chodkowski said he does and is somewhat confused as well. He said this is the first time this information has come to his attention in this capacity that the City is not enforcing or taking appropriate action to enforce the disturbing the peace provision. He said he can address this issue with Police Chief Lightner tomorrow morning and ask that the Police Chief put together a plan to ensure the ordinance is being enforced, and he will report back to Council as soon as he has that plan.

Ms. Baker asked if notices can be put on the houses telling people the hours when they can work.

Mr. Hill said it is within the ability of the City Engineer to allow companies to go outside those hours. He said if a company is doing work on a Saturday or Sunday, it is because the City Engineer has given that authorization from what he understands.

Mr. Austin said that authorization is limited to a period not to exceed three days during a situation of an emergency.

Mr. Otto said with contractors not following the rules and citizens having issues with the actions and coming to Council, it feels Council is extending the hours and giving the contractors more time than before which is almost a reward. He said it would be like if everyone was going 55 mph down Old Troy Pike, and instead of pulling them over, the City just makes the speed limit 55 mph. He said the hours should not be changed and he is fine with the hours staying as is and getting some enforcement on these issues.

Mayor Gore said the recommendation at the Council Work Session was to pass this item to a second reading.

Mr. Webb said prior to passing this item to a second reading, he would like to call on Mr. Otto since they were on the Ordinance Review Commission together. He confirmed with Mr. Otto that some legislation had penalty clauses. He said this ordinance is an ordinance that is expanding, as Mr. Otto said, the right of the contractor. He said he would like Council to step back and take a look at this ordinance. He said this issue is a matter of enforcement but the City needs to be much more clear what is expected of those enforcing the ordinance.

Mrs. Byrge asked if Police Chief Lightner said he did not have the authority to enforce this ordinance?

Mayor Gore said if the City Engineer gives a contractor leeway with the hours to be out there, that could certainly cause some confusion with the police.

Mayor Gore said Council is here with legislation that Council asked for at the Council Work Session, and the problem is still not addressed - is this an enforcement problem or a time problem?

Mr. Otto said this issue is enforcement all day. He said the City has not enforced the current hours and contractors have not shown they can stay within the current bounds.

Mr. Shaw said at the very long in depth meeting with the Police Chief, the City Engineer, and the Law Director, the Law Director made it very clear what section can be used for citations.

Mr. McDonald said with this ordinance, Council is amending Section 10 and there are 14 sections. He said Section 508(b) lists examples of disturbing the peace. He said he does not recall Police Chief Lightner saying he could not enforce this ordinance because there is a penalty in the City Code, a misdemeanor in the fourth degree. Mr. McDonald said the person or persons committing the crime can be cited, not their superior.

Mr. Shaw asked why people have not been cited, and that is what needs to be done. He said he was led to believe by the City Engineer there were a lot of requests and Council heard from one builder. He said this legislation should be tabled.

Ms. Baker said she is about the education piece and she said signs should be posted in

all new house windows citing the rules and hours to work.

Mayor Gore asked if there is a way to address new construction versus the person who went out and bought a new door and is putting it up on a Saturday.

Mrs. Byrge said you cannot put anything in the ordinance about your personal home as there are too many variables. She said Police Chief Lightner should be involved in the discussion to see what can be enforced and help Council understand what can be enforced.

Mayor Gore said he is looking at an ordinance that came out of the Council Work Session that allows Saturdays, and now Council does not want to allow Saturdays.

Mr. Webb said he is not in favor of passing or changing any ordinance if the ones on the books cannot be enforced now.

Mrs. Byrge said she agrees with that position. She said if you go into any community that is building, you will see contractors working on Saturdays. She said it is important the contractors have the latitude of using a Saturday to make up for rain days or whatever else. She said the issue should be tabled for now.

Mr. Rodgers said a motion can be made to postpone action indefinitely, which is basically a kill motion that takes this item off the agenda until it can be revisited.

Mr. Campbell asked if what the City Engineer said to the building community is an issue, and if he has that authority?

Mayor Gore said it is an issue as contractors believe they can work on Saturdays, and that authority exists.

Mr. Otto said the authority is in emergency situations.

Mayor Gore said it has been accepted practice and no one has been enforcing it. He said all of the complaints were specific to that one area. He asked what would constitute an emergency?

Mr. McDonald says the legislation does not say what is an emergency. He said typically those things are for water main pipes that break in the middle of the night, but this one is odd because it is in the emergency section, but is for the demolition, alteration and repair of the building. He said it is not clear to him what is an emergency. He said the City Engineer has the authority to grant permission in an emergency situation with up to three days leeway, and it can be renewed while the emergency continues. He said the section does not define an emergency.

Mr. Webb said the City Engineer can issue a permit for a period not to exceed three days while the emergency continues, and it can be renewed while the emergency continues.

Mr. McDonald said he does not know when building a new house becomes an emergency. He said these statutes are built in to be broad and general because you cannot possibly think of all exceptions.

Mr. Shaw made a motion to postpone action indefinitely on Item 12-V; Mr. Campbell seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mr. Hill voted yea; none voted nay. The motion passes 8-0.

- W. A Resolution Authorizing The City Manager To Solicit A Request For Proposals (RFP) From Engineering Qualified Consulting Firms To Provide Engineering Design For The 2022 Water Main Replacement Project.
(first reading)

Mr. Chodkowski said just following up on Mr. Shaw's question from earlier in the discussion, in the draft resolution he notes the fifth recital at the top, where it refers to, "Whereas, Council action will still be required to award the actual construction contracts for the 2022 Water Main Replacement Project." He said he was not as quick on his feet when the question first came up, but he was conscientious that City Staff should not have carte blanche authority to bid and award these projects without Council consent. He asked Council to adopt this resolution to begin the process as quickly as possible.

Mr. Shaw moved to adopt; Mr. Hill seconded the motion.

Mr. Lyons thanked Mr. Chodkowski for bringing this item to Council this evening and he said it saves time. He said Mr. Chodkowski's update weekly would be a good consideration for this project as some people think this water main replacement falls into an emergency category because it falls under delivery of services. He said from City Staff he appreciates the same level of energy as seen in the Barn Project.

On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mr. Hill, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

13. City Official Reports and Comments

Mr. Lyons said he would like an update on the status of the City Manager search process.

Mr. Rodgers said Mrs. Heminover was here onsite from Baker Tilly about three and a half weeks ago to interview members of City Staff and Council for input into developing the City Manager recruitment profile. He said that profile is what Baker Tilly been working on. He said she said that would lead up to the holidays and then after the first of the year, Baker Tilly would come back with a draft profile. He said once the City approved that recruitment profile after making any edits as necessary, then that recruitment profile would go out into the public domain, and Baker Tilly would officially begin the recruitment efforts towards identifying candidates that were interested in making application for the City Manager position.

Mr. Lyons thanked Mr. Hill for his service over the last four years, and he wished him and his family the best.

Mr. Otto wished everyone a safe and happy holiday season and thanked Mr. Hill for his service.

Mr. Campbell thanked Mr. Hill for everything he has done for the City and he said Huber Heights is a better place because Andy Hill served for four years. He thanked Jason Foster for filling in and complimented him on what he has done and how he has done it. He said he appreciates the presentation and accuracy. He said Bryan Chodkowski has several big shoes to fill.

Mr. Shaw thanked Bryan Chodkowski for accepting the position and he said hopefully it will be a short tenure.

Mr. Campbell welcomed Ms. Kitchen to Council and he said he looks forward to working with her.

Mr. Shaw said a press release will be submitted soon. He said earlier this month he received correspondence from the new National League of Cities (NLC) president, Mayor Vince Williams from Union City, Georgia who asked him to serve in a Vice Chair capacity on the Community and Economic Development Federal Advocacy Committee next year. He said he accepted that position. He said it will be a great time to see what is across the country, and he will bring a lot of things back to the community. He said that is one of the reasons he had to step back from the First Suburbs Consortium locally. He said he will still be giving his energy and dedication to the City. He thanked Mr. Hill and thanked his family for dedicating their time and wished him success in all his endeavors.

Mayor Gore congratulated Mr. Shaw on his appointment as Vice Chair of the NLC committee.

Ms. Baker thanked Mr. Chodkowski and she said she looks forward to working with him. She congratulated Mr. Hill on his "retirement". She wished all of the residents a Merry Christmas and a Happy New Year.

Mrs. Byrge congratulated Sergeant Holbrook on his promotion. She thanked Andy Hill and wished him the very best.

Mr. Webb thanked Mr. Hill. He said the past four years have been some difficult times, and he appreciates Mr. Hill's dedication.

Mayor Gore said he and Mr. Hill may no longer be colleagues, but they will be friends for a very long time. He said everyone needs to keep all of the people in Kentucky in their thoughts and prayers. He said a resident, Mrs. Koogler, reached out to him and asked if the community could help. She said her son works for a trucking company and the owner of the company wanted to put together a way to get supplies, water, clothing sent there. He said there are links from the Red Cross stating what is needed. He asked Mrs. Koogler to get information back to him, and once he has the details he will share the information through social media. He said Huber Heights is a very giving community.

Mr. Koogler approached the podium and said the owner of The Expediting Co is on board for this effort. He said it all comes down to the where and the when. He asked if his company was to donate the truck to haul the goods, he is not sure if his company can do the staging area because it is a TSA secure facility so he said there would need to be a staging area.

Mayor Gore said the City will get some links available to folks to be able to help.

Mr. Hill said it does not seem like it has been four years. He said he appreciated all of the friendships he has made. He said so many crazy things have happened, and great work was done. He said he is so thankful for this time and the opportunity to serve.

14. Executive Session

There was no need for an Executive Session.

15. Adjournment

Mayor Gore adjourned the Regular Session City Council Meeting at 9:24 p.m.

Clerk of Council

Date

Mayor

Date

AI-8132

Special Presentations/Announcements A.
City Council

City Council Meeting

Meeting Date: 01/10/2022

Swearing In and Oath Ceremony - J. Gore

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Swearing In And Oath Ceremony For Mayor Jeff Gore – Mrs. Toni Gore

Purpose and Background

Jeff Gore began a new term as Mayor on January 1, 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8133

Special Presentations/Announcements B.
City Council

City Council Meeting

Meeting Date: 01/10/2022

Swearing In and Oath Ceremony - M. Campbell

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Swearing In And Oath Ceremony For Mr. Mark Campbell, Ward 5 Councilmember – Mayor Jeff Gore

Purpose and Background

Mark Campbell began a new term as Ward 5 Councilmember on January 1, 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8134

Special Presentations/Announcements C.

City Council Meeting

City Council

Meeting Date: 01/10/2022

Swearing In and Oath Ceremony - N. Byrge

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Swearing In And Oath Ceremony For Mrs. Nancy Byrge, At Large Councilmember – Mayor Jeff Gore

Purpose and Background

Nancy Byrge began a new term as At Large Councilmember on January 1, 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8135

Special Presentations/Announcements D.

City Council Meeting

City Council

Meeting Date: 01/10/2022

Swearing In and Oath Ceremony - K. Baker

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Swearing In And Oath Ceremony For Ms. Kathleen Baker, Ward 3 Councilmember – Ms. Cayley Baker

Purpose and Background

Kathleen Baker began a new term as Ward 3 Councilmember on January 1, 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8136

Special Presentations/Announcements E.

City Council Meeting

City Council

Meeting Date: 01/10/2022

Swearing In and Oath Ceremony - A. Kitchen

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ N/A

Resolution No.:

Agenda Item Description or Legislation Title

Swearing In And Oath Ceremony For Mrs. Anita Kitchen, Ward 4 Councilmember – Mr. Joe Braden

Purpose and Background

Anita Kitchen began a new term as Ward 4 Councilmember on January 1, 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8113

**Special Presentations/Announcements F.
City Council**

City Council Meeting

Meeting Date: 01/10/2022

Huber Heights Military and Veterans Commission Outstanding Veterans Service Award Presentation - Brandon McClain

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: None

Date(s) of Committee Review: N/A

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Huber Heights Military And Veterans Commission Outstanding Veterans Service Award Presentation To Mr. Brandon McClain - Mr. Albert Griggs, Jr., Chair Of The Huber Heights Military And Veterans Commission, And Mayor Jeff Gore

Purpose and Background

Mr. Albert Griggs, Jr., Chair of the Huber Heights Military And Veterans Commission, will be presenting the Outstanding Veterans Service Award to Mr. Brandon McClain on behalf of the Huber Heights Military And Veterans Commission.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8124

New Business A.
City Council

City Council Meeting

Meeting Date: 01/10/2022

2022 Vice Mayor

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Motion To Appoint The City of Huber Heights Vice Mayor For 2022.

Purpose and Background

The City Charter dictates that Council select a Vice Mayor each year. This agenda item is an opportunity for Councilmembers to present to Council their desire to serve as Vice Mayor or their desire for another Councilmember to seek that position.

SECTION 4.04 - MAYOR AND VICE MAYOR.

(B) Vice Mayor. Council shall, at the first regular meeting in January following its election and every year thereafter, choose, by a vote of no less than five (5) members of Council, one of its members as Vice Mayor, who shall act as Mayor during the absence or disability of the Mayor. If a vacancy in the Mayor's office occurs, the Vice Mayor shall serve as Mayor until the next regular municipal election. At such election a Mayor shall be elected to serve for the unexpired or a full term, as appropriate. At least ten (10) days prior to the date for filing for the office of Mayor at such election, the Vice Mayor who assumed the office of Mayor shall file with the Clerk of Council a written statement indicating whether such person will become a candidate for Mayor at such election or will reassume office of Councilmember, and such person shall be bound by such decision. If such decision is made in favor of reassuming the office of Councilmember, then upon the election of a Mayor and upon the assumption of the office by the person so elected, the Vice Mayor shall reassume the office previously held as councilmember for the remainder of the unexpired term to which elected. In the event of a vacancy in the office of Mayor whereby the Vice Mayor assumes the office of Mayor under this Section, the Council shall select a person to fill the vacancy in Council as provided in Section 4.07 of this Charter; however, the person so chosen to fill the vacancy in Council shall serve only until a Mayor is elected as provided herein, if the Vice Mayor elects to reassume office as a Councilmember for the remainder of the unexpired term as provided for in this Section.

Councilmembers Mark Campbell and Glenn Otto were nominated for consideration to serve as the Vice Mayor for 2022 at the January 4, 2022 Council Work Session.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8126

**New Business B.
City Council**

City Council Meeting

Meeting Date: 01/10/2022

2022 Rules of Council

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Motion To Approve The 2022 Huber Heights Rules Of Council Effective January 10, 2022.

Purpose and Background

At least annually, City Council reviews, updates and approves the Rules of Council by a motion of the City Council at a City Council Meeting.

At the January 4, 2022 Council Work Session, the City Council agreed to an amendment to Section II(A) - Meetings to change the meeting times for Regular City Council Meetings from 7:00 P.M. to 6:00 P.M. for consistency with a previous decision by City Council to change the times for City Council Meetings to 6:00 P.M. effective in 2022.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

2022 Rules Of Council

City of Huber Heights **RULES OF COUNCIL**

(Adopted by the Huber Heights City Council on January 10, 2022)



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I. POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 4.01, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 4.06 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

1. Making policy necessary for the operation of the City.
2. Appointing a City Manager and establishing a salary for the City Manager (Section 6.01, City Charter).
3. Appointing a Clerk of Council (and Deputy Clerk of Council) and establishing a salary for the Clerk(s) (Section 4.08, City Charter).
4. Appointing a Law Director and establishing a salary for the Law Director (Section 7.05, City Charter).
5. Obtaining reports from the City Manager concerning conditions, efficiencies, needs, and other affairs and related City matters.
6. Evaluating and approving the City budget and appropriations and their modifications.
7. Evaluating the effectiveness of City programs and the performance of the City Manager, the Clerk of Council, and the Law Director.
8. Informing the public of City activities and needs.
9. Regulating its own organization and membership (Sections 4.02, 4.03, 4.05, 4.06, 4.07, 4.10 and 4.13, City Charter).

Council shall adopt, by a simple majority vote of its members currently holding office, its own Rules of Council which shall not conflict with the City Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council then holding office. The Rules of Council shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of Council (Section 4.14, City Charter).

II. MEETINGS

- A. Regular City Council Meetings:** Regular Council City Meetings will be held on the second and fourth Mondays of each month (except for December) unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be

adjusted to address the holiday. Meetings will begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building.

- B. **Special City Council Meetings:** Special City Council Meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- C. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. Council Work Sessions will be generally held on the Tuesday of the week prior to the Regular Council City Meetings unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be adjusted to address the holiday. Council Work Sessions will generally begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building. Council Work Sessions may also be called for any purpose at other dates and times by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- D. **Committee of the Whole:** Council may schedule committee meetings of the entire Council as a Committee of the Whole meeting. Committee of the Whole meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- E. **Between Regularly Scheduled City Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager, the Law Director, or the Clerk of Council; may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.
- F. **Public Notification of Meetings:** The Clerk of Council will make public notice of all Regular or Special City Council Meetings, Council Work Sessions, and other

meetings of Council at least twenty-four (24) hours in advance of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice at the City Hall building.
2. Posting of the public notice on the City of Huber Heights official website.
3. Posting of the public notice on the City of Huber Heights official Facebook and Twitter accounts.
4. Distribution of the public notice by email via the Internet through an electronic distribution list maintained by the Clerk of Council that includes media outlets and individual members of the public who have requested notification in advance (see below).

The public may also obtain notice of the date, time, place, and purpose of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council by contacting the Office of the Clerk of Council.

Any person may obtain advance notification of all Council meetings by email via the Internet through an electronic distribution list maintained by the Clerk of Council at no charge. This request should be made in writing to the Clerk of Council. Any such request shall be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules of Council.

- G. Executive Session Meetings:** Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22, the Ohio Sunshine Law. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may motion that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22 and passed by a majority or unanimous vote (depending on the purpose of the Executive Session), is required for Council to recess to Executive Session.

All other Council meetings must also comply with the requirements of Ohio Revised Code Section 121.22 as described above.

Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the Regular City Council Meetings or Special City Council Meetings, as well as Council Work Sessions and other Council meetings, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Ohio Revised Code. In addition, the

aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

- H. **Pre-Meeting Information:** Two (2) business days prior to scheduled City Council Meetings, Council Work Sessions, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to the Office of the Clerk of Council through the AgendaQuick system and approved by the City Manager on the Wednesday immediately preceding each meeting by 5:00 P.M. The Law Director will also be provided all of this information to allow for proper legal review.
- I. **Recesses and Adjournments:** City Council Meetings, Council Work Sessions, or other Council meetings may be adjourned or recessed to another time, date, or place without giving the notice required in paragraph B, Special Meetings, above (Section 4.13 (C), City Charter). Short recesses (5-15 minutes) may be designated by the Presiding Officer during regular or special meetings without a vote of Council. Other recesses require a simple majority vote of Council.
- J. **Presiding Officer:** The Mayor presides over Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole meetings, or other Council meetings; however, in the absence of the Mayor, the Vice Mayor presides (Section 4.04, City Charter). In the absence of the Mayor and the Vice Mayor or at the discretion of the Mayor or Vice Mayor, the Council may elect a Councilmember to serve as Presiding Officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues in Regular City Council Meetings or Special City Council Meetings except in cases of tie votes (Section 4.04, City Charter). The Mayor is a non-voting member of all Council appointed committees (Section 4.04, City Charter). The Vice Mayor serves as a Councilmember with all voting and other rights accorded that position (Section 4.04, City Charter).
- K. **Clerk of Council:** The Clerk of Council (with the assistance of the Deputy Clerk of Council) serves as Council administrator. The Clerk attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by Council and required by law (Section 4.08, City Charter). The job duties and functions of the Clerk of Council and the Deputy Clerk of Council are also defined in the applicable position descriptions. These job duties and functions are further defined through the day to day general supervision and

assignment of duties, tasks, and responsibilities by the Clerk of Council to the Deputy Clerk of Council.

L. Quorum and Majority Votes:

1. Quorum: Five (5) members of Council, other than the Mayor, shall constitute a quorum for all Council meetings. Confronted with a lack of a quorum, a smaller number of Councilmembers may convene and may compel the attendance of absent members and may adjourn meetings to a subsequent date (Section 4.12, City Charter).
2. Majorities: In determining a simple, a two-thirds (2/3), or a three-fourths (3/4) majority vote of Council, the Mayor is counted. Majorities are based on the total number of Councilmembers holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number nine (9) as denominator. Thus, five (5) constitutes a simple majority, six (6) a two-thirds (2/3) majority, and seven (7) a three-fourths (3/4) majority.

M. Attendance, Absences, and Removals: Councilmembers are required and expected to attend all Regular City Council Meetings and Special City Council Meetings. Absences from Council meetings may be excused for reasonable cause. All absences from meetings will be communicated through the Clerk of Council's Office. For the official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority vote.

Unexcused absences from three (3) consecutive Regular City Council Meetings may result in the removal of a Councilmember. A two-thirds (2/3) majority of the Councilmembers then holding office, exclusive of the Councilmember being considered for removal, is required (Section 13.08, City Charter).

A Councilmember or the Mayor may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of a two-thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.

N. Agendas:

1. Preparation: The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the City Manager and the Presiding Officer. The Presiding Officer may also solicit input from Councilmembers and the Mayor for the agendas for all Council meetings. Any three (3) Councilmembers may also compel an item to be placed on the agenda for Council Work Sessions as described under Section II, C. of this document.
2. Review: Council will be previously apprised and informed of all proposed legislation/motions and/or other matters of significance on the agendas through Council Work Sessions, other Council meetings, or written

communications from the City Manager or the Clerk of Council (except for emergency situations) or as otherwise determined by Council.

3. Format:

A. Regular City Council Meetings of Council will follow this format unless changed by any five (5) Councilmembers:

1. Call the Meeting to Order
2. Invocation
3. Flag Ceremony
4. Pledge of Allegiance
5. Roll Call
6. Approval of Minutes
7. Special Presentations/Announcements *
8. Citizens Comments **
9. Citizens Registered to Speak on Agenda Items **
10. City Manager Report
11. Pending Business
12. New Business
13. City Official Reports and Comments
14. Executive Session
15. Adjournment

* Usually reserved to accommodate non-profit or citizen groups whose purpose is to make a short, formal presentation.

** Citizens wishing to reserve time to speak must complete a Citizens Comments Request.

B. Council Work Sessions will normally follow this format:

1. Call the Meeting to Order/Roll Call
2. Approval of Minutes
3. City Manager Report
4. Work Session Topics of Discussion
5. Executive Session
6. Adjournment

O. Public Participation at Meetings: The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. Members of the public desiring to speak at Council Work Sessions or other Council meetings may approach the podium and be recognized at the discretion of the Presiding Officer. Citizens

granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision of such agenda items. Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the Presiding Officer. Regarding pending legislation, citizen comments will be heard only after the reading of the legislation and explanation by City Staff and discussion by Council.

- P. Minutes:** The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Council may, by a simple majority vote, direct that more detailed minutes be kept for all or part of a meeting.
- Q. Councilmember Decorum:** During all official meetings of the Council, whether Committee Meetings, Council Work Sessions, Regular City Council Meetings, or Special City Council Meetings, the members of Council in attendance will represent the City in a professional manner by directing their comments to the business of the Council and the policy implications of such business.

Disparaging comments about a specific member of Council's personhood, political affiliations, or matters of a personal nature will be ruled out of order by the Presiding Officer. For repeated offenses, the Presiding Officer shall put the question of whether the offender shall be removed from the meeting which shall be determined by a vote of three-fourths (3/4) of Councilmembers then present (excluding the offender) without debate.

In no way is this section designed to eliminate the natural and appropriate disagreement or communication of such disagreements between Councilmembers on particular views, positions, directions, or political and/or philosophical positions of individual Councilmembers. Additionally, this section is not designed to limit any First Amendment rights of individual Councilmembers in their private or political capacities outside of official City meetings.

III. LEGISLATION

- A. The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. A motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter (Section 5.01, City Charter). All motions of Council require seconds. Voting records by individual Councilmembers on each item voted on are to be kept by the Clerk of Council.

Article V of the City Charter prescribes procedures that must be adhered to in regard to legislation. The Law Director assures that any proposed legislation fulfills all legal requirements.

Step 1. If determined appropriate, the Presiding Officer will refer proposed legislation to a Council Work Session for Council to review the proposed legislation and to make any recommendations regarding the proposed legislation. Council may also refer the matter to additional Council Work Session(s) to review the proposed legislation in between the ongoing reading(s) of the legislation. In most cases, the proposed legislation will have already been reviewed by a Council Work Session prior to being placed on the meeting agenda for a Regular City Council Meeting or Special City Council Meeting. After discussion on proposed legislation, the Presiding Officer will inquire if there any objections from Councilmembers to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. If there are any objections to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading, the Presiding Officer may continue the discussion on the proposed legislation to determine an appropriate course of action.

Step 2. The proposed legislation is placed on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. A copy of all proposed legislation, except personnel-related actions, will be posted on the bulletin board in City Hall. The Clerk of Council will endeavor to have legislation posted as soon as available prior to the meeting. All readings of legislation are made by title only unless a majority of Council approves by an adopted motion a full text reading. No discussion by Councilmembers will occur until after a motion is on the floor and the motion is seconded. Each resolution must be read on one separate Council meeting day. Each ordinance must be read on two separate Council meeting days, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers then holding office (Section 5.04, City Charter). Approval or rejection of a proposed resolution usually takes place immediately after this first reading, but the resolution can be read at additional readings at the discretion of Council.

Step 3. A second reading is held for a proposed ordinance, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers

then holding office (Section 5.04, City Charter). Approval or rejection of the proposed ordinance usually takes place immediately after this second reading but the ordinance can be read at additional readings at the discretion of Council.

Step 4. When approved by Council, the legislation is assigned an index number from the legislation journal and typed in final form by the Clerk of Council. An annual indexing system is used. Ordinances are coded “O” and Resolutions “R”; for example, 2017-O-1000 and 2017-R-1000. The legislation is then authenticated by the signatures of the Clerk of Council and the Presiding Officer (Section 5.08(A), City Charter) after the City Council Meeting when available or in a forthwith manner. Amended legislation or legislation not available for authentication by the Clerk of Council and the Presiding Officer during or immediately following the City Council Meeting will also be authenticated forthwith. Motions by Council (beginning in 2009) are also assigned an index number and typed in final form by the Clerk of Council using an annual indexing system. Motions are coded “M”; for example, 2017-M-1000.

Step 5. Any legislation which is enacted by less than a two-thirds (2/3) majority vote must be presented to the Mayor for approval except those enacted by the Mayor having cast the deciding vote. If the Mayor does not approve (i.e., vetoes) the legislation, the Mayor shall return it after its passage or adoption, with any objections in writing, to the Council at the next Regular City Council Meeting. The Mayor's written objections shall be entered upon the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If the Mayor does not return such ordinance or resolution with written objections within the time limited in this Section, it shall take effect in the same manner as if the Mayor had signed it, unless the Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it as herein provided with any written objections, the Council may reconsider it no later than the Regular City Council Meeting, and if such ordinance or resolution upon such reconsideration is approved by a two-thirds (2/3) vote of the members of Council then holding office, it shall take effect as if signed by the Mayor. If Council does not reconsider the Mayor's veto as herein provided, the content of the legislation in question may be considered thereafter in the same way all new legislation is considered (Section 5.12, City Charter).

Step 6. Legislation is published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its passage in public places within the City or places of public access as determined by Council. The designated public places are:

1. Legislative Bulletin Board - City Hall Building
2. Legislative Public Binder - City Hall Building
3. Clerk of Council's Office

4. Huber Heights Public Library
5. Huber Heights Police Station
6. City of Huber Heights Official Website

Step 7. The Clerk of Council certifies in the legislative journal the dates that publication occurred.

- B. Effective Date of Legislation:** Any resolutions take effect immediately upon adoption by Council, unless a later date is specified. Ordinances dealing with appropriations of money; annual tax levies for current expenses of the City; certain improvements petitioned for by owners; questions to be submitted to the electorate or determinations to proceed with elections; approval of revisions, codifications, recodifications, or rearrangements of the City Code; and, any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified. All other ordinances take effect thirty (30) days after adoption by Council, unless a later date is specified. The thirty (30) day effective date of legislation is calculated by counting from the date after adoption by Council of the ordinance with the effective date being the thirty-first (31st) day after date of adoption by Council of the ordinance.
- C. Emergency Legislation:** Emergency ordinances are those necessary for the immediate preservation of the public peace, health, safety or welfare, or an emergency in the operation of the City. Emergency ordinances must contain a statement, “the emergency clause”, describing the necessity for the emergency. A vote of two-thirds (2/3) of Councilmembers holding office is required to approve emergency ordinances (Section 5.06, City Charter). Any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified.
- D. Copies of Ordinances and Resolutions:** The Clerk of Council shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The Clerk of Council shall charge the established rate in the Huber Heights Public Records Policy for such copies.

IV. MOTIONS

Unless there is a conflict with these Rules of Council or the City Charter, Roberts Rules of Order will be used as guidance during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject (**requires majority vote**).
2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:
 - a. To adjourn (**requires majority vote**).
 - b. To recess (**requires majority vote**).

- c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council **(decision of Presiding Officer)**.
- d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order **(decision of Presiding Officer)**.
- e. To lay on the table to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed **(requires majority vote)**.
- f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.
- g. To limit or extend limits of debate **(requires two thirds vote)**.
- h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.
- i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.
- j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. No motions can be made to amend an amendment. A rejected amendment may not be moved again in the same form **(requires majority vote)**.
- k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or “kills” the main motion for the duration of the session **(requires majority vote)**.
- l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in “a”, “b”, “c” and “f” are decided without debate.

3. **Motion to Take Matter From Committee:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.

4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter (**requires majority vote**).

V. **COUNCIL WORK SESSIONS/COMMITTEES**

- A. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. The Council Work Sessions shall consist of the Mayor and all of the Councilmembers. Council Work Sessions shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.

Proposed legislation/motions and/or other matters of significance will generally be reviewed initially through assignment to a Council Work Session. Exceptions to the review of proposed legislation/motions and/or other matters of significance through assignment to a Council Work Session can be made by Council for routine matters, including approval of expenses legislation and end of the year legislation. Council may also opt to review proposed legislation/motions and/or other matters of significance that arise in emergency situations at Regular City Council Meetings or Special City Council Meetings without assignment to a Council Work Session.

All Council Work Sessions shall comply with the requirements of Ohio Revised Code Section 121.22 under Ohio's Open Meetings Act. It shall be the responsibility of the Presiding Officer to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy of all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- B. **Committee of the Whole:** The working business of the Council may also be conducted through Committee of the Whole meetings. The Committee of the Whole shall consist of the Mayor and all of the Councilmembers. The Committee of the Whole meetings shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.
- C. **Special Committees:** The Mayor may appoint temporary special committees, unless objected to by Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to

specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed by the Mayor shall be advisory only. The Mayor shall be a non-voting ex-officio member of all special committees. A Special Committee Chair will be elected by the members of the special committee to act as the Presiding Officer of meetings of the special committee. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under the Ohio's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- D. Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, ongoing reports shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote of Council.

VI. COMPENSATION AND EXPENSES

Council may increase or decrease the compensation of its members by ordinance or resolution. However, no Councilmember shall benefit from any increase in compensation enacted during such Councilmember's current term of office (with the exception of increases or decreases in fringe benefits). Any ordinance or resolution changing the compensation of Council shall be adopted no later than June 1 of any odd numbered year (Section 4.10, City Charter).

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Vice Mayor before such expenses are reimbursable. Those who use a personal vehicle during authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Office of the Clerk of Council after approval by the Mayor (or Vice Mayor for the Mayor's travel expenses) for processing by the Finance Department.

VII. IN-SERVICE TRAINING

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of

information that enhance a Councilmember's ability to perform Council duties. Councilmembers shall be reimbursed for these expenses.

VIII. LAW DIRECTOR AND OTHER LEGAL COUNSEL

No legal services shall be performed by the Law Director except as authorized by the City Charter and City Council, or as requested by the City Manager, the Clerk of Council, and Senior City Staff. City Council, through the Council Work Sessions or any other Council meetings including the Committee of the Whole as determined by City Council, shall be responsible for administration and management of the Law Director and the Law Department. All administrative matters involving the Law Director shall be brought before the appropriate Council meeting including the Council Work Session or the Committee of the Whole. Conflicts of interest shall be resolved between Law Director and City Council through the appropriate Council meeting including the Council Work Session or Committee of the Whole.

The Law Director shall attend all Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of official business. The Law Director shall attend meetings of other City bodies when, in the Law Director's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The chairs of City boards, committees, and commissions generally should request, through the City Manager, the attendance of the Law Director at any meetings, if necessary. Communication will also be forwarded to City Council by the City Manager regarding the attendance of the Law Director regarding such meetings.

Preliminary drafts of legislation should be submitted to the Law Director for review as part of the legislative process established in Section III of the Rules of Council. In addition, the Law Director will draft legislation at the specific direction of the City Manager, the Clerk of Council, or from Council meetings and shall review all legislation for legal form and propriety.

The Law Director will provide Council, the City Manager, and the Clerk of Council with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The Law Director will provide Council with a quarterly activity report, including a verbal and written update on all significant active legal actions (such as civil suits, etc.). Between these reports, the Law Director will advise Council and the City Manager of any matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the Law Director will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.

IX. COUNCIL/ADMINISTRATION COMMUNICATIONS

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager (Section 4.06(C), City Charter).

Requests to the City Manager for routine information, which involve minimal extra work by City Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the City Staff will be shared by the City Manager with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmembers inquiries to the Law Director for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins and will be detailed on the Law Director's billing statements.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the City Staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of City Staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, a goal setting session shall be held every six (6) months.

X. INVESTIGATIONS

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, federal and state law, and in consultation with the Law Director.

XI. BOARDS AND COMMISSIONS

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and

commissions. A simple majority vote of Councilmembers currently holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Huber Heights Board and Commission Handbook.

XII. CONFLICTS OF INTEREST AND ETHICS

Councilmembers are subject to all Ohio and local statutes and federal and state law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials (Section 13.09, City Charter). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

XIII. COMPLAINTS

Complaints against employees are to be made to the City Manager and handled in accordance with the City Personnel Policy Manual. Complaints against Councilmembers, the City Manager, the Law Director, the Clerk of Council, or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Vice Mayor. Complaints are required to be in writing.

Only complaints against Councilmembers or the Mayor that are limited to the following grounds will be investigated:

1. Alleged ethical violations/conflicts of interest.
2. Alleged failure of a Councilmember or Mayor to possess or maintain the qualifications of the office as prescribed by the City Charter.
3. Alleged intentional violation of the prohibitions set forth in Section 4.06 of the City Charter.
4. Alleged violation of any other expressed provision of the City Charter.

* Alleged violations of State or Federal law are not considered complaints under this rule and should be filed by the complainant with the City Prosecutor or law enforcement.

Upon receipt of a complaint, that is to be investigated under this rule, the Mayor or Vice Mayor shall distribute a copy of the complaint to all members of the City Council for review. All actions taken to investigate and resolve the complaint shall be documented as a matter of record. The Mayor or Vice Mayor will complete a written response as soon as possible advising the initiator and the City Council of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim written response and target date for completion will be provided to the initiator of the complaint and the City Council.

If the Mayor or Vice Mayor as the case may be, believes the complaint is unfounded, the Mayor or Vice Mayor shall advise the complainant and City Council in a written response. If the same individual complainant has three or more determinations of an unfounded complaint within a twelve (12) month period, City Council may advise the Mayor or Vice Mayor to disregard any future complaints from that individual for one (1) year. Oral

complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The Presiding Officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about the City Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

XIV. EVALUATION OF CITY OFFICIALS

It shall be the responsibility of Council to provide a written evaluation of the performance of the City Manager, the Law Director, and the Clerk of Council annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to the finalization of these evaluations. The Mayor or the Vice Mayor shall consolidate and present final evaluations to all City Officials.

XV. SUSPENSION OR WAIVER OF THE RULES OF COUNCIL

Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a simple majority vote of Councilmembers currently holding office.

XVI. SOCIAL MEDIA GUIDELINES AND STANDARDS FOR COUNCIL

These Guidelines and Standards apply to City Councilmembers (“Elected Officials”) that may maintain and use personal web pages, websites, blogs, and social networking sites (collectively “Internet Platform”).

Elected Official’s Internet Platforms are not controlled by the City of Huber Heights. The City does not require or promote such sites, nor provides web space or access (links) for such sites through any official City channels. Communications on Elected Official’s Internet Platforms are not created, received, maintained or used by the City. Nor are they meant to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City or its Council as a whole.

Social Media Guidelines

1. The site should NOT be designated as a “governmental” page.
2. The site should NOT appear to be an official City internet platform.
3. The site should have a disclaimer predominantly featured on the site, such as:

This is a private page under the sole control of _____. The comments expressed by me are my own and do not reflect the opinions and/or position of the City of Huber Heights or its officers and employees. This page is not sanctioned or monitored by the City. This Page cannot be used for service of any legal notice, administrative notice or any other legal

process directed to the City. As this site is not monitored by the City, do not use this site to request City records.

4. Elected Officials should NOT promote their private Internet Platforms at official City meetings or in official City correspondence.
5. If the Internet Platform is interactive (allows third parties to post) the site should expressly provide that it is not intended to be a public forum and that posts that are vulgar, off topic, hate speech etc. will be deleted according to a posted policy advising of such. A sample provision is:

I reserve the right to remove or edit any posts that are unlawful, threatening, libelous, defamatory, obscene, pornographic, invasive of privacy, infringing of intellectual property rights, or otherwise violate any law. This includes comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability, or sexual orientation. Spam, links to other sites, information that is clearly off topic, and/or apparent spamming or trolling will be removed.

Social Media Standards

1. Elected Officials should not disclose information that is considered privileged or confidential. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets.
2. Elected Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery.
3. Elected Officials should never represent themselves as a spokesperson for the City Council, board, committee, or commission.
4. Elected Officials should consider the potential impact of social media statements prior to posting.
5. Elected Officials should not post information about matters involving pending or threatened litigation, items that are or may be appealed to them in their official capacity or to City boards or commissions.
6. Elected Officials should not use internet platforms to communicate with city employees about City-related matters.
7. Elected Officials should not “tag” a matter to a City employee’s personal internet platform site.

8. Elected Officials should be mindful of the risks of electronic communication in relation to the Ohio Public Records Laws and the Open Meeting Law; communication between elected officials should be avoided on internet platforms.
9. Elected Officials should not reference any document(s) as a basis for making an official decision unless that document is available through the City as a public record.
10. Removing a user's comment or post because the person is criticizing some government action is not advisable.
11. When an Elected Official desires to have a matter posted to an Official City Internet Platform, the Elected Official shall provide the item or link to the Clerk of Council who will then forward it to the designated person in charge of the City Internet Platform for posting consistent with the City's Social Media Policy.

AI-8125

New Business C.
City Council

City Council Meeting

Meeting Date: 01/10/2022

Military and Veterans Commission Appointment - A. Windsor

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Motion To Appoint Anthony Windsor To The Military And Veterans Commission For A Term Ending December 31, 2024.

Purpose and Background

A Motion To Appoint Anthony Windsor to the Military and Veterans Commission for a term ending December 31, 2024.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Application - A. Windsor



6131 Taylorsville Road
Huber Heights, Ohio 45424
Phone: (937) 233-1423
Fax: (937) 233-1272
www.hhoh.org
An Equal Opportunity Employer

Application For City Boards and Commissions

RECEIVED ON:

AUG 27 2021

CLERK OF COUNCIL

Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital or veteran status, or disability.

PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY

Board or Commission Applied For: Huber Hb. MILITARY & VETERANS COMMISSION	Date Applied: 8/25/2021
---	-----------------------------------

WINDSOR	ANTHONY	J.
Last Name	First Name	Middle Name
6393 ALP CT	HUBER HB.	OHIO
Address	City	State
		Zip Code
937-626-3026	(same)	WINDSOR.G@WRIGHT.EDU
Home Phone Number	Daytime Phone Number	E-mail Address

EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	WAYNE High School	College Prep
COLLEGE	WRIGHT STATE UNIVERSITY	Social WORK - MAJOR VETERAN STUDIES - MINOR
GRADUATE SCHOOL		
OTHER (Specify)	FIRE ACADEMY - LEADERSHIP ACADEMY -	FIRE PREVENTION FIRE FIGHTER I & II Military Supervision & Leadership

COMMUNITY INVOLVEMENT

Please list all civic, community, or non-profit organizations to which you have belonged or currently do belong, and your dates of service.

Organization	Dates of Service
AMERICAN LEGION POST 776	2016 - Current
MASONIC ORDER LODGE #123	2021 - Current
HHYFC, HHKWC	1996 - 2004
VETERANS WELLNESS Recovery & ACTION PLAN	2016 - 2019

EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
US AIR FORCE	FIREFIGHTER, EMT, RESCUER	5/88 - 10/95
MIAMI VALLEY RTA	DRIVER, DISPATCHER, STREET SUP.	12/95 - 5/01
PRODUCT ACTION TOOL LLC	INSPECTOR, ENGAGEMENT SUP.	7/01 - 11/07
STEEL SMOKIN BBQ LLC	OWNER - OPERATOR	5/17 - PRESENT

REFERENCES

CLARENCE HANCOCK	5445 PENLAND CIR. 45424	(937) 674-5546
Name	Address	Telephone Number
SCOTT DAY II	6424 LONGFORD RD 45424	(937) 516-3434
Name	Address	Telephone Number
TONY POLLARD	7160 PINEVIEW DR. 45424	(937) 867-9479
Name	Address	Telephone Number

STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

Having grown up in Huber Hts. and then serving my country, I feel the need for veteran assistance is paramount. Many veterans are at risk and in need. It is important that the community recognize these needs and work together with various organizations to address and solve issues facing veterans and their families. Being a veteran, those who have served their country deserve all the resources we have available. I am currently majoring in Social Work with a minor in Veterans Studies at the University of Wright State. It would be an honor to serve on the Huber Heights Military and Veterans Commission.

REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? ☒ Yes ☐ No

Do you currently reside in the City of Huber Heights? ☒ Yes ☐ No

Have you resided in the City of Huber Heights for at least one year prior to making this application? ☒ Yes ☐ No

Are you a registered voter? ☒ Yes ☐ No

Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

I certify that all of the information furnished in this application and its addenda are true and complete to the best of my knowledge. I understand that the City of Huber Heights may investigate the information I have furnished and I realize that any omissions, misrepresentation or false information in this application and/or its addenda may lead to revocation of any volunteer appointment.

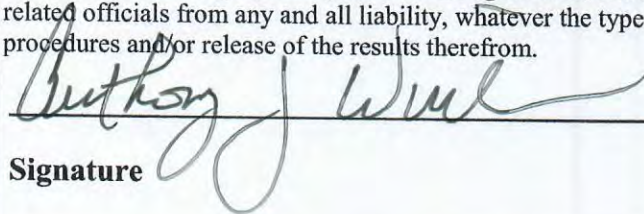
I hereby acknowledge that I, voluntarily and of my own free will, have applied for a volunteer position with the City of Huber Heights with the understanding that the City may use a variety of screening procedures to evaluate my qualifications and suitability for appointment. I have been advised that these screening procedures might include, but are not limited to, interviews, criminal record checks, driving records checks and reference checks. I also acknowledge that any such screening procedures, as reasonably required by the City of Huber Heights, are prerequisites to my appointment to a volunteer position with the City of Huber Heights.


In addition, I also hereby understand that the City of Huber Heights cannot guarantee the confidentiality of the results of, or information obtained through the aforementioned screening procedures. Decisions of the Ohio Supreme Court regarding the Ohio Public Records Act indicate that, with certain enumerated exceptions, records maintained by a governmental entity are a matter of public record and, should a proper request be made by a member of the public for such records, the governmental entity would be required to make such records available to that member of the public within a reasonable time. Additionally, all information furnished in this application is subject to disclosure under the Ohio Public Records Act.

Therefore, in consideration of my application being reviewed by the City of Huber Heights, under no legal disability, and on behalf of my heirs and assigns, hereby release and agree to hold harmless the City of Huber Heights and any of its agents, employees, or related officials from any and all liability, whatever the type and nature resulting from the administration of any such screening procedures and/or release of the results therefrom.

Signature

Date



8/25/21 

AI-8127

New Business D.
City Council

City Council Meeting

Meeting Date: 01/10/2022

City Council - Public Records Training Designee

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Appointing The Public Records Training Designee For Members Of The City Council Of Huber Heights, Ohio Under Ohio Revised Code Sections 149.43 And 109.43.
(first reading)

Purpose and Background

Under Ohio law (ORC 149.43(E)(1)), all appointed or elected officials have to attend a public records training seminar or appoint a designee to do so on their behalf for each term. Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen began new terms on January 1, 2022 and need to designate Clerk of Council Anthony Rodgers to attend this required training on their behalf. Councilmembers may still opt to attend the public records training personally, however; this designation ensures that the training requirement is met in the event a Councilmember is unable to attend the training.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

APPOINTING THE PUBLIC RECORDS TRAINING DESIGNEE FOR MEMBERS OF THE CITY COUNCIL OF HUBER HEIGHTS, OHIO UNDER OHIO REVISED CODE SECTIONS 149.43 AND 109.43.

WHEREAS, under Ohio Revised Code Section 149.43(E)(1), all elected officials or their appropriate designee must attend public records training approved by the Ohio Attorney General for each term of office; and

WHEREAS, language in Ohio Revised Code Section 109.43 suggests that this requirement applies to an elected official that was “appointed or elected” to the public office; and

WHEREAS, the Mayor and all of the members of City Council have previously appointed Anthony Rodgers, Clerk of Council, as their designee for purposes of Ohio Revised Code Sections 149.43 and 109.43; and

WHEREAS, Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen were recently elected/re-elected to City Council for new terms beginning January 1, 2022 and have not yet made a designation or attended the required public records training as related to the term of this appointment; and

WHEREAS, Mayor Jeff Gore and all Councilmembers, including Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen, desire to have Anthony Rodgers, Clerk of Council, be or remain their designee for purposes of Ohio Revised Code Sections 149.43 and 109.43.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. It is hereby declared to be the intention of the City Council to name Anthony Rodgers, Clerk of Council, as the Designee of the City of Huber Heights under Ohio Revised Code Sections 149.43 and 109.43 for all Councilmembers and, in particular, Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen.

Section 2. As Designee for Mayor Jeff Gore and Councilmembers Nancy Byrge, Mark Campbell, Kathleen Baker, and Anita Kitchen elected/re-elected to City Council respectively for new terms beginning January 1, 2022, Clerk of Council Anthony Rodgers shall attend the required public records training.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8128

**New Business E.
City Council**

City Council Meeting

Meeting Date: 01/10/2022

City Code - Supplement 8 - Adopting Ordinance

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 8; And Repealing Ordinances And Resolutions In Conflict Therewith.
(first reading)

Purpose and Background

This ordinance is to adopt Supplement 8 to the City Code for the period of April 1, 2021 to September 30, 2021. Appropriate legal notice of this ordinance has been advertised as required by the Huber Heights City Charter.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Ordinance

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND/OR RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CITY CODE OF HUBER HEIGHTS, OHIO; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CITY CODE AS SUPPLEMENT 8; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, Municipal Code Corporation has completed its updating and revision of the City Code of Huber Heights, Ohio within Supplement 8; and

WHEREAS, certain provisions within the City Code of Huber Heights, Ohio were changed to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various resolutions and/or ordinances of a general and permanent nature have been passed by the City Council which should be included in the City Code of Huber Heights, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The resolutions and/or ordinances of the City of Huber Heights, Ohio, of a general and permanent nature, as edited, revised, codified and re-codified, rearranged and consolidated into component codes, titles, chapters and sections within Supplement 8 to the City Code of Huber Heights, Ohio for the period of April 1, 2021 to September 30, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted.

Section 2. The provisions within the City of Huber Heights Code that mirror provisions as contained in the Ohio Revised Code as set forth within Supplement 8 to the City Code of Huber Heights, Ohio for the period of April 1, 2021 to September 30, 2021, a copy of which is available for copying and inspection in the Office of the Clerk of Council, and incorporated herein by this reference, are hereby approved and adopted to conform with current State law.

Section 3. All ordinances and resolutions or parts thereof that are in conflict or inconsistent with any provision of the new matter adopted in Section 1 or 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2020.

Section 4. Pursuant to Section 5.08(B) of the Huber Heights City Charter, the Clerk of Council shall cause a notice of this proposed adopting Ordinance to be published one time in a newspaper of general circulation in the City at least seven days prior to adoption and no further publication shall be necessary. Such publication shall constitute sufficient notice of all new material contained therein.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8088

**New Business F.
City Council**

City Council Meeting

Meeting Date: 01/10/2022

ZC 21-47 - Campbell Berling - Rezoning/Basic Development Plan - East Side of Bellefontaine Road
South of Chambersburg Road - Public Hearing

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 01/04/2021

Audio-Visual Needs: SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Public Hearing Scheduled For January 10, 2022 By The Huber Heights City Council For Zoning Case 21-47. The Applicant Is Campbell Berling. The Applicant Is Requesting Approval Of A Rezoning From AG (Agricultural) To PR (Planned Residential) And A Basic Development Plan For Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70 03908 0126 On The Montgomery County Auditor's Map.

Purpose and Background

The applicant, Cambell Berling, is requesting approval of a Rezoning from AG (Agricultural) to PR (Planned Residential) and a Basic Development Plan for 22.968 acres of property located east of Bellefontaine Road and south of Chambersburg Road (ZC 21-47).

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8117

New Business G.
City Manager

City Council Meeting

Meeting Date: 01/10/2022

ZC 21-47 - Campbell Berling - Rezoning/Basic Development Plan - East Side Of Bellefontaine Road
South Of Chambersburg Road

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

An Ordinance To Approve A Rezoning From Agricultural To Planned Residential And A Basic Development Plan For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-47).
(first reading)

Purpose and Background

The applicant, Campbell Berling, requests approval of a Rezoning to Planned Residential and a Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

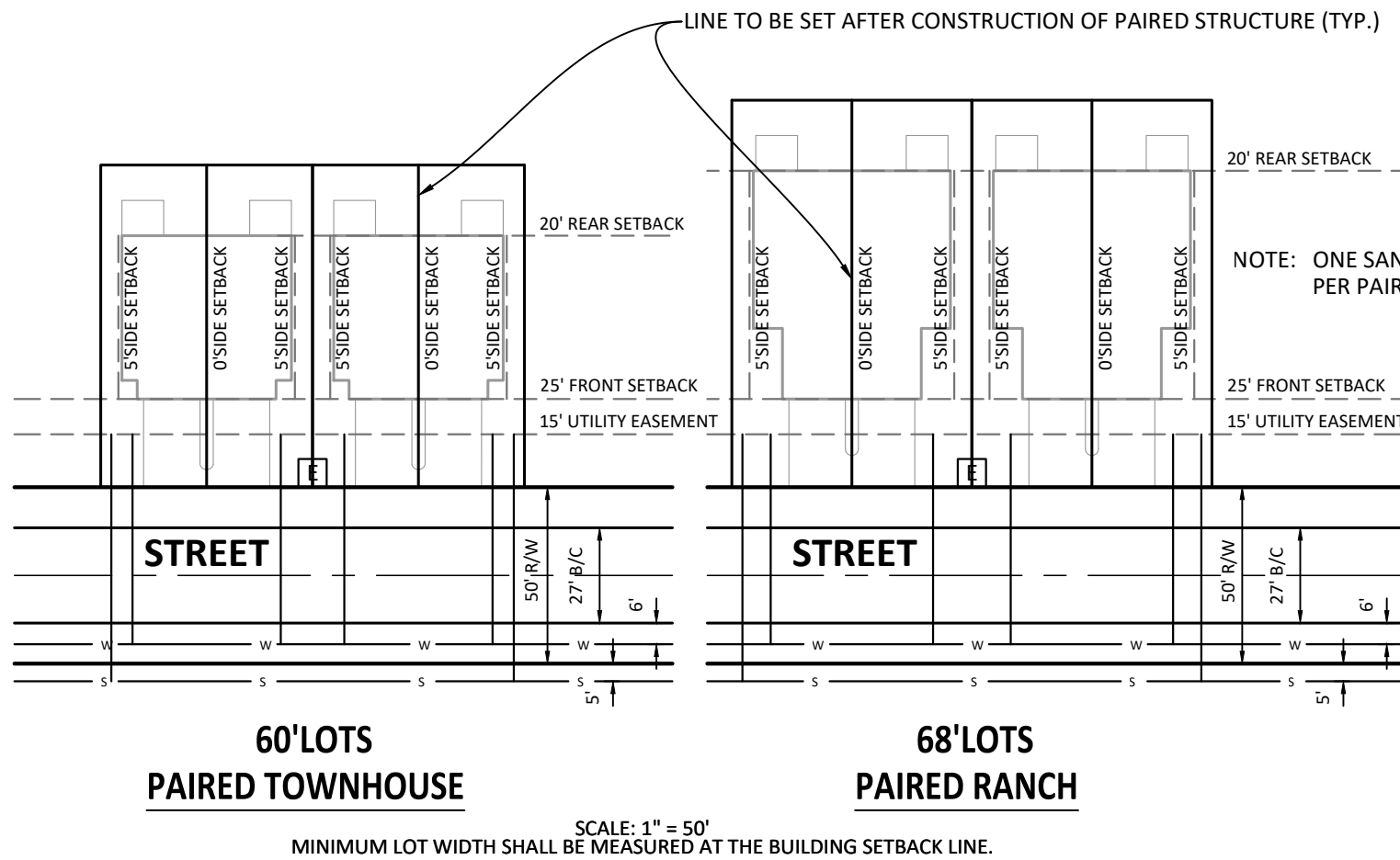
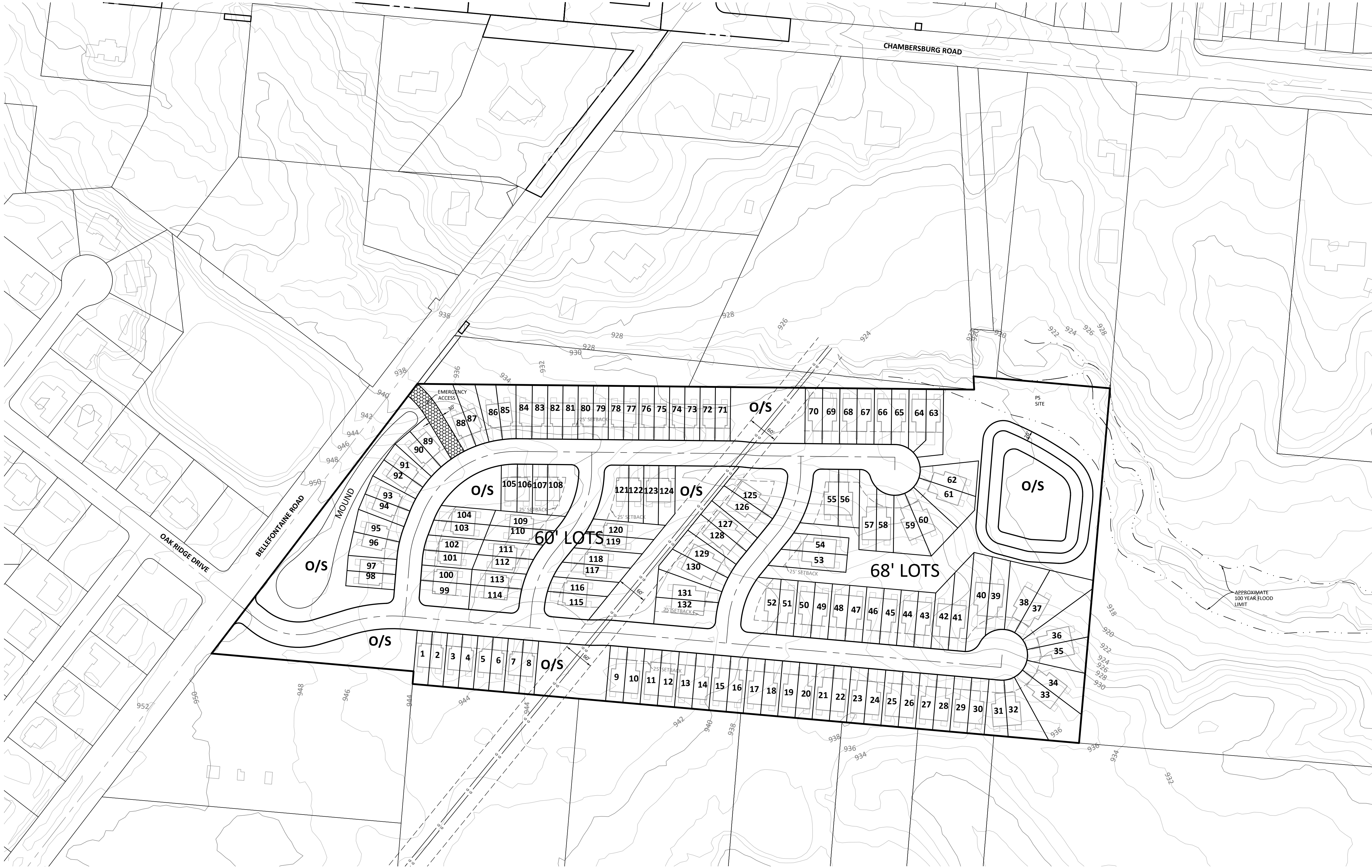
Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

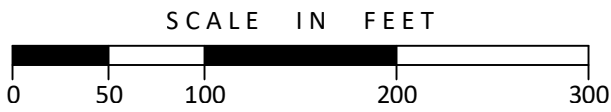
Attachments

Drawing
Pictures
Staff Report
Fire Assessment
Resident Letters
Decision Record
Minutes
Correspondence
Ordinance

N:\land projects\20060320\0632004-CON-04.dwg, 60 ft. Concept Plan, 10/28/2021 8:14:02 AM, gregoryh, 1:1



PROPOSED ZONE: PLANNED RESIDENTIAL
PROPOSED USE: PAIRED RANCH/TOWNHOUSE
MIN LOT AREA: 5,000 SF (2 UNITS)
MIN LOT WIDTH: 60 FT (2 UNITS)
NUMBER OF 60' LOTS: 31
NUMBER OF 68' LOTS: 35
NUMBER OF UNITS: 132
CENTERLINE LENGTH OF STREET: 3,564 FT



Project Manager RA
Drawn By GFH
DWG 20632004-CON-04
X-Ref(s) N/A

Issue/Revision	No.	Date

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STORCK PROPERTY HUBER HEIGHTS, OHIO

Sheet Title

CONCEPT PLAN 2	
Project Number	20632.00
Drawing Scale	1" = 100'
Sheet Number	1/1
File Number	20632



THE WEMBLEY



COASTAL COTTAGE



**COASTAL COTTAGE
WITH OPTIONAL LOFT**



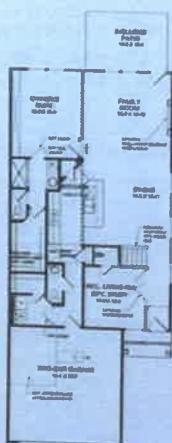
WESTERN CRAFTSMAN



**WESTERN CRAFTSMAN
WITH OPTIONAL LOFT**



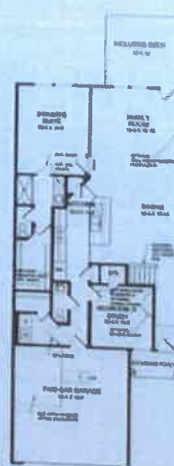
FIRST FLOOR DESIGN
(INCLUDES 9 FT FIRST FLOOR
CEILING HEIGHT)



**FIRST FLOOR DESIGN
WITH OPTIONAL LOFT**
(INCLUDES 9 FT FIRST FLOOR CEILING
HEIGHT. NOT AVAILABLE WITH OPTIONAL
LOWER LEVEL.)



OPTIONAL LOFT
(INCLUDES 8 FT CEILING HEIGHT)



**FIRST FLOOR DESIGN
WITH OPTIONAL FINISHED LOWER LEVEL**
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT.
NOT AVAILABLE WITH OPTIONAL LOFT.)



**OPTIONAL FINISHED
LOWER LEVEL DESIGN**



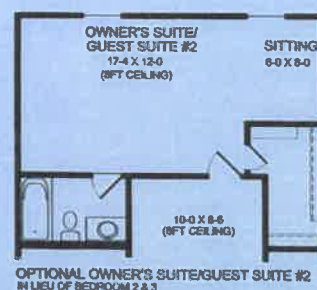
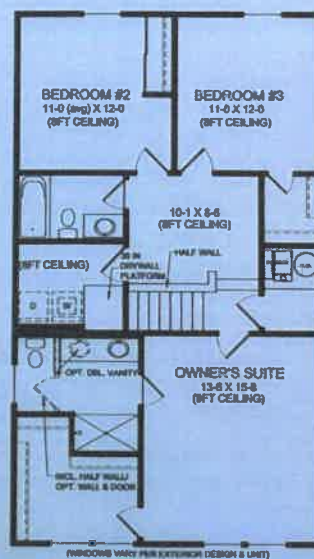
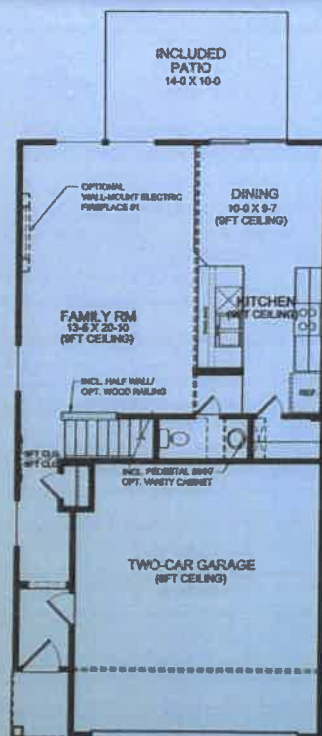
THE HUDSON



COASTAL COTTAGE



WESTERN CRAFTSMAN



FIRST FLOOR DESIGN
(INCLUDES 9 FT FIRST FLOOR CEILING HEIGHT)

SECOND FLOOR DESIGN

Memorandum

Staff Report for Meeting of December 14, 2021

To: Huber Heights City Planning Commission

From: Jason Foster, Economic Development Coordinator

Date: 12/1/2021

Subject: ZC 21-47 (Rezoning of a total of 22.968 acres to PR-Planned Residential and approval of a Basic Development Plan)

Application dated November 16, 2021

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: Campbell Berling – Applicant
Richard Stork - Owner

DEVELOPMENT NAME: Addington Place

ADDRESS/LOCATION: East side of Bellefontaine Road and South of Chambersburg Road

ZONING/ACREAGE: A / 22.968 acres

EXISTING LAND USE: Agricultural

**ZONING
ADJACENT LAND:** Agricultural and Planned Residential

REQUEST: The applicant requests approval of a Rezoning and Basic Development Plan for 22.968 acres at East side of Bellefontaine Road and South of Chambersburg Road

PREVIOUS APPROVAL:

APPLICABLE HHCC:

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STATEMENT OF FACT:

The applicant requests approval of a Rezoning to Planned Residential and Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

STAFF ANALYSIS AND RECOMMENDATION:

Overview

The applicant, Campbell Berling, is looking to develop 22.968 acres on the east side of Bellefontaine Road. The applicant did appear for a pre-application conference several weeks ago. The intent is to build 132 residential lots. The request is to re-zone to Planned Residential for this development.

The Zoning Code is as follows:

Chapter 1172 – (PR) Planned Residential District

1172.01 - Principal permitted uses.

The following principal uses are permitted, provided that they are approved as provided for in this chapter:

- (a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family dwellings, including garden apartments, row houses, quadraminiums and condominiums;
- (b) Churches and other places of worship;
- (c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;
- (d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and
- (e) Uses designed solely to serve in a complimentary way the needs of this District above.

(Ord. 89-O-339, Passed 2-6-89)

1172.02 - Accessory uses.

The following accessory uses are permitted:

- (a) Uses customarily incidental to all permitted uses; and
- (b) Temporary structures and uses required during construction in this District.

(Ord. 89-O-339, Passed 2-6-89; Ord. No. 2019-O-2398 , § 1, 10-14-19)

1172.03 - Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions", shall govern. In addition, the following development standards apply:

(a) Minimum "PR" Land Area Requirement.

- (1) A minimum of one acre shall be required.

(b) Dwelling Unit Density—Five Dwelling Units.

- (1) The average dwelling unit density for the entire district shall not exceed five dwelling units (DU) per acre.
- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(c) Dwelling Unit Density—Eight Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed eight dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 16 dwellings.
- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(d) Dwelling Unit Density—Twelve Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed 12 dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 24 dwellings. (2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved

detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(e) Character of Neighborhood. Use of the Planned Residential Zoning District for developments with a proposed dwelling unit density greater than five dwelling units per acre shall be considered only when the district is bounded at least on one side by R-5, R-6, R-7, O-1, B, I, or Planned Development Districts.

(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O-1664, Passed 10-23-06)

1172.04 - Parking and loading.

(a) The provisions of Chapter 1185, "Parking and Loading", shall apply, except that at least two permanently maintained parking spaces shall be provided for each family unit, except for detached single family dwellings.

(b) Required parking spaces shall not be part of public thoroughfares, private roads leading to and serving the sites of the various uses in this district.

(Ord. 89-O-339, Passed 2-6-89)

1172.05 - Utilities.

The distribution systems for utilities are required to be underground.

(Ord. 89-O-339, Passed 2-6-89)

The request is for the following:

The City's Comprehensive Plan calls for this area to be single family residential. The proposed density is 5.7 units per acre.

Sanitary Sewer and water will connect into the City's public, main system. Water and sanitary are located along Bellefontaine Road. A pump station will be installed to move waste to the sanitary sewer system. Drainage will be handled through a public storm sewer system including a detention basin, following the City's code for storm water drainage. Bellefontaine Road has already been improved; however, staff recommends a drop lane for right hand turns into the development and a short acceleration lane out of the development. The interior street network of the development will be public with curb and sidewalk throughout.

This subdivision is proposing attached, patio homes on two styles of lots, 60 foot and 68 foot. Of the 132 total lots, 62 are proposed to be 60-foot lots and 70 are proposed to be 68-foot lots. All lots are proposed to have a minimum lot depth of one hundred ten (110) feet, twenty-five (25) foot front yard setback, a minimum of twenty-five (25) foot rear yard setbacks, and six (6) foot side yard setbacks. The proposal also calls for forty (40%) percent masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent.

1171.05 - Contents of basic development plan.

(a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:

- (1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;
- (2) Typical elevation views of the front and side of each type of building;
- (3) Planning location and dimensions of all proposed drives, service access road, sidewalks, and curb openings;
- (4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;
- (5) Landscaping plan, walls and fences;
- (6) Storm water detention and surface drainage;
- (7) Exterior lighting plan;
- (8) Vehicular circulation pattern;
- (9) Location and square footage of signs;
- (10) Topographic survey; and
- (11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.

(b) The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.

(Ord. 2006-O-1655, Passed 9-25-05)

1171.06 - General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- (c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
- (d) Shall not impose an undue burden on public services such as utilities, fire, and police protection, and schools;
- (e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
- (f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
- (g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
- (h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
- (i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;
- (j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;
- (k) Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

- (l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety, or welfare.

(Ord. 93-O-602, Passed 3-22-93)

1171.07 - Review and recommendations by planning commission.

The Planning Commission shall review the proposed PUD as presented in the application and basic development plan in terms of the standards in Section 1171.06 and the specific requirements as outlined in all Planned Unit Developments. The Commission shall hold a public hearing on the proposed PUD. At least ten days in advance of such hearing, notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. The Planning Commission shall make its recommendation, indicating approval, approval with modifications, or disapproval. If the Commission recommends approving rezoning of land to a PUD District and also approves a basic development plan for the area to be rezoned, it may impose upon that plan any additional requirements or conditions deemed appropriate by the Commission to ensure that the development shall meet the standards described in Section 1171.06 and shall comply with the intention and objectives of this Zoning Ordinance.

If the owner chooses to submit a combined development plan, the Planning Commission shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. The detailed development plan aspects shall be reviewed in the same manner as provided herein for review of detailed development plans.

(Ord. 93-O-602, Passed 3-22-93)

1171.08 - Action by council.

Council shall hold a public hearing for application for rezoning and approval of the basic development plan (or combined development plan) after receiving the proposal from the Planning Commission. At least 15 days' notice of the time and place of such public hearing shall be placed in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. Council shall approve, reject or approve with modifications the rezoning and basic development plan in the same manner as other rezoning requests. If the applicant has chosen to submit a combined development plan, Council shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. If Council

approves the basic development plan aspects of a combined development plan, the detailed development plan shall be deemed to be approved and no further action shall be required for the area covered by the combined development plan. If the basic development plan aspects of a combined development plan are modified, the combined development plan shall be changed in all aspects to meet that modification. The City staff in charge of plan review shall determine when the basic development plan or combined plan meets the modification required by Council.

(Ord. 93-O-602, Passed 3-22-93)

1171.11 - Changes in the basic and detailed development plans.

A PUD shall be developed only according to the approved and recorded detailed development plan and supporting data together with all recorded amendments and shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the PUD as set forth therein.

- (a) Major Changes. Changes which alter the concept, uses or intent of the PUD including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15 percent modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new basic plan and supporting data in accordance with Sections 1171.03, 1171.04 and 1171.05.*
- (b) Minor Changes. The Zoning Officer recommends to the Planning Commission approval or disapproval of the minor changes in the PUD. Minor changes are defined as any change not defined as a major change.*

(Ord. 89-O-339, Passed 2-6-89)



Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Addington Place		
Occupancy Address:	Bellefontaine Road		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:	Not Yet Assigned	HHFD Plan:	21-262
MCBR ELE:	Not Yet Assigned	HHFD Box:	
REVIEWER:	Susong	DATE:	12/8/2021

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

Approved per Review of Ohio Fire Code and adopted Life Safety Standards based on the following:

- One- or two-family residential projects having more than 30 dwelling units shall be equipped with two separate and approved fire apparatus access roads in accordance with Ohio Fire Code D106.1. A secondary access is shown connecting Bellefontaine Road and new road. This access shall comply with the following:
 - Be a minimum 20 feet wide (Ohio Fire Code 503.2.1)
 - Constructed of materials capable of handling 75,000 pounds (Ohio Fire Code D102.1.)
- The turning radius for fire department access roads shall meet requirements for Huber Heights Fire Division (HHFD) vehicles. Contact HHFD to obtain information. OFC 503.2.4 and Appendix D103.3.
- Site utility plan showing fire hydrants has not been provided.
- Hydrants in single-family residential districts shall be placed not more than 500 feet apart, measured on the main, and no more than 400 feet from any opening in any building. Review Huber Heights Codified Ordinance 1521.06(b) for additional requirements.
- All new water mains and any existing water mains that are replaced shall be eight inches in diameter or greater in all one-, two- and three-family dwelling areas and in multi-family areas or commercial areas. All water

mains shall be sectionalized and looped when reasonably feasible and achievable. Dead end water mains shall only be permitted upon written approval from the Fire Official and City Engineer. Huber Heights Codified Ordinance 1519.01 - Water mains.

- **The minimum fire-flow and flow duration requirements for one- and two-family dwellings shall comply with Ohio Fire Code B105.1. Documentation shall be provided.**

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in ALL respects to this code, as prescribed in SECTION (D) 104.1 of the 2017 Ohio Fire Code. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with ALL applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

Hoskins, GERALYN

From: Foster, Jason
Sent: Monday, December 13, 2021 12:50 PM
To: Hoskins, GERALYN
Subject: FW: Opposition to ZC 21-47

Jason Foster

Economic Development Coordinator
City of Huber Heights
937-237-5818
jfoster@hhoh.org

From: Debbie Barbee <dsbarbee@live.com>
Sent: Monday, December 13, 2021 12:48 PM
To: Foster, Jason <JFoster@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>
Subject: Opposition to ZC 21-47

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Good Afternoon!

As a resident of the Oaks of Huber, my husband and I are writing today in opposition to ZC 21-47 for the rezoning of the property across from the Oaks to build patio homes and duplexes. As with the other property adjacent to the Oaks, the proposed properties are not the same standards as the Oaks requires and we feel it will not only lower our property values but will also create too much traffic congestion at the entrance to the oaks. At times, it is very hard to get out turning left towards Chambersburg because of the volume of traffic, adding this many properties will further increase the issue. Houses on that plot of land should be in comparison to the Oaks properties as to maintain the integrity of the area. Thank you for the chance to voice our opinions.

Hoskins, GERALYN

From: Foster, Jason
Sent: Monday, December 13, 2021 3:04 PM
To: Hoskins, GERALYN
Subject: FW: Opposition to ZC 21-47

Jason Foster

Economic Development Coordinator
City of Huber Heights
937-237-5818
jfoster@hhoh.org

From: Brad Smith <BTGeek@aol.com>
Sent: Monday, December 13, 2021 2:52 PM
To: Foster, Jason <JFoster@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>
Subject: Opposition to ZC 21-47

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Dear Mr. Foster,

Please add our opposition letter to the packet for the Planning Commission meeting on December 14th.

Thank you.

OPPOSITION TO ZC 21-47

We are opposed to the application for rezoning the property east of Bellefontaine and south of Chambersburg (ZC 21-47).

The City's Comprehensive Plan clearly states that future development of this land be single family detached homes on medium to large lots. This proposal does not meet the City's Comprehensive Plan and should be denied on that basis.

Additionally, the abutting land is all either agricultural or residential lots with a minimum of 3 acres each. This application does not conform with existing surrounding property uses. This application seeks to place houses 20 feet from agricultural uses (including farm animals), from agricultural and excavation equipment, farm ponds and from land that has been hunted on for over four generations.

Also, the high density of this application will cause significant traffic issues, especially with the entrance being placed directly opposite the entrance to The Oaks. The applicant is requesting to place 132 homes on 22.9 acres; by comparison, The Oaks has 202 homes on 116.9 acres.

Please deny the application to rezone this property.

Cindy and Brad Smith

Hoskins, GERALYN

From: Foster, Jason
Sent: Monday, December 13, 2021 9:56 AM
To: Hoskins, GERALYN
Subject: FW: Opposition to ZC 21-47

Jason Foster

Economic Development Coordinator
City of Huber Heights
937-237-5818
jfoster@hhoh.org

From: Frederick Aikens <fredaikens@sbcglobal.net>
Sent: Monday, December 13, 2021 12:02 AM
To: Byrge, Nancy <NByrge@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>; Foster, Jason <JFoster@hhoh.org>
Cc: William Clark <williamclark80@yahoo.com>; Lynn Tengesdahl <mommateng@gmail.com>
Subject: Opposition to ZC 21-47

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Good evening all,

I hope this email finds you all well. My name is Fred Aikens. I am a homeowner in the Oaks of Huber Heights and I am sending this email to express my opposition to the rezoning of the cornfield directly across Bellefontaine Road. For the purpose of clarity, this is the exact information from the agenda for the meeting on Tuesday:

"REZONING - The applicant, Campbell Berling, is requesting approval of a Rezoning and Basic Development Plan to PR (Planned Residential) for property located on the East side of Bellefontaine and South of Chambersburg Road (ZC 21-47)."

I am writing for the same reasons expressed by many of my neighbors in regard to density and the number of units in such a small area. This proposed development will negatively affect the aesthetics of the neighborhood as well as adversely affect the property values of those who decided to invest in our development (The Oaks of Huber Heights). After speaking to a few neighbors, I learned that adding such large numbers of new residents may also have a negative effect on already overcrowded primary schools in the area.

I believe in the Huber Heights Motto, "Come grow with us". I also believe that we need to be strategic about the growth of our city. As homeowners, we cannot afford to allow developers to come into the city and cause irreparable damage to our neighborhoods. When my wife and I decided to build here, we did so because of the neighborhood and the people who live here. Hopefully, our elected officials will help us in keeping it the way it was when we made that decision. I trust that the voices of concerned citizens will assist you in your deliberations. Your decision to protect our neighborhood is greatly appreciated.

Thank you for taking the time to hear and read about our concerns.

Dr. Fred A. Aikens
HOA Board Member
The Oaks of Huber Heights

Hoskins, GERALYN

From: Foster, Jason
Sent: Sunday, December 12, 2021 8:20 PM
To: Hoskins, GERALYN
Subject: Fwd: Opposition to ZC 21-47.

Sent from my iPhone

Begin forwarded message:

From: Roger Zambile <rogerzambile@email.com>
Date: December 12, 2021 at 7:14:18 PM EST
To: "Foster, Jason" <JFoster@hhoh.org>
Cc: "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>
Subject: **Opposition to ZC 21-47.**

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I oppose the rezoning for the New Development going in across from The Oaks on Bellefontaine Rd. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Thank You
Roger Zambile

Hoskins, GERALYN

From: Foster, Jason
Sent: Sunday, December 12, 2021 8:20 PM
To: Hoskins, GERALYN
Subject: Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

From: tadrjd@woh.rr.com
Date: December 12, 2021 at 8:07:23 PM EST
To: "Foster, Jason" <JFoster@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, btgeek@aol.com
Subject: Opposition to ZC 21-47

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Ms Foster, Mr Lyons, Ms Byrge

I am writing this is opposition to the planned development the developer has proposed. I will keep it OBJECTIVE as I did the last time the old church property adjacent to the Oaks using my license as a professional comprehensive planner.

- 1) The current Huber Heights plan is for single family units and would be a great development if done right not duplex patio homes.
- 2) Size and density do not complement the surrounding area. from third acre to acre in the Oaks to 3 to 5 in the area where Mr Lyons has his home just beyond the tree line.
- 3) You have a stream on the north end of the property that is wetlands under the Ohio and National guidelines and must be protected. The retention pond is required for this area and at this density you are penalized for a new development as you have over 40% impermeable surfaces. The developer has not provided his calculations.
- 4) based on this design you would need a stop sign for the cross intersection under traffic guidelines and density. A T intersection is much better just as you have in many areas along Bellefontaine.
- 5) Need a buffer a proper setbacks at the substation and primary high voltage lines.
- 6) Only one entrance where you require two just as council voted for the old church property. Remember the church property is 32 units with two entrances. This is 132 Units with one. Fire codes emergency response, police etc. This is basically a zero lotline scenario and as a previous fire marshal and chief seven time the ability to respond to emergency's put an extreme risk to the responders much less the neighborhood.
- 7) This design is not ready for prime time except for the dollars the developer and their investors will make. They need to take into account traffic, response, density, compatibility to surrounding homes and development.
- 8) the Oaks was a master planned community nearly four times as large with slightly more than the 132 unit. The city approved this and surrounding areas to be single family and should be maintained with similar size, brick, basements, 2-3 car garages, adequate setback and area between each unit.

9) The items above are just a small sample of the inequities of this proposal based on my expertise as a comprehensive planner during my 25 years in the Air Force. I urge you to take note of this items and ensure the development is done correctly in conduction with the surrounding area, adequate fire and emergency response, and meeting all necessary environmental guidelines from the Ohio and Federal EPA statutes.

I plan on attending the planning meeting and hope for good interchange with the developer and planning board.

Questions please email me or call as tony has my number. Thanks in advance for your time.

Warmest Regards Ron Deak

Hoskins, GERALYN

From: Foster, Jason
Sent: Sunday, December 12, 2021 1:26 PM
To: Hoskins, GERALYN
Subject: Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

From: Warren Taldo <wtaldo@gmail.com>
Date: December 12, 2021 at 1:24:07 PM EST
To: "Foster, Jason" <JFoster@hhoh.org>
Cc: "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, btgeek@aol.com
Subject: **Opposition to ZC 21-47**

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Dean Planning Commission Officer, I am opposed to the following development plan for the reasons stated below.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically. Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Thank You for your mindful consideration for those of us that live in the OAKS .

Sincerely Yours,
Warren & Catherine Taldo
5921 Oak Creek Trail,
Huber Heights, Oh. 45424

Hoskins, GERALYN

From: Foster, Jason
Sent: Sunday, December 12, 2021 11:32 AM
To: Hoskins, GERALYN
Subject: Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

From: Jason Williams <jasonwilliams39@icloud.com>
Date: December 12, 2021 at 11:10:01 AM EST
To: "Foster, Jason" <JFoster@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, nbyrge@hhog.org
Subject: Opposition to ZC 21-47

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Hello,

We've heard about the proposed development across from the Oaks Subdivision on Bellefontaine Road. If it is true that it is going to be patio homes (duplexes) then I am against this happening. I've heard this is zoned for single family homes and should stay that way. It would be best if the properties are similar to the Oaks and the DR Horton Development on Silver Oak. I plan to attend the meeting this week.

Thanks,
Jason Williams
Lot 135 Oaks Subdivision
6040 White Oak Way

Sent from my iPhone

Hoskins, GERALYN

From: Foster, Jason
Sent: Friday, December 10, 2021 9:31 PM
To: Hoskins, GERALYN
Subject: Fwd: Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

From: Michael Harman <mjharman1@gmail.com>
Date: December 10, 2021 at 9:07:15 PM EST
To: "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>, "Foster, Jason" <JFoster@hhoh.org>
Cc: Harman Michael <mjharman1@gmail.com>, Harman Tracy <harman.tracy@yahoo.com>
Subject: **Opposition to ZC 21-47**

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Regarding property ZC 21-47 on bellefontaine rd:

I own the property immediately to the north of this area. I bought here for space and privacy. My home is oriented so my windows face away from my only neighbor to my north. The plans call for many homes to back up to my southern property line where all my windows face, which would completely remove any privacy I have.

Visual barriers that currently exist along the common property line would be insufficient, especially during winter when leaves are gone and they will not stop noise.

Traffic along bellefontaine road is fairly high right now. Some people consider it a drag strip which is annoying and noisy. Adding many more houses will increase this traffic and the noise.

Thank you for the opportunity to express my opposition. I look forward to hearing what decisions are made.

Michael J. Harman
937-768-9561

Hoskins, GERALYN

From: Foster, Jason
Sent: Friday, December 10, 2021 9:55 AM
To: Hoskins, GERALYN
Subject: Fwd: Opposing ZC 21-47 Bellefontaine across from Oaks entrance

Sent from my iPhone

Begin forwarded message:

From: Tracy Harman <harman.tracy@yahoo.com>
Date: December 10, 2021 at 9:51:41 AM EST
To: "Foster, Jason" <JFoster@hhoh.org>
Cc: "Lyons, Ed" <ELyons@hhoh.org>, "Byrge, Nancy" <NByrge@hhoh.org>
Subject: Opposing ZC 21-47 Bellefontaine across from Oaks entrance

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Mr. Foster,

My name is Tracy Harman and I live at 6480 Bellefontaine Road. I am contacting you to tell you of my opposition to the planned building of a huge number of duplex homes to the south of my property on Bellefontaine Road.

We purchased this property in July of 2019. We loved the privacy of the lot, yet the close proximity of all Huber Heights has to offer.

We just went through the mess of Bellefontaine Rd being worked on & raising the dip in the road that caused dangerous lack of visibility. As a result of that road work, we have lost all of the privacy we had along Bellefontaine Road, as well as adding obstruction for leaving our driveway (heading north).

The number of planned houses that would be built on the 22 acres south of our property is insane. The documents on the Huber Heights website show that any planned building on that property was to be single family homes. That was what we saw when we purchased our property here.

Please let me know if there is anything else I need to do to make my voice heard. My husband & I will be at the meeting on 14 December at 6 pm.

Thank you for all you do for our community,

Tracy Harman
6480 Bellefontaine Road
Harman.tracy@yahoo.com

Sent from my iPhone

Hoskins, GERALYN

From: Foster, Jason
Sent: Thursday, December 9, 2021 8:44 PM
To: Hoskins, GERALYN
Subject: Fwd: The Oaks - Opposition to ZC 21-47

Sent from my iPhone

Begin forwarded message:

From: William <skimarks@hotmail.com>
Date: December 9, 2021 at 7:24:41 PM EST
To: "Foster, Jason" <JFoster@hhoh.org>
Cc: "Byrge, Nancy" <NByrge@hhoh.org>, "Lyons, Ed" <ELyons@hhoh.org>, Cindy Smith <BTGeek@aol.com>
Subject: Fw: The Oaks - Opposition to ZC 21-47

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In response to Brad and Cindy Smith's email below, I am providing this email for your attention and action as appropriate.

I strongly oppose subject construction plan/rezoning as it continues to degrade the Oaks of Huber Heights neighborhood concept. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development as well as the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has reversed course by building smaller lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. Ask yourself, why can't Huber Heights have a decent size section of town with mid to upscale homes and lot sizes like nearly every other suburb of Dayton? Is population density the centerpiece of the Huber Heights' "Come grow with us" economic development strategy? If so, then please write it in the city charter so people will know this up front and can choose a different suburb to live. Hopefully Huber Heights City Council will continue to fight for our neighborhood and proudly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks
5776 Oak Creek Trail

From: Brad Smith <BTGeek@aol.com>
Sent: Thursday, December 9, 2021 10:57 AM

To: Cindy Smith <btgeek@aol.com>
Subject: The Oaks - Opposition to ZC 21-47

Dear Neighbors,

Hopefully by now everyone has been notified of the application for rezoning for the cornfield directly across from the entry to The Oaks. We are writing in the hope that our neighborhood will rise together yet again to oppose any development that will adversely affect us.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically. Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Information on this project is available on the City Website under the Planning Commission.

There are things that need to be done:

Please talk with your immediate neighbors and make sure everyone is aware of this.

Please send an email no later than Monday opposing this project to: jfoster@hhoh.org,
cc: elyons@hhoh.org, nbyrge@hhoh.org. Please put in subject line: Opposition to ZC 21-47.

Please attend the Planning Commission on December 14th at 6pm at City Hall. The quickest way for us to stop this project is at the Planning Commission stage.

We are so happy to live in this neighborhood with all of our wonderful neighbors!

Brad and Cindy Smith

Hoskins, GERALYN

From: Foster, Jason
Sent: Thursday, December 9, 2021 1:47 PM
To: Hoskins, GERALYN
Subject: FW: Opposition to ZC 21-47

Jason Foster

Economic Development Coordinator
City of Huber Heights
937-237-5818
jfoster@hhoh.org

From: Mellanie Toles <tolesm@clarkstate.edu>
Sent: Thursday, December 9, 2021 1:43 PM
To: Foster, Jason <JFoster@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>
Subject: Opposition to ZC 21-47

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Hello! We are writing in opposition to ZC 21-47 because this project does not fit the aesthetics of our overall neighborhood (The Oaks of Huber Heights), and we believe it will adversely affect our property values. This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their plans call for lots that are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. This is a huge difference.

Also, the density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically, and they are planning an entrance directly across from ours, which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least three acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05.

We respectfully ask that you help us protect our property values by not approving this project and sticking with the City's Comprehensive Plan as referenced above. We and our neighbors have worked hard to build and maintain a wonderful neighborhood, and we feel that this project would adversely impact it. Thank you for your consideration!

Gene Bell and Mellanie Toles
6131 Oak Ridge Drive
Dayton, OH 45424



Mellanie Toles

Executive Assistant to the President and Coordinator of Special Projects

Clark State College | www.clarkstate.edu

937.328.6002 | tolesm@clarkstate.edu

Hoskins, GERALYN

From: Foster, Jason
Sent: Thursday, December 9, 2021 11:13 AM
To: Hoskins, GERALYN
Subject: FW: Opposition to ZC 21-47.

Jason Foster

Economic Development Coordinator
City of Huber Heights
937-237-5818
jfoster@hhoh.org

From: Ron Hinds <ronshinds@aol.com>
Sent: Thursday, December 9, 2021 11:11 AM
To: Foster, Jason <JFoster@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>
Subject: Opposition to ZC 21-47.

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As a resident of THE OAKS I am writing to oppose this development that will adversely affect our property values.

This development is planned on 22.968 acres and has 66 duplexes for a total of 132 units. They are one and two story patio homes which means no basement.

Their lots are a minimum of 2500sf and 5 feet to the lot line, 25 foot setback for the front and 20 feet for the back. The lots in The Oaks are a minimum of 12,000sf, 10 feet to the lot line, 25 foot setback in front and 40 feet for the back. Huge difference!

The density of that project is 5.7 units per acre; while the density of The Oaks is 2.05. This will increase traffic dramatically.
Their entrance will be directly across from ours which will cause difficulty especially during commuting hours.

The City has a Comprehensive Plan which calls for this property to be single-family, detached homes. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33.
The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

*Thanks for considering our concerns.
Sincerely,
Ron*

Ron Hinds

Realtor/Senior Associate Partner
Berkshire Hathaway HomeServices
Professional Realty
937-776-2225
ronshinds@aol.com
www.ronhinds.com

Hoskins, Geralyn

From: Foster, Jason
Sent: Thursday, December 9, 2021 11:11 AM
To: Hoskins, Geralyn
Subject: FW: Resining of cornfield

Jason Foster
Economic Development Coordinator
City of Huber Heights
937-237-5818
jfooster@hhoh.org

-----Original Message-----

From: Nancy Higgins <nerntybingo@aol.com>
Sent: Thursday, December 9, 2021 11:10 AM
To: Foster, Jason <JFoster@hhoh.org>
Subject: Resining of cornfield

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Hello,

We strongly oppose the refining of the cornfield directly across from the entrance to the Oaks of Huber. We hope you would vote this down.

Thanks,
Richard & Nancy Higgins

Sent from my iPhone



Planning Commission Decision Record

WHEREAS, on November 16, 2021, the applicant, Campbell Berling, requested approval of a Rezoning from AG Agricultural to Planned Residential and a Basic Development Plan for 22.968 acres for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-47), and;

WHEREAS, on December 14, 2021, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Ms. Thomas moved to recommend approval of the application by Campbell Berling, requested approval of a Rezoning from AG Agricultural to Planned Residential and a Basic Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-47), in accordance with the recommendation of Staff's Memorandum dated December 01, 2021, with the following conditions:

1. The Basic Development Plan shall be the plans stamped received by the City of Huber Heights Planning Department on November 16, 2021 unless specifically modified below.
2. The minimum setbacks shall be as follows: 25-foot front yard, minimum 25-foot rear yard with a maximum of 15 lots having 20-foot rear setback, and 6-foot side yard.
3. An average of 40% of the surface area of the front façade shall be finished with brick or stone masonry products.

4. A drop lane for northbound traffic shall be installed and an acceleration lane to northbound Bellefontaine Road shall be installed; pending the results of a traffic impact study and approval by the City Engineer.
5. The applicant shall meet all petroleum company easement requirements
6. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to recommend approval carried 5-0.

Terry Walton, Chair
Planning Commission

Date

3. REZONING - The applicant, Campbell Berling, is requesting approval of a Rezoning and Basic Development Plan to PR (Planned Residential) for property located on the East side of Bellefontaine and South of Chambersburg Road (ZC 21-47).

Mr. Foster stated that the applicant requests approval of a Rezoning to Planned Residential and Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

The applicant, Campbell Berling, is looking to develop 22.968 acres on the east side of Bellefontaine Road. The applicant did appear for a pre-application conference several weeks ago. The intent is to build 132 residential lots. The request is to re-zone to Planned Residential for this development.

The Zoning Code is as follows:

Chapter 1172 – (PR) Planned Residential District

1172.01 - Principal permitted uses.

The following principal uses are permitted, provided that they are approved as provided for in this chapter:

- (a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family dwellings, including garden apartments, row houses, quadraminiums and condominiums;
- (b) Churches and other places of worship;
- (c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;
- (d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and
- (e) Uses designed solely to serve in a complimentary way the needs of this District above.

(Ord. 89-O-339, Passed 2-6-89)

1172.02 - Accessory uses.

The following accessory uses are permitted:

- (a) Uses customarily incidental to all permitted uses; and
- (b) Temporary structures and uses required during construction in this District.

(Ord. 89-O-339, Passed 2-6-89; Ord. No. 2019-O-2398 , § 1, 10-14-19)

1172.03 - Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions", shall govern. In addition, the following development standards apply:

(a) Minimum "PR" Land Area Requirement.

- (1) A minimum of one acre shall be required.

(b) Dwelling Unit Density—Five Dwelling Units.

- (1) The average dwelling unit density for the entire district shall not exceed five dwelling units (DU) per acre.

- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(c) Dwelling Unit Density—Eight Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed eight dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 16 dwellings.

- (2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(d) Dwelling Unit Density—Twelve Dwelling Units.

- (1) Dwelling unit density for the entire district shall not exceed 12 dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 24 dwellings. (2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(e) Character of Neighborhood. Use of the Planned Residential Zoning District for developments with a proposed dwelling unit density greater than five dwelling units per acre shall be considered only when the district is bounded at least on one side by R-5, R-6, R-7, O-1, B, I, or Planned Development Districts.

(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O-1664, Passed 10-23-06)

1172.04 - Parking and loading.

(a) The provisions of Chapter 1185, "Parking and Loading", shall apply, except that at least two permanently maintained parking spaces shall be provided for each family unit, except for detached single family dwellings.

(b) Required parking spaces shall not be part of public thoroughfares, private roads leading to and serving the sites of the various uses in this district.

(Ord. 89-O-339, Passed 2-6-89)

1172.05 - Utilities.

The distribution systems for utilities are required to be underground.

(Ord. 89-O-339, Passed 2-6-89)

The request is for the following:

The City's Comprehensive Plan calls for this area to be single family residential. The proposed density is 5.7 units per acre.

Sanitary Sewer and water will connect into the City's public, main system. Water and sanitary are located along Bellefontaine Road. A pump station will be installed to move waste to the sanitary sewer system. Drainage will be handled through a public storm sewer system including a detention basin, following the City's code for storm water drainage. Bellefontaine Road has already been improved; however, staff recommends a drop lane for right hand turns into the development and a short acceleration lane out of the development. The interior street network of the development will be public with curb and sidewalk throughout.

This subdivision is proposing attached, patio homes on two styles of lots, 60 foot and 68 foot. Of the 132 total lots, 62 are proposed to be 60-foot lots and 70 are proposed to be 68-foot lots. All lots are proposed to have a minimum lot depth of one hundred ten (110) feet, twenty-five (25) foot front yard setback, a minimum of twenty-five (25) foot rear yard setbacks, and six (6) foot side yard setbacks. The proposal also calls for forty (40%) percent masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent.

1171.05 - Contents of basic development plan.

- (a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:
 - (1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights

- (2) Typical elevation views of the front and side of each type of building;
- (3) Planning location and dimensions of all proposed drives, service access road, sidewalks, and curb openings;
- (4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;
- (5) Landscaping plan, walls and fences;
- (6) Storm water detention and surface drainage;
- (7) Exterior lighting plan;
- (8) Vehicular circulation pattern;
- (9) Location and square footage of signs;
- (10) Topographic survey; and
- (11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.

(b) The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.

(Ord. 2006-O-1655, Passed 9-25-05)

1171.06 - General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- (c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
- (d) Shall not impose an undue burden on public services such as utilities, fire, and

police protection, and schools;

- (e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
- (f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
- (g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
- (h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
- (i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;
- (j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;
- (k) Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
- (l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety, or welfare.

Mr. Jeffries asked about the emergency safety access/boulevard. Mr. Foster said that would be for Council discussion. It was approved both ways.

Ms. Vargo asked about gas line. Mr. Foster said it does touch this property, there is an easement. Ms. Vargo asked about the electrical grid, Mr. Foster said to the south.

Mr. Jeffries asked about the creek on the northern edge. Defer to the applicant.

Mr. Walton asked how it ties into the Oaks directly across the street and Mr. Foster responded it is directly across the street but does not tie into the Oaks. The entrances would line up. Not part of that development.

Mr. Jeffries asked about the Oaks building materials and frontage, these being 40% is more than our requirement and Mr. Foster said the original approval for

Planning Commission Meeting

December 14, 2021

the Oaks was 25% and each case after didn't expand that number. Houses that back up to Shady Oak have to be full brick wrap. All PUDs in effect.

Ms. Thomas asked about the entrances lining up, will this have a Boulevard and Mr. Foster said no.

Bob Krohngold from Campbell Berling said rep from Fischer Homes is here also. Attached product, fee simple for sale, mixture of paired patio homes and attached two story town homes both with attached 2 car garages. 22-acre site, next to an electric substation, 3 pipelines, easements, and setbacks. We are open to exploring a Boulevard. Price point below single-family homes.

Ms. Vargo asked about price range. Jennifer Gonzalez from Fischer Homes said \$230,000.00. Up to \$250,000.00, semi-custom.

Mr. Krohngold talked about drop lane and acceleration lane coming out of the community. Significant road improvement on that frontage already, would like to amend decision record to say pending the results of a traffic impact study. We did increase setbacks but would like to revise the rear from 25 to 20 ft.

Ms. Thomas asked about proposed lighting and sidewalks. Mr. Krohngold said we team with Miami Valley Lighting and provide streetlights. Yes there will be sidewalks on both sides.

Mr. Jeffries said he wants to still see drop lane and acceleration lane. Mr. Krohngold said he would like to see some restriping. Concerning water, no additional run off? Mr. Krohngold said we'll provide detention.

Ms. Vargo would like staff to make decision if added words if needed. Mr. Krohngold would like guidance from traffic engineer. Mr. Foster stated that in a typical development like this a traffic study would be done.

Discussion on the setbacks and changing the minimum rear yard to 20 ft. Mr. Krohngold said about 10 – 15 range. Will try for 25 ft. max of 15 lots that won't meet that.

Mr. Jeffries asked how far away the nearest building is. Mr. Krohngold said next house is pretty far from property line, over 50 ft away.

Concerns from neighbors

Cindy Smith all houses in the Oaks required to have 25% of entire building be brick or stone. Unless they border Bellefontaine or Fishburg where they are required to have 50%.

Project doesn't meet City's Comprehensive Plan

Density 0.33, The Oaks 2.05, this project 5.7

Traffic issues

Parking issues

Water absorption

Farm animals

Large equipment

Aging in place housing

Rural area

Wildlife

Planning Commission Meeting

December 14, 2021

Mr. Jeffries asked about the comprehensive plan and Mr. Foster said it was done 2011. Ten-year plan. Does say single family detached homes. 2021 new comprehensive plan probably 2022.

Ron Deak

No downtown, expensive to correct now.

Plan doesn't compliment anything

Stick to original plan

3 car garage, 2500 sq ft basement

No storage, then sheds and fences

Parking

Wetland detention

Impervious surface

Single family homes

One entrance

Fire safety

Accommodate the developer

Mr. Jeffries said calculations would come at Detailed, that is Engineering.

Drainage would not go into pond, tying into stormwater. 100% isn't going to retention pond. Mr. Foster deferred to developer. Emergency access point was presented in original presentation before email.

I personally take offense to saying we are here to accommodate the developer, we are volunteer residents.

Mike Harmon

Creek

Rural

Privacy

Fences

Water absorption

Visual peace, no noise

Dogs

William Clark, President of the Oaks HOA

Number of units

Density

Correcting prior mistakes

Retain 10-year plan

Property value

25% stone

Mellisa

Several ponds

Large animals

Farm equipment

Hunting/fishing

Don Stewart

Where do we stand, where do we go from here

Planning Commission Meeting

December 14, 2021

Mr. Jeffries said this is a recommendation to Council
This product is selling in other communities
Life-style community patio homes do sell
Neighbor sold this property

Bob Krohngold stated impervious issue is an engineering scientific calculation. It will be retained and released at predevelopment rate. The Landings isn't a single-family home, it works as a transition zone. Providing a variety of housing stock. Property value is determined by comps.

Mr. Jeffries asked about barrier around property. Mr. Krohngold said significant buffer in place already. Also, no fences or sheds on this property. There will be people with dogs, I can't control dogs.

Mr. Jeffries asked about demographics, cars per house. Mr. Krohngold said typically not families, 55 or older, room for 2 cars in driveway. Storage in garage, cars parked on the street. Maybe provide off street parking.

William Clark countered and said homes of likeness are used to calculate property value but others are used also.

Ron Hines appraisals look for comps that are very similar. They do compare the surrounding areas.

Tracy Harmon
Living space looks out at this
Love this area
Sewage and pump

Mr. Foster said pump station. Mr. Krohngold stated sanitary sewer lift station. Lift station on Bellefontaine for the Oaks. Gravity sewer.

Action

Ms. Thomas moved to approve the request by the applicant, CAMPBELL BERLING, for an approval of a Rezoning from AG to PR and a Basic Development Plan for property located on the East side of Bellefontaine and South of Chambersburg Road, further identified as Parcel P70 03908 0126 of the Montgomery County Ohio Recorder's office (ZC 21-47) in accordance with the recommendation of Staff's Memorandum dated December 1, 2021, and the Planning Commission Decision Record written as amended.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Opp, Ms. Vargo, Ms. Thomas, Mr. Jeffries, and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

Ms. Vargo said the only way to guarantee no one builds around you, you need to buy the land yourself.

Next step is the recommendation will be taken to a City Council meeting.

Chodkowski, Bryan

From: Ron Hinds <ronshinds@aol.com>
Sent: Friday, December 31, 2021 8:04 AM
To: Chodkowski, Bryan
Subject: ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.

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To All Concerned,

It is my belief that the development being proposed will adversely affect our property values (The Oaks) as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, I and residents of The Oaks are opposed to this development and request that the City Council deny the application.

As residents of The Oaks we are so grateful to live in this neighborhood and want to continue to enjoy it. We want our home values to remain and of course continue to appreciate. This proposed development will drag down our property values as any licensed appraiser will tell you.

Please vote an emphatic NO to this application.

Thanks for your consideration!

Sincerely,
Ron

Ron Hinds
6265 White Oak Way
Huber Heights, Ohio
Realtor/Senior Associate Partner
Berkshire Hathaway HomeServices
Professional Realty
937-776-2225
ronshinds@aol.com
www.ronhinds.com

Chodkowski, Bryan

From: William <skimarks@hotmail.com>
Sent: Friday, December 31, 2021 10:16 AM
To: Chodkowski, Bryan
Subject: FW: Another Email Please - Opposing ZC 21-47

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Resending to you since I had an error in your email address below.

From: William
Sent: Friday, December 31, 2021 10:14 AM
To: publicmeeting@hhoh.org
Cc: elyons@hhoh.org; nbyrge@hhoh.org; gotto@hhoh.org; rshaw@hhoh.org; dewebb@hhoh.org; kbaker@hhoh.org; akitchen@hhoh.org; mcampbell@hhoh.org; jgore@hhoh.org; bchodkowski@hhoh.org; Cindy Smith
Subject: Another Email Please - Opposing ZC 21-47

Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

I continue to oppose the ZC 21-47 construction plan/rezoning as it degrades the Oaks of Huber Heights neighborhood concept. As I understand, it falls short of the original concept for this area of town. This area of town was meant to have larger lot sizes and homes that blend into the country homes and multi-acre lots and farms that surround it. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development and the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has returned to its roots by building smaller, starter lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks neighborhood with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. I understand Huber Heights' "Come grow with us" motto, but let's do it smartly and not let population density be our primary economic objective. The Huber Heights residents who live along the Bellefontaine Rd corridor chose this area because it is less dense, safer, and less expensive than comparable neighborhoods in other suburbs around Dayton. I request the Huber Heights City leaders continue to fight for us and smartly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks
5776 Oak Creek Trail

Chodkowski, Bryan

From: Warren Taldo <wtaldo@gmail.com>
Sent: Saturday, January 1, 2022 12:42 PM
To: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Subject: Proposed Land Development

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Dear Mayor and City Council Members,

As a long time resident of the Oaks of Huber Heights, I would like you all to know that the vast majority of the people living in the Oaks are vehemently opposed to the recent application that has moved from the Planning Commission and now resides with you the City Council for the following reasons:

It is our belief that the development being proposed will adversely affect our property values as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

We here in the Oaks are hoping that the City Council will use common sense when they make decision that truly affect other residents in the said area, and deny this application.

Thank You,
Warren & Catherine Taldo
5921 Oak Creek Trail,
Huber Heights, Ohio 45424

Chodkowski, Bryan

From: Kathi Davis <darandkat@gmail.com>
Sent: Saturday, January 1, 2022 6:56 PM
To: Publicmeeting; eloyns@hhoh.org; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Cc: BTGeek@aol.com
Subject: Opposition to ZC 21-47

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Members of City Council,

Thank you for taking the time to read my email. I am writing in opposition to proposal ZC 21-47. I live in the Oaks Of Huber Heights neighborhood, across from the location of the proposed new development. This proposal will adversely affect the property values of the homes in my neighborhood. Additionally, the developer's proposal is not in line with the City's Comprehensive Plan that requires the land to be used for single family dwellings. I love my neighborhood and want to keep my home-investment growing. Developing single-family homes in line with the already approved mandates would be welcome.

Respectfully,

Kathi Davis
6224 Oak Ridge Drive
443-306-4535
darandkat@gmail.com

Chodkowski, Bryan

From: Michael Harman <mjharman1@gmail.com>
Sent: Saturday, January 1, 2022 9:24 PM
To: Publicmeeting
Cc: Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan; Lyons, Ed
Subject: City Council meeting opposition to ZC 21-47

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HH City Council,

My name is Michael Harman and I own the property immediately along the NW border of the property in question.

I oppose this development, as proposed.

When I purchased my home I was told that single family homes "might" get built on this property. This proposal is not in line with the 2011 Huber Heights Comprehensive Plan which calls for "Single Family Residential" homes. Why did this usage change not come up in the discussions with the planning council. Was there a predetermined guarantee that this change in use would be approved?

I knew of the 2011 plan when we moved here in 2019. We own 4 acres and chose this area for more space. My house is oriented so the windows face away from Bellefontaine road and my single neighbor to the north. This plan will place 20 homes within 25 feet of my southern property line and completely removes the privacy I purchased my home for. Currently we see trees, greenery, and fields south and east of my home but these trees are not sufficient to block out homes from my eyelines. I expected to eventually see 2 or 3 homes, not 20.

If you add 132 homes, traffic and related noise will increase. Bellefontaine is already a drag strip and this will increase traffic. A light will be needed at Fishburg and at the development entrance and I expect we will eventually need speed bumps in this area as well.

I chose this area for its lack of traffic and distractions, so I am asking you to oppose this development.

Sincerely,
Michael Harman
6480 Bellefontaine

Chodkowski, Bryan

From: tadrjd@woh.rr.com
Sent: Sunday, January 2, 2022 2:56 AM
To: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Cc: 'btgeek@aol.com'
Subject: ZC 21-47 Concerns

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I am sure I am not the only one that has concerns with the planned development adjacent to the Oaks on Bellefontaine Rd. While many are subjective I will keep it objective.

1) I attended the planning meeting and I encourage each one of you to listen and watch it. How different the planning board was to our concerns and facts on this one versus the Jen Realty with the other plot of land I call the church property. It seemed that while they listened to our questions everything was on deaf ear and as I said when I spoke it was rubber stamping what the developer proposed. Mr. Jefferies took exception to my comment after I ended but did not enter into any questions and answers with anyone that showed up. His only comment that concerned my dialog was later that there is a market for that type of unit but I was not allowed to rebut. Mr. Stewart got up and asked is there anyway to stop it in its tracks, the comment from the board no. Why is my questions when the proposed development is wrong on many fronts. I plan on attending like many others to the upcoming meeting and hope there will be dialog with property owners and developer with council. Ms. Vargo also during the planning meeting said that he is the property owner and can submit what he wants to do and get it approved. While I agree with her statements the developer also needs to develop in a comprehensive manner satisfying all the laws ordinances etc. where it complements the surrounding areas. Since I had a license as a professional comprehensive planner everything I say will be in an objective state.

1) The area zoned is for single family with agriculture. I asked what basis the developer has to change the zoning? still waiting for an answer other than he/she is the owner.

2) The developed area exceeds the minimum EPA requirements for the catch pond. I have asked for the calculations from the planning board and nothing has been received. With a development of over 40% impermeable land the acre feet of water goes up exponentially and with my rough calculation would have to be at least 5 times larger than proposed in the neighborhood of 30acre feet of water. The pond is near not the size of that. Still waiting for the calculations. This is important why ...you have two streams that also include wetlands under the EPA definition that will be altered. The area in question in the stream near Bath road and the wetlands adjacent to Mr. Lyons property and others down stream. A complete analysis is required as this amount of storm water flow affects the surrounding areas and the associated wetlands on the properties that are near it.

3) Setback why was the setback to the road changed from 25 feet to 20 feet? I can only say it was to accommodate the design of the developer

4) With more units than the Oaks with a density that goes up to almost six units per acre from a little over 2 per acre in the Oaks and 1 unit per 3-5 acres on the other sides of the development. No justification given to the benefits of this during the planning meeting other than he owns the property. Huber Heights was built on what I term suburban sprawl. This means there is no structure and flow to the city as there is no identifiable downtown. What do I mean by this. It is nearly impossible it not impossible to correct the past developments. The city is trying to have a downtown on the Brandt Pike corridor but only so much can be done without buyouts etc. to correct what is incorrect. It would be astronomically expensive. This type of density is made for areas that are directly adjacent to commercial property ie gas, restaurants and shopping.

5) Traffic study was asked for! where is it when you add over 500 more vehicles to that residential area. There is only one entrance for vehicular traffic. It requires two.

6) Emergency Response. While there is two entrances for emergency responses maneuvering through the development will be nearly impossible. The front of each unit with two car garage, creates space for two cars. Any overage parks on the street as these units do not have storage out side the garage and the developer indicates that there will be no sheds. I believe that is against the law. The average house has 3.1 vehicles. You will have very little parking on the street since most of the area will be consumed by concrete drive ways. Take response of fire trucks and snow plows and you can see there is not enough room to safely respond and do their jobs.

7) No sidewalks or boulevard entrance on to Bellefontaine.

8) Lift station what is the location and how will it tie into the main system. Since there is a lot of grade change, if it is located in the front of the development the sewer system would be down in excess of 40 feet. Not reasonable. Need the developer address this with a clear answer which he has not done including the size, back up power requirements and tie ins into the main system.

9) No brick at least 25 percent of the home as others are required to have. This is a simple one, the developer is cutting costs to raise his profit margins.

10) The gas right of way! where is the approval from the gas line owner to have it just paved over? none provided. You just cannot pave over a right of way

11) Open space require! where is it? While the developer would say the area adjacent to the substation would be it. First it is dangerous to have a open space play area right next to a major substation and with an area this big needs to be more centralized at least two to three areas.

12) Mail pick delivery cluster boxes! Where will they be since all the property is developed other than the area next to the substation. Imagine putting all those mail boxes there and having lines of vehicles trying to get their mail and it would be right at the entrance off Bellefontaine creating hazardous conditions on Bellefontaine.

I can continue on and on but just wanted to hit the high points. Every developer has a right to develop any piece of property and make a profit but it needs to be done correctly with the surrounding area and not create more problems for a lifetime and beyond for the home owners there and the city of Huber Heights.

Should any of you have any additional questions or want clarification you can do so by emailing me and or calling me at 7816989177.

Thanks in advance for allowing to me address many issues in an objective way and to make Huber Heights the place to be to live work and play. It just needs to be done in a sound, harmonious completing way for all. If there is something you do not understand or does not make sense please advise

Regards and Happy Year to all.

Ron Deak

From: [Publicmeeting](#)
To: [Rodgers, Anthony](#)
Subject: FW: City Council meeting opposition to ZC 21-47
Date: Monday, January 3, 2022 11:28:23 AM

From: Michael Harman <mjharman1@gmail.com>
Sent: Saturday, January 1, 2022 9:24 PM
To: Publicmeeting <Publicmeeting@hhoh.org>
Cc: Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; Chodkowski, Bryan <BChodkowski@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>
Subject: City Council meeting opposition to ZC 21-47

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HH City Council,

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I oppose this development, as proposed.

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I knew of the 2011 plan when we moved here in 2019. We own 4 acres and chose this area for more space. My house is oriented so the windows face away from Bellefontaine road and my single neighbor to the north. This plan will place 20 homes within 25 feet of my southern property line and completely removes the privacy I purchased my home for. Currently we see trees, greenery, and fields south and east of my home but these trees are not sufficient to block out homes from my eyelines. I expected to eventually see 2 or 3 homes, not 20.

If you add 132 homes, traffic and related noise will increase. Bellefontaine is already a drag strip and this will increase traffic. A light will be needed at Fishburg and at the development entrance and I expect we will eventually need speed bumps in this area as well.

I chose this area for its lack of traffic and distractions, so I am asking you to oppose this development.

Sincerely,
Michael Harman
6480 Bellefontaine

From: [Publicmeeting](#)
To: [Rodgers, Anthony](#)
Subject: FW: Opposition to ZC 21-47
Date: Monday, January 3, 2022 11:27:49 AM

-----Original Message-----

From: Kathi Davis <darandkat@gmail.com>
Sent: Saturday, January 1, 2022 6:56 PM
To: Publicmeeting <Publicmeeting@hhoh.org>; eloyns@hhoh.org; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; Chodkowski, Bryan <BChodkowski@hhoh.org>
Cc: BTGeek@aol.com
Subject: Opposition to ZC 21-47

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Members of City Council,

Thank you for taking the time to read my email. I am writing in opposition to proposal ZC 21-47. I live in the Oaks Of Huber Heights neighborhood, across from the location of the proposed new development. This proposal will adversely affect the property values of the homes in my neighborhood. Additionally, the developer's proposal is not in line with the City's Comprehensive Plan that requires the land to be used for single family dwellings. I love my neighborhood and want to keep my home-investment growing. Developing single-family homes in line with the already approved mandates would be welcome.

Respectfully,

Kathi Davis
6224 Oak Ridge Drive
443-306-4535
darandkat@gmail.com

From: [Publicmeeting](#)
To: [Rodgers, Anthony](#)
Subject: FW: Another Email Please - Opposing ZC 21-47
Date: Monday, January 3, 2022 11:27:07 AM

From: William <skimarks@hotmail.com>
Sent: Friday, December 31, 2021 10:14 AM
To: Publicmeeting <Publicmeeting@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.org; Cindy Smith <BTGeek@aol.com>
Subject: Another Email Please - Opposing ZC 21-47

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Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

I continue to oppose the ZC 21-47 construction plan/rezoning as it degrades the Oaks of Huber Heights neighborhood concept. As I understand, it falls short of the original concept for this area of town. This area of town was meant to have larger lot sizes and homes that blend into the country homes and multi-acre lots and farms that surround it. When my wife and I were deciding where to build our retirement home 9 years ago we liked the Oaks development and the Callamere Farms neighborhood. They were upscale from the normal small brick homes that Huber Heights is famous for and where I owned my first, "starter" home 40 years ago. The Oaks neighborhood has plenty of space, a great blend of country and city and neighbors who take pride in their homes and neighborhood. In the last five years, it appears that the city of Huber Heights has returned to its roots by building smaller, starter lots/homes on the northeast section of Chambersburg and Bellefontaine Rds. And this past year a new builder tried to complete the remaining section of the Oaks neighborhood with small rental properties which is diametrically opposed to the Oaks concept. I'm very thankful and appreciative that the City Council did not allow this to happen. I understand Huber Heights' "Come grow with us" motto, but let's do it smartly and not let population density be our primary economic objective. The Huber Heights residents who live along the Bellefontaine Rd corridor chose this area because it is less dense, safer, and less expensive than comparable neighborhoods in other suburbs around Dayton. I request the Huber Heights City leaders continue to fight for us and smartly expand on one of the best neighborhood concepts in this part of Ohio. Thanks for your continued support.

William Marks
5776 Oak Creek Trail

From: [Publicmeeting](#)
To: [Rodgers, Anthony](#)
Subject: FW: ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.
Date: Monday, January 3, 2022 11:26:46 AM

From: Ron Hinds <ronshinds@aol.com>
Sent: Friday, December 31, 2021 8:00 AM
To: Publicmeeting <Publicmeeting@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.orgit
Subject: ZC 21-47 the development being proposed for the cornfield across from The Oaks entrance.

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To All Concerned,

It is my belief that the development being proposed will adversely affect our property values (The Oaks) as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, I and residents of The Oaks are opposed to this development and request that the City Council deny the application.

As residents of The Oaks we are so grateful to live in this neighborhood and want to continue to enjoy it. We want our home values to remain and of course continue to appreciate. This proposed development will drag down our property values as any licensed appraiser will tell you.

Please vote an emphatic NO to this application.
Thanks for your consideration!
Sincerely,
Ron

Ron Hinds
6265 White Oak Way
Huber Heights, Ohio
Realtor/Senior Associate Partner
Berkshire Hathaway HomeServices
Professional Realty

937-776-2225
ronshinds@aol.com
www.ronhinds.com

From: [Publicmeeting](#)
To: [Rodgers, Anthony](#)
Subject: FW: Opposing ZC 21-47
Date: Monday, January 3, 2022 12:04:01 PM

From: Ron & Joyce D'Allessandris <rjdallessandris@gmail.com>
Sent: Monday, January 3, 2022 11:57 AM
To: Publicmeeting <Publicmeeting@hhoh.org>
Cc: Lyons, Ed <ELyons@hhoh.org>; Byrge, Nancy <NByrge@hhoh.org>; Otto, Glenn <GOtto@hhoh.org>; Shaw, Richard <RShaw@hhoh.org>; Webb, Don <DEWebb@hhoh.org>; Baker, Kathleen <KBaker@hhoh.org>; Kitchen, Anita <AKitchen@hhoh.org>; Campbell, Mark <MCampbell@hhoh.org>; Gore, Jeff <JGore@hhoh.org>; bchodkowski@hhoh.orgit
Subject: Opposing ZC 21-47

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Council members

We stand opposed to ZC 21-47, major concern is the effect on property values if this plan is approved. It is also our understanding that the City's Comprehensive Plan is not being adhered to, If the proposed ZC21-47 does not reflect the Comprehensive plan, how did it ever leave the Planning Commission? With lot size reduction and the construction of duplexes instead of single homes this proposal does not meet the standards that Comprehensive plan lays out.

Thanks for your time

Ron & Joyce D'Allessandris
rjdallessandris@gmail.com with
Home Phone 937-254-0005
Ron Cell Phone 937-681-3492
Joyce Cell Phone 937-681-3498



Virus-free. www.avast.com

Chodkowski, Bryan

From: Mellanie Toles <tolesm@clarkstate.edu>
Sent: Tuesday, January 4, 2022 10:04 AM
To: Publicmeeting
Cc: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Subject: Opposition to ZC 21-47
Importance: High

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Dear City Council Members:

We are writing in opposition to the proposed development ZC 21-47, which would be located directly across from The Oaks of Huber Heights entrance and specifically, our home.

It is our belief that the development being proposed will adversely affect our property values and it will not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. This proposed development does not follow the Comprehensive Plan. They are duplexes, not detached homes, and the lot size is not medium to large. Their minimum lot size is 2,500 sf, while The Oaks' minimum lot size is 12,000 sf.

The property is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, we are opposed to this development and request that the City Council deny the application. We respectfully ask that you act to protect the property values we have worked hard to maintain by voting down this proposed development.

Thank you for your time and consideration!

Gene Bell and Mellanie Toles
6131 Oak Ridge Drive
Dayton, OH 45424



Mellanie Toles

Executive Assistant to the President and Coordinator of Special Projects
Clark State College | www.clarkstate.edu
937.328.6002 | tolesm@clarkstate.edu

Chodkowski, Bryan

From: FORD, JOEL P GS-12 USAF AFMC 711 HPW/OMZ <joel.ford.3@us.af.mil>
Sent: Monday, January 3, 2022 5:11 PM
To: Publicmeeting
Cc: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Subject: Opposed to ZC 21-47

My name is Joel Ford. I live in The Oaks. My wife and I are both vehemently opposed to the diversion from the city's original comprehensive plan. The variation from the city plan will undoubtedly have an adverse effect on our property values as population density will increase and traffic issues will surely follow. This community has worked hard to keep a safe and clean environment to raise our family's and have a quiet place to retire. Please deny the application as it does not adhere to the city's overall comprehensive plan of single family homes.

Joel P. Ford
Facility Operations Specialist
711 HPW/OMZ
Room: W344.14
Office: (937)938-2629
Cell: (937)716-4524

Chodkowski, Bryan

From: Tressa Kneer <treskneer@aol.com>
Sent: Monday, January 3, 2022 5:00 PM
To: Publicmeeting
Cc: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Subject: ZC 21-47

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To members of Huber Heights City Council:

It is our belief that the development being proposed on Bellefontaine Road across from Oak Ridge Drive will adversely affect our property values and will not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. This proposal does not follow the Comprehensive Plan. The buildings are duplexes, not detached homes, and the lot size is not medium-to-large. The proposed minimum lot size is 2500sf. The Oaks' minimum lot size is 12,000sf.

This land is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, we are opposed to this development and request that the City Council deny the application. We insist that the city stick with the Comprehensive Plan. Why is the City always bending to the wants of the developers and not the citizens? The density does not need to match that of the Oaks exactly, but putting A) duplexes and B) buildings so close together does not at all fit the LOOK and PLAN of the area!

The Planning Commission, after hearing from multiple residents opposed to the development, still voted unanimously to NOT follow the Comprehensive Plan and recommended the development be allowed. A member of the Planning Commission, during the meeting last month to discuss this topic, said that if a resident didn't like what was proposed, he/she could always buy the land him/herself. Really, that is the City's solution??! The answer should be that the City is following the Comprehensive Plan, especially given that the people who it will affect are opposed.

Thank you for your attention to this matter and Happy New Year.

Sincerely,

Jon and Tressa Kneer

Chodkowski, Bryan

From: gallahad@aol.com
Sent: Monday, January 3, 2022 12:31 PM
To: Publicmeeting
Cc: Lyons, Ed; Byrge, Nancy; Otto, Glenn; Baker, Kathleen; Shaw, Richard; dewbb@hhoh.org; Kitchen, Anita; Campbell, Mark; Gore, Jeff; Chodkowski, Bryan
Subject: I Oppose 21-47

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I oppose ZC 21-47.

David Lee
5872 Oak Creek Trail
Huber Heights, OH 45424

Chodkowski, Bryan

From: Brad Smith <BTGeek@aol.com>
Sent: Monday, January 3, 2022 1:39 PM
To: publichearing@hhoh.org
Cc: Gore, Jeff; Lyons, Ed; Byrge, Nancy; Otto, Glenn; Shaw, Richard; Webb, Don; Baker, Kathleen; Kitchen, Anita; Campbell, Mark; Chodkowski, Bryan
Subject: Opposition to Zoning Case 21-47

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Dear Mr. Mayor and Members of Council,

We are writing to voice our opposition to Zoning Case 21-47 for the following reasons:

ZC 21-47 Does Not Comply with the City's Comprehensive Plan - They are not Single Family Detached Homes on Medium to Large Lots

The Future Land Use Map on page 18 of the Comprehensive Plan references that this property is to be Single-Family Residential based on the Legend at the bottom of the page. Page 19 further defines "Single Family- Residential" as single-family detached homes on medium to large lots. While the Staff Report states that the project complies with the Comprehensive Plan as being Single Family Residential; Mr. Foster read the full Page 19 definition to the Planning Commission during the meeting on December 14th. Clearly the project does NOT comply with the full definition. The Staff Report has not been amended.

The Planning Commission did NOT comply with Ordinance 1171.06 - General standards for approval

This information was provided as part of the Staff Report. The bolding is my addition.

1171.06 - General standards for approval.

*The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. **No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:***

(a) is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;

As this application is NOT consistent with the comprehensive development plan, it should not have been approved by the Planning Commission.

ZC 21-47 does NOT match the densities of the bordering properties

The residential properties that border this project are all homes on a minimum of 3 acres, with a maximum density of 0.33. This project has a density of 5.7, or 17 times the bordering density. The Oaks does not border the property; it is on the opposite side of Bellefontaine. For comparison, the density of The Oaks is 2.05. This proposal is more than 2 and 1/2 times

the density of The Oaks. This dramatic increase in density will cause problems, many traffic related. Their density will cause parking issues within their own community. With lots as narrow as 30 feet and driveways being approximately 18 feet, that only leaves 12 feet of street available. Taking into account fire hydrants and centralized mailboxes, the parking issues that more traditional neighborhoods experience and discussed at length during the City's Town Hall meeting a few months ago, will be exacerbated by this design. It will also cause a loss of the overall neighborhood aesthetic, the area on the east side of Bellefontaine is all rural homes on significant acreage.

ZC 21-47 will incur a significant increase of impervious surface, creating water issues for the surrounding properties

We would like to point out the higher percentage of impervious surfaces resulting from this plan. The land previously was all agricultural, all pervious surfaces; the ground and the plants absorbing water. Now with minimum 2500sf lots, ranch houses of approximately 1250sf with a 2 car garage of 360 sf and a 25 foot long two car driveway of 450 sf that makes 2060 sf of impervious surface not including any porch, patio or sidewalks. There is not a lot of ground left to absorb water. Will this cause issues for the amount of water running down to the creeks on neighboring properties? Also, just from a general Climate Change discussion, this is a huge percentage of impervious surface.

ZC 21-47 does not fit the masonry standards of the area

The Staff Report on Page 5 states *"The proposal also calls for forty (40%) masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent.* At the December 14th Planning Commission Meeting, I pointed out to Mr. Foster that Ordinance 1405 from 2003 calls for homes in The Oaks to have a minimum of 25% of the entire exterior be brick or stone unless they back up to Bellefontaine or Fishburg, in which case they have a 50% requirement. And that is of the entire exterior, not just the front facade. The majority of the homes in The Oaks have a brick front and also brick wrapping to the sides. The majority of the homes that abut this property have full brick wraps.

Also, I would like to point out the many "masonry" discussions before the City Council and that in the Ordinances passed while the masonry requirement has been under review, Mr. Falkowski amended Ordinances to state brick or stone, not "masonry."

In summary, this project does not fit with the bordering properties. We believe this will have a negative effect on our property values. We are not opposed to development on that property. However, any development should fit the City's Comprehensive Plan and be aligned with the homes already in existence.

There are several families that have recently purchased rural homes bordering this property. They bought because they wanted the space, peace and lifestyle that goes with rural living. There are some that have lived there for four generations. They run farm equipment, have animals and hunt on their own land. Now put houses 20 feet from their property line. Will it cause problems because this is not a good place to put 132 houses? We believe it will and that is why the City's Comprehensive Plan outlined specific requirements for this property for any future use — and this development does not meet those requirements.

Please vote no on Zoning Case 21-47.

Thank you for your time and consideration.

Respectfully,

Cindy and Brad Smith

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A REZONING FROM AGRICULTURAL TO PLANNED RESIDENTIAL AND A BASIC DEVELOPMENT PLAN FOR THE PROPERTY LOCATED ON THE EAST SIDE OF BELLEFONTAINE ROAD AND SOUTH OF CHAMBERSBURG ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-03908-0126 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 21-47).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 21-47 and on December 14, 2021, recommended approval by a vote of 5-0 of the Rezoning and the Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Rezoning and the Basic Development Plan (Zoning Case 21-47) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The Basic Development Plan site plans shall be the plans stamped received by the City of Huber Heights Planning Department on November 16, 2021, unless specifically modified below.
2. The minimum setbacks shall be as follows: 25-foot front yard, minimum 25-foot rear yard with a maximum of 15 lots having a 20-foot rear yard setback and 6-foot side yard.
3. An average of 40 percent of the surface area of the front façade shall be finished with brick or stone masonry products.
4. A drop lane for northbound traffic shall be installed and an acceleration lane to northbound Bellefontaine Road shall be installed pending the results of a traffic impact study and approval by the City Engineer.
5. The applicant shall meet all petroleum company easement requirements.
6. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.
7. Prior to the issuance of a zoning permit, the applicant shall enter into a PUD Agreement with the City for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning Department and upon determination by the department that the landscaping has been completed in accordance with the approved landscaping plan, 80 percent of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons, or letter of credit equal to 20 percent of the initial performance bond or letter of credit to ensure maintenance of the landscaping, is submitted to and accepted by the Planning Department. The term of the maintenance bond shall be three growing seasons.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8122

New Business H.
City Manager

City Council Meeting

Meeting Date: 01/10/2022

City's Comprehensive Development Plan - Award Contract

Submitted By: Jason Foster

Department: Economic Development

Council Committee Review?: Council **Date(s) of Committee Review:** 01/04/2022
Work
Session

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Execute An Agreement With Yard & Company To Update The City's Comprehensive Development Plan.
(first reading)

Purpose and Background

In May 2021, the City received five (5) proposals for the completion of the City's new Comprehensive Plan with a final product to be presented in late 2021 or early 2022. Throughout the review process several key senior staff members departed the organization pushing the proposal review further into 2021. Coming out of the review process, two (2) proposals stood out among the submittals. Of the two standouts, one remained committed to its submitted proposal. As a result, City Staff recommends City Council award the Comprehensive Plan contract to Yard & Company.

Fiscal Impact

Source of Funds: General Fund

Cost: \$120,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH YARD & COMPANY TO UPDATE THE CITY’S COMPREHENSIVE DEVELOPMENT PLAN.

WHEREAS, the City Council adopted Resolution No. 2021-R-6961 authorizing the City Manager to solicit, advertise, and receive responses from qualified firms to update the City’s Comprehensive Development Plan; and

WHEREAS, the City received five responses to this request and following review of said responses, identified the proposal submitted by Yard & Company to be the lowest, best qualified response.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized and directed to execute an agreement with Yard & Company to provide for an update to the City’s 2011 Comprehensive Development Plan at a cost not to exceed \$120,000.00. Said agreement to be substantially similar to the attached Exhibit A and approved as to form and content by the City Attorney.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (the "Agreement"), is effective as of _____, 2019, and is made by and between Neighborhood Playbook LLC, a Kentucky limited liability company, d/b/a YARD & Company, LLC, with a business address of Box 29,151 West Fourth Street, Cincinnati, Ohio 45202 ("Consultant"), and _____, a [entity name and state of formation] with a business address of _____ ("Client"). Consultant and Client are sometimes individually referred to as a "Party" or collectively as the "Parties."

Recitals

A. Consultant is a consulting firm providing specialized strategic urban planning and design services to various clients.

B. Consultant and Client desire to enter into an agreement to set forth the terms and conditions pursuant to which Consultant may provide services (the "Services") or produce certain Deliverables (as defined below) to Client.

C. Consultant is willing to perform the Services and/or produce the Deliverables set forth herein for Client under the terms and conditions set forth in this Agreement.

Terms

In consideration of the mutual promises set forth in this Agreement, Consultant and Client, intending to be legally bound, agree and covenant as follows:

1. Duties: Compensation. Consultant shall provide the Services as set forth in one or more Statements of Work (each an "SOW") which shall be executed by both Parties. Each SOW shall set forth the Services to be provided, the written materials, if any, to be produced by Consultant or its subcontractors and provided to Client in connection with the performance of the Services (the "Deliverables"), the duration of the applicable engagement and the fees to be paid by Client to Consultant. In the event of a conflict between the terms as set forth in an SOW and the terms of this Agreement, the SOW shall control.

The Parties may subsequently agree to have Consultant provide additional Services and/or Deliverables for additional compensation and, in each such event, the Parties shall enter into additional sequentially numbered SOW's which shall be subject to the terms of this Agreement.

Consultant will invoice client on a periodic basis for compensation and reimbursement due from Client to Consultant pursuant to an SOW and this Section 1 and such invoices shall be payable within thirty (30) days of Client's receipt of such invoice. Any amount not paid when due shall be

subject to a charge of 1.5% per month or the highest rate permitted by applicable law, whichever is less, determined and compounded daily from the due date to the date actually paid. Client shall reimburse Consultant for all costs and expenses, including reasonable attorney fees, incurred by Consultant to collect any amount that is not paid when due.

Client shall reimburse Consultant for all reasonable and necessary expenses incurred by Consultant in the performance of Consultant's duties under this Agreement. Such expenses shall be itemized, substantiated, and invoiced to Client pursuant to this Section 1.

2. Ownership. All Deliverables provided by Consultant hereunder shall be owned by Consultant. Upon receipt of full payment as required under each applicable SOW, Consultant grants to Client an irrevocable, perpetual, non-exclusive, royalty free, worldwide license to use, execute, reproduce, display, perform, distribute copies of, and prepare derivative works of the Deliverables and or any part or parts thereof. Consultant shall not be liable for and Client agrees to indemnify, defend, and hold harmless Consultant from and against any and all, actual or threatened, third party claims, liabilities, losses, damages, injuries or expenses (including reasonable attorney fees) directly or indirectly arising from or relating to any modification of the Deliverables that has not been authorized in writing by Consultant.

3. Term: Termination. This Agreement shall commence upon execution by both Parties and shall continue for a period of one year, unless otherwise provided in an SOW (the "Initial Term"). Thereafter, this Agreement shall automatically renew upon these same terms and conditions for successive thirty-day period (each a "Renewal Term"). The Initial Term and each Renewal Term are collectively referred to as the Term. Notwithstanding the foregoing, either Party may terminate this Agreement for any reason, with or without cause, by providing the other with at least thirty (30) days' prior written notice. Termination of this Agreement shall not, however, affect any SOW executed prior to such termination and each

such SOW shall remain in effect and subject to the terms of this Agreement for the duration as set forth in each such SOW. Any term or provision of this Agreement, including, without limitation, those relating to confidentiality, indemnification, limitation of liability, ownership of Deliverables, which by their nature extend beyond the expiration or termination of this Agreement, shall remain in effect and survive the termination or expiration hereof.

4. Confidentiality. In connection with entering into and performing under this Agreement, each Party may receive or have access to commercially valuable technical and non-technical confidential or proprietary information of the other Party, including information in whatever form, relating to the business of such Party that is not generally known or available to others, including but not limited to, trade secrets, know how, customer lists, pricing strategies, payment terms, marketing and business plans, information concerning such Party's vendors, and such Party's contemplated plans, strategies and prospects ("Confidential Information"). In addition to the foregoing, each Party recognizes that the other Party may have received and in the future may receive confidential or proprietary information of a third party ("Third Party Confidential Information"). Any Third Party Confidential Information disclosed by one Party to the other Party shall be deemed to be the disclosing Party's Confidential Information. Except as expressly and unambiguously allowed herein, the receiving Party will hold in confidence and not disclose any Confidential Information of the disclosing Party and will similarly bind its employees and agents. Each Party acknowledges and agrees that any Confidential Information received or obtained from the other Party will be the sole and exclusive property of the other Party and may not be used, disseminated or disclosed except as may be necessary to perform the obligations required under this Agreement or as may be required by law. If disclosure is required by law, then, to the extent permitted by law, the Party required to disclose Confidential Information will provide notice to and shall reasonably cooperate with the other Party (at the other Party's request and expense) so that the other Party may preserve the confidentiality of the Confidential Information to the extent reasonably possible. Notwithstanding the foregoing, Confidential Information shall not include, and neither Party will be liable for disclosure of, any information received by the receiving Party under this Agreement if the information: (a) is or becomes generally available to or known to the public through no wrongful act of the receiving Party; (b) was previously known by the receiving Party

through no wrongful act of the receiving Party; (c) was independently developed by the receiving Party without reference to the Confidential Information; or (d) was lawfully disclosed to the receiving Party by a third party under no obligation of confidentiality to the other Party.

5. Indemnification. Each Party agrees to indemnify, defend and hold the other (as well as their respective officers, directors, employees, members/shareholders and agents) harmless from and against any and all, actual or threatened, third party claims, liabilities, losses, damages, injuries or expenses (including reasonable attorney fees) directly or indirectly arising from or relating to such Party's (a) breach of this Agreement or any SOW or (b) violation of any applicable law or regulation.

6. Limitation of Liability. Consultant shall not be liable to Client for any special, consequential, incidental, punitive or indirect damages, losses, costs or expenses of any kind or any lost or imputed profits arising out of this Agreement or its termination; however caused, and whether based in contract, tort (including negligence), products liability or any other theory of liability regardless of whether Consultant has been advised of the possibility of such damages, losses, costs or expenses. Client waives any claims that these exclusions deprive it of an adequate remedy. Except for liabilities resulting from the indemnification obligations set forth above, Consultant's liability to Client shall not exceed the fees paid or payable to Consultant under this Agreement within the one-year period immediately preceding the date that the alleged wrongful act first occurred.

7. Representations and Warranties.

Consultant and Client represent and warrant to each other that: (i) it has all necessary right, power and authority to enter into this Agreement and each SOW and to perform its obligations under each, (ii) nothing contained in this Agreement or any SOW or required by such Party's performance thereunder will place such Party in breach of any other contract or agreement to which it is bound or violate any applicable law and (iii) the performance of this Agreement and each SOW shall not infringe upon or violate the copyrights or trade secret rights of any third party. Each person executing this Agreement or any SOW in a representative capacity represents and warrants that he or she is authorized to act on behalf of the represented entity and to bind such entity to the terms and conditions set forth herein. Except as expressly set forth in this Section 7, Consultant does not make, and specifically disclaims, any representations or warranties, express or implied,

or arising by custom or trade usage, including the warranties or merchantability, fitness for a particular purpose, non-infringement, quality, accuracy or that the Services or Deliverables will generate certain results. Client hereby waives any claims that these exclusions deprive Client of an adequate remedy.

8. Independent Contractor Status. Nothing contained in this Agreement shall be deemed to create a partnership or joint venture between either of the parties to this Agreement, it being expressly understood that each Party shall act as and be deemed to be as independent contractors. Consultant understands and agrees that Client will not withhold on behalf of Consultant pursuant to this Agreement any sums for income tax, unemployment insurance, social security, or any other withholding pursuant to any law or requirement of any governmental body relating to Consultant or make available to Consultant any of the benefits afforded to employees of Client and that all such payments, withholding, and benefits, if any, are the sole responsibility of Consultant.

9. Notices. Any notice, communication or statement relating to this Agreement shall be in writing and deemed effective: (a) upon delivery when delivered in person; (b) upon transmission when delivered by verified electronic mail or facsimile; or (c) when delivered by registered or certified mail, postage prepaid, return receipt requested, or by nationally-recognized overnight courier service, to each Party at the address set forth in the preamble of this Agreement.

10. Force Majeure. Neither Party shall be deemed in default of this Agreement or any SOW to the extent that performance of its obligations or attempts to cure any breach are delayed or prevented by reason of any act of God, fire, natural disaster, accident, riots, acts of government, shortage of materials or supplies, or any other cause beyond the reasonable control of such Party; provided, that the Party whose performance is affected by any such event gives the other Party written notice thereof within ten (10) working days of such event or occurrence.

11. Construction of Agreement. Each Party and its counsel have participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement.

12. Amendments and Waivers. The failure of either Party to insist upon or enforce strict performance by the other Party of any provision of this Agreement or any SOW or to exercise any right under this Agreement or any SOW shall not be construed as a waiver or relinquishment to any extent of such Party's right to assert or rely upon any such provision or right in that or any other instance, and the same shall be and remain in full force and effect. No change, amendment or modification of any provision of this Agreement or any SOW shall be valid unless in writing signed by both parties.

13. Entire Agreement. This Agreement and each SOW embodies the entire understanding between the parties pertaining to the subject matter hereof and supersedes all previous and contemporaneous agreements, whether oral or written.

14. Governing Law, Jurisdiction and Attorney Fees. The rights and obligations of the parties under this Agreement shall be governed by and construed under the laws of the _____ of _____ without reference to conflict of law principles. Each Party consents to the exclusive personal jurisdiction of the state and federal courts located in _____ County, _____. In any legal proceeding relating to a dispute arising out of or relating to this Agreement, the prevailing Party shall be entitled to an award of attorney fees and costs.

15. Waiver of Trial by Jury. Each Party, to the extent permitted by law, knowingly, voluntarily, unconditionally and intentionally waives its right to a trial by jury in any action or legal proceeding arising out of or relating to this Agreement or any SOW.

16. Opinion of Probable Cost. Any opinion of probable cost provided by Consultant is made on the basis of information available to Consultant and on Consultant's experience and qualifications. However, as Consultant has no control over the cost of labor, materials, equipment or services furnished by third parties or over market conditions, Consultant does not guaranty that actual costs will not vary from opinions of probable cost and, if such costs are reimbursable from Client to Consultant, Client agrees to reimburse Consultant on the basis of actual costs.

[Remainder of Page Intentionally Left Blank – Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the _____ day of _____, 2019.

NEIGHBORHOOD PLAYBOOK LLC

[Client]

(Signature of Authorized Officer)

(Signature)

(Printed Name)

(Printed Name)

(Title)

(Title)

(Date)

(Date)

AI-8123

New Business I.
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Planning Services - Award Contract

Submitted By: Bryan Chodkowski

Department: Planning

Division: Planning

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Execute An Agreement With Community Planning Insights, LLC.
(first reading)

Purpose and Background

Due to the transitioning of City Staff, the City needs to provide for professional planning capabilities until a full-time City Planner can be hired. The proposed legislation would allow the City Manager to engage Community Planning Insights, LLC to provide a turn-key solution to the City's professional planning needs until a permanent City Planner can be hired later in 2022.

Fiscal Impact

Source of Funds: General Fund (2021 Operating Budget)

Cost: \$110,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Resolution
Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH
COMMUNITY PLANNING INSIGHTS, LLC.

WHEREAS, the City of Huber Heights (“City”) is obligated to provide certain regulatory and oversight responsibilities regarding land use within the City per the Ohio Revised Code and the Charter of the City of Huber Heights, Ohio; and

WHEREAS, the aforementioned obligations are assigned to the City Planner; and

WHEREAS, due to employee transition, the City is currently without a qualified City Planner and in need of immediate, temporary planning services until a permanent City Planner can be hired; and

WHEREAS, Community Planning Insights, LLC has been identified as a company capable of providing temporary planning services to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized and directed to execute an agreement with Community Planning Insights, LLC. Said agreement to be substantially similar to the attached Exhibit A and approved as to form and content by the City Attorney. The value of this agreement shall not exceed \$110,000.00 nor extend beyond December 31, 2022.

Section 2. This legislation is adopted in accordance with Section 171.03(2) and Section 171.12(a)(1) of the City Code of the City of Huber Heights, Ohio.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date



City of Huber Heights
6131 Taylorsville Rd.
Huber Heights, OH 45424

937.233.1423
937.233.1272 fax

www.hhoh.org

EXHIBIT A

CITY OF HUBER HEIGHTS GENERAL SERVICES AGREEMENT AND STANDARD TERMS

This Agreement is made and entered as of the _____ day of _____, 2019 by and between the City of Huber Heights, Ohio (hereinafter referred to as "City") with a mailing address of 6131 Taylorsville Rd. Huber Heights, Ohio 45424 and Community Planning Insights, LLC (hereinafter referred to as "Contractor") with a mailing address of 128 McDaniel Street, Suite D, Dayton, OH 45405.

WHEREAS the parties have or intend to enter into an agreement for certain activities, services and/or deliverables that were not the subject of public bidding and in conjunction with and/or in lieu of any other contract for such activities, services and/or deliverables, the parties desire to memorialize certain basic terms and to have the standard terms as set forth herein apply and take precedent over any conflicting provision;

NOW THEREFORE, in consideration of the mutual covenants and condition hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. MEMORIALIZATION OF BASIC TERMS

1. Services.

☐ The services are set forth in a contract between the parties dated: _____ (the "Contract")
☒ The Contractor agrees to perform the following which is herein referred to as the "Services":

- Provide professional interim-staff planning services for the City, Planning Commission and City Council on an as-needed basis including:
 - Processing applications submitted to the Planning Commission, such as, but not limited to requests for rezoning, development plans, major and minor development plan changes, major and minor subdivisions;
 - Prepare all necessary staff reports, presentations and documents for review and action by the Planning Commission and City Council;
 - Meet with and support residents, developers or other interested stakeholders on an as-needed basis;
 - Provide staff support for the comprehensive plan update project; and,
 - Other planning services as requested by the City.

2. Payment. In consideration for the services to be performed by the Contractor, the City agrees to pay the Contractor the sum of \$ _____ for the completion of Services. The Contractor shall be paid a rate of \$100.00 per hour. Expenses will be billed to the City at actual cost. The Contractor agrees to be paid:

☐ - At completion of Services. ☒ - Other: Monthly, upon submission of invoice.

3. Contract Schedule – Due Date. The Services provided by the Contractor: (check one)

☐ - Shall be completed by _____ ("Due Date") ☒ No set completion date. ☐ - Other.

Liquated Damages Provided ☐ -Yes ☒ -No

4. Termination of Agreement. This Agreement shall terminate upon:

☒ - Completion of the Services provided. ☐ - On the date of ☐ -
Other.

5. Option to Terminate. The City can:

☒ - Terminate the Agreement at any time without cause by providing 15 days' written notice.
☐ - Terminate for cause as provided in Article II section 11 (Termination) of this Agreement.
☐ - Not terminate this Agreement.

6. Expenses. The Contractor shall be:

☐ - Responsible for all expenses related to providing the Services
☒ - Reimbursed for the following expenses that are attributable directly to the Services performed under this Agreement as follows:
o Printing and reproduction costs;
o Postage and mailing supplies;
o Intra-city mileage;
o Other direct costs that may arise as agreed to by the City.

7. Insurance. Unless otherwise indicated below, Contractors shall procure and maintain for the duration of the contract, and for two years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Services as set forth on the attached Exhibit A Insurance Requirements

☐ - No insurance required
☒ - Certificate of required Insurance including any endorsements received and attached.

II. STANDARD AND CONTROLLING TERMS

THE PARTIES EXPRESSLY AGREE THAT THE FOLLOWING STANDARD TERMS SHALL APPLY WITH RESPECT TO THE SERVICES AND SHALL PREVAIL OVER ANY OTHER PROVISION TO THE CONTRARY THAT MAY BE CONTAINED IN ANY OTHER CONTRACT

1. Independent Contractor. Contractor acknowledges that it is, and that it shall perform its services pursuant to its agreement with the City as an independent contractor and not as an employee of the City. Contractor shall not be a "public employee" and shall not be entitled to any benefits made available to employees of the City, including but not limited to participation in Ohio Public Employees Retirement System. City shall not be required to utilize Contractor exclusively, or at all, and may, in its sole discretion, have other contractors or employees perform the same or similar services as Contractor. Contractor acknowledges that City will not provide any workers' compensation coverage and that City will not withhold any federal, state or local taxes on the services performed by Contractor hereunder. Contractor agrees that it shall remit to the appropriate federal, state or local governmental entities any and all taxes associated with the services provided

by Contractor hereunder and indemnifies and holds City harmless for any withholding tax or other tax liability asserted against City as a result of Contractor's failure to pay such taxes.

2. Expenses. In the event the City has agree to pay expenses, Contractor shall provide an itemized expense statement and upon request by the City, the Contractor shall produce any receipt(s) or proof of purchase for said Expense(s). Authorized expenses will be paid within thirty (30) days.

3. Business Licenses, Permits, and Certificates. The Contractor represents and warrants that all employees and personnel associated shall comply with federal, state, and local laws requiring any required licenses, permits, and certificates necessary to perform the Services under this Agreement.

4. Indemnification. Contractor will indemnify and hold harmless the City it elected and appointed officials, employees and agents against all claims, damages, losses, and expenses (including reasonable attorneys' fees and costs) for any cause relating to the services provided by Contractor (except those claims, damages, losses and expenses due to the negligence of the City) and for those arising out of or in connection with actual or alleged infringement of any patent, copyright or other property right arising from the Services. City shall not provide indemnity to Contractor or any third party.

5. Amendments. The Agreement may be amended or modified only by a written instrument executed by both the City and the Contractor. There are no oral or other written agreements between the parties.

6. Confidentiality. Contractor understands that the City is subject to the Ohio Public Records Act. Documents used in the performance the Agreement may be subject to the Ohio Public Records Act and made available to third parties. At the conclusion of the Agreement, all such documents in Contractor's possession shall be turned over to City. In the event a public record request is made for documents that designated in writing by the Contractor as a trade secret Contractor will notified. Contractor shall be solely responsible for protecting its own trade secret, including obtaining any necessary legal protection to prevent disclosure by the City.

7. Delays. It shall be the Contractor's sole responsibility to notify the City in writing of any known or foreseeable delays not caused by the Contractor including but not limited to time spent or lost due to standby of the City or due to Force Majeure. No additional time will be allowed for a delay unless the Contractor provides such written notice within 48 hours of the occurrence of event causing the delay.

8. Force Majeure. Neither party will be responsible for any delay or failure in performance resulting from strike, lockout, failure of power, fire, acts of God, terrorism, riots, insurrection, war or other similar reason beyond the reasonable control of such party ("Force Majeure Event") provided written notice of the Force Majeure Event is provided to the other party within 48 hours of the Force Majeure Event.

9. Liquidated Damages. In the event of a delay in completion of Services beyond the Due Date and no written notice of delay was timely received by City, Contractor shall pay Liquidated Damages to the City at a rate of 1% (project cost X .01) per working day of delay, subject to a maximum of twenty-five (25%) of the initial contract price. Such Liquidated Damages shall be deemed to be a genuine pre-estimate of the foreseeable damages incurred by the City due to delay. It is agreed by and between the parties that, expenses will be sustained by the City in the event that

Contractor fails to provide the Services within the time set forth herein, the sum per day for each working day delay shall be considered as liquid damages and not as a penalty

10. Proprietary Information. Unless expressly and separately agreed to by the City in section 18 (Additional Terms and Conditions) below, the product of all Services performed hereunder, including without limitation all notes, reports, documentation, drawings, computer programs, inventions, creations, works, devices, models, work-in-progress and deliverables are **works made for hire** and will be the sole property of the City, or to the extent it is not considered works made for hire, Contractor hereby assigns to the City all rights, title and interest therein, including but not limited to all copyrights and moral rights. Contractor hereby assigns to the City all rights, title, and interest in any and all photographic images and videos or audio recordings made by the City during Contractor's work for them, including, but not limited to, copyright, rights to any royalties, proceeds, or other benefits derived from such photographs or recordings. City will be entitled to use Contractor's name and/or likeness in reports, public meetings, and other public materials.

11. Termination for Cause. If a party commits a material breach of this Agreement, then the non-breaching party may terminate this Agreement for cause, so long as the non-breaching party first provides breaching party with a written notice of the breach and breaching party fails to cure the breach within ten (10) business days of receipt of the notice or, if the breach by its nature cannot reasonably be cured within ten business days, then non-breaching party may terminate if the breaching party fails to begin to cure the breach within ten business days of receipt of the notice and works diligently thereafter to cure the breach. Such termination will be without prejudice to any other rights and remedies that may be available to the non-breaching party.

12. Completion and Acceptance. Completion shall be defined as the fulfillment of the Services in accordance with industry standards and to the approval of the City, not to be unreasonably withheld. Payment will not constitute Completion and Acceptance.

13. Resolving Disputes. If a dispute arises under this Agreement, Ohio law shall apply and venue will be Montgomery County Ohio. Contractor's liability for all matters arising out of or in connection with this agreement, whether in contract, tort or otherwise, shall not be limited to any amount less than the total amount of liability insurance coverage carried by Contractor under this agreement. The parties acknowledge that the terms of this section reflect an acceptable allocation of risk and that the City would not enter into this agreement with lower limitations of liability

14. No Partnership. This Agreement does not create a partnership relationship between the City and the Contractor. Unless otherwise directed, the Contractor shall have no authority to enter into contracts on City's behalf or represent the City in any manner.

15. Assignment and Delegation. The Contractor may not assign this contract without written consent of City.

16. Severability. This Agreement shall remain in effect in the event a section or provision is unenforceable or invalid. All remaining sections and provisions shall be deemed legally binding unless a court rules that any such provision or section is invalid or unenforceable, thus, limiting the effect of another provision or section. In such case, the affected provision or section shall be enforced as so limited. All provisions of these terms that allocate responsibility or liability between the parties will survive the completion or termination of services for the Project.

17. Breach Waiver. Any waiver by the City of a breach of any section of this Agreement by the Contractor shall not operate or be construed as a waiver of any subsequent breach by the Contractor.

18. Additional Terms and Conditions.

19. Entire Agreement. This Agreement, along with any attachments or addendums, represents the entire agreement between the parties. Therefore, this Agreement supersedes any prior agreements, promises, conditions, or understandings between the Employer and Employee. The Agreement may be executed in counterparts. It shall not be necessary that the signature on behalf of both parties appear on each counterpart.

CONTRACTOR ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT INCLUDING THE INSURANCE PROVISIONS ON EXHIBIT A, UNDERSTANDS AND ACCEPTS ALL OF ITS TERMS AND THAT IT HAS HAD SUFFICIENT TIME TO HAVE THIS AGREEMENT REVIEWED BY LEGAL COUNCIL OF CONTRACTOR'S CHOOSING.

CONTRACTOR

CITY OF HUBER HEIGHTS

By: _____

By: _____

Its: _____

Its: _____

IF CONTRACTOR IS AN INDIVIDUAL OR IS AN ENTITY WITH LESS THAN FIVE (5) EMPLOYEES, CONTRACTOR MUST ALSO COMPLETE AND ATTACH THE O.P.E.R.S. INDEPENDENT CONTRACTOR/WORKER ACKNOWLEDGEMENT SIGNED BY THE INDIVIDUAL OR IN CASE OF AN ENTITY, ALL OF THE EMPLOYEES (AS APPLICABLE)

EXHIBIT A

HUBER HEIGHTS INSURANCE ADDENDUM TO STANDARD TERMS AGREEMENT

- ☐ The City waives the insurance requirements below. CONTRACT ACKNOWLEDGES THAT THE CITY DOES NOT PROVIDE LIABILITY INSURANCE TO PROTECT CONTRACTOR AND CONTRACTOR MAY BE PERSONAL LIABILITY FOR COSTS ASSOCIATED WITH CLAIMS OF INJURY OR DEATH OR PROPERTY DAMAGE.

or

- ☐ The Following insurance shall be required. Contractor shall provide City with a copy of a Certificate of Insurance and any applicable endorsements required from City prior to commencing services for the City.

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or subcontractors.

Coverage shall be at least as broad as:

1. **Commercial General Liability** (CGL): Insurance Services Office Form CG 0001 covering CGL on an “occurrence” basis, including products-completed operations, personal & advertising injury, with limits no less than **\$1,000,000** per occurrence.
2. **Automobile Liability**: Insurance Services Office Form Number CA 0001 covering Code 1 (any auto), or if Contractor has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than **\$1,000,000** per **accident** for bodily injury and property damage. (*Note – required only if auto is used in performance of work*)
3. **Workers’ Compensation** insurance as required by the State of Ohio, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. If coverage is through The Ohio Bureau of Workers’ Compensation, Employers’ Liability coverage must be endorsed on the Commercial General Liability policy. (*Note – required only if Contractor has employees*).

Additional Insured

The general liability and automobile liability policies are to be endorsed to provide that **the City of Huber Heights, its officers, officials, employees, agents, and volunteers are covered as additional insureds.**

Primary Coverage

For any claims related to this contract, the **Contractor’s insurance coverage shall be primary and non-contributing** as respects the City, its officers, officials, employees, agents, and volunteers.

Non-renewal, Cancellation, or Material Change of Coverage

Certificates of insurance shall provide that the issuing company will endeavor to provide the City with a minimum of 30 days written notice of cancellation. If the Contractor receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives notice that coverage no longer complies with the requirements herein, **Contractor agrees to notify the City** by fax or email within five (5) business days with a copy of the non-renewal or cancellation notice, or written explanation of how coverage is no longer in compliance.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Verification of Coverage

Contractor shall furnish the City with certificates of insurance evidencing coverage required herein. All certificates are to be received by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications, at any time.

If Contractor has employees, Contractor shall furnish the City with one (1) unaltered copy of the official certificate of the Ohio Industrial Commission indicating that he has paid the premiums required under the Ohio Workers' Compensation Act evidencing that these workers are covered by Workers' Compensation during the Contract term.

Special Events Coverage for Contractors

Special events coverage or instructor program insurance from companies such as Alliant, is available for a fee to provide the liability insurance required by this agreement. Contractor can obtain additional information and cost from the City.

Special or Low Risk Activities

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. The City reserves the right to modify or waive insurance requirements for certain low risk recreational activities.

NOTHING HEREIN SHALL BE DEEMED A WAIVER OR CONTRACTUAL CHANGE TO ANY AND ALL IMMUNITY AVAILABLE UNDER OHIO LAW TO THE CITY OF HUBER HEIGHTS.

AI-8118

New Business **J.**
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Huber Road - Vacation

Submitted By: Jason Foster

Department: Economic Development

Council Committee Review?: Council **Date(s) of Committee Review:** 01/04/2022
Work
Session

Audio-Visual Needs: SmartBoard **Emergency Legislation?:** Yes

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

An Ordinance Authorizing The Vacation Of Huber Road, And Declaring An Emergency.
(first reading)

Purpose and Background

Broad Reach Retail Strategies has acquired eighteen (18) acres at the northeast corner of Taylorsville Road and Old Troy Pike extending north to Huber Road. Broad Reach intends to develop this acreage into a \$35,000,000 mixed-use development. Broad Reach and the City have agreed to partner on improvements to the northbound lanes of Old Troy Pike for improved traffic management. The vacation of Huber Road is a key element of the proposed road improvements. The City has received a written request to vacate Huber Road.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Ordinance

Exhibit A

Exhibit B

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2022-O-

AUTHORIZING THE VACATION OF HUBER ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, Broad Reach Retail Strategies (“Broad Reach”) has or will have through itself or a separate entity acquired 18 acres east of Old Troy Pike and north of Taylorsville Road including land abutting the south, east and northeast portions of Huber Road (Parcel Number P70 04005 0043); and

WHEREAS, Huntington National Bank, owns the land abutting the northwest portion of Huber Road (Parcel Number P70 01926 0001); and

WHEREAS, Broad Reach intends to develop its acreage into a \$35,000,000 commercial, retail, and multi-family project; and

WHEREAS, Broad Reach and the City have agreed to partner on improvements to Old Troy Pike for improved traffic management; and

WHEREAS, the vacation of Huber Road is a key element of the proposed improvements to Old Troy Pike; and

WHEREAS, the City has asked to vacate Huber Road as there is no need for a public right of way at this location; and

WHEREAS, said vacation is not detrimental to the general interest of the City and there is good cause for said vacation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights hereby vacates the right of way known as Huber Road as described in Exhibit A and depicted on Exhibit B to the abutting property owners from their property lines to the centerline of said vacated road, subject to maintaining an easement for any and all public utilities that are currently within the right of way being vacated.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety or welfare of the inhabitants of the City, and for the further reason that this Ordinance is required to be immediately effective to facilitate the construction of additional public infrastructure improvements which will benefit the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

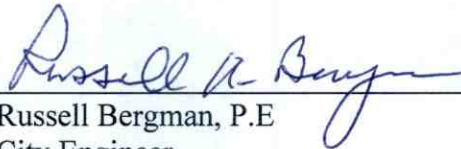
Date

Date

EXHIBIT A

Description of Huber Road Vacation Area

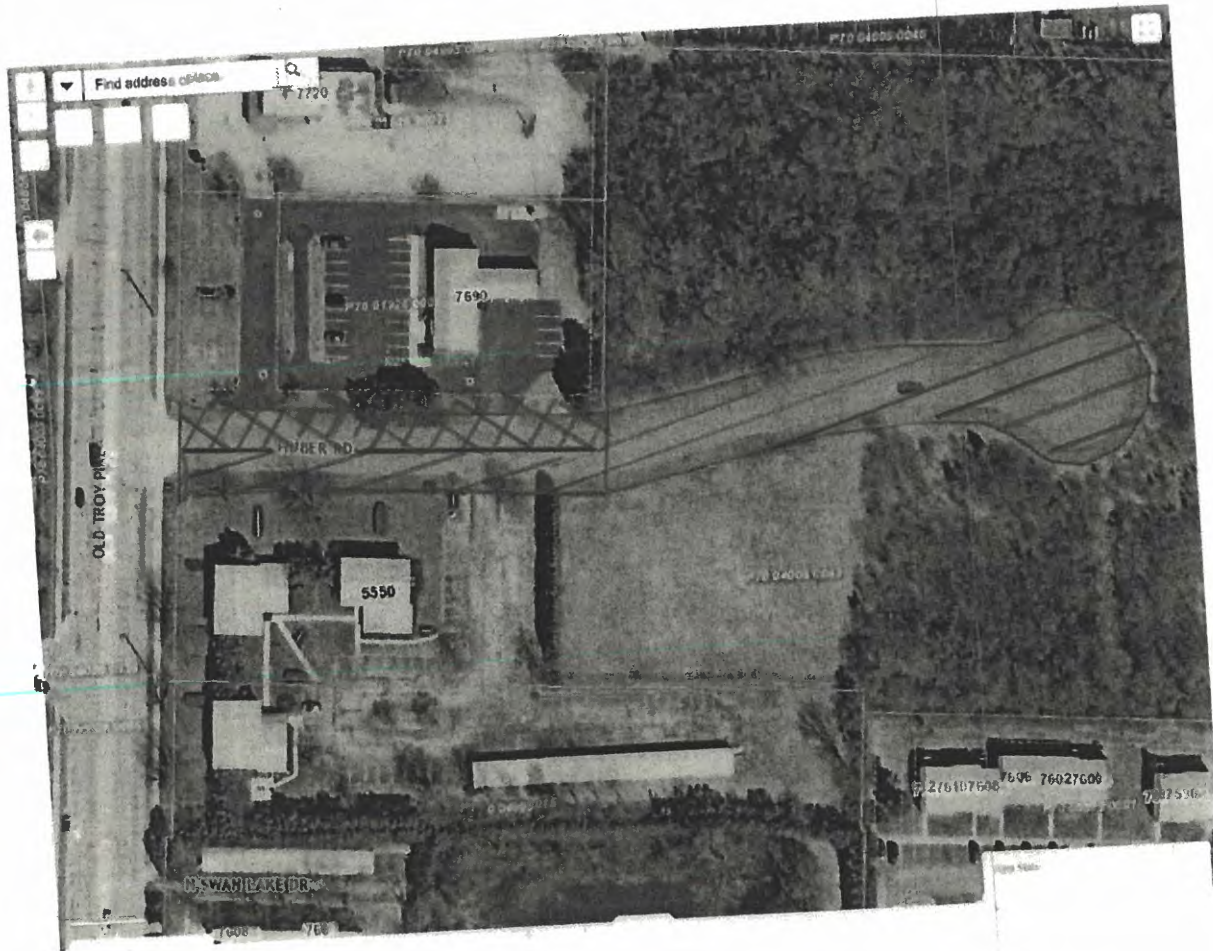
That portion of Huber Road commencing 52 linear feet from the intersection of the centerline of Old Troy Pike and Huber Road, and perpendicular to the centerline of Huber Road, for the entire width of the public right-of-way, extending east to a point 199 feet west of the easterly property line of Parcel Number P70 04005 0043.





Russell Bergman, P.E.
City Engineer
City of Huber Heights, Ohio

1/6/22
Date

EXHIBIT B



-  TO HUNTINGTON
-  TO B RADRE MH

AI-8115

New Business K.
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Not To Exceed Amount Increase - Landscape Structures - Parks and Recreation

Submitted By: Josh King

Department: Planning

Division: Planning

Council Committee Review?: Council
Work
Session

Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The 2021 Spending Limits With Vendor Landscape Structures For The Purpose Of Purchasing And Installing Playground Equipment For The City Of Huber Heights.
(first reading)

Purpose and Background

The playground equipment at Community Park was burned down, and the City received money to replace it in 2021. The Eichelberger Amphitheater has been getting a lot of use and there is nothing for small children to do during an event, and the Parks and Recreation Board voted to install a small playground when the budget allowed. Funds for both of these items were available in the 2021 City Budget; but time to approve these items passed quickly with only one City Council Meeting in December, 2021.

Fiscal Impact

Source of Funds: Parks and Recreation Fund/Insurance Claim

Cost: \$160,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE 2021 SPENDING LIMITS WITH VENDOR LANDSCAPE STRUCTURES FOR THE PURPOSE OF PURCHASING AND INSTALLING PLAYGROUND EQUIPMENT FOR THE CITY OF HUBER HEIGHTS.

WHEREAS, the playground equipment at Community Park was vandalized and needs replacement and playground equipment is also needed at the Eichelberger Amphitheater in the City of Huber Heights; and

WHEREAS, funds were available in the Parks and Recreation Fund budget in 2021 but could not be purchased until 2022; and

WHEREAS, the City Charter requires that City Council approve all work performed by a single vendor in excess of \$25,000.00 in any given year; and

WHEREAS, due to having only one meeting in December of 2021, approval of work could not be done in 2021, even though the work is to be paid from funds budgeted in 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City of Huber Heights is authorized to purchase playground equipment, including installation, from Landscape Structures in 2021 at a cost not to exceed \$160,000.00.

Section 2. Consistent with provisions of the City Charter of Huber Heights and the Huber Heights Codified Ordinances, Section 171.12(a)(4), the competitive bidding requirements are hereby waived.

Section 3. The Council hereby authorizes the Director of Finance to expend funds from the Parks and Recreation Fund, and approves expenditures, including monies already spent and costs for services previously incurred, pursuant to the 2021 City Budget as may be amended from time to time by Council.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8116

New Business **L.**
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Purchase of Aerial Truck - Fire Division

Submitted By: Keith Knisley

Department: Fire

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Award The Purchase Of An Aerial Truck With Sutphen Towers And Waiving The Competitive Bidding Requirements.
(first reading)

Purpose and Background

The Fire Division is requesting the purchase of a new aerial truck. The replacement of the existing ladder truck is a planned replacement having been part of the Fire Division's Capital Improvement Plan. This vehicle will be placed into a front-line status allowing the existing ladder truck to be transitioned into a reserve apparatus role. The existing ladder truck has accumulated over 95,900 miles and over 9,130 hours of runtime. The new aerial truck will be equipped with a greater array of ground ladders to better facilitate reaching windows 3 to 4 stories above ground level. The new truck will include over 600 cubic feet of storage. This aerial truck will return a tractor drawn aerial (TDA aka Tiller) device back to the City of Huber Heights providing firefighters better vehicle maneuverability to travel down narrow roads, corners, and cul-de-sacs, along with congested parking areas.

Over 15 Fire Division personnel have exhausted many hours into this project and based on a review of other manufacturers the Fire Division is requesting to purchase this new truck utilizing the City's already established Sourcewell Purchasing Cooperative account to award the purchase contract to Sutphen Fire Apparatus. Sutphen, a family owned, Ohio based company, has been a provider of fire apparatus to the Huber Heights Fire Division since 2006.

Due to current supply chain conditions and raw material cost increases as well as pending annual pricing increases, City Staff are asking City Council to pass the resolution and waive the competitive bidding requirement for Sutphen Fire Apparatus to supply the Fire Division with a tractor drawn aerial fire truck for a cost to not exceed \$1,500,000 to facilitate the purchase prior to January 31, 2022.

Fiscal Impact

Source of Funds: Fire Capital
Cost: \$1,500,000.00
Recurring Cost? (Yes/No): No
Funds Available in Current Budget? (Yes/No): Yes
Financial Implications:

The purchase of this apparatus will reduce required maintenance of frontline apparatus and improve reliability and efficiencies when compared to our current aerial truck which was purchased in 2007.

Attachments

Proposal
Drawing
Resolution



PROPOSAL

TO THE:

City of Huber Heights – Fire Department
7008 Brandt Pike
Huber Heights, Ohio 45424

DATE: November 19, 2021

We hereby propose and agree to furnish the following firefighting equipment upon your acceptance of this proposal with pricing from the Sourcewell Purchasing Cooperative:

**One (1) Sutphen Custom Tractor Drawn Aerial Ladder Complete and Delivered for
the Total Sum of\$1,498,526.69**

The unit shall be manufactured completely in accordance with the following proposal and delivered in approximately **21-23** months from the date of the contract signing or purchase order, subject to delays from all causes beyond our control.

This proposal shall be valid until January 31th, 2022. As a result of global shortages and increased costs in both labor and materials the above price will not be held after this date. If the contract or purchase order is not received within this proposed duration, we reserve the right to extend, withdraw, or modify our proposal, including pricing, delivery times, and prepayment discounts as applicable.

Respectfully submitted,

Jason Frankle
Heritage Fire Equipment
Authorized Representative for Sutphen Corporation
844-730-5100

Heritage
FIRE EQUIPMENT
SALES • SERVICE • PARTS • EQUIPMENT
www.heritagefireequipment.com
844-730-5100
Instagram Facebook Twitter YouTube

SUTPHEN CORPORATION

6450 Eiterman Road | Dublin, OH 43016 | 1-800-848-5860

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO AWARD THE PURCHASE OF AN AERIAL TRUCK WITH SUTPHEN TOWERS AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the maintenance, repair and general upkeep of the Fire Division's fire apparatus fleet is necessary for the immediate preservation of the public peace, health, safety and welfare; and

WHEREAS, pricing for Sutphen Fire Apparatus has met all requirements of the Fire Division and is available through the Sourcewell Purchasing Cooperative Contract No. 022818-SUT; and

WHEREAS, as a recognized vendor with the Sourcewell Purchasing Cooperative, a bidding process has already been conducted assuring that pricing is as competitive of a price as is practical.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to contract with Sutphen Fire Apparatus for the purchase of a Fire Division aerial truck at a cost not to exceed \$1,500,000.00.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8119

New Business **M.**
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Contract Modification - The Aero-Mark Company

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Enter Into A Contract Modification With The Aero-Mark Company For The Pavement Markings At Different Locations.
(first reading)

Purpose and Background

This legislation will authorize the City Manager to enter into contract modification to increase The Aero-Mark Company's contract by \$313.70 to a new total of \$25,312.70. This cost was for the installation of new pavement markings on numerous streets within the City. The Street Capital Fund will be utilized for this modification.

Fiscal Impact

Source of Funds: Street Capital Fund

Cost: \$313.70

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT
MODIFICATION WITH THE AERO-MARK COMPANY FOR THE PAVEMENT
MARKINGS AT DIFFERENT LOCATIONS.

WHEREAS, it is necessary to increase the contract amount with The Aero-Mark
Company to reflect the installation of pavement markings on certain streets after the
paving operation of the 2021 Street Program has been completed; and

WHEREAS, sufficient funds are available to cover the cost of the additional work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio
that:

Section 1. The City Manager is hereby authorized to increase the contract with The
Aero-Mark Company for the installation of pavement markings at different locations by
\$313.70 to a new total of \$ 25,312.70.

Section 2. Authorization is hereby given to compensate The Aero-Mark Company
for additional work already completed.

Section 3. It is hereby found and determined that all formal actions of this Council
concerning and relating to the passage of this Resolution were adopted in an open
meeting of this Council and all deliberations of this Council and of any of its Committees
that resulted in such formal action were in meetings open to the public and in compliance
with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law
and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8121

New Business **N.**
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Request For Proposals - Water Distribution System Integrity Study

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council **Date(s) of Committee Review:** 01/04/2022
Work
Session

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Solicit A Request For Proposals From Qualified Consulting Engineering Firms To Provide A Water Distribution System Integrity Study.
(first reading)

Purpose and Background

This legislation allows the City Manager to solicit a Requests For Proposals from qualified consulting firms to study the integrity of the City's water distribution system.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSALS FROM QUALIFIED CONSULTING ENGINEERING FIRMS TO PROVIDE A WATER DISTRIBUTION SYSTEM INTEGRITY STUDY.

WHEREAS, it is necessary to obtain outside engineering services to study the integrity of the City’s water distribution system; and

WHEREAS, Council has determined to proceed with this project; and

WHEREAS, substantial interest has been expressed by various consulting engineering firms in this study.

NOW, THEREFORE BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit a Request For Proposals for the Water Distribution System Integrity Study Project.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8120

New Business **O.**
City Manager

City Council Meeting

Meeting Date: 01/10/2022

Water Survey - Phase II - Award Contract

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council Work Session
Date(s) of Committee Review: 01/04/2022

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

A Resolution Authorizing The City Manager To Award A Contract To RA Consultants, LLC For The Water Survey – Phase II And Waiving The Competitive Bidding Requirements.
(first reading)

Purpose and Background

This legislation will authorize the City Manager to enter into a contract with RA Consultants, LLC and waive the competitive bidding requirements for the water survey project - Phase II. The scope of this water asset inventory is to survey fire hydrants and valves and pinpoint the permanent geographic locations. The Water Fund will be utilized for this project at a cost not to exceed \$40,000.

Fiscal Impact

Source of Funds: Water Fund

Cost: \$40,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

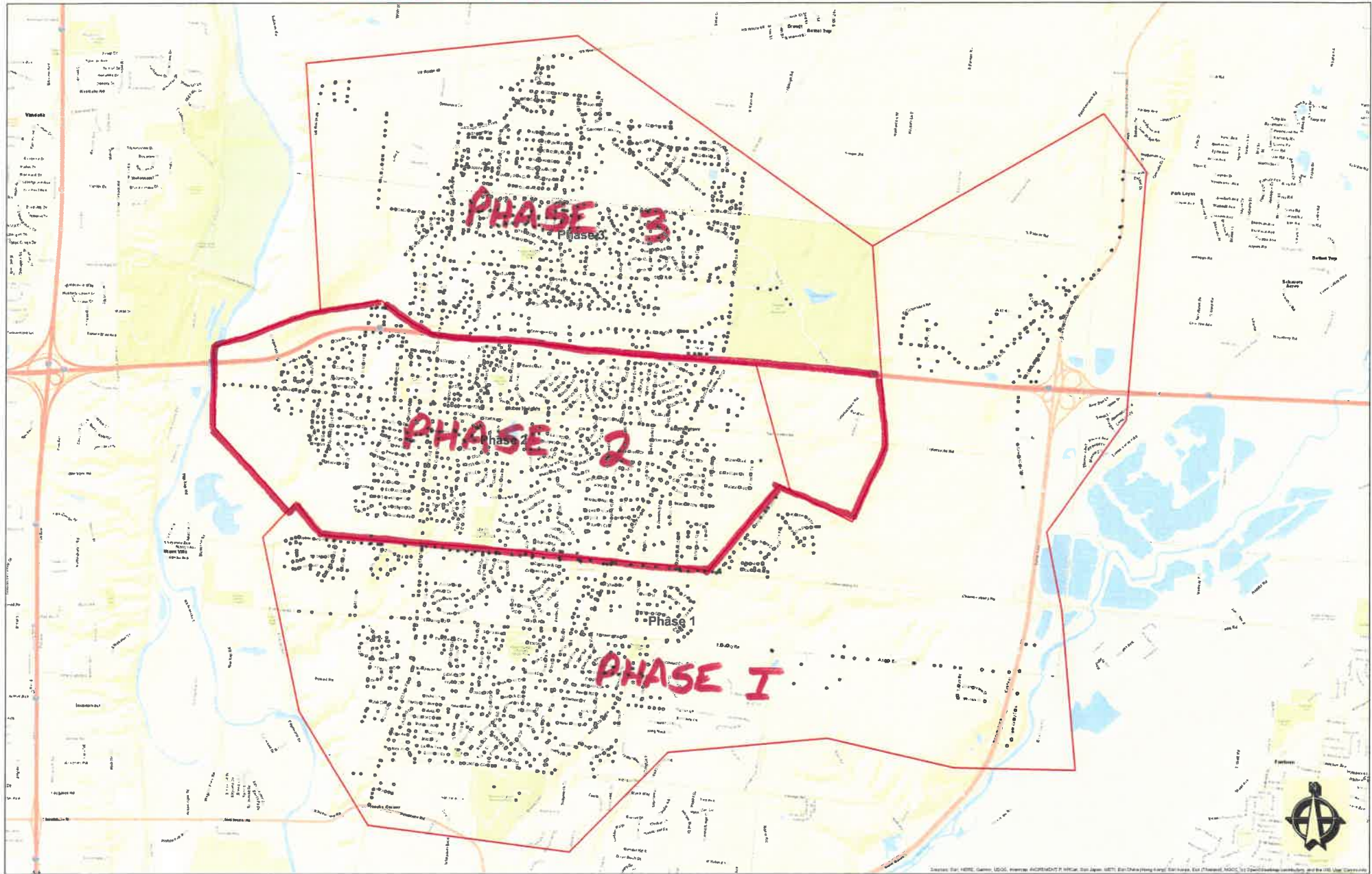
Financial Implications:

Attachments

Map
Resolution

WATER MAIN SURVEY - PHASE II

HUBER HEIGHTS



CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO RA CONSULTANTS, LLC FOR THE WATER SURVEY – PHASE II AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, Engineering Staff desires to survey the water system; and

WHEREAS, completing this project will help the City’s different departments/divisions perform tasks and increase productivity and services to the citizens; and

WHEREAS, RA Consultants, LLC is a uniquely qualified firm to perform this type of service; and

WHEREAS, RA Consultants, LLC already performed the water survey phase I and the sanitary sewer survey and have been assisting the City in implementing the GIS program; and

WHEREAS, the project includes services and designs which involve proprietary knowledge and special skills as defined in Section 171.12(a)(4) in the Codified Ordinances of Huber Heights, and which are linked to the specifics of the existing and original GIS system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to enter into a contract with RA Consultants, LLC for the Water Survey – Phase II at a cost not to exceed \$ 40,000.00.

Section 2. Consistent with the provisions of the City of Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2022;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date